PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

17 May 2005

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By authority of the Victorian Government Printer

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

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Tuesday, 17 May 2005

The PRESIDENT (Hon. M. M. Gould) took the chair at 2.02 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent on 10 May to:

Charities (Amendment) Act
Health (Compulsory Testing) Act
Land (Revocation of Reservations) Act
Mitcham-Frankston Project (Amendment) Act
Sentencing (Further Amendment) Act.

CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

LONG SERVICE LEAVE (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr GAVIN JENNINGS (Minister for Aged Care).

MAGISTRATES' COURT (JUDICIAL REGISTRARS AND COURT RULES) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

ASSISTANT CLERKS

Appointment

The PRESIDENT — Order! I advise the house that, pursuant to the Parliamentary Officers Act 1975, I have appointed Dr Stephen Carl Redenbach to the new position of Assistant Clerk — Procedure and Usher of the Black Rod, and Mr Andrew Young to the new position of Assistant Clerk — Committees. The appointments have been made following the recent restructure undertaken in the Department of the Legislative Council and also as a consequence of the retirement of the Usher of the Black Rod, Dr Ray Wright, on 27 May 2005. Both officers will take up their new appointments on 23 May 2005.

QUESTIONS WITHOUT NOTICE

Glen Eira: inquiry

Hon. J. A. VOGELS (Western) — I direct my question without notice to the Minister for Local Government, Ms Broad. The minister appointed a commissioner to conduct an inquiry into matters relating to the affairs and management of Glen Eira City Council. Since that appointment Glen Eira ALP councillor, Rachelle Sapir, has admitted in the *Caulfield Glen Eira Leader* to abusing her position at Centrelink to conduct an inappropriate search into the file of fellow councillor, Peter Goudge. I ask the minister if she intends to broaden the inquiry at Glen Eira following this revelation by Cr Sapir.

Ms BROAD (Minister for Local Government) — On the advice of my department and at the request of Glen Eira City Council I have appointed an inspector under the Local Government Act. That inspector is continuing his investigations. I look forward to receiving his report and dealing with that together with advice from my department in due course. I do not intend to say anything about that investigation whilst it is under way, and I do not think it is appropriate or helpful for MPs to be seeking to get involved in that investigation. I would urge members, because I know that there are members on the other side of the house who have been seeking to influence this investigation, to allow the inspector to conduct his investigation under the Local Government Act, to do his work unimpeded and to make his recommendation to me, which I will certainly deal with as soon as I receive it.

Supplementary question

Hon. J. A. VOGELS (Western) — I think the minister misunderstood the question. I have asked if the minister could broaden the inquiry which is now happening at Glen Eira City Council to include Cr Sapir's revelation that she has been snooping through Centrelink's files into another councillor's private affairs. Under the Local Government Act a person who has been a councillor must not make improper use of information acquired. I ask the minister how it is possible that a councillor who has admitted to

such impropriety can remain in a position of trust as a local government councillor. Is this because she is an ALP councillor?

Ms BROAD (Minister for Local Government) — I am advised that as part of the inspector's investigation he is interviewing all councillors. All councillors have every opportunity to put forward to him any information, evidence and allegations that they wish. I would urge that that be done as the proper process to be followed to allow the inspector to conduct his investigation and prepare his report.

Infrastructure: funding

Hon. S. M. NGUYEN (Melbourne West) — I direct my question to the Minister for Major Projects. Can the minister outline how the Bracks government remains committed to record levels of investment in vital state infrastructure in order to encourage opportunity and prosperity for all Victorians?

Mr LENDERS (Minister for Major Projects) — I thank Mr Nguyen for his question and his ongoing interest in building up the infrastructure of the state so that we can have vital infrastructure projects that will assist both with the creation of jobs so our economy will grow and with service delivery, which is of critical importance to the Bracks government in this state. Mr Nguyen asked about investment in infrastructure. I have great delight in informing the house that during the five years of the Bracks government — —

Hon. Andrea Coote — What has changed since last week?

Mr LENDERS — I take up the interjection of Mrs Coote about what has changed since last week. What has changed since last week is that this government has delivered its budget, which invests $3 billion in infrastructure, while the federal government — and the federal Treasurer, with whom she has chaired the electorate committee — welshed and squibbed yet again. That is what has changed in the last week. The Howard-Costello Sydney-centric federal government has yet again welshed on Victoria, has yet again not come forward with money for roads in Victoria as we would hope it would do and has yet again used GST revenue from this state to subsidise services and infrastructure in Queensland and the remote states.

What has the Bracks government done in Victoria? During our five years in government we have now spent $8.6 billion on the needed infrastructure compared — —

Honourable members interjecting.

The PRESIDENT — Order! There is enough interjection across the chamber from both sides. I ask honourable members to desist from interjecting and allow the minister to respond and allow Hansard to record his response.

Mr LENDERS — In contrast, the Kennett government, despite its much vaunted and unjustified reputation, spent $6.8 billion on infrastructure. On average this government has spent 26 per cent more, even though we have been in government for two years less than the Kennett government. We are doing more than $2 billion a year average on infrastructure, which is about double the rate of the Kennett government.

Hon. Andrea Coote — Where is it?

Mr LENDERS — Yet again I take up the interjection by the Deputy Leader of the Opposition, 'Where is it?'.

Hon. J. H. Eren — Kick them out!

The PRESIDENT — Order! Mr Eren will be thrown out if he speaks while the President is on her feet. I again ask honourable members to desist from interjecting, and I warn all members that if they continue to interject I will use sessional orders to remove them. I am sure members want to be here during question time, so I ask them to desist and show a bit of decorum.

Mr LENDERS — Where has the money been spent? It may be in areas as unique as the synchrotron, which brings in this relevant innovation of ensuring the best and brightest in this state remain in Australia. Many members of the house — I know Mr Hilton was there — were part of the 6000 Victorians who went to see the synchrotron. At the other end of the spectrum of the synchrotron, 3000 scientists are queuing to use this high-tech, fantastic, on-time, on-budget facility.

Honourable members interjecting.

The PRESIDENT — Order! Enough! I ask members to desist from interjecting. I especially ask members on my left, who seem to be the loudest at the moment, to desist from interjecting. I have already warned members; this is the third time. We are only up to the second question of the day, so please show each other a bit of respect, or I will use sessional orders.

Hon. Philip Davis — On a point of order, President, I believe the minister is misleading the house. He was

talking about the synchrotron being on time and on budget. That is clearly not the case.

The PRESIDENT — Order! That is a frivolous point of order. I do not uphold the point of order. I ask the minister to continue.

Mr LENDERS — I will happily inform the Leader of the Opposition at great length on another occasion about how the synchrotron is on time, on budget and bringing 3000 scientists in. Also our infrastructure program is not just about large great projects like the synchrotron. In regional Victoria, and in Mr Davis's own electorate, we have cattle underpasses going through. So we have the synchrotron at one end of the spectrum and cattle underpasses at the other end. Cattle underpasses let cows go underneath roads. They take congestion off the roads and make them safer. Unlike the Kennett government, this government is seriously putting money into infrastructure. It is for the economic and social development of the state. We are doing it on time and on budget while keeping a AAA credit rating. We are acting to make this state a better place for Victorians to bring up their families.

Aged care: Warracknabeal

Hon. DAVID KOCH (Western) — I direct my question without notice to the Minister for Aged Care, Mr Jennings. In 2002, 2003, 2004 and 2005 the Bracks government promised to fund upgrades to the Warracknabeal state-run nursing home. After the 2005–06 budget Warracknabeal has not received any funding allocation again. My question is: when will Warracknabeal receive funding?

Mr GAVIN JENNINGS (Minister for Aged Care) — I know Mr Koch represents a very large province. I am sure he gets around all of his province, as he gets around to asking his question eventually. It is a very good thing that he covers the interests of his community.

I am very happy to report to the house, including Mr Koch — who may be aware — and others, that the Warracknabeal redevelopment is part of a larger scale redevelopment of the entire hospital. The reason this project has been a little bit slower than other projects that I often talk about in the house is a delay in the total design and construction phase of the entire hospital precinct.

Honourable members interjecting.

Mr GAVIN JENNINGS — I might be being provoked in relation to the infrastructure delivery of the Bracks government in terms of its commitment to communities right throughout Victoria. Of course the people in Warracknabeal are a part of that commitment. I visited Rural North West Health and had a discussion with the board and the chief executive officer of that service about the whole redevelopment and reconfiguration of that service. In fact I spent a very pleasant afternoon at community cabinet with residents and staff of that service. I am acutely aware and have a mental picture of the deteriorating circumstances of the facility. I know it needs to be redeveloped at the earliest opportunity.

Hon. Andrea Coote — Why wasn't in the budget?

Mr GAVIN JENNINGS — It was not in the budget for the reason I have outlined and because there has been a scoping of the entire hospital precinct, which includes the hospital.

Honourable members interjecting.

Mr GAVIN JENNINGS — This is a bit rich. The opposition is complaining during the course of my answer and is not letting me talk about this redevelopment. The opposition has been completely uninterested when I have risen to my feet on any number of occasions to talk about the redevelopment of residential aged care right throughout the breadth of Victoria. I do this quite a bit and might do it again today.

In fact we have a significant commitment. In the outcomes of this budget we have committed to develop 39 residential aged care facilities throughout Victoria. We are committed to achieving the delivery of our construction programs during the life of this government. During the life of this government, we fully anticipate being able to commence the work of that important redevelopment in Warracknabeal, which will be consistent with our obligations in terms of meeting accreditation for 2008 and meeting our obligations to the good citizens of Warracknabeal and surrounds.

Supplementary question

Hon. DAVID KOCH (Western) — I thank the minister for his response. Clearly no indication has been given that the funding will be forthcoming and the amount will be forthcoming. If and when this funding is forthcoming, will it be sufficient to ensure that 2008 will gain accreditation for Warracknabeal?

Mr GAVIN JENNINGS (Minister for Aged Care) — Mr Koch should read the record of my first and substantive answer. Both elements of his

supplementary question were contained in my initial answer.

Austin Hospital and Mercy Hospital for Women: opening

Ms ARGONDIZZO (Templestowe) — My question is to the Minister for Major Projects, Mr Lenders. Can the minister outline to the house how the Bracks government is continuing its record investment in the state's infrastructure with the opening of Victoria's largest medical precinct in history?

Mr LENDERS (Minister for Major Projects) — I thank Ms Argondizzo for her question, firstly because of her extraordinary interest in this particular project in her electorate, and secondly because it gives me a chance to further respond to some of the great points raised earlier by Mr Nguyen in his comments.

Firstly the Austin and Mercy project is the largest medical infrastructure project under the Bracks government in the history of this state of Victoria. It is also part of $2 billion spent on medical infrastructure under this government, under the Premier and the stewardship of the Minister for Health in the other place — a great effort. We are rebuilding the infrastructure to deliver on this important social service. More so, this is being delivered not just as a great facility but is being delivered on time and on budget. It is a fantastic facility. Next Tuesday patients will come into the Austin, and on the weekend patients came into the Mercy. This government is delivering.

