**PARLIAMENT OF VICTORIA**

# PARLIAMENTARY DEBATES (HANSARD)

## LEGISLATIVE ASSEMBLY

## FIFTY-SIXTH PARLIAMENT

## FIRST SESSION

**Thursday, 7 June 2007**

**(Extract from book 8)**

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

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## The Governor

Professor DAVID de KRETSER, AC

## The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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| | |
|---|---|
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| Deputy Premier and Minister for Water, Environment and Climate Change | The Hon. J. W. Thwaites, MP |
| Minister for Education | The Hon. J. Lenders, MLC |
| Minister for Skills, Education Services and Employment and Minister for Women's Affairs | The Hon. J. M. Allan, MP |
| Minister for Gaming, Minister for Consumer Affairs and Minister assisting the Premier on Multicultural Affairs | The Hon. D. M. Andrews, MP |
| Minister for Victorian Communities and Minister for Energy and Resources | The Hon. P. Batchelor, MP |
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| Minister for Agriculture | The Hon. J. Helper, MP |
| Minister for Finance, WorkCover and the Transport Accident Commission, Minister for Tourism and Minister for Information and Communication Technology | The Hon. T. J. Holding, MP |
| Attorney-General, Minister for Industrial Relations and Minister for Racing | The Hon. R. J. Hulls, MP |
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| Minister for Planning | The Hon. J. M. Madden, MLC |
| Minister for Sport, Recreation and Youth Affairs | The Hon. J. A. Merlino, MP |
| Minister for Mental Health, Minister for Children and Minister for Aged Care | The Hon. L. M. Neville, MP |
| Minister for Roads and Ports | The Hon. T. H. Pallas, MP |
| Minister for Health | The Hon. B. J. Pike, MP |
| Minister for Industry and State Development, Minister for Major Projects and Minister for Small Business | The Hon. T. C. Theophanous, MLC |
| Minister for Housing and Minister for Local Government | The Hon. R. W. Wynne, MP |
| Cabinet Secretary | Mr A. G. Robinson, MP |

## Legislative Assembly committees

**Privileges Committee** — Mr Carli, Mr Clark, Mr Delahunty, Mr Lupton, Mrs Maddigan, Dr Napthine, Mr Nardella, Mr Stensholt and Mr Thompson.

**Standing Orders Committee** — The Speaker, Ms Barker, Mr Kotsiras, Mr Langdon, Mr McIntosh, Mr Nardella and Mrs Powell.

## Joint committees

**Dispute Resolution Committee** — (*Assembly*): Mr Batchelor, Mr Cameron, Mr Clark, Mr Holding, Mr McIntosh, Mr Robinson and Mr Walsh. (*Council*): Mr P. Davis, Mr Hall, Mr Jennings, Mr Lenders and Ms Pennicuik.

**Drugs and Crime Prevention Committee** — (*Assembly)*: Ms Barker, Mr Morris, Mr Delahunty, Mrs Maddigan and Mr McIntosh. (*Council*): Mr Leane and Ms Mikakos.

**Economic Development and Infrastructure Committee** — (*Assembly*): Ms Campbell, Mr Crisp and Ms Thomson. (*Council*): Mr Atkinson, Mr D. Davis, Mr Tee and Mr Thornley.

**Education and Training Committee** — (*Assembly*): Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras. (*Council*): Mr Elasmar, Mr Finn and Mr Hall.

**Electoral Matters Committee** — (*Assembly*): Ms Campbell, Mr O'Brien, Mr Scott and Mr Thompson. (*Council*): Ms Broad, Mr Hall and Mr Somyurek.

**Environment and Natural Resources Committee** — (*Assembly*): Ms Duncan, Mrs Fyffe, Mr Ingram, Ms Lobato, Mr Pandazopoulos and Mr Walsh. (*Council*): Mrs Petrovich and Mr Viney.

**Family and Community Development Committee** — (*Assembly*): Ms Beattie, Mr Dixon, Mr Perera, Mrs Powell and Ms Wooldridge. (*Council*): Mr Scheffer and Mr Somyurek.

**House Committee** — (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Delahunty, Mr Howard, Mr Kotsiras, Mr Scott and Mr K. Smith. (*Council*): The President (*ex officio*), Mr Atkinson, Ms Darveniza, Mr Drum, Mr Eideh and Ms Hartland.

**Law Reform Committee** — (*Assembly*): Mr Brooks, Mr Clark, Mr Donnellan and Mr Lupton. (*Council*): Mrs Kronberg, Mr O'Donohue and Mr Tee.

**Outer Suburban/Interface Services and Development Committee** — (*Assembly*): Ms Green, Mr Hodgett, Mr Nardella, Mr Seitz and Mr K. Smith. (*Council*): Mr Elasmar, Mr Guy and Ms Hartland.

**Public Accounts and Estimates Committee** — (*Assembly*): Ms Graley, Ms Munt, Mr Scott, Mr Stensholt, Dr Sykes and Mr Wells. (*Council*): Mr Barber, Mr Dalla-Riva, Mr Pakula and Mr Rich-Phillips.

**Road Safety Committee** — (*Assembly*): Mr Eren, Mr Langdon, Mr Mulder, Mr Trezise and Mr Weller. (*Council*): Mr Koch and Mr Leane.

**Rural and Regional Committee** — (*Assembly*): Mr Eren and Mr Northe. (*Council*): Ms Darveniza, Mr Drum, Ms Lovell, Ms Tierney and Mr Vogels.

**Scrutiny of Acts and Regulations Committee** — (*Assembly*): Mr Brooks, Mr Carli, Mr Jasper, Mr Languiller and Mr R. Smith. (*Council*): Mr Eideh, Mr O'Donohue, Mrs Peulich and Ms Pulford.

## Heads of parliamentary departments

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

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

*Parliamentary Services* — Secretary: Dr S. O'Kane

**MEMBERS OF THE LEGISLATIVE ASSEMBLY**

**FIFTY-SIXTH PARLIAMENT — FIRST SESSION**

**Speaker:** The Hon. JENNY LINDELL

**Deputy Speaker:** Ms A. P. BARKER

**Acting Speakers:** Ms Beattie, Ms Campbell, Mr Eren, Mrs Fyffe, Ms Green, Dr Harkness, Mr Howard, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Mr Lupton, Ms Marshall, Ms Munt, Mr Nardella, Mrs Powell, Mr Seitz, Mr K. Smith, Mr Stensholt and Mr Thompson

**Leader of the Parliamentary Labor Party and Premier:**
The Hon. S. P. BRACKS

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

**Leader of the Parliamentary Liberal Party and Leader of the Opposition:**
Mr E. N. BAILLIEU

**Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:**
The Hon. LOUISE ASHER

**Leader of The Nationals:**
Mr P. J. RYAN

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

| Member | District | Party | Member | District | Party |
|---|---|---|---|---|---|
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| Andrews, Mr Daniel Michael | Mulgrave | ALP | Lobato, Ms Tamara Louise | Gembrook | ALP |
| Asher, Ms Louise | Brighton | LP | Lupton, Mr Anthony Gerard | Prahran | ALP |
| Baillieu, Mr Edward Norman | Hawthorn | LP | McIntosh, Mr Andrew John | Kew | LP |
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| Blackwood, Mr Gary John | Narracan | LP | Morand, Ms Maxine Veronica | Mount Waverley | ALP |
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| Burgess, Mr Neale Ronald | Hastings | LP | Napthine, Dr Denis Vincent | South-West Coast | LP |
| Cameron, Mr Robert Graham | Bendigo West | ALP | Nardella, Mr Donato Antonio | Melton | ALP |
| Campbell, Ms Christine Mary | Pascoe Vale | ALP | Neville, Ms Lisa Mary | Bellarine | ALP |
| Carli, Mr Carlo Domenico | Brunswick | ALP | Northe, Mr Russell John | Morwell | Nats |
| Clark, Mr Robert William | Box Hill | LP | O'Brien, Mr Michael Anthony | Malvern | LP |
| Crisp, Mr Peter Laurence | Mildura | Nats | Overington, Ms Karen Marie | Ballarat West | ALP |
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| D'Ambrosio, Ms Liliana | Mill Park | ALP | Pandazopoulos, Mr John | Dandenong | ALP |
| Delahunty, Mr Hugh Francis | Lowan | Nats | Perera, Mr Jude | Cranbourne | ALP |
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| Donnellan, Mr Luke Anthony | Narre Warren North | ALP | Powell, Mrs Elizabeth Jeanette | Shepparton | Nats |
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| Eren, Mr John Hamdi | Lara | ALP | Robinson, Mr Anthony Gerard | Mitcham | ALP |
| Fyffe, Mrs Christine Ann | Evelyn | LP | Ryan, Mr Peter Julian | Gippsland South | Nats |
| Graley, Ms Judith Ann | Narre Warren South | ALP | Scott, Mr Robin David | Preston | ALP |
| Green, Ms Danielle Louise | Yan Yean | ALP | Seitz, Mr George | Keilor | ALP |
| Haermeyer, Mr André | Kororoit | ALP | Shardey, Mrs Helen Jean | Caulfield | LP |
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| Harkness, Dr Alistair Ross | Frankston | ALP | Smith, Mr Ryan | Warrandyte | LP |
| Helper, Mr Jochen | Ripon | ALP | Stensholt, Mr Robert Einar | Burwood | ALP |
| Herbert, Mr Steven Ralph | Eltham | ALP | Sykes, Dr William Everett | Benalla | Nats |
| Hodgett, Mr David John | Kilsyth | LP | Thompson, Mr Murray Hamilton Ross | Sandringham | LP |
| Holding, Mr Timothy James | Lyndhurst | ALP | Thomson, Ms Marsha Rose | Footscray | ALP |
| Howard, Mr Geoffrey Kemp | Ballarat East | ALP | Tilley, Mr William John | Benambra | LP |
| Hudson, Mr Robert John | Bentleigh | ALP | Thwaites, Mr Johnstone William | Albert Park | ALP |
| Hulls, Mr Rob Justin | Niddrie | ALP | Trezise, Mr Ian Douglas | Geelong | ALP |
| Ingram, Mr Craig | Gippsland East | Ind | Victoria, Mrs Heidi | Bayswater | LP |
| Jasper, Mr Kenneth Stephen | Murray Valley | Nats | Wakeling, Mr Nicholas | Ferntree Gully | LP |
| Kosky, Ms Lynne Janice | Altona | ALP | Walsh, Mr Peter Lindsay | Swan Hill | Nats |
| Kotsiras, Mr Nicholas | Bulleen | LP | Weller, Mr Paul | Rodney | Nats |
| Langdon, Mr Craig Anthony Cuffe | Ivanhoe | ALP | Wells, Mr Kimberley Arthur | Scoresby | LP |
| Languiller, Mr Telmo Ramon | Derrimut | ALP | Wooldridge, Ms Mary Louise Newling | Doncaster | LP |
| Lim, Mr Muy Hong | Clayton | ALP | Wynne, Mr Richard William | Richmond | ALP |

# CONTENTS

## THURSDAY, 7 JUNE 2007

# Thursday, 7 June 2007

**The SPEAKER (Hon. Jenny Lindell) took the chair at 9.33 a.m. and read the prayer.**

## PETITION

**Following petition presented to house:**

### Euthanasia: legislative reform

To the Legislative Assembly of Victoria:

The petition of Hugh Doherty, resident of the Oakleigh electorate in Victoria, draws to the attention of the house:

The seven and a half years of the Bracks Labor government has brought about the most serious crisis in the Victorian health-care system resulting in a litany of atrocities, carnage, tragedies and scandals.

The result of a number of surveys of medical practitioners (doctors and surgeons) conducted during the seven and a half years of the Bracks Labor government has shown that euthanasia is prevalent. It was reported in the *Herald Sun*, 22 January 2006, that 'about 10 000 Victorians die in hospital each year after doctors withdraw treatment or give pain relief to end the lives of terminally ill patients, the study found'.

As recently as 3 April 2007 a registered Victoria medical practitioner stated on national television, 'Well, I've been helping people to die for over 30 years', and he also said, 'There have been many, many surveys done in Australia since 1988 — the first one I know of, in fact, 1984 — which repeatedly show that between 11 per cent and 30 per cent of doctors have at some time or another hastened death with the intention to hasten death. It is not uncommon'.

As euthanasia, voluntary or involuntary, is illegal not only in Victoria but also in Australia, why is this allowed to happen?

Make no mistake, euthanasia is murder that breaches the following:

(1) the fifth commandment: thou shalt not kill.

(2) The Hippocratic oath: I will give no deadly medicine to anyone if asked, nor suggest any such counsel.

(3) The United Nations International Covenant on Civil and Political Rights, part III, article 6 —

  (1) 'Every human being has the inherent right to life. This right shall be protected by law. No-one shall be arbitrarily deprived of his life'.

(4) Also Australian federal legislation and Victorian legislation.

Euthanasia enables governments to illegally contain and reduce the number of the ageing sick population and also health and welfare expenditure.

I therefore request that the Legislative Assembly of Victoria take immediate action to put a stop to this barbaric practice by:

(1) repealing or amending the Health Professions Registration Act 2005, which is due to come into force on 1 July 2007;

(2) establishing independent processes of investigating complaints and of hearing and judging complaints against medical practitioners;

(3) legislating that the processes are open, transparent and fair that protect the lives and rights of the community. That is the fundamental responsibility and duty of all members of Parliament.

**By Ms BARKER (Oakleigh) (1 signature)**

**Tabled.**

## PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

### Budget estimates 2007–08 (part 2)

**Mr STENSHOLT (Burwood) presented report, together with appendices and minutes of evidence.**

**Tabled.**

**Ordered to be printed.**

### Victorian Auditor-General's Office: financial audit 2006–07

**Mr STENSHOLT (Burwood) presented report on appointment of person to conduct financial audit, together with appendices.**

**Tabled.**

**Ordered to be printed.**

## DOCUMENTS

**Tabled by Clerk:**

*Judicial Remuneration Tribunal Act 1995*:

Judicial Allowances and Conditions of Service: Report 1 of 2007
Statement of Reasons for varying and not accepting recommendations

*Multicultural Victoria Act 2004* — Victorian Government Achievements in Multicultural Affairs Report 2005–06

Statutory Rule under the *Evidence Act 1958* — SR 42

Victorian Law Reform Commission — Assisted Reproductive Technology and Adoption — Ordered to be printed.

## VICTORIAN AUDITOR-GENERAL'S OFFICE

### Financial audit 2006–07

**Mr BATCHELOR** (Minister for Victorian Communities) — I desire to move, by leave:

That pursuant to section 17 of the Audit Act 1994 —

(1) Mr Terry Benfold of Pitcher Partners be appointed to conduct the financial audit of the Victorian Auditor-General's Office for the 2006–07 financial year in accordance with the conditions of appointment and remuneration contained in the report of the Public Accounts and Estimates Committee on the appointment of an independent auditor to conduct the financial audit of the Victorian Auditor-General's Office (parliamentary paper no. 21, session 2006–07);

(2) The level of remuneration for the financial audit be $27 500 inclusive of GST; and

(3) Mr Benfold be appointed for three years, subject to negotiation with the Public Accounts and Estimates Committee, of a suitable level of remuneration for future financial audits and approval by the Treasurer.

This motion picks up the recommendation from the report of the Public Accounts and Estimates Committee to provide an auditor for the Auditor-General's office. This motion is in similar terms to those moved in recent years. It provides a mechanism so that the Auditor-General's office can be subject to the same level of independent external scrutiny that the Auditor-General so successfully applies to other areas of government. Accordingly, I recommend the motion to the house.

**Mr WELLS** (Scoresby) — The Victorian community relies on the Auditor-General to audit government departments and agencies to ensure that valuable taxpayers money is spent in accordance with rigorous guidelines, accounting standards and community expectations. The Public Accounts and Estimates Committee's *Report on the Appointment of a Person to Conduct a Financial Audit of the Victorian Auditor General's Office* has been tabled today. Under the committee's rules and duties it clearly has a number of statutory responsibilities in relation to the office of the Auditor-General. The committee is required to:

… recommend the appointment of the Auditor-General and the independent performance and financial auditors to review the Victorian Auditor-General's Office.

The subcommittee of the Public Accounts and Estimates Committee — it includes the member for Burwood and the member for Mordialloc, Mr Dalla-Riva, a member for Eastern Metropolitan Region in the other place, and me — met and reviewed the tenders received. The committee received two tenders for the position of financial auditor. Mr Terry Benfold, a partner of Pitcher Partners, has been the financial auditor of the Auditor-General's office since 2004. The committee resolved that Mr Terry Benfold be appointed for three years. The level of remuneration for the financial audit will be $27 500 exclusive of GST and disbursements.

**Mr BATCHELOR** (Minister for Victorian Communities) (*By leave*) — There is a typographical mistake in the motion I moved. There is an important difference between the recommendation on page 8 of the committee's report and the motion. It relates to the second part of the recommendation. I should have said that the fee would be $27 500 exclusive of GST. The motion needs to be in accordance with the recommendation of the committee. The motion should state that the audit fee of $27 500 is exclusive of GST and disbursements. I seek leave to have the motion amended accordingly.

**The SPEAKER** — Order! The minister was a little muddled. For the purposes of brevity, I will explain. The motion before the house is that the remuneration for the financial audit should be $27 500, inclusive of GST, whereas the recommendation of the Public Accounts and Estimates Committee is clearly that the remuneration should be exclusive of GST. The minister has sought leave to have the motion altered.

**Leave granted.**

**The SPEAKER** — Order! The member for Benalla should speak to the motion in its amended form.

**Dr SYKES** (Benalla) — This little episode highlights what The Nationals have been saying all along, that Labor cannot manage money. On top of that — —

**The SPEAKER** — Order! The long bow can go!

**Dr SYKES** — That clearly highlights that we need an auditor to audit the Auditor-General who audits the government and to have someone other than the fox in charge of the chookhouse.

To be slightly more serious, I am a member of the Public Accounts and Estimates Committee. The committee clearly has an important role to ensure that the government of the day is accountable to Parliament and the people of Victoria. A key part of that role is overseeing the duties of the Auditor-General. The Auditor-General's role involves the undertaking of a wide number of reviews and activities of government agencies.

Clearly it is critical that the outcome of their reviews is seen to be highly creditable and acceptable to the public in general. Hence the need for someone to audit the Auditor-General's office. The subcommittee that has been appointed to make the recommendation has carried out its duties appropriately. The subcommittee had representatives from both the government and the opposition. The nominated person has been accepted as an appropriately qualified and experienced person.

I believe the fee is $27 500, exclusive of GST.

*Honourable members interjecting.*

**Dr SYKES** — I am sorry, when you sleep with dogs you get fleas.

At the end of the day, The Nationals endorse the recommendation and seek the Parliament's support for the appropriately nominated person to be endorsed to carry out this important duty of auditing the Auditor-General.

**Mr STENSHOLT** (Burwood) — I am delighted, as the chair of the Public Accounts and Estimates Committee, to support this motion. I am disappointed with The Nationals representative for raising the issue of the GST. I might add that it was not The Nationals that discovered this typographical error; it was actually the expertise of the Labor Party that led to its discovery. It shows that we are on the ball in this regard, and we are actually ensuring accountability here. I will not go into the GST — that gran turismo tax which was brought in by the Prime Minister.

Section 17 of the Audit Act ensures that the Public Accounts and Estimates Committee recommends the appointment of a person to the position of independent auditor, whose accountability to the Parliament is important. The Auditor-General is of course an officer of the Parliament and plays a clear role in ensuring that accountability. Under the act the Parliament gives the responsibility to come up with a selection of a person as the independent auditor to the Public Accounts and Estimates Committee. That has been done.

I want to thank the officers of the Parliament who assisted in analysing the received tenders — namely, Peter Lochert, the director of organisational development and finance, the Department of Parliamentary Services; and Mark Roberts, manager of the joint committee administration office. As has already been mentioned by other speakers, it went to the audit subcommittee of the parliamentary joint investigatory Public Accounts and Estimates Committee, and it made its recommendation to Parliament. I commend the amended motion to the house.

**Amended motion agreed to.**

**Ordered that message be sent to Council seeking concurrence with resolution.**

## BUSINESS OF THE HOUSE

### Adjournment

**Mr BATCHELOR** (Minister for Victorian Communities) — I move:

> That the house, at its rising, adjourn until Tuesday, 19 June 2007.

**Motion agreed to.**

**Mr Hodgett** interjected.

**The SPEAKER** — Order! The constant commentary from the member for Kilsyth is not appreciated. It is not expected by members, and I would ask him to stop.

## MEMBERS STATEMENTS

### Children's charity awards

**Ms NEVILLE** (Minister for Mental Health) — This week eight Victorian children's charity awards were announced. The awards are funded by the Bracks government and the Smorgon Families Foundation and recognise the contribution of individuals and organisations to promoting child safety and wellbeing in our community. This year's overall winner was Life Saving Victoria for its multicultural program. As the member for Bellarine I was particularly pleased, as the CALD (culturally and linguistically diverse) lifesaving program was developed in 2002 by Mr Bruce Ward, a volunteer from the Ocean Grove Surf Life Saving Club.

The program trains young people from culturally and linguistically diverse backgrounds to swim and to understand and be aware of safety issues when enjoying our beautiful local beaches. So far it has had great success, with about 160 young people participating. The training is undertaken at Ocean Grove using the surf lifesaving club facilities. It involves young people from Sri Lanka, Thailand, the Philippines, Sudan and other African countries.

Many of them have never had an opportunity to swim at a beach. The program has also broadened out to

include young people from low-income families and students at risk. It is run in partnership with the Ocean Grove Lifesaving Club and North Geelong Secondary College where Mr Ward teaches. Of the $30 000 prize, $25 000 goes to the ongoing work of the program, and the remaining $5000 to Mr Ward and his professional development program. Congratulations to this year's winner and particularly to Bruce Ward for his enormous contribution.

## Volunteers: thanksgiving mayoral breakfast

**Mr HODGETT** (Kilsyth) — I rise to inform the house of three matters. Firstly, may I express my pleasure at attending the national day of thanksgiving mayoral breakfast on 26 May organised by a committee of Christian leaders in the area. Attendees were given the opportunity to thank those who had made a valuable contribution to their community. The true purpose of the day can be found in its origins, in the words of the Governor-General's 2005 statement when he described the act of giving thanks as one of the cornerstones of a courteous, and hence civilised, society.

Whether it be rattling tins on the corner of Bayswater Road for the Good Friday Appeal, raising money for the activities of the Croydon and Lilydale RSLs by playing a game of cricket on Australia Day or feeding those less fortunate than ourselves at the kiosk on Main Street, the work that volunteers do for our community cannot be overstated. I am thankful for their contribution.

## Housing: Croydon homelessness

**Mr HODGETT** — The second matter I would like to raise is the plight of our homeless. Whilst the community continues to contribute, in no small part, to aiding the lives of the homeless in Croydon, it is woefully shocking that there are still 3000 Victorians out on the streets in the eastern suburbs, let alone the other 17 000 homeless who call the streets their home.

The government must do more to contribute to the housing needs in our community. Those shut out in the cold will continue to struggle through a journey that in most cases leads to physical and mental health issues, but we are told to worry about that tomorrow. That is what our government is all about.

## Brushy Creek, Croydon: flooding

**Mr HODGETT** — The final matter I wish to raise is to remind the Minister for Water, Environment and Climate Change that I am still waiting for his response to my adjournment debate issue of 15 February 2007.

## Rail: Werribee station

**Mr PALLAS** (Minister for Roads and Ports) — I recently had the pleasure to announce the commencement of restoration works to the Werribee railway station. The station has long been part of not only Victoria's but Australia's railway heritage, having been completed in 1857 as part of the Geelong and Melbourne Railway, the first country railway in Australia. In 1927 the station was gutted by fire but it was restored for the first time with a low-pitched, hipped, tiled roof and cement rendering. In 1970 that building was substantially diminished with the demolition of the majority of the awning that ran the length of the platform.

The newly commenced restoration works will restore the building back to its post-1927 form. The works will include exterior render and brickwork repairs, structural stabilisation works, stormwater system renewal, roof tile and timber member renewals, door and window frame restorations, veranda extensions, platform lighting works and painting. There have been some major alterations during the life of the station, but many of its original features including fabric, walls, an unusual cellar and part of the bluestone platform are still part of the current building.

I congratulate VicTrack for its commitment to this project, which will restore the Werribee railway station to its former glory. This project will not only provide an iconic landmark for local residents but will also provide opportunities for local businesses in my electorate of Tarneit.

## Odyssey House, Molyullah: funding

**Dr SYKES** (Benalla) — Last week, accompanied by The Nationals member for Northern Victoria Region, Damian Drum, and the member for Shepparton I visited Odyssey House at Molyullah near Benalla.

We listened to the residents tell of their experiences with drug and alcohol addiction and how they appreciated the support of Odyssey House to help them kick their habit and straighten out their lives in general. All residents highlighted the importance of the tranquil country location — all said they could not have faced up to going to a city location for rehabilitation. The program at Odyssey House lasts for six weeks and focuses on supporting people to address their underlying issues such as personal relationships and mental health problems which predispose them to drug and alcohol abuse. After some reservations, the local community is starting to embrace the facility with, for example, Odyssey House residents acting as boundary

umpires for the nearby Tatong Football-Netball Club. The service is a credit to John Dowling, Andrew Hicks and their dedicated staff.

The Drugs and Crime Prevention Committee report on the harmful effects of alcohol noted the critical need for more drug and alcohol rehabilitation centres in country Victoria and recommended increased government support. Regrettably the Bracks government has failed to act on this recommendation, and as a result Odyssey House will cease its operations in September when federal government money runs out.

I call on the Bracks Government to live up to its claim that it governs for all Victorians and to immediately fund ongoing drug and alcohol rehabilitation services for country Victorians, starting with Odyssey House at Molyullah.

## Fuel: prices

**Mr STENSHOLT** (Burwood) — I rise today to speak on behalf of the motorists of Victoria, who continue to be the victims of the pricing policies of the oil companies and the retailers at the petrol pump. Motorists out there are hurting, with the average petrol price going up nearly 25 cents a litre since January, from $1.10 to about $1.34. Recently motorists have seen prices go up when by international benchmarks they should be going down. The price in Singapore has gone down in the last week or two while the price at the pump in Melbourne has continued to go up — it was $1.47 earlier this week. No wonder motorists feel they are being ripped off. I agree with the sentiments the Australian Competition and Consumer Commission expressed earlier this morning, that Caltex seems to be playing with the numbers.

Last time I spoke about petrol pricing in Parliament I received representations from the industry saying that they were making only a few cents a litre, but every week the price of petrol fluctuates by over 10 cents. What an inefficient industry! Half the week there are loss leading prices and the other half of the week there is simply price gouging. Motorists need a fair deal and a fair price at the pump. They are heartily sick and tired of the price farce which happens every day and every week. It is time the industry cleaned up its act. I am happy for the free market to work, but not to work so inefficiently. Motorists need certainty and a fair deal at the petrol pump.

## Crime: street assaults

**Mr McINTOSH** (Kew) — Police statistics demonstrate that since the election of the Bracks Labor Government in 1999 assaults in Victoria have risen by 45 per cent. The Chief Commissioner of Police, at a recent Public Accounts and Estimates Committee hearing, conceded:

> We are seeing — particularly in the inner city area — a rise in that category —

that is, street assaults.

Just this weekend we learned of the tragic case of 22-year-old Shannon McCormack who was killed following a bashing outside the Queensbridge Hotel. I was disturbed also to hear on the Jon Faine program the harrowing tale of a woman whose husband was assaulted by a number of youths in Kings Domain in broad daylight this past weekend.

A few days ago a friend of mine was seriously injured after being attacked by 10 to 12 people. He suffered serious facial injuries and broken legs. The assault took place only 20 metres from a police station on the corner of Flinders Lane and Swanston Street. Following the assault my friend was informed by police that Swanston Street between Flinders Lane and Flinders Street is turning into a no-go area after dark. He was also informed that that evening some 80 to 100 people had been involved in acts of violence in that little area in the central business district (CBD).

Week by week there is a worrying trend of people entering the Melbourne CBD and being set upon by groups of youths and bashed senseless or even killed. In a civilised society this is totally unacceptable.

## Geelong Hospital: Andrew Love oncology centre

**Mr TREZISE** (Geelong) — Last Thursday, 31 May, I had the pleasure to be in attendance when the Minister for Health opened the newly refurbished and extended Andrew Love oncology centre at Geelong Hospital. This was indeed a great day for Barwon Health and the Bracks government, given the fact that $20 million had been spent on the centre, ensuring that the people of Geelong and the wider region have ready access to world-class oncology facilities.

The Andrew Love centre is one of the busiest radiotherapy facilities in the state, treating more than 500 patients per week, with the new facilities meaning even more people will be able to receive treatment locally. In addition to the state's $20 million, I have to note the enormous contribution to the centre by the Geelong Cancer Aftercare Group. This group of local people have raised more than $1.5 million for the Andrew Love centre over three decades and contributed

$800 000 for the purchase of new brachytherapy equipment to be installed later this year. I have enormous respect for the after-care group and commend it for its untiring efforts.

I also take the opportunity to congratulate the Barwon Health board of management, the executive management team, and of course the staff of the Andrew Love centre for their dedicated and important work. I now look forward to the ongoing redevelopment of Geelong Hospital, including the establishment of the new accident and emergency centre currently being constructed.

## Housing: affordability

**Mr WELLS** (Scoresby) — This statement condemns the Bracks Labor government's high-taxing strategy, including its extraordinary overreliance on property taxes, which is now adversely and seriously affecting home affordability in this state. The massive increase of 190 per cent in stamp duty on property transfers since 1999 has seen revenue from this source grow from $1 billion to $2.9 billion per annum.

When this is added to the 100 per cent increase in land tax revenue over the same period, we see the Bracks government is now annually taxing property at the rate of $3.7 billion per annum. Why? Because the government had to find a way to pay for its spiralling expenditures, which have increased by over 60 per cent since 1999 on a per capita basis. When that is added to the government's flawed Melbourne 2030 planning policy, which is restricting land release and inflating the price of existing land, and the soon-to-be-imposed land development levy, the high level of property tax is becoming a noose around the necks of first home owners and renters alike.

Home affordability is in crisis, and the Bracks government is failing to respond. The reality is that high property taxes are now a major reason why home affordability in Victoria is currently at a 23-year low. A report recently released by the respected Menzies Research Centre found that stamp duty on property has increased the cost of renting housing in Melbourne by $11 per week, as well as being a major impediment to housing affordability. The Bracks government should be condemned for pursuing policies which will undoubtedly ensure that many Victorians will never be able to afford their first home.

