

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

**3 May 2005
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Tuesday, 3 May 2005

A Fairer Victoria

The SPEAKER (Hon. Judy Maddigan) took the chair at 2.03 p.m. and read the prayer.

DISTINGUISHED VISITORS

The SPEAKER — Order! I would like to welcome to the gallery today the Consul General and the Consul of El Salvador. Welcome.

QUESTIONS WITHOUT NOTICE

Budget: leak

Mr DOYLE (Leader of the Opposition) — I refer the Premier to the humiliating leak of the state budget — —

Honourable members interjecting.

Mr DOYLE — Obviously a planned leak, in that case.

The SPEAKER — Order! The Leader of the Opposition!

Mr DOYLE — I refer the Premier to the humiliating leak of the state budget and the Premier's comment on radio this morning that only two ministers, the Premier and the Treasurer, had access to the entire budget, and I ask: considering that this morning on radio the Premier ruled out the Treasurer as the source of the leak, will the Premier initiate an investigation into his own office and the Department of Premier and Cabinet to find the source of this security breach?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. I am very glad that the opposition leader was listening to my comments today on 3AW, because he would have also heard that I ruled out myself as well. Obviously, the government takes seriously the fact that there appears to be a leak, and the Department of Treasury and Finance will have a proper and full investigation into that matter. I should place that on record here in the Parliament.

Could I also say that I am looking forward very much to what is going to be a great budget for Victoria, a budget which will deliver a better quality of life for Victorian families, a much more competitive Victoria and a Victoria we can all hold our heads up and say we are very proud of.

Ms MORAND (Mount Waverley) — My question is to the Premier. Can the Premier inform the house of the recently announced initiatives outlined in *A Fairer Victoria* and how these arrangements will help make Victoria a great place to raise a family?

Mr BRACKS (Premier) — I thank the member for Mount Waverley for her question and her support, alongside a lot of government members, for the *A Fairer Victoria — Creating Opportunity and Addressing Disadvantage* policy document. I also place on record my appreciation of the Deputy Premier, who oversaw and chaired the reference group which forged this document and also pursued some of the new initiatives and new policies as part of it.

We have spent the last five and a half years building up services in Victoria. If you look at health and aged care, we have now 26 new and rebuilt hospitals, and we have something like 34 rebuilt aged care facilities in this state. If you look at schools, we have 51 new and replacement schools in this state. We have 60 new police stations around Victoria. The results are there for everyone to see, with 240 000 extra patients treated in our hospital system each year, the highest completion rates to year 12 education of any state in Australia and the lowest crime rate, much lower than the national average, here in Victoria. The investment has been there, and the outcome and the results are there.

In the past we have also invested significant amounts to address disadvantage, whether that is through neighbourhood renewal, key projects on housing commission estates to work with communities and public housing tenants to upgrade their facilities, their infrastructure and their support in their communities; the community building projects right around the state; the extended concessions which have now extended further into other areas of the health system and other areas of public transport; or the Victorian homeless strategy, which was overseen initially by the now health minister and is overseen by other ministers now.

The policy released by myself and the Deputy Premier, which I was asked about by the member for Mount Waverley, is taking a further step along that road to addressing disadvantage and creating opportunities for all Victorians. The Fairer Victoria package involves some \$788 million of new spending. It has some key targets and categories. Giving children the best start in life is one of those key categories, and I am very pleased and proud to say that some 17 000 families will now have lower kindergarten fees as a result of the work we have undertaken as part of this package.

We are also supporting young people at risk to get them back into and involved in the community, back into the school system, and more broadly to make sure they can have a better start in life also. We are assisting families in crisis, and we probably now have the most comprehensive support system in place for family breakdowns, families in crisis and supporting families in that critical and difficult time that they find themselves in.

We are dealing, in further measures, with people with disabilities and people with a mental illness in a much more comprehensive funding program. As I mentioned, we are addressing regional and suburban disadvantage, particularly targeting some communities where pockets of problems exist currently. The two largest investments include support for people with disabilities. There will be further support of \$119.5 million, additional to what we have done over the last five and a half years for people with disabilities, which will particularly access equipment support so that people can more adequately have independent living at home. We are also upgrading accommodation for people with disabilities, and we are putting in more respite programs for families, as well as supporting their children who have those disabilities.

The other large contribution is in mental health. I think everyone in this house would acknowledge and recognise that this is a worldwide problem which is growing, and it is growing in Victoria as well. There are more people being diagnosed as having a mental health illness, and we need to react to that and respond to that in a much more comprehensive way. That is why I am very pleased to provide the largest ever contribution to mental health of any state government of \$180.3 million — and that is not my statement, it is a statement by the former Premier, Jeff Kennett. He made those very comments. I congratulate him on those comments, and he is quite correct. He has taken up the mental health cause after his period as Premier. He is doing a great job in beyondblue, and I welcome and acknowledge the support he has given for the programs we have undertaken.

I think we can all be very proud of the fact that the Victorian government is tackling disadvantage and is creating opportunities in providing better access to services. It is a long-term project of this government, of which this is the first significant instalment over the next four years. Of course we will be having this as a feature and a part of our budgets and programs for all years to come.

Harness racing: country meetings

Mr WALSH (Swan Hill) — My question is to the Minister for Racing. Given that it is now clear that Harness Racing Victoria's decision on V3 was based on incorrect data, will the minister now instruct Harness Racing Victoria to impose a 12-month moratorium on the implementation of V3 so all clubs are given an opportunity to bring their tracks and facilities up to the required standard?

Mr PANDAZOPOULOS (Minister for Racing) — I thank the Deputy Leader of The Nationals for his question. My answer is pretty much the same as it was last time the issue was raised in the Parliament. The information that the member is referring to is information that I have provided, as I promised, to the racing clubs and to the local government representatives who met me. He is aware that under the Racing Act the minister does not have the power to direct the board of Harness Racing Victoria. The clubs and the local government areas are very much aware that their focus and attention is on the board members of the HRV. I understand that the HRV has been meeting separately with all the clubs, and I will be meeting with the chairman this Friday to discuss the matters. We have made that information available so that the clubs and communities are informed of the basis of Harness Racing Victoria's decision — and it is actually quite useful information on that.

The reality is that harness racing needs to compete with the rest of the racing industry, other gambling products and other areas of discretionary expenditure. I am not saying that changes will not be made, but I will be speaking to the chairman on Friday, and we will see where we go from there.

A Fairer Victoria

Ms LOBATO (Gembrook) — My question is to the Minister for Victorian Communities. Can the minister outline to the house how the government's *A Fairer Victoria* will improve and reform the way services are delivered, creating more opportunities for Victorians to better participate in our community?

Mr THWAITES (Minister for Victorian Communities) — I thank the member for Gembrook for her question. Certainly *A Fairer Victoria* provides a very significant investment, some \$788 million, in reducing disadvantage and creating opportunities for all Victorians. The plan also supports some fundamental reforms in the way government operates and delivers services. In doing so we are building upon some of the innovative approaches that we have adopted in the last

five years — approaches like the neighbourhood renewal program, which has been outstandingly successful.

Some of these major reform areas are: first, having a shift to prevention and early intervention rather than simply treating the symptoms; second, giving families more choice and power over decisions affecting their lives; third, linking new infrastructure — and as a government we are certainly building new infrastructure — to social development; and fourth, ensuring that our services are localised, that we work in well with business and the non-government agencies and that as far as possible we reduce red tape and unnecessary bureaucracy.

I will give a couple of outstanding examples in the policy document *A Fairer Victoria* of early intervention and prevention. The Minister for Community Services has led the way with her family support innovation projects, and in the pilot areas we are seeing reductions of up to 12 per cent in notifications of child abuse and substantiations. That is because we are getting in early and preventing problems before they occur. This policy, which we released last week, will provide substantial extra funds for new areas and new programs to support families when there are young children at risk.

Similarly, with family violence we want of course to ensure that where it is perpetrated the police are able to take action, and they are doing that. But this policy also provides funds to prevent family violence through behaviour change programs for men and programs particularly targeted at young males who are displaying indications that they may well be violent. The same goes for justice and mental health. In those two very important areas we are putting a focus on early intervention.

In terms of giving more choice and flexibility — once again in family violence — traditionally it is the women who have been forced out of the home with the children, and very often they have to go to refuges many kilometres from their own communities. Under this policy, which the Minister for Women's Affairs has championed together with the Minister for Housing in another place, we will give women more choice about their accommodation options and allow them to stay in the family home with the kids so the kids can continue at school and get the community support networks they need.

In terms of more localised and better coordinated services, there can be no better example than neighbourhood renewal. This has been an outstanding success. In neighbourhood renewal areas we are seeing

significant reductions in crime, an improvement in community spirit and an improvement in the physical infrastructure of housing areas. We will be adding four new neighbourhood renewal areas and also building upon the existing neighbourhood renewal areas. This is another outstanding example of having good policy and investment to enable us to continue to reduce disadvantage across Victoria.

This plan has received widespread support, not just from former Premier Kennett — although his support is very important — but also from the Brotherhood of St Laurence, which has very strongly supported it. I will quote the brotherhood briefly. It said:

The Victorian government's new social policy package is the most comprehensive, well-targeted approach to poverty and disadvantage released by any state government in decades.

That is strong support from an organisation that is working at the coalface of disadvantage.

We are able to deliver this policy because we have been financially responsible and have built a strong economy. The opposition's guarantee to remove tolls would mean it would not be able to deliver this sort of positive social plan which is improving Victoria and reducing disadvantage.

Mr Plowman — On a point of order, Speaker, the minister is now straying from government business. I ask that he return to government business.

The SPEAKER — Order! Has the minister completed his answer?

Mr THWAITES — I have.

Budget: land tax

Mr CLARK (Box Hill) — My question without notice is to the Treasurer. I refer the Treasurer to reports on television last night that the government intends to provide \$823 million in land tax reform, and I ask: given that the Treasurer has consistently claimed to have fixed land tax with a billion dollars worth of reform in last year's budget, will the Treasurer admit that his land tax slug will continue to force businesses to close?

Mr BRUMBY (Treasurer) — Obviously I will be delivering the budget in about half an hour — and it will be a great budget for the people of Victoria. It will be a great budget in terms of the opportunity it creates and in terms of the prosperity it generates.

I will say this about land tax: last year we reduced the top rate of land tax from 5 per cent to 4 per cent. In

arithmetical terms it is a 20 per cent cut from 5 per cent to 4 per cent. It is worth just noting that until the election of the Kennett government in the 1990s the top land tax rate in Victoria was 3 per cent. It was the Kennett government which put the rate up to 5 per cent — —

Honourable members interjecting.

The SPEAKER — Order! The Treasurer, without the assistance of the Labor Party backbench!

Mr BRUMBY — The Leader of the House did not hear that. The increase which occurred in the top rate under the Kennett government was from 3 per cent to 5 per cent. Last year we began the task of reducing the top rate — —

An honourable member interjected.

Mr BRUMBY — You had seven years, and you put it up to 7 per cent!

The SPEAKER — Order! Through the Chair!

Mr BRUMBY — We reduced it from 5 per cent — —

Honourable members interjecting.

The SPEAKER — Order! I ask members to stop interjecting at that level and to allow the Treasurer to continue his answer.

Mr BRUMBY — There will be further land tax reform, as the Premier and I have said, and we will be releasing the details of that later today. The only other thing I would like to say is that the government has examined whether there should be a flat land tax rate. We have decided that we do not support a flat land tax rate, and to my knowledge the only person in the Parliament who has indicated that he would support moving to such a rate is the member for Box Hill.

Innovation: Victoria

Mr LIM (Clayton) — My question is to the Minister for State and Regional Development. Can the minister outline to the house any recent evidence or activities which prove that Victoria is the innovation capital of Australia?

Mr BRUMBY (Minister for State and Regional Development) — I thank the member for Clayton for his question. He has been a great supporter of innovation and research and development at Monash University. He has been a consistently strong supporter, particularly of the synchrotron development and the Monash strip.

Victoria is the state of innovation. That is apparent if we just think of events over the last week: on Thursday we had the national Clunies Ross awards for innovation in Melbourne. On Friday we had the opening of the Australian Innovation Festival, which is a national event. There are something like 600 different events around Australia, and more than 200 of them — more than one-third — are in the state of Victoria.

In Bendigo last Friday we had the launch of the Deakin innovation lectures. These are the continuation of the Deakin lectures of 2001. We funded the lectures with a \$500 000 grant. They have been organised by Jonathan Mills. At 6 o'clock on Friday night in Bendigo the Capitol Theatre was full — every seat was booked. Although the tickets were free, you would have to say that it was a sell-out. The first Melbourne lecture was on Saturday, where we had Paul Grabowsky and Professor Ramachandran, who is probably the world's foremost expert on the way the brain works. When I arrived for the lecture at 3 o'clock the queue up Swanston Street ran almost to Lonsdale Street. It was packed out by 1450 people. The government strongly supports these lectures.

We have put in \$500 000, Channel 7 is also a major sponsor, and Harold Mitchell at the museum has been a great supporter — —

An honourable member — Channel 9?

Mr BRUMBY — Channel 7. I am happy to promote Channel 7!

When you look at the projects — Bio21 in Parkville, the synchrotron, the national stem cell centre for research, which is commonwealth and, of course, state — you see there is a lot happening in innovation and Victoria is the innovation capital. The Deakin lectures have been a great success. For those of you who still want to attend them I will just go through the program over the next month — no, I will not! The lectures are running over the next couple of weeks. It is something that the Premier was very keen to support, and we have done that and, as I said, on Saturday 1800 people were there.

Mr Bracks — He was a good Liberal, Alfred Deakin.

Mr BRUMBY — He was a good Liberal. He believed in a fair and caring society but also a society with a focus on innovation and prosperity, and that is what we are doing here in Victoria.

Roads: traffic-fine revenue

Mr MULDER (Polwarth) — My question is to the Premier. I refer to the embarrassing budget leak which reveals that speeding fines will be entirely devoted to fund roads and road safety, and I ask: does this mean that the government is relying on people breaking the law in order to fund the building of roads?

Mr BRACKS (Premier) — I thank the member for Polwarth for his question. The member for Polwarth has about 35 minutes to wait for the budget to be fully exposed and revealed in this house, but it is interesting and telling to know that the member for Polwarth actually does not agree with dedicating that sort of money to road funding. That is interesting.

A Fairer Victoria

Mr HERBERT (Eltham) — My question is to the Minister for Health. Can the minister outline how the government's initiatives to improve mental health services as outlined in *A Fairer Victoria* will remove barriers to opportunity and provide better access to these services for Victorians?

Ms PIKE (Minister for Health) — I thank the member for Eltham for his question. The government is committed to better supporting those Victorians whose lives are affected by a mental illness. We are not only providing additional funding in this budget but have indeed provided a large amount of additional funding over the last five years. In fact when you take the additional funding of \$180 million from this budget, we will have seen an increase of over 62 per cent over the last five years to support people with a mental illness and their families and friends.

We included a big boost to mental health funding in the Fairer Victoria package because we know that mental illness is linked in so many ways to social disadvantage. Many people who have a mental illness also experience homelessness, are often subject to drug and alcohol abuse and family breakdown, and often are put to the edges or the margins of our community. Therefore when we talk about fairness and decency, when we talk about addressing disadvantage, then naturally people with a mental illness are high on the agenda of those people we need to support.

The initiatives we have taken really are for people across all age groups and also people within both rural and metropolitan areas, and they include \$55.5 million for capital developments. One of the iconic redevelopments which is part of the mental health package is the \$8.1 million relocation of Bunjil House,

a facility for people who have a mental illness to live in for longer terms.

In the past mental illness was seen as a life sentence, but our approach is really recognising that people can be cured from a mental illness — they can get better — or if they have a very serious mental illness they can live with support within the family. The task is to provide that support to help manage the illness and give people with a mental illness every opportunity to participate and live fulfilling lives.

Our \$180 million will go to intervention and prevention in the early stages of an emerging disorder in order to prevent that illness from escalating and developing into an illness that needs more intensive support, a quicker and more intensive service response system to ensure that when we treat people we do it effectively so that they do not bounce back into hospital, and better follow-up after discharge. As the Premier said, we have been pleased to hear a lot of endorsement of not just the scope and scale of this package but also the way in which we are targeting the money and initiatives. It is strategic, and it follows a plan. It is there to address mental health issues in the longer term.

We have heard the support from the chair of beyondblue. We welcome the previous Premier's commendations of our initiatives in the mental health area. The chief executive officer of beyondblue, Ms Leonie Young, has also commended not only our dedication and commitment to improving mental health services in Victoria but also the targeting of these resources at prevention, early intervention and community-based initiatives. We know there is always more work to be done, but a 62 per cent lift in funding for mental health is substantial. It is indicative of the fundamental priority of this government, which is to create a prosperous and safe community that cares and shares its resources with the most disadvantaged.

Roads: traffic-fine revenue

Mr MULDER (Polwarth) — My question is to the Minister for Transport. I refer to the embarrassing budget leak that revealed that the revenue raised from speeding and traffic camera fines would go towards roads and road safety, and I ask: will the minister guarantee that this revenue will be new, additional funding for Victoria's roads and that the current funding allocation will not be reduced?

Mr BATCHELOR (Minister for Transport) — As the Premier said, the member for Polwarth will be able to understand the details of the budget very shortly, once it has been delivered by the Treasurer. What I can

say is that the community has wanted to make sure that the revenue raised from speed cameras, including from speeding and running red lights, is directed to road safety initiatives and to improving roads. We think that is a good initiative, and we have supported that. That will be indicated by the Treasurer as one of the initiatives in the budget today. I am not going to anticipate what the Treasurer will be saying, but it will be a great budget for road safety, and it will be a great budget for Victorians. I cannot wait to hear it!

A Fairer Victoria

Ms GREEN (Yan Yean) — My question is to the Attorney-General. Can the minister outline to the house how the government's *A Fairer Victoria* initiative will provide better access to justice and prevent crime, thus making Victoria an even safer place to raise a family?

Mr HULLS (Attorney-General) — I thank the honourable member for her question. The Bracks government is fair dinkum about creating opportunity and addressing disadvantage. That is why *A Fairer Victoria* puts a high priority on improving access to justice and also on preventing crime by breaking the cycle of reoffending. Central to this goal are a number of key initiatives, the first of which is the neighbourhood justice centre. Can I say that as a government we are passionate about this groundbreaking reform, which will be a first for Victoria and for Australia.

The role of the neighbourhood justice centre, which heralds a new, proactive role for our courts, is to work at reinvigorating communities. It is actually about creating an environment where residents, service providers, traders, schools and law enforcement agencies can work in partnership with our courts. This groundbreaking \$23.7 million justice centre will work on an inquisitorial and investigatory problem-solving model, as distinct from the adversarial model of normal courts.

The neighbourhood justice centre will offer a range of services to benefit victims, offenders, civil litigants and local community members. Importantly, the authority of the court will be used to achieve community objectives, including the implementation of local crime prevention initiatives and the creation of employment opportunities.

As well as the neighbourhood justice centre the government will take the benefits that flow from the models of our problem-solving courts, such as the drug court, the Koori court and the soon-to-be-established domestic violence court, into the mainstream. Some

\$24.3 million will be spent primarily to establish programs at Sunshine, at Moe and at the Melbourne Magistrates Court to reform the way in which our courts deal with vulnerable defendants who have complex needs.

I am sure all members of this house know that this government has a strong commitment to community legal centres (CLCs). It has already spent an extra \$3 million on CLCs, and under the *A Fairer Victoria* initiative a further \$8.9 million has been allocated. This includes funding for four new community legal centres, which will be established in areas of Melbourne and Victoria where there is significant unmet legal need. They will be established in the outer east, outer west, outer south-east and Loddon–Campaspe regions.

On this side of the house we are absolutely committed to CLCs, and indeed we overturned the previous government's policy of amalgamating CLCs or shutting them down. In fact we have been rebuilding our justice system, in contrast to those opposite, who closed some 13 courts right around this state, including courts at places like Camberwell, Cheltenham, Mordialloc, Mornington and Sandringham — I could go on and on. As the Premier reminds me, the previous government also closed down the Williamstown court.

A Fairer Victoria is a \$788 million investment in our future and the future of our kids. It is an inspirational and comprehensive attempt by this government to attack both disadvantage and poverty. Everyone in this house should be proud of this very important initiative.

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 229 to 238 will be removed from the notice paper on the next sitting day. A member who requires a notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

NOTICES OF MOTION

Notices of motion given.

Mr DONNELLAN having given notice of motion:

The SPEAKER — Order! I am not sure about that one. We will have a look at it.

Further notice of motion given.

The SPEAKER — Order! I consider the previous notice given by the member for Narre Warren North to be frivolous and therefore out of order.

Further notices of motion given.

PETITION

Following petition presented to house:

Harness racing: Hamilton

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

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly that the Minister for Racing is supporting Harness Racing Victoria's decision to discontinue TAB race meetings at Hamilton from 30 June 2005. This decision will not only have a negative impact on the Hamilton Harness Racing Club but on the Hamilton township and surrounding region, leading to general economic hardship, loss of tourism dollars and a widespread negative social impact.

The petitioners therefore request that the Minister for Racing withdraw his support for the V3 scheme and do his utmost to reinstate harness racing at Hamilton.

By Dr NAPHTHINE (South-West Coast)
(537 signatures)

Tabled.

Ordered that petition be considered next day on motion of Dr NAPHTHINE (South-West Coast).

VICTORIAN GOVERNMENT INDIGENOUS AFFAIRS REPORT

Report 2002–04

Mr THWAITES (Minister for Environment), by leave, presented report.

Tabled.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 5

Ms D'AMBROSIO (Mill Park) presented Alert Digest No. 5 of 2005 on:

Children and Young Persons (Miscellaneous Amendments) Bill
City of Melbourne (Amendment) Bill

Commonwealth Games Arrangements (Miscellaneous Amendments) Bill
Courts Legislation (Judicial Pensions) Bill
Electoral Legislation (Further Amendment) Bill
Higher Education Acts (Amendment) Bill
Long Service Leave (Amendment) Bill
Local Government (Amendment) Bill
Magistrates' Court (Judicial Registrars and Court Rules) Bill
National Parks (Point Nepean) Bill
Owner Drivers and Forestry Contractors Bill

together with appendices.

Tabled.

Ordered to be printed.

Electronic democracy

Mr LEIGHTON (Preston) presented report, together with appendices and minutes of evidence.

Tabled.

Ordered that report and appendices be printed.

DOCUMENTS

Tabled by Clerk:

Bendigo Regional Institute of TAFE — Report for the year 2004

Box Hill Institute of TAFE — Report for the year 2004

Centre for Adult Education — Report for the year 2004

Central Gippsland Institute of TAFE — Report for the year 2004

Chisholm Institute of TAFE — Report for the year 2004

Driver Education Centre of Australia Ltd — Report for the year 2004

East Gippsland Institute of TAFE — Report for the year 2004

Financial Management Act 1994:

Budget Paper No. 2 — 2005–06 Strategy and Outlook

Budget Paper No. 3 — 2005–06 Service Delivery

Budget Paper No. 4 — 2005–06 Statement of Finances incorporating the Quarterly Financial Report No. 3

Gordon Institute of TAFE — Report for the year 2004

Goulburn Ovens Institute of TAFE — Report for the year 2004 (two documents)

Holmesglen Institute of TAFE — Report for the year 2004

Kangan Batman TAFE — Report for the year 2004
(two documents)

Northern Melbourne Institute of TAFE — Report for the year 2004

Parliamentary Committees Act 2003 — Response of the Attorney-General on the action taken with respect to the recommendations made by Scrutiny of Acts and Regulations Committee's Report on Redundant and Unclear Legislation

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Ballarat Planning Scheme — No. C64

Banyule Planning Scheme — No. C48

Bayside Planning Scheme — No. C47

Brimbank Planning Scheme — No. C32

Colac Otway Planning Scheme — No. C33

Corangamite Planning Scheme — No. C11

Glenelg Planning Scheme — No. C19

Horsham Planning Scheme — No. C21

Maribymong Planning Scheme — No. C11

Melbourne Planning Scheme — No. C88

Moonee Valley Planning Scheme — Nos C19, C53
Part 2

South West Institute of TAFE — Report for the year 2004

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No. 17

Sunraysia Institute of TAFE — Report for the year 2004

Surveillance Devices Act 1999:

Reports under s. 37 from the Australian Crime Commission, Chief Commissioner of Police, Department of Sustainability and Environment and Department of Primary Industries

Report under s. 37 from the Director, Police Integrity

William Angliss Institute of TAFE — Report for the year 2004

Wodonga Institute of TAFE — Report for the year 2004
(two documents).

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the house dated 26 February 2003:

Water Efficiency Labelling and Standards Act 2005 — Remaining provisions of the Act on 29 April 2005 (*Gazette G17*, 28 April 2005).

CHILDREN'S COURT OF VICTORIA

Report 2003–04

Mr HULLS (Attorney-General) presented, by command of the Governor, report for 2003–04.

Tabled.

Ordered to be printed.

ROYAL ASSENT

Message read advising royal assent on 27 April to:

Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill
Geothermal Energy Resources Bill
National Electricity (Victoria) Bill
Outworkers (Improved Protection) (Amendment) Bill
Statute Law Revision Bill.

APPROPRIATION MESSAGES

Message read recommending appropriations for:

Children and Young Persons (Miscellaneous Amendments) Bill
Commonwealth Games Arrangements (Miscellaneous Amendments) Bill
Courts Legislation (Judicial Pensions) Bill
Electoral Legislation (Further Amendment) Bill
Magistrates' Court (Judicial Registrars and Court Rules) Bill
National Parks (Point Nepean) Bill
Owner Drivers and Forestry Contractors Bill.

APPROPRIATION (2005/2006) BILL

Message read recommending appropriation and transmitting estimates of revenue and expenditure for 2005–06.

Estimates ordered to be tabled.

Introduction and first reading

Mr BRUMBY (Treasurer), pursuant to standing order 87, introduced a bill to appropriate certain sums out of the consolidated fund in respect of the financial year 2005–06 and for other purposes.

Read first time.

Second reading

Mr BRUMBY (Treasurer) — I move:

That this bill be now read a second time.

Introduction

This budget is about opportunity and prosperity.

It is about using the proceeds of a strong and dynamic Victorian economy to invest for the future — generating new opportunities and greater prosperity across the state and making Victoria the best place in Australia to raise a family.

After five years of strong economic and employment growth, Victoria in 2005 is vital, energetic and optimistic about the future.

That confidence and optimism is attracting more people to our state.

In the past year, Victoria's population growth has exceeded the national average for the first time in 40 years — and Melbourne is now growing more rapidly than Sydney.

People want to live here. They want to work here. They want to invest here. They want to raise their families here.

They are coming here because they know that Victoria is driving ahead.

But more than that: they know that Victoria is a state of opportunity.

They know that this state aims to create as many new opportunities as we can for individuals, families and small businesses — from the inner suburbs of Melbourne to the smallest country town.

They know that we aim to give every child the best start in life.

We aim to give every young person the best shot at a first-class education.

We aim to give our most disadvantaged people and places the support they need.

We aim to make sure that all Victorians live in clean, healthy and safe communities where their contribution is encouraged, valued and rewarded.

The 2005–06 budget continues to deliver the sound financial and economic management needed to meet these aims and aspirations. The budget continues to

build a strong and secure economic future for Victoria, while making sure we go forward as a place of fairness, prosperity and opportunity.

A strong, growing and diverse economy

Over the last five and a half years, the government has delivered a forward-looking economic agenda that is building Victoria's reputation as a competitive, innovative and globally connected economy.

We have invested to record levels in education, innovation and infrastructure.

We have cut business costs.

And we lead Australia in competition policy, regulatory and taxation reform.

Unemployment is down and is expected to remain low.

More than 278 000 new jobs have been created and last year Victoria generated more jobs than any other Australian state or territory.

There is more diversity in the range and type of jobs available, our work force is more highly skilled and our labour force participation rate is the highest since 1990.

Victoria is also tackling the national skills shortage better than any other state — and last year, traineeship and apprenticeship completions in Victoria were the highest in Australia.

The great success story of provincial Victoria also continues. In March, the government achieved its target of facilitating \$600 million worth of investment in provincial Victoria — three months ahead of schedule. Since 1999, we have helped attract more than \$4.3 billion in new regional investment.

More than 70 000 regional jobs have been created and regional population growth is now above 1 per cent per year — compared with the mid-1990s, when people were leaving our country cities and towns in droves.

In the past year, strong employment growth, business investment and consumer spending have driven Victoria's economic growth.

But there are challenges ahead.

Recent national accounts figures confirm that the Australian economy is slowing down.

On the international front, the rise in commodity prices is also putting upward pressure on business costs and

the exchange rate, affecting Victoria's trade-exposed sectors such as agriculture and manufacturing.

The combination of an ageing population and declining fertility rates will reduce our working-age population and lead to lower labour force participation rates.

Higher interest rates will also reduce growth in consumer spending, housing and business investment.

These are major challenges — but they are not challenges for Victoria alone.

Victoria has been a strong advocate of a new national reform agenda to drive productivity growth. Our plan calls for a cooperative commonwealth-state approach across five key areas to:

- restore competition policy;
- deliver world-class infrastructure;
- boost work force participation;
- increase skilled migration and grow our population; and
- reform commonwealth-state relations.

For our part, Victoria is taking action in each of these areas. But we want to work with the commonwealth to drive a genuinely national approach to tackling these critical issues.

Despite two quarters of near negative national growth, Victoria's fundamentals remain very solid, with strong employment growth, high levels of business and infrastructure investment and a substantial pipeline of new construction work.

These solid fundamentals will help Victoria weather the challenges ahead and will contribute to real economic growth of 3 per cent in 2005–06.

Sound financial management

The government's sound financial management has also delivered a stable platform from which to drive growth and prosperity.

Victoria's balance sheet is strong — and our AAA long-term credit rating has been affirmed once again by the international ratings agencies.