Hon. D. McL. Davis interjected.

Mr LENDERS — It is great to hear Mr David Davis interject. Come in spinner! Mind you, President, we are blessed on hearing Mr David Davis here as the UK House of Commons has two David Davises since the election! I guess they are luckier than we are — and they have a Philip Davis there as well!

Getting back to the hospital, the first promise of the Bracks government was to keep the Austin site in public ownership — and we have delivered on time and on budget with a great facility. Going through what it means, unlike the previous government we have stemmed the tide on the closure of hospitals, the slashing of nursing jobs and the slashing of hospital budgets that was the case and was what the previous government wanted to do in selling the Austin.

This infrastructure investment is more than just bricks and mortar in which the hospital's great medical staff can work. As part of that it will feature 400 acute beds. It will feature a 30-bed new intensive care unit. It will feature one of the state's largest adult emergency units and a specialist 6-bed facility for children.

Honourable members interjecting.

The PRESIDENT — Order! If Mr Forwood and Ms Mikakos want to have a conversation, they can leave the chamber now, but if they do not want to leave the chamber, I direct them to desist from interjecting and chatting across the chamber. This question was asked of the government, and I am sure government members are interested in the minister's answer.

Honourable members interjecting.

The PRESIDENT — Order! There is a member on my left within whose electorate this site falls, so I ask members on my left to desist from interjecting.

Mr LENDERS — This facility delivers vital medical infrastructure. As the Minister for Major Projects responsible for the build of this facility, I am delighted to be here today announcing it. But of course it also means that this investment in infrastructure enables the Bracks government to actually deal with its commitment to admitting an extra 40 000 patients into our hospitals and dealing with an extra 10 000 patients who are experiencing long-term waiting times in their treatment. They are the issues dealt with by my colleague the Minister for Health, but my responsibility as Minister for Major Projects is to build the infrastructure — I might say, with a lot of assistance from a very good department — so that we can deliver on these important social services.

We talk on this side of the house with great pride of making Victoria a better place to bring up families — this government is extremely serious about that — and what better way to make this state a better place to bring up families than to: firstly, build vital infrastructure; secondly, do it on time and on budget; thirdly, do it while reducing the debt this state has; fourthly, do it in a way that keeps a hospital in public ownership; and fifthly, do it in such a way that we take the services out to people. People in the north-eastern suburbs of Melbourne and in their hinterland now have state-of-the-art medical facilities. They are proud of them — 20 000 people walked through on opening day — and this government is proud of them. We have delivered to the north-east as we said we would.

Wind farms: local government rates

Hon. P. R. HALL (Gippsland) — My question is directed to the Minister for Local Government, Ms Broad. I refer the minister to the new local government rating arrangements for electricity

generators in which it is proposed that generators be charged a flat $40 000, plus $900 for each megawatt of electricity generated, with discounts for low production levels. With respect to the Toora wind farm, which has a nominal output of 21 megawatts but an actual output of just 7 megawatts — and that is calculated on the government's own figure of 35 per cent capacity — will that wind farm be rated on the 21 or the 7 megawatts of output?

Ms BROAD (Minister for Local Government) — I welcome the member's question about this important issue. Going back some time, as local government minister I put in place under the Local Government Act a panel to examine this matter of rating of energy generators, including wind farms. That panel went away and did a great deal of work and conducted consultations and received submissions. I would like to take this opportunity, since Mr Hall has asked his question, to place on record my thanks to the members of the panel who conducted that work and also to all of the organisations and individuals who made submissions to the panel.

The government has now adopted the recommendations of that panel and released both the panel's report and the government's response to it. That report did include, in terms of the methodology to be used in calculating the amount, that energy generators would pay under a set of arrangements that would take into account capacity and thresholds. I am not going to give a precise answer on the interpretation of that methodology as it applies to the Toora wind farm. I am more than happy to provide the member with a detailed answer as to how that methodology will be applied in that particular case, but it is in line with the panel's report in terms of how that will be applied.

Supplementary question

Hon. P. R. HALL (Gippsland) — First of all, I look forward to detailed consideration of that particular question. I am sure the minister will provide me with an answer in due course. With respect to that matter, by way of supplementary I ask: who will actually monitor and record the actual output of wind and other generators and convey that information to local councils so that they can strike the appropriate rate?

Ms BROAD (Minister for Local Government) — The reason that I am not going to go into a lot of detail on this is that there are a range of options open to councils and generators here, including striking agreements under the Local Government Act or reverting to the methodology which is being recommended by the panel under the Electricity Industry Act. How this will apply in each individual case will depend on the arrangements entered into between generators and councils.

In relation to establishing capacity which is generated, I am confident, based on the advice that the panel provided, that that will be a matter of fact that can be established — —

The PRESIDENT — Order! The minister's time has expired.

Kardinia Park: redevelopment

Ms CARBINES (Geelong) — My question is directed to the Minister for Sport and Recreation. I ask the minister to outline to the house how the Bracks government's infrastructure investment in Kardinia Park will produce both economic and social dividends in the Geelong region well into the future.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I welcome Ms Carbines's question and her particular interest in this project. This question could have been asked also by Mr Eren because the local members — Mr Eren, Ms Carbines and local members in the other chamber — have been comprehensively supportive of this project in the sense that when we made the election commitment in 2002 the local members were there standing behind the Premier.

The great thing about this project is that we made the commitment in 2002 going into the election and, funnily enough, I think the opposition might have been dragged screaming and kicking to make the same commitment going into the election.

Honourable members interjecting.

Hon. J. M. MADDEN — We have them now, screaming and kicking, making the same commitment. Do you know the difference, President? A number of years later we can claim that we delivered the project.

Honourable members interjecting.

Hon. J. M. MADDEN — We are continuing to deliver infrastructure in this state. What is fantastic about delivering infrastructure? It is fantastic because not only do we have a state-of-the-art facility but it will continue to generate economic activity in the Geelong region; not only that but it will continue to build a sense of pride in the Geelong community; not only that but it will continue to generate a sense of place in the Geelong community. But more importantly, it will continue to build a sense of community in Geelong.

How will that happen? It will happen because we will see the Geelong Football Club maintain its location there and continue its support of local businesses. The other thing that the opposition should be interested in is that we will see $10 million of economic activity generated in the Geelong community every year while that stadium is there.

Honourable members interjecting.

The PRESIDENT — Order! We are not at the football! We might be talking about it but we are not there, so I ask members to desist from yelling across the chamber and allow the minister to continue.

Hon. J. M. MADDEN — Thank you very much, President; I appreciate your assistance on the matter.

The $13.5 million commitment by this government came from two sources: the Regional Infrastructure Development Fund and the Community Support Fund. This will see a number of aspects in the facility: a new eastern stand with the capacity for 6000 seats; a sports house, with a 35-place office complex for sports administration and development for local community groups; a state-of-the-art gymnasium to be used by community sporting groups; a new function room for use by community groups and conferences; a new western entry to the ground; and a new public address system.

This is a win all round for the Geelong community. The local members down at Geelong did an extraordinary job in supporting the community to get this project together. I would like to congratulate the City of Greater Geelong which worked in collaboration and partnership on the project, the Geelong Football Club for its work on the project and the Australian Football League for its contribution. All round this is a tremendous outcome because it is a collaborative partnership that as a community we can all take pride in, delivered by the Bracks Labor government. What is great about that? Not only did we commit to it — we delivered it!

Gas: Silvan and Monbulk supply

Hon. A. P. OLEXANDER (Silvan) — I direct my question without notice today to the Minister for Energy Industries and Resources, the Honourable Theo Theophanous. The minister will be aware that significant areas of the Silvan and Monbulk townships have still not been connected to natural gas despite strong and continual representations from local business over at least the last five years. Does the Bracks government intend to connect these two towns to natural gas before the end of its second term in November 2006?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — I thank the member for his question, and I look forward to the time when the opposition asks me a question in relation to gas extensions and starts by congratulating the government on this program, which will deliver gas to — —

An honourable member — How many have been connected?

Hon. T. C. THEOPHANOUS — Which will deliver gas to more than 70 000 Victorians — —

Hon. Bill Forwood — Nil.

Hon. T. C. THEOPHANOUS — Mr Forwood, might say nil, but that is not what people in country Victoria are saying.

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — You might not care about the 29 towns in country Victoria that it has been announced will get natural gas. You obviously do not care that those towns have been announced and that in this place I have also announced the commencement of construction in a number of those towns as well.

This is an exciting project that is going to deliver not only the capacity for regional Victoria but 70 000 regional Victorians — not just one or two, not a hundred or a few hundred, but 70 000 regional Victorians — will be able to have natural gas in their homes. What does this mean? It means that these people, these regional Victorians, will for the first time be able to access gas at a rate which is far cheaper — probably by more than half — than the price they are paying for liquefied petroleum gas. They will get access to cheaper gas, but at the same time it will be better for the environment because it will mean people might change from using wood-fired heaters or electricity and instead start using gas directly for water and heating.

That will be good for the environment as well as being good for people in regional Victoria in terms of a reduction in their costs. Just work it out. If the average Victorian is saving about $600, between $600 and $1200 a year, on their bills, you can work out how much they are saving. Multiply it out if you like, 70 000 by $600, and you can see how many millions of dollars are going to be saved by ordinary Victorians in country Victoria every single year. That means more money in people's pockets, and it means greater prosperity.

We have announced the 29 towns. We have announced the beginning of construction in many of those towns. I have said in the past in relation to those places that may not have won through in the first round that we do have alternative proposals we are looking at, including whether it is possible to use other alternatives like locally provided natural gas.

The PRESIDENT — Order! The minister's time has expired.

Supplementary question

Hon. A. P. OLEXANDER (Silvan) — I thank the minister for his answer, but I note with some disappointment that he has not actually addressed the situation facing the two townships of Silvan and Monbulk, which is the substance of my question. By way of a supplementary question I ask the minister: will he update the house as to the progress of the meetings being chaired by the member for Monbulk in the other place between the government, gas distributor Multinet and the Shire of Yarra Ranges to resolve the issue of gas connection to Silvan and Monbulk?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — President, it is interesting that the only members who are actually interested in their local areas are those such as the Labor member who was mentioned in Mr Olexander's question and who is at least having meetings. I make a point to the member because he has asked the question: we have a two-pronged strategy. One strategy is to try and get as many towns as we can connected through natural gas. The second strategy is that in towns that we think might miss out, Regional Development Victoria has commissioned a study to identify viable alternatives to the delivery of natural gas to these communities — alternatives such as liquid natural gas and — —

The PRESIDENT — Order! The minister's time has expired!

Aged care: rural and regional Victoria

Hon. R. G. MITCHELL (Central Highlands) — My question is to the Minister for Aged Care. Can the minister advise the house of the response to the continuing investment in residential aged care infrastructure in regional Victoria by the Bracks government, outlined in this year's budget?