## Breast and prostate cancer: archery tournament

**Mr HERBERT** (Eltham) — I would like to congratulate the Diamond Valley Archers, the Diamond Valley Prostate Cancer Support Group and the Breast Cancer Network for their successful charity archery tournament called Boobs and Bits, which was run over the weekend of 18 and 19 May. Due to the enormous efforts by the organisers, Annette Coutts and Leigh Cornish from Diamond Valley Archers and Bob Phillips, president of the Diamond Valley prostate group — a good friend of mine, I might add — the event raised over $5000 to aid prostate and breast cancer research and support.

Diamond Valley Archers is the biggest and most active target archery club in Victoria. It has a great history, and it ran a particularly good tournament. It was wonderful to see all the sponsors who supported this event, and I hope this will not only become an annual event, but be copied by sporting clubs all over Victoria as a way of engaging members in what they love whilst doing something incredibly worthwhile for our community.

The Diamond Valley Prostate Cancer Support Group, whilst only having been formed in 2004, has already made an important mark in Diamond Valley as a support group for men suffering prostate cancer. As well as its involvement with this archery tournament, it has actively engaged other community groups, including Friday Night Live, Banyule's school of heritage artists and the Montmorency RSL in staging concerts and art exhibitions to help raise money for prostate cancer support and research. The vigour and commitment of all those involved in these events are to be applauded, and they make a huge difference to people suffering these terrible illnesses.

## Murray Grouping of Councils: water unbundling

**Mrs POWELL** (Shepparton) — The member for Swan Hill and I met with the Murray Grouping of Councils in Swan Hill recently to discuss the impact that the unbundling of the value of water from land will have on their council rate bases. They advise that their rate bases will reduce significantly due to unbundling, which across their municipalities will distribute the rate burden unfairly from irrigated farms onto dry land farms and commercial and residential properties. The Murray Grouping of Councils has developed a position paper proposing that a pool of funding be provided by government to affected councils to replace the revenue lost due to unbundling and to provide for a transitionary

period before the full effects of the reforms are experienced.

As the local government spokesperson for The Nationals, I raised these issues with the then Minister for Water in 2005 during the debate on the Water Resource Management Bill. I advised of the impact on local councils in country Victoria, saying that some councils could lose millions of dollars in rates and asking the government to also assist in the rate modelling for future valuations. The minister responded by saying that he was working with the Municipal Association of Victoria to put in place a transitional provision where the value of the water share would be included in the valuation of land until 1 July 2008. This has given breathing space but has not solved the problem.

The Murray Grouping of Councils is seeking an assistance package of $15.7 million over four years to provide transitionary support during the phasing-in of the water reforms. I call on the government to provide assistance urgently to reduce the councils' need to increase rates, reduce services or, worse, cut services to rural and regional communities.

## Victoria University: Melton campus

**Mr NARDELLA** (Melton) — I rise today to condemn the Howard coalition government for reducing and withdrawing funding from universities in Australia, especially Victoria University. The university has just released a serious discussion paper in which there is a recommendation to close and sell off the VU campus at Melton due to these budget cuts.

If the Howard federal government is allowed to implement and continue its destructive policies, it would be a disaster for the Melton township and the region. The Melton VU campus provides important training and higher education courses not only for local students but also for the wider student body. Many local students have gained valuable qualifications and subsequent life opportunities by undertaking courses at Melton. For example, my electorate officer, Mr Nib DeSantis, started his degree at Melton and achieved his masters degree because VU Melton was there.

VU Melton works in partnership with many training organisations and local schools to deliver training as well. It houses the Melton University of the Third Age and the Community and Learning Melton program, which helps disadvantaged and needy primary and secondary students to get back on track. Closing this campus would destroy these opportunities and would set the township and region back 20 years, because the campus was established around 20 years ago.

My community and I will fight this recommendation and the Howard federal government to try to save the campus so it continues to provide valuable education services to my local residents.

## Fuel: prices

**Mr O'BRIEN** (Malvern) — The Labor Party's propaganda before the last election had us believe that when it mattered to families, this government cared. I can inform members opposite of something that matters to families in my electorate and others on this side of the house — that is, the price of petrol. Extremely high petrol prices are causing real pain to the hip pockets of families. Many families depend on cars to travel to work, to drop the children at school or at sport, or to do the shopping. The increasingly unreliable, overcrowded and expensive public transport system under this government often means there is no alternative to private vehicles.

With this in mind, what type of government would deliberately increase the price of petrol to Victorian motorists and increase the financial burden on Victorian families? The answer is: the Bracks government. One of the nasties hidden in this latest Labor budget is the abolition of a petrol subsidy introduced by the previous coalition government in 1996, which has saved Victorian motorists hundreds of millions of dollars since that time. Buried in appendix A of budget paper 3 lies this out-of-touch government's sleight of hand — a $164 million increase in petrol prices over the forward estimates period. This $164 million that is being ripped out of the pockets of Victorian motorists proves that when it matters to families, the Bracks government just cannot be trusted.

## Banyule: councillor

**Mr LANGDON** (Ivanhoe) — I wish to raise some most serious concerns today, and I will raise them without fear or favour. The Victorian Emergency Relief Fund, which was set up by Cr Dale Peters, has preyed upon the generosity of others in their endeavours to assist people affected by drought and bushfires. Consumer Affairs Victoria (CAV) has stated that the fund has raised over $440 000. Unfortunately only $55 000 — a mere 12 per cent — of those funds went to people in need.

Some $68 160.23 was paid to a company owned by Cr Dale Peters; $40 905.32 was paid to Cr Peters as a direct salary; and $6165.35 was paid to a friend of

Cr Dale Peters as rent. CAV has taken action to ensure that the remaining amount — $8251.54 — was paid to rural hospitals. This leaves the huge sum of $261 517.36 — 6 per cent of the funds raised — unaccounted for.

This begs the question: by what swindle has Cr Dale Peters used these funds? No doubt he has done so by smoke and mirrors. Cr Peters is well known for distorting the truth; however, he should not be allowed to escape with over $261 000. I am extremely concerned that these funds are now part of Cr Peter's investment portfolio, from which he receives much of his income and pays for council campaigns. In short, Dale Peters is without any morals, is unethical, preys on those in need and is devious enough to set others up to protect himself. Most importantly the $261 517.36 must be accounted for, and I call on the Australian Taxation Office, Consumer Affairs Victoria and Victoria Police to investigate the matter.

**The ACTING SPEAKER (Ms Munt)** — Order! The member's time has expired.

## Asperger's syndrome: government assistance

**Mr BLACKWOOD** (Narracan) — Every day there seems to be more mention in the media about Asperger's syndrome, a form of autism. The number of Asperger's sufferers is growing. It is a lonely struggle for these families and made worse by the Bracks government's continuing neglect of these families, who are feeling more and more abandoned. Asperger's is a silent but increasing problem facing many of our current generation, only it is not so silent in my electorate.

Around 20 young people with Asperger's attend schools in Narracan. I have spoken to these people and heard their heartbreaking stories in which they have highlighted their everyday struggles. They just want the government to listen to them, acknowledge their situation and offer them some assistance. The Bracks Labor government is not assisting to break down at least some of the barriers to a reasonable life for these children. If these children renamed their diagnosis of Asperger's to ADHD (attention deficit hyperactivity disorder) they would be entitled to funding and assistance.

Asperger's sufferers are desperately in need of classroom assistance and respite care for their families. I call on the ministers for education, health and community services to face up to their responsibility and immediately provide funding support for children and families living with Asperger's.

## Neighbourhood Watch: volunteers

**Ms MORAND** (Mount Waverley) — Last week I attended the 200th meeting of Neighbourhood Watch, region 4, division 2, which is my local Neighbourhood Watch zone. I attended to present certificates of service to longstanding members and to join in the celebration of 20 years of community service by the members and the Neighbourhood Watch division. These volunteers do a fantastic job on behalf of our neighbourhood and the broader community.

The division produces a monthly newsletter that is letterboxed to everyone in our neighbourhood, and over the years this must amount to hundreds of thousands of individual newsletters that have been printed and distributed. Like many other people who do not attend the meetings, I appreciate the newsletter and its information regarding policing and safety. John Thompson is the president of the Glen Waverley sector and has been area manager for many years. I would like to acknowledge in Parliament today the individuals who received certificates of service and to again thank them on behalf of the community and the government for the voluntary work they have performed over many years.

Certificates for 10 years of service were presented to Cheryl Sutherland and Will Kapphan; and for 15 years of service to Pauline Allen, Margot Munro, Vonnie Lawson and Brian Fildes. Certificates for 20 years of service were presented to Claire Kemp, whose husband, Herb, was an original member and is now deceased; Leon Pederick; Jack Quillinan, whose wife, Gill, was secretary for many years and is also now deceased; and Tom Russell. Thank you also to the many police officers who have been attending this meeting for over 20 years, particularly Senior Sergeant Kevin Archer, who was there on Monday night.

## Water: Sunraysia supply

**Mr CRISP** (Mildura) — Sunraysia horticulturalists have a good reason to be optimistic as the inflows to Murray River tributaries increase following more rains in the catchments in recent days. Soil moisture is at a level where subsequent rain will provide decent run-off into the storages.

I have heard reports of inflows below the Hume Dam, particularly from the Ovens River. Some of this water might be heading our way. Horticulture needs only 1000 megalitres or so to help finish the July citrus crops. Most citrus growers have carryover water; however, speculation continues over availability. Surely citrus growers should have access to Ovens River water

for their carryover needs. A single day's inflow from the Ovens could supply most of July's citrus needs. The situation is looking much better than it was a few weeks ago, and there have been some pretty good autumn rains. If it keeps raining through June, we will get substantial inflows.

## Drought: Mildura tourism

**Mr CRISP** — Continuing publicity surrounding dry conditions has had an impact on Mildura tourism. South Australia has started an intensive tourism campaign for the Riverland region, which, like Mildura, is suffering from the belief that there is not any water in the Murray River. As such, houseboat operators are feeling the downturn. Mildura's situation was clarified earlier last week with six live weather crosses to the *Today* show, a Channel 9 network program. Mildura/Wentworth Houseboat Association president Tim Knight led the charge, with live crosses showing posters reading: 'Mildura — enjoy Murray River houseboats'. He even bluntly stated, 'There is plenty of water left in the river for houseboats'.

## Flowerdale hall: upgrade

**Mr HARDMAN** (Seymour) — I rise to thank the Minister for Water, Environment and Climate Change for funding an upgrade to the facilities at Flowerdale hall through the very important Stewardship in Action grants program, which enables committees of management to improve our Crown land reserves. The grants are very important to community activities in our rural areas, as they enable improvements to be made where they are needed. The $30 000 grant will go towards improving the inadequate kitchen facilities, which are in need of refurbishment, bringing them up to commercial-facility standards. The Flowerdale hall is utilised by the greater community. It holds many functions, including local school concerts and a local market.

## Flowerdale neighbourhood house

**Mr HARDMAN** — In recent times the Flowerdale neighbourhood house has begun operating from the Flowerdale hall. I would like to congratulate the Flowerdale neighbourhood house committee members for all the work they have done to bring about a great sense of connection within the Flowerdale community. They conduct a number of courses, including Lighten Up, patchwork, machine quilting and Japanese cooking. They auspice a number of other activities, including a youth group, a playgroup, an opportunity shop and an arts group. All of those courses and activities in that small rural community are being auspiced by the Flowerdale neighbourhood house. I congratulate them on all that, on their use of the hall and on bringing the community together.

## Mount Eliza Centre: hydrotherapy pool

**Mr MORRIS** (Mornington) — The issue I wish to raise this morning is the future of the hydrotherapy services located at the Mount Eliza Centre. The centre is used by the Peninsula Community Health Service to run highly valued weekly classes. One of my constituents has written to me saying:

> … it is a little like heaven when you have been in pain all week and Tuesday comes around — and we start to feel young again.

Unfortunately these sessions will be terminated in August. A press release of 19 April last year from the then Minister for Aged Care announcing the start of work on the much-delayed Mornington centre noted that when completed the centre would include, amongst other things, a community rehabilitation centre and a hydrotherapy pool. The only problem is that at the moment stage 1 does not include the hydrotherapy pool. The centre, alleged in 2002 to be a $20 million project, is still not complete and somehow seems to have shrunk to become a $9 million job in current terms.

Peninsula Health, probably the most poorly resourced public health facility in the state, does a fantastic job with the facilities it has. I do not blame it. But the relocation of staff to the new centre means that the existing pool must be closed. If the next stage ever gets built, which I doubt, since it has disappeared from the budget, the service might be restored. Meanwhile the clients are left to deal with their pain as best they can. I call on the Minister for Aged Care to ensure that the pool at the Mount Eliza Centre remains open until a replacement can be built.

## Corio Bay Senior College: debutante ball

**Mr EREN** (Lara) — My wife, Geraldine, and I were pleased to attend the Corio Bay Senior College debutante ball recently as the guests of honour. It was a terrific night, which everybody enjoyed. In the limited time I have I would like to mention people involved with this great evening.

**Mr Hulls** interjected.

**Mr EREN** — Indeed, Minister! The organisers and teachers were: Steve Boyle, Arda Duck, Daniel Cook, Mandy Price, Chris Stuart, Pip Bagus Putu, Miriam Pietrzak and Carol Rose. The debutantes and their

partners, who looked absolutely great, were: Samantha Aquilina, Alex Harding, Kristy Wright, Matthew Young, Kimberly Dummett, Paul Pecora, Mikki-Lee Pritchard, Darcy Hutchinson, Gemma Digby, Jacob Forman, Emma Casey, Daniel McNamara, Sarah Smith, Jamie Pitman, Ngaio Snedden, Jamie Grace, Emma Smith, Mark Kennedy, Dallas Watts, Blaine Templeton, Erin McCarthy, Steven Reed, Ash Henry, Mike Burns, Cassie Kerger, Brendan Slater, Skye Edwards, Aaron Mathiesen, Ebony Santek, Chris Chambers, Stacey Barnard, Adam Njokos, Sonyia Smart, Ryan Healey, Kaylor Larkins and Mark James.

I am very happy that I was invited to such a great night. I congratulate one and all.

## Northcote Community Arts and Cultural Centre: stage 2 opening

**Ms RICHARDSON** (Northcote) — On 26 May I was privileged to join Wurundjeri elder Ian Hunter, the City of Darebin mayor, Marlene Kairouz, the Minister for Victorian Communities, community leaders and residents to open stage 2 of the Northcote Community Arts and Cultural Centre. The transformation of the historic and iconic Northcote town hall into this new and vibrant centre for community and arts-related use has been a credit to all involved. The Labor state government contributed over $1.9 million from the Community Support Fund for stage 2 in recognition of the community's vision to create a focal point for cultural and specific activity.

The Darebin City Council has made a significant financial contribution to the project, with over $1.8 million invested in this latest development. The electorate of Northcote enjoys one of the highest proportions of artists and creative talents in Victoria as well as a strong and vibrant sense of community. I look forward to the Northcote Community Arts and Cultural Centre continuing to nurture our community in the years ahead as it stands at Ruckers Hill, reminding us all of what can be achieved when local council, state government and the community work in partnership.

## Motor vehicles: theft

**Ms RICHARDSON** — Congratulations to the Northcote police and the *Northcote Leader* on working cooperatively to help reduce the rate of vehicle theft in our community. A study by the National Motor Vehicle Theft Reduction Council reported that 821 vehicles were stolen in the city of Darebin in 2006, making it the fifth highest rate of vehicle theft.

Older vehicles are particularly susceptible to theft as they lack the immobilisers which are commonly installed in newer cars. While publicising the value of installing an immobiliser the *Northcote Leader* and Northcote police are offering to install 20 immobilisers for residents who have either been past victims of car theft or own a car made before 1997. Both Catherine Barrett of the Northcote police and the editor of the *Northcote Leader*, Isabella Shaw, are to be commended for this important initiative.

## Bob McKenzie

**Ms GREEN** (Yan Yean) — I rise to pay my respects on the passing of Bob McKenzie, an absolutely gentle legend of Yarrambat. I had the privilege of attending the celebration of Bob's life at St John's Anglican Church, Diamond Creek, and at the Yarrambat junior footy club. Yarrambat Country Fire Authority member and region 13 area manager, Lex de Man, performed the firefighters ritual in recognition of Bob's 50 years as a CFA volunteer and led all volunteers in attendance in the laying of the greens. CFA volunteers and Yarrambat Primary School students formed a guard of honour.

As the Yarrambat postmaster for 25 years he will be sorely missed. His life was well summed up by local artist Alan Sartori, who wrote, 'Bob McKenzie, you were a fine stamp of a man'.

## Bernie Pearson

**Ms GREEN** — Today I rise to pay my respects to Country Fire Authority legend Bernie Pearson. Once you met Bernie, you never forgot him. I knew Bernie as a fellow regional CFA volunteer, as a well-loved fixture of the Epping RSL's Anzac commemorations and as the president of the CFA rural association's board.

Bernie's heart broke when he lost his soul mate, Alwyn, nine months ago. He has joined her now. I extend my sincere sympathies to his family and CFA volunteers. He will be greatly missed.

# MAGISTRATES' COURT AND CORONERS ACTS AMENDMENT BILL

*Statement of compatibility*

**Mr HULLS (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility

with respect to the Magistrates' Court and Coroners Acts Amendment Bill 2007.

In my opinion, the Magistrates' Court and Coroners Acts Amendment Bill 2007, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

**Overview of bill**

The proposed bill contains miscellaneous amendments to the Magistrates' Court Act 1989 and amendments to the Magistrates' Court (Family Violence) Act 2004 and the Coroners Act 1985.

The bill contains the following miscellaneous amendments to the Magistrates' Court Act 1989:

Amendments to enable acting magistrates to be assigned to the Drug Court division of the Magistrates' Court by creating a definition of 'magistrate' as including an acting magistrate. As a consequence of this amendment the bill also contains certain necessary and appropriate consequential amendments. These include the omission of the term 'acting magistrate' where that term will become redundant and the insertion of the term 'judicial registrar' where appropriate.

Amendments to clarify that both magistrates who have been assigned to the Drug Court division as well as magistrates who have not been assigned to that division can make referrals from the criminal list to the Drug Court division of the court.

Amendments to make provision for registrars of the Magistrates' Court to have the power to adjourn criminal proceedings and, where applicable, extend bail on the mention date and subsequent dates.

Amendments to add officers from the Office of Police Integrity, the Department of Employment and Workplace Relations, the Department of Defence, the Australian Commission for Law Enforcement Integrity, the Australian Communications and Media Authority, the Department of Agriculture, Fisheries and Forestry, the Therapeutic Goods Administration, the National Offshore Petroleum Safety Authority and the Australian Crime Commission to the list of persons who can witness statements to be tendered in committal proceedings.

The bill includes an amendment to the Magistrates' Court (Family Violence) Act 2004 to extend the operation of the Family Violence Court Intervention Project, which operates in the Family Violence Court division of the Magistrates' Court, until 30 October 2009. The project provides for family violence counselling for defendants to intervention order applications.

The bill includes amendments to the Coroners Act 1985 to re-establish a long-standing access to coroners' records scheme, pending a full legislative review of the act.

**Human rights issues**

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

Section 13(a) of the charter provides that every person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with and not to have his or her reputation unlawfully attacked.

The amendment to the Coroners Act 1985 engages section 13(a) of the charter, in that it provides that before the completion of an investigation or inquest into a death or an investigation or inquest into a fire, a coroner may direct that the coroner's file relating to that investigation or inquest, or any part of that file, is to be made available to any person or class of persons as the coroner directs. It also provides that after the completion of an investigation or inquest into a death or an investigation or inquest into a fire, the coroner's record and the coroner's file relating to that investigation or inquest is to be open to public access unless a coroner otherwise orders. It is likely that the files and records which will be made accessible will contain information of a personal nature regarding any number of individuals and may be capable of identifying such persons. The amendment constitutes a prima facie limitation on the right to privacy.

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

Section 7(2) of the charter provides that a human right may be subject under law only to such reasonable limits as can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom, and taking into account all relevant factors including: the nature of the right; the importance of the purpose of the limitation; the nature and extent of the limitation; the relationship between the limitation and its purpose and any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve.

*(a) The nature of the right being limited*

The right to privacy and reputation encompasses privacy of information about people and the beliefs or opinions that are held about a person. Under the charter, it may be subject to reasonable limitations that are demonstrably justified.

*(b) The importance of the purpose of the limitation*

The purpose of the limitation is to ensure that the quasi-judicial operation of the State Coroner's Office continues to operate on an open and transparent basis and within the principles of open justice. The limitation provides for the discretion of the Coroner to be exercised, on a case by case basis, as an independent quasi-judicial officer in determining whether records and files should be released as balanced against the interests of privacy.

*(c) The nature and extent of the limitation*

The limitation provides that the coroner is to decide if and when to release documents or files following an inquest. These clauses of the bill will, prima facie, intrude upon a person's privacy and reputation. The coroner is an independent quasi-judicial officer who will consider whether to disclose information on a case-by-case basis, taking into consideration the principles of open justice.

*(d) The relationship between the limitation and its purpose*

The limitation is designed to ensure that the quasi-judicial operation of the State Coroner's Office remains as that of balancing the right to privacy against the right to freedom of expression, whereby the charter provides that every person has the right to freedom of expression which includes the

freedom to seek, receive and impart information and ideas of all kinds. The limitation is designed to ensure that information obtained by the coroner, which may have implications for the community, can be released to the community.

*(e) Any less restrictive means reasonably available to achieve its purpose*

No other means are considered reasonably available to achieve the purpose of the restrictions placed on a person's right to privacy or reputation.

*(f) Any other relevant factors*

The coronial system serves the community by providing independent and open investigations into sudden, traumatic or unexplained deaths. It is expected by the community that investigations will be sensitive to the needs of grieving families and others who are affected by sudden death. They also expect the work of the coroner to be open and transparent.

In order to ensure that the Office of the State Coroner can meet the expectations of the community concerning an open and transparent process, the amendments to the Coroners Act 1985 are demonstrably justified.

**Conclusion**

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because the engagement of s. 13(a) can be demonstrably justified.

ROB HULLS, MP
Attorney-General

*Second reading*

**Mr HULLS** (Attorney-General) — I move:

That this bill be now read a second time.

The bill contains six distinct sets of amendments regarding operational components of the Magistrates Court and one amendment to the coronial jurisdiction. The bill promotes efficiency across the Magistrates Court system, modernisation of the courts' processes and promotes the need for flexibilities, where appropriate. It also allows for the continuation of counselling orders in Victoria's Family Violence Court division and provides clarity regarding access to records in the coronial system. I will address each of these in turn.

## Magistrates Court amendments

### *The Drug Court*

The Victorian Drug Court division, established in 2002, was the first specialist division of the Magistrates Court to be trialled in Victoria. It combines the powers of our criminal justice system with a therapeutic focus on treating drug dependency. This approach allows the Drug Court to tackle the underlying issues contributing to criminal behaviour and to deliver better outcomes for individuals, families and the community.

In fact, evaluations of the Drug Court have demonstrated positive outcomes including less recidivism, reduced and less harmful drug use and increased employment rates amongst the participants.

The bill contributes in two ways to the efficient functioning of the Victorian Drug Court. Firstly, it enables acting magistrates to be assigned to this division. Given the unique and sensitive work undertaken by Drug Court magistrates it is preferable that those most qualified for this task be able to do so, regardless of whether the individual is a magistrate or an acting magistrate. The bill allows for this to occur.

The bill provides for the assignment of acting magistrates by creating a definition of 'magistrate' as including an acting magistrate. As a consequence of the new definition, the bill also makes a small number of technical consequential amendments. These include changes to the use of the terms 'acting magistrate' and 'judicial registrar' in certain provisions for the sake of clarification and to rectify anomalies.

Secondly, the bill enables all magistrates sitting at the Dandenong Magistrates Court to be able to refer appropriate cases to its Drug Court division, regardless of whether the magistrate is an assigned Drug Court magistrate or not. This, again, improves efficiencies for the management of these cases and provides for a more streamlined approach for referrals. This has benefits to both the court and defendants.

### *The Magistrates Court*

I now turn to two amendments that affect the broader Magistrates Court.

Firstly, the bill allows registrars of the Magistrates Court to have the power to adjourn criminal proceedings and, where appropriate, extend bail on the mention date and subsequent dates. This clarifies and confirms a long-standing practice of the Magistrates Court jurisdiction and saves using valuable sitting time on uncontentious matters. The bill provides for a more efficient court system which is both flexible and considerate of the needs of all participants in the criminal justice system, including magistrates, police prosecutors, legal representatives and defendants.

Secondly, the bill will enable nine additional commonwealth and state agencies to be able to witness statements that can be tendered in committal proceedings. Those agencies are:

the Office of Police Integrity;

the Department of Employment and Workplace Relations;

the Department of Defence;

the Australian Commission for Law Enforcement Integrity;

the Australian Communications and Media Authority;

the Department of Agriculture, Fisheries and Forestry;

the Therapeutic Goods Administration;

the National Offshore Petroleum Safety Authority;

the Australian Crime Commission.

Each of these new agencies is involved in criminal investigations requiring witness statements in the committal process. This bill will overcome some of the administrative delays experienced by these agencies in progressing their investigations as well as inconvenience experienced by their witnesses. The bill is consistent with the listing of other commonwealth and state agencies in the Magistrates' Court Act 1989 and provides for more efficiencies across the criminal justice system.

***The family violence division***

I now turn to an amendment which affects the Family Violence Court division. The bill amends the Magistrates' Court (Family Violence) Act 2004 to enable an extension of the sunset date for the availability of counselling orders to 30 October 2009.

The Family Violence Court division of the Magistrates Court can make orders that a defendant to an intervention order attend counselling. Counselling is provided through the Family Violence Court intervention project which was established as a pilot to 30 October 2007. The act currently reflects this and provides for a repeal date of 30 October this year. The bill replaces the current repeal date with a new date of 30 October 2009.

The repeal provisions make it clear that the availability of the counselling orders is still a pilot program. An independent evaluation of this project is currently under way. Early indications show that the program is working well and the evaluation will be completed by the proposed new sunset date. A complete evaluation will enable a fully informed decision to be made about the future of the pilot.

***The coronial jurisdiction***

I now turn to the final amendment, which affects the coronial jurisdiction. The bill will provide clarity about the accessibility of coroner's records both before and after a case is finalised.

The government is committed to rewriting the Coroner's Act 1985. These reforms will require extensive consultation with the legal and medical professions, community groups and families.

Pending this broader endeavour, and given the unique and sensitive nature of this jurisdiction, it is important that the bill confirm the existing arrangements in relation to records held at the State Coroner's Office. This bill achieves this purpose and confirms current practices at this time.

The bill is consistent with the government's 2006 *Access to Justice* policy statement and my 2004 *Justice Statement* to ensure efficient process, streamlined operations and a modern and flexible justice system.

I commend the bill to the house.

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

**Debate adjourned until Thursday, 21 June.**

## GAMBLING REGULATION AMENDMENT BILL

*Statement of compatibility*

**Mr ANDREWS (Minister for Gaming ) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Gambling Regulation Amendment Bill 2007.

In my opinion, the Gambling Regulation Amendment Bill 2007, as introduced to the Legislative Assembly, is compatible with the human rights protected by the Charter. I base my opinion on the reasons outlined in this statement.

**Overview of bill**

The objectives of the Gambling Regulation Amendment Bill 2007 are:

to enable Ministerial orders to be made to limit the number of gaming machines in municipal districts and to amend the way in which regional limits are set

to improve customer protection by prohibiting a venue operator or gaming operator paying out $1000 or more in accumulated credits from a gaming machine except by cheque

amend the requirements for venue operators to lodge community benefit statements

to extend the time frame by a further four years regarding payments to the Community Support Fund.

**Human rights issues**

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

*Section 20: property rights*

*A person must not be deprived of his or her property other than in accordance with the law.*

Clause 6 provides for the setting of regional and municipal limits on gaming machines. It enables the minister responsible for the administration of the Gambling Regulation Act 2003 to make orders:

determining regions in the state for the purpose of regional limits for gaming machines

for a region or municipal district:

determining the maximum permissible number of gaming machines available for gaming, or

requiring the Victorian Commission for Gambling Regulation, based on criteria specified in the order, to determine the maximum permissible number of gaming machines available for gaming.

The effect of an order made under clause 6 may be that the licensed operator of a gaming venue is deprived of the right to use one or more gaming machines that the operator was previously licensed to use.

As the right to use one or more gaming machines is established by licence issued by the Victorian Commission for Gambling Regulation, and is already subject to a number of conditions, it is probable that this licence does not give rise to a form of property that would engage section 20 of the charter.

However, if clause 6 does engage section 20, clause 6 does not limit that right as it does not unlawfully or arbitrarily deprive a person of property. This is because:

the limitation would result from a ministerial direction made in accordance with the requirements of the Gambling Regulation Act 2003

a determination about the removal of gaming machines would be made by the Victorian Commission for Gambling Regulation in accordance with the requirements of the Gambling Regulation Act 2003, including the application of the ministerial order and any criteria specified in the order

orders and determinations made in accordance with this clause are required to be published in the *Government Gazette*.

The process established by clause 6 for the setting of regional and municipal limits is sufficiently confined, precisely articulated and formulated and accessible to the public, so as to ensure that it is not arbitrary.

In addition, the Charter of Human Rights and Responsibilities requires the minister and the Victorian Commission for Gambling Regulation to act compatibly with human rights (as both are public authorities), and in setting any criteria, making any order and issuing any direction, must act compatibly with human rights and in making a decision, give proper consideration to human rights.

The remainder of the bill does not raise any human rights issues.

***2. Consideration of reasonable limits — section 7(2)***

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

**Conclusion**

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities as, if it does raise human rights issues, it does not limit any human right.

HON. DANIEL ANDREWS, MP
Minister for Gaming

*Second reading*

**Mr ANDREWS** (Minister for Gaming) — I move:

That this bill be now read a second time.

I am pleased to introduce the Gambling Regulation Amendment Bill 2007. This bill is a significant step in implementing Taking Action on Problem Gambling, the Bracks government's comprehensive strategy to combat problem gambling over the next five years.

In this strategy, the government has committed $132.3 million over five years in initiatives — representing the biggest funding commitment for problem gambling in Australian history.

It will ensure a coordinated and integrated approach to addressing problem gambling, integrating consumer protection measures with prevention, early intervention and treatment of gambling-related harm.