For the sixth year in a row, the government will meet its commitment to deliver a surplus in excess of \$100 million — with an operating surplus of

\$365 million in 2005–06 and further surpluses averaging \$394 million over the following three years.

At the same time, we have cut taxes, increased investment in vital services and infrastructure and kept both net debt and net financial liabilities at prudent levels.

Over the forward estimates period, the government will utilise the strength of our balance sheet to fund an expanded capital works program, while net financial liabilities as a share of GSP will continue to decline.

Building Victoria's infrastructure

Over the past five years, the government has invested over \$10 billion in infrastructure projects.

Over the next four years, we will invest in excess of a further \$10 billion.

We are building landmark projects that will raise Victoria's international profile, such as the redevelopment of Spencer Street station and the new Melbourne Convention Centre.

We are committed to projects of statewide importance that will drive growth, create jobs and stimulate private sector investment, including the EastLink project, the Australian Synchrotron and the channel deepening project.

We are reinforcing Victoria's reputation as Australia's cultural and sporting capital, through projects such as the redevelopment of the MCG, the refurbishment of the State Library and the new Melbourne recital centre and MTC theatre.

We are delivering major new investment in regional economic infrastructure, including upgrades to transport links and freight interchanges, new water and power infrastructure and improvements to country roads and regional rail services.

In the next 12 months alone, net infrastructure investment will reach a record high of \$3 billion — and in this 2005–06 budget, we will invest \$2.3 billion in new infrastructure projects across Victoria.

The budget provides \$300 million for the relocation of the Melbourne wholesale markets — a project that will create a modern and efficient new facility for Victoria's horticulture sector and for the regional communities that rely on the sector.

The budget also delivers substantial new investment in Victoria's road infrastructure, including a further \$58 million to complete the duplication of the Calder

Highway, \$24 million for major road upgrades in Gippsland and \$110 million through the Transport Accident Commission for safety improvements on city and country roads.

We continue to improve major arterial roads in Melbourne's outer suburbs at a cost of \$97 million — and we will improve safety and reduce congestion at one of the city's worst bottlenecks, the Tullamarine–Calder Freeway interchange.

The government will continue to invest in regional infrastructure, providing \$11 million for improvements to local ports across provincial Victoria and a further \$10 million for the Regional Infrastructure Development Fund (RIDF) — on top of the \$360 million already committed by the government to the fund.

RIDF continues to be remarkably successful — investing \$212 million in 97 projects across provincial Victoria, leveraging a further \$530 million worth of investment and creating hundreds of jobs in regional cities, towns and communities.

Continued leadership on taxation reform

Alongside the Bracks government's national leadership in infrastructure, no other Australian state can match our record on taxation reform.

We have cut payroll tax by 9 per cent.

We have abolished stamp duty on mortgages.

We have cut the top rate of land tax from 5 per cent to 4 per cent.

And we have abolished a raft of taxes identified in the intergovernmental agreement between the states and the commonwealth.

All up, the government has announced tax cuts worth around \$3 billion — a massive reduction in costs for Victorian businesses.

In this budget we introduce even more tax relief, with further land tax cuts worth \$823 million over five years.

We have listened to what Victorian businesses have told us — and we will provide substantial targeted relief to taxpayers who have experienced large increases in land tax in recent years as a result of rising property prices.

We will significantly reduce the middle land tax rates that apply to property holdings valued between \$750 000 and \$2.7 million.

We will increase the tax-free threshold by \$25 000 to \$200 000.

We will bring forward by one year the reduction in the top marginal rate announced as part of last year's budget.

We will provide a general land tax rebate in 2004–05.

And we will cap increases in land tax liabilities in 2005–06 so that no land tax payer will experience an increase in their land tax liability greater than 50 per cent for the 2006 land tax year.

These changes will position Victoria as the state with the lowest land tax rates for small and medium-sized businesses anywhere in Australia.

The changes mean that 98 per cent of Victorian businesses and investors will pay less land tax than in any other Australian state.

For a self-funded retiree with land assets of \$1 million, the tax saving is 29 per cent; for a small business with land valued at \$2 million, the saving is \$11 150 — or 35 per cent.

And we are not stopping there.

We will also exempt from land tax all aged care facilities, other supported residential services and rooming houses, backdated to 1 January 2004. This will remove a significant cost burden on these services and help to ensure their future viability.

The 2005–06 budget also implements the abolition of bank accounts debits tax from 1 July 2005, at a cost of more than \$250 million a year — and the abolition of rental business duty from 1 January 2007, at a cost of around \$65 million a year.

In each and every year since we came to office, the Bracks government has delivered substantial taxation relief in one form or another.

But we are not interested in cutting taxes merely as an end in itself. We are using taxation reform as a tool to attract investment to Victoria and to drive employment and new economic opportunities.

We are also rebalancing Victoria's taxation system to make it fairer, more efficient, more competitive and more environmentally responsible.

Investing in education

The government also continues to make Victoria a place where each and every family can be confident their children will receive a first-class education.

We recognise that education is the key to new opportunities.

That is why we have boosted investment in education by more than \$4 billion since 1999, built 36 new and replacement schools and recruited an additional 5300 teachers and staff back into Victoria's schools.

We have a great story to tell about the state of education in Victoria in 2005.

Around 85 per cent of young Victorians now complete year 12 or its equivalent — the highest level of any Australian state.

Last year, more trainees and apprentices completed in Victoria than any other state.

Literacy and numeracy levels are up. Class sizes in prep to year 2 are down.

The proportion of Victorians participating in post-compulsory education and training has increased.

The 2005–06 budget builds on these achievements and creates even stronger links between our education system and the knowledge and innovation economy.

In this budget, at a cost of \$89 million, we will connect every government school in Victoria to the SmartONE fibre-optic broadband network.

We will give Victorian government schools the best bandwidth infrastructure of any Australian state and one of the best in the world.

We will give every Victorian child in a government school — from the biggest city schools to the smallest country schools — access to a whole new world of learning: from faster Internet access to new online resources and new digital tools and skills.

This exciting initiative is made possible because the government's new telecommunications purchasing strategy has delivered a great outcome for the people of Victoria.

It will create Australia's most complete optic fibre network and it will trigger major network upgrades throughout the state — generating new opportunities in broadband for local businesses, families and communities, especially in regional areas.

The government also continues to create world-class learning environments for young Victorians.

We will provide \$94 million to build or complete 16 new and replacement schools across the state, including Tarneit Primary School, Nichols Point Primary School, Newcomb Secondary College and Wallan Secondary College.

Mr Perton — We had to drag you kicking and screaming to that one.

Mr BRUMBY — The biggest broadband expansion in the state's history, Victor.

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order.

Mr Perton interjected.

The SPEAKER — Order! That includes the member for Doncaster.

Mr BRUMBY — We will modernise a further 50 schools, at a cost of \$145 million.

We will also provide \$31 million for new specialist facilities in secondary schools in areas such as science and technology, arts, languages, design and music.

Victoria's non-government schools will receive a substantial funding boost of \$151 million to help lift numeracy, literacy and retention rates, and target students most in need of additional support.

The Bracks government believes that an investment in education is truly an investment in the future.

We know that education opens doors and opportunities, and we will not stop until we have achieved our aim of making sure all young Victorians receive the education they need to reach their full potential — irrespective of where they live or where they go to school.

Delivering high quality health services

In just four days from now the new Austin Hospital will open in Heidelberg — one of the biggest public hospital projects in Australia.

Last year the Casey Hospital opened its doors — Melbourne's first new suburban hospital in over a decade.

In just a few weeks work will start on the new Royal Women's Hospital — a \$250 million project that will

create a new, state-of-the-art hospital for Victorian women.

And with this 2005–06 budget we begin the redevelopment of the Royal Children’s Hospital — delivering even better health care for the children of Victoria.

These are just four of the major health projects being delivered by the Bracks government — projects that are helping to rebuild and restore confidence in Victoria’s public health system.

In 1999 the loud and clear message from the people of Victoria was that they wanted their public health system restored and rebuilt. We heard that message, and we have acted on it.

No other government in this state’s history has invested so much in our hospitals and health services.

Since coming to office the government has boosted funding for Victoria’s health system by a massive 54 per cent.

In its full seven years in office the previous government invested just \$850 million in health infrastructure. Over our period in government we have invested \$2 billion.

In its seven years in office the previous government closed 12 hospitals. We have rebuilt 26 hospitals.

Victoria’s public hospitals are now treating an extra 200 000 people per year — and an additional 5700 nurses and health care staff are back working in the system.

It is a vastly different picture from the run-down and neglected health services of a decade ago.

But our health system still faces major challenges.

With health funding making up more than one-third of total budget outlays — and with an ageing population and expensive new technologies pushing up health costs — we have to look at new and better ways of delivering health services.

We have to focus much more strongly on areas such as prevention and early intervention to keep people healthy and well — and out of hospitals.

This budget invests \$133 million for hospital diversion programs, community-based early intervention services and greater support to help people with chronic and complex conditions stay out of hospital.

We will invest a further \$578 million over the next four years to help Victorian hospitals cope with increasing demand and treat an additional 40 000 patients each year.

We will fund a \$30 million blitz on elective surgery waiting lists — with an innovative new strategy that will lead to an extra 10 000 operations being performed over the next two years.

The budget also provides a \$153 million boost to emergency care services, with a new 24-hour statewide health assist line, improved ambulance services and new and upgraded hospital emergency departments — including upgraded emergency departments at Geelong hospital, Goulburn Valley health service and Bairnsdale regional hospital.

As well as providing \$38 million towards the first stage of the redevelopment of the Royal Children’s Hospital, the 2005–06 budget funds major capital projects across Victoria, including:

\$25 million to redevelop and extend the Northern Hospital;

\$42 million to complete new super-clinics at Craigieburn, Melton and Lilydale; and

\$30 million for the new 60-bed Knox health care facility.

We are providing \$41 million to upgrade aged care facilities in regional centres, including \$15 million to replace and redevelop facilities at Portland district health service and John Pickford House in Ararat.

These are not just sets of figures. They represent a leap forward in children’s health services, new standards of care for older Victorians and much higher quality of health care for all Victorians and their families.

Increasing community safety

This budget also continues the government’s investment in community safety.

Since coming to office we have provided funding for an additional 1400 police, funded the construction of 100 new police stations throughout the state and provided \$360 million for new communications technology for Victoria’s emergency services.

It is an investment that has delivered results. Victoria is now the safest state in Australia, with a crime rate 23 per cent below the national average.

Rates of violent crime have fallen significantly since 2000–01, the reoffending rate has been reduced and Victorians' sense of personal safety has improved.

The government is proud of the sustained reduction in crime across Victoria over the past five years and is committed to seeing this positive trend continue.

In this budget we provide \$78 million to build or complete 54 metropolitan and country police stations, and provide 12 new mobile police stations.

The budget also allocates \$57 million to resource the fight against organised and major crime.

A Fairer Victoria

At the heart of this budget, and at the heart of the government's forward agenda, is a clear and strong commitment to help the most disadvantaged Victorians.

The government is providing more than \$780 million over the next four years to implement the government's major social policy statement, released last week.

That statement — *A Fairer Victoria* — sets out 85 detailed actions across 14 strategies as part of a sustained effort over the next five years to create new opportunities for disadvantaged people, families and places across Victoria.

A Fairer Victoria delivers substantial new support for Victorian families and children, indigenous Victorians, young people at risk of dropping out of education and training, and older Victorians.

The statement provides a major funding increase of \$120 million to improve support for people with disabilities, giving them much greater choice and flexibility in how they use services to match their particular circumstances, needs and aspirations.

A Fairer Victoria also delivers a \$180 million boost for mental health services — the biggest overhaul of mental health care in Victoria for more than a decade.

The government is also taking action to improve access to affordable housing across Victoria.

We will provide \$50 million over five years to build new homes for families on low incomes, constructing at least 100 new homes in areas of low housing affordability over the next two years.

In last year's budget, the government committed to a new first home bonus of \$5000 for one year to assist first home buyers purchase a property of up to

\$500 000 — and it has been an extraordinarily successful initiative.

Thanks to the first home bonus, more than 20 000 Victorians have been given a substantial helping hand to buy their first home — and one-third of applicants for the grant are from country Victoria.

The government will therefore extend the first home bonus for a further two years — providing a \$5000 grant until the end of December 2005 and a \$3000 grant for an additional 18 months until 30 June 2007.

This extension of the first home bonus will help many more young Victorian families buy their own homes.

Growing and linking the state

Alongside major new investment in Victoria's roads, the government also continues to encourage much greater use of public transport.

In this budget we provide \$76 million to improve bus services across the city, giving people better access to schools, shopping centres and community services — especially in Melbourne's growing outer suburbs.

We will commence the redevelopment of North Melbourne station.

We will almost double the number of vehicle and pedestrian rail crossings receiving safety upgrades.

And we will begin the process of improving public transport options in the Dandenong growth corridor.

Maintaining Melbourne's livability and reducing urban sprawl remains a focus of the Bracks government, and the 2005–06 budget provides an extra \$53 million to implement key projects under the Melbourne 2030 strategy.

The budget also introduces a new long-stay car parks levy in Melbourne's CBD to reduce traffic congestion, encourage the use of public transport and maintain Melbourne's status as one of the cleanest and most livable cities in the world.

All revenue raised from the levy will be used to fund transport initiatives across Melbourne.

The budget also includes new measures for motorists.

Victoria's motor vehicle costs — registration fees, third-party insurance premiums and licence renewal fees — are already among the lowest in Australia, and

these new measures will be of further benefit to motorists.

From July 2005, all revenue raised from traffic cameras and on-the-spot speeding fines will be channelled back into roads and road safety initiatives.

From January next year, pensioners and health care card holders will have the option of paying their car registration and compulsory third-party insurance premium half yearly.

The government will also reward safe driving by providing a 25 per cent discount on drivers licence fees to motorists who have not lost any demerit points in the three years prior to renewing their licences.

Stimulating investment, innovation and sustainability

The budget also funds important initiatives that will help attract investment, drive a more innovative economy and improve the sustainable use of Victoria's natural resources.

The government continues to cut the cost of doing business in Victoria.

With effect from 1 July this year, the government will cut the WorkCover average premium rate by 10 per cent — equal to the lowest level in the scheme's history and saving Victorian businesses \$170 million a year.

These cuts follow the 10 per cent cut in premiums in last year's budget — and we can make these reductions because Victoria now has the best managed workplace injury scheme in the country and one of the few in Australia that is fully funded.

Since coming to office, the Bracks government has restored common-law rights for seriously injured workers, boosted workers' entitlements and introduced reforms to make it easier for injured workers to return to work.

Through responsible management of WorkCover, the government has delivered both improved benefits for injured workers and competitive premiums for business — a very significant achievement.

The government also continues to drive innovation across the Victorian economy and is providing \$106 million to drive new investment in energy technologies to ensure a secure energy supply, maximise industry competitiveness and reduce greenhouse gases.

As part of this program, the energy technology innovation strategy (ETIS) will allocate \$84 million to explore the development of large scale, precommercial demonstration plants to trial new clean brown coal technology in the Latrobe Valley.

This substantial investment will boost Victoria's growing environmental technologies sector, reduce greenhouse gas emissions and further enhance our reputation as a leader in innovation.

Victoria is also building a strong international reputation in biotechnology.

The government will invest \$8.4 million to improve Victoria's clean, green agricultural credentials by better managing the risk of plant pests and diseases.

We are also looking to the future, providing \$5.8 million for feasibility studies, planning and design work to establish a national biosecurity centre — aiming to make Victoria a leader in biosecurity, bioterrorism protection and plant and animal disease management.

Victoria's national and state parks contain a truly priceless and magnificent heritage for our state and for Australia.

Well maintained and properly protected parks make Victoria a great place for families — and are also vitally important to our international reputation and our tourism industry.

In this budget, the government provides an additional \$92 million to protect and care for our parks heritage.

We will expand the Otway Ranges National Park, take greater action to control weeds and pests in our parks, upgrade park assets and reserve land that may be needed for future parks.

Reducing waste and improving efficiency

The government's capacity to continue to invest in and improve vital services and infrastructure also relies upon efficient administration.

In this budget, the government has identified savings across government departments totalling \$532 million over the next four years.

These significant savings will be achieved by reducing duplication and waste, increasing administrative efficiency and centralising print, media and communications services.

Appropriation bill

The Appropriation (2005/2006) Bill provides authority to enable government departments to meet their agreed service delivery responsibilities in 2005–06.

The bill supports a financial management system that recognises the full cost of service delivery in Victoria and is based on an accrual framework.

Schedule 1 of the bill contains estimates for 2005–06 and provides a comparison with the 2004–05 figures. In line with established practice, the estimates included in schedule 1 are provided on a net appropriation basis.

These estimates do not include certain receipts that are credited to departments pursuant to section 29 of the Financial Management Act 1994.

In the late 1990s, Victoria was the first Australian state to adopt accrual accounting. That leadership continues with the 2005–06 budget being one of the first financial reports in the nation to be prepared under the Australian equivalents to the international financial reporting standards.

The budget has once again been reviewed by the Auditor-General as required by the standards of financial reporting and transparency established by the Bracks government in 2000.

Conclusion

In less than a year — 316 days — Victoria will host the 2006 Commonwealth Games.

It will be a wonderful celebration of our state and nation, our way of life and our unrivalled capacity to host great international events.

Tens of thousands of visitors will be in Victoria for the Commonwealth Games.

They will see and experience a state that celebrates its diversity and multiculturalism; that takes great pride in its reputation as Australia’s cultural, sporting and creative capital; and that looks to forge new connections and relationships with the rest of the world.

Those visitors will feel the sense of vitality that now exists in Victoria.

They will feel the confidence that comes from a dynamic and productive environment that is attracting the best, the brightest and the most creative people.

As Victoria counts down the 316 days to the 2006 Commonwealth Games, the government continues to

invest in making Victoria a place that we will be proud and pleased to show to our interstate and international visitors.

We will show our visitors a Victoria that is unshakeable in its aspiration to give every child the best possible start in life — and continue to give each individual the opportunity to succeed through school, through the later years of education and into adult life.

We will show them a place that stands for fairness.

We will show them a place that stands for opportunity.

Decent affordable housing.

World-class schools, classrooms and teachers.

State-of-the-art public hospitals and health services.

Modern, reliable transport systems.

A dynamic, competitive and innovative business environment.

Strong and diverse communities.

Clean air and water — and the legacy of a unique and magnificent natural heritage passed on to future generations.

These are the things Victoria stands for. These are the things which we value and respect. And these are the hallmarks of the Bracks government’s term in office.

The 2005–06 state budget builds a fairer and more prosperous Victoria — one that is ready to withstand the challenges that lie ahead.

The budget delivers real opportunity to every corner of the state and makes Victoria the very best place in Australia to bring up a family.

I commend the bill to the house.

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

Debate adjourned until Thursday, 5 May.

APPROPRIATION (PARLIAMENT 2005/2006) BILL

Message read recommending appropriation and transmitting estimates of revenue and expenditure for 2005–06.

Estimates ordered to be tabled.

Introduction and first reading

Mr BRACKS (Premier), pursuant to standing order 87, introduced a bill to appropriate certain sums out of the consolidated fund in respect of the financial year 2005–06 and for other purposes.

Read first time.

Second reading

Mr BRACKS (Premier) — I move:

That this bill be now read a second time.

The bill provides appropriation authority for payments from the consolidated fund to the Parliament in respect of the 2005–06 financial year including ongoing liabilities incurred by the Parliament such as employee entitlements that may be realised in the future.

Honourable members will be aware that other funds are appropriated for parliamentary purposes by way of special appropriations contained in other legislation. In addition, unapplied appropriations under the Appropriation (Parliament 2004/2005) Act 2004 have been estimated and included in the budget papers. Prior to 30 June actual unapplied appropriation will be finalised and the 2005–06 appropriations adjusted by the approved carryover amounts pursuant to the provisions of section 32 of the Financial Management Act 1994.

In line with the wishes of the presiding officers, appropriations in the bill are made to the departments of the Parliament.

The total appropriation authority sought in this bill is \$77.8 million (clause 3 of the bill) for Parliament in respect of the 2005–06 financial year.

I commend the bill to the house.

Debate adjourned on motion of Mr HONEYWOOD (Warrandyte).

Debate adjourned until Thursday, 5 May.

PLANNING: WELLINGTON AMENDMENT

Revocation

Mr INGRAM (Gippsland East) — I desire to move, by leave:

That under section 38(2) of the Planning and Environment Act 1987 this house revoke amendment C20 of the Wellington planning scheme.

Leave refused.

Mr INGRAM gave notice of motion.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

That under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 5 May 2005:

Children and Young Persons (Miscellaneous Amendments) Bill

Courts Legislation (Judicial Conduct) Bill

Legal Profession (Consequential Amendments) Bill

Long Service Leave (Amendment) Bill

Magistrates' Court (Judicial Registrars and Court Rules) Bill.

In proposing this motion to the house I want to point out, by way of explanation, the intention behind this procedure. In determining the number of bills that are dealt with each week we try to promote the smooth flow of legislation through the Parliament and identify the needs of the various representatives. This being budget week, we had a request from the Liberal Party to facilitate its budget response on Thursday by enabling it to start at the beginning of the parliamentary day and provide for subsequent speakers on that day. In moving this motion we have limited the number of bills to be dealt with during the second-reading stage of debate to five in order to accommodate that request.

As can be seen from the notice paper, today we will be debating the Courts Legislation (Judicial Conduct) Bill and the Legal Profession (Consequential Amendments) Bill. We will be adjourning debate on those until Wednesday to allow the Leader of The Nationals, who cannot be with us today, to make a contribution on them. On Wednesday we will be dealing with the other three bills, the Children and Young Persons (Miscellaneous Amendments) Bill, the Magistrates' Court (Judicial Registrars and Court Rules) Bill and the Long Service Leave (Amendment) Bill. That is the sum total of the bills that are the subject of this motion and the guillotine on Thursday at 4 o'clock. That will enable the opposition to respond to the budget at a time of the parliamentary sitting day that suits it. It will also enable other members of both sides of this house to follow on with their budget response.

To assist members of this chamber to organise their workload and to work out the finishing times, I indicate that we expect the second readings of a number of bills will take place after 4.00 p.m. on Thursday. I know, Acting Speaker, that that will cheer you up no end! That is why we are giving you plenty of notice now. In that context, I expect that this government business program motion will be supported by all members. I commend the motion to the house.

Mr PLOWMAN (Benambra) — The opposition does not oppose the government business program. I would like to thank the Leader of the House for the opportunity to extend the debate on the Appropriation (2005/2006) Bill to allow members on both sides of the house to speak on it. I am grateful for that opportunity and for the fact that the government has seen that as a reasonable request which accords with the importance of a debate on something as significant as the appropriation bill.

However, I am still concerned that it is very hard to know what the government business program is going to be until the last minute. I ask the Leader of the House to give the opposition more warning as to what the program consists of so that we can in turn inform our members at least on the weekend before the start of the sitting week about which bills they need to concentrate on to enable them to put in their bill reports to their parties so they can develop their contributions for the forthcoming week. The request I make is that the government give us additional time wherever possible. I commend the government for giving us the consideration which we requested, which was for further debate on the Appropriation (2005/2006) Bill.

Mr MAUGHAN (Rodney) — Likewise, The Nationals will not be opposing the government business program. I fully support the comments that have just been made by the member for Benambra.

In the last sitting week I made similar comments about the very short notice that members of the opposition parties have to consider bills under the government business program. Whilst I appreciate that this week, like the last sitting week, is a little different for different reasons — this week we have the budget, and I appreciate the Leader of the House acceding to the Liberal Party's request to proceed with debating the budget papers this week — we have a problem with the very short notice given to opposition parties regarding what legislation will be debated.

To make clear what happened this week, it was Thursday, 28 April, when I first received notification of what bills would be considered for this week, and that

information was incomplete. It indicated that five bills were being considered — and this was five days away from today. So the earliest notice we had was five days and that information was not precise or complete. There was no indication at that stage as to what we would be doing on Thursday, so I sent out notification of those bills to my colleagues.

The following day the City of Melbourne (Amendment) Bill was dropped and replaced by the Children and Young Persons Bill (Miscellaneous Amendments) Bill. That was okay, but that was four days before the bills were to be debated. The last change was notified to us by email, and I have a copy of the email here. It is dated yesterday, 2 May, and was sent at 4.36 p.m. It is not anywhere near good enough that opposition members, who are meant to be well prepared so that they can give a considered response to the house, are being notified less than 24 hours before the bills are to be considered.

Again I appeal to the Leader of the House to do what is possible to give us a little more notice about what the government has in mind. We are happy to cooperate, but we seek a little more cooperation from the government in notifying the opposition parties of priorities for the coming week so that their members can adequately prepare. I do not want to be standing up here the next sitting week making a similar sort of complaint about the lack of notice. As I said, this week there are five bills and we will get through those without too much difficulty, I presume, and will be able to spend Thursday on the very important budget debate. With those few remarks I indicate that we will not be opposing the government business program, but I once again ask for greater consideration of the opposition parties in future sitting weeks.

Motion agreed to.

MEMBERS STATEMENTS

Western Victoria: health services

Dr NAPHTHINE (South-West Coast) — I express concern about the lack of allied health services in Western Victoria — for example, I bring to the attention of the house the case of a 71-year-old woman in Portland with diabetes who needs regular podiatry services every six weeks, and there are many other people who need podiatry on a regular basis, whether they are arthritic, frail aged or in a condition where podiatry is needed. This particular woman has been forced to wait for over six months between visits due to a lack of funding by the Bracks Labor government for

podiatry services in Western Victoria. Because of her diabetes she is at very real risk of losing digits — in this case, her toes — her feet or even her lower limbs. This would be devastating for the woman concerned and it would be an even greater cost to the community.

On top of that, in western Victoria there is an enormous wait of four to five years for public dental services, including general dental care and dentures, in Portland, Warrnambool and Hamilton. What we need from this government is a real commitment to allied health services in country Victoria. This should include the provision of cadetships for undergraduates; positive selection for country entrants into these courses; purchase by the state government of additional places in dentistry, podiatry, physiotherapy and allied health courses, and to target those places for country students who are likely to go back and work in country Victoria and students on state cadetships; and the offer of paying higher education contribution scheme fees for graduates who come and work in country Victoria. Finally, we need more dollars going to country Victoria for allied health services to employ private practitioners, if necessary, to treat public patients.

Detention centres: Australian citizens

Mr PANDAZOPOULOS (Minister assisting the Premier on Multicultural Affairs) — I rise to express outrage over the federal government's recent revelation that at least 33 Australian citizens have been wrongfully detained in detention centres in the past two years. That is more than one Australian every month being unlawfully detained. According to today's media reports this revelation came about as the federal government is continuing its search for a missing Australian citizen who was wrongfully deported four years ago. The house heard it right: citizens of this country have been wrongfully kept in detention and deported.

Today's *Herald Sun* editorial has branded these blunders as 'reminiscent of a banana dictatorship', and the *Age* editorial has called for a judicial inquiry, highlighting the importance of this issue. It is fair to say that a pattern seems to be emerging. If you speak another language or are born overseas, you have more chance of being detained or deported, and even being a citizen of this country can no longer save you. This is a disgrace and the Australian public needs an explanation. It is clear that the system is not working, as was illustrated by the recent Cornelia Rau case where a mentally ill Australian citizen was kept in detention for 10 months. We thought that was the only case, but now we know differently.

This point is further highlighted by examples in recent times, including that of 104-year-old Mrs Cui Yu Hu from Narre Warren, and 15-year-old orphan, Robert Lumbes from Narre Warren South, who face the threat of deportation after spending many years in Australia. The list goes on. These examples highlight the federal government's incompetence and lack of compassion when it comes to migration policies. Imagine what the world will be thinking of us now.

Garry Cook

Dr SYKES (Benalla) — Two weeks ago I attended a farewell and thankyou evening for Garry Cook, former manager of Country Fire Authority region 23, based at Wangaratta. Over 250 volunteers and CFA staff members attended the evening. Nearly all of the 50 brigades in region 23 were represented, along with volunteers from many neighbouring brigades. Garry Cook was a member of the CFA for 19 years and was manager of region 23 for nine and a half years. He also served as a CFA volunteer for five years. The highlight of the evening was the presentation to Garry of a Furphy water tank bearing the famous motto:

Good, better, best,
Never let it rest,
Until your good is better,
And your better, best.

These words epitomise Garry Cook's attitude to his personal and professional life and that of so many of Victoria's 60 000 volunteer CFA brigade members. The people of north-east Victoria wish Garry Cook well in his new position as project leader in charge of the development of an integrated fire management strategy for Victoria. I am confident that Garry will approach the task with his trademark enthusiasm and commitment, and do his best to deliver a sound strategy for the coordinated prevention and combating of fires and post-fire recovery. I, too, thank Garry Cook and wish him well.

Gas: Hastings electorate

Ms BUCHANAN (Hastings) — I rise to highlight two recent major announcements that will greatly contribute to the health, wellbeing and economic prosperity of the Hastings electorate. The Treasurer, Envestra and I announced the rollout of the extension of natural gas to the coastal towns of Balnarring, Balnarring Beach, Merricks Beach and Somers. This will be of great benefit to the many local businesses, schools and residents, and I acknowledge the commitment of Envestra's Ian Little, OEAM's Andrew Mackenzie and the council's John Ault-Connell in the realisation of this vision.

Peninsula Carers Council

My second issue concerns the Peninsula Carers Council, which was established to build bridges between carers and mental health services. The council held a forum last Thursday, and subsequently its members have been delighted with a \$180 million commitment to mental health services in the region. I give special thanks to Aline Burgess, Ann Forbes, Norma Duff and other members of the council on an excellent forum. I also thank Carers Victoria and Jeff Young from the Department of Human Services.

As a carer to my mentally ill son, I applaud this commitment to mental health and the investment in services that are going to enhance his lifestyle and mine. I am so proud to be standing here today as part of a Labor government that is getting on with the job of creating more opportunity and prosperity and is addressing disadvantage to have a fairer Victoria.