Mr GAVIN JENNINGS (Minister for Aged Care) — I thank Mr Mitchell for his question because I know that he shares the commitment of many members of the government, and hopefully members of the opposition and members of the community, about the provision of high-quality residential aged care to older members of the Victorian community. I know for a fact that Mr Mitchell is committed to those outcomes because he joined me at the very important opening of a new facility in Eildon last week — the Darlingford Upper Goulburn Nursing Home. It was something that had been promised and was delivered during the life of the Bracks government. He also joined me at another event in Seymour when we kicked off the redevelopment of Barribal House, again repeating our commitment in previous budgets to provide residential aged care.

Members of this house may have heard me talk about previous budgets and about the $217 million that the Bracks government had committed during its term in office to redeveloping 34 facilities throughout Victoria. Indeed Mr Lenders has said to me in recent times that he remembers those numbers implicitly — he might have heard them once or twice! They were $217 million for 34 residential aged care facilities. Mr Lenders should forget those numbers because in fact as a result of the recent budget we are now committing a total of $258 million to the redevelopment of 39 facilities throughout Victoria. Mr Lenders should note that those are the new numbers. They are an important commitment by the Bracks government to quality infrastructure.

'Infrastructure' is a word that is bandied around a lot. It is a word that is sometimes devalued because it is a buzz word, but what it means in this context for residential aged care is quality facilities that are provided throughout many communities right across regional Victoria in particular. One hundred and sixty three of the public sector residential aged care facilities are in rural and regional Victoria, which is a very important Bracks government commitment. We are redeveloping those facilities to provide for quality care.

Last week, after the recent budget announcements, I travelled with the member for Ripon in the other place to make two important announcements. The first was about the new John Pickford House in Ararat, which is a $7.5 million commitment by the Bracks government to 45 high care places within the Ararat community. It is something that has been well received by the community. The *Ararat Advertiser* indicated that it is a quality facility of which it can be proud.

We then travelled to Skipton to announce the new $5 million redevelopment of a high-quality residential aged care facility, with 11 high-care beds, 9 low-care beds and 6 acute beds in the hospital redevelopment which will be integrated with the community health service. Skipton has a very small community, and I was

very proud to be part of the announcement of that new facility, because our government believes it is important to provide those quality services in communities where they need that care.

I draw to the attention of the house the intervention of Lil Gardener, a resident of that facility. She is 90 years old and spontaneously joined me at that event. We spent quite a bit of time discussing the value of the service as it stands and the potential for a high-quality service. Lil Gardener is 90 years old and an active, vibrant member of her community. She lives in residential aged care in Skipton with a 99-year-old on one side and a 102-year-old on the other, all living a happy life in residential aged care. I was very happy to join the residents in the sunroom of their aged care facility to announce this new facility. The Bracks government provides services to all the Lil Gardeners out there in their local communities in all the towns throughout Victoria so they can live long and happy lives.

Major Projects Victoria: staff

Hon. PHILIP DAVIS (Gippsland) — I direct my question without notice to the Minister for Major Projects, or perhaps the Minister for Cattle Underpasses and Other Major Projects. Staffing levels at Major Projects Victoria have increased from 17 in 1999 to 85 in November 2004 — an increase of 400 per cent in four years. Conversely in the same period the number of projects being managed by Major Projects Victoria decreased. I therefore ask: what role do the extra employees perform with a decreased workload?

Mr LENDERS (Minister for Major Projects) — How soon opposition members forget why they are on the opposition benches. The Leader of the Opposition opened his question with a mocking comment about cattle underpasses. I would remind him of his esteemed former party leader's faux pas about the toenails of Victoria, and warn him not to mock the work of cattle underpasses, which every member in regional electorates would know is making a significant difference. The Regional Infrastructure Development Fund — initiated under the Bracks government by the Minister for State and Regional Development in the other place, the Honourable John Brumby — began the funding of these projects.

However, moving beyond the general concept of major projects and onto the specifics of what Major Projects Victoria does, as I said in response to the question from Mr Nguyen in this house this afternoon about the Bracks government's big infrastructure spend, which is large and complex, this government has expanded the work of Major Projects Victoria to deal with very complex operations. The Leader of the Opposition mocks the synchrotron but it is a project which will bring to Melbourne 3000 scientists looking for work. This project is the first of this magnitude in the southern hemisphere. This project which will bring in the best and the brightest is also a complex project. The Leader of the Opposition asks why Major Projects Victoria needs to engage a lot of staff to manage a project the size of the synchrotron. The answer is because it is complex. The answer is this government wants to get it right. We want to be on time and on budget, and we want to get our specifications right.

The previous government might have built grandiose projects like Federation Square, which ran 400 per cent over budget, but this government wants to get its synchrotron spending right by having the right scientists in the team, whether they be local or international, to go through those complex stages. Similarly, we have the Austin and Mercy project, which I have spoken about today in response to Ms Argondizzo. It is a very complex project; the Austin alone deals with three or four campuses of a medical facility, let alone adding the Mercy, let alone adding the complexities of the facilities, whether they be generators, kitchens or the like. We want to get it right so we do not have projects like Federation Square which run $300 million over budget. Therefore, we are engaging the right people in major projects to deal with the macro policies and the management of the individual projects under that portfolio.

The Leader of the Opposition asks why we have expanded Major Projects Victoria, and the answer is simple: because we are building more projects and we are putting more money into them. We are working through complex projects. The synchrotron is the obvious one which is very complex. We will keep it on time and on budget because we will put the right people on it at the right time.

Just for completeness, the only way we can deliver the six gates of gateways is by hiring good people to do the work at the start of the projects so that the strategic assessment is correct, unlike at Federation Square; so that the business case is correct, unlike at Federation Square; so that the procurement strategy is correct, or that in fact we have one, unlike at Federation Square; so that the tender decision is correct; so that a readiness for service is in place, and so that the benefits of valuation are in place. To do the right work and to keep it on time and on budget, to build our infrastructure we have a good major projects unit, and I am very proud of it.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — On a supplementary question, I note for the record that it was the Honourables Bill Baxter and Geoff Craige in the Kennett government who put in place a cattle underpass project. However, I note from the minister's answer that Major Projects Victoria is today managing less projects than it was in 1999 and that while staff numbers have increased significantly, MPV is still responsible for exactly the same role — that is, project implementation, delivery tasks, project development and feasibility functions. Therefore I ask: what additional activity would justify a 400 per cent increase in staffing levels in four years?

Mr LENDERS (Minister for Major Projects) — The Leader of the Opposition is trying very hard but if he does not selectively quote from budget documents, even the Leader of the Opposition will note that Major Projects Victoria is now part of more than $12 billion worth of projects — an all-time record. They are complex projects. As we go through the gateways process on all these projects we are far more likely to have them on time and on budget than any previous government, particularly the Kennett government which to its disgrace did not deliver projects on time and on budget, particularly Federation Square. While I welcome any role Mr Baxter played in cattle underpasses — and we would be delighted for Mr Baxter to assist us with further cattle underpasses — the difference between the Bracks government and the Kennett government is we have actually put the money in and we are building them. We have the Regional Infrastructure Development Fund putting money into these cattle underpasses so our regional communities, which are not the toenails of the state but the heart of the state, can have these projects in place.

Energy: government initiatives

Hon. J. G. HILTON (Western Port) — My question is to the Minister for Energy Industries and Resources. Can the minister advise the house of outcomes from recent meetings he has had with energy companies in the Latrobe Valley about the Bracks government's infrastructure funding for new clean coal technology through the energy technology and innovation strategy?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — I am very pleased to answer this question from the honourable member, who I know has an interest in the future of our state and our country in relation to our greenhouse obligations and clean coal technology. Following the announcement in the budget of the approximately $106 million that has been set aside by this government in relation to the energy technology and innovation strategy, I visited the Latrobe Valley and met with HRL and Monash Energy, which members might be aware took over from APEL. These companies were successful tenderers under the brown coal tender process. I also met with the Latrobe City Council. The response to this initiative in the Latrobe Valley was overwhelming. This region experienced years of neglect under the previous government. The previous government came in and simply privatised the electricity industry but made no effort whatsoever — —

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — Mr Hall was a part of that. It simply privatised the electricity industry but made no allowance whatsoever for the future of the Latrobe Valley — none at all.

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — I do not know if Mr Forwood has had a look at the *Latrobe Valley Express*. He is the shadow minister! It says the race is on for power companies keen to develop new plant. It says the Premier is a fan of brown coal, and he is a fan of clean brown coal. The difference between us and the previous government is that we are prepared to put real money into trying to develop these new technologies. It says:

> Company looks at carbon storage.
>
> HRL plan for demo plant.

These are all developments in the Latrobe Valley, and they have come about because this government decided it has a vision which includes a future for the Latrobe Valley. We are a government that cares about the development of the valley and finding new technologies that will allow us to use coal in the valley in a way that is better for the environment than we have been able to in the past. But it would not happen — and everyone knew it would not happen — unless you put real money into demonstration plants that are going to prove up that technology.

That is why we have allocated this very substantial amount of money — up to $106 million — to develop brown coal technology. It is the greatest level of investment since the privatisation process occurred in the Latrobe Valley — and it has occurred under a Labor government — looking for a future not only for the valley but for all of us to have a cleaner environment in

which we are able to meet our obligations to the international community and look our children in the eye and say to them, 'We are leaving you with an appropriate future from the point of view of the environment'.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Major Projects) — I have answers to the following questions on notice: 3605, 3613, 4032, 4034, 4035, 4037, 4038, 4040, 4041, 4344, 4712, 4727.

MEMBERS STATEMENTS

Timber industry: East Gippsland

Hon. PHILIP DAVIS (Gippsland) — I raise for the attention of the house the impact of government policy in relation to the devastation of small country communities. In particular, I refer to the government's policy and attitude toward the timber industry in this state and the most recent announcement coming from Hallmark Oaks which is the sole sawmill operation in Cann River — if you like, the remaining bastion of the timber industry in far East Gippsland. It announced that as a result of an increase in pricing of the royalty charges for sawlogs and reduction in resource availability as a result of government policy, that business is now on the market and the risk is that if no buyer is found, the business will close.

There are 35 people directly employed by the company, about 20 of whom occupy company housing. I understand that there will be an obvious reduction in the opportunity for the spouses of those employees to be employed in the local community, if they have to leave the area. This is a devastating blow for a small community in far East Gippsland and to a major employer in that town.

Budget: local government

Hon. S. M. NGUYEN (Melbourne West) — A member for Western Province, the Honourable John Vogels, has again gone into head-kicking mode on local government. This time he criticises the Municipal Association of Victoria on its response to the recent Bracks government budget. The MAV is the legislated peak body for local government here in Victoria. It does a wonderful job of representing 79 councils in our state. Mr Vogels, however, has decided that a positive comment from the MAV about the recent state budget is not good governance and has found the need to chastise it. He would, of course, have praised it to anyone willing to listen on what a good organisation it is if it had spoken against the budget.