Much has already been achieved by this government. Since coming to office in 1999 the Bracks government has introduced a range of strategies that have resulted in a more responsible gambling industry and reduced the incidence of problem gambling in Victoria. These strategies include:

the introduction of caps on gaming machines in vulnerable areas

elimination of 24-hour gaming venues outside the casino

a ban on smoking in gaming machine areas

changes to the configuration of gaming machines, for example, a ban on auto play facilities and a freeze on spin rates

limits on access to cash via ATM and EFTPOS facilities in gaming venues

restrictions on gaming venue signage and a ban on gaming machine advertising

social and economic impact assessment of applications for more machines and new gaming venues

the hard-hitting Think of What You're Really Gambling With media and community education campaign highlighting the risks associated with gambling.

Independent research has shown that, to date, our strategy for addressing problem gambling has seen the number of problem gamblers in Victoria halved — falling from 2.14 per cent of the adult population in 1999 to 1.12 per cent in 2003, and the number of problem gamblers seeking help tripling.

Whilst much has been achieved, there is still more that can be done. The government considers the removal of gaming machines through regional caps as a part of its broader strategy, not a stand-alone solution. Our strategy seeks to tackle all aspects of problem gambling from prevention, early intervention and treatment though to ensuring that the right regulatory framework is in place to create a responsible gambling industry.

The initiatives in *Taking Action on Problem Gambling* will maintain the momentum and build on the government's success in combating problem gambling to date.

The Gambling Regulation Amendment Bill 2007 forms an integral part of the government's overall problem gambling strategy and provides for the implementation of two aspects of the *Taking Action on Problem Gambling* statement.

The bill also introduces important amendments to the community benefit provisions in the Gambling Regulation Act 2003. The amendments will remove the need for hotels to provide an annual community benefit statement and will ensure that clubs are more accountable for making a community benefit contribution of 8.33 per cent of their net gaming revenue. In addition, the bill facilitates implementation of the government's commitment to extend funding of drug and alcohol programs from electronic gaming revenue.

This important commitment to extend gaming revenue funding for drug and alcohol programs was made by the government as part of its policy on Investing in a Fairer Victoria. The programs will involve a stronger focus on alcohol, amphetamine and marijuana use.

I will now turn to the provisions in the bill.

**Problem gambling measures**

The Gambling Regulation Amendment Bill 2007 amends the Gambling Regulation Act 2003 to prohibit a venue operator or gaming operator paying out $1000 or more in accumulated credits from a gaming machine except by cheque. As accumulated credits will include both the credits staked and credits accumulated through play, this amendment means that each time a player receives a payout from a gaming machine of $1000 or more, the entire amount must be paid by cheque. This will stop the practice where payment is made to a person partly by cheque and partly in cash. This will improve consumer protection by reducing the risk of cash being immediately reinvested into gaming machines.

The bill also amends the Gambling Regulation Act 2003 to enable ministerial orders to be made to limit the number of gaming machines in municipal districts and to vary the way in which regional limits are set.

While 19 regional limits for gaming machines are already in place under the Gambling Regulation Act 2003, the government also proposes to set a maximum density limit for all local government areas (with the exception of the central business district, Southbank and Docklands in the city of Melbourne). This will prevent high concentrations of gaming machines occurring in local government areas in the future.

The government recognises the importance of establishing both an overall limit for all parts of Victoria and retaining regional limits for areas of the state that are identified as particularly vulnerable to the harm caused by problem gambling.

The bill provides a single framework for the setting of both regional and municipal limits. Where a regional limit is to apply, the minister will also be required, as is currently the case, to determine the region. In setting

either a regional or a municipal limit, the minister will specify either the maximum permissible number of gaming machines or the criteria the Victorian Commission for Gambling Regulation will be required to use to determine that number.

As is currently the case for regional limits, the Victorian Commission for Gambling Regulation will be responsible for the implementation of limits that the minister has set. No part of a municipal district will be subject to two different limits at the same time. A municipal district limit will only apply to any parts of a municipality that are not covered by a regional limit.

The minister will also be able to specify the criteria to be used by the Victorian Commission for Gambling Regulation in determining how gaming machines are to be removed if the number in the affected region or municipality exceeds the limit set.

**Community benefit contributions**

Hotels and clubs with gaming machines are subject to different rates of taxation under the Gambling Regulation Act 2003.

In particular, hotels are required to pay an additional 8.33 per cent of their net gaming revenue under section 3.6.6(2)(c) of the Gambling Regulation Act 2003. Clubs are not required to pay this tax on the basis that they make an equivalent contribution directly to their local community and are effectively provided with a tax exemption. This enables clubs to make decisions for themselves about how best to contribute a proportion of their gaming revenue for local benefit.

While only clubs are required to make a community benefit contribution in this way, both hotels and clubs must lodge an annual audited community benefit statement. A community benefit statement quantifies the community benefits provided by the hotel or club and states whether those community benefits meet or exceed an amount equal to 8.33 per cent of the venue's net gaming revenue. The purposes and activities that constitute a community benefit are set by ministerial order.

If a club fails to spend at least 8.33 per cent of its net gaming revenue on activities that benefit the community, then it may be required to pay the additional 8.33 per cent tax as if it were a hotel.

Hotels already make a community benefit contribution because they pay an additional 8.33 per cent in tax to the Community Support Fund. There is, however, some confusion within the community about the nature and extent of the contributions that are actually made by hotels and clubs from their net gaming revenue and about the purpose of community benefit statements.

The government recognises the need to reform the existing requirements to ensure their appropriateness and relevance.

Accordingly the bill amends the Gambling Regulation Act 2003 to:

remove the unnecessary administrative burden imposed on hotels by the current requirement to prepare, audit and lodge a community benefit statement when hotels already make a community contribution by paying an additional 8.33 per cent of their gaming net revenue to the Community Support Fund;

require a club that fails to make a community benefit contribution of 8.33 per cent of its net gaming revenue to make up the shortfall by the payment of additional tax.

The amendments will remove the confusion that currently exists about what community benefit statements show and will ensure, when combined with a clarification on the activities and purposes that can be claimed as a community benefit, that clubs make a meaningful contribution from their net gaming revenue directly to their local community.

While it has been possible in the past for a range of normal business expenses to be claimed as a community benefit, the range of activities and purposes that constitute a community benefit will, in future, be more focused on expenditure of direct community benefit.

I have released a draft of the revised direction that sets out what can be claimed as a community benefit and am seeking comment from clubs and others about the proposed new requirements. I will publish the new direction once this consultation is completed. The new requirements will be in place by 1 July this year.

**Funding for drug and alcohol programs**

Section 3.6.12(1A) of the Gambling Regulation Act 2003 prescribes the amount of money that is to be paid into the Community Support Fund from hotel gaming taxation revenue and provides for $45 million of that amount to be retained in the Consolidated Fund each year for five financial years from 1 July 2004.

The bill amends section 3.6.12(1A) of the Gambling Regulation Act 2003 to extend the current time frame by an additional four years. This will fulfil a

government election promise to provide a further $180 million funding over four years from gaming taxation revenue for the provision of drug and alcohol programs in Victoria.

**Conclusion**

The amendments to the Gambling Regulation Act 2003 contained in the bill form an integral part of the government's commitment to reducing the harm caused by problem gambling and to ensuring that gaming revenue is used in an appropriate manner for the benefit of local communities and to help promote a fairer Victoria.

I commend the bill to the house.

**Debate adjourned on motion of Mr O'BRIEN (Malvern).**

**Debate adjourned until Thursday, 21 June.**

## COURTS LEGISLATION AMENDMENT (JUDICIAL EDUCATION AND OTHER MATTERS) BILL

*Second reading*

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

**Mr CLARK** (Box Hill) — The Courts Legislation Amendment (Judicial Education and Other Matters) Bill makes a range of amendments to legislation governing different aspects of our court system. It establishes uniform provisions regarding judicial education at all levels of jurisdiction — the Supreme Court, the County Court, the Magistrates Court and VCAT (Victorian Civil and Administrative Tribunal). It gives responsibility for judicial education within each jurisdiction to the head of the jurisdiction — the Chief Justice of Victoria, the Chief Judge of the County Court, the Chief Magistrate and the VCAT president respectively. It empowers the head of each jurisdiction to direct judges, masters, magistrates or tribunal members within their jurisdiction to take part in judicial education or training.

The bill clarifies the seniority of judges through the express recognition of their commissions of appointment. It provides for the resignation of judges prior to the compulsory retirement date, and it removes various stated anomalies in judicial pensions. It allows masters to constitute the Court of Appeal for procedural applications. The bill brings appeal rights from the County Court to the Court of Appeal into line with appeals from the Supreme Court, and it extends the sunset clause on the Koori Court division of the Children's Court.

The opposition will not be opposing the bill, but it has some reservations about a particular aspect of it relating to judicial education. There are also some further matters which we believe need to be clarified during the course of debate.

Perhaps the most far reaching of the provisions in the bill are those relating to judicial education. They build on legislation passed by this Parliament in 2001 that established the Judicial College of Victoria. At that time the opposition supported the bill to establish the judicial college, and one of my learned predecessors as shadow Attorney-General, Dr Dean, expressed three reasons in support of a judicial college. He said, firstly, that it was important that a judge's knowledge of life be as broad as possible; secondly, that it was important that there was a perception in the community that judges were concerned about their own education and about ensuring that they had a broad knowledge; and thirdly, given that people come from a variety of backgrounds and have a variety of experiences, that it was important to ensure that all judges were able to receive education and professional development in those areas in which they may lack experience.

Since the judicial college legislation was passed the Judicial College of Victoria has in fact been established and is in operation. It is perhaps worth making the point that there is a national judicial college as well, but Victoria has set out on a path of having a separate judicial college, while also cooperating with the national college.

The Judicial College of Victoria web page entitled 'About the college' gives an overview of the college's role. With perhaps a little bit of puffery, it proclaims that 'The college is a leader in judicial education and professional development'. It highlights the following:

> Workshops and seminars in small groups encouraging discussion.
>
> JOIN (Judicial Officers Information Network) — gone are the days of ploughing through dusty books; now Victorian judicial officers access all necessary information electronically. JOIN is a one-stop judicial stop.

I think that is perhaps stretching the limits of credibility, but clearly an intranet available to judicial officers has the potential to be a very beneficial tool indeed. The web page further highlights the following:

> Visits and field trips to correctional and forensic facilities, forensic services, drug rehabilitation (Odyssey House) and Urban Seed (tour of CBD back alleys focusing on

> homelessness, drugs and gambling) expand experience and knowledge.
>
> Two-year induction framework for new appointees to ease the transition from legal practice to bench.

In the latest annual report of the judicial college, Her Honour Justice Marilyn Warren, the Chief Justice of Victoria and chair of the Judicial College of Victoria, commented:

> It is gratifying to note that there is widespread support for professional development amongst Victorian judicial officers. The implementation of these national initiatives will enhance the capacity of Victorian judicial officers to carry out their roles and, in doing so, build the community's confidence in the administration of justice.

While Her Honour did not expressly refer to this matter in that report, nor indeed, as far as I am aware, has she raised the matter publicly elsewhere, it seems capable of being inferred from what she has said that a progression towards making continuing professional education for judicial officers mandatory is one of the extensions of the current regime towards which Her Honour has been leaning.

Certainly substantial benefits can be achieved through a judicial college, and there are many challenges facing our court system today and many pressures which our judiciary is under. Those pressures may to some extent — but only to some extent — be assisted by the services that may be provided to judges through a judicial college.

It is fair to say that there is a widespread perception in the community that the sentences delivered by our courts are too lenient, that they do not reflect community views as to the gravity of the offences concerned and that they are failing to exercise an adequate deterrent effect or to take offenders out of circulation, thereby removing their capacity to cause further harm. I think there has been justifiable community concern that lenient sentences, whether through the court system or through what happens after sentences have been handed down, have resulted in offenders being released back into the community and then going on to reoffend when they may well not have done so had they continued to be kept behind bars. That is certainly a very strong concern coming from the community about the judicial system.

In similar terms the rapid proliferation of a range of antisocial activities, ranging from graffiti through to street violence, and the manner in which the judicial system responds to those challenges are also causing considerable concern. I am very cautious about commenting on sentences in particular cases, but I refer to one case with which I am familiar where widespread graffiti damage was caused by one offender. The damage was estimated to be worth in excess of $700 000, and from memory the offender was sentenced to something like 300 hours of community service, which does not seem to provide a clear signal of the community's disapproval of and determination to deter that sort of activity, which is not only costly and distressing in itself but has the potential to promote a general atmosphere of disrespect for the law.

This is one set of challenges that the judiciary is facing. I think the primary responsibility for it falls on the government and on the Parliament, in terms of setting the legislative regime which the judiciary is to administer, but the judicial college has the potential to play a role in ensuring at least consistency of policy and in assisting those judges who are appointed to the bench without a background of criminal law experience to pick up on details of the regime that applies in the criminal law.

Another major challenge faced by the court system at present is delays. There is a growing backlog of cases in Victoria. The Productivity Commission's government services report of 2007 identified that the Supreme Court in 2007 had the greatest backlog of any Supreme Court in the nation. Overall our court system is lagging; it has some of the worst performance figures in the nation in terms of delays. Here there is a tension, because clearly to the extent to which judges are spending time within a judicial college they are not available to hear cases and reduce delays; on the other hand if they are dragged away from essential judicial development because of attempts to reduce the backlogs then their long-term professional development and their capacity to perform as judges will be undermined.

There are also problems within the court system in relation to bail shopping, which has been highlighted in the media recently. The rules relating to the hearing of repeated bail applications by a single alleged offender have not been properly enforced. In my view the buck for that primarily stops with the administrative systems that back up the rules that are to apply, but it would certainly be helpful if judicial education made clear what the procedures are so that a magistrate could pick up when somebody was bail shopping when they appeared before him or her.

The chief justice gave a speech on 22 May entitled *State of the Victorian Judicature*. I believe this was the first time such a statement had been delivered by the chief justice in Victoria, although such statements have been quite common in other jurisdictions. It was a very carefully crafted speech by Her Honour which avoided

offending sensitivities but at the same time managed to make some very clear points about Her Honour's concerns about various aspects of the court system in Victoria as it stands at present and some of the challenges that impact on judicial education and on delays. Her Honour made it clear that:

> Victoria must be able to match up with its interstate and interjurisdictional comparators.

She said that as far as courts are concerned:

> Victorian citizens should be confident that serious criminal trials and appeals will be disposed of by prompt, energetic and sharp judges — not slow, tired and worn-out judges … Victorian business and litigators should be able to bring their cases to Victorian courts to be disposed of in the same way. There should be no need to resort to other jurisdictions save for jurisdictional reasons.

Her Honour was clearly signalling some of the pressures that the court system and judges are under at present. She went on to talk about appropriate delay times within the court system; the number of judges required; and the impact of delays, work volume, timeliness and judge health. She also referred to the consequences of the Charter of Human Rights and Responsibilities Act 2006, which, as she said, would:

> commence a new jurisdiction for Victorian courts and tribunals, in particular, the Supreme Court and we are yet to know the impact on courts' workloads.

That is clearly going to affect the role of the judicial college, with yet another burden that the college is going to have to cope with and try to assist judges to cope with.

In her address Her Honour also specifically touched on the role of the judicial college itself. She spoke about Victoria having the benefit of the judicial college in meeting local education needs and the National Judicial College of Australia to meet needs that could only be met on a national scale. She then went on to refer to some of the expectations of the college. She said:

> There is an expectation by the heads of the Victorian courts and tribunals that all judges, magistrates and tribunal members will actively participate in ongoing judicial education. There is now broad acceptance that all judicial officers should have at least five days provided per year for judicial education. This time is over and above judge time and viewed as a minimum. The remaining aspect of judicial education is to observe that adequate provision comes at a cost which has been recognised by government. As judicial education expands in Victoria, in all likelihood so will its cost.

There is clearly a role for a judicial college. What this bill does in particular is enact uniform provisions for judicial education at all levels of jurisdiction, and in particular it enables the head of each jurisdiction to give directions to judicial officers within that jurisdiction as to undergoing ongoing professional development or continuing education and training activity. That is contained, for example, in relation to the Supreme Court, in proposed section 28A(3), which says:

> In discharging his or her responsibility under subsection (2) the Chief Justice may direct —
>
> (a) all judicial officers; or
>
> (b) a specified class of judicial officer; or
>
> (c) a specified judicial officer —
>
> to participate in a specified professional development or continuing education and training activity.

It is this aspect that causes the Liberal Party some concern. It is not concern in the sense of executive or other interference with judicial independence, because it is clearly the head of the jurisdiction who is given this power to direct. However, there is concern about the potential for the power not to be exercised in the best possible way by cutting across the individual responsibilities and roles of judges. It places a serious responsibility on the head of each jurisdiction regarding the exercise of those powers.

Linked to this is the fact that while the Judicial College of Victoria is under the control of a board that is composed of a majority of judges, because of necessity the college is very closely linked to the Department of Justice at an administrative level. This is set out on page 4 of *Shaping the Horizon — Strategic Plan Judicial College of Victoria 2007–2010*. It is on the website of the college and was published in March 2007. It says:

> Linked to the Department of Justice for administrative, infrastructure and resource purposes, the college is committed to ensuring that the content of its education activities, through the oversight of the college board and internal judicial committee structures, continue to meet the education and professional development needs of Victorian judicial officers.

As with the court system — as the chief justice also identified in her speech about the state of the judicature — the Department of Justice is heavily involved at an administrative level in the college. It is very important that that involvement does not extend beyond administration and that we do not have the Department of Justice exercising through the backdoor undue interference and imposing restrictions on the autonomy and independence of the court.

To put it bluntly, a reservation has been expressed to me that senior judges do not want to be, and should not be, lectured by relatively junior bureaucrats or

academics as to how they should conduct their roles. In other words, the Judicial College needs to have a high calibre of personnel who understand the role of judges and can add real value to that role.

It has also been put to me that the chief justice traditionally has been the 'first amongst equals' within their jurisdiction — there have been questions about whether or not the 'first amongst equals' role is being extended unjustifiably in the capacity of the heads of the jurisdiction to direct judges and other judicial officers as to what they are to do. Already the heads of jurisdiction exercise considerable responsibilities in assigning judges to lists and other similar matters regarding what other judges do. I repeat: in exercising the powers being conferred on them by this bill the heads of jurisdiction need to be careful to make sure that those powers are exercised properly and in particular that the autonomy, seniority and maturity that are, or at least should be, possessed by various judges and other judicial officers are respected.

In this bill there are no consequences or sanctions specified as to what happens if a judge simply refuses to comply with a direction given by a head of jurisdiction. It may be said that that should be unnecessary and that judges can be expected to comply with such directions. But I think that the only available sanctions will be those relating to the dismissal of judges through the parliamentary process, which is something we hope would never be reached.

I turn to the provisions relating to judicial pensions. I refer to the references to this subject which are made in the statement of compatibility under the Charter of Human Rights and Responsibilities Act as tabled by the Attorney-General. The references illustrate the ongoing difficulties that the government, public servants and everybody else have with the highly prescriptive, procedurally based and dogmatic provisions of the charter. There is an issue identified in relation to these pension provisions as to whether or not they discriminate on the basis of age. The statement of compatibility says:

> This amendment positively engages section 8(2) of the charter. It rectifies a provision which discriminates on the basis of age and is incompatible with the charter. The amendment is therefore compatible with the charter.

However, the very essence of a pension or a superannuation scheme is in fact a discrimination on the basis of age. One only qualifies for a pension or for superannuation if one reaches a particular age. It is not a bad thing; it is the whole objective of a pension or a superannuation scheme. But this example shows the nonsense of trying to apply the charter in this context and the way in which the statement of compatibility does this. It claims that the amendment is a good thing because it removes discrimination on the basis of age, but we are in context where discrimination on the basis of age is the essence of the provision.

As well, it is the methodology of the department and the government to go through legislation and seek to identify every possible impact on the charter. However, section 24(1) of the Charter of Human Rights and Responsibilities Act says:

> A person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

If we are going to identify potential impacts on the charter, I would have thought that the Judicial College provisions impact on section 24 (1), yet that has not been addressed in the statement of compatibility.

The pension provisions themselves are quite complex. One of them relates to the spouses of judges, and the other relates to judges who resign prior to the compulsory retirement age. I thank the departmental officers very much for the detailed explanation they provided to the opposition in relation to the operation of the reversionary judicial pension provision. Its explanation was that this amendment addresses an apparent anomaly in the drafting of the Constitution Act 1975. Currently spouses of judges appointed before the age of 60 who die in office or after retirement are entitled to a reversionary pension. However, spouses of judges who are appointed after the age of 60 are entitled to a reversionary pension if the judge dies in office but have no such entitlement where the judge dies after retirement. The amendment seeks to address this anomaly and provide the same entitlements regardless of the age of the judge at the time of appointment.

In relation to the other alteration to the pension provision, this applies where a person has resigned as a judge or other judicial officer before the compulsory retirement age and then after resignation but before attaining the age of 65 becomes permanently disabled. They will be entitled to a pension as they would have been if they had become permanently disabled while they were continuing as a judge. I certainly hope we get some explanation from the government as to the logic of this provision, because what it seems to be saying is that a person can resign as a judge yet continue to be entitled to a judicial pension if they become disabled before the age of 65, as if they had continued as a judge. I am struggling to understand how it is that, having resigned, they can continue to attract the entitlements of someone who has continued in office as

a judge. This provision, like the provisions relating to resignation, brings into play the increasing practice of judges to resign from the bench ahead of the compulsory retirement age.

It has been said to me that, if a person accepts judicial appointment and then finds that that appointment does not suit them, they should be entitled to accept that they have made an error of judgement and resign and resume a more productive life in the field that suits them. Obviously there will also be circumstances where a person's situation in life — either their own or within their family — changes, and for that reason they need to resign ahead of the compulsory retirement age. However, it seems to me that it is a desirable thing, if at all possible, that people who accept appointment to the bench continue on the bench and in particular that, having resigned from the bench, there be a minimum of occasions when those people return to active practice as barristers. It opens up issues about judicial independence and referral.

As has been said to me by one senior judicial officer, it makes it very difficult when a former colleague appears before them as an advocate. I know that the Victorian Bar Council has rules restricting the ability of people who have resigned as judges to appear as barristers before the relevant court within a certain time after they have resigned. I think that is very important. I simply sound the cautionary note that I think resignations, particularly in the context of a return to active practice, should be avoided where possible. Other provisions in this bill clarify the order of seniority of judges. Those provisions are unexceptional.

A final provision that I will specifically refer to relates to the children's division of the Koori Court. The establishment of this division was supported by the opposition at the time the legislation came through the Parliament in 2004. It was established on a trial basis, and that trial is continuing. We understand that there is to be a formal evaluation. The Attorney-General has indicated to the Public Accounts and Estimates Committee that he believes the trial has worked satisfactorily so far, but he wishes to extend the trial for a further period to allow for the formal evaluation. Certainly we on this side of the house will look forward to that evaluation report and to other feedback that we are able to obtain as to how the Koori Court has performed.

Overall, as I said at the outset, the opposition does not oppose the bill. But we have some reservations, particularly about the compulsory judicial education powers that have been vested in the heads of jurisdiction. We also seek some further information about the merits of the provision that allows disability pensions to be paid to former judicial officers in the circumstances that I have outlined.

**Mr RYAN** (Leader of The Nationals) — There is always a risk of former lawyers giving an impression of enormous pomposity when they stand in this place to talk about legal bills. I thought I would open with that comment to draw the inevitable commentary that I hear swirling around me now. I also make that opening observation because the point that is principally highlighted in legislation such as this is the absolute critical significance of the separation of powers in the operation of our system of democracy — that is, the distinction between the judiciary, the Parliament, or legislature, and the executive.

These three elements, which go to constitute the way in which we function as a democracy, are absolutely imperative. When you have legislation of the nature of that before us today, inasmuch as it deals with the Judicial College of Victoria, there is always an underlying sense of disquiet, particularly, I suspect, for those of us who have practised law — and I say that without wanting to patronise anybody else who has an interest in this important legislation. The imperative is to make sure that the government of the day is not in any way, shape or form imposing itself upon the manner in which the judiciary at its various levels discharges its important role.

We do not see any actual sign of that in this legislation. Certainly on the face of the bill itself it does not impose any such thing. Nevertheless I cannot help but have a sense of overall disquiet about a continuance of the coming together of the way our judiciary does what it does in Victoria and its own concerns about the extent to which the government seeks to have an influence, from its perspective, on the way our judiciary functions.

This legislation has five basic amendments in it, and shortly I will deal quickly with each, but I want to talk about a couple of elements of the role of the Attorney-General in a context of the critical nature of Victoria's judicial system. The first of those observations regards sentencing. That is pertinent to the bill, because one would anticipate that in the course of the work undertaken by the college, sentencing elements would be a component of the material for the courses being contemplated.

This question of sentencing and of having regard to the outcome of the coroner's determinations has been thrown into the public arena again recently with the tragedy of the murder of the two Irwin girls, the daughters of Shirley and Allan Irwin. They have made

comment as to their disquiet about the process and the various issues that remain outstanding from their point of view about this appalling tragedy, one that mutually across this chamber I am sure is regarded as exactly that, in the events which gave rise to the death of those two lovely young ladies.

The point I want to make is that while the Attorney-General clearly does not have a role in the arena of the sentence which is originally passed or the work of the parole board or the actual discharge of the processes associated with those functions — that is the case, and I certainly do not urge him to engage in any such thing — I believe the Attorney-General has a role in his capacity as the first law officer of the state of Victoria to at least engage with these people, even through his department, and take them through the totality of what has eventuated by way of a fulsome consideration of the process. I do not mean an examination of the merits of what happened at the sentencing or an examination of the merits of what the parole board may or may not have decided to do, but purely to at least exhibit on behalf of the state of Victoria some empathy for the terrible agony which these people, Shirley and Allan Irwin, have suffered and which they continue to suffer.

I do not think that is an unreasonable ask of the Attorney-General. So I use this forum and the context of this bill to advance that proposition to the Attorney-General for his consideration. Certainly I believe it would be a measure of comfort to these people at a time of terrible trauma and suffering. I ask the Attorney-General to at least engage with them to that extent.

The other issue I want to comment on is the notion or the policy which The Nationals took to the last election — that is, standard minimum sentencing as opposed to the principle of mandatory sentencing. I always have opposed and I continue to oppose mandatory sentencing; I do not believe it can play any part in our judicial system. We are not talking about mandatory sentencing, we are talking about a system similar to that which operates in new South Wales under its sentencing provisions. The New South Wales act was amended in 2002 by the Labor government in that state, and I advocate it for Victoria.

Its essence is to set a standard minimum sentence for particular types of the most heinous of crimes. In New South Wales there are 23 of those in the categories that are subject to this process. To take but one example, the provisions provide that in the case of a person who murders a police officer in the course of the discharge of his or her duty, the standard minimum sentence is 25 years imprisonment. Attached to that, the judicial officer who is involved in sentencing can vary that standard minimum sentence up or down.

If the judge chooses to do so, the judge has regard to a stipulated set of criteria which are also within the act upon which the judge relies for the purposes of variation of the standard minimum sentence. In the course of reciting the judgement, the judge is required to have specific regard to those elements upon which he relies for the variation.

The benefit is that this provides the public with a benchmark or a planned starting point. The court retains the jurisdiction and the discretion, and it should always retain its discretion to vary that standard minimum sentencing, but it gives the public a starting point. As I understand it, the Court of Appeal in New South Wales has examined this system and has determined that it is not offensive in the sense of general discussions that go with what I am now advocating as opposed to the notion of mandatory sentencing. The Court of Appeal in New South Wales has made a determination that there is no nexus between these two systems, so those who have concerns about such a nexus can put their concerns aside.

I think it comes back to the work which is intended to be done through the judicial college, because in the Victorian community I fear there is a lack of faith, misplaced or otherwise, in the way sentencing occurs in the most heinous of crimes.

I have briefed lots of barristers over the years and know many of them who have been subsequently appointed to the bench. They tell me consistently that the most difficult role to discharge as a judge is to actually put someone in jail, to take their liberty from them. It is different from imposing sentences to do with fines or money or taking property or any other such thing. Judges consistently tell me that taking someone's liberty from them and putting them in jail is singularly the most difficult thing for them to do.

I for one, and The Nationals as a whole, do not want to impose any position on our judiciary which would see their discretion in this important area being impinged upon, removed or otherwise affected. But as the Court of Appeal in New South Wales has said, that is not an issue in the context of the proposition which I now advance.

I urge the government to have a clinical look at standard minimum sentencing to see whether we can introduce it here in Victoria, because I believe it would give a lot of relief to the public concern about issues of

sentencing, those issues of course being so critical to an acceptance and an understanding of the way that our judicial processes operate in Victoria. I reiterate, just in closing on this point, that we are talking here about systems applicable to actually putting people in jail, as opposed to the other elements of sentencing that are available to the courts.

A further point I want to make about the work of the judicial college and the content of this legislation is that none of this is ever a replacement or a substitute for properly resourcing our court systems. We should have more courts operating in Victoria, certainly within the Supreme Court and the County Court. We probably right now need an extra two judicial appointments in both the Supreme Court and the County Court. The comments from the judges with whom I continue to have an association — without going into all the specifics of it — is to that general effect.

I do not think we ought ever confuse the notion of undertaking the sorts of initiatives which are detailed in this legislation and doing all sorts of things to streamline the activities of the courts and make them more efficient and productive — all those sorts of things are fine, and The Nationals support those principles — because there is no substitute for properly resourcing our court system. At the moment the Victorian judiciary is concerned that that is not eventuating. I recommend to the government that that is an immediate imperative.

This bill makes five forms of amendments. It establishes a uniform system of judicial education applying to judicial officers in each of the jurisdictions — they being the Supreme Court, the County Court, the Magistrates Court and the Victorian Civil and Administrative Tribunal. It also imposes on the head of each of the jurisdictions the responsibility for directing the judicial officers within their respective jurisdictions to participate in the work of the college.

The basic function of the college is to deliver professional development and to generally give effect to the amendments that are set out in the legislation. The second-reading speech refers specifically to developments in the law, in technology and in community attitudes, and again, it is in that latter context that I couch the observations I have already made about the question of sentencing in the public eye. It is important that the college takes a proactive part in ensuring that we have that all-important connection between the different elements of sentencing and the community views in relation to it.

At the time of sentencing it is important to have in mind the need to punish the criminal, the need to rehabilitate the criminal and the need to demonstrate to the community that the courts are not prepared to accept on behalf of the community the conduct which is then under consideration. All of those things are vitally important. The more work which is done to ensure that the community view in relation to these things is brought before the judiciary at all levels the better. That comment is not intended to in any way patronise our judiciary. I think, though, that the more the public can be satisfied that these issues are being placed before the judiciary for its consideration the better it will be for everybody involved. Nobody need feel defensive about it. I think these are constructive ideas which ought be adopted. We support the notion of this work being undertaken.