Roads: traffic-fine revenue

Mr MULDER (Polwarth) — The Victorian Premier and Treasurer have attempted to pull the greatest con trick of all time by trying to sell the speed-camera-revenue-to-roads-and-road-safety story as a new-money initiative in the state budget. There is no new money. Instead we now have an insane situation in which our road building and road safety projects will be totally reliant on drivers continuing to speed and break the law.

If the Bracks government has another major stuff-up such as the Western Ring Road fiasco, road funding and road safety initiatives will be cut and slashed. Even worse, as the Premier confirmed today on radio, the speed camera money will be channelled through the Better Roads trust fund, which was discovered by the Auditor-General to be nothing more than a hollow log and a Labor election slush fund. An audit of the fund found \$151 million lying idle that should have been used for road building or road safety projects or handed back to Treasury. Instead the money was being concealed in the fund to use for an election splurge. Money from the fund has been channelled to the South and Eastern Integrated Transport Authority to deliver the Scoresby toll road and buy land for ConnectEast.

And so much for the licence discounts! With the legislation put through this Parliament by the Treasurer, any benefit will be swallowed up by the Treasurer as greedy indexation of licence fees. Finally we have another set of criteria for the placement of speed cameras. The government already had a set of criteria in place, which it chose to ignore, the reason being that

those criteria interfere with the government's ability to rake in the cash.

Second World War: Gala Victory Concert

Mr LUPTON (Pahran) — On Sunday, 1 May, I was delighted to join about 2000 people in Hamer Hall at the Victorian Arts Centre at a gala concert to honour veterans of the Second World War from the former Soviet Union. Many are Jewish and many live in the electorate of Pahran. The Gala Victory Concert is part of a series of events commemorating the 60th anniversary of the end of the war in Europe. The function was organised by ambassador Leonid Moiseev of the Russian Federation, the federal member for Melbourne Ports, Michael Danby, the Victorian Association of World War II Veterans from the Former Soviet Union and the Shalom Association. They are all to be congratulated for organising the event.

About 50 war veterans from the former Soviet Union attended, together with Australian veterans of the arctic convoys to the Soviet Union. We must always remember the great sacrifices made by everyone who stood up against the threat of Nazism. In remembering those sacrifices we should also remember the fact that up to 30 million Soviet citizens and 6 million Jewish people also died. Those deaths loom very large among the horrors of World War II. The gala concert featured works by Tchaikovsky, Shostakovich, Rimsky-Korsakov, Scriabin and other Russian composers, as well as Russian folksongs and army songs of the Second World War. It was a great success.

I pay my own tribute to all who fought for freedom and congratulate them on this 60th anniversary of victory in Europe.

Ambulance services: Bass Coast

Mr SMITH (Bass) — I have great concerns for health services in Victoria, and after listening to the budget today I do not feel any happier. The health minister says that we do not have a health crisis in the Bass Coast area, but I would like to relate a story to the house that is factual, and government members should listen.

A constituent of mine got a phone call from his wife who was returning home to Phillip Island. Unfortunately she had a car smash at Lang Lang at 6.15 p.m. and rang her husband, who got a car trailer so he could tow the car away. He drove from Phillip Island to Lang Lang, arriving at 7 o'clock — before the ambulance had arrived. When it did arrive, it had come from Beaconsfield. The constituent asked that his wife

be taken to the Warley Hospital, but he was told that Warley was on bypass. He objected because he knew it was not. The ambulance then proceeded to take her away from her home and her destination and took her to Warragul Hospital.

She only had superficial wounds, so she could have gone to hospitals in Wonthaggi, Warley, Korumburra, Leongatha, Monash or Dandenong — but no! They had to take her out of her way — all the way to Warragul. I would like to know what is going on with the ambulance services down in the Bass Coast area. Why does an ambulance have to come from Beaconsfield to an accident at Lang Lang when there are plenty of other ambulance services around? What is going on? The minister has some accounting to do to the people in my area, and she will want to do it quickly.

Moorabbin Brass Band

Mr HUDSON (Bentleigh) — I congratulate members of the Moorabbin Brass Band on the wonderful contribution they make to the cultural life of my electorate.

The Moorabbin Brass Band has been in existence since 1878 and has a long and proud history. Originally it was a group of self-taught working men, and it has existed in various forms for 127 years. The band has also progressively improved its professional standards over the past five years. Having been the Victorian C grade champion two years in a row, in recent years it has been promoted to B grade and is the current Victorian B grade champion. Over the Easter weekend the band competed in B grade in the Australian National Band Championships in Adelaide. The participating bands are marked over four pieces of music. Out of a possible score of 500 Moorabbin scored a total of 463. As a result of its excellent performance across all four disciplines, the band was placed third in B grade, its best-ever competition result.

The Moorabbin Brass Band is a cultural treasure in my electorate. It is currently based in the old Moorabbin railway station building, which was relocated to the Linton Street Reserve after World War II. The building is modest, but it meets the band's need for a dedicated space in which it can store its instruments and rehearse. However, the band is under pressure from Kingston City Council to relocate from the reserve to make way for the redevelopment of the social club facilities of the St Kilda Football Club. It is imperative that the council find an appropriate performance space within the city that can allow the band to continue.

Dr Hugh Wirth

Mr INGRAM (Gippsland East) — I raise an issue for the attention of the house. Last week the East Gippsland RSPCA branch met with Hugh Wirth, the president of the RSPCA state council. Hugh Wirth refused to discuss concerns raised by Jack Whadcoat and other branch members in relation to the East Gippsland animal shelter, which was to be built in Bairnsdale. In a press release dated 3 November 2002 the Minister for Agriculture announced funding of \$1.1 million for the shelter, but it has not been built. It appears the RSPCA has taken this money and used it on other projects in the city. Hugh Wirth refused to discuss the matters raised, except to say that no East Gippsland shelter would be built. He read from a prepared statement which sacked the committee and disbanded the East Gippsland branch forthwith.

Jack Whadcoat would like to know what has become of the earmarked grant funds which were to be used for the East Gippsland shelter. He says the community expectations and the local volunteer work that has raised \$80 000 over the last six years have now come to an end. He has asked if the community is entitled to an explanation. He has also asked what the situation is with non-compliance, with this government funding for the local region being channelled into Melbourne.

I would like to condemn the RSPCA president, Hugh Wirth, as a pompous, self-serving and opinionated city-centric representative. His actions should be condemned by this house and by the government.

John Dixon

Mr LANGDON (Ivanhoe) — Today I would like to acknowledge and congratulate John William Dixon, OAM, better known as Jack Dixon of Heidelberg Heights, on celebrating his 90th birthday on 23 April. Jack Dixon commenced life in Daylesford in 1915 and grew up in Bruthen and Glenlyon. Jack married his wife Margaret in 1958 and had four children: Chris, Martin, Anne and Maureen. Jack remains extremely active in Neighbourhood Watch, the St Pius X parish and the Knights of the Southern Cross. Jack received the Order of Australia for services to the community, particularly for his work in the federal public service superannuation scheme.

Jack remains a humble, gentle and intelligent man, and I am advised he has a magnificent sense of humour. This humour may be attributed to one son, Chris, being a member of the Australian Labor Party, and the other, Martin, being extremely well known to the house as the Liberal member for Nepean. Jack's daughter Anne is a

nun and his younger daughter, Maureen, is a teacher — talk about diversity!

Well done, Jack. Ninety years, a loving marriage to Margaret and four outstanding, and sometimes outspoken, children.

Tony Clarke and Rennie Page

Mr WELLS (Scoresby) — This statement is dedicated to the memory of the late Victoria Police members senior constables Tony Clarke and Rennie Page, who died recently while on duty protecting the Victorian community. In what can only be described as a tragic week for Victoria Police I was deeply saddened and moved by the loss of two highly respected and talented police members within a few days of one another. It is not until you have attended the funeral of a police member and experienced the intense grief and suffering caused to family, friends and colleagues that you realise the true significance and magnitude of the loss of a Victoria Police member. The loss is felt not only by the immediate and close-knit Victoria Police family but by the entire community.

The tragic deaths of senior constables Clarke and Page unfortunately only reinforce the fact that policing is a dangerous job. There are constant and inherent dangers faced by operational police members every day in carrying out their duties. The Victorian community is well served by its dedicated, under-resourced and often overworked police force, and there is no doubt that Tony Clarke and Rennie Page were two of Victoria Police's finest members, dedicated to upholding the law and protecting the community they loved. While the job of a police member will always carry certain risks, all Victoria Police members have a right to be properly supported and have risks to their safety minimised wherever possible.

Tony Clarke and Rennie Page, like police members who have fallen in the line of duty before them, will never be forgotten and will ever be remembered for their dedication and service to the community.

Anzac Day: remembrance

Ms GREEN (Yan Yean) — Today I want to express my gratitude to all those who made possible the five Anzac commemorative events I attended this year. I was delighted to be, for the third year in a row, one of the government's representatives at the Premier's Anzac Day luncheon on Friday, 22 April. I was truly humbled to sit with surviving members of the Women's Auxiliary Australian Air Force (WAAAF) and listen to their remarkable stories. Women are always the unsung

heroes and, sadly, among the most affected by war. The WAAAF came into its own as fears increased that the Japanese island-hopping style of warfare would see the Pacific conflict involve the Australian mainland.

In my own electorate of Yan Yean my community has a proud tradition of supporting Anzac Day memorials. On the Saturday morning I attended the Hurstbridge Returned and Services League to join with its members in remembering those who made the ultimate sacrifice in service of this country; this ceremony allows Hurstbridge RSL members to attend services in Melbourne on the actual day. As always, I was extremely moved at the Epping RSL's dawn service and the Whittlesea march; I have spoken of this in previous years. I want to offer special congratulations to the RSL's newest sub-branch, the Diamond Creek RSL, led by president Des Vincent. I was honoured to be its guest speaker. There was a record crowd at Diamond Creek, with scouts, schools and the Country Fire Authority.

Anzac Day occupies a unique primacy in the Australian national identity, and I would like to express my disgust and condemnation of the unknown, disrespectful louts who the following morning desecrated the wreaths the Diamond Creek RSL had left on its cenotaph. Such behaviour boggles the mind, for Anzac Day does not eulogise warfare, it pays rightful respect and honour to our fallen soldiers.

Road safety: signage

Mr JASPER (Murray Valley) — The state government must immediately implement a review of speed signage to reduce the excessive number of signs and the multitude of speed variations, particularly in built-up areas. In Victoria we now have speed signs showing 40, 50, 60, 70, 80, 90, 100 and 110 kilometres per hour. It has become a mind-boggling exercise for motor vehicle drivers to monitor the speed signs, check their actual speeds and then change to meet the appropriate restricted speed. I am informed that a driver travelling through the city of Bendigo, for instance, will encounter signs for 10 changes of speed. That makes it extremely difficult for motorists. I believe it has reached the stage of being a road safety issue. Drivers are constantly checking speed signs and adjusting the speed of their vehicles, and it is a distraction from their driving and could be the cause of accidents.

Additionally, we have the issue of the 40-kilometre-per-hour signs at schools where there is an indication of the times in the mornings and afternoons when the speed restrictions are applicable. The difficulty is that these speed restrictions are not

applicable in school holidays, which causes confusion to motorists. An additional difficulty is that 40-kilometre-per-hour speed limits at some schools are permanent restrictions with no times indicated on the signs. All this adds to confusion for motorists and is a great revenue earner for the state government through traffic infringement notices. This issue must be addressed by the state government and VicRoads, with an immediate review of speed signs in Victoria. The system must be rationalised.

Anzac Day: Eltham electorate

Mr HERBERT (Eltham) — On this budget day we concentrate on funding initiatives that will take Victoria forward and ensure that opportunity and prosperity continue to be the driving forces of government policy. In doing that it is worth reflecting on the values of our past, which continue to drive our actions into the future.

On Anzac Day I was privileged to participate in the morning memorial services at the Eltham, Greensborough and Montmorency Returned and Services League branches. I was pleased to find that all three RSLs were different in their services but united in their tributes to our veterans' past deeds in defence of this great country. As has been noted, across Victoria crowds attending services were up, particularly among our youth. Victorians increasingly have a desire to learn of our past and a desire to ensure that the atrocities of the past are not repeated. Although Anzac Day is the most prominent day on the RSL calendar, the Eltham, Greensborough and Montmorency RSLs enjoy vibrant local support and are very active organisations all year round.

All three RSLs are great clubs with strong involvement in their local communities and schools. I commend the Eltham, Greensborough and Montmorency RSL presidents and associates for making our local Anzac Day ceremonies such successful events. I commend their ongoing efforts in improving our community throughout the year, and I commend their contribution to the ongoing legacy of opportunity and prosperity that we enjoy today.

Member for Mulgrave: comments

Mr COOPER (Mornington) — Carefully selected comments in this house on 21 April by the member for Mulgrave over the failure by the Bracks government to address a shortage of doctors in many parts of Victoria, including Mornington, cannot go unanswered. The member for Mulgrave points the finger of blame on this matter at the federal government. In doing so he has loyally parroted the line given to him by the Minister

for Health and has shown himself to be an unquestioning, but ignorant, foot soldier.

The state government, in particular its Minister for Health, cannot escape criticism on this vital issue by saying it has no part to play. The reality is that it does have a role to play but has done nothing to push the causes of places like Geelong, Ballarat, Bendigo, Shepparton, the Mornington Peninsula and the outer areas of Melbourne in regard to a shortage of general practitioners. The Bracks government does not seem to understand or care that access to a GP is worse in Geelong than it is in many parts of rural Victoria. It has exactly the same uncaring attitude to the extreme shortage of doctors on the Mornington Peninsula.

What I raised in this house on 20 April was just one example of how the Bracks government has miserably failed to stand up and be counted on this major issue. Instead it has just sat back and trotted out its usual line of blaming the federal government for everything. No amount of huffing and puffing by the member for Mulgrave will alter those facts.

Lawrence Johnson

Mr LEIGHTON (Preston) — I wish to advise the house of the death of a constituent, personal friend and Australian Labor Party Preston branch member, Lawrence Johnson. Laurie was a mate and friend of all in my office. He was a man with a big, generous heart. Laurie was fun to be with, and I looked forward to his visits to my office — I would hear his trademark laugh, which announced that Laurie had arrived. Laurie was, and I think this is typically Australian, a beaut bloke. As I got to know him over the years I especially loved him for his bright, sunny, positive personality. I think this is why everybody else who knew Laurie also liked and respected him and found him good fun to be with.

Laurie had a difficult childhood, spending time in an orphanage, but he overcame life's trials and tribulations with humour and good grace. Another of Laurie's character traits was his absolute loyalty to and support for his friends and his team, his team being the Preston branch of the Australian Labor Party. We were pleased to see him settle down and marry May.

Some things in life are just not fair, and Laurie has been taken far too early. We are much the poorer for losing him, but much the richer for having known him. I want to express my deepest condolences to May and Laurie's family. Vale Laurie Johnson.

A Fairer Victoria

Ms LOBATO (Gembrook) — I wish to recognise and congratulate the Bracks government for its commitment to tackling the issue of domestic violence with the recent announcement of \$35.1 million to be directed towards progressive programs. This funding is one of the social spends which has resulted from the Bracks government's *A Fairer Victoria*, which is about creating opportunities for all Victorians. Until recently domestic violence was an issue not recognised by government. It was ignored by government because it was considered a social taboo which remained underground and because primarily it was perpetrated against women. The Bracks government, through its commitment to women and children, has broken new ground.

Domestic violence affects one in five women and is the leading contributor to death, disability and illness in Victorian women. The funding will provide for a faster response to incidents, 24-hour referral and support, improved case management and new emergency and longer term accommodation options for women and children. This response and acknowledgment of this social evil will ensure that Victoria remains the best place to live and raise a family.

Olinda Primary School: programs

Mr MERLINO (Monbulk) — Last week I visited Olinda Primary School to look at the changes made this year, which have significantly boosted the student population and provided local families with choice in their children's education. This year Olinda Primary School is offering a Steiner program in conjunction with its mainstream program. That enables parents to choose the type of education that best suits their children.

The Steiner philosophy is about developing the whole person and promoting responsibility at an individual, social, community and environmental level. What particularly impressed me were the nurturing aspects of the program and the focus on creativity, emotional intelligence, appreciation of beauty and care in how you do things, not just what you do. A key thing that also struck me was that Olinda has been able to offer this additional program while reinforcing that this is very much one school.

I saw that in a number of ways. For example, every student wears the same school uniform, and there is a rotation day every week, when all the students are exposed to all the teachers, which is a benefit for teachers and students alike, with the sharing of

experiences and skills. Some parents have chosen to place one of their children in the Steiner stream and another child in the mainstream program, which is a real show of support for the direction the school is taking.

This responsiveness to the community has resulted in Olinda increasing its student numbers from 44 last year to 74 this year. Well done to principal Jorg Keine and to Madonna Lilly and John Crawford.

Children: health research

Mr ANDREWS (Mulgrave) — Last Tuesday I was pleased and proud to launch an innovative research project aimed at providing more efficient health care to Victorian children. The child health teams research project involves 11 grants of \$25 000 to community health centres across Victoria. These grants, the first dedicated funding provided to community health to support team-based paediatric care, will see teams of health professionals provide for all the child's health needs rather than just some.

The 11 research projects will see teams of health professionals, including speech pathologists, occupational therapists, paediatricians, physiotherapists, psychologists, family case counsellors, dieticians and others provide care. Under this model of care the practitioners work together to assess the child's needs and offer coordinated treatment. This commonsense initiative will mean better care for three to eight-year-olds with behavioural and other health conditions — for example, fine motor skill development problems. Better coordinated care in the early years delivers very real impacts on the life opportunities these children will enjoy later in their lives. I congratulate each of the 11 community health centres on receiving the funding and running successful child health teams. I am sure the targeted support will assist us in expanding this model of care now and into the future.

Templer community: book launch

Ms ECKSTEIN (Ferntree Gully) — On 24 April I attended the launch of *From Desert Sands to Golden Oranges*, a history of the German Templer settlement in Sarona in Palestine from 1871 to 1947. The settlement was originally established as an agricultural community on the outskirts of Jaffa. Today Sarona and, indeed, Jaffa are inner suburbs of the huge metropolis of Tel Aviv. The book outlines the achievements of the German settlers during their 80 years in Palestine, including the settlement's origins and the innovations in agriculture introduced to Palestine as well as the

hardships endured by the early settlers and the religious, social and business life of the community.

The three authors, Helmut Glenk, Horst Blaich and Manfred Haering, have undertaken several years of extensive research to produce this book. It draws on a wide range of historical documents as well as the recollections of surviving members of the Sarona settlement and their descendants, most of whom now live in Boronia, Bayswater and Bentleigh. It presents a vivid picture of life in the Templer settlement and the historical context within which it occurred. The book makes an important contribution to the history of Palestine as well as to multicultural Australia, where the Templers have made their homes for the past 60 years. A copy of the book has been placed in the State Library and a further copy has been presented to the Victorian government for possible location at the Immigration Museum.

I again congratulate all those involved in the production of this book. I know that it is part of a much larger project to document and preserve the history of the Templer community.

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

Highett Football Club

Ms MUNT (Mordialloc) — A couple of weekends ago I had the pleasure of attending the sponsors lunch at the Highett Football Club. Firstly I would like to thank the generous sponsors who contribute to the finances of the club, whose members do a great job in our community with the junior and senior football teams. As an old Highett girl, I know the value to our local community of the football club.

Mr Hulls — Not that old!

Ms MUNT — Pretty old — thanks! Secondly I would like to thank the club for the great sports facility it provides in Highett, particularly for our local children and families. It is a great spot to play and watch footy and even get lunch at the cafeteria. Most importantly, I would like to congratulate Highett Football Club on its second division premiership win in 2004. Well done to you all!

After lunch we unfurled the flag and watched the first game of first division for the year for Highett. The club has gone up to first division as a result of being premiers in second division last year. The first match against Cheltenham was a great game, which I stayed to watch.

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

COURTS LEGISLATION (JUDICIAL CONDUCT) BILL

Second reading

Debate resumed from 24 February; motion of Mr HULLS (Attorney-General).

Government amendments circulated by Mr HULLS (Attorney-General) pursuant to standing orders.

Mr McINTOSH (Kew) — The vast majority of the clauses of the Courts Legislation (Judicial Conduct) Bill are uncontroversial, save and except the provision that will entrench this legislation in the state's constitution, requiring any further amendment, change, removal or variation to be made by a three-fifths majority of both houses of Parliament. I will come to that towards the end of my contribution. It is pretty clear that that entrenchment provision causes the opposition a great deal of concern.

The bill otherwise would have a high degree of utility and has the support of not only the government, primarily based upon a report by Professor Sallmann, but also members of Victoria's judiciary, who have publicly acknowledged their support for the direction the Attorney-General is taking this in, as outlined in the strategic directions document which was published in the middle of last year and signed by all heads of jurisdiction, including the Chief Justice, the Chief Judge of the County Court, the Chief Magistrate and the President of the Victorian Civil and Administrative Tribunal (VCAT).

The bill principally brings in a new regime to protect judicial independence with an abundance of caution. It introduces a much more stringent process and test for dismissing judicial officers in this state. For the first time magistrates are included in the process and accorded the same status as judges of the County Court and Supreme Court, which was a matter perhaps highlighted to the public in relation to recent events in the Magistrates Court. Likewise, on a similar test the hurdle is raised in relation to the removal from office of VCAT members.

In relation to the principal part of the bill, I note that in over 150 years of constitutional history in this state, with our own independent Parliament, an executive government and an independent judiciary constituted by the Supreme Court of Victoria with other courts

joining those ranks, not a single judge has been removed from office. The existing regime, based upon an address of both houses of Parliament seeking to remove a judicial officer, has never actually been exercised in 150 years. In fact to my knowledge there has only ever been one judge removed in any state in Australia — in Queensland — although there was a second case recently that went to both houses of Parliament in New South Wales. The upper house refused to remove the judge so there was no actual removal in that case. Certainly this state has been well served by men and women of enormous stature at all levels of our courts, a matter about which I personally and everybody in this place and the people of Victoria can be well pleased.

Areas of concern often raised in this place and elsewhere — allegations of corruption or criminal activity or mala fides of some description — can pervade all sorts of other occupations, but in relation to our judges and magistrates in this state there is general acceptance in the community that they are of a high standard, have a high degree of training and integrity, are honest and hard working and do a difficult job in the circumstances. That is probably reflected in the fact that this draconian power that could see the removal of a judge has never actually been exercised.

The amendments that the Attorney-General has circulated would see the bar raised even higher, making it an even more stringent test to overcome, and I certainly do not see that as a bad thing. The process that would be invoked for the removal of a judge or a magistrate, while more stringent and perhaps more time consuming in some respects, is certainly something that the opposition would support, reflecting the opposition's confidence in the judges and magistrates in this state.

I will just go through the process. If there were an allegation of behaviour that may very well warrant the removal of judge, it would then fall to the Attorney-General to appoint an investigative panel that would investigate the allegations that were made against one of our judges. That panel will not in fact now be made up of judges. The Attorney-General has circulated amendments and we have been very briefly briefed, but I understand the effect of those amendments is that the panel would be made up of retired judges from the Federal Court of Australia, the Family Court of Australia, the Family Court of Western Australia and the supreme courts of states other than Victoria and of the Australian Capital Territory or the Northern Territory. The point is that they would not be judicial officers or retired judges from Victoria, so there would be a degree of independence generated by that.

In relation to the idea that they would be serving judges, I was a bit incredulous about whether or not judges from interstate or from a federal jurisdiction would actually serve on such a panel. My incredulity was perhaps demonstrated by the fact that the Attorney-General has circulated the amendments, reflecting that there probably would have been a lot of concern about an interstate judge serving on a Victorian body in relation to judging the existing body of judges. The Attorney-General has brought in a worthwhile amendment that indicates that they would have to be retired judges from interstate or federal courts.

In any event, from that panel of seven retired judicial officers there would be drawn a final investigative body of three judges. That would be done on the recommendation of the most senior member of that panel of seven. Determining who would be the most senior may be a matter of some interest, particularly if you get a mixture of a Federal Court judge, a state court judge and someone who had served as either a president or a chief justice, but again it is only done as a recommendation. The Attorney-General would then select a group of three that would investigate the conduct of a judge and whether the judge had been guilty of, in the precise words of the legislation, 'proved misbehaviour or incapacity'.

Whether or not there is any magic in the words, that raises the hurdle to some extent from what is currently the circumstance. That panel of three would have to then investigate the conduct and determine that there was proved misbehaviour or incapacity, and only when that was proved to the satisfaction of that panel could the Attorney-General act to move a motion in this place to remove the judge. As I said, the requirement would be a three-fifths majority, or a special majority, of both houses of Parliament, which is greater than is currently the situation, which would provide an ordinary majority. That provision is entrenched in the constitution — and I will deal with that towards the end of my speech. Certainly the test that would have to be overcome, which is 'proved misbehaviour or incapacity', is perhaps higher than the test that currently stands. It would certainly create a test such that the Attorney-General, on a whim, could not move a motion in this place to dismiss a judge because, most importantly, it would require a three-fifths majority of both houses of Parliament.

It is also very important to note that the Attorney-General's moving a motion to remove a judge based upon 'proved misbehaviour or incapacity' would obviously have a high degree of public notoriety. There is a matter of real concern in the bill as it currently stands, which is that the report that is made to the

Attorney-General by the panel of three judges, having found proved misbehaviour or incapacity, does not have to be tabled in the Parliament or made available. It is at the discretion of the Attorney-General as to whether or not that is tabled or made public.

Given that such a circumstance arises once in a couple of hundred years — and hopefully certainly not in my lifetime in this place — I would expect that this place would require at least some demonstration as to the basis of that proved misbehaviour or incapacity. I would have thought that it should be a mandatory requirement that the Attorney-General make that document public and table that report.

I do not think it is appropriate, after invoking the process of appointing three judges from a panel of seven to carry out the investigation and then moving a motion to remove a judge from office based upon proved incapacity or misbehaviour, that it should be established to the satisfaction of each and every member. While it may not necessarily be a formal process, like a trial or otherwise, certainly if the Attorney-General is to move a motion, he should table the document in the Parliament so it could then form the basis upon which members in this place and in another place can come to a determination as to whether the motion should be accepted or rejected with a three-fifths majority, because they should be properly informed about every aspect of that proved misbehaviour or incapacity.

As I said, this matter has raised the high jump bar. It provides some degree of certainty as to what was otherwise a loose constitutional provision that had never actually been invoked in this state. It is certainly supported by all the heads of jurisdiction. It was signed off not only by the judges of the Supreme Court but also by the Chief Judge of the County Court, the Chief Magistrate and also the President of the Victorian Civil and Administrative Tribunal.

Another provision refers to the appointment of judges if they are removed from office by virtue of their court being abolished. In those cases judges are entitled to be reappointed to a court or tribunal of similar stature or higher. Therefore a judge would not lose their particular status. That again is a matter that may well go to the issue of judicial independence. It is always a vexed point. I note that a previous government upon coming to office received a large number of complaints in relation to a particular tribunal, and that tribunal was then abolished. There is a hell of a difference between a tribunal, which carries out an administrative function, and a court, which principally carries out decision making involving individuals. A tribunal carries out an

administrative function and therefore should not perhaps be treated in the same way. However, the Attorney-General has sought to include tribunals as well as courts. The opposition has no concerns about these particular matters.

I indicated that I wanted to raise the issue of the entrenchment provisions. Entrenchment is a very dramatic step. There are real issues which this government or future governments may have to grapple with in relation to the constitutional validity of any form of entrenching provision that does not deal with the constitution powers or procedures of the Parliament. Given that this relates to the removal from office of a judge, it certainly does not deal with the necessary process involving the constitution powers or procedures of the Parliament. I refer specifically, as I have done on previous occasions, to sections 6 and 9 of the Australia Act. It is very much a moot point as to whether or not this Parliament actually has the ability to entrench these provisions.

Secondly, the reason that constitutional impediment does exist, given that it is the most profoundly undemocratic process one could ever imagine — that is, an incoming government, no matter what its mandate may or may not be, is unable to exercise that mandate because of a constitutional impediment of entrenchment provisions — is that the provisions in the Australia Act and its predecessor, the Colonial Laws Validity Act, in relation to this Parliament are there for the express purpose of entrenching the particular provision if it goes beyond the constitution powers or procedures of the Parliament itself, so it could be seen as being a profoundly undemocratic act. An incoming government could be hamstrung in the way it goes about its business of carrying out its mandate. I am talking very much in general terms.

The matters raised in this bill may be matters of little or no controversy between the major parties, but the simple fact is that the Liberal Party is opposed to the idea that we should be entrenching things in our constitution by an ordinary act of Parliament that could easily hamstring a future government. It may not necessary relate to this matter; it may relate to something like local government. It could relate to anything from local government to the Dog Act or something like the Director of Public Prosecutions — and we have entrenched some of the provisions relating to that body. It means that reform, whether it is good, bad or indifferent, is unable to be effected by an incoming government, and that is a matter of real concern when we are talking about a government that purports to be open, accountable and transparent, given that what it is doing is entrenching a provision by an

ordinary act of Parliament. It is that matter — it is not the thing that it is seeking to entrench; it is the principle — that the Liberal Party is opposed to.

That is to be compared with the Australian constitution. As you would be aware, Acting Speaker, the only way you can entrench a provision in the Australian constitution is by way of referendum — and indeed removing something must also be done by way of referendum. As we know, the odds are stacked against the easy passage of a referendum.

In relation to this matter, I reiterate that we are not against the content or the details of this bill. It toughens the current regime, which has never been invoked in 150 years. It is something the courts themselves have sought, and we support it for that reason. However, given the fact that there is acceptance of the proposition on both sides of the house, there is no apparent reason why the matter should be entrenched, save and except that it was supported, as I understand it, by the judges of the Supreme Court in their own document. The judges have asked for it, and they may very well have to rule on the issue of whether it is constitutionally valid by considering what is an appropriate democracy, what should be principles of this democracy and whether there should be the ability to entrench provisions that go beyond the constitutional power or procedures of the Parliament.