I wish to congratulate the MAV on its efforts on behalf of local government because it is not easy to represent 79 councils of varying backgrounds such as metropolitan, interface, regional and, of course, rural. I ask Mr Vogels as the shadow Minister for Local Government to set aside his attempt at political point scoring and show support for the MAV.

Road safety: hoons

Hon. ANDREA COOTE (Monash) — I refer to a safety blitz which took place on Thursday, Friday and Saturday of last week in my electorate. It took place in Chapel Street, between Cato Street and Dandenong Road. It caught 50 drink-drivers and 67 speeding drivers, and it detected 90 unroadworthy cars. I congratulate the Stonnington City Council, the local police and the government on taking this initiative. It is certainly a positive step in the right direction.

The incidence of hoons travelling along Chapel Street has been well documented, and it has been a major concern to the residents and the traders for a significant time. In fact the Stonnington City Council now considers the area to be an occupational health and safety issue for parking attendants who now refuse to survey the area, and it proves that this is a growing problem which will just not go away.

Since 2003 the Bracks government has made promises to improve safety in the area, and in 2003 the much talked of inner city entertainment precincts task force, chaired by the member for Prahran in the other place, Tony Lupton, was created. It is now almost the middle of 2005 and after much discussion, many press releases, spin and delays we are just starting to see some limited action. I ask Tony Lupton to stop promising and start delivering on the long list of promises he has made for the area of Chapel Street so that its traders can continue to trade effectively and profitably from year to year and — —

The PRESIDENT — Order! The member's time has expired.

Federal budget: social equity

Hon. J. G. HILTON (Western Port) — Last week the conservative coalition brought down the 2005–06 budget. It was a typical conservative Howard-Costello production. It rewarded you if you were rich and punished you if you were poor and/or disadvantaged. It

has been said that a society should be judged on how it treats the most disadvantaged members of that society, and on this criterion the society created by the Howard-Costello team since they came to power is a very poor society indeed. It is fortunate that we have in all states and territories across Australia Labor governments that understand that the wealth of a country should be distributed to assist all members of that society, and particularly the disadvantaged, rather than go to those who already have enough resources. The Howard-Costello budget should be condemned for what it is — a small-minded, selfish and ultimately cynical document.

Monash Freeway: congestion

Hon. R. H. BOWDEN (South Eastern) — Last Friday at about 6.15 a.m. I was driving my car in Dandenong on the Monash Freeway, so called — being winter it is quite dark at that time in the Dandenong area, as it is in most parts of Victoria — and I have to say that of a morning the Monash is no longer a freeway on its inbound lanes but a slow-moving, multilane mess, particularly between Dandenong and Warrigal Road.

Since over a long period of time the state government has shown no interest at a state government level, ministry or VicRoads management level, it is about time we continued to remind the people of Victoria that the state government is not interested in improving the Monash. I saw a very interesting contribution recently from a gentleman in Mount Waverley, I believe, in the form of a letter to the editor of one of the major newspapers. He came up with a very novel and respectable idea. He asked why, since it is no longer a freeway but a slow-moving, shuffling parking lot, we do not put in picnic stops and public conveniences. They are needed because it sometimes takes an hour or more to go from the city to Dandenong. Instead of our putting up with this lack of action, maybe VicRoads could look at putting some public conveniences on the Monash Freeway because it is not making any other improvements to it.

Aluminium industry: greenhouse emissions

Mr SMITH (Chelsea) — I rise to congratulate the aluminium industry in Australia. This industry is a key industry in the Australian economy, having earnings of $8 billion annually and employing over 17 000 workers, principally in rural Australia. The industry has just announced a 46 per cent reduction in direct emissions per unit of production since 1990, and at the same time there has been a 22.5 per cent reduction in greenhouse emissions. This is great news for our environment and also for the pressure that Australia has been put under by the Kyoto protocol.

Again I congratulate the aluminium industry, and the Point Henry and Portland smelters in particular, which have been resolute in doing whatever they possibly can to improve the environment in their localities. I am aware that they were put under a lot of pressure years ago by, shall we say, the more extreme operators in the environmental movement, but the industry has now laid that to rest. The industry claims that in approximately 20 years time they will reduce emissions to a point where they will be environmentally positive. Again I congratulate the aluminium industry of Australia.

Budget: roads

Hon. E. G. STONEY (Central Highlands) — I have a letter from Pat and Tes Forrest of Barjarg, which says:

> Tes and I agree with your and Bill Sykes's disappointment with the lack of roads funding provided in last week's state budget.
>
> It is alarming the way our country roads are deteriorating.
>
> However, there seems to be plenty of funds available for non-essential projects … A few weeks ago it was stated $30 000 has been given to the Mansfield shire to put on some celebration while the Commonwealth Games are on. How much has been given to other shires?
>
> We have just received an information bulletin, April–May 2005, re the $60 million Lake Mokoan decommissioning project. It is a ridiculous project and unnecessary. The people are all opposed to the decommissioning of Lake Mokoan.
>
> There would be funds for roads if our taxes were used wisely.
>
> We are concerned Victorian ratepayers

I agree with the Forrests. The budget did nothing for roads and bridges. There is massive cost shifting to small rural councils, and the state government does not see that councils simply cannot keep up local road and bridge construction.

Detention centres: Australian citizens

Hon. H. E. BUCKINGHAM (Koonung) — Early in May the Federal Court and Justice Paul Finn condemned the Australian government for failing in its duty of care to severely depressed Iranian detainees held at the Baxter detention centre. I also believe the Australian government has failed miserably in its duty of care, as over 80 children still remain in detention centres. The Palmer inquiry, established to look into the wrongful detention of Cornelia Rau, is not a public inquiry, although its findings will be. This is shameful. What has the Australian government to hide? Perhaps

the wrongful deportation of an Australian citizen. I quote:

> What kind of country do these actions belong to? Is it a democracy? Is it one where the rule of law prevails or are such actions the hallmark of a tyranny?

They are not my words but the words of Australia's 22nd Prime Minister, Malcolm Fraser, commenting on the wrongful deportation of Vivian Alvarez Solon.

The Australian government must abandon its inhumane policy of indefinite mandatory detention, and those now in detention should be released while their cases are assessed. The government must address the obvious inadequacies of its policies and its department's handling of them that have allowed the wrongful detention of an Australian citizen and the even more shameful deportation of an Australian citizen.

Supreme Court: Wodonga

Hon. W. R. BAXTER (North Eastern) — I want to express my lack of confidence in the Attorney-General of this state, Mr Hulls, and strongly condemn his administration for its failure to properly gazette the new court in Wodonga as a Supreme Court, which has led to the postponement of a murder trial that was to start yesterday at great cost and stress to the participants on all sides. The failure has put in doubt verdicts delivered in the court since it opened a couple of years ago. No-one knows whether there will have to be retrials and whether those verdicts are valid or not.

It seems to me the minister is very good at spin and bluster but not very good at running a tight ship, when these sorts of housekeeping measures are overlooked. I could not agree more with today's editorial in the *Border Mail,* which says:

> This sad and sorry shambles demands a full and transparent investigation.
>
> Someone has to be held responsible, and why not start at the top?

I could not agree more with the sentiments expressed in that editorial. This Attorney-General is a failure, and he should go.

Lynn Murrell

Ms ROMANES (Melbourne) — The Victorian Local Governance Association's May *VLGA News* features deer farmer and former Portland councillor Lynn Murrell and his marathon three-and-a-half month walk along all of Victoria's coastline. I would like to congratulate Lynn Murrell on his completion of his Walk the Talk, as he called it, and the way he has used his walk to engage coastal communities and councils in grappling with a range of ideas about how best to protect the coastal environment. He is full of praise for the work of many coast care or friends groups along the coast of our state, who are assisting with tasks such as revegetation or clearing of rubbish. In Lynn's view:

> … the coast is Victoria's greatest asset, and it is important that all Victorians and visitors from interstate and overseas contribute to its management.

Drawing on this experience of his walk, Lynn puts the view that the coast could be used for extended walking trails and that in areas where coastal land is privately owned to the high watermark — currently 4 per cent of the coastline — this impediment to walkers could be overcome by adopting the English system of public right of way. Thank you, Lynn Murrell, for putting coastal management high on the agenda of governments and local communities.

Payroll tax: football umpires

Hon. B. N. ATKINSON (Koonung) — I wish to raise a matter with regard to the Eastern Football League and the imposition of payroll tax in respect of umpires by the State Revenue Office (SRO). The Australian Taxation Office does not levy income tax on umpires, recognising their contribution to voluntary sport. Indeed the state government should not be trying to get payroll tax from the Eastern Football League either, given that it is the clubs which collect the fees from players to pay the umpires at each match. They are simply remitting that funding to the umpires via the Eastern Football League to ensure that the umpires get paid. The Eastern Football League has had an appeal against the ruling of the State Revenue Office, a ridiculous ruling which has been running since June 2004.

The government did nothing about it until I issued a press release in February. Then it suddenly jumped to attention. Now I am told that in fact the SRO intends that the matter go before a tribunal for a formal ruling. The problem with that is it is going to involve the Eastern Football League. There will be a considerable amount of expense on consultants and solicitors to defend a position that ought to have been resolved by the Minister for Sport and Recreation had he just been prepared to meet with the Eastern Football League. But he refuses to meet with anybody from any of the constituent leagues and prefers only to meet with the Victorian Football League itself. That is a ridiculous position. It ought not to be done and I call on the minister — —

The PRESIDENT — Order! The member's time has expired.

Keith Warren

Hon. B. W. BISHOP (North Western) — On Friday, 22 April, we celebrated the life of Keith Warren, who farmed at Beulah in the southern Mallee. It was perhaps fitting that Keith died returning home from a Southern Mallee District Council meeting of the Victorian Farmers Federation. It was an organisation he devoted many years of his life to and where his financial skills were recognised as a treasurer of the grains group. His financial skills were also recognised in the Uniting Church both locally and at the synod level.

Keith's real love was the grain storage and handling system. He spent many years as secretary of the Marmalake silo zone committee before joining the Grain Elevators Board of Victoria. It is fair to say this was the pinnacle of Keith's career. He approached the job with great enthusiasm as he was really in his element and he applied the same principles he stood by — honesty and fair play. He was a great communicator at growers meetings saying it as it really was and painting a picture of the future. He brought a grower's voice to the board table and could mix it with the best of them in the grain industry. He was appropriately recognised by having a new grain ship loading pier in Geelong named after him — the K. V. Warren Pier — of which he was really proud. There is a photo that recognises that hanging in the Beulah business and information centre.

Keith was a great advocate of growers. He never sought personal rewards or the kudos he richly deserved. He will be long remembered and respected for his lifelong contribution to the grain industry.

Melbourne University: forest campus graduates

Ms HADDEN (Ballarat) — Last Saturday, 14 May, I was very pleased to be invited to attend the graduation ceremony of the advanced diploma in forestry management at the School of Forest and Ecosystem Science campus of the University of Melbourne in Creswick. The welcome and opening address was given by the acting head of school, Associate Professor Michael Tausz, who spoke of the new school, which formally opened in July 2004, as one of continuing excellence and research in ecosystems, forestry, food and land resources, and which builds on the Creswick school of forestry campus which commenced in 1908. He also spoke of the need for certainty and quality in qualifications, with the most important thing being personal achievement and professional development.