The passing disquiet to which I referred before is, I suppose, an aspect of the comments by the member for Box Hill about the need to be certain that the work being done by the college in the discharge of its duties is work which is generated by those associated with the administration of the tasks of the college, as opposed to what, at the extreme, might be imposed on them from the government's perspective.

The second area accommodated in the legislation deals with amendments to a number of the provisions in the Constitution Act 1975 regarding judicial appointments, commissions, seniority, resignations, retirements and pensions. They are all essentially about clarifying the current provisions and rectifying some of the anomalies that exist. They have been described well, if I may say so, by the member for Box Hill.

The third area of the bill amends the Constitution Act and the Supreme Court Act to allow the Court of Appeal to be constituted by masters for the purpose of hearing procedural applications in civil proceedings. The intention, it is said of these amendments, is to cut down time delays, but ultimately on the occasion of their final hearing those matters will be dealt with by judges of the court. We support any initiatives which are going to better enable the court system to operate appropriately, so this is something that we as a party support. The amendments will bring greater consistency to civil appeals to the Court of Appeal. Again, they have been accommodated in the commentary already before the house.

I must say that when I was practising law I never had any joy on appeal in civil cases. If I was awarded a healthy verdict in the Supreme Court the blasted insurer would appeal against it. I seemed to get done when I went there and so got less on behalf of clients. In those

instances where I did not get enough, a very deserving plaintiff was not awarded the appropriate amount of damages and I went off to the appeal court, for some reason or other the wisdom of my argument never seemed to find fertile ground. So it was never a great experience going to the Court of Appeal.

**Mr Holding** interjected.

**Mr RYAN** — The minister at the table says 'Judicial education', and I simply will not go there, because it would impinge immediately on my role here as opposed to that of the judiciary. But suffice it to say that I never had much fun in the Court of Appeal.

The final amendment is about the extent of the sunset clause in relation to the Children's Koori Court and the criminal court within it. We support the amendment. It must be said that whatever might have been the misgivings of many — and I was one of them for a period of time before actually seeing the evolution of the Koori Court — I think the court has been a success. We look forward with interest to seeing the results of the evaluation process to which the Attorney-General has made reference and upon which he has founded a lot of his comments regarding the activities of the Koori Court and this element of it in particular. We think it is important that the report arising from that evaluation be put in the public arena, but equally we see a place for the process as it stands. So it is that we do not oppose what is contemplated by that amendment. We do not oppose the legislation at large.

**Mr LUPTON** (Prahran) — I am pleased to make some comments today in support of the Courts Legislation Amendment (Judicial Education and Other Matters) Bill. It is interesting to rise to address these remarks to the house after the Leader of The Nationals has resumed his seat. As a former barrister who practised for some years in this state, I take considerable interest in the many pieces of legislation that come before this house dealing with our courts and the justice system. Having been in the Court of Appeal on a number of occasions, I know from the remarks made by the Leader of The Nationals that there were differences in the nature of the cases we each dealt with, but I must say I found the Court of Appeal a very pleasant place to appear in from time to time.

It is an important aspect of the way in which the courts and the justice system operate in Victoria, and increasingly in other jurisdictions, that there be a greater concentration on the ongoing education of our judicial officers. This really comes to pass as a result of an increasing awareness across a range of professions that ongoing and continuing professional education is an important aspect of making sure that people carrying out their professional duties are up to date and aware of any changes in the way their profession operates and interacts with clients and other parts of society. Certainly the legal profession has been an active participant in that process over the years, and the solicitors and barristers practising in this state have for some years been engaged in a very active process of continuing legal education.

That is very important, because the law continually evolves and changes, not only in terms of the amount of legislation that is passed by parliaments but in terms of the changes in regulations, changes in jurisdictions and the ever-continuing volume of case law that is pronounced on in the judgements of our courts. That all means that the law is a constantly changing and evolving process. If our education in these areas stopped at the time we graduated from university, all the professionals operating in these fields would slowly but surely become out of date in their application of current standards of professional knowledge.

Continuing education is an important thing, and that does not stop when one is appointed to the bench. We now provide a great deal of additional support and encouragement as part of that process. Judges have always continued to educate themselves and have tried to maintain up-to-date information on the way they do their jobs, but in more recent times we have recognised that doing what we can to positively support the judiciary in that process is an important part of the administration of justice. That has led to the evolution of such things as the Judicial College of Victoria, which, as its stated aim, provides wonderful assistance and support to our judicial officers from the Court of Appeal and the Supreme Court all the way through our judicial hierarchy.

One of the more important elements of the legislation that we are debating today deals with the ability of the heads of each jurisdiction — from the Supreme Court through to the County Court, the Magistrates Court and the Victorian Civil and Administrative Tribunal — to appropriately organise the attendance of their judicial officers at the continuing education programs that are run by the Judicial College of Victoria. The establishment of the Judicial College of Victoria in 2000 was based on the fundamental importance of ensuring the independence of the judiciary in that process. The college operates and is effectively under the control of the judiciary itself. Although it has administrative support from the Department of Justice, the college is run by and on behalf of the judiciary, and that is the important element.

This amending legislation gives the appropriate judicial head of each of the jurisdictions in Victoria the ability to direct their judicial officers to attend courses as appropriate. That has met with the approval of the Chief Justice of Victoria and the heads of the other relevant courts and will provide, I believe, for appropriate and ongoing judicial education in Victoria. It is a sensible move that is supported by the judges and the courts.

There are some other important elements to this legislation. One is the way in which masters are able to deal with matters in the Court of Appeal, which they will be able to deal with in a more appropriate way as a result of this legislation being passed. The bill allows the Court of Appeal to be constituted by a master when dealing with procedural applications in civil proceedings. This means that for such applications before the court as directions hearings, which deal with the way in which the appeal will be conducted through the court, a master will be able to deal with those applications — those procedural matters — rather than having a judge of the Court of Appeal deal with those matters.

That will enable the court to operate more effectively and efficiently without judges having to deal with matters that do not really require the active involvement of a judicial officer of the standing of a Court of Appeal justice. The masters are entirely appropriate and able to carry out those types of procedural hearings, and that will no doubt help the Court of Appeal in its ability to administer its cases more effectively and efficiently. That is a sensible and appropriate change to adopt.

Other matters that the bill deals with will clarify some provisions of the Constitution Act in relation to the appointment, commissions, seniority, resignation and retirement of judges and will address some anomalies in the entitlement of judges to pensions. Basically these changes will ensure that the pension entitlements of judges are really the same. No matter on what basis the former judge is receiving the pension — whether they have reached retirement age and in effect retired compulsorily or whether they retired before the compulsory retirement age and then certain events, such as disabling events, occurred — they will be treated in the same way. That removes anomalies and seems to be a sensible thing.

Another amendment rectifies some anomalies between the County Court Act and the Supreme Court Act regarding appeals from the County Court to the Court of Appeal on questions of costs and the operation of appeals as a stay of proceedings. Basically it makes the appeal process from a judge of the County Court to the Court of Appeal or a judge from the Supreme Court to the Court of Appeal the same. It means that if there is an appeal to the Court of Appeal from the County Court or the Supreme Court, it will not operate automatically as a stay of proceedings unless the relevant judge makes a specific order. That makes the two ways you can get to the Court of Appeal the same and removes an anomaly, which is a sensible thing.

In addition, extending the sunset date for the children's Koori Court to 1 July 2009 to enable a full evaluation of the pilot project to be undertaken is also sensible. This legislation makes some very sound and sensible alterations and improvements to the administration of justice in the state of Victoria, and I commend the bill to the house.

**Mr McINTOSH** (Kew) — There is no doubt that judicial education right around this country is becoming an important and increasingly useful tool in the way the judiciary goes about its business. Importantly, whatever else has occurred, everybody is acutely aware of the independence of the judiciary and the original Judicial College of Victoria that was set up in this state. At the time concerns were expressed by the opposition about the independence of the judiciary. Equally, although the amendments that are being made here create a degree of tension — which I will speak about in a moment — they do not obviously overstep the mark of interference with the independence of our judiciary.

The vast majority of newly appointed judges at different levels attend a judicial orientation program. I am aware that that program covers a range of general subjects that could be of benefit to a number of newly appointed judicial officers. The program covers such things as ethics, judicial writing, sentencing and expert evidence, which can be quite difficult at times. The program is a way of introducing judges to the difficult role they will be involving themselves in. As I said, one of the subjects covered is judicial writing — that is, writing a judgement at the end of a trial or otherwise. Importantly, that program is conducted by the National Judicial College of Australia, and Victorian judges regularly participate in it. Recently I was talking to a newly appointed judge who found the aspect of dealing with sentencing very interesting, because it was to some extent away from his experience and he found in the program a high degree of utility.

There is no doubt there are tensions because many of the people who participate in the program or provide the lectures are not necessarily members of the judiciary, and indeed in many cases hold executive positions — for example, I know that Arie Freiberg regularly addresses this judicial orientation program in

relation to sentencing. As I have said in here on previous occasions, Arie Freiberg has certainly added a considerable amount of intellectual weight to issues relating to sentencing, and I have no doubt that he adds that to the program at the national college.

One point I will make is that Victoria — particularly as it has its own independent Judicial College of Victoria — is the stand-out state. The Judicial Commission of New South Wales has an educative function in its armoury, although to a large extent it devolves that educative function to the national college, because it deals very much with the notion of the disciplinary process that exists in New South Wales. However, the judicial commission does have an educative role. But every other state and jurisdiction does not have a separate judicial college and relies upon the national judicial college. I would hope that we would be moving increasingly towards a national body rather than a stand-alone judicial college here in Victoria. However, as I said, we do have a judicial college in Victoria, and this legislation does not overstep that mark in relation to judicial independence.

I now deal with the issue of sentencing There is no doubt that this reform came as a result of an inquiry that was commissioned in June of last year — just on 12 months ago — by the Attorney-General. He asked Crown Counsel, John Lynch, to inquire into judicial education. It also came out of a time when particular concern was being expressed in our community about lenient sentencing, such as suspended sentences for sexual penetration of a seven-year-old girl, a suspended sentence for the rape of a total stranger who was in her own home, or someone who had 349 prior convictions for violence and who again received a very lenient sentence. At the time this inquiry was commissioned, sentencing was a matter of profound concern.

There is no doubt that the Attorney-General said that he wanted to be part of the educative process. Perhaps the idea is that sentencing should become an important part of judicial education to get tougher penalties imposed by our judges. He was describing his position. He did say it would always be in accordance with judicial independence, and as a direct consequence this piece of legislation does not transgress that rule. However, I am very concerned about the idea that the Attorney-General could in any way direct, supervise, be involved in or get rid of the problem by passing the buck to the judicial college.

As we know, sentencing is still controlled by the law in this state. That law is made through the common law, which involves the forms of directions given by the Court of Appeal in authoritative cases and strong parameters around the length of terms of imprisonment. And if we do not like it, we should set up an appropriate sentencing regime. As I said, that is the appropriate way. It is the responsibility of the government and the Parliament to make the law if we think the law is not being appropriately applied by the judges, not to send judges to re-education camps. However, it does not do it, but I am very tense about the matter. The idea that that can be directed is a matter of real concern. But as I said, the bill does not transgress that rule, so the opposition is not opposing this bill.

**Mr STENSHOLT** (Burwood) — I am happy to rise to support this bill. Almost the last job that I had before I was elected to Parliament was to write a response to a tender from the World Bank for judicial training in Indonesia, on behalf of Monash University. The university actually won the tender, but I was not able to participate in the project because I had been elected to Parliament. That story underlines my strong interest in judicial training in Australia.

That was in 1999, but in 2002 Victoria led the way in Australia through providing a judicial training college to provide support for the judiciary and to make sure they were up to date. I supported that. The Attorney-General, who I think has been an excellent Attorney-General in terms of the great reforms in Victoria, asked Victoria's Crown Counsel, Dr John Lynch, to conduct a review. He said:

> The US has had mandatory training for judges for many years, and members of the judiciary have embraced it —

and —

> New Zealand also has a warrant system under which judges sitting in jury trials and specialist areas like civil and family law, children's law and Maori land law are required to undergo training …

I am very pleased that the member for Kew has changed his tune somewhat. I know that during the review he said he did not believe mandatory training would have any impact on the legal system and that it was very expensive window-dressing.

**Mr Wynne** — When did he say that?

**Mr STENSHOLT** — This was last year. He also said:

> I'm sure that we'll have a really beautifully presented document, it'll cost millions and millions of dollars, we'll have mandatory education but the simple thing is that it says one thing and will do the complete opposite …

I reject that sort of irresponsible statement.

Following the review by the Crown Counsel, this legislation will allow judges and magistrates to undertake or be directed to undertake training. I think it is good that judges can be made to become up to date. I agree with the Victorian Bar Council chairman, Michael Shand, QC, who welcomed the new bill. The *Australian Financial Review* of 25 May reports him as saying:

> … mandatory continuing legal education has been a great success at the bar and I am sure the judiciary will find it similarly worthwhile.

The article states further:

> Law Institute of Victoria chief executive Michael Brett Young said, 'There's no harm in requiring judges to do ongoing education, provided the independence of the judiciary is maintained'.

The bill does that. I think it is excellent that this legislation has been introduced as it will ensure that judicial training for judges and magistrates is applied across the board and that it will continue. Training needs to be continuous because there needs to be continual training in any profession. This excellent legislation will ensure that happens and I commend it to the house.

**Mr O'BRIEN** (Malvern) — I support judicial education, but I do not support judicial re-education. The reason why we have to scrutinise this bill very carefully is that the government cannot be trusted when it comes to matters of judicial independence. Let me list the ways in which we cannot trust this government when it comes to judicial independence. It has undermined the independence of the judiciary through part-time appointments.

**Mr Wynne** interjected.

**Mr O'BRIEN** — Through part-time appointments, which are clearly not the same as full-time tenure appointments. That undermines the independence of the judiciary.

*Honourable members interjecting.*

**Mr O'BRIEN** — If members opposite do not want to take it from me, they can listen to members of the Supreme Court itself, who have already expressed concern about this government's undermining of judicial independence. I refer members opposite to the farewell speech of the Honourable Mr Justice William Ormiston on 23 February 2006. What did His Honour, one of the most esteemed judges of the Supreme Court and who retired before the mandatory retirement age, have to say? In his farewell speech he explained why he was retiring early, and he said, amongst other things:

> … the third burden, one that I find truly intolerable, is the constant interference by the bureaucracy.

Further he goes on to say:

> I could go on and on, but the fate of Business Unit 19 (as once was the unhappy description of the —

Supreme —

> Court) has left me in despair. So I will feel an enormous burden has been lifted from my shoulders when Friday night arrives.

This government, because of its constant bureaucratic meddling in the independence of the court, is driving judges off the bench early.

When it comes to judicial education, a former Attorney-General of the commonwealth referred a number of matters to the Australian Law Reform Commission for its examination. In its report, entitled *Managing Justice — A Review of the Federal Civil Justice System*, the ALRC found:

> As a general matter, the commission's submissions and consultations overwhelmingly support voluntary judicial education and its continuing development … Voluntary participation is consistent with judicial independence and the self directed mode of learning characteristic of judicial officers.

The Law Council of Australia, not exactly a body known for being sympathetic with the Liberal Party, has said:

> The law council wishes to reiterate that its support for a national judicial education institute is entirely dependent upon participation in education programs being not compulsory of judges …

I point out that this bill needs to be scrutinised very carefully because this government's track record of undermining judicial independence is a very sad and sorry one, and because bodies such as the ALRC and the Law Council of Australia have previously said that mandatory judicial education is not consistent with judicial independence.

In relation to this particular bill — —

**Mr Wynne** interjected.

**Mr O'BRIEN** — Because this bill says that the heads of the jurisdictions of each court are the ones who will be undertaking the directions, the opposition has decided it will not oppose the legislation, but it is extremely close to the line. Everything this government does in its interference with the courts, the judges and

the independence of our judiciary needs to be carefully scrutinised, because it has a terrible track record of trying to use the courts to influence and advance its own social agenda instead of having the courts as places for the dispensation of justice according to the law — which is, after all, what the courts are there for.

On the basis that I have been asked to facilitate consideration of the bill by limiting my contribution to only a few minutes, I will soon finish. I will say that the bill is not opposed but that we will be watching it very carefully to make sure this government's track record of undermining the independence of the Victorian judiciary is not progressed by the passage of the bill.

**Ms D'AMBROSIO** (Mill Park) — I am very pleased to speak in support of the Courts Legislation Amendment (Judicial Education and Other Matters) Bill. I am astounded by the statement that there is no role for continuing education for anybody. When did the previous speaker's education finish? A long time ago, I think, judging by his contribution. I note from the vigour of his contribution that he was obviously rolled by his own people in terms of the support his party is finally giving to this bill. Maybe there are some sensible people on the other side, after all.

The bill continues in the tradition established by this government of providing a modern judicial system that supports the community. The bill establishes a scheme enabling the mandatory professional development and ongoing training of judicial officers in the magistrates and supreme courts, and the Victorian Civil and Administrative Tribunal. The bill also enables the more efficient functioning of the Court of Appeal by providing for a master to constitute the Court of Appeal for procedural applications in civil matters.

Under this system, masters will also be able to conduct directions hearings, order the way an appeal is conducted and dispense with preliminary applications. This will mean judges will have more time to deal with the weighty matters at hand on appeal, which will also lead to a reduction in costs in the system. The community benefit will be evident through more timely, and therefore more accessible, justice.

The bill also tidies up some anomalies with respect to pension entitlements of judges through amendments to the Constitution Act 1975. It also clarifies anomalies between the County Court Act and the Supreme Court Act regarding costs and the operation of appeals as a stay of proceedings in appeals from the County Court to the Court of Appeal.

I am also pleased that the bill extends the operation of the children's Koori Court to 1 July 2009 to allow for a fuller evaluation of this groundbreaking initiative. All the indications to date demonstrate that the special children's Koori Court is proving very successful and certainly making justice far more accessible and therefore fairer for certain communities within Victoria. That is a big vote of confidence.

At this point it is appropriate that I comment on the commitment that this government has shown to the accessibility to justice of our community. Justice that is stayed in time is justice that does not serve the community well, and that is a fact of life. Justice has to be a servant of our community, and the best justice is that which is flexible enough to meet the needs of the community so that outcomes are fair, no matter who you are, where you live or which part of the community you identify with.

I pay tribute in particular to the Attorney-General for his resolute work in this area through the many initiatives he has introduced and the many changes he has made to our justice system. I am sure that the judiciary itself will also greatly benefit from the provisions of this bill, particularly the professional judicial education scheme provisions, which will be the first of their kind in Australia. As has already been mentioned, the head of each jurisdiction will be able to direct judicial officers to undertake professional development and ongoing training, thereby ensuring that the independence of the judiciary will continue in its present fine form. The scheme will be common to the acts that are to be amended.

Professional training and development will ensure that judges remain in touch with legal trends and community needs. For this reason I am very pleased to commend the bill to the house.

**Dr NAPTHINE** (South-West Coast) — The main thrust of this legislation relates to judicial training and education. It arises from community concerns about sentencing. I just want to put to the house a couple of examples that explain why people are concerned. One example was reported in the *Portland Observer* of Monday, 7 May, under the heading 'Burnouts cost $411':

> A Heywood teenager was fined $411 for showing off to his mates by doing burnouts in his car.

Then a different article on the same page under the heading 'Woman assaulted teacher' says:

> A woman who assaulted a teacher has been fined $339.

This woman approached a schoolteacher who was walking along a street in Portland. The article reports that she then slapped the teacher and pushed her over. For that assault she got fined less than somebody doing burnouts in their car. That is the sort of sentencing as applied in our courts that the people of Portland and other communities are very concerned about.

While it is difficult for us, not having heard every case and every situation, it is important that judges and magistrates understand the community's views on sentencing. The issue of lenient sentencing comes up time and again, and the issue of inconsistency in sentencing comes up time and again. Clearly this is not just about the community's and my concern; the Attorney-General and the rest of the government are concerned about it, which is why they have introduced this legislation.

I also wish to raise an example of the serious problems caused by blatant errors within our courts. A couple was married in March 1985, separated in August 2001 and divorced in April 2004. On 2 July 2003 the minutes of the consent orders were sealed by the registrar of the Magistrates Court in Warrnambool. The settlement at the time consisted of a cash payout of $20 000 to the ex-husband, plus possession of the family vehicle. However, early in 2005 the ex-husband made an application to the courts to have the final property orders set aside, and they were subsequently found to be invalid because they were made by a court registrar and not signed by a judicial officer. This was a serious concern, because after they were set aside the matter was reheard, and it cost this woman an enormous amount of extra money.

I want to quote from an affidavit provided in relation to this matter. It says:

> I, Peter John Langley of 30 Spence Street, Warrnambool, in the state of Victoria, clerk of courts, make oath and say:
>
> 1. I am a deputy registrar employed by the Department of Justice and I am based at Warrnambool Magistrates Court having worked there since 1984. I had been employed as a clerk of courts since 7 December 1970.
>
> 2. Part of my duties include attending to the issue and filing of documents in the family law jurisdiction of the court.

There are other comments, but further on it says:

> 7. My normal practice in processing consent orders is that if they are prepared by solicitors, and each party has had legal advice, they are simply entered in the register and I sign as registrar and place the court seal on it. It is a formality in entering the orders in that manner. Documents are generally processed and stamped whilst the solicitor waits.
>
> 8. It has never been my practice in processing family law documents to place them before the magistrate for his or her consideration. The practice adopted by me is to my knowledge a longstanding practice in the Magistrates Court.

It is dated 9 June 2005. Subsequently it was found that that practice was wrong. What we had was a situation where the ex-husband challenged that order, and the wife has now been forced to pay another $70 000 plus huge legal costs. This matter has been raised with the Attorney-General by the lawyers for this woman, and it has been raised with the Attorney-General by me, but there has still been no satisfaction. This is a clear mistake made by the courts, and we do not know how many other Family Court matters in Warrnambool or matters in Magistrates courts across Victoria have been similarly mishandled and are open to review.

This is a very serious situation. Registrars say they have been acting in this way for years and years. This is potentially a scandal of large proportions which could jeopardise settlements in many Family Court matters. I ask the Attorney-General to look into it and satisfy himself that this is not a wider problem. I also ask him to settle the situation with regard to this person so they can receive adequate compensation for this mistake.

**Mrs MADDIGAN** (Essendon) — It is a pleasure to rise to support the Courts Legislation Amendment (Judicial Education and Other Matters) Bill. What a fascinating response we have had from the opposition in relation to this bill! One might wonder whether they have a conscience vote on the matter. Certainly while the members for Box Hill and Kew seem to be supporting the bill, the member for Malvern's comments would indicate that he is totally opposed to it. And the member for South-West Coast did not refer to the bill at all in the contribution he made to the house. It would be interesting to know whether he even knows the title of the bill, because he certainly does not have any interest in what is in it.

It is a pleasure to follow members on the other side in speaking on this bill. I was particularly pleased with the member for Kew's contribution. Obviously he has the benefit of continuing education, because he has changed his mind about training for judges. I quote from the *Horsham News ABC Online* of June 2006, which says:

> Victorian shadow Attorney-General Andrew McIntosh says he does not believe mandatory training will have any impact on the legal system.

It goes on to quote him as saying:

> I'm sure that we'll have a really beautifully presented document, it'll cost millions and millions of dollars, we'll have mandatory education, but the simple thing is that it says one thing and will do the complete opposite …

They were his views in 2006, so I am glad that he realised on mature reflection that there actually is some benefit in judicial education.

While the bill covers a number of things, I want to concentrate on the area of judicial education. A well-informed judiciary is essential to ensuring that the decisions of the courts are respected and that the community has confidence in the legal system. I am pleased that this bill is being debated today, because it is another bill that implements policy promised throughout the election campaign last year. The 2006 election document *Access to Justice* promises, under the heading 'Fair, affordable and accessible justice', to ensure that judicial officers undertake continued professional development to stay abreast of community attitudes and legal changes. This bill incorporates that election promise.

As mentioned by other speakers, Victoria was the first state to set up a judicial college, the Judicial College of Victoria, in 2006 to assist with the professional development of judicial officers. The reasons why professional education and professional development are important are fairly obvious in today's community. There is the increasing skill of solicitors and barristers, the breadth of the body of law which judicial officers must be familiar with in this current age, the increasing sophistication and education of the populace, the need to be aware of changing trends in sentencing and legal development, and of course the increasing use of the internet, which makes us all experts on the law.

As the Attorney-General said at the opening of the Judicial College of Victoria, in relation to professional development it sends a message that the judiciary wants to remain connected and engaged with the community over which it adjudicates. It is this kind of message that helps secure the community's confidence in the judiciary, in the legal system and in the capacity of law to develop real justice.

Recently we have seen media criticism of some judgements that have been handed down, particularly in the areas of sexual offences and driving offences, which some previous speakers have mentioned. But it is essential that judges and judicial officers make independent decisions based on the law, not on what the media says, not on what politicians say and not on what people in the community say.

If there is a problem with the law, obviously the law should be changed, but judges should be able to make their decisions without that sort of pressure from the community. The continuing educational development of all professionals is necessary to keep them abreast of changes in the community. I think this is a very positive step, and I commend this amendment and the other four amendments to the house.

**Mrs POWELL** (Shepparton) — I am pleased to speak on the Courts Legislation Amendment (Judicial Education and Other Matters) Bill, which has a number of purposes. It amends a number of acts in relation to the appointment, resignation and retirement of Supreme Court judges, it provides for the continuation of the Koori Court (criminal division) of the Children's Court until 1 July 2009, and it makes a number of other amendments. But most importantly, in an effort to give our community confidence that our judicial system is professional and up to date with public opinion, this bill provides for the professional development and continuing education and training of judicial officers in the Supreme Court, the County Court, the Magistrates Court and the Victorian Civil and Administrative Tribunal.

The Nationals are not opposing this legislation. We understand that there is a need for a separation of power between the judiciary and the Parliament of Victoria. But we also understand the community's anger at some of the lenient sentences that have been meted out by judges over the last few years, and there is a belief that some judges are out of touch with the community's opinion.

Last year a number of polls were taken by different media outlets, and there was one conducted by *A Current Affair* on whether people believed that judges were out of touch with community opinion. Ninety-eight per cent of people said yes, with 2 per cent saying no. In this house members of Parliament have given a number of examples of lenient sentences, as have the media. These lenient sentences have outraged the community in terms of the types of crimes they have been applied to.

One of those issues is suspended sentences. The community believes that, if the crime warrants a jail sentence, then that jail sentence should be served by the criminal. One example of where the judicial system has absolutely let a family down and left it devastated concerns the rape and cruel murder of sisters Colleen and Laura Irwin in Altona North on 28 January last year. Colleen, who was 23 years of age, and Laura, who was 21 years of age, grew up in Toolamba, which is a

small community in the area I represent. They went to Melbourne to work and further their careers.

The prime suspect was William James Watkins, who lived next door to the girls. Over time we found that this person had a 20-year record of violent crimes. He should have been in jail for the crimes he had committed in the past. He had a history of violence, particularly when he was affected by alcohol, yet he was allowed to live in a flat close to a hotel and next door to the girls. Why was he not being supervised? I went to the funeral with my husband, Ian, at the community hall in Toolamba last year, which 500 people attended. The girls are now buried together in Toolamba.

I met the family the day after the funeral because they were so angry and wanted to talk to somebody about how this could have happened and what could be done. My husband, Ian, and I went around and spoke to them and their friends the next day. The girls' parents, Alan and Shirley Irwin, want answers. They want an investigation into why this person was out on the streets, and they deserve those answers. They want to know what disciplinary action there is if a judge gives a sentence and gets it wrong. They gave the example of doctors who make dreadful mistakes being able to be disbarred.

Watkins's history was extensive and violent, and his past punishments were lenient. From 1985 he had convictions for drink driving, driving without a licence, assaulting police, criminal damage and aggravated burglary. He was given good behaviour bonds, suspended sentences and concurrent sentences, and he had licenses cancelled, re-given and cancelled again. His last conviction was in May 2000, when he was convicted of rape, aggravated murder and theft perpetrated in November 1999. He was sentenced to four years and three months jail, with a non-parole period of two years. Two months later he was sentenced to an additional 12 months jail after pleading guilty to the cowardly and brutal bashing of a blind pensioner in her home in January 1998. The judge determined that for those two crimes he would serve the two sentences concurrently. He was out of jail after two years.

The coronial inquest on Friday, 1 June, failed to provide any answers for Alan and Shirley Irwin. They hope to find out why Watkins was on the streets and not in jail. They want to know why he was not supervised and why the parole board believed that Watkins was a 'moderate danger' to the community. They want to know why the Director of Public Prosecutions did not appeal his light sentence. They want to ensure that no other family goes through what they have gone through. They asked me to organise a petition, and I did that with Catherine McMillan, who was outraged on behalf of the Toolamba community. She said, 'What can we do as a community to ensure that this never happens again? We want to change the laws'.

Therefore I presented a petition last year with 12 500 signatures, which were collected in a very short space of time. We called for minimum sentences for certain crimes. I took the Leader of The Nationals to meet with Alan and Shirley Irwin in their home in Toolamba, and we spent a number of hours with them. We determined a policy, which was announced at The Nationals state conference in Bendigo in April. It is similar to the one that is operating in New South Wales.

We want to see the law amended so that criminals convicted of heinous crimes face jail for standard non-parole periods or minimum sentences. We intend that the Victorian Sentencing Advisory Council, which the government established three years ago, be directly involved in setting the minimum sentences, which would then be set in legislation. There will still be discretion for sentencing judges to increase or decrease the specified minimum sentence, but they will be required to justify their reasons, and the reasons for varying must be taken from those set in legislation.

We had a 'You be the judge' forum in Shepparton, which Arie Freiberg, the chair of the Sentencing Advisory Council, attended. During that forum we discussed a particular crime, and then we all suggested sentences. Many different sentences were suggested, so I understand from first-hand experience that different judges give different sentences for different crimes: some judges are more lenient and others are not because of their backgrounds. But we are saying that there needs to be a benchmark, or a minimum sentence, for certain crimes in cases where the community is so outraged and the crime so bad that a minimum sentence should apply. If that minimum sentence needs to be varied, then the judge must ensure that he justifies that.

In talking about the Judicial College of Victoria, I understand that there are specific educational programs that judges go through at the college, but that should also be in conjunction with the Sentencing Advisory Council, which was set up specifically to gauge community opinions. I know it has been collecting information and talking to the community to find out what its views are on all sorts of sentences.