In conclusion, I reiterate that in relation to the principles upon which this bill is based, there is no disagreement from the opposition. It supports the idea that the process for removing judges should be toughened up. It supports the idea that magistrates should be included in that system. It also agrees with the Attorney-General's amendments, given that the reality is that you would probably be unlikely to obtain serving interstate or federal judges to serve on such a panel. The panel can be made up of retired judges, although the fact is that there may still be some difficulty in obtaining them. It accepts the idea that the proved incapacity or misbehaviour should be the test. It does not disagree with the exercise of the removal requiring a three-fifths majority in this place. It is very concerned that an Attorney-General may not necessarily be able to table the report — that is a matter of profound concern — but it accepts that the Attorney-General will in most cases be able to table the report, otherwise the members in this place would be unable to determine precisely the basis of the proved incapacity or misbehaviour.

Most importantly, the general thrust of the bill involves the entrenching provisions, and again I reiterate that these entrenching provisions are undemocratic in nature and there is no clear mandate — this was not part of the

government's policy. Yes, the Supreme Court has said that it agrees with the proposition in a public document, but that does not necessarily make it right. The other thing that also concerns me is that there may be an inadvertent error in relation to the tabling of the document and the use of the word 'may' rather than the word 'must'.

It could relate to the words that are used. Words such as 'proved misbehaviour or incapacity' may need to be replaced. In the future some other words may be thought to be necessary. The fact that we are entrenching it just makes it that much harder to get an effective, democratic, legislative regime in this place. As I said, it is still very much a moot point as to whether this Parliament has the power to make such an entrenching provision.

Mr MAUGHAN (Rodney) — I am pleased to make a contribution on the Courts Legislation (Judicial Conduct) Bill and to support the comments that have just been made by the member for Kew. Like the Liberal Party, we are generally in support of this legislation. It is needed; it is a step in the right direction. We are also concerned about entrenching some of the provisions in the constitution, and for that reason we will be not opposing the legislation rather than supporting it.

Having said that, I want to say that in this country we are extremely fortunate to have a judicial system in which we can place a great deal of faith and confidence. If we look at some of the activities in other countries at the moment, I think we can appreciate just how fortunate we are to have a judicial system in which we can have a great deal of confidence. That does not mean that it is perfect. It has served us well, but there need to be changes from time to time to deal with some of the difficulties that might arise. One of those is, of course, the conduct of judicial officers. Fortunately, it does not happen very often, although I have been surprised — when you look at the numbers in toto — to see that there are more than we would really want.

This legislation provides a mechanism for dealing with judicial officers whose conduct has been unsatisfactory, and I will spell that out in more detail later. The object of the bill is to amend the Constitution Act to make fresh provisions regarding the grounds for removal from office of judicial officers. A judicial officer is defined in proposed section 87AAA, as being the office of any of the following:

- (a) Judge of the Supreme Court;
- (b) Master of the Supreme Court;

- (c) judge of the County Court;
- (d) master of the County Court;
- (e) magistrate ...

The bill establishes a process for removing judicial officers in cases of misconduct after a proper system of investigation. At present a judge of any jurisdiction can only be removed by a resolution of both houses of Parliament, and then — to use the words of Professor Peter Sallmann — ‘under current arrangements which are ad hoc, vague and uncertain’ which presently apply to judicial officers within the Supreme Court, the County Court and the Magistrates Court. Currently we have what I think most people would agree is an ad hoc system of dealing with judicial officers depending on who they are and in which jurisdiction they operate. I commend the government for acknowledging this and looking to tidy it up, and commissioning Professor Sallmann to have a look at the problem and make some recommendations.

In his second-reading speech the Attorney-General talked about the ad hoc nature of some of these provisions. He said:

This bill will resolve the current maze of removal provisions.

In July 2001 the Attorney-General commissioned Professor Sallmann, who is the Crown Counsel for Victoria, to examine and report on the current system of dealing with complaints against Victorian judicial officers. I have read Professor Sallmann’s report and it is an excellent one. In its preamble he pays tribute to the late Richard McGarvie, a former colleague of Professor Sallmann and a person who we recently honoured in this house following his death. He was a distinguished jurist, former Governor of Victoria, former university chancellor and a person who had input into the Sallmann report in speaking with his colleague and giving a number of ideas. It is the work that Richard McGarvie has been known for — his great contribution to the judicial system in this country and, indeed, outside this country as well. Professor Sallmann pays him due respect in the dedication of the report, *The Judicial Conduct and Complaints System in Victoria*. It is a very thorough examination of the current situation. It looks at the background, examines a number of different arguments and comes up with some recommendations which the government is now implementing in this legislation.

The terms of reference given by the Attorney-General are spelt out in the Sallmann report, but essentially they are to examine complaints procedures, the current system for dealing with complaints against Victorian

judicial officers, current legislation and judicial conduct. It says, ‘You are asked to advise on the possibility of Victorian courts adopting a code of judicial conduct, especially in the light of the Australian Institute of Judicial Administration conduct code project being conducted under the auspices of the Council of Chief Judges’ — and that is an important provision — and then to look at general matters. It also says, ‘The review is to be conducted having regard to the constitution principle of judicial independence and the need to maintain and enhance public confidence in the judicial system’.

We are all agreed, and it goes without saying, that this legislation reinforces that judicial independence. The report refers to cases where there have been difficulties with magistrates or judges. It refers to ones that come to mind over recent years, including the then chief magistrate in Victoria, Michael Adams, and a County Court judge, Robert Kent. Many people would remember the case of Lionel Murphy, and in Queensland Justice Vasta and in New South Wales, Mr Justice Bruce. There have been some difficult cases over the years and they have all been dealt with in different ways. It makes sense that we try to have a common way of dealing with those issues.

The report also notes that in 2000 there were 2 complaints against Supreme Court judges, 4 against County Court judges, 12 against magistrates and the Magistrates Court, and 25 concerning officers of the Victorian Civil and Administrative Tribunal. That is more than I would have expected. I do not know what the current numbers are, but I imagine that they are somewhat similar. We need to do something about it. In his report Professor Sallmann notes that there is, ‘no clear concept, let alone a legal definition, of the kind of behaviour that could warrant removal from judicial office’ whether the behaviour is called ‘misbehaviour’, ‘improper conduct’ or ‘misconduct’. So this legislation attempts to redress that and puts forward the proposition that in order to dismiss a magistrate, a judge or a judicial officer as specified in the legislation, there needs to be a panel of eminent jurists to investigate the complaint.

I have not had the chance to go through the details of the amendments that have just been presented, but my understanding is that they change what was proposed by having justices of the various interstate courts replaced by retired judges. I will be interested to hear the Attorney-General’s explanation of that. We were certainly perfectly happy with the situation as spelt out in the existing legislation, where a panel of judges is appointed from other jurisdictions and three of those are chosen at random to investigate the complaint

of misconduct, and they then reported to the Attorney-General, who could, if he wished, act. That is spelt out in proposed section 87AAB, headed 'Removal from judicial office'. Subsection (1) says:

The Governor in Council may remove the holder of a judicial office from that office on the presentation to the Governor of an address from both Houses of the Parliament agreed to by a special majority in the same session praying for that removal on the ground of proved misbehaviour or incapacity.

Then subsection (2) says:

A resolution of a House of the Parliament or of both Houses of the Parliament praying for the removal from office of the holder of a judicial office is void if an investigating committee appointed under section 87AAD has not concluded that facts exist that could amount to proved misbehaviour or incapacity ...

So unless the members of that committee of retired judges, after their investigations and after inquiring into all aspects of the allegation — and they have widespread powers to get the evidence — find that there is proven misbehaviour, the combined houses of Parliament cannot act to remove that judicial officer. That is as it should be. There needs to be some proper investigation and proven misconduct, as found by an eminent group of jurists in making a recommendation to the Attorney-General, before the Parliament can then act.

Regarding the provisions for the appointment of the investigating committee, the Attorney-General must be satisfied that there are reasonable grounds for carrying out an investigation. One would expect that that would always be the case and that whoever the Attorney-General was at the time would not use these provisions without establishing or being reasonably well satisfied that there were reasonable grounds for carrying out that investigation. The bill sets out the composition of the committee, its role and the procedures for gathering evidence and carrying out the investigation. Regarding the report of the investigating committee, proposed section 87AAH says:

The investigating committee must, within the period required by the Attorney-General —

submit that report to the Attorney-General. It must state in its conclusion whether facts exist that could amount to proven misbehaviour or incapacity. Then subsection (3) says:

The Attorney-General may, if he or she considers it appropriate to do so, cause a copy of the report ... to be laid before each House of Parliament.

We think that should say 'must present the report'. After all, this is the elected Parliament of Victoria. I think it is reasonable to say that if the Parliament is going to act to remove somebody because of misconduct, the details of that report should be made available — and we would argue that it should be mandatory rather than optional. I ask the Attorney-General to have a look at that and see if we can tighten it up a bit.

There is another proposed section to do with the abolition of judicial office which essentially means that a judge cannot be sacked by abolishing a court, and again that is a reasonable provision. The judge must be appointed to another court of similar jurisdiction, so this is not to be used as a means of getting rid of a judge who might be unpopular with the government of the day.

This is a relatively simple, mechanical piece of legislation. The Nationals have no difficulty with the legislation as put to the house. The amendments have only just been circulated. I have seen them for the first time only within the last half an hour, so I have not had time to seriously consider them. We need to have a closer look at the amendments before making a decision on them. I will be interested in the explanation given by the member for Richmond when he responds as to why the government is changing from having active judicial officers to having retired judges or magistrates.

With those few comments I note that the courts sought this legislation. The government commissioned a proper inquiry, carried out by Professor Sallmann — I think his is an excellent piece of work — and then accepted the recommendations. I note that the legislation is supported by the legal profession, and therefore we in The Nationals will not be opposing it. The Leader of The Nationals, who is the member for Gippsland South, will be making some comments before debate on this bill is ultimately concluded. I understand this debate will be adjourned to allow the Leader of The Nationals to make some comments when he is in the house tomorrow. I ask the government to honour that commitment. With those few remarks I indicate that we will not be opposing the legislation. It is a sensible piece of legislation, and I wish it a speedy passage.

Mr WYNNE (Richmond) — I rise to support the Courts Legislation (Judicial Conduct) Bill. In doing so I note the two matters that have been raised by my colleagues on the other side, but I am pleased that there is broad support for this piece of legislation.

The government is committed to a strong and independent judiciary. It is absolutely committed to the principles of the separation of powers. The bill has been introduced to improve the judicial complaints system. It will enhance the complaints and investigative process while ensuring the government is appropriately kept at arms length from it. For the first time there will be a system that truly protects judges and magistrates from politically motivated intervention whilst ensuring they are held accountable for any breaches of conduct.

As the Attorney-General indicated, in 2001 he commissioned Crown Counsel Professor Peter Sallmann to examine the current system for dealing with complaints against Victorian judicial officers. Those of us who have worked with Professor Sallmann well know the high standing which he has not only within the legal profession but in the judiciary generally. He is a person of intellectual rigour who is able to balance the often quite complex and competing demands of the briefs and commissions that are provided to him by the Attorney-General. He does that unflinching, with good grace and humour. We should also not forget that Professor Sallmann was the architect of the Judicial College of Victoria, which was an excellent initiative implemented by this government. The college essentially provides further support to the judiciary in terms of ongoing training. It was an initiative of the Attorney-General that was fully supported by Professor Sallmann in an earlier piece of work.

In his report, *The Judicial Conduct and Complaints System in Victoria*, Professor Sallmann found that Victoria's judicial complaints system was ad hoc and unsatisfactory and should be revamped. He recommended legislative changes to protect the independence of the judiciary and to standardise the grounds for removing judges and magistrates from office, making them consistent with the Australian constitution. This will be achieved through this legislation by the amendments to the Constitution Act 1975, the County Court Act 1958 and the Magistrates Court Act 1989.

The bill will create a standing investigating committee made up of seven former retired judges. There was a proposition afoot that the panel would be made up of current judges from jurisdictions other than Victoria to make it absolutely clear that it would have a transparent level of independence. On reflection the Attorney-General brought in an amendment to further enhance both the transparency and the independence of the process for developing the panel by ensuring there could be no possible area of conflict between its activities and any subsequent investigation of a member

of the Victorian judiciary. The amendment will ensure that the panel will be drawn from a group of retired judges from the Federal Court of Australia, the Family Court of Australia, the Family Court of Western Australia, the supreme court of a state other than Victoria and a supreme court of the Australia Capital Territory or the Northern Territory.

Mr McIntosh interjected.

The ACTING SPEAKER (Mr Kotsiras) — Order! The member for Kew has made his contribution.

Mr WYNNE — It is clear that we have put another step in place. The amendment that has been proposed by the Attorney-General will ensure that both transparency and independence are absolutely retained.

As I indicated, the bill will create a standing investigating committee made up of seven members, from which three would be drawn for the purpose of investigating any serious allegation made against a member of the Victorian judiciary. The fact that the panel members will be retired and from interstate confirms that the process will be clear and unambiguous both for the Victorian judiciary and for the wider community. A judicial officer will not be able to be removed unless the committee finds that the facts are capable of amounting to misbehaviour and incapacity warranting removal. As has been indicated in the contributions by my colleagues on the other side of the house, this extraordinarily rare event has not happened in the state of Victoria, although it has happened in other jurisdictions. We would hope that such a circumstance does not arise. If that does happen, a special majority of both houses of the Parliament, or a three-fifths majority, would be required to order a removal of a judge.

We sincerely hope that the number of investigations arising from this legislation will be few. However, if a serious allegation is made against a member of the judiciary in Victoria, then a fair, open and accountable process will be available. In our view the bill will protect judicial office by ensuring that judges cannot be sacked at the whim of the government of the day. If a court is abolished, this bill provides that any judicial officers will be entitled to be appointed to another court. That is an important comment to make, because we should not forget that there is some sorry history in this Parliament. The former government sacked the Accident Compensation Tribunal judges without flinching. It was a frank and total disregard for the principles of judicial independence. This bill ensures that there will be an appropriate level of independence. The separation of powers, which this government holds

sacred, will be further entrenched by this piece of legislation.

Two matters were raised in the contributions of members opposite. The first pertained to the entrenching provisions, with the member for Kew indicating that he was seeking further clarification. He has raised the issue of entrenching provisions on a number of occasions in debates on various bills in the Attorney-General's area. I will bring that matter to the attention of the Attorney-General when he summarises the debate on this bill.

The other matter raised was in relation to the findings of a panel of judges when a matter is brought before the Parliament. Again, the legislation indicates that a report may be tabled. In fact the opposition parties are seeking that it be made mandatory for a report to be tabled in Parliament for consideration by both houses. On advice from senior departmental officers I will refer that matter to the Attorney-General. Overnight he will have the opportunity to address that question and, as the government has indicated, the house will debate this bill tomorrow so that it can hear a contribution from the Leader of The Nationals. We are happy to provide that courtesy to him some time during the debate tomorrow. At that point we will be able to address the two matters that have been raised.

This bill enjoys the support of the heads of all of the jurisdictions of the judiciary in Victoria. It has been widely consulted on and it is a very sensible initiative by the Attorney-General. It certainly acknowledges the clear separation of powers between Parliament and the judiciary, and it provides a clear and unambiguous system that is transparent in the undoubtedly rare cases where a member of the judiciary needs to be investigated for misconduct. In those circumstances an independent panel of retired judges — not from Victoria — would undertake that investigation. In the very rare circumstances where it was found there was a case to answer it must come before the Parliament and a three-fifths majority of Parliament would deal with the matter. This is a very good bill and I commend it to the house.

Ms DUNCAN (Macedon) — It gives me great pleasure to speak on the Courts Legislation (Judicial Conduct) Bill today. It would come as a surprise to many people in Victoria that prior to the introduction of this bill there was no standing investigative mechanism for serious complaints and no procedure to deal with a complaint against a chief judicial officer. When we look at the sorts of checks and balances the government has introduced — for example, codes of conduct — that apply to other professions, most people would be

quite surprised that there has been no clear system in place to deal with our judicial officers. In most people's view, judicial officers are the finders of facts when any of us appear before a court, so their independence and the need to make sure that they are above criticism in respect of their own behaviour should be paramount. This bill is a welcome change and a further example of the Bracks government's commitment to judicial independence and to ensuring that our justice system is the best it can be.

The bill comes about as a result of the appointment of Crown Counsel Professor Peter Sallmann by the Attorney-General in 2001 to produce what is referred to as the Sallmann report to look at whether or not the current system was operating efficiently. This bill will implement the recommendations arising from that report and it will effectively establish a modern system for dealing with serious complaints involving judges, masters, magistrates and Victorian Civil and Administrative Tribunal (VCAT) members, consistent with the constitutional principles of judicial independence and with the need to maintain and enhance public confidence in the judicial system.

The preparation of this bill is another example of how this government goes about implementing changes. It occurred as a result of the publication of a discussion paper in 2002, I understand. It involved quite broad-ranging consultation with the key stakeholders, including the judiciary, the Law Institute of Victoria and the Victorian Bar Council. By far the majority of these stakeholders are supportive of this bill. The bill puts into effect those recommendations. The bill is based on the report by Professor Sallmann, *The Judicial Conduct and Complaints System in Victoria*, published in 2003.

The proposed legislation creates a uniform system for the removal of judicial officers and, as I said, it is surprising to most of us that such a system did not already exist. It also strengthens the judicial tenure by ensuring that a special majority of Parliament is required to remove a judicial officer and to amend any of these provisions. The uniform provisions for removal of judicial officers are consistent with the government's commitment to judicial independence. Non-judicial members of VCAT will also be removed on the same grounds as judicial officers.

Some provisions in this bill will also create a standing panel of interstate judges — and it is important that they be interstate judges — from which three judges will be chosen randomly to form a committee to undertake an investigation when required. This will give effect to the government's commitment to

modernising the courts and the judicial complaints system in Victoria. The standing investigative committee will be formed on reference from the Attorney-General. The Attorney-General will only call that committee together when there is considered to be a serious problem with the judicial conduct of a particular judge, so this is not something that can just occur willy-nilly. As I said, Professor Sallmann found that the system in place was ad hoc and uncertain and that there was no consistent process for dealing with complaints.

The purpose of setting up the special investigative panel is to make sure that it is completely independent and that any findings against a judge are made completely independently and transparently. This ensures that the bill protects judicial officers so that judges cannot be sacked at the whim of the government of the day. Even if a court is abolished these amendments will ensure that judicial officers will be transferred to a similar tribunal. We have seen what happened under the previous government when the Accident Compensation Tribunal was abolished and all its judges were sacked with no consideration at all. This bill ensures that that sort of thing cannot happen again.

Professor Sallmann's recommendations establish a transparent and certain mechanism for the investigation of serious complaints. It will also promote community confidence by showing the public that we take seriously the conduct of judicial officers and preserve their independence. This legislation demonstrates that and gives confidence to the community by showing the public that serious complaints against officers will be dealt with in a fair, consistent and transparent way.

This bill revamps the current system for dealing with serious complaints. In particular one of its strongest features is the setting up of an investigative mechanism for dealing with ongoing complaints. It also establishes uniform removal provisions for the Supreme, County and Magistrates courts, the grounds for which have to be proven misbehaviour or incapacity.

Judicial tenure is strengthened by this bill by ensuring, amongst other things, that a special majority of both houses of Parliament will be required to remove a judicial officer. The bill also requires a majority of both houses of Parliament to alter any of its provisions. The establishment of the standing panel of investigating interstate judges contributes to this as well. They will be selected randomly. The setting up or founding of such a committee can only occur after receiving a reference from the Attorney-General, and a judicial officer will not be able to be removed unless the committee finds the facts were capable of amounting to

misbehaviour or incapacity warranting removal, and Parliament can only vote for removal if the committee's findings are adverse for the judge.

The other thing is that the bill enables the standing committee to be given a reference by the Attorney-General not just for the misconduct of judges while they are judges but also for misconduct, misbehaviour or incapacity prior to their being appointed as judges. This will ensure that judges are of the highest character, that their conduct is under review and that there are checks and balances to ensure that we have the best people holding these positions in our courts in Victoria.

Judicial office is a serious and important role in any democracy, so we must ensure that our judiciary is independent and has security of tenure. However, if on rare occasions judges are found to have misbehaved or there are various grounds for their removal, if an adverse finding is made, this independent panel can have those judges removed. This is not something to be taken lightly and is critical to having an independent judiciary. I commend the bill to the house.

Mr THOMPSON (Sandringham) — It is important to consider the legislation before the house in the context of the disparity between half-truth statements and reality across a number of frontiers, particularly when it comes to the Labor Party and its role in the administration of the judicial system. By way of example I refer, firstly, to the comments made by the Attorney-General in the chamber during question time today. He alluded to the closure of a number of courts in Victoria between 1992 and 1999. What the Attorney-General failed to advise the house, and which does complete the picture, is that it was his party that closed courts of law in Winchelsea, Port Fairy, Warracknabeal, Cohuna, Kyabram, Rochester, Daylesford, Eaglehawk, Heathcote, Red Cliffs, Camperdown — —

Mr Hudson interjected.

Mr THOMPSON — The interjection from the member for Bentleigh is that this is the same speech I gave last time. I am very pleased to take up the comments he made because they are in response to the half-truths told by the Attorney-General during question time today. I will complete the list: Leongatha, Traralgon, Warragul, Yarram, Cowes, Nathalia, Rushworth, Tatura, Alexandra, Beechworth, Bright, Euroa, Numurkah, Rutherglen, Tallangatta, Yarrowonga, Yea and Kilmore. Those are a few of the courts in Victorian country towns which were closed by a Labor administration. In taking up the interjection I

make a very clear point — that is, that the Labor Party has only been prepared to tell half the story.

The next issue I would like to raise is the role of the Labor Party in relation to section 85 provisions. In 1998–99 a number of Labor Party spokespeople at the law institute indicated that they would repeal over 200 acts that reduced or limited access to the jurisdiction of the Supreme Court. Not only have they failed to fulfil that promise to a substantial degree — there would now be 194 or so that remain unamended in that regard — but they have also introduced approximately 100 acts of their own which have limited access to the jurisdiction of the Supreme Court. So there you have a disparity between promise and performance on the part of the Labor Party and the presentation of the facts.

It does not behove the office of the Attorney-General to use political advantage in an area where it is important that matters are represented in a proper manner and the facts are not misrepresented in a way calculated to give rise to political advantage. The due justice and administration of the legal system in Victoria needs to be exercised in a way that is equitable, fair and transparent and, noting the constituency of the legal profession, in a way that withstands independent scrutiny and sound analysis.

The opposition opposes this legislation for a number of reasons. Firstly, opposition members take the view that any report that is prepared pursuant to the act must be tabled in Parliament. Another comment that I would make in relation to the role of the Labor Party in its current appointment of judges relates to the appointment of part-time judges. This is a move that has been opposed by virtually every legal interest group in the state of Victoria, and the sooner the Attorney-General listens to informed opinion in this state, whether that opinion be from former Labor members of Parliament, the bar council or the law institute, the sooner there might be a more effective outcome.

There is also concern on the part of the opposition about the entrenchment of provisions in relation to the legislation. Consequently the opposition opposes the bill before the house, and I think the Attorney-General will do a job when, rather than seeking to gain political advantage by presentation of half the facts, the full facts are presented.

Ms D'AMBROSIO (Mill Park) — I rise to lend my support to the bill and to the house amendments. I also want to note the significant record of reform that the Attorney-General is clocking up in his time in the

job — a significant record of reform in terms of the legal system. Certainly he has now put the politically charged attacks on the Victorian legal system under the previous Liberal government well and truly in the distant past.

We know the views of Victorians on that. They spoke in 1999 and again in 2002 to say that they had had enough of the undermining of the independence of the judiciary and other cherished institutions such as our hospitals and schools. We are responding to these community expectations. This bill is another example of a very good response to a very modern community expectation in terms of the accountability and true independence of judicial officers.

The reforms to the judiciary and the legal system in general to date have arisen from community needs and expectations. The Attorney-General has wasted no time in delivering a vastly improved system for Victorians. This bill strengthens the accountability of judicial officers in terms of their conduct and at the same time protects the independence of the judiciary. The proposed system for dealing with serious complaints against members of the judiciary will ensure that the community's confidence in the justice system in Victoria and the application of personnel in the system is maintained and upheld. Serious complaints — we must be clear that we are talking about serious complaints — of misconduct against judicial officers will be dealt with transparently, fairly and consistently. The community expects no less from this very vital institution.

To further strengthen the independence of the judiciary and protect it from the potential for political influence, no judicial officer can be dismissed without the agreement of a special majority of both houses of Parliament. This can only happen after an investigative committee of retired judges finds proved misbehaviour or incapacity warranting removal. That grave threshold needs to be met. It needs to be proven to Parliament before it can take the very significant step of dismissing a member of the judiciary. Those two things — proved misbehaviour or incapacity warranting removal — are fairly important and are tied together.

I have spoken before in this house of the need for our laws and institutions to better reflect community standards and expectations. We had a healthy debate in this house about the last changes to our standing orders. I spoke about the need for the institution of Parliament to better reflect and better be in tune with community expectations in terms of the behaviour of politicians in this place and I will say no less of the importance that we should place on the conduct of judicial officers.

While it is highly appropriate to hold in esteem institutions such as our Parliament and our courts, it is equally appropriate that these institutions be able to withstand rigorous testing and to be measured for good and fair practices.

Most often it is sufficient for the conduct of the personnel, whether it be politicians or judges, at the highest level of these institutions to be seen to be transparent, fair and consistent in the application of their duties. For that reason alone this bill is quite necessary and quite apt. On rare occasions the poor conduct of judicial officers can have a lasting and negative impact on citizens. That is a more effective reason for having this bill. This bill is vitally important for the maintenance of the public's confidence in our judicial system in those rare instances and for justice to arise from decisions that are made in our courts.

I am particularly keen on the preconditions proposed for the Parliament to dismiss a judicial officer. I have already canvassed the process generally, but in terms of the detail, the provision in the circulated government amendments requiring retired judges to sit on an investigative committee looking into serious complaints of misconduct is very welcome. This amendment arises from the significant contributions and opinions expressed in the consultations that were undertaken in the lead-up to the formulation of this bill and subsequently.

Seven retired judges are to be appointed from interstate. Retired judges are removed from the daily operations of our courts and can therefore bring with them a truly independent approach to the job. This is vital to ensuring the community has confidence in the true independence of the judiciary. These retired judges who will be charged with the responsibility of investigating a serious complaint against a judge will be removed from the operations and functions of the practising judge. That is important. This is a welcome amendment which should be supported generally.

This Parliament can only act to dismiss a judge with the approval of a two-thirds majority of both houses, and only following a finding of incapacity or misbehaviour requiring dismissal. The investigative committee needs to make that finding to the Attorney-General. It may not always be the case that an investigative committee recommends the removal of a judge following its investigation. In those circumstances the Attorney-General must have discretion to decide whether the tabling of the report of the investigating committee is in the interests of the facts dealt with by the investigative committee. It may be the case that an investigative committee finds that there is no

misconduct or incapacity warranting dismissal. It is important that the Attorney-General have the discretion to decide whether to table a report in such circumstances.

It is important to compare this system of an independent, at arms length from political influence judiciary with the position of the previous government which was quite whimsical in its dismissal of judges from the Accident Compensation Tribunal. This government is not about returning to those days; it is about going further in the opposite direction, and I say full steam ahead in that regard.

I note that the bill will bring Victoria into line with the Australian constitution with respect to the grounds and processes for removal of judges from office. Uniformity in the jurisdictions in the federation was a catchcry of the 1990s and that continues into this decade. Non-judicial members of the Victorian Civil and Administrative Tribunal can only be removed in this way. Professor Peter Sallmann's recommendations are fairly much reflected in the bill before us. He considered that it was best on balance to appoint practising judges to the panel. It was his view that they would be more reflective of community needs and expectations. Of course opinions given by the Chief Justice of Victoria, the Judicial Council of Australia and the Solicitor-General since the Sallmann report have indicated that the independence of the panel and its position of being at arms length from practising judicial officers is paramount.

I commend the Attorney-General for listening and acting appropriately with the circulated government amendments. I commend the bill and government amendments to the house. Full steam ahead.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak on the Courts Legislation (Judicial Conduct) Bill. This bill is important because it deals with one of the things that is central to our democracy and the system of justice we have in this state and that is the question of the separation of the judiciary from the Parliament and the executive. This is something we cherish within our traditional democratic institutions here in Australia — that we have an independent judiciary, that we have a judiciary that can undertake its work without fear or favour and that can make decisions based on the rule of law and the law as it exists at a particular time.

Of course, parliaments around the world have had to grapple with the question of how to deal with judges who for whatever reason — because of either proved misbehaviour or incapacity — have raised significant

concerns within the community about their ability to carry out their functions as judges with the full confidence of the community. It is one of the foundation stones of the Australian constitution, where it is recognised that a mechanism is needed for dealing with judges who because of either proved misbehaviour or incapacity are no longer fit to hold judicial office. Those who drew up the Australian constitution showed great foresight in having inserted a provision which makes it very clear that in only extreme circumstances would the Parliament intervene and deal with judicial officers who are no longer able to carry out that role.

The question that has arisen over the years since Federation is a very real one — that is, how do we establish what is the proved misbehaviour and incapacity of a judge and how can you do that without having any sense of political interference or of the process being tainted by political opportunism or improper interference by the Parliament or the executive? The Attorney-General should be congratulated on considering this serious issue and having it examined and reported on by the eminent Crown Counsel for Victoria, Professor Peter Sallmann. His report, *The Judicial Conduct and Complaints System in Victoria*, has a proposal to create a uniform system for the removal of judicial officers. It strengthens their judicial tenure by ensuring that the removal of a judicial officer must be agreed to by a special majority of Parliament.