Congratulations to the 23 graduates of the advanced diploma in forestry management and the 13 recipients of the dean's honours list award for 2004. Again, the industry was highly supportive with its student awards: the ninth Willmott Forest award for the highest part-time achievement and the Hancock plantations award for academic achievement went to Paul Childs; the Husqvarna award went to Martin Miloshev; the Department of Sustainability and Environment prize in silviculture went to Ivan Everett; and the New South Wales Forests award went to David Smith. Mark Toohey gave an inspiring response on behalf of the graduating class showcasing how the advanced diploma had expanded the student mind beyond all expectations and had challenged the best of them, and how the phrase 'scientifically sound and environmentally sustainable' had now taken on new meaning, whilst they had all made lifelong friendships and had had an unforgettable experience in Creswick.

PETITION

Sewerage: Peterborough

Hon. J. A. VOGELS (Western) presented petition from certain citizens of Victoria praying for immediate intervention and action by the state government to ensure that Peterborough is included in the $30 million allocated for protecting the environment and is awarded no less than what is being offered to other small town sewerage projects throughout Victoria (120 signatures).

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Regulation review 2004

Ms ARGONDIZZO (Templestowe) presented review on regulations, together with appendices.

Laid on table.

Ordered that report be printed.

Alert Digest No. 6

Ms ARGONDIZZO (Templestowe) presented *Alert Digest* No. 6 of 2005 together with appendices.

Laid on table.

Ordered to be printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Budget estimates 2004–05

The Clerk, pursuant to the Parliamentary Committees Act, presented government response.

OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE

Sustainable urban design for new communities

The Clerk, pursuant to the Parliamentary Committees Act, presented government response.

PAPERS

Laid on table by Clerk:

Commonwealth Games Arrangements Act 2001 — Commonwealth Games Venue and Project Orders, pursuant to section 18 of the Act.

Northern Victoria Fresh Tomato Industry Development Committee — Minister's report of receipt of the 2003–04 report.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Banyule Planning Scheme — Amendment C35.

Bass Coast Planning Scheme — Amendment C28.

Benalla Planning Scheme — Amendment C12.

Casey Planning Scheme — Amendment C58.

Hepburn Planning Scheme — Amendment C19.

Hume Planning Scheme — Amendment C58.

Kingston Planning Scheme — Amendment C49.

Latrobe Planning Scheme — Amendment C28.

Maroondah Planning Scheme — Amendment C43.

Mount Alexander Planning Scheme — Amendment C28.

Moyne Planning Scheme — Amendment C8.

Shepparton — Greater Shepparton Planning Scheme — Amendments C34 and C60.

South Gippsland Planning Scheme — Amendment C20.

Stonnington Planning Scheme — Amendment C18.

Yarra Ranges Planning Scheme — Amendments C38 and C50.

Statutory Rules under the following Acts of Parliament —

Casino Control Act 1991 — No. 21.

Fair Trading Act 1999 — No. 23.

Parliamentary Committees Act 2003 — No. 25.

Parliamentary Salaries and Superannuation Act 1968 — Interpretation of Legislation Act 1984 — No. 24.

Racing Act 1958 — No. 20.

Subordinate Legislation Act 1994 — No. 26.

Transport Act 1983 — No. 19.

Subordinate Legislation Act 1994 —

Ministers' exception certificate under section 8(4) in respect of Statutory Rule No. 26.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 19, 20, 24, and 25.

Victorian Environmental Assessment Council Act 2001 — Minister's request for the Environmental Assessment Council to investigate the Riverine Red Gum Forests, pursuant to section 16(1) of the Act.

Proclamations of the Governor in Council fixing operative dates in respect of the following Acts:

Architects (Amendment) Act 2004 — Whole Act — 14 June 2005 *(Gazette No. G18, 5 May 2005)*

Building (Amendment) Act 2004 — Remaining Provisions — 14 June 2005 — *(Gazette No. G18, 5 May 2005).*

Retirement Villages (Amendment) Act 2005 — Sections 1 to 5, 6(1), 9, 11, 13, 15 and 17 to 24 — 23 May 2005 *(Gazette No. 19, 12 May 2005)*.

JUSTICE LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed from 3 May; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. C. A. STRONG (Higinbotham) — I rise to speak on this relatively small bill, the Justice Legislation (Amendment) Bill. In many ways it could be seen as being non-controversial. Clearly two of the three basic areas covered by the bill are non-controversial, but there is one particular area with

which the opposition takes very significant exception. seeing it as a further attack on the separation of powers. On the basis of those particular provisions we intend to oppose the bill.

I think it is unfortunate that we have to oppose the other sections of the bill on the basis of this third area, which I will expand on in due course. I would also like to put on the record that in the other place the opposition told the Attorney-General it would be happy to have the bill split so that it could support the first two provisions, with which it has no problem at all, so the bill would pass with the full support of the house, but that offer was refused. Therefore, the opposition in this house has no alternative but to oppose the bill.

The two areas the bill covers and which are supported are: firstly, amendments to the Legal Aid Act to facilitate Legal Aid Victoria's use of alternative dispute resolution programs; and secondly, the amendment of the Summer Time Act 1972 and the Supreme Court Act 1986 to switch from Greenwich Mean Time to what is called coordinated universal time — and I will come to what that is in due course. This switch to coordinated universal time is part of a change that is happening across the world as part of national agreements. Consequently the opposition does not have any problem with that provision.

The third basic set of provisions deals with the tabling of the Victorian Law Reform Commission's reports when Parliament is in recess. The tabling of the reports will be at the discretion of the Attorney-General. We see significant problems with that, which I will allude to when I come to deal with that section of the bill.

Again we have a small but fairly difficult bill which has two issues of very little consequence wrapped up with one nasty issue, which means, as I said earlier, we will be opposing the bill.

The first issue is that of legal aid and the ability of Legal Aid Victoria (LAV) to use alternative dispute resolution procedures. It needs to be said that there is significantly more spin than substance in these provisions. The opposition has no problems with these provisions, but I need to point out that there is nothing new in this. Currently LAV uses alternative dispute resolution programs, so it is nothing new. Again we have noticed, as we have with many of the bills brought in by the Attorney-General, a fair bit of hoopla about things that are currently taking place and are accepted practice but which are then legislated with a great deal of drum beating and tub thumping as major advancements in the legal profession and how legal cases are dealt with.

All that is being done is for current practices and procedures to be enshrined in legislation, and that is exactly what is in this bill. These alternative dispute resolution procedures, which we support, are already being used by LAV. I understand that they are known as round table dispute management services and are now being put in place by this bill with a whole series of amendments.

As we were advised in our briefing, these amendments simply legislate existing practices. I will quickly run through some of the issues that are covered. The provisions of the bill allow for alternative dispute resolution to be delivered by persons other than those of a legal background — so we can have social workers and so on delivering these programs for LAV. It enables LAV to provide these programs, either in house or by engaging consultants or experts in dispute resolutions. It allows LAV to provide these programs regardless of whether the applicant is successful in being granted legal aid. In other words, Legal Aid Victoria can provide these programs to people other than recipients of legal aid. To put it another way, they can contract for this service.

The bill provides for the confidentiality of the program. It also provides that issues raised in alternative dispute resolution processes cannot be used in the court — that is, they will be inadmissible. It also covers freedom of information issues that might otherwise be breached by such programs. It also documents that the evidence arising from an alternative dispute resolution will be inadmissible in legal proceedings in any court. It provides a statutory immunity for the chairperson or whoever is presiding over any alternative dispute resolution round table.

As I said, the opposition has no problems with any of these provisions. We are on the record as being favourably disposed to the whole concept of alternative dispute resolution programs. I simply again make the point that these things are already done by Legal Aid Victoria. Although it is probably neat and tidy to put them into legislation it certainly does not change anything in how the courts deal with these issues.

The second major series of changes deals with the question of time. Of course in this day and age in any legislation, in any court or in any proceedings, time — knowing what is the time and having time appropriately defined — is incredibly important. As I said in my opening remarks, there is a movement away from Greenwich Mean Time (GMT) and to replace it with coordinated universal time. This is part of an international process and a national process, and we support that.

I thought it may be interesting for members and may assist their understanding if I put on the record a little bit about coordinated universal time versus Greenwich Mean Time. I must say that in the briefings the opposition had on the bill the briefers did not know or did not seem to have much of an idea of what coordinated universal time is. It is an interesting and appropriate concept, and it is something that as members of this place we should probably be informed of, so I intend to run through a brief explanation of what it is.

I am largely indebted to the work of one Richard B. Langley of the Geodetic Research Laboratory of the University of New Brunswick in Canada for one of the best explanations of coordinated universal time and Greenwich Mean Time, and I will quote from it. In brief the key issues are — and I think we need to go back to Greenwich Mean Time:

> Greenwich Mean Time is a time scale based on the apparent motion of the 'mean' —

and 'mean' is the key issue here —

> sun —

which represents a —

> meridian through the Old Greenwich Observatory (zero degrees longitude). The 'mean' sun is used because time based on the actual or true apparent motion of the sun doesn't —

move —

> at a constant rate. The earth's orbit —

as I think we all know —

> is slightly eccentric and the plane of the earth's orbit is inclined with respect to the equator (about 23½ degrees) —

hence the difference. It continues:

> So if the mean (i.e. corrected) sun is directly over the meridian through Greenwich, it is exactly 12 noon GMT or 12.00 GMT …
>
> In 1928, the International Astronomical Union recommended that the time used in the compilation of astronomical almanacs, essentially GMT, or what was also sometimes called Greenwich civil time, be —

altered to universal time (UT). So we can see that the concept of universal time came into being in 1928, and it has taken the international community and us quite some time to adopt it.

In his explanation of what universal time is the expert goes on to highlight that there are in fact several variants of universal time which are affected by the rotation of the earth. As I mentioned before, it states that there are factors related to the angular orientation of the earth in space. Also the earth does not spin at exactly a constant rate. Therefore UT is:

> … not a uniform time scale …

The variations are also impacted by what is described as:

> … seasonal oscillations due primarily to the exchange of angular momentum between the atmosphere and the solid earth and seasonal tides. In an effort to derive a more uniform time scale, scientists established UT2 —

or universal time 2. The explanation goes on:

> UT2 is obtained from UT1 —

the old original universal time —

> by applying an adopted formula that approximates the seasonal oscillations in the earth's rotation.