At the forum in Shepparton people were unanimous in wanting minimum standard sentences. We need to

ensure that judges are aware of and hear community opinion, and they should also hear from the victims of crime. If they mix with people who are having to deal with the outcomes of the crimes that have been perpetrated on them — if, for example, they could sit down and talk to Alan and Shirley Irwin and hear how this has absolutely devastated their lives — it might make a difference.

These two girls were in the prime of their lives. The day they were killed they had rung their parents because they had been promoted in their jobs. They were excited, and their parents were pleased that they were actually getting on with their careers. Then that night they were both brutally stabbed and raped. Can you imagine what a job it was for the policeman who had to knock on the door of their parents the next day and tell them that not one but both of their beautiful daughters had been killed? They were much loved in the community of Toolamba and in the areas in which they worked.

The judges need to hear that firsthand from the victims and not just from the victim impact statements that they hear in the court. It is too clinical when they read it from a document. I know they can read about the pain and so forth, but the victims need to be able to sit down and say to the judges, 'Your decision to do this has affected my family — and not just the family but our whole lives'. We have to make sure that judges are in tune with what is going on in the community. They have to understand the outcome of their decisions and what happens if they do get them wrong.

If you are an employer, you have a duty of care to your workplace. I think judges have a duty of care to the community and the people they sentence to make sure that those people are given the appropriate sentences for the crimes they commit. If we can do that and if this bill in some way addresses that, then I think we are on the right path. I refer in particular to my electorate and to Alan and Shirley Irwin, who deserve answers about why this criminal could have such a violent history and yet be out on the streets after two years in prison when he was supposed to serve four — and we do not even believe that four was enough. Those people deserve an answer, and so does the rest of the community.

**Ms BEATTIE** (Yuroke) — It gives me great pleasure to rise to speak on the Courts Legislation Amendment (Judicial Education and Other Matters) Bill 2007. This comes after the Bracks Labor government established the Judicial College of Victoria, and I was very pleased to hear the conversion of the member for Kew in his support of the great work the judicial college has done and also to hear him supporting this bill.

As we know, the bill inserts new provisions into the Supreme Court Act, the County Court Act, the Magistrates' Court Act and also the Victorian Civil and Administrative Tribunal Act. These amendments are the result of a review and a subsequent report provided by the Crown Counsel, Dr John Lynch, on the options for compulsory and continuing education and training for judges and other judicial officers. Judges are no different from the rest of the community in that they should have lifelong learning. Different techniques come into play in that regard, and they are certainly not resisted by the judiciary at all.

It was interesting to hear some members opposite putting up some arguments indicating that this legislation may offend the judiciary in some ways, because it certainly does not. Only this morning at 8.30 the Attorney-General held his regular meeting with the heads of each jurisdiction, and the Chief Justice of Victoria, the Honourable Marilyn Warren, made a point of congratulating the Bracks government and the Attorney-General on the introduction of this bill. Rather than speculating on what the judiciary is thinking about this bill, I think we should take Marilyn Warren's words of congratulation to this government as an endorsement of ongoing judicial education.

Members opposite have certainly stood up and said they are not going to talk about particular cases and have then launched into talking about particular cases. I do not want to talk about any particular case either — and I am not going to — but it seemed to me that as they launched into talking about particular cases, some of the views they put forward supported ongoing judicial education. The need to be out there in the community reflecting what the community thinks and reflecting attitudes in the community is important for the judiciary.

However, I would caution any member or any person on passing judgement on particular cases before they have all the facts laid before them — that is, all the facts that members of the judiciary have to consider when taking away the liberty of a person. All the facts should be considered, and people should not be swayed by banner headlines in newspapers, by phone polls and by hysterical individuals out there in the community who use sentencing as a means to beat their own political drum. The only people who can really pass judgement on matters are those who have all the facts laid before them.

A *Herald Sun* two-column article about 20 days of trial does not place all the facts before the public, so I caution members about that. However, I do not caution members on supporting this bill. This is a fine bill which is endorsed not only by this side of the house and by the member for Kew, who has changed his mind, but also by Marilyn Warren, the Chief Justice of Victoria. With those few words, and indeed to facilitate the business of the house, I will commend the bill to the house.

**Mr WAKELING** (Ferntree Gully) — It gives me pleasure to speak on the Courts Legislation Amendment (Judicial Education and Other Matters) Bill 2007. I am pleased to follow the member for Yuroke. Instead of attacking members on this side of the house, the member for Yuroke should take the time to listen to the contributions to the debate from members of both the Liberal Party and The Nationals, because what we are speaking about are the views of the community — that is, that there is a requirement for the judiciary to listen to the views of the community and to ensure that the decisions they are putting in place reflect the views of the Victorian community.

This bill overcomes a number of technical issues which have already been explained, including dealing with issues such as tenure of judges and resignation processes for judges, and issues pertaining to the access of spouses to judicial pensions and other matters.

Community education, as has been pointed out by our side of the house, is important because, as has already been explained, there are a number of matters which have come before the Victorian courts in both the criminal and civil jurisdictions and which have resulted in appalling decisions when they are viewed taking into account the facts of the various cases. But an area which has not been dealt with is the Victorian Civil and Administrative Tribunal (VCAT), which over recent times has often let down the Victorian community by failing to listen to local communities on matters pertaining to planning issues.

I refer to one issue that arose when I was a councillor on the Knox council involving the land formerly owned by Sir George Knox, a former Speaker of this house. When that land was sold off and 88 two-storey units were proposed, the development was opposed by the community and it was opposed by council, but of course VCAT and those within VCAT overrode the views of our community and did not listen to those views.

It is important to remember that whilst judges need to listen to the views of the community, under the separation of powers they can only enforce the law. It is incumbent upon this government to ensure that the legislation it has in place when dealing with criminal matters, civil matters and planning matters takes into account the views and needs of the community.

Noel McNamara, who is a fine Victorian and a fine Ferntree Gully resident, has championed the cause of victims in this state and has outlined on many occasions the importance of ensuring that this government puts in place legislation that meets the needs of the community to ensure that sentences are just and that they fit the crime.

In terms of planning, the 2030 strategy is an absolute scam. My community, located within the city of Knox, has been told it has to accept an extra 15 000 houses.

**Mr Wynne** — On the bill!

**Mr WAKELING** — With regard to the bill, what happens is that when an application goes to VCAT because it has been opposed by my community, the judge's hands are tied because he or she has to accept the will of this government. I call upon this government to not only educate judges but, more importantly, ensure that appropriate legislation is in place.

**Mrs VICTORIA** (Bayswater) — I rise today to talk about the Courts Legislation Amendment (Judicial Education and Other Matters) Bill. The purpose of the bill has been outlined by many of my colleagues. In a nutshell, it is to introduce uniform legal education rules for judges, magistrates and Victorian Civil and Administrative Tribunal members, and to make other miscellaneous judicial changes.

Uniform provisions regarding judicial education are certainly not without merit, but my question would be: are the types of education that members of the judiciary are going to be instructed to undertake basically procedural or will they in fact, as so many of my colleagues have pointed out, be addressing what the public is thinking?

Public expectations and perceptions on sentencing have had much publicity over many years. In terms of the judiciary as a whole, as a generalisation predominantly what we read in the newspapers is that sentencing is inadequate. I very much hope that part of the education that judges are being asked to undertake will be about perceptions and listening to the community rather than just being procedural.

One of the other amendments being put forward today is for the Koori Court division of the Children's Court to continue — that is, to extend the sunset clause of the

Koori Court — and I have to say this certainly has some merit. Anything that deters offenders from reoffending, anything that encourages defendants to appear in court and anything that reduces the amount of breached court orders is certainly worth pursuing and investigating.

The Liberal Party will not be opposing this bill, but I hope consideration is given to the education not becoming just procedural but being regarded as what the public wants.

**Mr BURGESS** (Hastings) — I rise to make a brief contribution to the debate on the Courts Legislation Amendment (Judicial Education and Other Matters) Bill. A central tenet of our legal system is that justice not only must be done but must be seen to be done, and another critical element of our judicial and justice system is that our judiciary not only must be independent but must be seen to be independent.

I believe the judiciary must undergo training, because one of the most important things our judiciary should do is be able to reflect accurately the expectations of the community. A situation has been developing over a period of time where there can be undue influence; such a circumstance puts our whole judicial system at risk. Clearly we are in danger of putting the community on high alert about what goes on. We can look at the results of judicial decision making over recent times, and we can see there is a lot of unrest within the community about judicial pronouncements in particular cases.

Under this bill the head of a particular jurisdiction will be given the task of mandating the content of the training, so the question of influence by the government or by any other body is at this point one step removed. The question is: how much influence can be exerted on the make-up of the body that is mandating the particular content of the training? That is what we must be ever vigilant about.

I repeat that it is not only necessary that the judiciary be independent but that it must be seen to be independent. If the government is able to influence the make-up of the body that is putting together the content of the training, then unfortunately independence gives way to the perception of a possible lack of independence. Any questioning that takes place of the independence of our judiciary has a very serious effect on the community's confidence in it.

I am being critical of the government in one respect: not about there being undue influence exerted and not even about the possibility of the government exerting undue influence but about the fact that the government is the author of this bill and therefore is the author of these concerns.

The community expects Parliament to take into account all the possibilities and all the consequences of any enactment when it considers legislation, because acts will obviously endure until they are repealed or altered. The community rightfully expects that we will consider the uses of this bill now and into the future. Once enacted, the legislation, as I said, will endure, and we must be vigilant to ensure that neither this government nor any future government is able to influence the independence of the judiciary.

While I am supportive of training to assist the judiciary to properly reflect the expectations of the community it serves, I caution that we must be ever vigilant in protecting the independence of the judiciary, because our entire justice system relies on that independence.

**Mr THOMPSON** (Sandringham) — I wish to make some key points about this bill. It is important that there be opportunities for the ongoing training of the judiciary. One of the key examples of that would relate to the use of DNA in crime detection and prevention. It would be of benefit to those involved in the criminal trial process to have some opportunity to acquaint themselves with some of the legal and technical issues associated with evidence led and matters of probability.

Another key point I seek to make is that, whether it be training for judges of the Supreme Court, the County Court, the Magistrates Court or VCAT (the Victorian Civil and Administrative Tribunal), the competence of judges working in those jurisdictions is of critical importance. A person concerned about some aspects of the judicial process who raised a matter with me the other day said, 'If you were going to have a brain operation, you would want to make sure you had the best neurosurgeon available to perform the operation'. Likewise, in a criminal or civil trial you would like to think that the person appointed to adjudicate had the highest level of competence to ensure that the trial was undertaken with the utmost acumen, skill and training.

That brings us back to the appointment of judicial officers. The Attorney-General has a very significant role to ensure that people who are appointed to the lower level tribunals such as VCAT have the competence, the capacity and the intellectual agility — in addition to the training resulting from proposals in this bill — to undertake the responsibilities entrusted to them. If, involved in the appointment of judicial officers, there are factors that do not include competence as one of the primary characteristics, then

the justice system will fail. It is with some measured support that I believe that process of training is of value. But in addition to that, a large responsibility rests with the Attorney-General of the day.

**Debate adjourned on motion of Ms NEVILLE (Minister for Mental Health).**

**Debate adjourned until later this day.**

## WATER ACTS AMENDMENT (ENFORCEMENT AND OTHER MATTERS) BILL

*Second reading*

**Debate resumed from 6 June; motion of Mr THWAITES (Minister for Water, Environment and Climate Change).**

**Mr KOTSIRAS** (Bulleen) — I wish to speak briefly on this bill because there are a number of members who also wish to make contributions. I will limit my contribution to the issue of authorised officers, water officers or water police.

It concerns me that under this government we have seen a growth in the number of authorised officers. During the seven years of the previous government legislation was introduced that allowed for approximately 27 authorised officers. During the same number of years, seven years, this government has introduced authorised officers under approximately 62 pieces of legislation. One has to ask, 'What is this government trying to do?' Why is there a need to introduce so many authorised officers? Why is there a need to ensure that there are officers turning up at your front door and asking you what you are doing? What about freedom of choice and freedom of association? What about being free to walk in your backyard without having a fear that an authorised officer will jump over your fence and give you a fine?

I refer to this government's media blitz on its water policies. Today the government tabled a report titled *Victorian Government Achievements in Multicultural Affairs 2005–2006*. When the government was elected in 1999 it said it was going to spend 5 per cent of total expenditure on ethnic advertising. The opposition has said that should be increased to 7.5 per cent. The problem is that the government cannot reach the 5 per cent target it has promised. The report tabled today says that in 2004–05 the government only spent 3.65 per cent and in 2005–06 the government spent 3.1 per cent. The Department of Sustainability and Environment, which is the department responsible for water, has only spent 3 per cent of its total expenditure on ethnic advertising and on telling the community what they need to know about water restrictions and authorised officers. It is very important that this government makes sure it continues advertising in ethnic media to advise all Victorians — it does not matter what background they are from — about the role of authorised officers. Members should keep in mind that there are a number of Victorians who are refugees, and their concept of authorised officers and the police is different to ours. This is particularly so for those people who have come from the Horn of Africa. It is important that refugees are comfortable when someone comes to their front door, rings the doorbell and talks to them about water restrictions.

I urge the government to make sure that advertising in ethnic media continues and that it tries to reach the 5 per cent target, which it indicated it would achieve. Unless it does this, I think the average Victorian who finds it very difficult to read and understand English will not understand the issue. It will be to their detriment. I urge this government to make sure it spends 5 per cent on ethnic advertising.

**Mr HUDSON** (Bentleigh) — It is a great pleasure to speak on the Water Acts Amendment (Enforcement and Other Matters) Bill. This bill provides an opportunity for authorised water officers to take enforcement action including the issuing of penalty infringement notices without warning to those who breach our water conservation rules.

During the debate a lot of nonsense has been spoken by the opposition about the enforcement powers of inspectors, particularly in regard to their entry powers. The member for Brighton talked about the water Gestapo and the water henchmen snooping around and scaling high fences in Brighton. The member for Bass talked about retrained union thugs stuffing infringement notices into people's mouths. This is absolute nonsense and a complete insult to our water officers. I have news for the opposition: the powers are exactly the same as the existing entry powers. There has been no change in this.

To date I have not heard any reports about authorised water officers behaving like thugs or members of the Gestapo. I do not think there will be any such reports in the future. The opposition's contributions to this debate will be regarded as puerile and idiotic by anyone who reads *Hansard* in the future. That is how those contributions deserve to be seen; they are a complete misrepresentation of the situation.

Under the law, in Melbourne land can be entered for the purposes of making a test or inspecting works. The water officer must give seven days notice of an intention to enter premises unless there are reasonable grounds for suspecting there has been a breach of the law. A water officer cannot enter a property before 7.30 a.m. or after 6.00 p.m. No-one will be visited in the dead of the night, even though we know that a lot of illegal water use in the community occurs in the dark. No-one is going enter people's premises after dark — it will not happen — nor will they enter in the morning.

Typically, in these cases what usually happens is that a neighbour dobs in someone for breaching water restrictions. The water authority writes a letter informing and reminding the person about the restrictions. If there is another breach of the law, the person will be given a warning notice. Under these arrangements, the officer has the discretion to decide whether the person will be given another warning or whether an infringement notice will be issued.

Let us just remember a couple of critical things. These authorised officers will produce an identity card for all inspections. They will be required to undertake specific training before exercising any powers. The people who are issued with infringement notices will have the same rights, including the right to an internal review of any enforcement action taken by an authorised officer, as everyone else does under the Infringements Act. Let us have no more of this nonsense about the Gestapo and thugs. This is a totally reasonable piece of legislation. It does not change any of the existing entry powers. What it does is give a discretion to trained and authorised water officers to issue penalty infringement notices or take any other enforcement action. I commend the bill to the house.

**Mrs FYFFE** (Evelyn) — I am pleased to speak on the Water Acts (Enforcement and Other Matters) Bill, no matter how short my contribution is going to be. Water is the most important issue facing us in Victoria, yet we have a government that is bringing in a bill that authorises water officers to issue on-the-spot fines to people who may have broken the water restrictions. I am concerned that it is going to remove the mandatory requirement for a warning notice to be issued first. I am concerned that the legislation is not clear on the training of these officers. I am also concerned that we have not been told whether they will have to meet targets, whether extra officers will be employed and whether, once again, we are seeing another lot of law enforcement police that this government over the years has been so happy to bring in.

I thought I was going to be speaking on this bill yesterday, so I went onto the Melbourne water storages site and saw that the dams were 28.7 per cent full, which was 530 megalitres less than Tuesday, the previous day. I went onto the site again today, only to see that there was 541 megalitres less than there was on Wednesday — that is, over 1000 megalitres less than there was on Tuesday. What action do we have from this government? We have a bill saying that the government is going to bring in water police who are going to be able to issue on-the-spot fines and take away mandatory reporting. What is going to happen to those who lose track of what day it is? What will happen to those who get a bit befuddled about time and whose gardens are so very important to them?

We have just heard a contribution talking about bully-boy tactics and governments being tough on people. I have to say that yesterday's contributions from the member for Eltham and the member for Yuroke were very disappointing. In making discriminatory remarks about the residents of Toorak and Brighton they clearly demonstrated that hardworking and successful people, should Labor ever win power federally, will be discriminated against. Government members are determined to reintroduce class warfare. I wonder what Mr Rudd is going to say about these Luddites who want to go back to what they consider were the glory days, when there was class discrimination and class warfare in Australia.

I have a very short time in which to speak, but I want to highlight the lack of money that has been put into our water infrastructure systems here in Victoria. From the local papers I have article after article that talks about anger over leaks — for example, 'Burst pipes that drain our vital water', 'Bursting pipes running out' and 'A long wait for the dams'. We have a government that is refusing to look at the possibility of building other dams, yet if our forefathers had not built dams, where would Melbourne be today? We would be in very sorry straits indeed.

I went to a discussion on water in Israel, and I think there is a lot that can be learnt from what Israel has done to ensure its water supply. Israelis expect that by 2020 their population will have grown by another 3 million people. They already have a population of over 7 million, and they live in a land that is less than one-tenth the size of Victoria, yet their personal use of fresh water is comparable to Victoria's usage. They have established 193 reservoirs over the last few years. In 2001 they were facing the real prospect of having to ration water. But instead they got down to the job and dug 193 reservoirs. They are now recycling 50 per cent of their water. If Israel can do it, why can this

government not do things to overcome our water shortage and help businesses here in Victoria? One business being damaged by this government's inaction is the nursery industry, which is vital to the Yarra Ranges. We have a very active and viable nursery industry, but it is being strangled by the lack of action by this government.

I regret that my contribution is so brief. Water is the most important issue facing Victoria, and here we have legislation which is being hurried through with members having just a few minutes to speak on it.

**Ms GRALEY** (Narre Warren South) — Undoubtedly water is an important issue. Victorians and the Bracks government have led the way in conserving, reducing the use of and reusing water. Everybody has done their bit: householders, businesses, schools, industry and sporting clubs have all contributed in some way to dealing with Melbourne's water issues.

When I walk around my electorate and elsewhere I cannot help but see people creating all sorts of gadgets and contraptions to water their gardens. What this legislation is about is making sure that those good people who are out there looking after their gardens and conserving and reusing water are actually supported in their efforts and not undermined by some dodgy people who are using water in an inappropriate and illegal way.

Nobody, unlike the suggestions made by some of the people on the other side of the house, has anything to fear from this bill. I have been really disturbed to hear some members opposite referring to our new water inspectors, these new public servants who will be well trained and have powers that are clearly enunciated by this bill, being described as the Water Gestapo. The member for Bass said, 'What are they going to do? They are going to go out there and finish up beating up a little old lady by pushing an enforcement notice in her mouth'. It is an absolute disgrace to hear that sort of thing from the opposition. This bill is about catching people who use, and assisting people to not use, water in an inappropriate and wasteful manner. This is not about fear and loathing, unlike the tactics of the opposition. This is about treating people fairly, reasonably and within the law. I commend the bill to the house.

**Mrs VICTORIA** (Bayswater) — What concerns me about the Water Acts Amendment (Enforcement and Other Matters) Bill 2007 is that it deflects focus from this government's inability to manage water. We should have been on stage 4 restrictions many months ago; we should have gone to stage 1 and then stage 2 restrictions earlier. We certainly should have gone to stage 3 earlier — and what is stage 3A? We are all still scratching our heads. Many industries are to be affected by this legislation and now the government also wants authorised water officers out there in greater numbers, but with only five weeks of training.

There is no point in closing the gate after the horse has bolted. Things should have been done about water well before now. There is no point in putting authorised officers in uniforms out there, bullying people or going into their front gardens to demand their names and addresses. That is intimidation, and I think some of my colleagues have already mentioned that the number of authorised officers in all sorts of areas has increased. Water is one issue for which we do not necessarily need extra authorised officers.

Previously it was mandatory to have a first warning notice, but if these people are going to be given the power to decide whether or not they will issue warning notices, all I can say is, 'Watch out, grannies! If you sleep in and go past your watering time, watch out, because Labor's Big Brother is watching you'.

**Mr SEITZ** (Keilor) — I rise to support the Water Acts Amendment (Enforcement and Other Matters) Bill 2007. This bill is eminently sensible and should have been brought in quite some time ago. We live in a civilisation that needs regulations and also needs people to supervise the regulations. Why do we have parking officers? Why do we have parking meters? Because we live in a society where regulation is important, and it is the government's responsibility to employ people to supervise and see that the laws and regulations are in place.

Australia is facing a drought response situation, and from all the forecasts the drought will be here for a long time to come. Climate change will continue for the foreseeable future, so we need regulations and people to get used to the situation. There can be nothing more frustrating than people who are doing the right thing by saving water and being economical in their water usage but who cannot turn around and take action against people who are flouting the existing water restrictions.

The first step is an educational process. The second step is to let people know that there are duly qualified and registered water officers who can enforce the regulations if people flout them. We do not want to have neighbourhood arguments and vigilantes taking on neighbours who, in their opinions, are not abiding by the water restrictions! We want to have people who are qualified and have been trained to make those decisions

on their behalf. For those reasons, this amending bill is welcome, and I wish it a speedy passage through the house.

**Mr BLACKWOOD** (Narracan) — I am pleased to be able to contribute to the debate on the Water Acts Amendment (Enforcement and Other Matters) Bill today. The Minister for Water, Environment and Climate Change goes to great lengths in his second-reading speech to explain that a significant driver for the introduction of this bill is the improvement to water security it will deliver. I question the minister's sincerity about water security when his previous and foreshadowed actions to protect Melbourne's water supply have had absolutely no regard for the security of the water supply of residents, farmers and businesses in my electorate of Narracan.

The decision to connect the Tarago Dam to Melbourne, when it eventually takes effect in 2011, will have an impact on the water available to the towns of Noojee, Neerim South and Warragul. This is a major concern. While the people of Narracan have no problem with the concept of Tarago water being used to supplement Melbourne's water supply, they are really concerned about their own security of access to water, especially in times of drought such as that we are currently experiencing.

The same situation is occurring with the decision by Melbourne Water to direct water along an old aqueduct linking the Tanjil River to the Thomson River, specifically to provide additional water for the Thomson Dam, which supplies 60 per cent of Melbourne's water. This action will compromise the supply of water to the Blue Rock Dam. This will directly impact on the community of Moe and farmers and businesses in that area who rely on Blue Rock for their water.

There will potentially be a much broader impact of this decision. The power industry relies very heavily on water from Blue Rock for the generation of the electricity supply for most of Victoria, in particular Melbourne. I learnt just today that Yallourn power station is drawing extra water from Lake Narracan, further evidence that the shortage of water is having a major and direct impact on the ability of power stations to cope with demand.

In the statement of compatibility Minister Thwaites refers to 'equitable and efficient use of water resources'. I ask you, Acting Speaker, where is the equity in all of this as Melbourne consumers are on stage 3A water restrictions while rural communities are on stage 4? I will not be opposing this bill but it is about time the minister made some real decisions about water infrastructure that will have a meaningful, long-term impact on the shortage of water, without robbing the country to please the city.

**Mrs POWELL** (Shepparton) — The Nationals will not be opposing this bill. We understand that water is a very critical issue for Victoria, but we are also disappointed that the first water bill to be introduced after the May budget is about legal action to be taken against householders. There is still no announcement about a major water saving project.

The government talks about continuing low rainfall and inflows into Victoria's reservoirs over the past decade threatening the security of the state's water supply. The Nationals have acknowledged this. The matter of public importance we debated on 30 April condemned the Bracks government for its failure to develop and implement appropriate policies to guarantee water supply security for all Victorians. As I said earlier, no recycling plan has been announced, no desalination plant has been announced, and there are no new dams or any enlargement of existing dams. There is a lack of vision by this government.

When the Southern Cross railway station was being built there was an opportunity to include tanks to catch the water from the roof. It would have cost about $300 000 to fit the water tanks during construction, but instead it is now costing $1.2 million to retrofit those tanks. Again, it is just another opportunity that the Bracks government did not see.

The government introduced water restrictions, and as of 10 April 2007, 93 towns were on stage 1 restrictions; 35 towns were on stage 2; 17 towns plus Melbourne were on stage 3A; and 254 towns were on stage 4. Melbourne has reached the trigger point for stage 4, but if Melbourne were put onto stage 4 restrictions the people would know that the government had failed them.

There are fines for people not doing the right thing, and we agree with that, but how does this government justify irrigators paying for water they do not receive? In 2003 irrigators in the Goulburn system received 57 per cent of water and paid for 100 per cent; this year irrigators in the Goulburn system received 29 per cent and paid for 100 per cent. The community is already conserving water without the enforcement measures.

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

**Business interrupted pursuant to standing orders.**

# QUESTIONS WITHOUT NOTICE

## Rail: level crossing safety

**Mr BAILLIEU** (Leader of the Opposition) — My question is to the Premier. I refer to a call by Dr Eric Wigglesworth, a senior research fellow with the Monash University Accident Research Centre, for a wide-ranging, independent public inquiry into Victoria's entire level crossing network and his comment, 'If we do not do this, what we have seen this week will happen again'. I ask: will the Premier commission such an inquiry?

**Mr BRACKS** (Premier) — I thank the opposition leader for his question. Currently in relation to the particular incident — and I will come to the general matter which the opposition leader raised, in a moment — we have three separate inquiries, as this house knows and as has been reported on: the coroner, the rail safety authority and also the police investigation.

In relation broadly to rail crossings and road-rail interchanges, and where those crossings occur, there is a national accreditation system which this state complies with and supports. That is about having an assessment made based on the independent criteria which have been set by state, territory and commonwealth ministers together, by having a national accreditation system. That has recently been put in place. We believe that is the appropriate way forward.

But that does mitigate or stop — and I can inform the opposition leader of this — any matters which come out of these inquiries which are going to assist in making these crossings safer. We will adhere to those, we will look at those very carefully and we will examine those. Even in the interim, as we did with the Burnley Tunnel, if there are matters coming to the government for the ministerial road safety authority, we will not be pursuing the general inquiry that the Leader of the Opposition recommended or raised on behalf of a person, but we will of course adhere to the national accreditation system which is in place. We will also examine the matters which come before us in relation to this particular investigation.

## Rail: Kerang accident

**Mr PANDAZOPOULOS** (Dandenong) — My question is to the Premier. I refer the Premier to the tragic accident in Kerang two days ago, and I ask the Premier to update the house on the government's response to help those affected by this tragedy?

**Mr BRACKS** (Premier) — I thank the member for his question. I can report to the house that six people remain in serious to critical condition in Melbourne hospitals, and our thoughts and prayers are with them. Our hope is that they recover as quickly as possible.

The coroner's office is now in the process of identifying the victims of the accident, and a lot of progress has clearly been made in relation to that. Unfortunately, as I think we are all aware, 11 people have tragically lost their lives in the accident that occurred two days ago.

A memorial service for the victims will be held at an appropriate time following consultation with local councils and the community. We will consult widely with the families and friends of the people who lost their lives, the people who are involved and the injured people who are in our hospital system currently. We will also have consultation with the council, the emergency services and others in relation to the appropriate time and location for a memorial service.

I can inform the house that emergency services have now been stood down at the site. The site remains a police investigation scene. The railway line and the road remain closed. The railway line needs to be repaired, and it will take several days for that to occur. The Murray Valley Highway is expected to reopen on Saturday, according to the advice I have received.

The difficult process of grieving is now only beginning for the families and friends of the victims and also for the broader community. The Department of Human Services will continue to work with local councils and local communities in providing counselling to anyone who needs it. The government is also very conscious that schools in the area need special assistance at this time.

This morning I spoke to the principal of Robinvale Secondary College, Kevin Lee, and passed on my condolences and those of the government to the school community who are grieving at the loss of Rose McMonnies and her father, Geoff. Her sister is still receiving care and attention in the hospital system. The school community has been one of many severely affected by this tragic accident.

Department of Education regional staff have been on site at three local schools to ensure that counselling is available to all students and staff at those schools. At Robinvale Secondary College six counsellors as well as two additional chaplains are on site to assist the regular school chaplain. Ten staff from neighbouring schools

have also come to Robinvale Secondary College to provide extra support.

The Department of Education will also be distributing information to all Victorian government schools today on how schools can provide counselling assistance to any students who have been affected by the tragedy, particularly if they are regular train travellers.

Once families and communities have had time to mourn their terrible loss, public meetings will be held in affected areas to give the community a chance to discuss the accident. The government will also give careful consideration to all recommendations, as I mentioned in my previous answer to the Leader of the Opposition, from the investigations into the accident. We will also develop appropriate responses, both in the short term and also over the long term, as the investigations provide us with more information.

I know this has had a profound impact on the whole of Victoria and in particular in the community in which it occurred. I know I am joined by all members of this house in saying to the community that they are not alone; they have our support now and they will have our ongoing support in the future.

## Adoption: same-sex couples

**Mr RYAN** (Leader of The Nationals) — My question is to the Premier. Is the government going to legislate to allow same-sex couples to adopt children?

**Mr BRACKS** (Premier) — I thank the Leader of The Nationals for his question. He has asked me a question, I assume, in relation to the Law Reform Commission report which was one of the obligations on that committee, which report came to the Parliament today.

The government has not changed its position on any of these matters but will consider the report effectively and thoroughly after further consultation with other state jurisdictions, other territories and the commonwealth. The government will receive advice once that has occurred and will make a decision on the report at a later date.

## Crime: incidence

**Mr SCOTT** (Preston) — My question is to the Minister for Police and Emergency Services. I refer the minister to the government's commitment to make Victoria a safe place to work, live and raise a family, and ask the minister to detail to the house recent reports demonstrating this.