It will not be able to be undertaken on the agreement of a mere majority but only when a vast majority of the members of the Parliament consider that action is warranted to be taken in relation to that judicial officer. That action will be able to be taken only after completion of a special investigative process, completely independent of the Parliament and the Attorney-General, set up to investigate serious complaints that have been made against a judge or magistrate.

Importantly, a standing panel of judges will be set up. Its members will be chosen randomly to form a committee to undertake an investigation when required.

Mr McIntosh interjected.

Mr HUDSON — No — retired judges. There could be no greater safeguard in the system than that those judges will be aware of the highest judicial standards that need to be upheld and will have upheld them throughout their careers. They will be able to sit in judgment on other judges and investigate, with the forensic skills that we know judges bring to their work, the behaviour of judges who might be the cause of

concern. That committee will make recommendations to the Attorney-General, and that will result in a special resolution being put before this Parliament.

That is a huge improvement on the current system. At the moment we have no criteria or basis on which this Parliament can make any judgments about the behaviour or incapacity of any judge. That problem has bedevilled the federal Parliament as well as this Parliament. It is far-sighted of the Attorney-General to recognise that this is a potential problem that needs to be addressed and that we need a thorough process to examine it.

The changes will bring Victorian law into line with section 72(ii) of the Australian constitution. The bill will establish in the Constitution Act 1975 uniform provisions for the Supreme Court, the County Court and the Magistrates Court and, importantly, entrench those provisions. It is incredibly important that members of Parliament are not in a position to meddle with those provisions unduly and that the provisions are seen to be robust and independent and able to deal with such situations.

The other important thing is that the bill provides that, in the event that a court is abolished, judicial officers of that court are entitled to be appointed to a court of equivalent or higher status. That provision will bring Victoria into line with section 56 of the New South Wales Constitution Act 1902. It will strengthen judicial independence. I note that as a result no longer will we see happen what happened under the Kennett government, which, at the snap of its fingers and with no process, decided to bring in legislation to abolish the positions of judges of the then Accident Compensation Tribunal. That decision had nothing to do with the behaviour or capacity of those judges or how they undertook their judicial office. It had to do with nothing other than that government's desire to get rid of judicial oversight of compensation payments being made to people injured at work. The fact that the then Kennett government did that is of lasting shame to and a legacy of that government.

This legislation will ensure that that cannot happen again, because if such a provision were introduced in the future those judges would have to be offered an equivalent or higher position. That is long overdue. The bill also further protects the independence of judicial officers by ensuring that the government of the day cannot abolish the court to which a judge is appointed. That is an important improvement.

It is also important that non-judicial members of the Victorian Civil and Administrative Tribunal will be

subject to the same grounds for removal as judicial officers. That is appropriate, because it indicates that VCAT is a serious tribunal that deals with serious legal matters. It further elevates the status of judicial officers — judges and tribunal members — appointed to serve in that jurisdiction. It reinforces the extent to which the government considers that tribunal to be an important arena for the delivery of justice to people at low cost. The court is accessible, and the government is reinforcing its judicial independence.

In summary, I congratulate the Attorney-General on introducing this bill. Through the justice statement and the various reforms he has introduced to modernise and provide greater access to the courts and to protect judicial independence, he has shown that members of the government are serious about the administration of justice in this state and place a great importance on the rule of law. We see that as one of the foundation stones and pillars of our democracy and as underpinning the separation of the Parliament and executive from the judiciary. This bill goes a long way to further guaranteeing the independence of the judiciary. I support it and commend the bill to the house.

Mr SEITZ (Keilor) — This bill is about who judges the judges. I am sure some members remember Justice Lionel Murphy and his trial by media and everything else that went on with that case because certain people did not like the judgments he made in the High Court. Had we had legislation like this in place then, he would have had recourse to it and could have been judged by his peers — senior retired judges who could have made a level judgment, not what was allowed to happen in the media. It basically shook confidence in our judiciary at that time. So I commend the Attorney-General for launching an investigation and coming up with the report that he did on how to handle situations like that, where there is serious misconduct — perceived, considered or real — by the judiciary.

It is important that it is removed from any political bunfighting and from people with political persuasions making the judgment. Rather, it is important to have a sound panel that actually looks at whether there is a substantial case to be faced and to be answered and ensures that it is processed in a proper manner — which this legislation and the house amendments provide for. The report that was prepared by Professor Peter Sallmann, which has resulted in a number of judicial changes being brought into this Parliament, is to be commended. The Attorney-General is also to be commended for taking up the matter and introducing the legislation. We also have some changes.

The judiciary was concerned about being judged just by practising judges from other states, whether they be federal or interstate judges. A recommendation was made that there should be some retired members on that panel. This means there will be experience on the panel and panel members who will look at a matter from a community perspective. They will not be looking at it from the perspective of being in the industry or being too close to it. They will put a different perspective on any sort of inquiry that has to take place.

It is very important that we get a fair decision and fair recommendations, because the judiciary in this country has been independent of politics and of government. The Bracks government is particularly committed to the independence of the judiciary, and I am sure the opposition has that same feeling about it. Judges need to be independent of politics and of the media in particular, because decisions should not be made based on the whims and wishes of the media and on the trials the media run at different times, which seem to be creeping in — in particular, with the reports we are hearing of what is happening in Bali. We hear those reports and the community can say, ‘Well, if it can happen so close by, it might be able to happen here’ — that you can change the judgments of the judges in this country.

I am pleased that we are continuing on the road of making sure that we have an independent judiciary and that we do not fall back on the situations of the past, because if a court or tribunal is abolished, its members will have an ongoing position in that same field. At times there have to be hard decisions made by judges and tribunal members, whether in WorkCover cases or wherever. The previous government simply passed legislation and wiped out the Accident Compensation Tribunal and its judges, and the whole system was gone. That is not something we really want.

We need to build up the trust and confidence of society in the judiciary. That is what we are based on, that is how we maintain our rules and regulations and that is what keeps us going as a community. Without an independent judiciary we will finish up like some other countries, given the dictatorships and the mayhem that is taking place around the world. Our troops are overseas now fighting for the establishment of democracy, freedom of choice and the capacity of people to be able to express themselves and have a vote. That is an important part of this legislation which we need.

Having made a passing comment on that situation, I want to refer back to the bill’s revamping of the system. Again, the recommendations in the report deal with

these situations. The grounds for the removal of judiciary officers are another element. Even judicial officers will have protection under this bill now, and not just judges but other people involved in holding judicial office. That is an important element of what I mentioned about tribunals earlier on — for example, if in the future it were suddenly decided after a change of government or for some other reason to abolish the Victorian Civil and Administrative Tribunal. Everybody must gain confidence from the bill that is before us now, which will make amendments that mean we will have some senior retired people to look at the situation.

That it is going to be enshrined in the constitution is another important step. I am sure that after the next election there will not be one single party in control of the upper house. There will be several parties, and it will be much more difficult to get a majority there to change the constitution, so having these matters enshrined in the constitution will ensure that what we are planning to introduce today cannot be wiped out or changed at the wish or whim of the government of the day. That is very significant. I know the lead speaker for the opposition was a bit concerned about enshrining these changes in the constitution, but it is important that we do that. As I said, the changes that have been made to the upper house will bring a completely different system and type of politics into the state of Victoria, and we will have to see how it will all pan out in the future.

It is important that judges remain independent of the political system and that there is a panel that looks at serious misconduct, perceived or otherwise, and investigates it and makes a recommendation about the action that should be taken against the individual concerned. It is also important that the individual concerned have a fair hearing and trial and be able to present their case, so that it does not become a fiasco of the sort that surrounded Lionel Murphy — a constant media attack, a publicity thing. As I started off by saying, members of the media were constantly denigrating him. They were attacking Lionel Murphy because he was a progressive judge and because he was from the Labor side, but they forgot that they were dragging down the judiciary and the legal system in this country.

Sometimes in attacking the individual, people forget they are actually attacking the broader judicial system and the independence of the judiciary. I can see it creeping into the media today. On our talkback radio programs, if people do not like a certain judgment or a sentence given out by a judge, they are constantly on about wanting to change decisions in the courts.

The Attorney-General has introduced training to upgrade judges, especially in relation to sentencing issues and family law. I think he is taking us a further step forward in improving the judiciary and reinforcing and endorsing its independence. I commend the bill to the house.

Mr LUPTON (Pahran) — It is a great pleasure for me to rise in this house this evening to speak in support of the Courts Legislation (Judicial Conduct) Bill, which sets out grounds for removal of judicial officers and standardises those grounds in line with the grounds set out in the Australian constitution. It establishes a standing investigative committee that would be able to deal with complaints against members of the judiciary, and it deals with the process that would need to be followed for the reassignment of judicial officers upon the abolition of any court in the future.

In order to bring about these changes, make recommendations to the government about judicial conduct and further strengthen the independence of the judiciary, the Attorney-General established an inquiry chaired by Crown Counsel Professor Peter Sallmann, whose report, *The Judicial Conduct and Complaints System in Victoria*, recommended the changes that ultimately have been incorporated into this bill, save for one aspect, which is the subject of some house amendments and which I will get to shortly.

The substance of this bill amends the Constitution Act of Victoria, the County Court Act and the Magistrates' Court Act to standardise the provisions for the removal of judicial officers and bring them into line with section 72(2) of the Australian constitution, which deals with the process for the removal of federal judges. That will be on the basis of proved misbehaviour or incapacity. The legislation creates that uniform system for the removal of judicial officers and in so doing strengthens judicial tenure by ensuring that a special majority of Parliament is required to remove a judicial officer, and a special majority of Parliament is also required to amend these provisions. In other words, the protection of judicial independence that is incorporated into this act is itself entrenched in legislation so that it cannot be changed by a simple majority of any future Parliament, and that is an important consideration to bear in mind when considering this bill.

The uniform provisions for the removal of judicial officers are consistent with the government's commitment to judicial independence. It is, of course, a cornerstone of our democratic system that we have a separation of powers — that the executive and legislature are separate from the judiciary and that there is no interference, either in fact or even perceived,

between the Parliament, the executive and the judiciary in this state.

The proposed legislation, as I indicated, provides for a special majority of the Parliament — that is, a three-fifths majority of both houses — to be required before a judicial officer can be removed on the grounds of proved misbehaviour or incapacity, and it entrenches that in the law of Victoria so that a three-fifths majority of both houses of this Parliament is required to change this legislation. It is vital that that be the case, because if we bring into law a requirement for a special majority, being three-fifths of both houses of this Parliament, in order to remove a judge, it would not make a lot of sense if a future Parliament were able to amend that by a simple majority if it wanted to get rid of a particular judicial officer. So it is an important safeguard, and I think it is one that is very sensible.

The report prepared for the government by Professor Sallmann recommends that the Parliament create a standing panel of judges from which three judges will be chosen randomly to form a committee to undertake an investigation into a judicial officer if and when required. Of course this is an important component in giving effect to the government's commitment to modernising the judicial system in Victoria, for which the Attorney-General should be congratulated.

After the bill was introduced further consultations, particularly with the Chief Justice of Victoria and the National Judicial College of Australia, led to further discussion about the nature of the special investigative committee that will be established by this bill. Rather than establishing a committee of interstate and federal serving judges, it has been determined in consultation with the profession that it would be preferable for that investigative committee to be comprised of retired judges.

The government has consulted with Professor Sallmann in relation to that matter also, and the house amendment which will be moved by the Attorney-General to change the original clause of the bill to provide for the appointment of a special investigative committee of retired judges rather than interstate or federal serving judges will adopt that recommendation, and that has been accepted by Professor Sallmann as being within the spirit of his original report. What we will have is a special panel of retired interstate or federal judges that will be able to deal with any complaints that may arise in the future, and that is appropriate and proper.

In a very important sense, we hope and trust that the legislation we are debating in the Parliament today,

which will set up a modernised and more appropriate method for dealing with any complaints against the judiciary, will rarely, if ever, be used in the future. It would be wonderful to contemplate this legislation many years down the track never having been used. While we have great confidence in our judiciary in this state — and it is important that that public confidence be maintained and strengthened wherever possible — nonetheless we do need to have an appropriate system for dealing with any judicial complaints in the future; one that is completely and utterly at arms length from any kind of political interference.

I support wholeheartedly the government's actions and intentions in establishing that kind of independent system. It is an incredibly important thing. It is very important for public confidence in the independence of the judiciary that members of our courts in this state act completely independently and in the interests of justice and the litigants and other parties who appear before them. It is a very fundamental and important element of the rule of law in this state.

In conclusion I just want to make some closing remarks in relation to how this bill will affect a judge who is serving in a court if that court happens to be abolished at any time in the future. When talking about that subject matter it is impossible not to mention the abolition of the Accident Compensation Tribunal within a matter of weeks of the election of the Kennett government in late 1992 and how the judges of that tribunal were unceremoniously sacked and dumped in very short order.

Under the Accident Compensation Act the judges of that tribunal were given the standing and office of County Court judges, yet they were unceremoniously dumped by that government in a way that was entirely inappropriate. This bill will provide that, in the event of a court being abolished, judges of that court would be entitled to be appointed to a court of equivalent or higher status. That is an important strengthening of judicial independence in this state. A number of our courts are creations of statute; they can be abolished, but that should not involve the sacking of judges. I commend this bill to the house.

Ms BEATTIE (Yuroke) — The Bracks government is firmly committed to a strong and independent judiciary, and the Courts Legislation (Judicial Conduct) Bill is about protecting the strength and independence of the judiciary. In 2001 we saw the Attorney-General commission a review of the system for dealing with complaints against judicial officers. That review was conducted by the eminent Crown Counsel, Professor Peter Sallmann, who found that the current system for

dealing with serious complaints — and I put the emphasis on ‘serious’ — against judicial officers, complaints that may warrant the most serious step of removing the judge from office, was ad hoc and uncertain. As a government we found that situation unacceptable.

At this stage I have to say that the Attorney-General has my full admiration. He is a great reforming Attorney-General. We have seen a whole suite of reforms come forward from him to protect and uphold the judicial system in Victoria and to give the community complete confidence in it, but at the same time to reform it. I can point to the Broadmeadows Koori court, which is in an area very close to my electorate, as a clear illustration of the reforming nature of this Attorney-General and his commitment to serving the people of Victoria.

The bill implements Professor Sallmann’s recommendations and establishes a clear, certain and transparent mechanism for the investigation of serious complaints against judges and magistrates. I again emphasise the word ‘serious’. We have seen cases where judges have allegedly gone to sleep or been drunk on the bench. We are dealing with those most serious sorts of cases.

Mr McIntosh interjected.

Ms BEATTIE — The shadow Attorney-General has had a fair go, and I ask him to treat me with the courtesy that was shown to him and not harangue me the way he has other members of Parliament.

For the first time the bill will put in place a system that will protect judges and magistrates from politically motivated intervention. As my colleague the member for Prahran said, we saw government intervention with the Accident Compensation Tribunal. Members of that tribunal were unceremoniously dumped, virtually overnight. They certainly had no protection. We do not want to see politically motivated media attacks on judges either. I share the concern that my colleague the member for Keilor expressed about trial by media. We have seen all sorts of cases where people phone shock jocks saying, ‘This sentence is not appropriate. It is too lenient’. They say it is too ‘this’ or it is too ‘that’, based on a couple of paragraphs they have read in the *Herald Sun* about a judge having sentenced somebody, but the judge may have had hundreds of pages of evidence before him. I share the concerns of the member for Keilor regarding trial by media or shock jocks.

Mr McIntosh — Name them!

Ms BEATTIE — I advise the shadow Attorney-General that if wants me to name them, perhaps he should listen to the shock jocks on the radio!

Under the new system it will not be possible for judicial officers to be removed except by a special majority of both houses of Parliament following a finding by an investigative committee of retired judges that the behaviour complained of constitutes proved misbehaviour or incapacity. So retired judges — people who have had long and distinguished careers on the bench — will be investigating those complaints. The bill will also protect judicial office by ensuring that judges cannot be sacked at the whim of the government of the day. Under the provisions of the bill, if a court is abolished, judicial officers will be entitled to be appointed to another court of equal status. That protection is very important.

Once again the bill shows the difference between the government and the opposition, which sacked Accident Compensation Tribunal judges. It seems to have changed its opinion of this bill. I remember the former shadow Attorney-General, Mr Robert Dean, saying that he supported the Attorney-General’s drive for change.

Mr Langdon interjected.

Ms BEATTIE — I forget, but perhaps he forgot too!

The bill is yet another demonstration of the fact that the Bracks government takes seriously its responsibility to ensure that judicial independence is not eroded. We believe very strongly in the separation of powers. I refer to events that took place in Kingaroy today which will remind us all of a situation where somebody was not fully aware of the separation of powers and where the lines were blurred. We must always be aware of that sort of thing.

In conclusion, I support this bill. It implements the recommendations of the Sallmann report to establish a modern Victorian system to deal with serious complaints involving judges — and not only judges but also magistrates and masters and members of the Victorian Civil and Administrative Tribunal — consistent with those constitutional principles of judicial independence and the need to maintain and enhance public confidence in the judicial system. The bill has come about with the hallmark of a government that takes note of the separation of powers. It has gone through proper community consultation. We have been in touch with stakeholders, including the Law Institute of Victoria, which supports the bill.

The amendment to the Constitution Act will allow the Attorney-General to appoint a panel of seven interstate judges, from which a committee of three judges will be chosen.

An honourable member interjected.

Ms BEATTIE — Retired judges, yes. From seven interstate judges, three eminent retired judges will be chosen.

In conclusion, this is a good bill, and I am disappointed that others say they do not support it. Perhaps I could urge a couple of phone calls to the previous shadow Attorney-General, who indicated that he would support the bill. I know others want to speak on this bill. It is, as I said, a good bill, which I support. I wish the bill a speedy passage.

Mr TREZISE (Geelong) — I too am very pleased to speak on behalf of the government in support of the bill before us tonight. The Courts Legislation (Judicial Conduct) Bill is a very important bill from a legal point of view. I am very happy to speak in support of this bill because it is another bill which highlights the Bracks government's commitment and work to ensure that the legal system — in this case — is fair, transparent and effective for all Victorians. As with all bills that come to this house, community consultation has taken place with all stakeholders in the legal system in developing this bill. As we know, the Bracks government is committed to ensuring Victoria has a strong and independent judiciary, and as I said, this bill takes very positive steps towards achieving that goal — the goal of a strong and independent judiciary.

I would also like to take the opportunity to congratulate the Attorney-General and all those members who have been involved in the development of this bill over time. As has been stated, the bill is the result of the Attorney-General's commissioned review of the system for dealing with complaints against judicial officers. Professor Peter Sallmann, as we have also heard, conducted the review and found that the current system of dealing with complaints against judicial officers is, at very best, ad hoc and uncertain. The bill will promote community confidence in our justice system, because people who have serious complaints — and it is not very often that people have serious complaints against judicial officers — will know that under this new system their complaints will be dealt with in a fair, transparent, efficient and effective manner. That will of course provide greater confidence in our judicial system for all Victorians.

Importantly this bill also protects the judiciary from political influence or pressure from politics or politicians. It will ensure that judges cannot be sacked at the whim of the government of the day or by a hostile government. Under the new system it will take, as we have heard from numerous speakers tonight, a special majority of three-fifths of members of both houses of Parliament to remove a judicial officer, and this can only be done following a finding by an investigative committee of retired judges that there is proved misbehaviour or incapacity.

From meeting with many constituents in my office over the last six years — as a hardworking local member who is committed to meeting with all constituents who want to see me as their local member of Parliament — I know that, although there are not a lot of people in this category, there are some people who have been through the legal system and have come out the other end not totally impressed with their experiences, and people are looking for a more effective, transparent and fair legal system. I would therefore support any bill that works towards making our legal system stronger and more independent. Any bill that works towards those goals has my full support, which this bill has.

As a number of speakers have said tonight, this bill really does show the difference between the Bracks government of 2005 and the previous Kennett government, a government that not only sacked thousands of nurses and teachers and closed schools but also closed courts. I can recall this very clearly. In late 1992 the Kennett government had the temerity and the arrogance to sack a number of Accident Compensation Tribunal judges. This bill highlights the difference between the Bracks government of 2005 and the Kennett government.

This is a good bill. I congratulate the Attorney-General on the work he has done in bringing this bill into the house, and I wish it a speedy passage.

Mr LANGDON (Ivanhoe) — It is a great pleasure to follow the contribution of the member for Geelong on this bill. The member for Geelong speaks on a lot of bills, which is different from what a member for Yarra Province would have us believe. The member for Geelong takes a very active participatory role in the Parliament and in contributing to debate. I know he is a team player and has put quite a few speeches in the bottom drawer. He has not been able to make them because he has followed the Whip's instructions. I appreciate the contribution of the member for Geelong.

The Courts Legislation (Judicial Conduct) Bill is a fabulous bill. It reflects this government's approach to

many aspects of the legislation coming to Parliament and to the courts. The judicial system is of primary concern to us all. This bill highlights the difference between this government and the previous government that was in office for those seven dark years referred to by interjection earlier. Under the previous government teachers were sacked, nurses were dismissed, court judges were — —

Honourable members interjecting.

Mr LANGDON — I will ignore interjections. I usually like mentioning the Austin hospital in every debate, but I do not think I can quite get it into debate on court legislation, and I will keep to the bill without interruptions.

The primary purpose of this bill, although obviously it has quite a few aspects, is that it amends the current provisions governing the removal of judicial officers under the Constitution Act 1975 and several other acts. An important aspect is that it requires a majority of three-fifths of both houses in the same session for the removal of a judicial officer or for the alteration, amendment or repeal of the removal provisions. As I stated earlier in response to some friendly interjection, the previous government dismissed judicial officers and other paid employees of the state. This act will protect judicial officers from the whims of any particular government at any particular time. A majority of three-fifths of both houses of Parliament, particularly in regard to the reformed upper house, will not be easily achieved.

The amended Constitution Act will allow the Attorney-General to appoint a standing panel of seven interstate judges from which a committee of three may be appointed to judge the misbehaviour or incapacity of a judicial officer warranting their removal. Again, this is something that will happen at arms length. It is a step in the right direction. As I said earlier, while in government the opposition supported the closure of courts and the sacking of judges. Unlike that government, this government is fully committed to a strong and independent judiciary. This bill is all about protecting the judiciary and its independence.

In 2001 the Attorney-General set up a review of the whole court process. We were concerned about the ad hoc nature of a system that allowed judges and the judiciary to be suspended, sacked or removed. That review was set up by Crown Counsel Professor Peter Sallmann, who found that the current system for dealing with serious complaints against judicial officers is very much ad hoc and uncertain. Anyone from the judiciary does not want an ad hoc system. The courts

are all about limiting ad hoc decisions and uncertainty. This legislation will further that. It implements the professor's recommendations, it establishes a transparent mechanism for the investigation of serious complaints against judges and magistrates, and it establishes clear, certain and transparent mechanisms. I do not understand why the opposition is not supporting this bill. The opposition is going through the motions of opposing, of not supporting the bill. But The Nationals and the opposition do not necessarily oppose it — —

Mr Walsh — Don't rope us in with them!

Mr LANGDON — My apologies to the house if I erred in my judgment. On this bill it appears that The Nationals are not in bed with the Liberal Party!

The bill for the first time puts in place a new system that truly protects judges and magistrates from politically motivated intervention. Unlike the previous government, this government stands above such actions. We have not politically interfered with the judicial system. Unlike the previous government, we have put a lot of bills through this house that have protected public servants from such interference.

I am aware that other members are very keen to speak on this bill. I commend the summary that has been given to the government members of the house. I commend the Attorney-General for setting up the independent inquiry by Professor Peter Sallmann and for actually implementing the recommendations of that inquiry and not just going through the motions, as many ministers and governments do. This is a bill that clearly sets out what we can do to protect the public from magistrates and members of the judiciary who have gone astray. It also protects magistrates and judges from governments that go astray and want to interfere with the judicial system. I am pleased to support the bill. I commend it to the house and would now like to let others speak on it.

Mr STENSHOLT (Burwood) — I am delighted to support the Courts Legislation (Judicial Conduct) Bill. We are unlike the opposition. As the member for Geelong said, when the opposition was in power it sacked judges, which runs counter to the proper conduct of democracy in the state. The opposition also closed courts. There is a long list of those which it closed, including the Prahran court.

The Bracks Labor government is firmly committed to a strong and independent judiciary. We are not about the sacking of judges — one of the reasons why I stood for Parliament. The phrase which I used in my campaign was 'Bringing democracy back to Burwood'. I was

running a course at Monash University during the day on anticorruption and good governance. I was comparing what was happening with the new constitution in Thailand — it was a course run for senior civil servants from that country — with what was happening in Victoria. I was quite embarrassed when I compared what was happening there with what was happening in Victoria under the Liberal government.

The Liberal government was sacking judges and nobbling the Auditor-General. I tried to explain this to the people from Thailand. Their new constitution was far more transparent, open and accountable in terms of their procedures. Someone rang up one night and asked, 'Would you like to stand in Burwood against the Premier?'. I said, 'It is about time I stopped talking about the things which I have been talking about during the day, such as the corruption of the judiciary, put some things into action and stood for Parliament'. I am delighted to be able to support the advancement of democracy and a strong and independent judiciary in Victoria.

This bill is all about strengthening and providing independence for the judiciary and establishing a system of review for complaints against judicial officers. We need to have some consistency and transparency. In Victoria we need the judiciary removed from government so governments cannot interfere with it. That is what people in Victoria expect. That is what they expect of the standards that have been set by the Bracks Labor government in terms of openness, transparency and bringing democracy back to Victoria, and in terms of strengthening the judiciary and the constitution in Victoria. That is exactly what the government has done through this bill.

As already mentioned by other speakers and as the member for Ivanhoe pointed out, Crown Counsel Professor Peter Sallmann did a review, and a discussion paper entitled *The Judicial Conduct and Complaints System in Victoria* was published in 2002. It examined the desirability of establishing a judicial commission or some sort of panel. He suggested a whole range of mechanisms for doing that on the basis that the current provisions were very vague, inefficient and somewhat uncertain. What we do not want when protecting people's rights is uncertainty. We need a clear process that can stand the test of time, the test of honesty and the test of good governance.

That is what this bill is doing: it provides good governance; it promotes community confidence in the judiciary; and it establishes a clear and certain transparent mechanism for the investigation of serious

complaints about the judiciary, including members of the Victorian Civil and Administrative Tribunal. It puts in place for the first time a system to truly protect the judges and magistrates, as well as members of VCAT, from politically motivated intervention. It will be unlike the time we had under the previous Kennett government, when there was political interference with the independence of the judiciary. The new system introduced by this bill makes sure that will not occur.

I commend the Courts Legislation (Judicial Conduct) Bill to the house. It is excellent legislation that is part of a great tradition set by the Bracks government for the independence of our judiciary and good governance in Victoria.

Mr CRUTCHFIELD (South Barwon) — I rise to hopefully conclude the debate on the Courts Legislation (Judicial Conduct) Bill. Like many members here, I have some contacts in the legal profession. My brother is a lawyer and a member of the bar, and he has talked long and hard about the previous administration's views on courts. A number of members have talked about the closure of courts right across the state and the removal of judges prior to 1999.

In 2001 the Attorney-General commissioned a review of the system for dealing with complaints about judicial officers. Like others in the community who hold public office, judicial officers should have to conform to forms of behaviour that all of us in the community are expected to meet. The review was conducted by Professor Peter Sallmann, who found that the current system for dealing with complaints against judicial officers was ad hoc and uncertain. The government found that unacceptable, and this legislation arose out of that finding.

Professor Sallmann's recommendations establish a clear and transparent mechanism for investigating complaints against not only judges but also magistrates and members of the Victorian Civil and Administrative Tribunal — and so there should be. This government is trying to protect judges and magistrates from politically motivated intervention. Under the new system it will not be possible for judicial officers to be removed, except by — and importantly so — a special majority of both houses of Parliament, and that would only come about after a finding by an investigative committee of retired judges that the behaviour complained of constitutes proved misbehaviour or incapacity warranting removal.

This bill ensures the independence of the judiciary. It continues the flavour this government has pursued and is in strong contrast to the previous administration, and

I hope both the Liberals and The Nationals support the passage of the bill.

Debate adjourned on motion of Mr WALSH (Swan Hill).

Debate adjourned until later this day.

Sitting suspended 6.29 p.m. until 8.03 p.m.

LEGAL PROFESSION (CONSEQUENTIAL AMENDMENTS) BILL

Second reading

Debate resumed from 24 February; motion of Mr HULLS (Attorney-General).

Government amendments circulated by Ms DELAHUNTY (Minister for the Arts) pursuant to standing orders.

Mr McINTOSH (Kew) — The opposition certainly does not oppose the passage of this bill. It contains a whole raft of consequential amendments that are being made to the Legal Profession Act, which was introduced by the Attorney-General at the end of last year. I understand that that was either the largest or the second-largest bill and one that would have anticipated a number of amendments being made as they became apparent. One would have expected a few amendments, but given the fact that it was four years in gestation — it certainly had been promised before the 2002 election — and that it was periodically delayed over the time before it finally entered this place, it was a matter of some note that unfortunately members of the profession had little more than two weeks to deal with the final draft of the bill. The inevitable has occurred — that is, we have had to come back and make a number of amendments to the principal act.

It is also a matter of some note that the typographical or consequential amendments which amend a whole series of other acts appear as a schedule from pages 10 to 37 — almost three-quarters of the bill. Perhaps if it had been properly dealt with in the first place the bill would not have required the further attention of Parliament. I have no doubt that there will probably be subsequent amendments as well.

The amendments fall into a couple of categories. Firstly, there are consequential amendments to a variety of other acts as a result of the passage of the Legal Profession Bill, from changing the words ‘barrister’ and ‘solicitor’ to ‘Australian legal practitioner’ right through to the Legal Practice Board becoming the

Legal Services Commission. All the necessary amendments that have to be picked up in other acts are picked up in this legislation. Accordingly opposition members have very little to say about that.