As we can see, after the move from Greenwich Mean Time to universal time, which was still not quite correct, we have the move to universal time 2. The explanation of coordinated universal time goes on to say that due to the fact that:

> … the earth's spin is continually but gradually slowing down), high frequency tides and winds, and the exchange of angular momentum between the earth's core and its shell —

UT2 is also not a uniform time scale. It continues:

> So rather than base our civil time keeping on the rotation of the earth we now use —

in coordinated universal time an atomic clock or —

> atomic time, time based on the extremely constant frequency of a radio emission from caesium atoms when they change between two particular energy states. The unit of atomic time is the atomic second …

It goes on, and you would be surprised to know that:

> Eighty-six thousand four hundred atomic seconds define the length of a nominal 'reference' day — the length of the day as given by the earth's rotation around the year 1900. But because of the variations —

of the earth's spinning over time and the gradual slowing down of the earth, the earth's spin does not or is slowly changing from the 86 400 atomic seconds that make up the universal or reference day.

Therefore we have a concept of leap seconds. You never knew about leap seconds, did you? We all knew about leap years, but nobody knew about leap seconds. These leap seconds are introduced every so often, generally on New Year's Day, to ensure that the

coordinated universal time measured by the atomic clock is in sync with the actual rotation of the earth. This actual rotation of the earth is measured by a special body called the International Earth Rotation Service, based in Paris, which measures the rotation of the earth and coordinates it so we know when we have to introduce a leap second.

We can see that the whole question of time has been made extremely accurate by these changes. However, for the uninitiated, like me and probably most of us here, we have got used to listening to the pips that come on the radio that tell you what the actual time is. In fact, these pips that say what the Greenwich Mean Time is have been broadcast over the radio from — it was started by the BBC — I think about 1928. So that we can be absolutely correct:

> Since 5 February 1990 —

which was the 66th anniversary of the start of the broadcasting of the six pips —

> … the six pips have been synchronised to —

coordinated universal time. Since 1990, if we have listened to the pips to set our watches, we have in fact been working under coordinated universal time. The bill ensures that the courts of Victoria will work under that same time. I hope members found that interesting.

The DEPUTY PRESIDENT — Order! It was riveting, Mr Strong.

Hon. C. A. STRONG — I must admit that I found it very interesting to know that we have leap seconds. That is something that members can use at their next dinner party! It is nice to know that the earth slows down, keeping up with older people as they slow down.

With that bit of informative levity behind us, I turn to the major area of concern that the opposition has with the bill — that is, the tabling of reports by the Victorian Law Reform Commission. Members will remember that over the course of the past five or six years we have amended various pieces of legislation to allow for the tabling out of session of various reports that come to this Parliament. We have legislation that allows for the tabling out of session of committee reports. In the last couple of years we have also introduced legislation to allow for the tabling out of session of Auditor-General's reports.

The bill allows for the tabling while Parliament is in recess of reports of the Victorian Law Reform Commission. On the face of it — and I am sure that this is the case the government will argue — we are really just continuing an existing practice, which is the tabling of reports while Parliament is in recess. However, there is a very, very, very significant difference between existing legislation and what is proposed in this bill. Reports produced by parliamentary committees are reports of Parliament. The committees are made up of members of the Parliament and they are in control of when a report is tabled — because they have to agree to it and sign it off and agree to the whole process of tabling the report. So the Parliament decides the timing of the tabling of its committee reports. If we look at the tabling of the Auditor-General's reports, the Auditor-General as an officer of the Parliament decides on the timing of the tabling of his reports. In other words, in every case the timing of the tabling of reports that currently are tabled when Parliament is in recess is not set by the executive. It is set by the Parliament or an officer of the Parliament.

The bill proposes a significant move away from that. The Victorian Law Reform Commission reports will be tabled at a time selected by the Attorney-General, who is a member of the executive. He will decide when the reports are to be tabled. He will be able to hold them back to suit any particular political or other purpose of the executive. He, as a member of the executive, will be responsible for the timing of the tabling, as distinct from the timing of the tabling of all those reports that we have dealt with to date, which is decided by the Parliament or an officer of the Parliament. There is a very significant difference between the two. In the worst case, the bill allows the executive to manipulate the timing of the tabling of those important documents, to suit a situation such as when a lot of things are going on and are in the news and will tend to drown out any recommendations of or other comments in a report of the Victorian Law Reform Commission that for whatever reason the executive may not want to see get major headlines and publicity.

Hon. E. G. Stoney — Friday nights.

Hon. C. A. STRONG — Friday nights, on the eve of grand finals, or whatever. Members of the opposition are not saying that that would necessarily happen but we are saying that the division of powers between the executive and Parliament has been a key issue that protects us from the potential for abuse — there quite clearly is the potential for abuse in this — and we believe very strongly that the division of powers should be maintained. We consider that the proposal, which will allow a member of the executive to establish the timing of the tabling of a document, will be a first and very significant step away from the division of powers. On the basis of that, we have no option but to oppose the bill.

I urge all members, particularly those on the other side, to think clearly about anything that has the potential to erode the separation of powers, as this bill clearly will. I repeat: the proposal is different from the existing practice. I am sure that members of the government will argue that the proposal is no different from the existing tabling of reports, including Auditor-General's reports. I am sure that the Attorney-General has told members opposite in superficial briefings that the proposal is no different from the existing practice. They have probably been significantly misled on the issue. I hope that they understand the very significant difference because the bill will give the executive the power to have reports tabled at times that will suit it and its political motives. It is an unfortunate and significant step away from the separation of powers. I urge members to oppose the bill on that basis.

In doing so, I think it is a pity because members of the opposition have no problem with the proposed changes to the Legal Aid Act and the introduction of the use of coordinated universal time. It is just this other attack on the separation of powers to which we have great objection. I urge members to oppose the bill.

Hon. P. R. HALL (Gippsland) — It is my responsibility this afternoon to put The Nationals view on the Justice Legislation (Amendment) Bill, and I am pleased to do so. I do not get to talk too much on legal bills but I have the opportunity here this afternoon.

The bill is only small but it amends four acts of Parliament, they being the Legal Aid Act 1978, the Summer Time Act 1972, the Supreme Court Act 1986 and the Victorian Law Reform Commission Act 2000. The Nationals have looked at each of the amendments. Notwithstanding the very persuasive argument by Mr Strong on the issue relating to the tabling of the Victorian Law Reform Commission reports — we agree with his assessment that there are issues associated with that; however, the other two areas of the bill are very sensible and supportable — as an overall conclusion The Nationals indicate that we will not oppose the bill. I want to make some more comments in respect of that last matter in a little while when I get to that component of the bill.

As has been stipulated, the bill has three main purposes. First, it allows Victoria Legal Aid (VLA) to facilitate the provision of alternative dispute resolution programs. The second area amends relevant acts to introduce the use of coordinated universal time in Victoria. The third part of the bill provides for interim and final reports of the Victorian Law Reform Commission to be tabled in Parliament when Parliament is out of session.

The first of those areas I want to turn to concerns the amendments to the Legal Aid Act. At the outset, although I have not had a lot of direct experience in legal matters, and certainly no experience in appearing before a court, I am well aware that legal proceedings can be a traumatic and expensive experience for people seeking justice. Alternative dispute resolution programs are therefore becoming more common in the court system because they are a way of attempting to resolve legal matters prior to embarking upon what could be a rather lengthy, traumatic and expensive experience of going right through a court case. Now we are finding that alternative dispute resolution programs are the first weapon of choice for resolving court disputes in almost all jurisdictions.

This bill extends the capacity of Victoria Legal Aid to provide alternative dispute resolution programs either to those who have applied for legal aid, whether they have been successful or not, or to persons who have not applied for legal aid but have been referred to VLA to engage in an alternative dispute resolution program.

I take on board once again the comments made by the Honourable Chris Strong that this is nothing new. VLA has been actively involved in trying to settle disputes in informal or alternative ways for some time, and I accept his comment that the bill merely formalises what VLA has been practising for some time. However, I also agree with his comments that it is a worthwhile exercise to tidy up the law in respect of this particular matter. So we share the opposition's view, and we do not have any problems with this; it seems to be a sensible provision.

The second area of the bill concerns coordinated universal time. With due respect to Mr Strong, I am still none the wiser as to the difference between Greenwich Mean Time and coordinated universal time.

Mr Viney — With apologies to Galileo.

Hon. P. R. HALL — I appreciate that this is a technical subject but I am one of those simple boys who relies on the pips on ABC radio to set my watch each day; and that's good enough for me. But I am at least comforted by the fact that Mr Strong informed the house that since 1990 those pips on ABC radio have been linked to coordinated universal time — so we are right up to date; what have we got to worry about?

I am prepared to accept the learned advice from the people within government departments who suggested that it is necessary to amend the Summer Time Act and the Supreme Court Act. I am also comforted by some of the assurances from Mr Strong that we are all on time now and things are up to date, so this bill is a mere formality. The Nationals are therefore happy to accept

the amendments in the bill relating to coordinated universal time.

The third area of the bill I want to speak about relates to allowing the Attorney-General to table Victorian Law Reform Commission reports out of parliamentary sessions. Mr Strong presented a pretty strong argument in respect of this matter. I believe the practice of tabling reports of all sorts out of sitting hours is not always in the best interests of this Parliament and therefore the people of Victoria. Indeed, I do not see a real need to do this, especially now that Parliament is to sit for at least a week of every month of the year, apart from perhaps December and certainly January.

The fact is that throughout 2005 the Parliament will be sitting during every month, except for perhaps December and January, and it seems to me that the urgency attached to tabling reports is such that they could be tabled when Parliament is sitting. I agree that being able to table reports out of session gives the government of the day, no matter what government it is, the opportunity to hide a report. It could release a report last thing on Friday afternoon, or a report could be released in the shadow of a big event so it is not given the focus it should have in the democracy in which we live.

Mr Viney interjected.

Hon. P. R. HALL — I do not know whether that is true, Mr Viney. I think governments of all persuasions have been guilty of timing the releasing of reports to their own best political advantage.

Mr Strong presents a fairly strong case in respect of this matter. The Nationals would be persuaded to support his argument if the opposition were seeking to amend the bill by deletion, perhaps, of the provisions relating to the tabling of reports by the Victorian Law Reform Commission when Parliament is not sitting.

This bill encompasses three areas, two of which are non-controversial and eminently supportable. The third area is subject to some debate, which is not sufficient to swing The Nationals to overall opposing the bill. However, the argument put by Mr Strong has merit and if the opposition decides to move an amendment during the course of debate today, we would certainly be prepared to look at that. Overall The Nationals will not oppose this piece of legislation. In parts, as we said, it is complicated; in other areas there are a couple of sensible provisions, and on that basis we will not oppose the bill.

Mr SCHEFFER (Monash) — The purposes of the Justice Legislation (Amendment) Bill are to make amendments to three acts to facilitate the provision of alternative dispute resolution programs by Victoria Legal Aid (VLA); to provide for confidentiality of the information relevant to such programs; to make provisions for the admissibility of evidence arising out of such a program in a court; to change the standard time in Victoria from Greenwich Mean Time to coordinated universal time; and to provide for Victorian Law Reform Commission reports to be tabled out of a parliamentary session.