**Mr CAMERON** (Minister for Police and Emergency Services) — I thank the member for Preston for his question and his ongoing interest in this area. He will be aware, as other members of the house will be aware, that Victoria Police and the government have been successful in working together to reduce the crime rate. That involves tackling crime, it involves tackling the causes of crime and it also involves stopping crime to prevent even more victims coming about. As an example of that, the members of the Purana task force have done a fantastic job. When they pull people up, what they are doing is preventing the ongoing grief which those people cause to many hundreds and hundreds of people.

Certainly with the arrest in the last couple of days of Tony Mokbel, I will just divert a little to congratulate Jim O'Brien, Simon Overland and all the people involved with Purana — and the chief commissioner — on the fantastic job they have done.

**Mr Ryan** — Now, where were we?

**Mr CAMERON** — 'Where were we?' asks the Leader of The Nationals, and I will tell him. If we go to the crime figures for 2005–06, as honourable members will be aware, in the previous five years there has been a decline in the crime rate in Victoria of 22 per cent. That is a fantastic effort by police, and I think we should all say 'Congratulations!'. That has been possible because of the hard work of Victorian police officers and the support that they have had. Record resources have been provided to them to enable them to do their job, which involves 1400 additional police who have been engaged during the time of the Bracks Labor government. In the recent budget there are certainly record resources.

But I have more good news! Yesterday we saw the release of the ABS (Australian Bureau of Statistics) 2006 *Recorded Crime — Victims* survey. What that shows is that Victoria is the safest state in Australia, with a crime rate more than 20 per cent below the national average. It is 7.6 per cent below the next safest state. In case any of you would like to move there — which we do not like, because people like to move to Victoria — the next safest state is Tasmania.

**Ms Asher** interjected.

**Mr CAMERON** — 'Because no-one is there', says the Deputy Leader of the Opposition. Occasionally we agree! The ABS *Recorded Crime — Victims* survey shows that homicide has declined in the last year — 2006 compared to the year before — by 5.7 per cent; kidnapping has declined by 25 per cent; robbery has

dropped by 46 per cent; assault is down by 1.4 per cent; burglary is down by 5.9 per cent; and motor vehicle theft is down by 12.6 per cent. It is a beautiful set of numbers, but of course we all know that the work has to be ongoing, and that is why the initiatives were put in place during the last budget, which will also involve additional police resources being provided during the course of the third Bracks Labor government.

Speaker, you will be aware that Victorians have the highest confidence of any state in their police. This certainly complements these figures. To the chief commissioner, Christine Nixon, and to the police officers across this great state, I think we should all come together to say congratulations on their latest success.

## Rail: level crossing safety

**Mr MULDER** (Polwarth) — My question is to the Minister for Public Transport. Has there been an increase over the last 12 months in near misses involving trains at Victoria's level crossings throughout the state, and if so, what action has been taken to address this issue?

**Ms KOSKY** (Minister for Public Transport) — I thank the member for his question. Whenever there is a near miss it is required to be reported to the department so that the department can actually act in relation to any of the issues and collect data that actually informs whether additional activity is needed at level crossings.

Certainly in relation to accidents that occur on level crossings where there has been a fatality, work is obviously done and the coroner's inquest or coroner's finding is very important in relation to that. In relation to every one of those accidents that have occurred on level crossings where there has been a fatality, action has been taken to look at improving safety at those level crossings. That is obviously critical. The information around the near misses obviously is included in some of the information that actually goes to the point of whether safety can be improved at those level crossings.

## Climate change: emission levels

**Ms RICHARDSON** (Northcote) — My question is to the Minister for Water, Environment and Climate Change. I refer to the fact that Victoria is leading the way on tackling climate change and ask the minister to advise the house on recent action by Victoria and other states that will assist in reducing greenhouse gas emissions.

**Mr THWAITES** (Minister for Water, Environment and Climate Change) — Thank you, Speaker — —

**Mr K. Smith** interjected.

**The SPEAKER** — Order! I will not have that kind of interjection from the member for Bass. The minister, to continue.

**Mr THWAITES** — I thank the member for Northcote for her question. The Bracks government has had a longstanding recognition that climate change is real and is happening now. In 2004 we released our comprehensive greenhouse strategy, which included a number of very important actions which led to major legislation like the Victorian renewable energy target legislation, which is now promoting wind farms, renewable energy and solar energy around the state. It is legislation that is opposed by the opposition — the last of the greenhouse sceptics — but we are getting on with the job.

One of the key recommendations in that strategy was the introduction of a requirement for major emitters of greenhouse gases to be required to report on those emissions. I am pleased to advise the house that last weekend at a meeting of national, state and territory environment ministers an historic motion was passed which would require mandatory reporting and the disclosure of greenhouse gas emissions by the major emitters from 1 July 2008.

You cannot manage what you do not measure, and the first step towards properly managing and reducing greenhouse gases is to require major emitters to disclose their emissions. I have to say that unfortunately, despite the fact that this was a major step forward, it was opposed by the federal government. It is another example of how the states in Australia are leading the way in tackling climate change, despite 11 years of inaction by the Howard government.

We have led the way in Victoria by establishing a pilot program involving some 25 companies and 76 sites to test the new scheme, and it has tested well. That will form the basis of the new scheme to operate from 1 July. The six greenhouse gases to be reported are carbon dioxide, methane, nitrous oxide, perfluorocarbons, hydrofluorocarbons and sulfur hexafluoride. Mandatory reporting and disclosure of those emissions will be very important, and it will also be the first step to a national emissions trading scheme. By introducing this scheme we are able to move more quickly to a national emissions trading scheme, which this side of the house supports, which the Labor Party

supports but which has been opposed for many years by the Liberal Party and those opposite.

In Victoria we are not deniers and sceptics, unlike the other side. We are getting on with the job of tackling climate change. It is one of the biggest issues that our nation — and the world — is facing.

## Rail: level crossing safety

**Mr MULDER** (Polwarth) — My question is to the Minister for Public Transport. I refer the minister to the field survey of Victorian railway crossings being undertaken by Ernst and Young for the Department of Infrastructure which was commissioned in 2005, and I ask: why has this essential audit been delayed and will it be publicly released?

**Ms KOSKY** (Minister for Public Transport) — I thank the member for his question. We take safety at level crossings very, very seriously. As the member is aware, there is a lot of work and activity that has occurred to date through the Department of Infrastructure, in conjunction with the police and in conjunction with VicRoads and other agencies, to look at how safety can be improved at level crossings. This has included a very detailed education campaign, and it has included police activity in relation to particular level crossings and infrastructure works as well.

In relation to the report that has been mentioned by the member, I will seek that information from the department. Indeed if he is correct — and chances are he is not correct — then I will provide that information.

## Racing: rural and regional Victoria

**Mr HOWARD** (Ballarat East) — My question is to the Minister for Racing. Can the minister outline the government's support for racing in rural and regional Victoria and provide details about the Mallee Murray Country Cups Carnival?

**Mr HULLS** (Minister for Racing) — I thank the honourable member for Ballarat East for his question. I also acknowledge his keen interest in the racing industry generally but in particular, I have to say, greyhound racing. I was with him recently in his electorate when a substantial cheque for just over $31 000, as I recall, was presented to Calkendren Respite Services, which was able to sponsor a great greyhound during the Great Chase Carnival. I thank him for his interest in racing, but in particular, as I said, in greyhound racing.

As most members of this house would know — or indeed should know — tomorrow, Friday, is the first of three consecutive days of racing in Swan Hill, culminating in Sunday's Swan Hill Cup. This carnival attracts more than 6000 people over the long weekend and is one of the most important community events in Swan Hill and the Swan Hill region each year.

In April of this year I was pleased and indeed proud to launch the Mallee Murray Country Cups Carnival, which is — —

**An honourable member** — Say it again!

**Mr HULLS** — It is easy to say at this stage of the day!

**An honourable member** interjected.

**Mr HULLS** — I will just say that again: it was the Mallee Murray Country Cups Carnival, which is a title chosen by the Swan Hill Jockey Club and the Mildura Racing Club to jointly promote their carnivals, with the Mildura Cup Carnival being held in the last weekend in May.

**Dr Napthine** interjected.

**Mr HULLS** — I know there were some members of this house at the Mildura Cup. I had a function here in Parliament House, but I know that there were many members there.

At the time of the launch I spoke of the significant role that racing plays in these very important regional and rural communities. Local racecourses are, as we all know, the social hubs of many regional and rural communities. They are where people go to catch up with friends, to celebrate their achievements and to support their favourite horse, their favourite jockey or their favourite trainer. They are where they go hopefully to back the odd winner from time to time or to just take part in and enjoy community facilities that exist at some of our great racecourses right around the state.

This long weekend the Swan Hill racecourse will play a different, but can I say equally significant, role. It will be where the residents of Swan Hill, Kerang and the surrounding communities will be able to gather for the first time since the tragic train accident on Tuesday. I too want to take this opportunity to extend my sincere condolences to the families of those who have lost their lives. I know all of our thoughts are also with those recovering from injury and trauma.

I am pleased to say that on Sunday I certainly will be travelling to Swan Hill to attend the cup. I am also pleased to inform the house that the Swan Hill Jockey

Club, Racing Victoria Ltd and Country Racing Victoria have united to ensure that those touched by this horrible tragedy are appropriately recognised. All jockeys participating in the three feature races of the carnival will wear black armbands on their silks, and a minute's silence will be held before Sunday's cup to remember those so tragically killed.

I call on all members of the northern Victorian community, and indeed all members of this house who can make it, to attend one or more of the three days of racing at Swan Hill. I have already spoken to the member for Swan Hill, and I know he will not be able to attend on Sunday, but he is going to be there tomorrow. I would certainly invite anyone who can get there to attend. It is important that we, as best we can, share in the commemoration of those lost and show our support for these local communities.

I want to conclude by wishing the Swan Hill Jockey Club and all the racing industry participants involved in this year's Swan Hill Cup Carnival the very best of luck for a safe and successful racing weekend this weekend.

## Rail: level crossing safety

**Mr MULDER** (Polwarth) — My question is to the Minister for Public Transport. I refer to the Premier's previous answer and to the 13 October 2002 tragic collision between a steam train and a B-double at the Saleyards Road, Benalla, level crossing, in which three persons lost their lives, and I ask: why, after four and a half years, has the government not complied with the recommendation in the Australian Transport Safety Bureau's report to improve the level of protection on this approved B-double route, in particular installing flashing lights and boom barriers?

**Ms KOSKY** (Minister for Public Transport) — I thank the honourable member for his question. Can I inform the house, firstly, that this government has invested a lot of money in the upgrades of level crossings. In 2005–06, 96 upgrades were completed. That is an extraordinary number of upgrades. I should say, also, that it is probably the highest number that has ever been completed, and it certainly is much higher than was ever completed under the previous government. In 2006–07 we have had 54 upgrades completed, in 2007–08 there will be 40 upgrades programmed and in 2008–09, 60 are planned.

In relation to Benalla Saleyards Road, there was an ATSB (Australian Transport Safety Bureau) report released on 23 February 2006 containing 23 recommendations relating to seven organisations. There was also a criminal prosecution of a truck driver through the Wangaratta County Court, which commenced on 22 May 2006. He was found to be not guilty on all charges on 5 June 2006.

In relation to the recommendations and the actions that have been taken, recommendations being addressed as part of the Victorian implementation of the ALCAM (Australian level crossing assessment model) risk ranking, which is the national ranking system which has been established, include a review of the compliance of all road warning signs. There is also a review which includes the assessment of the suitability of B-double routes at all Victorian regional crossings without lights and bells. Also VicRoads has reviewed the suitability of crossings for use by B-double vehicles and is satisfied with the results.

Also the Don't Risk It campaign came from a recommendation, and I have already mentioned that to the house. There is also a new version of the *Manual of Uniform Traffic Control Devices — Part 7: Railway Crossings*, which was released in February 2007. There has been much action taken in relation to those findings. This government does take safety at level crossings very seriously, and this government has invested far more in level crossing upgrades than the previous government, and it will continue to do so.

## Economy: performance

**Mr LIM** (Clayton) — My question is to the Treasurer. I refer the Treasurer to the fact that Victoria is the best place to work, live and raise a family, and I ask him to detail to the house the most recent independent economic data demonstrating this fact.

**Mr BRUMBY** (Treasurer) — I thank the member for Clayton for his question and also, I might say, for his great support of the Australian Synchrotron at Monash University, the most significant piece of new scientific infrastructure in Australia for two generations. I am delighted that in the recent federal budget the federal Treasurer made available $50 million to meet half of the operating costs of the synchrotron for the next five years — and the synchrotron was delivered on time and on budget.

**Ms Asher** interjected.

**Mr BRUMBY** — In your dreams that a Liberal government might ever have built it!

**The SPEAKER** — Order! The Treasurer will direct his remarks through the Chair.

**Mr BRUMBY** — Yesterday I reported to the house on the stunning increase in population in Victoria over

the last 12 months, with 77 000 new residents. That is bigger than any increase that occurred during the gold rush; it is bigger than any increase that occurred in the postwar migration years; it is the biggest increase that we have ever had in any one year — and you cannot get bigger than biggest! I also want to thank the Attorney-General for his contribution towards that 77 000!

I also reported yesterday in terms of building approvals that, despite the fact that Victoria is just 25 per cent of the national economy and despite the fact that we are not a resource economy, we led Australia in building approvals throughout the calendar year 2006. That is a stunning achievement.

Today the unemployment statistics were released. The house can be extremely pleased by the continuing strong growth in jobs occurring in our state. Victoria does not have a resource economy, but its economy is performing as if it were one. If you look at the jobs data today, you see that in the 12 months to May there were 89 100 new jobs in Victoria. Just to put that into perspective, the number of new jobs generated over the last year is second only to Queensland. We continue to punch above our weight. Here we are, just a quarter of the national economy, but we are generating almost one in every three new jobs across Australia.

I am pleased to say, too, that our participation rate is now 65.1 per cent, which is above the national average and is the highest recorded for 17 years. In fact our participation rate is the highest since Collingwood won the grand final in 1990 — and we are looking forward to the game on Monday!

Access Economics reported recently that Victoria's economic performance in recent years has been impressive given that the macro-economic environment has favoured more resource-rich states. It went on to say that there is almost no economic statistic showing that New South Wales is outperforming Victoria, and that is true. The jobs figures confirm that we have got the recipe right in Victoria.

We are punching above our weight. It is true to say that in the Australian economy the jobs numbers are good, but here we are with a quarter of the national gross domestic product and a quarter of the population, and we are generating almost one in three new jobs in Australia. It is a fantastic performance.

The cuts to taxes, the cuts to land tax, the cuts to WorkCover premiums, the record investment in economic infrastructure and the fact that last year we trained more apprentices and trainees than any other state of Australia all show that the Bracks government's plan to grow the economy is working. This year's budget put the plan in place to continue that strong growth going forward. We have had good economic statistics over the last month, and I am very confident they will continue into the future.

## WATER ACTS AMENDMENT (ENFORCEMENT AND OTHER MATTERS) BILL

*Second reading*

**Debate resumed.**

**Mr HARDMAN** (Seymour) — It is a pleasure to speak on the Water Acts Amendment (Enforcement and Other Matters) Bill. The purpose of the bill is to amend the Water Act 1999 and the Water Industry Act 1994 to make further provision for enforcement and to amend the Infringements Act 2006 — although, having listened to the debate, particularly opposition contributions, I would not have realised that.

The bill makes four key changes to the act. Firstly, it enables a person to be issued with an on-the-spot fine and to be charged with an offence for breaching water restrictions without first being given a warning notice. Secondly, it provides for the appointment of an authorised water officer by a water business and makes the impersonation of a water officer an offence.

Thirdly, the bill provides that a water officer may require a person suspected of contravening water restrictions to state their name and address, which is also very important. Fourthly, it affords a person served with a water infringement notice the same rights and protections as persons charged with other offences under the Infringements Act.

In line with those particular powers in the bill, I urge that the selection and training of enforcement officers focus on ensuring that they know how to do their work and exercise those extra powers in a firm but fair way. It is always important that our constituents are treated fairly.

Victorian households are already great water savers. We have saved 100 billion litres of water compared to 1990s water use.

**Dr Sykes** interjected.

**Mr HARDMAN** — The member for Benalla asked, 'How much is that?' as he was walking to his seat. It is 16 times the amount of water that the Arundel dam

would have provided in a year, so it is a very significant amount of water. I commend all Victorians for making those savings.

Opposition members have also failed to understand that at the last election the Victorian people soundly rejected the Arundel dam proposal. They also soundly rejected the half-baked policy of a $10 million desalination plant — and that was all the money that was put up for a desalination plant. They firmly rejected that, but that is still the Liberals only solution as they come into this chamber.

Even in the newsletters that the Liberals are putting into our electorates, they still talk about the Arundel dam. They need to accept that the people rejected their half-baked policies. It seems quite hypocritical that, despite their bleating about water and wanting people to go onto stage 4 water restrictions, putting at risk many jobs, they have sold out our irrigators, our farmers and our rural communities to Canberra. I commend the bill to the house and wish it a speedy passage.

**Debate adjourned on motion of Mr WELLS (Scoresby).**

**Debate adjourned until later this day.**

## VICTORIAN AUDITOR-GENERAL'S OFFICE

### Financial audit 2006–07

**The SPEAKER** — Order! I have received the following message from the Legislative Council:

> The Legislative Council acquaint the Legislative Assembly that they have concurred with parts (1) and (3) of the Assembly's resolution appointing Mr Terry Benfold of Pitcher Partners to conduct the financial audit for 2006–07 and future financial audits of the Victorian Auditor-General's Office for three years, and have concurred with part (2) of the Assembly's resolution that "the level of remuneration for the financial audit be $27 500 exclusive of GST; and" with the following amendment:
>
> After "GST" insert "and disbursements" —

with which they request the agreement of the Legislative Assembly.

**Mr HULLS** (Attorney-General) — I move:

> That the amendment be agreed to.

**Mr WELLS** (Scoresby) — It is my understanding that the original motion this morning did not have the words 'and disbursements', and it is my understanding that the amendment moved in the upper house corrects that.

**Dr SYKES** (Benalla) — The Nationals endorse that position.

**Motion agreed to.**

## COURTS LEGISLATION AMENDMENT (JUDICIAL EDUCATION AND OTHER MATTERS) BILL

*Second reading*

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

**Mr HULLS** (Attorney-General) — In summing up I thank all members for their contributions to the debate on this important piece of legislation. The government certainly is committed to working with the courts to support a high-quality justice system and to improving access to justice in this state. This bill certainly assists the courts, and indeed it assists judicial innovation and promotes a system in which judges are encouraged to continually update their knowledge of the law, their knowledge of community attitudes and their knowledge of other relevant trends.

This morning I had one of my regular meetings with the heads of the jurisdictions — the Chief Justice of Victoria, Marilyn Warren, the Chief Judge, Michael Rozenes, the head of the Magistrates Court, Ian Gray, the head of the Children's Court, Paul Grant, and other heads of jurisdictions. We discussed a whole range of matters, as we normally do, but a point was made by the chief justice — and I know this has been mentioned already by the member for Yuroke — about the importance of the judicial education aspect of the bill, and she complimented the government on moving this legislation and made it quite clear that the judiciary is wholeheartedly embracing ongoing judicial education and training.

The heads of jurisdiction certainly recognise the importance of having a modern and up-to-date judiciary that is well placed to meet the needs of all Victorians. That is why they welcome these new provisions and are extremely supportive of the education framework that they will introduce. They are also very supportive of the Judicial College of Victoria, which will provide many and varied courses for the judiciary to attend.

In the context of judicial education I have to say that the issue of mandatory sentencing was raised by those opposite. It is a bit like the term 'WorkChoices' — we

are not allowed to use 'WorkChoices' anymore, and we think of another name but we know what it is. It does not matter what you call it: if it looks like a rat, smells like a rat and walks like a rat, it is a rat. When I mention mandatory sentencing the other side cries, 'No, we are talking about minimum terms and minimum sentences', but the fact is that it is mandatory sentencing by another name.

**Mr Clark** interjected.

**Mr HULLS** — That issue was raised in the context of judicial education. It is, in effect, a big slap in the face for the independent judiciary in this state, and I notice the interjection by the shadow Attorney-General saying that sentences are too lenient. Thank goodness we do not have the shadow Attorney-General as the person who decides what sentences are imposed by our courts. He may or may not remember — —

**Mr Clark** interjected.

**Mr HULLS** — He is interjecting again. It is tragic when you have people sitting opposite — and I do not know how many shadow attorneys there have been since I have been Attorney-General, but there are too many to mention — —

**The SPEAKER** — Order! The Attorney-General should ignore interjections.

**Mr HULLS** — I will not mention them, because if I were to mention them all we would be here until midnight! The fact is that we on this side firmly believe in an independent judiciary and in judicial discretion, and we firmly believe in and understand the doctrine of the separation of powers. The fact is that, yes, we understand that from time to time there will be media publicity and arguments about a particular sentence that has been imposed by a court. But we have a system in place in which there are checks and balances.

If a sentence is manifestly inadequate, an appeal can occur — and indeed we have a Court of Appeal. The fact is that Parliament sets the laws in this state, and under this government Parliament sets maximum terms of imprisonment and maximum fines and the like. But we leave it to the judiciary to decide on the individual circumstances of a case and what the most appropriate penalty is. Something like 90 000 sentences are handed down by our courts each year. By and large the judiciary gets it right when they take into account the facts and circumstances of particular cases. Yes, there will be outrage in relation to some sentences, but as I said, we have checks and balances in place.

The Sentencing Advisory Council, for those who are not aware, conducts on a fairly regular basis a form of seminar called 'You be the judge', which goes around to local communities. The people running the seminar actually mimic a particular case, based on factual circumstances, and ask members of the community, based on the facts and circumstances of the case put before them, what penalty they would impose. More often than not, when the community is asked to impose a particular sentence that sentence is less harsh than the sentence that was actually imposed by a member of the judiciary in relation to a real case with the same facts and circumstances.

We have to remember that on this side of the house we are firm believers in the independence of the judiciary. If you speak to any judge and if you speak to any magistrate, they will tell you that the most difficult part of their job is sentencing. They have to take into account a whole range of things, but by and large they do it well, and we support them.

It is all well and good for the shadow Attorney-General to say, 'They're not tough enough. Sentences are out of control. It's not good enough'. He can have his view, but there are checks and balances, and we do not believe it is appropriate for politicians to be judges, jurors and also sentencers. We do believe in an independent judiciary. As I said, 90 000 sentences are handed down each year, and a very small number of those are appealed, but by and large the judiciary gets it right. Yes, there will be occasions when there is outrage over a particular matter — I fully understand that — but I repeat that we on this side of the house are not in a position to be dictating to members of the judiciary what sentences should be imposed.

I believe this is good legislation and it is appropriate legislation. I am glad it is supported by all members of this house, and I certainly wish it a speedy passage.

**Motion agreed to.**

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

*Third reading*

**The SPEAKER** — Order! I advise the house that I am of the opinion that the third reading of this house requires to be passed by an absolute majority. As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

**Bells rung.**

**Members having assembled in chamber:**

**Motion agreed to by absolute majority.**

**Read third time.**

*Remaining stages*

**Passed remaining stages.**

## WATER ACTS AMENDMENT (ENFORCEMENT AND OTHER MATTERS) BILL

*Second reading*

**Debate resumed from earlier this day; motion of Mr THWAITES (Minister for Water, Environment and Climate Change).**

**Dr SYKES** (Benalla) — I wish to contribute briefly to the debate on the Water Acts Amendment (Enforcement and Other Matters) Bill 2007. This bill focuses on one aspect of water management — that is, the enforcement of regulations. I would like to briefly comment on another aspect — that is, the role of upper catchment storages, which are critical components of drought response plans and permanent water saving plans as defined in clause 3 of the bill. I would also like to comment on the implementation of the regulations, of which adequate enforcement is a key component.

Upper catchment storages provide security of supply and flexibility of management of water for the benefit of the environment, downstream communities, irrigated agriculture and industry. At last the Minister for Water, Environment and Climate Change and the Department of Sustainability and Environment (DSE) are publicly recognising this fact and have stated that they are now prepared to consider increased storage capacity of dams such as Lake Buffalo and Lake William Hovell, which are in the high-rainfall catchment areas. I should note that today's *Wangaratta Chronicle* points out that Lake William Hovell is overflowing, showing that there is plenty of capacity there for holding water and that there is an opportunity to increase storage capacity.

The minister also acknowledges that the Murray–Darling Basin cap is on water usage and not water storage, and therefore the cap per se is not an impediment to increased upper catchment storage capacity in northern Victoria. This is a point that I have been making to the minister for a number of years.

The current drought should also prompt a reconsideration of the decision to decommission Lake Mokoan. Today local Broken Valley irrigators are making a presentation to DSE and others on their alternate proposal for Lake Mokoan, which would deliver water savings in line with the plans but also retain security of supply for the Broken Valley, thereby preventing the serious social and economic impacts associated with the full decommissioning.

A small Lake Mokoan would enable the provision of continued security of supply and the flexibility of management of water for the irrigation industry, the broader manufacturing industries, the community and, last but not least, the environment. To this end I ask that the minister give this proposal his very full and considered consideration, including having a firsthand presentation from the irrigators before making his decision.

I turn to the implementation of the regulations that this bill relates to. Stage 4 restrictions have been applied throughout many communities in country Victoria, often with severe economic consequences for businesses such as car washes and nurseries. Regrettably the government did not put Melbourne onto stage 4 restrictions, despite its having reached the trigger point. Instead the government made up a new category 3A. People in country Victoria believe that there should be one rule for all and that there should be equitable sharing of the inevitable pain.

Continuing on the issue of restrictions, there is also the staged removal of restrictions. Most communities in north-east Victoria are now coming off stage 4 restrictions while some others are moving up to stage 3 restrictions, in line with proposals to cope with the possibility of a continuation of this drought for a long period. Benalla and Myrtleford are two communities which are still on stage 4 restrictions. Today I have spoken with North East Water, and we agreed that there is little point in keeping those communities on stage 4 rather than stage 3 restrictions, as there are minimal additional savings, but there is a considerable ongoing economic impact for businesses such as nurseries and car washes. I believe that as a result of our conversation, Benalla and Myrtleford will be taken off stage 4 restrictions very soon, provided the minister for water and the DSE do not delay the process.

I therefore call upon the Minister for Water, Environment and Climate Change to ensure that such delays do not occur, hence avoiding an unnecessary continuation of the financial impact of stage 4 restrictions on businesses such as local car washes and nurseries. In closing, I make the plea: get it right — water is so damned important!

**Ms MARSHALL** (Forest Hill) — I rise to support the Water Acts Amendment (Enforcement and Other Matters) Bill 2007. Changes to people's attitudes over the issue of water have been significant over the past few years, and through education, water restrictions and reductions in water consumption, driven by goodwill by the vast majority of Victorians, there have been significant savings in the amount of water we consume. Yet the small percentage of rule breakers undermine every person who does the right thing and show a lack of respect for the rest of the state, which continues to obey the rules.

Like every other member of the government — and, I am sure, members opposite — I support the right of authorised water officers to charge or issue on-the-spot fines so as to put a stop to repeat offending by those who flagrantly flout the laws to which the majority of the community adhere. The bill addresses this, amongst other issues. Currently it is difficult to catch people in the act of breaching water restrictions, but the bill removes the obligation to warn offenders of their infringement and to issue immediate on-the-spot fines or to restrict the supply of water to properties.

Authorised water officers will be trained and required to provide identity cards when exercising enforcement powers. By law they will require a person suspected of contravening water restrictions to state their name and address, ensuring that the correct person will be charged. This is quite simply supported by nearly every Victorian, not only in recognition of the seriousness of the current drought but also as a result of the appreciation all Victorians have for the permanent water saving plans this government has put in place and their disappointment in the destruction a few people can bring to the hard work and commitment of every other law-abiding person.

**Mr TILLEY** (Benambra) — I rise to make a brief contribution to debate on the Water Acts Amendment (Enforcement and Other Matters) Bill. The Bracks Labor government claims to govern for all of Victoria, yet its concoction of additional water restrictions, such as the 3A ones, have been introduced in Melbourne while many towns, particularly in the electorate of Benambra, will move to stage 4 restrictions on 1 July, by which time it will have taken 60 days to move from stage 3 to stage 4. We have moved from stage 2 restrictions on 1 May to stage 3 restrictions on 1 June, with stage 4 restrictions, as I said, being introduced on 1 July.

The sobering reality is that with the lack of rainfall and the inflows to the Murray River system being what they are, the forecast is that we have a 90 per cent chance of remaining on stage 4 restrictions through to next December; only a 50 per cent chance of moving onto a 50 per cent allocation and to stage 2 or 3 restrictions; and only a 10 per cent chance of having restrictions lifted at all.

I was interested when the member for Forest Hill said one of the provisions of the bill relates to a person being asked their name and address so as to ensure that the correct person gets an infringement notice. It would go a long way towards achieving compliance if, when a penalty infringement notice is filled out, the officer is able to ensure that the offence is complete. A number of points have to be proved. One that needs to be proved is identity, but you also need to ensure that the offence has been carried out.

Filling out a penalty infringement notice simply replaces the completion of a full brief of evidence that can be presented before a court of appropriate jurisdiction. The penalty notice will be an easy way out, and it makes the job a lot easier for the authorised water officers; they will be able to get out and do their jobs rather than being tied down with huge amounts of paperwork.

However, with the inception of the use of authorised water officers, I hope sending them out on the road daily to issue fines will not be regarded as a key performance indicator of their workplace performance. They should not be sent out on the road as water Nazis to write out infringement notices simply as a means of ensuring that people do not breach the restrictions. There should be no trips to Hawaii or pay bonuses for the blokes who write the most infringement notices. The most important thing about being able to issue infringements is the legislated power of discretion; it is all about using a common-sense approach to enforcement.

The conversations I have had with North East Water representatives, particularly those held while Jim Martin has been chief executive officer, have led to my being assured that a common-sense approach will be taken. Until today nobody in the area covered by North East Water has been prosecuted. Let us hope that when this bill is enacted, as is likely to occur, we do not suddenly have a large number of people getting infringement notices and being forced to pay fines.

On the no-dams policy, it is incredible what we find in relation to that policy. There is an opportunity here, but the government is just making a play on words. The government knows it will later be able say to all Victorians that it is sorry for not having looked at increasing catchment storage capacities. In Benambra

the government could be looking at Dartmouth Dam and Lake Hume, whose water storage capacity certainly could be increased.

Much planning is needed, and the government could come out publicly and say so. It has collected enough clay to raise Dartmouth Dam by 5 metres, and it should get on with the business. It should make information public and let all Victorians know that the government is working, maybe not to build more dams but to increase the storage capacity for our catchment areas. In closing, I will not be opposing this bill.