In relation to the number of typographical errors that have been picked up, they are only minor in nature and certainly do not change the thrust of the bill. The final raft of amendments deals with what the Attorney-General says are policy matters. They do not cause the opposition any concern bar one, which I will flag as an issue. It relates to an amendment of the principal act which now provides that the Attorney-General may direct a sum of money to be paid out of the Public Purpose Fund to the Law Reform Commission.

Under the previous regime the interest on the money from solicitors trust accounts is paid into a fund, and that money is paid in a variety of different ways. It can fund the law institute, the bar council and continuing legal education, but there is also a Public Purpose Fund. Depending on the size of the pool of money, that can result in the payment or distribution of many millions of dollars for public purposes. The three principal purposes under the previous regimes — they are all legally related — involved the Victorian Law Reform Commission, the Victorian Law Foundation and the Leo Cussen Institute. As a result of the amendments I understand it was suggested that modern drafting practice would mean that there was no real reason why an organisation like the law reform commission, the law foundation or the Leo Cussen Institute would be provided with public moneys. Under the drafting it would be a matter for the discretion of the Legal Services Board.

However, as a result of one of the amendments that have been made the Attorney-General can direct that moneys can be paid out of the Public Purpose Fund to the law reform commission. I have queried this with the Attorney-General, and I do not disagree with his response, which is that the commission takes references from the government to carry out law reform or carry out investigations and research and report back to the Parliament about potential law reform. One of those matters has recently been the subject of comment by me and others. For example, one aspect of the defences to homicide included the defence of provocation, on which the government and opposition are ad idem. Certainly the law reform commission’s report was a catalyst to that position being taken. There is no doubt that the commission is an appropriate body to have money paid to out of the Public Purpose Fund, because it works on references from the government to reform the law in this state.

Likewise there are two other bodies which I mentioned — that is, the Leo Cussen Institute and the Victorian Law Foundation, both of which have operated for a considerable period of time. They have also carried out worthwhile public activities in relation to the law.

If I can just start with the Leo Cussen Institute, the institute was established in 1972 under an act of this Parliament. It was set up to effectively be an alternative to the system of articles whereby law graduates did their articles and ultimately could go on to become practising lawyers as either solicitors or barristers in this state. Articles was a necessary qualification, but with the establishment of the Monash University law school there was some concern about the number of places to do articles — people were not able to get articles and therefore were not able to obtain the necessary qualifications.

The Leo Cussen Institute was set up as an alternative path so people could go through a practical training course from 1972 onwards. That was the original purpose. It is important to say that not everybody who undertakes a law degree will practise law. This is a ballpark figure, and it may be an urban myth, but you will be very pleased to hear, Acting Speaker, that only 50 per cent of law graduates end up wanting to go on into the mainstream profession and practise law. It is an avenue that can lead into all sorts of other areas of endeavour and can lead to somebody landing in this place, but such is life!

The Leo Cussen Institute has evolved into an alternative to articles which is not a second-rate alternative but is seen in many cases to be a primary way of obtaining a professional qualification. Many fine lawyers practising at the moment are graduates of the Leo Cussen Institute. They are sprinkled throughout both sides of the profession and across the judiciary. I understand my colleague on our side of Parliament, the member for Sandringham, a lawyer, is also a graduate of the Leo Cussen Institute. The Leo Cussen Institute provides that mechanism of an alternative to articles. I do not necessarily accept the argument about a scarcity of articles. At the moment there is a concern that not everybody can get articles and therefore we should remove the system and have a system like that in New South Wales where they have a College of Law.

Although there are alternatives now, articles started off as the only way to obtain a professional qualification, and there are some who say we should abolish the articles system here. I am certainly not one of those; I think articles provide a mechanism for obtaining a professional qualification. The Leo Cussen Institute

provides an equal mechanism for obtaining a professional qualification, one that is accepted in the profession. However, there is also the College of Law, auspiced by the University of New South Wales and the law institute. Monash University also has a mechanism for obtaining a professional qualification in this state. Therefore one has a choice of four different paths.

It is important to note the importance of the Leo Cussen Institute in providing legal education for someone to obtain a professional qualification. However, its role in continuing legal education has also been exemplary. This role was taken up very early by the Leo Cussen Institute. When I entered the profession in the mid-1980s the institute was publishing a large number of very worthwhile texts and books and providing seminars and lectures in relation to continuing legal education before it became the flavour of the month; it is now mandatory to maintain your professional qualifications. It is worth noting that unlike the articles system or a course offered through one of the universities the Leo Cussen Institute has no academic qualification requirement — anybody can undertake the course and people are selected by ballot.

It is a matter of some note that some 70 per cent of students currently undergoing legal qualifications are women. Marilyn Warren was recently appointed as chief justice. From my group that went to the bar there have been six appointments to the bench, three of whom have been women, including Marilyn Warren. The contribution women have made to the profession is a matter of some note. The reason I practised law is that my mother was a barrister. When she went to the bar there were only three women at the bar. She was in a small minority, but now 70 per cent of people undergoing practical training at the Leo Cussen Institute are women.

Some 41 per cent of the institute's income comes from the Public Purpose Fund — it amounts to \$2 million — and another 30 per cent of its income comes from the sale of continuing legal education materials and from its seminars. I took a cursory look at the institute's web site during the dinner break, and it seems that over the next three months there is a series of lectures and a wide variety of seminars which would attract interest from a range of aspects of the law. Looking down the list for May there are seminars on employment law and recent developments in occupational health and safety law — and that would be very relevant. There is a family law intensive seminar and things that deal with income tax, property law and conveyancing, right down to Federal Court practice and planning law.

On almost every single working day there is a seminar held either in the course of the day or in the evening which would meet those continuing legal education needs. Only a very small fraction of the institute's income — less than 20 per cent — comes from the fees paid by the students undertaking the year-long course. The fees are currently fixed at \$5500. If money were not made available through the Public Purpose Fund, fees would have to increase, and that would severely limit the opportunity for people to go down that route to obtain their professional qualification or to undergo continuing legal education.

I would also like to mention the good works undertaken by the Victoria Law Foundation. I first became familiar with the law foundation many years ago when I was an associate to the then Chief Justice of Victoria. Under the act the chief justice chairs the board of the law foundation. It has a much broader public benefit in the sense that its objective is to improve community understanding and access to a better system of justice. I first became aware of the foundation because it was a participant in a civil justice project which was looking at the issue of accessing justice in a variety of different ways. For me it was a precursor to a variety of other inquiries by the Law Reform Commission, by the Senate and by other bodies into reforming the system of providing access to justice, which seems to be a perennial problem.

To give an example, one of the foundation's briefs is to provide easily understandable materials to which ordinary people can look to lift the veil of mystery that sometimes surrounds lawyers and the law. I do not know if you, Acting Speaker, are aware of Rural Law Online, or alternatively the rural law text. It is a very interesting excursus of the types of issues that people living in rural and remote communities, and indeed farmers, can come across. They discuss issues relating to escaping animals and obligations to fence properties right through to things that may deal with banking issues. It is a worthwhile text and is also provided online. That sort of resource has very much a public purpose.

The Victoria Law Foundation gives a large number of very small, not sizeable, grants — anything from \$2000 or \$3000 to perhaps \$10 000 or \$20 000 for particular research projects. It is a significant sponsor of various pro bono schemes. It has a particular brief to try to collate all the disparate groups that provide pro bono access. It has been a leader in pro bono work in Victoria, having really picked up the cudgels in the mid-1990s, before it became perhaps the flavour of the month. With those short remarks, I indicate that the opposition does not oppose this bill.

I refer to the amendment that provides that at the direction of the Attorney-General the Law Reform Commission must be paid money out of the Public Purpose Fund. I regret that the law foundation and Leo Cussen Institute are not mentioned there. They were included in the previous act and were told that was because of modern drafting. The Law Reform Commission has slipped back in. I understand why the Attorney-General has included it, but given the reason the Attorney-General is proffering to me, which is that the commission is doing work for the government, I point out that in many respects the law foundation and the institute do enormously worthwhile work.

They certainly provide an opportunity for other people to participate in the complex system of law. That is their charter and they are doing that in a wonderful way. It is a deep regret that they have not been included. The fact that they are not included will hopefully not exclude them from continuing to do their good work for not only the lawyers and the legal system, but also, and most importantly, for the public of Victoria.

Mrs POWELL (Shepparton) — I am pleased to speak on the Legal Profession (Consequential Amendments) Bill on behalf of The Nationals, which will not be opposing this bill. It is not a very controversial bill. It has a number of purposes, including to make a number of consequential amendments to other acts due to the passing of the principal act, the Legal Profession Act 2004, which received royal assent on 14 December 2004. The bill also corrects some typographical and cross-referencing errors.

Some amendments are made to incorporate the new regulatory framework and the new terminology which is now being used because of the principal act. One of the examples given in the second-reading speech is that the bill amends 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, which was established by the principal act. Some changes are being made to the principal act arising from changes to the Standing Committee of Attorneys-General national model provisions which require local amendments.

A small number of amendments to the principal act raise issues of policy. The Legal Profession Act 2004 is a large act of some 570 pages. I refer to just a few clauses in this bill. Clause 6 deals with fees. Section 2.4.9(4), to be inserted by that clause, provides that the Legal Services Board may refund all or part of a surcharge if it considers there are special

circumstances. The new subsection really just highlights or sets out one of those special circumstances. The bill inserts a new subsection to specify that a fee or surcharge is not payable for a local practising certificate that is issued authorising someone to engage in a legal practice as a volunteer at a community legal centre. That is pretty straightforward; it spells out just one of the areas that could be a special circumstance.

Clause 7 deals with conditions that may be imposed by the board. Section 2.4.14(1) provides:

The Board may impose conditions on a local practising certificate —

- (a) when it is granted; or
- (b) during its currency.

Clause 7 inserts 'or renewed' after 'granted'. As a small item, that should have another 'or' after it, because I understand it will read:

- (a) when it is granted or renewed; or
- (b) during its currency.

It is only a minor point, but I am sure those writing the clauses will look at that.

Clause 9 provides for regulations to be made to allow the Legal Services Board to determine classes of Australian-registered foreign lawyers who are required to contribute to the Fidelity Fund. The provisions also include the contributions and levies payable and the timing and manner of that payment.

Clause 16 deals with the funding of law-related services and activities. Section 6.7.10(1) of the principal act provides:

The Board may pay out of the Public Purpose Fund to any person or body an amount determined by the Board with the approval of the Attorney-General to be applied by the person or body for any of the following purposes ...

It then lists the purposes of those activities, including:

- (a) law reform;
- (b) legal education;
- (c) legal research.

The member for Kew raised that issue with the Attorney-General as well and was quite happy with the response. The bill inserts a new section 6.7.10(1A) which provides:

The Attorney-General may each financial year direct the Board to pay an amount out of the Public Purpose Fund to the Victorian Law Reform Commission and the Board must comply with that direction.

That is a fairly straightforward amendment, but it does change that section somewhat.

Clause 14 substitutes section 6.2.9(4) of the principal act which refers to the Legal Services Board and states:

An appointed member holds office ... for a term of 4 years from the date of appointment and is eligible for re-appointment.

The bill substitutes that with:

An appointed member —

- (a) holds office, subject to this Act, for a term specified in his or her instrument of appointment, not exceeding 4 years from the date of appointment; and
- (b) is eligible for re-appointment.

I have a query, because I understand, after reading the act, that the chairperson as well as the three elected members will hold office for four years. So no change is being made to their terms of appointment, but a change is being made to the terms of appointment of the appointed members. I am not sure why the chairperson and three elected members will have terms of four years but the appointed members will have terms up to four years. I am not sure about the discrepancy.

A person may not be one of three appointed members if he or she is an Australian lawyer or has been an Australian lawyer or is eligible for admission to the legal profession. At least one must have experience in financial or prudential management and at least another must represent the interests of consumers of legal services. That is a good thing because the make-up of that board will be three appointed members, three elected members and the chairperson. It will mean that the board will have some financial management and prudential management skills as well as some legal skills. That is a good thing because it will show to the community that not only lawyers but also members of the community are giving advice to the board.

The bill makes a number of other changes to the principal act, the Legal Profession Act 2004, around a new framework. The principal act was introduced to reflect the changes that were national reforms. I understand that the Attorney-General made those reforms because of some duplication and matters in some other areas that still needed to be rectified. The principal act abolished the Legal Practice Board, the Legal Profession Tribunal and the office of the legal

ombudsman. They are replaced with the Legal Services Board, whose objectives are to ensure the effective regulation of the legal profession and the maintenance of the professional standards of the profession and to adequately manage the trust accounts and the legal services commissioner. The objectives of the legal services commissioner are to ensure that complaints against Australian legal practitioners and disputes between law practices are dealt with in a timely and effective manner.

I am not sure whether the legal services commissioner has been appointed, but I understand that the announcement has not been made yet. This will be an important appointment. We need to ensure that there will be public confidence in the person who has been appointed, because this is seen as the face of the independence of the system. If we have somebody who does not show that independence then the confidence of the community certainly will be downgraded.

I also understand that the office of the legal ombudsman is to close at the end of June, the position having been abolished under the principal act. At this stage I would like to put on record my thanks for the assistance it has provided and for the work it has done for my community and many communities around Victoria over the past years. The member for Kew in his contribution spoke about the increase in women in the justice system, and in fact his own mother was a barrister. That is important — that we do have that reflection of skilled women in those positions.

I would like to say how grateful I have been to Kate Hamond, the legal ombudsman, for her assistance. She has travelled around Victoria, has spoken at forums and at electorate offices in the city and in country Victoria and has always made herself available. I know she has done the same with any consumers who have come to her. She has always dealt with them fairly and made sure they felt that they were listened to.

I had a letter from the legal ombudsman on 9 August 2004 after she had come to my office to give me a briefing. She says in part that:

I appreciate that your time is valuable but we like to ensure that all people, especially those located in regional and country areas, are kept aware of the services provided by the legal ombudsman's office.

She goes on to say:

Please do not hesitate to contact this office if you identify any issues of concern relating to the provision of legal services in your community. Similarly, you can refer any of your constituents who have concerns about lawyers or law firms directly to this office.

The legal ombudsman was also extending a multicultural communications program which is vitally important to my electorate. A lot of the concerns and complaints that come through the ombudsman's office were about lack of communication. Sometimes I think that is about the English language: some people do not have enough skills in the language, particularly non-English-speaking people. But it is also about the fairly different way that the law speaks about certain things. It is not perhaps as commonsensical as some people would like it. I think we need to be able to work through that, and I know that the legal ombudsman's multicultural communication program would have been used quite extensively by my community. The program has a check list for working with lawyers. It tells you, if you have a complaint, who you can go to, what you do when you get there, and the options open to you. That check list is in 27 languages. All the languages are documented; I will not document them all, but they are languages that are used quite often in Australia by some of our migrants.

Many of the complaints, as the legal ombudsman has said, were about poor communication between the lawyer and the client, including concerns about how a person could actually work through that and make sure they did have somebody who could talk to them in a language they understood. I know the ombudsman dealt with a number of circumstances relating to matters such as delays by a lawyer, poor communication, incompetence by a lawyer, negligence by a lawyer, and even things such as ethical issues — for example, conflicts of interest. So the office of the legal ombudsman did play an important part. I hope the new office of the legal services commissioner will continue with that communication, with going out into country Victoria and with actually speaking to people who have a concern about whether a lawyer has not done the right thing, or even giving lawyers a chance to defend themselves.

The ombudsman used to deal with complaints about improper behaviour but referred civil disputes to the Victorian Bar Council if they dealt with barristers and so forth, or to the Law Institute of Victoria if they dealt with solicitors. I know that the new legal services commissioner can delegate investigations about any complaints that come before the commissioner, but must make the decision about the outcomes of that investigation or any disciplinary procedures. So the legal services commissioner will have a fairly important position, and I think an appointment to that position needs to be made fairly quickly so that we know who it will be and, even more importantly, that they have the skills needed in that position.

As I said earlier, The Nationals do not oppose this bill. We hope the new structure does provide the independence that the Auditor-General believes it will and rectifies the weaknesses and duplications the Auditor-General believes were there in the former structure.

Mr LUPTON (Pahran) — I am very pleased to make a contribution to the debate in support of the Legal Profession (Consequential Amendments) Bill. Of course this legislation follows on from the very important and groundbreaking Legal Profession Act that was passed by this Parliament last year.

Mr McIntosh — Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Mr LUPTON — Thank you, Acting Speaker, and may I thank the member for Kew for increasing the audience for this important contribution to debate I am making in support of the Legal Profession (Consequential Amendments) Bill. In broad terms, the Legal Profession Act that was passed by this Parliament last year brought in a new regulatory framework for the legal profession in Victoria and implemented national model provisions developed through the Standing Committee of Attorneys-General to provide consistent regulation of the Australian legal profession.

The principal act, the Legal Profession Act, which as I said was adopted by this Parliament last year, abolishes the Legal Practice Board, the Office of the Legal Ombudsman and the Legal Profession Tribunal and establishes new bodies responsible for regulating the legal profession. The new regulatory system established by the Legal Profession Act is expected to commence on 1 July this year, and the amendments to that principal act that are included in this consequential amendment bill are necessary in order to finish the process of modernising the regulation of the legal profession that was largely completed with the passage of the Legal Profession Act last year.

There have been some further meetings of the Standing Committee of Attorneys-General which have continued to refine the national framework for the regulation of the legal profession, and the consequential amendments included in this bill are designed to update the act that we passed last year in order to take into account the deliberations of the standing committee that have taken place in recent months. The amendments are being included before the new system that is being ushered in by the Legal Profession Act comes into effect as expected on 1 July this year.

The principal act also introduced numerous changes in terminology in relation to the regulation of the profession. This bill incorporates a number of changes in terminology, brings in some minor technical amendments which are necessary to update some cross-referencing in the principal act and takes into account the recent deliberations of the Standing Committee of Attorneys-General.

In addition there are a number of issues of policy that were addressed in a timely fashion while this bill was being prepared and then introduced into this house. One of the important amendments which deals with an issue of policy involves the use of the distribution account of the Public Purpose Fund. That fund has been and will continue to be used to provide funding for very important institutions in this state involved in legal education, in particular the Leo Cussen Institute and the Victoria Law Foundation. The amendments included in this bill will not only allow the Victorian Law Reform Commission to receive funding from that source but also allow the Attorney-General to direct that certain funding be provided to the Victorian Law Reform Commission from the distribution account of the Public Purpose Fund.

Unlike the funding that goes to the Leo Cussen Institute or the Victoria Law Foundation, which is discretionary, the amendments included in this bill will allow the Attorney-General to direct that certain funding be provided to the Victorian Law Reform Commission. That is an important distinction, and the reason for it is that the Victorian Law Reform Commission acts at the instigation of the government. It accepts references given to it by the Attorney-General and is under an obligation to carry out those functions and undertake the inquiries that the Attorney-General directs it to undertake and to report to the government accordingly. It is necessary therefore that the Victorian Law Reform Commission has certainty of funding to enable those important inquiries to take place.

We have seen in recent times the Victorian Law Reform Commission carrying out very important work, in particular its recent report on defences to homicide, and the government has accepted — and rightly so — the recommendation to abolish the very much outdated defence of provocation in relation to charges of murder. That is something that the house generally supports, and I certainly support the updating of the law in that regard. That is a recent example of the way the Victorian Law Reform Commission is working, and it is important that that funding source be guaranteed. One of the issues of policy addressed in this bill will ensure that that happens through the distribution account of the Public Purpose Fund.

Another significant issue that affects community legal centres is also dealt with in this bill. This government supports community legal centres very strongly indeed. As a person who has been a volunteer legal practitioner in community legal centres for a number of years, I know the very important work they carry out in this state. An amendment in this bill will make it clear that there is no fee or surcharge payable for a practising certificate to be issued authorising a person to engage in legal practice as a volunteer at a community legal centre. That is a matter of clarification that is important, because we need to make sure that we encourage the volunteer base of the community legal centres. It is a very important part of maintaining access to justice in Victoria, which this government is very committed to continuing and enhancing as time goes on.

The broad thrust of this bill therefore is to make important, although somewhat technical, amendments to the major piece of reforming legislation, the Legal Profession Act, which was passed by this Parliament last year. It brings the regulation of the legal profession into the 21st century. It makes sure that, when there are complaints against legal practitioners, there is a one-stop shop available in Victoria which is independent and designed to make sure that consumers of legal services are well protected, that the legal profession has an easily understandable and responsive system that deals with complaints and that people who are consumers of legal services are protected. The bill makes sure that the legal profession can get on with the very important job of representing clients and parties and that we can continue to improve the legal services that are delivered in this state. I commend the bill to the house.

Ms D'AMBROSIO (Mill Park) — I am pleased to have been able to rise twice tonight to support bills which highlight the terrific work of the Attorney-General of this state — one who is reformist and responsive to community expectations and needs, and certainly the need to modernise the legal service in this state to make it far more accessible to ordinary people, particularly the consumers of legal services.

This bill, the Legal Profession (Consequential Amendments) Bill, is another reforming piece of legislation, albeit it does contain some technical amendments to the principal act, which was passed towards the end of last year. Nevertheless it continues the reforming agenda of this government, and it does so by being part of a long series of reforming laws that have been introduced not only to bring Victoria into line with many other jurisdictions but also to take it ahead of the other states in many areas. I certainly commend and congratulate the Attorney-General on his

achievements thus far, and I look forward to far greater achievements in coming years.

Like the previous bill, debate on which was adjourned earlier today, this bill forms part of the reforms to strengthen the community's confidence in our legal system. This bill, in conjunction with the Legal Profession Act 2004, reinforces the establishment of a unitary regulatory framework that does away with state and territory barriers to the provision of legal services and the operation of legal practice and promotes a nationwide legal profession by doing so.

Like the Courts Legislation (Judicial Conduct) Bill, this bill seeks to further promote community expectations in line with the principal act, which created a one-stop shop for consumers of legal services to make complaints through the creation of an independent legal services commissioner, thus removing the Office of the Legal Ombudsman. Further, the principal act created a new legal services board as the peak body responsible for funding, setting policy and dealing with non-disciplinary functions to replace the Legal Practice Board. It also established a separate legal practice list under the banner of the Victorian Civil and Administrative Tribunal, replacing the Legal Profession Tribunal.

Like the principal act, the driving objectives of this bill are to promote national consistency in the legal profession and to modernise and make more accessible protections for consumers of those legal services. I am very heartened by the modernisation of such an important institution as the legal profession is in this state. It is one of those institutions that is held in very high regard by the community, and so it should be. But like all institutions it is not beyond criticism or complaint, and again neither should it be.

A good government produces good policy to ensure that such an institution is robust not only in its independence but also in being able to deal with criticisms and complaints from the people it serves. Our community expects fair and adequate legal services, and those expectations must be matched by better access to legal services and an accessible complaints system when, as sometimes happens, things go wrong. This bill certainly helps promote that objective and helps set up an accessible complaints system which is seamless, not duplicated, and very easy to navigate. The bill will strengthen the robustness of the legal profession by amending numerous acts to incorporate these changes in the principal act. It also includes several minor amendments and corrections to typographical errors, cross-referencing and the like.

In terms of its policy thrust, the bill ensures that the legal services commissioner is expressly and solely given responsibility to deliberate on the outcome of an investigation of a disciplinary complaint against a legal practitioner, regardless of whether the investigation is conducted by the legal services commissioner himself or a purposeful investigatory body. This is a deliberative function which cannot be delegated.

A technical and minor amendment, but nevertheless one that I wish to make passing comment on, is that a member of the Legal Services Board will hold office for up to four years instead of for a fixed term of four years. Further, the bill gives the Attorney-General specific ability to direct the Legal Services Board to pay an amount from the distribution account of the Public Purpose Fund to the Victorian Law Reform Commission on an annual basis.

The next policy initiative is welcomed by the Whittlesea community legal service out my way. The bill expressly states that no fee will be attached to the issue of a local practising certificate for someone involved in legal practice as a volunteer at community legal services. That is a very welcome initiative. Some people may say it is a small one, but it is one that makes it far easier for legal practitioners to freely volunteer their time to community legal services. Community legal services are one of the main hallmarks of the agenda of this government in terms of making legal services and the legal profession far more accessible to the community — to consumers — by taking those services to the very heart of where people live. It makes the law accessible to ordinary people who could not otherwise afford it. It is a symbolic gesture at the very least to be able to have certificates freely issued.

The bill deals with other minor changes to the principal act which have arisen from amendments to the Standing Committee of Attorneys-General national model provisions which have been adopted, so that we can move squarely towards a national approach. The amendments provide that regulations may be made to allow the board to determine from time to time classes of Australian-registered foreign lawyers to contribute to the fidelity fund as well as the contributions and levies payable by those classes and the time and manner of the payment. As a result of a policy initiative, the bill makes it clear that if a taxing master determines to deal with an application by applying for cost reviews that have been made out of time and in proceedings that have already been commenced by a law practice for recovery of those legal costs, it must be stayed pending completion of a review.

I will finish by again commending the Attorney-General for his continuation of a very solid performance by way of legal reform in this state. Most greatly appreciated in the community is the increased accessibility of law and justice to ordinary people, and I commend the bill in the light of that fine record.

Ms BEATTIE (Yuroke) — It gives me great pleasure to speak on the Legal Profession (Consequential Amendments) Bill this evening. It is a much-anticipated bill. I understand many people want to speak on it and many want to make a fulsome contribution, and I encourage that. Tonight we are talking about the principal act. I want to go into the principal act and then into the consequential amendments that will be made by the bill. The principal act is the Legal Profession Act 2004, which received royal assent on 14 December 2004, just before Christmas.

In broad terms the principal act implements a new regulatory framework for the legal profession in Victoria while simultaneously implementing national model provisions developed through the Standing Committee of Attorneys-General as the basis for consistent regulation of the Australian legal profession.

Of course the principal act repeals the Legal Practice Act 1996 and introduces a number of changes in terminology. The principal act also abolishes the Legal Practice Board, the Office of the Legal Ombudsman and the Legal Profession Tribunal and establishes new bodies responsible for regulating the legal profession. The new regulatory system established by the principal act is expected to commence on 1 July.

In the debate on the Courts Legislation (Judicial Conduct) Bill earlier this evening, there was fulsome praise of the Attorney-General and the role he has played as a reformer. I would like to offer my support for the role that he has played. The bill makes numerous consequential amendments that arise from the Legal Profession Act, which was passed in December 2004. The act provides a simpler and more cost effective legal system for the benefit of consumers of legal services and the legal profession alike. Of course, this is a cornerstone of what we must have in the legal system — access to justice for all, regardless of their financial status. It is absolutely important that everybody has access to justice.

I will not go into what opposition members did when they were in government several years ago. That has already been dwelt upon this evening, so it is not my wish to rehash that old ground.

Dr Sykes — Go on, do it!

Ms BEATTIE — No matter how much members of The Nationals call for it! Obviously they want to be reminded of the role of the opposition and want to bring the Liberal Party to account, but I will resist the interjections of members of The Nationals who want to do their Liberal Party colleagues in the eye by reminding them of all that. Under the previous government what we saw was a disastrous experiment, with the biggest loser being the consumer. While others were content to sit and watch, consumers bore the brunt of what was quite frankly a confusing, wasteful and inefficient system. The Bracks government has done a lot of long, hard thinking about this and has decided to develop a new system of regulation that protects the interests of consumers while meeting the needs of the profession.

Honourable members interjecting.

Ms BEATTIE — What we have now is The Nationals and the Liberal Party in dispute. Here they are on the other side of the house, going backwards and forwards across the table, wondering what their roles are. I would suggest to them that they go back into their respective party rooms, get their policies right —

Mr McIntosh — Speaker, I direct your attention to the state of the house.

Quorum formed.

Ms BEATTIE — I thank the member for Kew for his contribution. It seems that his only contribution to a debate is to call for a quorum count, which I think is pretty pathetic. However, the new Legal Services Board will be the peak body in the regulatory system and will be responsible for funding, setting policy and all non-disciplinary actions. A separate legal practice list will be established at the Victorian Civil and Administrative Tribunal to replace the Legal Profession Tribunal.

In the short time left to me, because I know there are many other members who want to speak on the bill, I want to talk about the small number of amendments which involve issues of policy. I do not intend to go into the detail of these amendments, save to say that the bill gives the Attorney-General a specific power to direct the Legal Services Board to pay an amount out of the distribution account of the Public Purpose Fund to the Victorian Law Reform Commission each financial year. Acting Speaker, I would like to point out to you and to the house that an appointed member of the Legal Services Board will now hold office for a term of up to four years, rather than a term of four years.

Dr Sykes — What is the significance of that?

Ms BEATTIE — The legal services commissioner will not be able to delegate the making of a 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. The member for Benalla asks what the difference is between ‘up to four years’ and ‘a term of four years’. I suggest —

Dr Sykes — I said ‘What is the significance?’, not ‘What is the difference?’!

Ms BEATTIE — I suggest that the member for Benalla look at the electoral term; if he does, then he will know what four years means. Four years means four years! What I would like to add is that if the taxing master determines to deal with an application by a client for a cost review that has been made out of time, any proceedings that have already been commenced by a law practice for the recovery of those legal costs must be stayed, pending the completion of the review.

I see the former parliamentary secretary to the Attorney-General has come in to follow the debate on this bill. He always does, because he still has a keen interest in the reforms of the Attorney-General. I thank him for coming into the house to hear my contribution. This bill has more in the way of reforms from a great Attorney-General. I commend the bill to the house and wish it a speedy passage. I am sure all members will support this bill.

Mr TREZISE (Geelong) — I am pleased that the former parliamentary secretary to the Attorney-General has come into the house to listen to my contribution. I am also pleased to be speaking in support of the Legal Profession (Consequential Amendments) Bill. This bill and the principal act, the Legal Profession Act, underline the government’s commitment to ensuring that this state works towards having a more efficient and effective legal system — and in this case not only the system in the state of Victoria but our national legal system. I would like to take this opportunity to commend the Attorney-General for his work in reforming our legal system over the last five or six years. This bill is one example of his ongoing reforms.