To put the first of those aims into effect, the bill seeks to amend the Legal Aid Act so that people participating in alternative dispute resolution services will be protected by ensuring that what is said during such an alternative resolution process is confidential and cannot be used as evidence in any subsequent legal action, except where it would prevent harm.

The Attorney-General's justice statement released in May last year sets out clearly the government's objective to establish dispute resolution mechanisms that allow the rule of law to work effectively in our community. The justice statement flags 25 major initiatives that contribute to ensuring all Victorians have equal access to a fair, affordable and effective justice system that protects and benefits the community.

Members will recall that the statement is the result of a broad examination of the Victorian legal system that was undertaken by the Department of Justice. It sets out the government's vision for justice for the next 5 to 10 years. In the section on civil disputes the statement says that access to information, advice and appropriate dispute resolution mechanisms are important prerequisites for ensuring that legal rights and obligations are being observed. This is especially the case for people belonging to vulnerable and disadvantaged groups. Sometimes disputes are resolved through the provision of information that explains an individual's rights. At other times the availability of a dispute resolution process is what helps to resolve difficulties between people.

The purpose of dispute resolution mechanisms is to prevent disputes escalating and minimise their effects, and to help resolve them when they occur. Alternative dispute resolution processes are also important because they save people money, settle disputes faster, are non-adversarial and are more flexibly responsive to the needs of the individuals involved than through traditional litigation.

When I was assisting a former Minister for Consumer Affairs on the redevelopment of the consumer affairs community program I learnt a good deal about the

conciliation function of Consumer Affairs Victoria. I was impressed with the number of individual disputes that CAV is able to process. The justice system set out other examples where disputes are handled through alternative dispute resolution methods at the neighbourhood and community setting, to industry-specific complaints schemes and the Victorian Civil and Administrative Tribunal, for example, that handles so many tenancy disputes. All this makes it very difficult to quantify the level of demand.

The measures in this bill that amend the Legal Aid Act to protect people through ensuring confidentiality and the inadmissibility of evidence in subsequent traditional litigation are based on the principles and objectives recognised in *Growing Victoria Together*, the government's key policy framework document. *Growing Victoria Together* recognises the important role that access to the courts, legal aid and alternative dispute resolution services plays. It is critical to building a cohesive society and reducing inequality. The amendments to the Legal Aid Act are straightforward. They will facilitate the delivery of alternative dispute resolution programs by Legal Aid Victoria and will provide a clear legislative structure in which the programs can be operated.

The Justice Legislation (Amendment) Bill also amends the Summer Time Act so that the expression 'Greenwich Mean Time' is replaced by 'coordinated universal time'. I am told that the amendment is only a change in terminology and that the new reference to the coordinated universal time scale is more accurate because it relies on atomic clocks. I am confident that all this is quite true, but in supporting the amendment it is appropriate that we recognise the passing of an era.

The method of calculating the time for each location on the globe by measuring the time of a single rotation of the earth from the prime meridian at Greenwich is now at an end after some 120 years, and that fact should be recognised in this place. The amendments in this bill are straightforward and generally supported. I commend the bill to the house.

Hon. RICHARD DALLA-RIVA (East Yarra) — I rise following what could be classed as a typical response from the government; it was very much about spin and provided no real substance. This is an omnibus bill that demonstrates the shallowness of this government in not providing real legislative reform not only in the area of the justice system but right across most of the portfolios.

This week the house has before it a very light legislative program. Debate on this bill will be followed by debate on another two, and it augurs poorly for this state that the government has nothing of substance in the pipeline that it can hang its hat on. As I said, this is an omnibus bill, and within it is slotted what could be classed as very nasty legislative amendments.

I listened to Mr Scheffer's contribution. I was interested to hear him note that in effect there are three parts to the bill. He explained the importance of the amendments to the Legal Aid Act and made passing comment about the Summer Time Act. Mr Scheffer is no longer in the chamber, but I am sure he is listening to me while in his office. I would have liked to have heard more rational argument from the government as to why it proposes to implement part 3 of the bill which will amend the Victorian Law Reform Commission Act 2000, but I will get to that a bit later.

This government is light in substance on its legislative program. The first part of the bill, which amends the Legal Aid Act, is a big issue. From talking to the shadow Attorney-General I understand that the bill regularises an informal alternative dispute resolution program that is currently protected by common law, which means the bill simply codifies a particular common-law matter. It is not really groundbreaking legislation, as Mr Scheffer said. It is not about progressive developments of a government that is concerned for the people of Victoria. I ask people to read his speech, which was full of rhetoric as it showed the spin doctoring has yet again got out of control. It was disappointing that Mr Scheffer did not really go to the guts of the bill.

Part 3 amends the Summer Time Act and the Supreme Court Act. It allows the switching of time from Greenwich Mean Time to coordinated universal time. I do not propose to expand on that. I think Mr Strong made probably one of the most convoluted and detailed explanations that could be — —

Hon. C. A. Strong — It was erudite!

Hon. RICHARD DALLA-RIVA — Mr Strong, it was a magnificent speech in the sense that you have done your research and demonstrated to the house the argument why this legislation was needed as part of the national uniform change. But is this where Parliament is really at — where the groundbreaking issue of the day is to have Victoria move from Greenwich Mean Time to coordinated universal time? Are these the significant issues in the state? It is worthwhile for the people of Victoria to move forward in this area.

Part 4 highlights our concerns because of the significant shift in the way reports are presented. We heard Mr Strong talk about reports that are tabled outside

parliamentary sittings. I want to record some of the issues of concern to the Law Reform Committee, of which I am a member. That committee often works alongside the Law Reform Commission in preparing reports on major law reform issues that affect the state. I note that in debate in the other house, and also in my view, it was noted that the bill will allow the government to release Law Reform Commission reports outside of normal parliamentary sittings. Members might say, 'Big deal! What does that mean?'.

I will give members three examples that affect the Law Reform Committee. Reports on the administration of justice offences and on forensic sampling and DNA databases in criminal investigations were prepared. Recently the house strongly debated the stacking, as it were, of additional members onto the Law Reform Committee. On 31 March 2004 I sat here as did Mr Brideson, who is also a member of the Law Reform Committee, and saw tabled the *Forensic Sampling and DNA Databases in Criminal Investigations* report. It was a report following an investigation of the committee, which it had undertaken with a unified approach, but it was tabled in Parliament without us knowing that had happened. More to the issue, the chair of the committee had organised a press release half an hour or an hour before the tabling of the report. The opposition and Nationals members of the committee were not advised of that press release. This was a clear example of the government's hatchet approach to dismissing Parliament as a key point of release of these reports.

The Law Reform Committee's report on its inquiry into the administration of justice offences was tabled in this house on 3 June 2004. That sounds fine, but the problem was that the Attorney-General had decided that the report would be tabled in the other place on 2 June 2004. Members of the committee in this house were not aware that the report had been tabled in the other house. It is our understanding there had also been discussions with the media in relation to the report. Again this highlights the fact that the government wanted to control the agenda, wanted to hatchet through its reports.

A couple of weeks ago we saw an abysmal move by the government when it sought to ram through a motion to appoint additional members to the Law Reform Committee. The government tried to justify that action. Outrageous claims were made by members on the other side about internal committee meetings that were to be held. I still find it fascinating that members of the government had an understanding of meetings of the Law Reform Committee. It beggars belief. How would they know about that, and what was their interest in revealing it in the chamber during the debate? Government members made reference to the fact that a number of opposition members were not present at a meeting. As I explained at the time, when you receive an email at 6.21 p.m. it is very hard to make arrangements to go to a meeting at 1 o'clock the next afternoon. However, a big song and dance was made about it.

We then held a subsequent meeting, and guess who failed to attend — not members from the opposition side but the new members the government side that it wanted to slot into the committee. Again we have hypocrisy. I hope the members who raised the issue of that meeting, which some of us did not attend, are getting copies of the minutes and the emails. Clearly they should be because they were able to refer to them last time. I really question why the Law Reform Committee is allowing its internal operations to be distributed far and wide to members who are not part of the committee. If those people wish to raise these issues in this or the other house, they should be part of the committee. It is interesting.

That is why the opposition is opposing part 4 of the bill. This government just uses Parliament. We know from our reports that we sit less than Parliament did in the first five years of the Kennett government. We sit less days, and we sit less hours. It is amazing. Now the government wants to further diminish the capacity of the Victorian Law Reform Commission to have its reports tabled in Parliament, where they can be open to the public in a more appropriate way that allows for their scrutiny. This government does not like scrutiny of what it does. This government will continue to ram through legislation like this flimsy bit of paper before us. It pretends to be about reform of the court system but if anything it is simply a further demonstration of the government, particularly the Attorney-General, trying to limit scrutiny in this area. It is another demonstration of why the opposition will be opposing the legislation. I have given clear examples of where reports tabled in this house have been acted upon beforehand in dealings with the media. Committee membership has been amended so the government can stack a committee. We have seen political interference in the overall committee process.

For those reasons the opposition sees no alternative but to oppose the bill. It is disappointing, but, as I said in my introduction, we have a very weak and limited parliamentary sitting week full of legislation which does not take the state any further than where it currently is — that is, pretty much in a backwater as compared to other states.

Ms MIKAKOS (Jika Jika) — I rise to make a contribution in support of the Justice Legislation (Amendment) Bill. I want to turn quickly to the aspects of the bill which are not being opposed by the opposition. The first part of the bill relates to the alternative dispute resolution (ADR) programs. I note this is consistent with the objectives of the Bracks government to protect legal rights and promote confidence in a just, efficient and accessible legal system. The Attorney-General's justice statement recognises the significance of alternative dispute resolution services to the provision of an accessible justice system in our community. In developing a framework for a fair and accessible dispute resolution system the justice statement promotes policies and practices that are organised around the following principles: fairness, timeliness, proportionality, choice, transparency, quality, efficiency and accountability. The justice statement also notes that the aim of a dispute resolution policy should be to prevent and minimise disputes and provide a system that resolves disputes at the lowest possible level of intervention.

In Victoria we have seen an increasing use of ADR techniques by courts and tribunals. In particular the use of mediation has increased quite substantially. For example, in 2002–03 the Dispute Settlement Centre of Victoria, which deals principally with neighbourhood and local community disputes, handled 16 000 inquiries and assisted in 2000 disputes. The Victorian Civil and Administrative Tribunal has also established a mediation service that is extensively used in some of its lists, including in domestic building, residential tenancies and occupational licensing matters. These ADR techniques are minimising the cost of disputes, providing faster resolutions and promoting non-adversarial processes and remedies that are adaptable to the needs of all parties.

The amendment of the Legal Aid Act 1978 will facilitate the provision of ADR services by Victoria Legal Aid. Round table dispute management is Victoria Legal Aid's ADR service, and it currently offers a wide range of services to assist families to resolve their family law disputes. All services are voluntary, and at least one party must qualify for legal aid. Round table dispute management can assist parties to resolve their disputes quickly and confidentially, avoid expensive court litigation and minimise stress and conflict for all parties. It allows members of our community to resolve their family law disputes in a non-adversarial forum without the need for litigation. Litigation is expensive not only for the litigants but also for the state, and anything that reduces that cost should be welcomed and encouraged.