**Mr NORTHE** (Morwell) — It gives me great pleasure to make some comments on the Water Acts Amendment (Enforcement and Other Matters) Bill. I refer to the second paragraph of the second-reading speech, which pertains to the threat to the security of the state's water supply. Certainly in the electorate of Morwell, the security of our water supply is very pertinent, particularly from a domestic and industry perspective. In recent times two of the power generators, Loy Yang Power and TRUenergy, have had to go to the water market to purchase their supplies.

Water has been accessed from Lake Narracan, and obviously we have some concerns about the Tanjil River and the potential for an aqueduct to be opened, with water diverted away from Blue Rock Dam. They are examples of our power generating companies making public that they have a lack of water security, and it is important that we and all Victorians recognise the importance of this.

What are the implications of the three examples I just mentioned? There are both social and financial implications. From a financial point of view, industry is paying inflated prices for water, which not only impacts on their business but will also impact on consumers and all Victorians generally. From the social point of view, if water is extracted from Lake Narracan, obviously that will have an impact on local business and on boating and water enthusiasts who use that body of water.

There are concerns about the possibility of the head of the Tanjil River being reopened and water being sent through an aqueduct down to the Thomson River, which supplies the majority of Melbourne's drinking water. Diverting water from Blue Rock Dam would create a number of significant issues. There are great concerns in the power industry generally. Not only is there a lack of water security, but this threatens to result in a reduction of power generation in Victoria. The lack of water supply is real, I can assure members of that. A lack of water security equates to a lack of power generation which affects us all.

All of us understand that our water supplies are threatened, but we need to know what the government's plans are. Many projects have been proposed, but there has been nothing definitive in terms of particular major projects which could alleviate our water concerns. In my neck of the woods, the eastern recycling plant proposal has been mooted. There is still uncertainty surrounding this; industry and consumers have fears about this and other projects. As I have said, nothing definitive has been put on the table at this particular time. From this perspective we need to provide a solution and not just shift problems.

One particular project in my region at the moment is the Gippsland Water Factory. This is an example of a local water authority being proactive and trying to look at ways of saving water. The Australian Paper and Gippsland Water project should be applauded, but there is still a proposal to treat 33 megalitres of water. Only 8 megalitres of this treated water will be used by industry; the remainder of it will go to the Ross Dam and then to the Ninety Mile Beach. We should be looking at ways to harness this water rather than sending it out to the ocean. Much has been made of the Gunnamatta example, which wastes water. We should be looking at the best possible ways to harness water.

Gippslanders have generally embraced water restrictions. The recent media release from Gippsland Water demonstrates that from a domestic point of view, Gippslanders are doing their bit.

Part of this bill will allow water enforcement officers some discretionary power to issue a penalty notice without giving a warning; that is a sensible and practical solution. While we acknowledge this improvement in this bill, there needs to be quick and significant action to improve the overall water crisis that currently exists in this state.

**Mr McINTOSH** (Kew) — It is a great privilege to be here before such an august presiding officer to give my short presentation on the Water Acts Amendment (Enforcement and Other Matters) Bill.

The principal purpose of this bill is to move all of the breaches of various water restrictions under the one enforcement regime under the Infringements Act. Essentially that means that authorised officers can impose fines on those who breach water restrictions and that fines can be collected in the normal way. It is quite extraordinary that we have to come into this chamber after we have reached stage 3A restrictions and are equivocating on the point of when we should be moving on to stage 4 restrictions, to finally be provided

with a mechanism of imposing fines for breaches of water restrictions.

This bill also creates a further range of authorised officers who will be added to a litany of authorised officers. These days they are almost ubiquitous in a variety of bills. They are anything from common rule orders, outworkers and now there are authorised officers who have a right of entry onto private property in relation to breaches of water restrictions and they have the ability to impose fines.

In these parlous times in relation to water, it is of critical importance that there is a mechanism in place to enforce fines against people who breach restrictions. The people who will be bearing the significant brunt of those restrictions and fines will be ordinary domestic householders, and yet only 8 per cent of the water that is used in this state is used for domestic purposes. The vast bulk of water is used in industry and agriculture. Apart from the normal processes of water entitlement for agriculture industry, which is certainly a significant user of water, it is being encouraged by the government — without the involvement of any restrictive mechanisms or penalties — to save water and has been given the opportunity of developing a plan over the next three years to further save water.

The reality is that the government's response to our water crisis is to impose more fines which are, importantly, directed at ordinary householders. Meanwhile the government continues on its merry way, ripping dividends from metropolitan water corporations and committing even less in the budget in this financial year to water infrastructure projects than it did in the previous year.

**Mr Nardella** — Wrong!

**Mr McINTOSH** — It is less under the budget this year. The government, because it has been shamed into it, is now considering putting a range of mechanisms in place to try to save water. Now, 5 minutes to midnight, the government is again just thinking about it and reviewing the issue, rather than getting on with the job and actually doing something.

It is a matter of profound concern that we lose some 36 gigalitres of water, which is 36 billion litres of water, each year from leakages and seepages in our system around the state. That is equivalent to some 15 000 Olympic pools. Given the publicity the government received over all of these matters, including the draining of the Olympic pool for the world swimming titles, think of the publicity the government could get if it actually did something and fixed up the leakage of our pipes and systems around this state.

On top of this we keep getting told what a great job we are doing in relation to recycling. The government says that something like 22 per cent of our water is now recycled; that is a complete fallacy. The government is making that up.

**Mr Nardella** interjected.

**Mr McINTOSH** — The member for Melton does not know, does not care and is too ignorant to make appropriate inquiries. All of those inquiries would demonstrate that 22 per cent is a completely fallacious figure. Half a billion litres of water goes out of the Gunnamatta outfall every day. The overwhelming majority of the water still goes to the eastern and western treatment plants for recycling. While it may be category C recycled water, the vast majority of that is still pumped out into the sea and not used in any way for agriculture or industry.

It is a matter of profound concern that this government is not doing the right thing with water. This legislation is only about imposing fines. It does little else to get on with the job and actually do something to deal with the state's water crisis.

**Mr NARDELLA** (Melton) — It is a real shame to have to listen to a lawyer who has no understanding about water, no understanding about anything other than the law, who gets up here and gives government members lessons about the water crisis in Victoria.

It is really hard for opposition members to attack the government — although they are doing it — because of the great things we are doing with water. The opposition has no understanding or pays no recognition to the fact that a 22 per cent reduction in domestic water usage is actually paying dividends. 'Where?', they ask — they do not understand the facts even when they are presented to them. They are absolutely ignorant of the facts, of the solutions to tackling the water problems and about the measures that need to be taken throughout Victoria.

I give the house an example of where the member for Kew is absolutely wrong. The eastern treatment plant has extended its recycling water out to some of the farms further east of Carrum. He says nothing has happened, but in actual fact he is wrong.

The member for Morwell said the Gunnamatta outfall is spewing waste out into the bay, but what was his position and that of his party and The Nationals on the Gunnamatta outfall and the piping of recycled water to

Latrobe Valley? They intended to oppose it. During the last state election the hypocrites on the other side opposed the piping of treated water to Latrobe Valley to replace the potable water that is currently being used to cool the generators, yet they have the gall to come in here and criticise what the government is doing.

Further, I want to talk about a number of solutions proposed by members on the other side. They want to talk about equity. I went up to Mildura a couple of weeks ago. Mildura is on stage 1 water restrictions, yet the members opposite say there should be equity. The hypocrites on the other side — these people who have a lot to say but who do not understand what they are talking about — have the gall to come in here and say this measure is false. They have bright ideas about piping the channels and making the water more efficient for irrigators.

The Nationals, for instance, who come in here are hypocrites because they do not get their federal colleagues to do their work and put their hands in their pockets. The Nationals have sold out the irrigators. They went out of their way to support their federal colleagues instead of supporting the irrigators, who were telling them day after day about their position, as was the Bracks government, which is working in partnership to get the best outcome for Victorian irrigators. Opposition members stand condemned for the positions they have taken. The Victorian public knew and understood this last November, and it continues to understand that.

**Mr DELAHUNTY** (Lowan) — I rise to speak on this very important bill, the Water Acts Amendment (Enforcement and Other Matters) Bill. For the benefit of the member for Melton, I inform him that The Nationals increased their membership at the last election, so the support of country Victoria for my party has been demonstrated. Already this government has changed its position on the national water initiative. It will sign, just like the other states.

I do not have the time to go through everything in the bill but I will cover just a few matters. One is that the legislation amends the water legislation to enforce compliance with drought response plans. As members know, the bill is largely related to the drought and associated water shortages. Country people are very upset about the way the state government has discriminated against country Victorians. Most of Victoria is on stage 4 water restrictions.

For the information of the member for Melton, Swan Hill is on stage 3 restrictions; Melbourne should have hit stage 4 a month ago, but it has gone to 3A. Country people feel they have been discriminated against in relation to water for sporting grounds and, importantly, water for industry. Carwashes in my area have had to cart water long distances from bores and other sources to try to get keep their businesses going.

They also feel discriminated against in relation to water-saving measures. The rebates on water tanks are discriminating against country Victorians. Seventy per cent of the tourist operators in my electorate are not on a reticulated system and therefore cannot take advantage of the water-saving measures. Land-holders who live around the towns are in the same boat. Farmers who amalgamated their accounts years ago under the direction of or with the support of the water authorities now find they cannot get more than one tank for the water they have to cart to their houses during this continuing drought.

I also want to talk about Wimmera irrigators. For seven or eight years they have had little or no water. They are paying for headworks charges and for water they do not get. Their debt is increasing. They want to be treated the same as the environmental people, who do not pay any headwork changes, but at the end of the day we think the environmental water users should pay a headworks charge — in other words, they should pay their fair share. Again, Wimmera irrigators have been upset about the fact that even through their consultation period they are being charged.

The *Wimmera Mail-Times* has an item on the eBay website. Back in April they collected three bottles of soil from an exceptional circumstances (EC) farm, which they will put on eBay tonight. The aim is to raise awareness of the drought, raise money for drought relief and highlight the fact that the drought is still not over. Even though we have had rain, it has not rained money. This is one way of highlighting, contrary to what the media is saying, that the drought is far from over. A lot of people will not receive an income until next year. This is a light-hearted way to raise funds, to highlight that the drought is not over and to support country Victoria.

**Ms RICHARDSON** (Northcote) — I rise in support of the Water Acts Amendment (Enforcement and Other Matters) Bill. It is yet another example of Labor's sound management of the state's most precious resource, water.

Clearly there are some who do not regard the lack of water as an area of particular concern. They water their gardens without regard to the restrictions imposed on all of us. They believe that their patch of land is somehow more important than the water resources in

Victoria. It is more important to them than the consideration of our state's water supply, and more important than any of our concerns. Fortunately these kinds of people are in the minority. The overwhelming majority of Victorians has embraced the need to conserve water, and large savings of water have followed. But there are those for whom we need to act and introduce this bill, so that we can address the need conserve water. That is exactly what this bill intends to do.

But what concerns me is the preparedness by the member for Brighton and some members opposite to use entirely inappropriate language and an inappropriate analogy to make a cheap political point. I know the rules of the house do not allow me to quote from *Hansard* from this session, but I urge members to refer to page 64 of yesterday's *Daily Hansard* and to look at the member for Brighton's comments. The member for Brighton sought to compare those seeking to impose water restrictions, the water officers, to the heinous members of the Gestapo.

The term 'Gestapo' is not to be used lightly. Members of the Gestapo were responsible for barbaric acts against humanity. The Jewish community suffered at their hands and paid a terrible, terrible price. They paid with their lives. Unfortunately Jewish members of our community have previously had to urge people not to use this term lightly. Certainly in this debate about water it is entirely inappropriate. I have heard other members talk about 'water Nazis'. To be frank, I urge those members opposite who use these terms to apologise to the Jewish community.

It is not the only time we have heard this sort of language from a political party. In a recent newsletter the Greens described Labor scrutineers who were scrutineering a ballot from the last state election as 'panzers' and as 'SS crack troops'. Again this was entirely inappropriate, and Jewish members of our community were insulted by the use of the terms.

Perhaps it should come as no surprise, but it seems that the deal between the Liberals and Greens is not only about how they vote together. Now 70 per cent of the time they are voting together; they voted down the nuclear plebiscite bill together, and they had a preference deal at the last state election. It is no surprise that the two political parties are now using the same sorts of language.

They should all of course apologise to the Jewish community. Perhaps the member for Caulfield, whose electorate has a large Jewish population, could show some leadership. She could actually explain to the Deputy Leader of the Opposition why this language is inappropriate. The member for Caulfield and I were at an important Jewish celebration, and I am sure she would be appalled by this use of language. I am sure she would explain to the deputy leader that it diminishes her, it diminishes her party and it trivialises the suffering of the Jewish community. I commend the bill to the house.

**Mr DIXON** (Nepean) — Thank you, Acting Speaker — —

**An honourable member** interjected.

**Mr DIXON** — It is incredible, and I will mention sewerage here.

This bill is about the regulation and enforcement of the amount of water that is flowing through the pipes and the hoses of ordinary households. I am not opposing and the Liberal Party is not opposing this legislation as it stands. But it is a bit rich for the people on the Mornington Peninsula, who have all these restrictions on their hoses and their taps, when just a few metres below them there is a dirty big pipe — and I mean that literally and metaphorically. It is a metre wide and spews out 430 million litres of C-class treated sewage at Gunnamatta and into Bass Strait. When all that water is being wasted, the hoses and taps of ordinary households just pale into insignificance.

If the government were serious about it, it would have fulfilled the promise it made in 1999 and the one it made 2002. And then because it did not fulfil that promise it made a promise in 2006 to actually upgrade the Gunnamatta treatment plant to A-class from its current C-class level.

The member for Melton said that we do not know what we are talking about and that all this recycling is happening. In his absence I would like to tell the member for Melton that most of the recycling at the eastern treatment plant is just going around the treatment plant. It is not going anywhere; it is not been used. It is just the cleaning water and the water they use to flush out the equipment there. About 2 or 3 per cent of that water is actually piped out to some of the surrounding farms, but the rest is going untreated or just barely treated out the pipe at Gunnamatta and destroying the coastline there. It is actually floating around in Port Phillip Bay and as far as French Island in Western Port as well. The upgrade this government has been promising since 1999 is the sort of thing that should be done immediately. The work has been done; the plans are complete; and they have EPA

(Environment Protection Authority) permission. They should just get going and do it.

While they are at it, the other big waste of money that this government will not rule out — it is part of the Melbourne Water works program which is linked with the upgrade of the treatment plant and has been approved by the EPA — is the 2-kilometre extension of this pipe further out to Bass Strait. Talk about a waste of money! All that is going to happen is that the sewage is going to spread further. The construction of a 2-kilometre extension to that pipe will mean that hectares of the Mornington Peninsula National Park will have to be levelled as a work site, and $65 million will be wasted. That is how much money is going to be spent on extending that pipe. Members should think of what that $65 million could do. It could be offset against the upgrade of the treatment plant, and 1001 real water projects could be pursued instead of the funds being spent on this ridiculous extension.

They are the big issues the government should be tackling. They should be tackling them now and not just fiddling around the edges with legislation like this.

**Mr CAMERON** (Minister for Police and Emergency Services) — I am pleased to have the opportunity to make a brief contribution on this bill, which is part of the ongoing reform of water management. Certainly from the perspective of central Victoria, ongoing water reform is vital. What has been absolutely necessary has been the will and the drive of Labor and the Bracks Labor government to push through and cast aside the opposition and the obstacles which have been thrown in our way at every opportunity when it has come to the issue of water security. Of course water authorities look at the 100-year charts and they look at our history since the goldfields, but what we have endured of recent years has been a record, and those old charts have effectively been cast off the table as we have entered uncharted territory.

A recycling project, which we have pushed, has been necessary, and I am glad to say that that recycling project is now being implemented, that all of Bendigo's recycling is now occurring. We have had to push on with the super-pipe project notwithstanding the opposition campaign led by the federal Liberal member for Murray, Sharman Stone. We have also had to seek federal funds. We have had the Victorian opposition opposed to the project, as have been The Nationals, who mounted a petition on the issue. We have pushed on to do these things, and that super-pipe is going to be built by September.

While we all hope it rains so that the super-pipe is not needed this year, the fact of the matter is that it will be available if it is needed, and certainly it will be needed in the decades ahead if we are to confront the issues surrounding climate change. I congratulate Gordon McKern, the chairman of the board of Coliban Water, for his efforts in working closely with government in drawing up plans to enable this project to get under way. I am pleased to say that as a result of Labor's determination, the super-pipe is now being built. I wish this bill, which represents another water reform in our great state, a speedy passage.

**Mr MORRIS** (Mornington) — It gives me very little pleasure to contribute to debate on the Water Acts Amendment (Enforcement and Other Matters) Bill this afternoon, because the supply of water is at a crisis point in Victoria. Today we are debating a bill that amends three acts; it is a not insignificant piece of legislation.

While I certainly supported the decision of the house to adjourn on Tuesday evening as an appropriate mark of respect for the victims of the Kerang rail tragedy, I regret that the parliamentary process could not be handled to provide adequate debating time for all those who wished to speak on this important piece of legislation. It reinforces in my view the comments made by the member for Kew yesterday, I think, about the way the government plans its program for this place. Sadly there is now no time to talk about the situation we find ourselves in. There is no time to talk about the current problems the system faces, about the current investment priorities of the government or about the government's extremely poor maintenance practices.

The bill covers a wide spectrum of issues. I make the brief comment that the changes to clause 23, which would ensure that water from hydro-electric schemes, fish farms and those sorts of things is returned to the system, and not sold or used in other ways. Also, the changes proposed in clauses 5, 8 and 15, which would require the water companies and authorities to display full details of their drought response plans and permanent water saving plans, are welcome.

But the reality is that the government has had nothing to do with the water savings that have been achieved in this state. That is a tribute to the people of Victoria. It is a tribute to the people of the suburbs of Melbourne, Geelong, Ballarat and Bendigo, with their buckets in their showers and their using grey water on their gardens. It is a tribute to the people of rural and regional Victoria, who for too long have had to deal with stage 4 water restrictions and with the loss of their private

gardens and public gardens and the destruction of sporting facilities. It is a tribute to the people on the land, many of whom have found their livelihoods destroyed. They are the real heroes of this drought.

What is the government's grand plan? It is creating water police, because that is really what this bill is about. It is about enforcement, enforcement, enforcement! Time does not permit a detailed dissection of the provisions, but essentially this bill changes very little except that it creates a great big stick to belt ordinary Victorians — the people who have done the hard yards so far — over the head with. It is about intimidating them and scaring them, despite the lack of any evidence of widespread rorting.

The provisions in this bill are punitive and unnecessary. It is revenue raising dressed up as a water conservation measure. Once again Victorians are paying more and getting less — and in this case much less. It is yet another demonstration of how out of touch this government is. For the sake of the state I wish the government would concentrate its efforts on actually doing something concrete, not fiddling around the edges while our resources dwindle.

**Mr CRISP** (Mildura) — I rise not to oppose the bill but to talk on drought response plans — and I must talk on drought response plans in order to respond to some of the comments about Mildura made earlier by the member for Melton, who has left the house. It is all about trigger points.

On the day that the community cabinet visited, Mildura went onto stage 3 water restrictions, and from 1 July all outside water use will be banned in the Murray Valley, and that includes Mildura. That leaves a number of industries without water, which is of great concern. Our wineries will be shutting down; our nursery industry will be shutting down; our tartaric acid industry will be shutting down; and certainly so too will some of the citrus packing industry. We went for longer than Melbourne before we moved to stage 3, but now we are moving into a far more difficult phase. May it keep raining!

Permanent water savings, therefore, are a great cause of concern in my area, and they are certainly close to the hearts of all country people. In the last decade the drought has diminished the state's water supplies. This bill talks of permanent water-saving measures. However, in country Victoria we need to invest in the government's own infrastructure and strive towards having efficient infrastructure that the government owns for the delivery of water.

We have to acknowledge the good work that has been done by families and businesses. However, the Victorian Water Trust has identified that 908 gigalitres of water, or nearly one-third of the capacity of Hume Reservoir, is lost each year. This is mostly in systems owned by the Victorian government. The trust has the dollars, but it is behind in its implementation. This needs to be speeded up.

Against that background of less than a best effort, I note that we are introducing authorised officers to go out and police the water problem in urban and other areas. We are in fact saying, 'Do as I say, but not as my employer does'. This is something that the people of Victoria will not chew easily: hypocrisy, I think, is a difficult meal to eat. The officers could also be faced with people saying, 'I have a plan to do something about my water wastage'. Will this be accepted when Victoria has a plan but when we are not fixing up our infrastructure as much as we are expecting our constituents to?

The people of Victoria should be concerned that the government's infrastructure is not being repaired. The government is not playing by the same rules that we are asking our constituents to play by. Therefore, while not opposing this bill, I believe we should be noting that it is not consistent in its application to all Victorians.

**Mr THOMPSON** (Sandringham) — It should be noted that in question time this week the Treasurer proudly announced an increase in the population of Victoria of some 77 000 over a 12-month period. The following question might therefore be asked: what new water-based infrastructure has the Labor government provided during its current term of office? For that matter, I note that Labor governments have been in power in this state for 18 of the last 25 years, yet there has been no commitment to providing increased water infrastructure by way of new reservoirs.

I think it is hypocritical of the government to on the one hand promote population growth in this state — the 2030 proposal has 1 million new residents living in Melbourne by 2030 — without on the other hand giving a corresponding commitment to improve water infrastructure in Victoria. The Minister for Water, Environment and Climate Change needs to spend a bit more time speaking with those people who are going to be directly affected by the lack of infrastructure, including those in the car wash industry, those in the nursery industry and those people who have taken great pride in their gardens. Victoria was once known as the garden state, and now Victorians are expected to be carrying buckets to meet basic needs.

There are also people who are in pivotal businesses that require water. In my own electorate I have another tennis court proprietor who is affected. The first one was put out of business and closed down through land tax, and now factory warehouses are being built upon that site — the Tulip Street tennis centre — one of the best sites in the area for sporting infrastructure. Now the Royal Avenue tennis centre, again a complex with 14 or so courts, faces ruination in the event of stage 4 water restrictions coming into play.

What is the solution to the water crisis? It is not to build a new dam or new capacity but rather to introduce the water police. It is about giving people a uniform, a bell, a badge and a whistle and thinking that this will solve the water crisis problem!

I believe the government is short sighted. We have the bandit from Broadmeadows about to inherit record levels of taxation revenue, with land tax payments due tomorrow. There are many people struggling in Victoria. Stamp duty has trebled, payroll tax has gone up by some 60 per cent over the last few years, and land tax has doubled — yet there has been no serious commitment, with the increase in revenue in this state from $19 billion to $35 billion, to provide new water capacity for growth in this state. If the trend continues, the Labor Party will be held to account for its blind vision, its blurred vision and its stunted vision in relation to building water capacity in this state.

**Ms MUNT** (Mordialloc) — I am very pleased to rise in this place this afternoon to speak in support of the Water Acts Amendment (Enforcement and Other Matters) Bill. The Bracks government has a water plan, and it has put in place a range of measures on water. I would like to congratulate all the people around Victoria, particularly in my electorate, on the wonderful efforts they have made to conserve water and to put in place measures that will keep conserving water in the future, particularly in a time of climate change.

As I drive around my electorate, I see vans with water tanks going to houses all over the place. People are putting in dual-flush toilets, water tanks, water-saving shower heads, drip systems for the garden and grey water systems — a lot of them with rebates and support from the government. When you look at the figures for water saving in my area, you can see that local residents are doing a wonderful job, as are the market gardeners in Heatherton — and other businesses, by the way. Business has come on board in a big way. I was interested to read in the paper last week that big business has now got on board with climate change. It supports measures to cope with climate change and is leading the federal government in that regard. There is a lot of effort being put in.

I would also like to briefly mention the statewide initiatives that have been put in place for water — and there is a range of initiatives currently being considered and a range of investigations currently being undertaken. I recall sitting in this place listening to many debates over the last five years, yet it was only before the election last year that we first heard the opposition talking about water — although certainly not about climate change.

We see that federally as well. The federal plan for the Murray–Darling Basin has come out of nowhere; it seems to be a last-minute afterthought. We have been working for years to put these measures in place. I support this legislation. This bill is another good piece of water legislation and I commend it to the house.

**Mr WAKELING** (Ferntree Gully) — It gives me pleasure to speak on the Water Acts Amendment (Enforcement and Other Matters) Bill, and what a sad indictment it is of those opposite. We have heard the sad contributions they have made to the debate on this bill. The frustrated minister for water — the member for Melton — is sitting up there. Not one government member has made a contribution on how this government is planning to fix Melbourne and Victoria's water supply. Not one of them has talked about how they are going to build a new dam, about introducing desalination or about infrastructure to deal with the recycling of water. What is their grand plan? What is the solution? Water police!

Dam levels have just reached 28.8 per cent, and those opposite should hang their heads in shame, because the only solution they have is to introduce water police. What a crying shame it is that government members are having to inflict this measure on the residents of Victoria. Mums and dads are forced to run around with buckets, collecting water from their showers, when the fact is that residents — as those opposite would rightly know — consume only 8 per cent of Melbourne's water supply, whereas 92 per cent of water is consumed by large and medium-sized businesses, which have no restrictions placed upon them. What a tragedy and a travesty it is that this government is doing nothing to deal with that issue. The only industries that are being hit are the nursery, turf, swimming pool and car wash industries.

One car wash operator in my electorate approached me in January, so I wrote to the minister for water. What was his response? Nothing! There were two letters and no response, because this government knows that when

it comes to the crunch — as the member for Melton rightly knows — it has no plan on water. This government knows that when the community asks the tough questions it will shirk its responsibilities and talk about plans and possible studies. What the community wants is leadership.

In my electorate sporting facilities want water. They do not want water police or this bill — they want water! They want to be able to water their sporting grounds. My tennis clubs want water so that when stage 4 water restrictions kick in they will not shut down, as the member for Sandringham has just pointed out. Those opposite have no plan for ensuring Melbourne's future water supply.

**Mr LANGDON** (Ivanhoe) — I rise to make a brief contribution to the debate on the Water Acts Amendment (Enforcement and Other Matters) Bill 2007. I would like to start by congratulating the many people in my electorate who have always taken a great deal of pride in their gardens — particularly the residents of Ivanhoe, East Ivanhoe, Eaglemont and numerous other parts around my electorate. They have observed the water restrictions, and the vast majority of people always adhere to water restrictions, and I commend them for doing so.

This bill basically allows for greater use of the reinforcement process, which I think is important not just for the vast majority of people in my electorate but for people across the state who do the right thing. We are all a bit concerned that people are wasting water, which is a precious commodity, and we do not want to see that happen unabated.

This bill provides for training of enforcement officers. I would like to join with the member for Northcote in condemning some spirited comments made by members of the opposition during the debate. Calling water enforcement officers 'Gestapo' and 'Nazis' is very offensive, not only to those people who will be doing the work but also for members of the Jewish community and others who unfortunately were affected by the inhumane practices of the Nazis and the Gestapo. I urge members of the opposition to take care. Although they are supporting the bill, I ask them not to use such terms, which take them down to the gutter level. I commend the bill to the house.

**Mr BURGESS** (Hastings) — I rise to speak on the Water Acts Amendment (Enforcement and Other Matters) Bill 2007. Several points need to be made to put this bill in its true context. Obviously everyone should be encouraged to use water wisely — we are in the middle of a major water crisis — but this bill is more about the Bracks government's failures than it is about trying to encourage people to use water wisely. The government has had years of warning that this crisis was on its way, and has had almost twice the revenue that any previous Victorian government has had, and yet it has acted like a rabbit in a spotlight — it has been unable to act.

If this government had met its responsibilities when it was supposed to meet them, it may have felt less likely now to need to trample all over the rights of the community by invoking something like the water police. As was so beautifully put by the member for Mornington, water policing is an atrocious measure to be inflicting upon the community.

If the Bracks government had built a dam and a desalination plant, which are and have been badly needed in Victoria for some time, this act would probably not have been necessary and the draconian measure of introducing water police may have been avoided. Governments must resist adding further and further regulation and enforcement wherever possible. This government seems incapable of resisting that enticement.

I cannot think of any measure introduced by the Bracks government that has not had some sort of negative impost on this community, whether we are talking about businesses or people. For motorists there has been massive revenue raising from speed fines. Home purchasers are being hit with enormous levels of stamp duty. People face the impost of many other taxes, and this government has automatically indexed those taxes to increase every year — 5000 of them will increase automatically.

The government may meet this criticism by saying, 'This is about water. It is urgent and important', but the reality is that that is the argument for all increases in regulation, and it needs to be pushed back. The government has to make a decision not to regulate in that way, and the sooner it does that, the better.

The invention of water police simply has to be a vampire idea — that is, something which the minister has thought of in the middle of the night but which cannot stand the light of day. Surely the next day you would think to yourself, 'That might have sounded good last night, but it is not something that should be implemented in the Victorian community'. But that does not appear to be the way the Bracks government acts.

As I said, this government has known about this crisis for many years. It has had twice as much money as the

previous government, and yet it is incapable of acting on the crisis and introducing any measures to address it. This government is a coward and a bully. Instead of doing the hard work, government members like to turn around and put the impost back on the community.

**Mr TREZISE** (Geelong) — I am very pleased and proud to be speaking in support of the Water Acts Amendment (Enforcement and Other Matters) Bill. I am pleased to be speaking in support of this bill because I think it not only once again reflects the Bracks government's commitment to a first-class water supply for all Victorians but also highlights the fact the Bracks government is committed to metropolitan Melbourne and to regional and rural areas, indeed to all of country Victoria. This is good legislation.

I know from talking to the hundreds of people that I have dealt with over the last number of months that water is one of the major issues in Geelong. During the 2006 election the people of Geelong warmly applauded the Bracks government's commitment to a 50-year plan to supply water to Geelong. That plan was committed to recycling. The member for Lara would be well aware of the North Geelong recycling plant, a project the Bracks government is committed to along with the Shell Geelong refinery. The Bracks government has committed something like $20 million for this plant, as has the Shell refinery, and the City of Greater Geelong and Barwon Water are also stakeholders in the project. This important project will save 5 per cent of Geelong's potable water.

The only people who are not committed to the recycling plant in Geelong are federal members of the Liberal Party. If the Liberal members in this house want to do something about water in Geelong, I suggest they talk to their federal colleagues, including people like the federal member for Corangamite and the Minister for the Environment and Water Resources, Malcolm Turnbull, who came to Geelong but said nothing about the water recycling plant.