As I said this afternoon, as a local member of Parliament I am always available to meet all the constituents who come into my office. I have met many hundreds over the last five or six years. I am well aware that many people, including people in Geelong — particularly those who have little experience with our law or our courts — find the legal system difficult,

complicated and costly to proceed through. Any legislation that addresses the workings of the legal system and the legal profession in an effort to make them simpler and more cost effective has my absolute support. This bill is another step towards the goal of having a more cost effective and simpler legal system that will benefit all the people of Victoria, including those in my electorate of Geelong.

This bill is important because it works towards having a regulatory system that is less confusing and more user friendly for legal consumers within Victoria. In meeting with numerous constituents over the last six years I have dealt with many who have battled their way through a very complex and to some degree ineffective or inefficient system. Therefore people are looking to the government for reforms. Our Attorney-General is one of the better attorneys-general this state has seen. He is an Attorney-General that addresses issues, and this bill before us tonight does just that.

Dr Sykes interjected.

Mr TREZISE — The member for Benalla is sitting on the sidelines and has plenty to say, but it is interesting that the Liberal Party opposition has no speakers to contribute to the debate on this bill. It has no interest in this bill. I would suggest that if it wants to barrack from the sidelines it should provide a couple of speakers in the house to contribute to proceedings.

Dr Napthine interjected.

Mr TREZISE — I would disown him as well!

An important initiative in this bill and the principal act is the creation of an independent legal services commissioner. This is a positive step forward. People who want to make a complaint about a legal professional now have one call to make. Therefore I support the establishment of the legal services commissioner. I have had examples in the past where people have had to make their way through a maze of buck-passing by members of the legal profession. The new legal services commissioner will ensure that people who want to complain about a legal practitioner can now simply approach the commission and lodge their complaint.

I know many people who have gone through or are in the midst of legal proceedings who are far from happy with the legal representation they have received or are receiving. Therefore the new commissioner will greatly assist consumers of legal services and provide them with an effective opportunity to make a complaint. This bill, together with the Legal Profession Act 2004, makes our legal system more effective, more efficient

and, importantly as far as I and the people of Geelong are concerned, more user friendly. Therefore this bill has my full support. I again commend the Attorney-General for the work he has done. This bill reflects the Bracks government's commitment to a stronger and fairer Victorian community. I support the bill and wish it a speedy passage through this house.

Mr SEITZ (Keilor) — I rise to support the Legal Profession (Consequential Amendments) Bill. The bill makes numerous consequential amendments which arise from the Legal Profession Act that was passed last year — for example, it clarifies the names of bodies. The new Legal Services Board will be the peak body in the regulatory system and will be responsible for funding, for setting policy and for all non-disciplinary functions. That is an important part to understand. In the past when the Law Institute of Victoria had various registration boards it was difficult for common people to find their way through the maze and get justice, particularly if they had to go to a taxing officer when they found out or believed that lawyers had overcharged or were overcharging them. At times when you went to a taxing officer it cost you more than the bill you were challenging!

All these things will be clarified and make it a bit simpler for the general community — the little people in our community, the ones we are supposed to be looking after. We need to debug the whole legal system so that everyone has equal rights, not just those who have the money and can afford to use the system and get justice. This is important in many ways, not just in the courts but in respect of how lawyers treat people, how they represent them, what they charge them and how the system operates. This bill will make it a much simpler process that will be a lot easier for people to understand.

There are numerous people, in particular in my constituency who, even for a very simple thing such as getting the neighbour to agree to build a fence, do not know where to turn. They then get a lawyer and get charged a hefty fee when there is really no necessity for the legal profession to be involved.

Dr Sykes — They should contact their local member. He can fix those sorts of problems for them.

Mr SEITZ — It should just be a matter of getting a contract to follow that through and then getting both parties to sign. People simply do not know their rights.

Dr Sykes — They should contact their local member.

Mr SEITZ — The Attorney-General is trying to simplify these things and put them in plain English so that people can understand it themselves — and I will pick up the interjections. Local members and their staff can then understand how the system operates and advise their constituents. That is also helpful. I still get constituents from far afield who are represented by members from both sides of politics who cannot make sense of the legal situation. There are reasons for this process to keep going, and the Attorney-General is continuing to clarify and simplify the system. That is an important step forward.

People might be saying here that there are only small inconsequential changes in this bill, but the changes are important because people need to understand the legislation. All those who are trained in the law or have some legal background — whether it be in town planning or working as court advisers or volunteers or in community centres, whether it be working as community legal aid clerks or something similar or as secretarial backup in a lawyer's office — have some clues about how things work, but the average person does not, and in many cases people leave it too late before seeking advice when they get the bill. Sometimes people get caught up in employing lawyers, but they do not really understand what the bill covers. This Attorney-General has made it virtually mandatory for lawyers to give people a quote outlining the costs. They must tell people exactly what they are up for if the lawyer takes on the case and represents them.

This has been achieved by the Attorney-General and the Bracks government and it is a tremendous step forward for everybody. We are not talking about the big crimes, the sensational things we see on the television news, we are talking about the battlers and the little problems they face at different times. It might be taking on a builder they believe did not construct their house according to the specifications and they might have to go to a tribunal. On a number of issues such as that people then get themselves into trouble with legal bills. Quite a few of them come to my house and to my office saying, 'We finished up with — —

Honourable members interjecting.

Mr SEITZ — Yes, they come to my home as well, because when they get a bill for \$4000 or \$5000 which they did not expect because they thought it was only a simple — —

An honourable member interjected.

Mr SEITZ — Unlike some members, my private home number is in the telephone book, and so is my

private address. I am not scared and I do not hide from constituents. I do not have to, unlike some other members who do not provide their home address to their constituents. Everybody knows mine. I do not disguise it and use a post office box or something like that, and I do not have a silent phone number. That is reality.

Dr Sykes — What is your home number?

Mr SEITZ — Coming back to the bill — —

Dr Sykes — What is your home number? Put it in *Hansard*.

Mr SEITZ — Have a look in the green sheets, and you will see it there. Other members only have their office address there.

Coming back to the bill, as the Attorney-General said in his second-reading speech:

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.

Again this is streamlining and making the terminology uniform, and that is what the Attorney-General was trying to explain.

Further on the second-reading speech says:

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 Victorian Law Reform Commission each financial year.

An appointed member of the Legal Services Board will now hold office for a term of up to four years rather than a term of four years.

We had a question before about what the difference is. It means that the person can hold office for up to four years; they do not have to be there for the full term because it is not stipulated that they have to serve for the full four years. In people's lifetimes they want to change contracts and careers and jobs.

The second-reading speech goes on to say:

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.

When we considered the earlier bill we dealt with how we are going to set up and deal with some of those things. This bill brings that out quite clearly, and if people read it they will see that it is in simple,

straightforward language. If members have it as a reference in their own bookcases, when people come and ask for advice they will be able to point them in the right direction, instead of having to say, 'You will have to see a lawyer and pay another bill'. We all know that if you start a case with one legal firm, unless you pay them out you cannot get access to your documents or any of the work that has been done unless you get another legal firm that is prepared to pay the bill for you and continue with your case.

These are the things that the people I represent get into strife with quite a lot. They feel sometimes that their bill is too high and their lawyer is asking for money up front. I keep saying to them, 'Always get a quote for what it is going to cost you before you engage them, because once you go down the track you have to understand that you are liable, and if you make phone calls, every phone call is charged for and every letter is charged for'. There are opportunities for people to have this checked, but as I said before the cost of using a taxing agent can also be quite prohibitive.

Overall, in general terms the bill makes consequential amendments which are necessary due to the passage of the Legal Profession Act 2004, the principal act. The bill amends a number of acts to incorporate changes in the terminology arising from the principal act.

The bill also includes a number of minor amendments which are necessary to correct typographical errors and incorrect cross-referencing. We all know that quite often a barrister can get somebody off a traffic or speeding charge because of a typographical error, and that hours are spent in court interpreting and arguing about what a word or a sentence means. The whole meaning of the word or sentence can change, then the government has to introduce legislation in a hurry to cover up some of those situations.

Sometimes the loss to state revenue through the legislation not being perfect and our not being able to collect the fines has been quite large. The Attorney-General, his department and his parliamentary secretary have been meticulous in making sure that the spelling, the typographical errors and terminology have been corrected so that the incidence of those sorts of things happening again in the future — of a smart barrister trying to get his client off a charge if the client has the money — may be minimised. However, often it is the little battler who does not get off because he cannot afford the fees of a large firm to represent him in court. I commend the bill to the house.

Mr WILSON (Narre Warren South) — I rise to make a short contribution to the Legal Profession

(Consequential Amendments) Bill. This bill relates to the principal act, the Legal Profession Act 2004, which provisions are sensibly moving towards a nationally consistent framework for the legal profession. The introduction of further national model provisions make much sense. Such consistent model rules allow all Australians to be given advice that is similar when they are dealing with the legal profession. In these days of significant interstate migration and when many people are moving to Victoria, interstate consistency makes a lot of sense. Many of the changes introduced in this bill relate to the amendments made since the passing of the principal act to the national model provisions. These changes were made by the Standing Committee of Attorneys-General.

This bill is about putting in place legal profession legislation that provides a framework for the future and a system that consumers can understand. This bill will provide a much simpler, cost-effective legal system for the benefit of constituents, the legal consumer and the legal profession in Victoria. In my short time as a member of Parliament very few constituents have approached me to complain about solicitors. However, in my role as an electorate officer to the members for Dandenong, including the present tourism and major events minister who is at the table tonight, many issues were raised concerning constituents and their relationships with solicitors. Some were justified and some were resolved by the complaint system in place at the time, but many constituents were left unsatisfied.

One of the most common complaints related to legal costs that exceeded the client's estimate of what the account was likely to be. Many Australians are reticent to ask professionals to estimate their costs. This bill requires legal practitioners to disclose to a client an estimate of cost or at least a range of estimates of cost. This is certainly an advance on what many Australians expect.

The record-keeping of trust accounts is another area where the members for Dandenong had complaints made to their electorate offices. Any tightening of these provisions will help consumers understand the requirements placed on our legal professionals. I believe the amendments in this bill will satisfy more consumers of legal services. The abolition of several structures and their replacement with a simpler system of consumer assistance and legal administration provide a stronger contribution to consumer understanding of the legal system.

The legal services commissioner, who is independent, will become a single point for complaints regarding legal practitioners. The member for Shepparton earlier

mentioned how she was pleased with the activities of the most recent legal ombudsman. I certainly agree with many of those comments. The Legal Services Board will be a peak body in the regulatory system of legal practitioners and will be responsible for setting policy and all non-disciplinary functions.

As a member of the board of the Casey Cardinia Legal Service I am very pleased with the bill in that it provides volunteers with local practice certificates for no charge or fee. As well as reducing the costs for community legal services it will also encourage more legally trained volunteers to work in our community legal centres, where legal advice is provided without charge.

Additional solicitors will be required for our community legal services as the demand for their services grows, especially in growth corridors, such as that of the city of Casey into which 65 families move each week. As one can imagine, that number of families being added to a potential client base each week requires substantial additional funding, which, I am pleased to say, this government has supplied.

Another clause of interest to me concerns the taxing master. That officer determines to review the costs of an action provided to the consumer by a solicitor, which I suspect is a common occurrence. The pursuit of these costs through legal action is to be stopped until a decision is made by the taxing officer. This is a significant consumer protection measure. This section of the bill even applies if the request to the taxing master is made out of time.

There are many other aspects to the bill, but I will keep my comments short and only comment on a few others. The bill allows for restrictions to the classes of Australian-registered foreign lawyers. Under this bill the Legal Services Board will be given the power to require payments to the fidelity fund as well as other levies and contributions from groups of lawyers. This will allow the independent body to ensure that the system operates fairly, which is an important consideration.

I note that 120 pieces of legislation are amended by this bill's consequential amendments. These references note the important role that Australian lawyers, to use some of the new terminology, play in our society. I congratulate them for the constructive role they play in our community.

In conclusion, like many government ministers I congratulate the government and in particular our very colourful Attorney-General for the busy schedule of

reform in his portfolio; it certainly is making a difference to the way our society functions. I am pleased that the opposition and The Nationals are supporting and not opposing the bill, which I commend to the house.

Mr MAUGHAN (Rodney) — Thank you, Acting Speaker, for the opportunity to make a few brief comments on this legislation. The aim of the bill has been well covered in contributions to the debate, and members have explained why the legislation is before the house and why the changes which implement the national model provisions to bring some uniformity across Australia have been implemented. As part of that, the bill abolishes a number of bodies — that is, the Legal Practice Board, the office of the legal ombudsman and the Legal Profession Tribunal — and replaces them with other bodies that will regulate the profession.

I do not want to go into all of that; I simply want to make a few brief remarks about the great service that has been given to this state by the legal ombudsman, Kate Hamond, who will finish in her position, as I understand it, on 30 June. I found Kate Hamond to be a person who has given very dedicated service to the state of Victoria. She has been fearless in her representations, and has been very fair and impartial.

Dr Napthine — She has been shafted.

Mr MAUGHAN — As the member for South-West Coast indicates, you could say that she has been shafted, and I think that is probably the case.

Mr Wynne interjected.

Mr MAUGHAN — I would like to be proven wrong and see her appointed to some other position of standing in the legal profession, but I suspect that will not happen. Nonetheless I think she has done a great job. She has travelled around the state and provided excellent service in relation to the provision of legal services and any difficulties that constituents of members of this house have had with the legal profession. I simply wanted to take this opportunity to thank Kate Hamond for the service that she has given to the community, and I wish her well in her future endeavours, whatever they may be.

Mr WYNNE (Richmond) — I rise to support the Legal Profession (Consequential Amendments) Bill. In doing so I thank the opposition and The Nationals for their support of this relatively inconsequential bill.

Nonetheless it is important, because the royal assent to the Legal Practice Act in December 2004 means that

subsequent amendments have had to be made to the principal act. As we know, the Legal Profession Act implements a new regulatory framework for the legal profession in Victoria while simultaneously implementing national model provisions developed through the Standing Committee of Attorneys-General as a basis for consistent regulation of the Australian legal system. It also introduces a number of changes in terminology, abolishes the Legal Practice Board, the Office of the Legal Ombudsman and the Legal Professional Tribunal and establishes new bodies responsible for regulating the legal profession.

It is important that when we had that original debate there was wide consultation with the legal profession. It would be fair to say that there was certainly a range of views expressed about what was the appropriate structure for the governance of the legal profession in this state. After mature reflection and consultation the Attorney-General came down with a model that, broadly speaking, enjoys strong support throughout the profession.

The bill makes some consequential amendments to the principal act and some minor technical amendments.

Dr Napthine interjected.

Mr WYNNE — It is late at night, Acting Speaker. Some minor technical amendments to the principal act have arisen as a result of nationally agreed changes to the Standing Committee of Attorneys-General national model provisions. The Standing Committee of Attorneys-General is an important venue within which states seek to deal with important issues that have a national focus to them. Certainly Victoria, and I know our Attorney-General, has played a pivotal role at SCAG meetings and has provided significant leadership across Australia in not only pushing the Victorian agenda but also getting other states on board on a whole range of issues that are of national application. Victoria's involvement in those national forums is critically important, and I acknowledge the important part the Attorney-General has played and continues to play in the deliberations of the standing committee.

There are a couple of amendments that I want to touch upon. One is the amendment to give the Attorney-General a specific power to direct funds from the distribution account of the Public Purpose Fund to the Victorian Law Reform Commission. That commission was one of the first priorities of the Attorney-General in the very early days of the Bracks government, and I had the pleasure of working with him as his parliamentary secretary at that stage. It was

one of the very first initiatives of the Attorney-General to re-establish a Victorian Law Reform Commission, which of course had been abolished by the previous government. What a splendid organisation it is. It has undertaken absolutely critical research work on behalf of the state and provided very timely — —

Dr Napthine — On a point of order, Acting Speaker, we have had a fair bit of filibustering on this bill, but now we are getting a speech which is not at all relevant to the bill, which is a very narrow one making amendments to the Legal Practice Act. I ask you, Acting Speaker, to bring the member back to the bill.

The ACTING SPEAKER (Ms Lindell) — Order! The member for Richmond, to continue.

Mr WYNNE — I am speaking on the bill. The amendment I am specifically referring to concerns the power to direct funds from the distribution account to the Victorian Law Reform Commission. In passing, perhaps the member for South-West Coast is a little embarrassed, a little uneasy about the fact that it was his government which abolished the Law Reform Commission. This amendment provides for the funding of the Law Reform Commission — this is one of the consequential amendments, so it is exactly on the bill — under the leadership of Marcia Neave, who has done superb work. The capacity to properly fund the Law Reform Commission through these consequential amendments is fundamental to the reform of the legal system in this state.

The other issue I wanted to particularly touch upon is only a small amendment but it is quite important. It is an amendment to make it clear that no fee or surcharge is payable for a local practitioner certificate that is issued authorising someone to engage in legal practice as a volunteer at a — —

Dr Napthine — Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Mr WYNNE — A particularly cheap shot, but never mind. No fees will be charged to practitioners acting as volunteers at community legal centres. This is an important initiative. It shows the longstanding commitment of the Attorney-General to community legal practice, an area where he established his legal grounding both here and with Aboriginal communities up in Far North Queensland. It is critical that those sorts of organisations attract high-quality volunteers who want to practise in community legal settings. To waive the fees, which I think are \$160 per annum, is a symbolic gesture to say that we value volunteers

working in community legal practices. My own experience was at the Flemington community legal service with my colleague and a former member for Melbourne, Neil Cole, whom I would like to advise the house I have spoken to this very evening. He is travelling extremely well and would be delighted to know that there is a particular emphasis here on community legal centres, an area that he and I know so well from our previous lives working on the public housing estates in Flemington. This is a very important bill. These are consequential amendments but the bill puts in place an important structural change to legal practice in this state.

Mr MAXFIELD (Narracan) — I rise this evening to talk about the Legal Profession (Consequential Amendments) Bill. What a great day it is to rise and speak in the chamber when the resources and the money allocated to the Latrobe Valley and the electorate of Narracan in the budget are more than the amount allocated to the entire region during the seven dark years — —

Dr Sykes interjected.

Mr MAXFIELD — So it is a proud day when I can represent my electorate, knowing very well that we have a government that cares and understands rural Victoria, particularly Gippsland and my electorate of Narracan.

I know the bill does not have a huge amount in it. However, it is important for those who are affected by it, and it is certainly important to the legal profession. Some of the provisions correct some typographical errors in the principal act, but the bill also contains some changes that are necessary.

When it comes down to it, the legal system is something which, although we sometimes wonder at it and scratch our heads a little bit over some of the things we see going on in it, is an important structure. The strength of our democratic system is in the structures that we have in place. The court system is clearly at the heart of that, as is the independence of our judiciary and our police — who of course have been adequately resourced by the new police stations that have been announced in today's budget right across Gippsland, including Rawson.

It is important that we understand that in order to have a good legal system we also need to have the support structures around it. We are very fortunate in my electorate to have not only the excellent Magistrates Court in Moe but also the fantastic police officers who service that. I attended the police station in Moe last

week with some students from the local primary school. It was interesting that when we were discussing the neighbourhood renewal in Moe it was revealed that the crime rate in our neighbourhood renewal area — —

Dr Napthine — On a point of order, Acting Speaker, on relevance, this is a very narrow bill on very specific amendments to the Legal Profession Act. I suggest to you that the current speaker is straying well away from the bill before the house, and I ask you to bring him back to it.

The ACTING SPEAKER (Ms Lindell) — Order! I uphold the point of order. The member for Narracan, on the bill.

Mr MAXFIELD — Yes, Acting Speaker, I realise that. I was probably just a little bit excited about the announcement of the new police station in the budget. I will go back to focus on the bill, but of course whenever we debate a bill such as this it is important to consider the wider implications and the structure around the court system as a whole.

One of the things I find quite interesting is that parts of this bill revolve around ensuring that we have national consistency and a national focus when dealing with these issues. One of the problems we have had in the past is the variations between the states. That is something we must take very much into account. We do not want to find ourselves in a situation where the differences between the states make it harder to deliver legal services properly around Australia. It is also very difficult for companies, organisations and associations that are operating right around Australia to cope with the legal costs they incur through the differences between the states.

If you look at this bill you will see that there are areas where effort has been put into ensuring that we have a better and more consistent approach right across the states. The Attorney-General, who is now well known as the best Attorney-General in Australia — he certainly runs rings around our federal Attorney-General — has made it quite clear that having a nationally consistent approach is absolutely crucial to the proper delivery of justice in this state. It is something we should not regard as being too minor. I have heard some interjections across the chamber suggesting that somehow it is not important to have nationally consistent legislation. That is something that certainly disappoints me.

We should not have a situation in which we make it harder for people to do business. One thing that is borne

out is that it is imperative that our companies understand that they can work across the different — —

Dr Napthine — On a point of order, Acting Speaker, it is very clear in the explanatory memorandum of the bill that the principal act is about having a national model. We passed the principal act some time ago. We are now making some minor amendments to the principal act. I ask you to bring the speaker back to the clauses of the bill before the house, which relate to amendments to the principal act, not the principal act itself.

Mr Lupton — On the point of order, Acting Speaker, the bill before the house makes consequential amendments and incorporates decisions taken by the Standing Committee of Attorneys-General in recent times, since the principal act was passed, that go further in bringing in a uniform national framework. Therefore it is entirely appropriate that the member for Narracan deal with the way the bill will bring about a better national process of legal regulation.

Mr Languiller — On the point of order, Acting Speaker, I make the additional comment that a number of opposition speakers spoke at length and referred — not simply in passing — to the Legal Profession Act 2004. The current speaker is entitled also to comment on matters commented on by previous opposition speakers.

The ACTING SPEAKER (Ms Lindell) — Order! I do not uphold the point of order. It is quite common practice to speak on the principal act when speaking on a bill that amends that principal act.

Dr Napthine — That is not the precedent of the house.

The ACTING SPEAKER (Ms Lindell) — Order! Is the member for South-West Coast disputing — —

Dr Napthine — I am saying you are wrong.

The ACTING SPEAKER (Ms Lindell) — Order! The member for Narracan, to continue.

Mr MAXFIELD — I note the comments the member for South-West Coast is making in this chamber. He does not have a copy of the bill in front of him and quite clearly does not understand anything about the bill. He is more interested in calling for bells to be rung in this house than in any policy contribution. All he did when he was in power was shut down courthouses, shut down police stations and sack police.

Dr Napthine — On a point of order, Acting Speaker, the speaker is being completely irrelevant to the bill before the house, and I ask you to bring him back to the bill.

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

Mr MAXFIELD — I rose to talk about the Legal Profession (Consequential Amendments) Bill. I am disappointed about some of the interruptions I have been getting. It certainly makes it harder, when you are on a train of thought and members of the opposition suddenly realise — —

Honourable members interjecting.

Mr MAXFIELD — The level of interjection certainly makes it hard to argue the case in terms of some of the clauses in this bill. In the remaining few seconds I want to say that I am proud to be a member of a government that supports our judiciary. It ensures that we have the right structures in place — in the Latrobe Valley we have a \$30 million police and courthouse complex under construction — and that means that when matters end up in court we have the right facilities to deliver to the community and the whole legal profession. What the previous Kennett government did in this state was systematically slash the facilities and services — from the police to the courts — to ensure that we could not get access to proper court services. I commend the bill to the house.

Mr DELAHUNTY (Lowan) — I was not going to comment on this bill, but I was excited by the presentation from the member for Narracan. I now want to make a few comments about the Legal Profession (Consequential Amendments) Bill. As we know, the purpose of this bill is to make three groups of minor variations to the principal act which was passed in 2004 to implement a national, consistent framework. Australia is becoming smaller in relation to terminology, media, telecommunications and the like, and people are moving around Australia so it is important to get a national consistent framework.

The Leader of The Nationals developed a bill report for us which covered a lot of the things that are being debated here tonight. I know that he consulted widely with the Law Institute of Victoria and the Victorian Bar Council. I have consulted with people in the legal profession from my electorate.

The bill amends the principal act which was passed in 2004. It makes a number of changes to the act arising from the amendments made by the Standing Committee of Attorneys-General, and implements national model

provisions which therefore require adoption at the local level. I was interested to note that the member for Narracan talked about facilities and he spoke about police stations. I want to quickly comment on the budget which is an overview — but it comes back to the comment made here. It talks about police stations.

Honourable members interjecting.

Mr DELAHUNTY — It got the geography wrong! It has Merino, Penshurst and Dartmoor in the Grampians region. I do not think the government knows anything about country Victoria when it has those places listed under the Grampians. Penshurst is in twice!

Dr Napthine interjected.

Mr DELAHUNTY — They are good people in Penshurst, as the member for South-West Coast said. The government talks about country communities when it does not even know the geographics of country communities. It has them in twice! Penshurst — as the member for South-West Coast said, is a good community; it does not need two police stations, that is for sure. This budget overview mentions Lake Bolac again for the second year in a row, and they are still waiting for some action from this government. I call on it to do something. It does a lot of talk with a lot of spin, but let us see some action.

Getting back to the bill, I know that it is important that we discuss it here tonight. In reading through the briefing notes — —

Dr Napthine — It has some spelling errors.

Mr DELAHUNTY — It has a few spelling errors. We know this act abolishes the Legal Practice Board, the office of the legal Ombudsman and the Legal Profession Tribunal, and establishes new bodies responsible for the regulatory framework under the Victorian legal profession. As someone said earlier in the debate here tonight, it really is about rebadging. This government has been good at rebadging and reannouncing, and it is not really getting on and doing something for rural and regional Victoria.

This bill amends numerous acts to incorporate the new regulatory framework, and these changes include changes in terminology. I refer to a couple of the clauses. Clause 9 inserts proposed section 2.8.14(2) into the act to provide that regulations may be made to allow the board to determine from time to time classes of Australian-registered foreign lawyers who are required to contribute to the fidelity fund. It is interesting to note that because I am sure that these

lawyers are travelling in and out of Australia, and it is important that they also contribute to that fund.

However, I am interested in schedule 1 — and this is my final comment as I am nearing the end of my contribution today — where a number of changes in terminology have been included under the principal act. As a result, references to terms such as ‘solicitor’ must be removed and replaced with references to the Australian lawyer or the Australian legal practitioner as appropriate. I know there are many solicitors going around bragging — I am sure many of them are going through university — and they are probably down at the Warrnambool races and at the hotels tonight talking about the fact they will be the solicitors of the future. Under this proposed amendment they are not going to be called solicitors but Australian lawyers or Australian legal practitioners. I am sure that is of interest to people studying in the legal profession.

The member for Narracan went off the deep end there before, and I just thought I would highlight some of the inaccuracies again from this Labor government. It cannot get its geography right. It is important that we look at any legislation that comes in here, because, as I say for the sake of the member for Benalla, Victoria is a lot bigger than Melbourne. It is important that any legislation, particularly in relation to the legal profession, with its implications for us in country Victoria, is understood. From The Nationals’ point of view, and those in the Lowan electorate, we will not be opposing this legislation.

Mr LANGUILLER (Derrimut) — I am happy to rise tonight to speak in support of the Legal Profession (Consequential Amendments) Bill. This is a good bill. I will refer to a number of points which I think are important and which need to be made in the few remaining minutes. The first thing this bill achieves and delivers is uniformity across all jurisdictions. Whilst I am not a lawyer, I imagine that it would be good for lawyers, and indeed for communities, to be able to be confident that there is uniformity across all jurisdictions — namely, states and territories. This means that after lawyers go to university to study and be trained, if they wish to obtain employment elsewhere, then those skills are transferable. Importantly for consumers of the legal profession’s services, if they need to register a complaint against a legal practitioner they can do so easily and in a very accessible way.

In many ways, as a number of colleagues have mentioned, including the members for Richmond and Prahran, this is what we might call legal equity. It delivers easier access to the legal system. I think that is

good, and I welcome it. The Attorney-General ought to be commended for this further reform, which closes gaps that may have been left open in the main act, the Legal Profession Act, introduced in 2004.

This bill also fixes up terminology, and that is also important, so that the law can be easily understood by members of the community, including members of the legal profession. It deals with a number of technical errors, which it is admitted have been made and which consequently have been addressed in this proposal. This is a one-stop shop, a simple means that can be used by consumers of the services of the legal profession. It is accessible and open to the community, and I think that is good. The easier and more accessible we make use of the legal profession, legal practices and indeed the whole jurisdiction, the better it will be for all Victorians. I am sure the constituents I represent would welcome this change. It makes improvements to the legal profession. It makes it more accessible, easier to work with and easier to work through.

The other matter that needs to be referred to is that this bill is also good for volunteers. Legal practitioners like the Attorney-General and some members of the opposition — there are many legal practitioners in this chamber — volunteer their time, particularly for community legal centres, across the nation, both in Victoria and in other parts. I know many who have volunteered their time at the Fitzroy Legal Service and various other places, including the legal centre in Sunshine. The bill is good for them in that, if they are volunteers, they will not have to pay fees for their practising certificates. That is an important point that needs to be made.

The other important point that needs to be made is that in the Legal Profession (Consequential Amendments) Bill we actually deliver, by consequential amendments, increased funding to the Victorian Law Reform Commission. Let us not forget that it was the mob on the other side that shut down and dismissed the VLRC. What a shame that is for the opposition, the then government, to have taken away from Victorians the opportunity of having laws reviewed independently by a very good and established institution such as the commission. Members of the opposition should be ashamed of that act, and we are proud of the fact that we are now, through these consequential amendments, bringing about increased funding to the VLRC.

In passing I commend the commissioner, Marcia Neave, with whom I have had the pleasure of working in many committees — and indeed we are both on the committee which is currently preparing an exposure draft for a disability bill. I had the privilege of getting

her advice on the disability legislation this Parliament will have the opportunity of debating in the near future. Indeed, one of our advisers, if I may conclude on this point, an adviser to Minister Garbutt, was formerly a researcher at the commission. I commend the bill to the house and wish it a speedy passage.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

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

That the house do now adjourn.

Pascoe Vale Girls Secondary College: upgrade

Mr PERTON (Doncaster) — I raise a matter relating to Pascoe Vale Girls Secondary College. I attended the school yesterday for a political convention and had the pleasure of debating my former colleague, Kelvin Thomson, the federal member for Wills. After the debate and the political forum I had the opportunity to look at the school, which is a high-performing state school. Its 1400 students have backgrounds of broad cultural diversity and come from a wide geographical area. It is one of the highest performing schools in like school group 9, which includes schools with very high levels of socioeconomic need. But the success of the school means it is outperforming schools in like school groups 5 and 6. The school's success is reflected in the list of students waiting to enrol.

The school aims to be at the leading edge of technological innovation in teaching and learning, providing challenging experiences which emphasise the development of leadership in women in a rapidly changing world. As part of that it promotes science and maths as major subjects of learning, but it is being severely handicapped by the physical constraints imposed on it by the Bracks government. The school has repeatedly been requesting new science facilities, requests which have fallen on the deaf ears of government for the last five years. It is forced to cram its students into 50-year-old facilities that desperately need upgrading.

Ideally the school would like to build a new science wing, but realising that funds are not likely to be forthcoming, it has concentrated its efforts on seeking the refurbishment of its ageing laboratories. Despite the upgrade of its science facilities having been in its master plan for the last five years and despite it currently being the school's major priority, its requests for funds have so far been ignored. The matter I raise is

for the Minister for Education and Training, and I ask that the government fund this master plan. The hypocrisy of the member for Pascoe Vale, who on a number of occasions has raised the school's name and praised it but has done absolutely nothing to improve the facilities at the school and to provide a new science wing — —

Ms Campbell — On a point of order, Acting Speaker, the member for Doncaster is misrepresenting the truth. I suggest he stick to the facts.

The ACTING SPEAKER (Mr Nardella) — Order! There is no point of order.

Mr PERTON — Going through this high-performing school I was shocked to see that there are 40 portable classrooms on this site.

Mr Kotsiras — How many?

Mr PERTON — Forty portable classrooms. This is a high-performing women's school. It is a shame and an indictment of this Labor government and the member for Pascoe Vale that the school has gone on for so long with inadequate science facilities and 40 portable classrooms. The Liberal government will fix it.

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

Public transport: Gembrook electorate

Ms LOBATO (Gembrook) — I wish to raise a matter for the Minister for Transport. The action I seek is for the minister to ensure that various improvements are made in the provision of public transport in the electorate of Gembrook. As the minister would be aware, access to public transport in my electorate is one of the major issues, particularly for residents in the Upper Yarra area and the Dandenongs. Through forums I have conducted or participated in I have received numerous first-hand accounts of the effects caused to communities by inadequate bus services.

As a result of these forums some changes or new services have been implemented that have created enormous benefit for various communities, but there are a few more measures that my constituents need implemented as a matter of urgency. The Upper Yarra and the Dandenong Ranges are mostly geographically isolated and are without access to rail lines. Many residents are also without private transport. I have previously spoken in this house about one public transport issue that I am particularly passionate about — the need for a bus service to run from

Warburton to Warburton East, a distance of approximately 3½ kilometres.

People living in Warburton East, generally with young children, or those who are elderly, often do not have access to their own private transport and are either forced to walk to Warburton or remain isolated. I have received numerous approaches and petitions on this issue. By extending a service for 3½ kilometres we as a government would provide an enormous opportunity in terms of facilitating employment and educational prospects.

I have also strongly supported the expansion of route 838, from Emerald to Fountain Gate, to divert to Berwick railway station. Again, this would provide educational opportunities for hills residents to attend the Chisholm Institute in Berwick and Monash University. I am acutely aware of the lack of opportunities for young people, particularly those living in areas such as Cockatoo, Gembrook and Emerald, to access various forms of entertainment on the weekends. I often witness youth engaging in hitchhiking, as often they can get where they want to go but find it very difficult to get home again without extended evening services. Therefore I call for additional trips on the weekends to cater for the needs of youth in the hills. I also call for additional evening trips on the Hampton to Pakenham line which goes through Berwick. It is very well utilised by my constituents in the southern end of the electorate. Again, I ask the minister to ensure that the public transport needs I have outlined are met for the good of the community.

Bridges: Echuca–Moama

Mr MAUGHAN (Rodney) — I wish to raise a matter for the Minister for Transport. It concerns the Echuca–Moama bridge, a matter of which the minister is very well aware; I have raised it in this house on a number of occasions. It concerns the urgent need for a second Murray River crossing at Echuca–Moama and the long-running negotiations that have been going on to build the bridge.

Honourable members interjecting.

Mr MAUGHAN — It is nine years. Discussions started in 1995 between the Shire of Campaspe and the Shire of Murray, and I was privileged to both jointly convene and chair that meeting. In September 1998, six and a half years ago, the commonwealth announced that \$15 million would be provided for this project from the Federation Fund, and on 23 August 1999 a very enthusiastic meeting was held in the Moama Bowling Club to form a consultative committee. An information

bulletin was distributed to all households putting forward seven possible options. That was subsequently narrowed down to three, and detailed investigations commenced.

The outcome was that a VicRoads and New South Wales Roads and Traffic Authority study group recommended the central option, and an environmental impact statement and environment effects statement were prepared. That application was then taken to appeal and the planning panel recommended that W1, or the western option, should be put forward to the Minister for Planning, who subsequently approved it.

As the minister would be well aware, under the commonwealth legislation, the commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act 1984, the written consent of the relevant Victorian Aboriginal community, in this case the Yorta Yorta nation, is required before design can even start, let alone construction. These negotiations between VicRoads and the Yorta Yorta have now been going on for two years and two months. The Yorta Yorta people in evidence to the planning panel stated that they would 'throw everything possible in the way of the W1 if that route is chosen'. The word locally is that they still hold that view and that no agreement has been reached.

Meanwhile the need for a new bridge grows day by day. An average of more than 20 000 vehicles use the existing bridge on a daily basis, and we frequently now get gridlock. I therefore ask the minister to indicate whether any decision has been made by the Aboriginal community; if so, when will it be publicly announced. If not, will the minister commit to a time limit of 30 June 2005 to complete negotiations to achieve support for the western option; and if not, proceed immediately to explore — —

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

Public transport: outer east

Mr MERLINO (Monbulk) — I would like to raise the issue of public transport with the Minister for Transport. The action I am seeking is that the minister give strong consideration to improving public transport services in the outer east. The most logical public transport improvement in this region is through an improvement in bus services. My electorate is well serviced by rail via the Belgrave train line, with local stations in Boronia, Upper Ferntree Gully and Belgrave, and also the Lilydale line, outside Monbulk.

The issue for my constituents is the need to improve the connecting bus links to these stations and regional shopping centres, between townships and to local schools, and to improve weekend and evening services and the regularity of these services. The government has conducted a study of bus services in the region, including workshops with the local community, to determine options for future improvements.

I was very pleased to see that the 2005–06 budget released today includes \$44 million for improvements to local bus services. I understand that 12 priority areas have been determined, of which Yarra Ranges is one. I am confident that these will lead to future improvements in the outer east.

In the meantime I request the minister to consider a number of immediate improvements including: improved weekend timetabling on the Croydon–Olinda route 688, and improvements to Friday and weekend services on the Belgrave–Monbulk route 663, which I know the member for Evelyn has also strongly advocated for. I also very much support the calls from the member for Gembrook to upgrade services in the hills on the Belgrave–Gembrook route. The development of the priority areas and the renegotiation of statewide bus contracts in 2007 provide a great opportunity for significant improvements. I again request the minister strongly consider these suggested immediate local bus improvements.

Rosebud: foreshore upgrade

Mr DIXON (Nepean) — I wish to raise an issue with the Minister for Environment and ask him to provide funding out of this year's budget for a range of important improvements to the Rosebud foreshore.

The previous government committed \$2 million of an estimated \$6 million master plan needed for the foreshore. That \$2 million was spent and all the improvements were made about three years ago. The master plan identifies that funding is needed now for the next major injection of works that include massive weed removal and clean-up along the foreshore on a stretch of a few kilometres, 20 to 30 metres wide, from McCrae through to West Rosebud. That strip is full of mirror bush and rubbish which is so thick that people cannot see the bay, and it is a haven for undesirables. It really spoils the look of the foreshore.

Also, improved camping facilities, including an amenities block, are needed. Some have been installed but others need to be finished. The water services, especially, need to be improved. During the camping season when there is a demand on the water services

you get no water from the taps if you are at the end of the line. The lack of water pressure is not good for campers, and it would be very dangerous in the case of a fire or other type of emergency, which could happen due to the amount of vegetation and the number of people who camp there.

Playgrounds and car parks along the foreshore also need to be upgraded. The Department of Sustainability and Environment has an aversion to car parks on foreshores. It wants young families and old people to park across from the beach, cross the busy and dangerous highway, and then walk through the foreshore so they can go to the beach. The DSE does not like the idea of people having easy access to the beach. It does not like the idea of my elderly constituents being able to sit in their cars and enjoy the bay views. There is an identified need for a boat ramp at Rosebud, and it is part of the master plan, but Parks Victoria is yet to fund that.

Probably the worst area that needs the greatest improvement is the foreshore next to Rosebud pier. That area was filled some 20 to 30 years ago with rubbish and fill from the Mornington Peninsula freeway construction — it was just dumped on the foreshore, it is a couple of metres thick, it is full of rubbish, rotting trees and boulders. Every time a storm comes in, more of this rubbish is exposed. There is a 1-metre to 2-metre drop down onto the sand; it is unsightly and dangerous. That fill needs to be removed and the beach needs to be renourished permanently. There is no shortage of things to be done on Rosebud's foreshore out of this year's budget.

Buses: Evelyn electorate

Ms McTAGGART (Evelyn) — I wish to raise a matter for the Minister for Transport. I ask the minister to secure funding to improve bus services within my electorate. Many bus services within my electorate commence from Chirnside Park shopping centre and the Lilydale railway station. These include route 679, Chirnside–Ringwood, which services the Mount Evelyn community; route 683, Chirnside Park–Warburton, which services communities along the Warburton Highway, some of which are semirural and are in the electorates of Evelyn and Gembrook; and route 685, Lilydale–Healesville, which services the Coldstream community.

Given that Chirnside Park and Lilydale are major shopping and community precincts, it has been raised with me on many occasions that the current bus services do not adequately service the region. It is extremely important that residents, especially young

people, are able to engage in social and sporting activities and employment and travel on Friday nights or later on Saturday afternoons. This has been a problem as the current bus services do not cater for their return journeys from these centres.

Last year I held discussions with many key stakeholder groups and community members to identify local issues that needed to be addressed. These groups included schools, traders, township organisations, disability and support services and residents. The main need outlined at these meetings was for extended Friday evening and weekend services. It is very important for my communities to have improved services as we live in a rural interface, with many residents living outside the metropolitan area. These services are absolutely essential for schoolwork and social needs.

I along with my parliamentary colleagues have certainly lobbied the minister strongly on these issues. Given the announcement today of the allocation of \$44 million in the state budget for improvements to local bus services, I would be delighted if my electorate of Evelyn and the adjoining electorates of Seymour, Gembrook, Monbulk and Kilsyth were recipients of this funding to address the immediate needs of our communities.

I commend the commitment that the minister and the Bracks government has made to the SmartBus routes in the eastern suburbs and now call on the minister to give his support to secure funding for the much-needed improvements to the previously mentioned bus routes in the outer east.

WorkCover: asbestos

Mr COOPER (Mornington) — I draw a matter to the attention of the Minister for WorkCover and the TAC in the other place and his representative in this place, who I understand is the Attorney-General. In February 2003 I wrote to the Attorney-General in his capacity as the then Minister for WorkCover asking him to fix up a loophole in the regulations covering asbestos removal. In April that year I got a reply which can only be described as a nonsense response. Therefore I raised the matter on the adjournment debate on 6 May 2003 and asked the minister to take some action. I got no response to that. I wrote to him again in November 2003, and I got a reply in December 2004. In the letter he said that it was not clear to him that a legislative loophole exists in respect of the coverage of asbestos removal in premises that are not workplaces.

The issue revolves around the removal of asbestos by householders. They can just get out there with their

angle grinder or whatever and remove asbestos themselves. This has happened on a couple of occasions that have been brought to my attention by neighbours who are very worried about the fact that asbestos has been worked on by people who have not worn protective clothing and have not protected themselves in any other way. Of course the neighbours do not have any protection from flying asbestos particles either. The minister said in his letter dated 6 December 2004:

Whilst it is not clear therefore that a legislative loophole exists in respect of the coverage of asbestos in premises that are not workplaces, the Victorian government recognises the complexity of the current legislative framework and shares your concerns about the risk to householders (as well as to workers) of exposure to asbestos fibres.

It then goes on to talk about:

... the need for a concerted approach to the management of asbestos issues on a whole-of-government basis.

All that sounds nice — it is a lot of rhetoric — but the reality is that nothing has happened. Here we have the minister saying that he is not clear that there is a legislative loophole, but there are some people who are clear that there is a loophole.

On Tonya Roberts's *Saturday Morning Program*, which is on 774 ABC radio every Saturday, a talkback building expert, Mr David Norman, has mentioned on two occasions that householders can remove asbestos on a do-it-yourself basis. Back in April on the building, renovations and do-it-yourself segment he told a listener that a builder could remove the asbestos cladding from his homestead but that he should employ a licensed asbestos removal contractor. He then pointed out that the householder could remove it himself due to a gap in the regulations. So there is a gap in the regulations, and there is a need for this minister to do something. We have a new minister for WorkCover, and I am asking him to take some action before somebody dies.

Bicycles: Upfield shared pathway

Ms CAMPBELL (Pascoe Vale) — The action I seek is from the Minister for Transport. I ask him to resolve and clarify tonight outstanding VicTrack matters which currently seem to be obstacles to the completion of the outstanding Upfield shared pathway, particularly off-street cycling between Bell and O'Hea streets in Coburg.

The Upfield shared pathway is a vital bicycle link that allows safe transport from Moreland and beyond into the central business district. It allows cyclists to traverse

the Moreland council area without necessitating their use of Sydney Road — obviously it is a much safer option than using Sydney Road.

Moreland council and the Minister for Transport have been resolute in their support to ensure that the Upfield shared pathway is enhanced. In fact the Minister for Transport is considered rather a hero among cyclists in Moreland for his funding of the Bell Street pedestrian cycle lights at the Coburg railway station.

We also acknowledge that getting cyclists off Sydney Road will allow the Minister for WorkCover and the TAC in the other place to save funds. There will be less accidents as cyclists use the shared pathway and do not have to battle motorists along Sydney Road. Even motorists support the Upfield shared pathway because it funnels cyclists off Sydney Road and into that pathway.

The Upfield shared pathway provides the government with a wonderful opportunity to ensure it is able to implement by 2020 at least 20 per cent more off-road transport options. If we use the Upfield shared pathway, we will also have the advantage of minimising greenhouse gases as cyclists not only do not use Sydney Road but are inhaling far less carbon monoxide from car fumes along that road. The Upfield shared pathway is safer and healthier, and it is important that the government joins with Moreland councillors in ensuring that land currently owned by VicTrack will be provided so that Moreland council can complete the shared pathway between Bell Street and O'Hea Street.

I want to put on record congratulations to Nicholas Elliot from Moreland council, a cycling champion, and Peter Brown, the chief executive officer, who has worked conscientiously with me, the Coburg Bicycle Users Group and the Brunswick Bicycle Users Group to promote the Upfield shared pathway. There is now a great opportunity to assist —

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

Information and communications technology: tenders

Mr KOTSIRAS (Bulleen) — I raise a matter for the attention of the Minister for Information and Communication Technology in the other house. It concerns the Victorian government's Enterprise Content Management tender process. I have been advised that the process has not been fair, and I request the minister to investigate the ECM tender process. At this stage they are only allegations. I have received a copy of an email. I will make some changes and not

name the people in the email because, as I said, at this stage these are allegations only. The details are follows:

A government employee who works for the Department of Premier and Cabinet ... was involved in the initial discussions regarding the ECM project and had access to the various committees and project staff. At the same time, DMR consulting were also working in at DPC and —

this public servant —

gave a DMR consultant — —

Mr Cameron — On a point of order, Acting Speaker, the honourable member is reading from a document and I ask, when he concludes, that it be tabled.

Mr KOTSIRAS — I am happy to. To continue:

At the same time, DMR consulting were also working in at DPC and —

this public servant —

gave a DMR consultant ... a copy of the documentation detailing requirements for the whole of Victorian government ... ECM system. The document in question was the only documentation available at the time and —

the public servant —

gave it to —

the consultant —

for comment and review.

The consultant:

then contacted ... the project manager at Multimedia Victoria at the time and responsible for the [whole of government] ECM tender ...

The project manager asked:

if DMR could be more involved in the ... ECM and confirmed that DMR had commented concerning the requirements document given to them ...

This set off alarm bells within the office of the chief information officer ... as the document was confidential and 'government internal'. An email was sent out to everyone who was involved both within the [office] and from the various departments, stressing to everyone that the process was confidential and no information was to be given to anyone outside of the working group with government.

It continues by saying the issue is that:

... a copy of the ... ECM requirements —

was given out —

at least six months before it went out to public tender. In addition ... the OCIO —

the project manager —

also sent out an email within government reminding staff to keep project information internal and confidential.

It is alleged that:

... Fujitsu/DMR —

might have —

influenced the government's requirements documentation and had unfair commercial advantage. They were allowed to consult in at DPC and Treasury to help them prepare for moving toward an ECM system ...

These are very serious allegations, and I ask the minister to investigate and to respond back to the Parliament.

Rail: Melbourne–Warrnambool service

Dr NAPTHINE (South-West Coast) — I wish to raise an issue for the Minister for Transport. I ask him to take action to fix up the Melbourne–Warrnambool railway service. It is an absolute disgrace. Since V/Line took over this service from West Coast Railway there has been a significant decline in the standard of service. There has been a pattern of breakdowns, cancellations and delays in services, and patrons have been severely disadvantaged.

I refer to budget paper 3, which says that patronage levels on V/Line services declined by 7.7 per cent in the previous 12 months. It is not surprising that patronage has declined if the services that are provided to the people of western Victoria are typical of how V/Line runs its services. When this service was run by West Coast Railway there was a management regime which improved patronage, improved the quality of service and improved standards of customer relations, which had a positive impact on tourism and the use of public transport in the western rail corridor.

However, 12 months ago this government, with its union mates, forced West Coast Railway to relinquish that service and took it over as a government-run service. Ever since then we have seen the sacking of staff and a period when there was no buffet car on the service. We have had a world-record percentage of trains that have been delayed, have broken down or have not got passengers to their destinations on time. We now have a consistent record of V/Line simply not delivering the standard of service on the Melbourne–Warrnambool line.

The action I seek from the Minister for Transport is that he personally examine the management and operation of this service. I want him to personally take

responsibility for the delivery of quality public transport services along the Melbourne–Warrnambool railway corridor. The minister has been asleep at the wheel, and during the last 12 months the service has deteriorated to the point where many passengers no longer wish to travel on it. They do not feel confident that the service will deliver them to their destination on time, and they are worried about the trains breaking down and about having to travel by bus.

The Minister for Transport needs to accept responsibility, to take a personal interest and to upgrade the standard of service on the Melbourne–Warrnambool line. The action I seek is for the Minister for Transport to improve that very important rail corridor.

Responses

Mr BATCHELOR (Minister for Transport) — A number of issues relating to additional bus services have been raised with me tonight by the members for Gembrook, Monbulk and Evelyn. They seek specific improvements to bus services in their electorates and in the Yarra Ranges municipality generally. As was announced in the budget today, the government will be providing an extra \$44.6 million to invest in local bus routes over the next four years. It is my expectation that the bulk of this money will be directed to those areas in the outer suburbs where bus services are non-existent or, as a number of members have pointed out tonight, to areas which could benefit from some service improvements, particularly to Friday night and weekend timetables.

Specific service improvements are largely being identified through studies that are being conducted across 12 priority regions, of which Yarra Ranges is one. That local examination was referred to tonight. All of these studies are expected to be completed by about June of this year. A range of priority responses can then be developed and considered on a statewide basis.

What I undertake to do is to work with these three members to try to improve any services this financial year. However, in today's budget \$5 million has been allocated for the 2005–06 financial year, which will rise to around \$10 million per annum in the following year. It is a commitment from this government to provide additional bus services across the outer metropolitan area and other areas as well. I will see what I can do for these three members in relation to the bus routes they have specifically identified tonight as well as those that come out of the examination of bus routes across their areas. This is in line with the metropolitan transport plan, which we have given a financial commitment to in the state budget and which is about improving

commuter services right across the outer metropolitan area, with particular emphasis on improved local bus networks.

The members for Gembrook, Monbulk and Evelyn have already been discussing with me the need to make immediate changes, and that was the thrust of their contributions — that is, making improvements to the local bus services that are already operating in the Yarra Ranges. They have raised very specific initiatives, and I thank them for their detailed knowledge of their individual areas and the needs of their communities. This does not surprise me, given that they are three local members who are so clearly connected to their local communities and who have such a good understanding of their needs and how they might be specifically addressed. These priorities seem to be sensible suggestions to meet the immediate demand for services in the Yarra Ranges in the electorates of Gembrook, Monbulk and Evelyn. I will ask my department to look into their suggestions as a matter of urgency to see if any improvements can be made in the short term. I thank each of those three members for raising those matters in a very constructive way.

The member for Pascoe Vale raised with me an issue relating to a need to resolve insurance issues to allow for the completion of a shared pathway along the Upfield railway line in her electorate. She raised this issue because of an impasse that currently exists between the Moreland council and VicTrack regarding insurance issues and the construction of this final section of the Upfield shared pathway. I know the member for Pascoe Vale has a long-running and enduring interest in improving facilities for cycling and bikes generally, which she outlined here tonight. The government is committed to increasing the number of people using alternative modes of transport, including a greater use of cycles. As the member for Pascoe Vale pointed out tonight, this will of course lead to less congestion on our roads and a healthier community. It will lead to many more people engaging in healthy and active lifestyles. All are laudable objectives.

Bikes are not simply a matter of getting from point A to point B. They are a great way to enjoy the benefits of regular exercise. I encourage more members of Parliament to think about riding a bike. It is one of those activities that you never forget how to do. I would expect most members in this place should be capable of riding a bicycle around their local electorate and I would encourage them to do that. For these reasons the government is very keen to promote cycling, to improve the infrastructure that will allow that to occur and to encourage more people to use bikes not only to travel around their local neighbourhood but also to

commute to work and in and out of the city. It is a great way of getting in and out of the city, particularly where the infrastructure facilities are available.

The Upfield shared pathway is an important part of bike infrastructure in this regard. Already the government has invested in this project by installing a set of traffic lights at Bell Street, specifically to help the cyclists and pedestrians using the path to cross busy Bell Street and to do that safely. The completion of the shared pathway is an important task. It will be of great benefit to cyclists, and I will take that matter up as a matter of urgency with the department. I thank the member for Pascoe Vale for bringing that to my attention.

The member for Rodney raised with me the issue of the Echuca–Moama bridge. This is an issue in which he has had an enormous amount of interest over a very long time, well before my period of serving as transport minister, and he continues to have an active interest in how this issue might be sensitively and expeditiously progressed. I can advise the member for Rodney that the Yorta Yorta Nation Aboriginal Corporation has actually advised VicRoads that due to cultural and heritage concerns it cannot agree to the western alignment of the Echuca–Moama bridge. Interestingly that is a position that it has consistently held from day one whenever this issue has been raised in Echuca.

I can advise the house that VicRoads and Yorta Yorta have worked together over the last 18 months to examine all the available options of the western alignment, including ways to minimise the impact on sites that are significant to the Yorta Yorta nation. The site of the western alignment is of significance to the Yorta Yorta and its ancestors, and unfortunately this process over the last 18 months has not achieved a resolution to this very sensitive but important process. There are a number of important archaeological sites that exist within the various options of the western alignment in the entire corridor, and the Yorta Yorta have identified that the preservation of the western alignment is extremely important to them. These sites are of great value to the Yorta Yorta nation.

The Bracks government acknowledges the decision of the Yorta Yorta people and truly thanks them for their earnest endeavours in trying to resolve this difficult issue. As I said, it is a position that they have consistently, genuinely and sincerely held right from the very beginning. It is incumbent upon us to now explore other options to provide an upgrade to the crossing over the Murray.

VicRoads has followed the planning process as required under both commonwealth and state laws and

has had regular meetings and discussions with the Yorta Yorta and other stakeholders in an attempt to reach an agreement. It is interesting to note that VicRoads and the Yorta Yorta have worked hard to gain agreements on a number of significant projects in the region, and it is important to realise that in the case of Echuca the Yorta Yorta are not opposed to a second bridge crossing, they just do not agree with its being built on the western alignment. So this is a comment by the Yorta Yorta that is very site specific. They are not opposed to a crossing, and I think that provides an important way for us to try to resolve the issues and find a way forward.

However, we understand the importance of the bridge project to both the Echuca and Moama communities; it is important to provide an upgraded link. I was not long ago at Corowa, where another Federation bridge was opened. I had the pleasure of joining with that community and the member for Murray Valley to open that new facility, and it was greatly appreciated — as I imagine the Echuca and Moama communities will appreciate any improvements to their crossings.

We will now examine the other options for upgrading this route, and we will do that working with the Shire of Campaspe. We are committed to moving this important project forward. With goodwill, hard work and understanding I am sure an acceptable route can be found. The government, VicRoads and I will certainly be working towards that objective in that manner. We look forward to doing that in concert with the local community to try to move this matter forward as quickly as we can.

The member for South-West Coast raised with me an issue in relation to the train services between Melbourne and Warrnambool. This is a service that the Bracks government saved from collapse when the previous incumbent was not able to continue its operation because of shortcomings and safety issues relating to the rolling stock.

Dr Napthine — You ran it down. You undermined it.

Mr BATCHELOR — The member for South-West Coast admits and acknowledges that they were arrangements that were put in place by his government through the privatisation of this corridor.

Dr Napthine — On a point of order, Acting Speaker, it is absolutely inappropriate for the minister to misrepresent and lie when referring to other members of Parliament. It is against standing orders to

impute motives to other members, and I would ask him to withdraw that imputation.

Mr BATCHELOR — On the point of order, there was no imputation made there, and I have no intention of withdrawing anything.

Mr Plowman — On the point of order, Acting Speaker — —

The ACTING SPEAKER (Mr Nardella) — Order! I have heard enough on the point of order. I will rule on it. The member cannot ask for a withdrawal of an imputation. He can ask for a withdrawal of specific words about another member. In this instance it is not appropriate to request a withdrawal, and I ask the minister to continue.

Mr Plowman — On a further point of order, Acting Speaker, although the member used the term ‘impute’, he requested the withdrawal of certain words. Therefore I ask you to consider it on the basis of his request to have withdrawn those words which he found offensive.

The ACTING SPEAKER (Mr Nardella) — Order! I have already ruled on the point of order. To reiterate, in his point of order the honourable member for South-West Coast referred to the imputation. That is what I have ruled on.

Mr BATCHELOR — This is a situation where the Bracks government had to step in to ensure that rail services between Melbourne and Warrnambool continued. We have absolutely done that. This rescuing of the V/Line services by the Bracks government was to ensure that train services could continue. When the rolling stock was unacceptable, unsafe and unable to be used and at a time when V/Line itself had very limited resources in terms of spare rolling stock, the rolling stock was able to be swung into use on this corridor. This follows this government’s upgrading, during its term, of the track between Geelong and Warrnambool to ensure that over the long term the infrastructure to support whatever trains were being used and whatever rolling stock was in position — whether it be owned by the previous incumbents West Coast Railway or operated now by V/Line — were of a much higher standard.

On all the objective records and the actions of this government we have taken steps to ensure that the train service between Warrnambool and Melbourne continues to operate. It has experienced some difficulties of recent times. We acknowledge those difficulties, unlike the member for South-West Coast who has failed to acknowledge the culpability of the previous Liberal government in this sad case. The

previous government allowed this sorry state to exist and develop. It was this government that rescued the service, upgraded the track between Geelong and Warrnambool and is now upgrading the track between Geelong and Melbourne. It is upgrading the whole of the provincial country services. We are doing a terrific job of that.

It was the previous government that closed down rail lines. It was the member for South-West Coast who voted for it when the issues came before cabinet. He was part of the government that closed down these railways and services. When we save them, upgrade them and invest in the future he tries to reinvent history. He will not be successful. I say to all the people who use the Warrnambool train service: if a Liberal government were in power now, it would have closed down the rail line when West Coast Railway ran into safety problems. The member for South-West Coast knows that is true. That was the previous government’s form. It revelled in and enjoyed closing down railway lines, sacking rail workers and putting the whole of the public transport system into jeopardy.

I am happy to have our record in administration measured against the record of the Liberal Party and the member for South-West Coast, who was part of a government that attacked and undermined public transport services right across country Victoria. The member for South-West Coast cannot squirm out of his responsibilities tonight, because the people of country Victoria remember what the Liberal Party did.

The member for Doncaster raised a matter for the Minister for Education and Training in relation to Pascoe Vale Girls Secondary College. I will pass that on to the minister.

The member for Nepean raised a matter for the Minister for Environment about the Rosebud foreshore.

The member for Mornington raised a matter for the minister representing the Minister for WorkCover and the TAC about asbestos removal. Likewise, I will ask that that be brought to the minister’s attention.

The member for Bulleen raised a matter for the attention of the Minister for Information and Communication Technology in the other place about the enterprise content management project. I will have that brought to the minister’s attention.

The ACTING SPEAKER (Mr Nardella) — Order! The house stands adjourned.

House adjourned 10.50 p.m.