The Geelong people know that the Bracks government is committed to saving our water. The legislation will place enforcement officers in Melbourne. I think those enforcement officers will be welcomed by the vast majority of people because they are doing the right thing and they want to do the right thing. People become angry when they realise that someone in their suburb is doing the wrong thing. By extending the powers of enforcement officers, I believe the vast majority of Victorians, including those in Melbourne would support and applaud this legislation.

This is good legislation. As I said, it highlights the Bracks government's commitment to a first-class water supply to metropolitan Melbourne and rural and regional Victoria. I commend the legislation to the house.

**Mr HODGETT** (Kilsyth) — I rise to make a contribution to the Water Acts Amendment (Enforcement and Other Matters ) Bill 2007. We have heard the purpose of and the main provisions of the bill, so in the interests of time I do not intend to go back over all that.

It should be noted that we are not opposing the bill. I do, however, wish to make three points in my contribution to the debate. Firstly, it is painfully clear and without doubt that the Bracks government has failed to address water infrastructure for the people of Victoria. The government's thinking on water is only one dimensional — it is purely about compliance. Yes, there is a need to educate people and to change their behaviour, but that is only one part of the equation.

The government should recognise that most Victorians are doing the right thing and are complying with water restrictions. So it should not just focus on compliance. I encourage the government to think more widely or broadly. I know it is a challenge for the government, but if it is going around talking about the 2030 legislation and spouting that Melbourne will have another million people by 2030, then it might like to start thinking about the future water needs of Melbourne and Victoria.

Secondly, having listened to the debate this afternoon I take umbrage at the suggestion that a green garden equals a wilful breach of water restrictions. A lot of people have gone to great lengths and enormous expense to install water-saving devices and take water-saving measures. They have installed, as we have this afternoon, water tanks and drip systems. They have buckets in the shower, they reuse bath water and they use grey water. They put in a little bit of effort so that they might be able to keep alive their favourite plant or a memorial garden at their home for one of their loved ones, or keep a garden bed going or keep a vegetable patch alive. It is somewhat offensive to have to listen to Labor members drawing the narrow-minded conclusion — that is, green gardens equals water wasters. I would like to think that some members still believe in Victoria as the garden state.

This leads me to my final point. We will now have authorised water officers. Mandatory warnings to offenders will now be removed, so I trust the five weeks training will deliver some consistency in the

authorised water officers' decisions and will lead to some common sense in their exercise of discretion. As examples, we would not like to see a child who is out watering on behalf of their parents, or an elderly resident who is watering their garden and who may be 2 or 3 minutes over time, pounced on and issued with a fine. Common sense has to prevail. Finally, we hope the officers are given clear guidelines about their powers of entry and that the officers exercise sound judgement when performing their duties.

In summary, we are not opposing this bill, but we would like to see the government do something about long-term water infrastructure. We would like to change the Labor Party's view that green gardens necessarily equal water wasters, and we need some guidelines for the authorised water officers so they exercise sound judgement and common sense.

**Mr ROBINSON** (Mitcham) — When it comes to water I think it is intriguing that the member for Kew is one of the flag bearers for the other side. I want to go back to something the member for Kew said in 2001, when we debated legislation about farm dams. He referred to the predecessor of the honourable member for Swan Hill — —

**Business interrupted pursuant to standing orders.**

**The ACTING SPEAKER (Mr Nardella)** — Order! The time set down for consideration of items on the government business program has arrived.

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

**Remaining business postponed on motion of Mr CAMERON (Minister for Police and Emergency Services).**

## ADJOURNMENT

**The ACTING SPEAKER (Mr Nardella)** — Order! The question is:

That the house do now adjourn.

### Odyssey House, Lower Plenty: funding

**Ms WOOLDRIDGE** (Doncaster) — I wish to raise a matter of grave concern to the Victorian community, and in doing so I call on the Minister for Mental Health to renew funding for the 15 residential rehabilitation beds at Odyssey House in Lower Plenty, which, it has been told by the Department of Human Services, will not be funded after 30 June.

Study after study has shown that residential rehabilitation achieves fantastic results, but Labor is failing to adequately support these vital services. Let me give some examples. The costs associated with residential rehabilitation are far greater than the funding provided by this government for these services. This government provides little or no funding for intake or after-care services, capital works, support infrastructure or evaluation. Also, the funding formula is back to front in that it measures the number of people coming through the door rather than the effective service provision and outcomes. But Labor's starkest failure in the residential rehabilitation area is Victoria's shamefully low bed numbers, particularly on a per capita basis.

We have just over 200 residential rehabilitation beds. New South Wales has 1000, Queensland and Western Australia have 400 each, and even the Australian Capital Territory has over 100. As a result of this shortage, waiting lists for residential rehabilitation are substantial.

In contrast to what the government would have us believe — that waiting times are less than a week — a recent survey by Odyssey House shows that the average waiting time for a bed is six weeks, and the situation is similar for many other services. The people on the list are seriously unwell. They are long-term and dependent drug users, many have complex mental health concerns, and all have difficult family issues. Labor's response to these challenges is to slash the number of beds at Odyssey House. The funding for 15 beds will expire on 30 June. Eight of these may receive funding from another source, but that is yet to be confirmed, even though the deadline is fast approaching.

Odyssey House at Lower Plenty is a world-renowned therapeutic community. Its program secures excellent outcomes in terms of reduced drug use, reduced crime, reduced court, prison and health costs for government, increased employment and family reunification. Labor says beds are going at Odyssey House because it is 'respreading' resources. This minister likes 'respreading'. In fact the Minister for Mental Health is fast getting a reputation for being Paul's friend at the expense of Peter. Like her $14 million ice announcement — she has taken from heroin funding to fund ice — she is again robbing one to pay the other. But even if beds are brought online elsewhere — and

that is a big 'but' — it is a bizarre way to deal with vitally needed residential rehabilitation drug services.

Odyssey House has the beds, it has the appropriate facility, it has the staff, and it achieves great outcomes. At a time when even the Labor Party has acknowledged that demand for services has been increasing and client needs appear to have become more complex, it is short-sighted to be slashing beds from a residential rehabilitation service of the quality of Odyssey House. For the sake of so many Victorian families touched by the scourge of drug abuse, I call on the minister to continue funding all beds at Odyssey House.

## Transport Accident Commission: head office relocation

**Mr TREZISE** (Geelong) — The issue I raise with the Minister for Skills, Education Services and Employment relates to the relocation of the Transport Accident Commission to my electorate of Geelong. As you are well aware, Acting Speaker, in October 2006 the Premier announced that the TAC building would be constructed on the former Bow Truss building site in the central activities area of Geelong; and that when the TAC was fully relocated to Geelong, something like 850 jobs would be created in the community. This was a major announcement for the community of Geelong. However, given that it is estimated that the new building will not be completed until 2009, the TAC, in partnership with the state government, has announced important transitional arrangements for the TAC.

For your information, Acting Speaker, in May it was announced that the former Gordon Institute of TAFE building in Moorabool Street, Geelong, would be the new transitional office for the Transport Accident Commission. This of course was in itself an important step in the transitional process, and it is important that this transition occurs smoothly. Therefore the action I seek from the minister is that he work with the TAC to ensure that this transition to the Moorabool Street site is carried out in a timely and effective manner.

As I said, the relocation of the TAC is an important move for Geelong and, of course, the TAC itself. It will create significant future employment opportunities for local people. It will also provide great opportunities for current TAC employees to relocate — I know I am biased — to one of the great places on this earth, let alone this state.

**Mr Robinson** interjected.

**Mr TREZISE** — No, Geelong. Although I understand that there is some trepidation among some of the employees of the TAC, this will create more than 850 jobs in the region. It is estimated that it will also generate something like $59 million per annum for the economic benefit of the region.

It is timely for the transition that the Gordon Institute of TAFE has announced that it will be moving out of its Moorabool Street campus, allowing the TAC to take possession. That has been possible because this state government has contributed multimillion dollar funding to the Gordon Institute of TAFE to ensure that each Geelong campus is up and running. I was only out there with the minister a couple of weeks ago to open the magnificent facilities that the Gordon Institute of TAFE now enjoys at Boundary Road in East Geelong. This is an important move for Geelong and an important transition for the TAC. I look forward to working with the TAC, the state government and the minister to ensure that the move takes place in an effective and timely manner.

## Schools: Kyabram amalgamation

**Mr WELLER** (Rodney) — I wish to raise a matter for the attention of the Minister for Education in another place. It relates to a major proposal to combine Kyabram's two primary schools and the secondary college into a single purpose-built school for 1600 students. My question to the minister is whether funding to assist the Kyabram schools transforming learning initiative to purchase land for the new school is included in the $35 million fund set aside by the government in the May budget to buy land for future schools. Almost five weeks have passed since the budget announcement, and the Kyabram community is still none the wiser about whether funding has been allocated by the government for this important project. I wrote to the minister on this issue almost four weeks ago, and I am waiting for the response.

The Kyabram schools transforming learning initiative is based on the concept of having three learning centres on the same site, with each of them having 500 to 550 students. They will be grouped according to the recognised stages of learning: years prep to 4, years 5 to 9 and years 10 to 12. The project has been identified and accepted as a regeneration project by the Department of Education. A business feasibility study was completed and endorsed by all three school councils in September 2006 and is currently awaiting Department of Education and state government approval through the Building Futures review panel.

All that is needed now is a commitment of funding to enable the school community to take part in the next step in bringing forward their exciting vision. The

Kyabram schools transforming learning initiative is an astounding innovative project that will provide Kyabram's children with wholly effective sustainable education well into the 21st century. It will place Kyabram at the forefront of education provision in Victoria and will create many positive spin-offs for the wider community.

On behalf of the Kyabram Secondary College, Haslem Street Primary School and Dawes Road Primary School I ask the minister to give clear direction, take action and allocate money to the new Kyabram learning centre so that it can go on and so we can proceed and get an answer.

## Tertiary education and training: TAFE advertisements

**Ms THOMSON** (Footscray) — My adjournment matter is for the Minister for Skills, Education Services and Employment and also in her capacity as the Minister for Women's Affairs. It concerns the TAFE advertisements for skills that are currently under way on our TV screens. While I wish to applaud the government, particularly the minister, for these innovative advertisements which encourage young people to think outside the square as far as careers are concerned, a matter has been raised by a constituent, Sharon Scott, in relation to an advertisement concerning the use of the word 'fireman' instead of 'firefighter'. There is a difference between a fireman and a firefighter: a fireman is a person who puts coals into an engine on a train, and a firefighter is a person who puts out fires on domestic, country and commercial properties.

I know this matter has been raised with the minister. It has certainly been raised by the member for Yan Yean, and the minister has acted very quickly in relation to this particular advertisement. I ask that she review the advertisements for their accuracy and that she continues with the advertisements, which encourage our young people to think about careers that they might not otherwise think about and give parents the opportunity to think about the breadth of careers that are out there and the capacity to gain skills to undertake those professions. Although I am asking the minister to undertake this review, it would be sad to see these ads not continuing to play on TV. I hope they will.

I wish to congratulate the minister and TAFE for undertaking such an initiative to ensure that our young people think as broadly as they can about the opportunities that are available in education. Not all young people are geared towards tertiary employment, and there are currently many skill shortages. There are courses available throughout TAFE colleges around the state to give them the skills they need to meet the employment requirements of the future and to have satisfying and rewarding jobs. I seek the assistance of the minister in this regard, and I look forward to seeing the continuing uptake of TAFE places and opportunities for our young people.

## Drought: nursery industry

**Mr BLACKWOOD** (Narracan) — I call on the Minister for Agriculture to meet with the nursery industry to develop plans that will assist it in dealing with the difficulties of the current drought. This industry is doing it really tough. There are many small business nurseries in my electorate of Narracan that need assistance to get them through this drought. The members of this industry have really copped a double whammy with the drought. Not only have they had to deal with the restricted access to water, a vital input to their business, but the demand for their product has almost completely dried up as well.

With all communities in Narracan on stage 4 water restrictions, no-one is going to purchase plants or establish new gardens. In fact even new homeowners are not starting landscaping as they would in a normal season. Acting Speaker, in comparison I give you the example of a dairy farmer battling through this drought. His input costs for feed and perhaps for stock water have increased enormously, but the demand for his product is still very strong. In fact the demand is probably stronger because production has dropped off and, in many cases, there are food shortages.

I am certainly not underestimating the extreme hardship that most of our farmers are currently having to deal with, with increased input costs and the severe drop in income, but I must point out that these farmers may be eligible for drought relief. The horticulture industry does not have any of this kind of support available to it, yet its members are suffering exactly the same impact on their businesses as a result of this most severe drought. In fact the drought response plan implemented by the state government affects the horticulture industry via both the home-gardener restrictions and the restrictions on commercial plant growers.

It should also be noted that plant producers are among the most efficient users of water in agriculture. They typically buy water at the same tariff as the urban user, capture the run-off and recycle it after treatment. This level of water-use innovation is rarely matched in other agricultural enterprises.

I call on the minister to urgently redraw the drought response plan, with the horticulture industry at the table as a fully fledged member of the committee from the outset. I call on the minister to take the action required to provide drought relief for plant producers to enable them to access funding in the short term as a matter of priority.

**The ACTING SPEAKER (Mr Nardella)** — Order! I want to remind the member for Narracan that members can ask for only one action, so I will take it that the action is to meet with the nursery industry to address the challenges of the drought.

## Alcohol: regulation

**Mr PERERA** (Cranbourne) — The matter I wish to raise with the Minister for Consumer Affairs is of significant concern to residents in my electorate, and I am sure it is a matter of significant concern across the rest of Victoria. It concerns access to and the abuse of alcohol in the community. I ask the minister to take action and look at the appropriateness of the current regulatory framework, particularly around packaged liquor and also to look at how other jurisdictions regulate liquor, and to examine other measures taken to reduce alcohol abuse in the community.

My constituents believe the following activities still contribute to alcohol abuse and misuse in a big way: alcohol packaged similar to soft drinks; advertisements targeting minors to make them feel consumption of alcohol is fun or cool; alcohol marketeers sponsoring popular TV shows; elders buying alcohol for minors; minors having access to alcohol at sporting clubs; and drink spiking.

Victoria's liquor laws are clearly focused on contributing to minimising the harm arising from misuse and abuse of alcohol in the community by controlling the circumstances under which liquor is made available. Victoria's liquor laws offer a high degree of flexibility in terms of how, where and when liquor may be supplied. They are underpinned by offence provisions addressing under-age drinking, drunkenness, antisocial behaviour and neighbourhood amenity.

The objects of the Liquor Control Reform Act 1998 are to contribute to minimising the harm arising from the misuse and abuse of alcohol by providing adequate controls over the supply and consumption of liquor and ensuring as far as practicable that the supply of liquor contributes to and does not detract from the amenity of community life and to facilitate the development of a diversity of licensed facilities reflecting community expectations and to contribute to the responsible development of the liquor and licensed hospitality industries.

I note that the Drugs and Crime Prevention Committee tabled its report following its inquiry into strategies to reduce harmful alcohol consumption in March last year, and the government responded in September. Many of the recommendations were supported, and I am sure the Minister for Consumer Affairs is working hard on implementing the recommendations relevant to liquor licensing. The Bracks government is strongly committed to reducing the levels of alcohol abuse in the community. As such, can the minister please outline any action that he can take to act on this commitment?

## Drivers: licence testing

**Mr TILLEY** (Benambra) — I wish to raise a matter for the Minister for Roads and Ports. The action I am asking the minister to take is to review the situation of licence reviews for people who have epileptic fits, and make any necessary changes.

This matter was brought to my notice by a young constituent who lives out of town and needs to drive 60 kilometres to and from work for employment. Madelaine Jones suffered only two mild seizures at the age of 11, and has been on a minimal dose of medication, specifically Tegretol, since that time. She has never suffered another epileptic fit since then.

Two weeks before her licence renewal was due VicRoads informed Madelaine that her licence was to be suspended because her medical review form was incomplete. Neurological specialists Australia-wide have been directed by their parent organisation — the Australian and New Zealand Association of Neurologists (ANZAN) — not to write any opinions on patients' reviews; an opinion is required to complete an assessment for the licensing authorities. The directive was given because two neurologists are presently facing court on charges of assessing as fit drivers who were later involved in fatal accidents.

Eight months ago ANZAN put forward an alternative assessment criteria so that thousands of drivers who come into this category will not be inconvenienced as is the case with my constituent. ANZAN still has not had a response from any state in Australia or any of their licensing authorities, not even an acknowledgement, and has not even heard from the National Transport Commission. I suggest it has not responded because none of the states, being the regulatory authorities, have responded. The action I am asking is that the issue be

resolved so as not to further disrupt the day-to-day lives of thousands of drivers.

## County Court: restitution orders

**Mr ROBINSON** (Mitcham) — I raise an issue for the attention of the Attorney-General. It relates to the way in which restitution order procedures are managed by the County Court in Victoria, and I am asking the Attorney-General to have his department review these procedures, to assist in establishing clearer advice for victims of crime, and to ensure that the County Court disseminates this advice to victims.

I became aware of problems in this regard back in 2004. A Blackburn constituent who runs a concert events ticket agency was ripped off on a number of occasions by someone who would ring up, purchase concert tickets using credit card details, unbeknown to the actual credit cardholders. As the vendor operating a service not requiring a signature, the constituent ultimately carried the default when the bank indicated it would not come good on those credit card payments.

With the help of the constituent and the help of the *Herald Sun* we were able to go a long way towards tracking down the perpetrator. My suspicion was that the perpetrator was acquiring the tickets, then using the *Herald Sun* classifieds to on-sell the tickets very quickly. Sure enough, a bit of research with the help of Keith Moor at the *Herald Sun* tracked down a matching series of advertisements and a couple of phone numbers, and we managed to get very close to solving the matter. The information was then handed over to Constable Jennifer Lock, and she did some excellent work in tracking down the individual who was later charged and in 2005 was convicted. That was the good news.

We only learnt months later of compensation orders which had been made by the court, and indeed these orders were made on the basis of the convicted offender having lodged several thousand dollars with the court for distribution to his victims. However, none of that information was automatically relayed to me or to the victim, and it was only very recently that we discovered that that had been done and that the application processes existed for the constituent to seek some component of that payment.

I understand a problem in communication exists at the County Court. I also understand that it is a complex issue and that the state government cannot give the County Court an order about what it should do — it is a separation of powers issue — but the victim did not understand ahead of time what the procedures were. I think the matter needs review, and I hope the Attorney-General can have his department look at this situation.

## Livestock: theft

**Mr WALSH** (Swan Hill) — I have an action I seek from the Minister for Agriculture, and I will be bitterly disappointed if he does not come in tonight as he has had forewarning of this particularly important issue. I ask him to immediately set up a task force to investigate the issue of livestock theft in Victoria and make recommendations to help reduce its prevalence.

One in twelve, or 8 per cent, of the state's 35 000 farms have livestock stolen each year, according to the first national study of farm crime in 2002. This equates to losses of something like $42 million across Australia every year. Anecdotal evidence suggests that this figure is quite often much higher, and while the average loss to a farmer is $4000 for each theft, the real loss can outweigh the cost of the animals.

For farmers who have, over decades, painstakingly bred particular bloodlines, the loss can be in tens of thousands of dollars. Stock theft hijacks the profits of hardworking, honest farmers, and despite the national livestock identification scheme, the issue is one of identification and traceability. Once ear tags, brands and property markings have been removed, one animal looks much like another. The problem cannot be fixed, as the minister has suggested to one of my constituents, simply with ear tags which can be removed and replaced, or branding which can be altered. The crime of stock theft — often trivialised by calling it duffing or rustling — is not viewed by the community with the same seriousness as car theft, shop stealing or breaking and entering.

There seems to be an erroneous view by the minister that it can be regarded as a natural or acceptable business risk for farmers. It is a whole-of-industry problem compounded by the sheer number of players involved — stock agents, police, stock transport operators, abattoirs, saleyard operators, local government, and the farmer victims themselves. The many farmers who have contacted my office are at their wit's end, frustrated at the lack of acknowledgement and action from the Bracks government on an issue which is costing them many thousands of dollars. They are reluctant to report thefts to the police because despite the police's best intentions, they are also frustrated with the lack of traceability and accountability of all participants in the livestock chain.

That is why it is vital that a task force be established to seek submissions, to establish the scale of the problem, identify stakeholders and identify the changes necessary to reduce stock theft. The task force's recommendations can then be taken up and acted on to the benefit of all stock owners in Victoria. I urgently ask the minister to establish this outcome-focused task force into stock theft in this state. An initiative such as this, on behalf of the stock owners who are part of the minister's portfolio responsibility, would undoubtedly be a lasting legacy of his tenure as minister.

## Electricity: smart meters

**Ms RICHARDSON** (Northcote) — I raise a matter for the attention of the Minister for Energy and Resources. The matter concerns the advanced metering infrastructure or smart meter project. I call on the minister to take appropriate action to ensure the project is delivered.

The smart meter project is an important initiative to install new smart meters in every home and business in Victoria. The advantages of the smart meter are many. They include the capacity to better manage consumption. The smart meter also provides electricity retailers with the ability to offer different prices according to the time of use to better suit customers needs. It also provides a better means to detect faults, which of course will enable better response times for the fixing of faults. The meter itself is able to be read remotely, which is pretty good for gas meter men — and I saw one on the street the other day, searching frantically for a meter which could not be found; so this will obviously solve that problem! The meter is able to display usage in a household or a business, and it can also be connected remotely to households or businesses. This is obviously very good for businesses and people moving house.

In short, the smart meter gives power back to consumers, because it is a meter that is interactive as between power usage and power bill. It will reduce costs for customers, because they will be able to turn off their appliances in the peak or high-cost periods of electricity use. It will also on this basis encourage electricity efficiency, because people will be able to put their dishwasher or washing machine on at times when the electricity is cheaper. Trials have demonstrated that with the use of smart meters, electricity use within households has decreased.

This is all good news for the fight against climate change. It is important to note that only the Victorian Labor government has implemented a plan as wide ranging as the smart meter program, which will cover the whole of Victoria. I ask that the minister take appropriate action to ensure that all households and businesses, not just those in my electorate of Northcote but those across Victoria, are given the opportunity to make use of smart meters.

## Responses

**Mr BATCHELOR** (Minister for Energy and Resources) — The smart meter project, or advanced metering infrastructure, as it is sometimes called, will replace 100-year-old mechanical metering technology with a dependable, state-of-the-art system that will help Victorians better monitor their electricity use and save both energy and money. It is a win-win for all of the businesses and households that will be connected to the system. Under the project, about 2.4 million new electricity meters will be installed in all Victorian homes and businesses between 2008 and 2012.

A smart meter has a lot of capabilities that the older traditional meters do not have. This raises a whole range of possibilities. The smart meter will provide the ability to record electricity consumption by the half hour, if that is what the customer wants to do, and it will allow customer usage to be remotely read by the energy company so that a meter reader does not have to visit a customer's home or business. It will allow connection to an in-home display that will provide consumption and price information to customers as they use the electricity. It will enable billing queries to be resolved quickly and satisfactorily. It will allow remote connection of electricity, such as when customers move into a new home, and it will help electricity distributors locate outages and restore supply problems much more quickly.

Householders will have the capacity to see how much money they are paying for their electricity at different times of the day. With this information they will be able to run their washing machines or dishwashers, for example, when the power is cheaper to purchase. This means Victorian families will be able to save money and reduce greenhouse gas emissions.

The Bracks government believes smart meters will allow customers to better manage their electricity use. They will also enable electricity retailers to make innovative time-of-use price offers to suit the needs of consumers and enable electricity distributors to better detect supply faults and respond to them more quickly. Electricity distributors are working with the Department of Primary Industries to run trials to find the best smart meter communication technologies for rural and urban areas. The current technology trials involve around 5000 households. Testing is free to

participants and involves electricity distributors installing a smart meter for three months. The trials do not affect electricity supply or prices for those participating.

The Victorian government has a planning and coordinating role in the project and liaises closely with industry and consumer representatives about the smart meter functions and preparations for further rollout across the state. The statewide rollout will be occurring in phases, of course, with different geographic areas receiving smart meters at different times. Time lines will be set by the electricity distributors; however, they will be expected to reach the annual distribution targets provided in this program.

The project will be the biggest single investment in infrastructure ever made by Victorian electricity distributors, the investment approaching a value of $1.1 billion. The rollout of smart meters with two-way communication facilities is estimated to have a net economic benefit of $252 million for Victoria. It is likely that the smart meters will be owned by distribution companies. If a customer changes their retailer, the meter will remain in the house. Smart meters should lead to a reduction in peak energy use, which could alleviate costly peaking systems in the generation industry. They will also lead to an decrease in the overall use of electricity and hence reduce greenhouse gas emissions. Precise details about the functions meters will perform will be made after the trials of different models and different technologies.

Victoria's five electricity distribution businesses will be primarily responsible for the rollout; they have substantial experience in managing the deployment of meters. While the smart meter rollout is the most ambitious meter replacement program ever to be conducted in Victoria, the distribution businesses will have significant financial incentives under the regulatory framework to complete the rollout according to the schedule mandated by the government.

The accelerated rollout schedule is consistent with proposals for smart meter deployments overseas. It has been done overseas, and we will do it here in Victoria. For example, South California Edison, one of the largest energy utilities in the United States, plans to install some 5 million smart meters between 2009 and 2012. No other Australian state or territory has yet committed to a wide-scale deployment of smart meters like Victoria has. In New South Wales, for example, smart meters are being implemented in far less substantial numbers than in Victoria. It is being done in a highly selective manner by the individual state-owned electricity businesses.

The Victorian government does not anticipate a shortage of electrical contractors to perform smart meter installations in Victoria. The rollout will occur in phases; different geographic areas will receive smart meters at different times so there is a potential for a pool of contractors to move from street to street during the course of the overall four-year deployment.

In relation to household display units, it is envisaged that customers will usually own in-home displays. These are likely to be either purchased in an electrical appliance store in the same way that a wireless internet router or a television remote control is purchased by a householder. It could also be provided as part of a product offered by an energy retailer. Such product offerings may feature a time-of-use pricing plan and an in-house device to assist the customer to better understand their energy usage throughout the day.

This smart meter rollout will further strengthen Victoria's position as Australia's energy sector leader. The Bracks government is leading the way through the introduction of smart meters. Victoria also leads the way in innovation in the electricity industry, in having the toughest energy consumer protection measures and in having Australia's most competitive retail market. The advanced metering infrastructure project, or smart metering as it is sometimes known, shows what this government is prepared to do in an innovative and creative way to look after the best interests of energy consumers.

**Mr ANDREWS** (Minister for Consumer Affairs) — I thank the member for Cranbourne for raising an important issue. I congratulate him on his interest in the responsible and safe consumption and sale of alcohol in his local community, both from a public health and well-being point of view and also in terms of antisocial behaviour.

The government is committed to reducing the harms caused by the unsafe consumption and misuse of alcohol in communities across the state. We all know that by informing and educating people about the fact that alcohol can cause serious harm in our community, not only to the drinker but to their family, we can achieve substantial improvements in outcomes for all Victorian families. We recognise this is a serious issue.

As the minister responsible for liquor licensing, I believe it is an important matter. That is why last year we established the Liquor Control Advisory Council. The council provides me with advice and opinion about a range of matters relating to licensing issues and the effects of the abuse and misuse of alcohol in our Victorian community.

The council is currently looking at a reference which was provided by the former minister, the member for Footscray, and it is important to acknowledge her leadership in these matters. The reference concerns the appropriateness of the current regulatory regime for the sale of packaged liquor. That review clearly demonstrates the government's interest in and willingness to assess in an ongoing way the adequacy of various regulatory frameworks, and to take appropriate action.

As members would know, last year the Drugs and Crime Prevention Committee, a joint parliamentary committee, compiled a report — it was a very important piece of work. The government's response was that we would forward to the Liquor Control Advisory Council a number of other matters to consider. I have wasted no time in sending an additional four references to the LCAC.

The additional references are to look at: harm minimisation as the object of all licensing matters, which is the leading principle of the Liquor Control Act; the impact of liquor licensing legislation in other states and territories to consider the way other jurisdictions manage these issues to see if there are things we can learn and then use; and a research project to develop a model to determine the appropriate density of liquor outlets in the community particularly in terms of combinations of local risk factors.

The final of the additional references, which are on top of the reference to investigate the sale of packaged liquor that was given to the advisory council last year, is a further investigation of screw top and resealable capped bottles to reduce drink spiking and encourage responsible or a more moderate consumption of alcohol. Those additional references have been provided to the advisory council. I await detailed advice from it. I have great confidence that it will undertake its duties and functions well.

I am sure that those matters, given that they directly relate to some of the concerns raised by the member for Cranbourne, will be of interest to him and to families right throughout the Cranbourne community, and indeed to families right across the Victorian community.

The way in which we regulate the sale and the way in which we promote the responsible consumption of alcohol in our community are very important matters. The government takes them seriously. Both the Minister for Mental Health and I have responsibility for some of these matters, as does the Minister for Health from a public health point of view. These are serious matters. We have taken action, and we will continue to do so. The work of the Liquor Control Advisory Council will, I am sure, inform policy and regulatory development over time. I hope that is of interest to the member for Cranbourne. I thank him again for raising this important matter. It is a matter that he is passionate about, and I am sure it is one many members of his community are very interested in.

The member for Doncaster raised a matter for the attention of the Minister for Mental Health in relation to residential rehabilitation beds at Odyssey House.

The member for Geelong raised a matter for the attention of the Minister for Skills, Education Services and Employment in relation to the relocation to Geelong of the Transport Accident Commission.

The member for Rodney raised a matter for the Minister for Education in another place in relation to two Kyabram primary schools and a secondary school in that community and the potential to amalgamate those education service providers.

The member for Footscray raised a matter for the Minister for Skills, Education Services and Employment, who is also the Minister for Women's Affairs, in relation to TV advertisements and the use of gender-specific terms in those advertising campaigns.

The member for Narracan raised a matter for the attention of the Minister for Agriculture in relation to the nursery industry.

The member for Benambra raised a matter for the attention of the Minister for Roads and Ports in relation to licence reviews for Victorians suffering from epilepsy.

The member for Mitcham raised a matter for the Attorney-General in relation to assistance for victims of crime.

The member for Swan Hill raised a matter for the Minister for Agriculture in relation to a task force to further investigate issues of livestock theft. It is an important matter, and I am very confident that my esteemed colleague the Minister for Agriculture will give that the appropriate attention it obviously requires. I will forward those matters for the attention and action of the relevant ministers.

**The ACTING SPEAKER (Mr Nardella)** — Order! The house is now adjourned.

**House adjourned 4.42 p.m. until Tuesday, 19 June.**