I am sure no-one would disagree that family law disputes place huge financial and emotional burdens on the parties concerned. The round table dispute management service used at Victoria Legal Aid uses a model involving five steps to assist families to resolve their disputes in a supportive and timely manner. These steps are an application, an assessment, preparation by the parties and resolution involving a conference lasting up to 4 hours chaired by a chairperson and involving each party and their lawyers negotiating face to face or over the telephone from separate rooms or different premises. Each situation needs to be tailor made to the parties and the situation at hand. The fifth step involves follow-up by the case manager contacting each party after the conference. We have similar in-house family law dispute resolution services in other jurisdictions, and what we are seeing is that these types of services are highly effective with resolution rates of between 70 to 80 per cent, which is an extremely impressive figure.

The amendments to the act will enable the introduction of alternative dispute resolution (ADR) programs in areas of law other than family disputes. These could involve neighbourhood disputes, motor vehicle accidents, employment disputes and so on. The bill establishes appropriate protection for parties through strict provisions regarding the confidentiality of the information provided in such programs. It also asserts the inadmissibility in court of any documents produced through ADR programs and this provision will allow the full participation of parties to the dispute without fear that their confidentiality will be breached.

The amendments will also provide limited good faith immunity for conference chairpersons, which immunity is critical in order to obtain the participation of practitioners as chairpersons. It is also consistent with immunities available to similar persons under Queensland and New South Wales legislation. I congratulate Victoria Legal Aid on the introduction of this innovative and effective alternative dispute resolution service which I am sure will help many Victorians in the years to come.

The next part of the bill I want to touch upon briefly relates to the introduction of coordinated universal time. I congratulate the Honourable Chris Strong for his very detailed explanation of the changes to universal time — that is, Greenwich Mean Time (GMT) — over the years, and I certainly do not intend going into the issues in that much detail as members can refer to Mr Strong's contribution in *Hansard* if they want a very detailed explanation of these matters.

Hon. P. R. Hall — Did you understand it?

Ms MIKAKOS — I did understand it, Mr Hall. I actually did some reading on this issue. It is certainly an issue that I had not, to be honest, looked into in any detail in the past, and I found that Mr Strong did a very good job in summarising the history of all the changes. I think Mr Strong does not want me to go any further!

Briefly, the final section of the bill relates to changes to the Summer Time Act 1972 and the Supreme Court Act 1986. The bill replaces references to Greenwich Mean Time with the term 'coordinated universal time', also known as UTC. This change is occurring as part of a national agreement between the commonwealth and all states and territories and as has already been noted by other members, UTC is now the most commonly used time scale in the world and is used as the basis for a worldwide system of civil time. This time scale is kept by time laboratories around the world and is determined using highly precise atomic clocks.

The International Bureau of Weights and Measures makes use of data from timing laboratories to provide the international standard UTC which is accurate to approximately a nanosecond, which is a billionth of a second per day. In Australia the National Measurement Institute, which commenced operation on 1 July 2004, is responsible for establishing and maintaining units and standards of measurement and for coordinating Australia's measurement system including time. International convention dictates that by 1 September 2005 coordinated universal time will be the basis for civil standard time in Australia and its territories. This change will not have any practical impact on the measure of time in Victoria nor will it impact on Victoria's observance of daylight saving. Our continued use of GMT instead of UTC would have implications for computer programs that use high-speed data transfers and also for universal synchronisation applications. I certainly did not know that time could be so interesting. These are very technical matters and have some very real practical effect.

I turn now to the final aspect of the bill that I want to spend some time on, given that the opposition has indicated its opposition to this part — that is, the tabling of Victoria Law Reform Commission reports. I note that the bill seeks to amend the Victoria Law Reform Commission Act 2000 to enable the Attorney-General to table when Parliament is in recess, interim and final reports prepared by the commission. Currently section 21(4) specifies that the Attorney-General must table interim or final reports within 14 sitting days of receipt. Under current legislation, for example, if a report were to be finalised in December, because of the intervening summer parliamentary recess that report may not be tabled in Parliament until the following February or March.

In the government's view that is an unacceptable delay. It impacts on the timely consideration of the report and its implementation. This amendment will ensure that important reports prepared by the Law Reform Commission are tabled in a timely fashion. When a report is tabled out of session, the Clerk of the Parliaments will notify all members and will provide electronic copies of the report. A report given to the Clerk in this manner will be taken to be published by order of or under the authority of Parliament and therefore will be absolutely privileged.

It is important that members not lose sight of the fact that we have a similar process already under way under section 25AA of the Ombudsman Act 1973 in the case of reports tabled by the Ombudsman; under section 16AB(4) of the Audit Act 1994 in the case of reports tabled by the Auditor-General; under sections 27D and 27DA of the Financial Management Act 1994 in the case of certain financial reports tabled by the responsible minister or ministers; and under section 35(2) of the Parliamentary Committees Act 2003 in the case of joint investigatory committee reports. This is not a new procedure, and I am sure it is one with which all members are very familiar as we receive emails from time to time from the Clerk notifying us that various reports were being filed and that those reports were then available for members' consideration.

I found it surprising that Mr Dalla-Riva, in his contribution, alluded to a number of reports of the parliamentary Law Reform Committee of which, I understand, he is a member. He expressed surprise that those reports had been tabled in the other house and said that, as a member of that committee, he was not aware of their tabling. I have served on a parliamentary committee, and I can only express my surprise that he, as a member of that committee, would not be aware that a report was being tabled in the other place. I urge the member to take his work on that committee more seriously and inform himself of when his committee's reports have been tabled. That is the only advice I can possibly give the honourable member in view of his comments.

These processes have been in operation for some time and are working extremely well. The bill seeks to make amendments to the Law Reform Commission Act which will mirror those processes. Clause 9 amends the Law Reform Commission Act to introduce a series of checks and balances to enable the giving of immediate notice to members of reports that are filed and enable

the subsequent communication of those reports to those members who wish to access them. It is interesting that the opposition has made the claim that this change will enable the Attorney-General to dictate when reports are released and to hide them from adverse comment by members of the opposition. I cannot see how that will take place, given that all members of Parliament, including members of the opposition and The Nationals, will be notified by the Clerk when the reports are filed with the Parliament. As I have indicated already, those reports become subject to parliamentary privilege in the same way that reports tabled when Parliament is in session become subject to parliamentary privilege. Members are then free to comment on those reports publicly in the same way as they would if a report were tabled in the house.

These amendments have been requested by the Law Reform Commission itself to ensure the currency of their interim and final reports, particularly in relation to national law reform issues, which often require prompt action. The last thing we want to see as legislators is a report which, as I indicated, might be finalised late in the year having to be held over, for example, until Parliament comes back after the summer recess. We should all welcome law reform commission reports — they are always important and of an excellent standard — and these amendments provide an additional mechanism for their early tabling when Parliament is in recess. The opposition's objection to this clause has not been well thought out. It is a knee-jerk reaction, which is typical of its response. I urge all members to support the bill, and in particular to reconsider their views on the tabling provisions. I commend the bill to the house.

Hon. H. E. BUCKINGHAM (Koonung) — I support the Justice Legislation (Amendment) Bill. The Bracks government is committed to providing a modern, accessible and efficient justice system for all Victorians, as was outlined in the justice statement — the Attorney-General's 10-year blueprint for the Victorian legal system. In last week's budget we can see this happening with the establishment of the neighbourhood justice centre and four new community legal centres. I am pleased to say one of them is in the outer east where I come from.

This bill is part of the government's commitment to modernise the Victorian legal system. The Justice Legislation (Amendment) Bill is a bill in three parts, as is set out in the explanatory memorandum. The Legal Aid Act 1978 sets out the functions of Victoria Legal Aid as being to provide legal aid in accordance with the act, but there is no specific mention of alternative dispute resolution (ADR) programs. This bill will facilitate the delivery of ADR programs by VLA.

Part 2 of this bill provides for changes to the Summer Time Act 1972 and the Supreme Court Act 1986 to effect the introduction of coordinated universal time in Victoria, a time scale based on the use of atomic clocks that is more accurate and precise than other systems.

Finally, the Victorian Law Reform Commission Act 2000 provides for the tabling of Victorian Law Reform Commission interim and final reports by the Attorney-General during the sitting of Parliament. This bill will facilitate the tabling of these reports when Parliament is not in session. I note that the same process already applies under the Ombudsman Act and the Audit Act, and this legislation ensures that all members of Parliament are given advance notice of the tabling of a Victorian Law Reform Commission report.

These amendments are both practical and timely. In regard to part 2 of the bill, all Australian jurisdictions have agreed to move to coordinated universal time by 1 September this year. The third part of the bill provides that the Victorian Law Reform Commission will be able to release interim and final reports when Parliament is not in session, and my colleague Ms Mikakos has explained that this already happens under the Audit Act 1994 and the Ombudsman Act 1973. The process has been in operation for some time, and I do not understand the opposition's problem it.

In regard to the first part of the bill in which I am more interested, alternative dispute resolution programs are enormously important as they are a fair and user-friendly way of solving disputes without involving more expensive and time-consuming legal practices that involve the higher court systems. We know from the retirement villages legislation that was passed in this house last month that the government is committed to consulting with stakeholders and placing alternative dispute resolution programs in place that solve problems before they become costly and/or legally complicated. From listening to stakeholders in my role in the review of body corporate legislation I know there is also a desire for ADR programs to be put in place in that area also for the very same reasons — that is, they save money and solve problems before they become even bigger more costly problems.

This legislation provides a clear legislative structure in which alternative dispute resolution can operate. Alternative dispute resolution pathways are fundamental to this government's commitment to providing an accessible and efficient justice system to all Victorians. Victoria Legal Aid currently offers an

alternative dispute resolution service known as the round table dispute management service, a service specifically in place to handle family law disputes. This service will be supported by this bill and establishes appropriate protection and confidentiality for parties participating in this program, thereby enabling members of our community to resolve their family law disputes in a non-adversarial forum without the need for litigation. Extensive consultation was carried out with Victoria Legal Aid during the preparation of this legislation. This is timely legislation. I commend the Attorney-General and his department. This is another step in providing accessible, efficient and a fair justice system for all Victorians. I commend the bill to the house.

Ms HADDEN (Ballarat) — I am pleased to speak on the Justice Legislation (Amendment) Bill. As the old saying goes 'Those who are last will be first and those who are first will be last'.

Hon. Bill Forwood — That is from the *Bible*.

Ms HADDEN — That is right, from the gospel — Matthew 20:16 — if Mr Forwood wants to have a little read. It is a small bill. I do not have an issue with the first two parts of the bill, the purpose of which is to amend the Legal Aid Act 1978 to insert and entrench within the legislation an alternative dispute resolution (ADR) program and to expand existing alternative dispute resolution programs that are currently provided by Victoria Legal Aid and have been for many years.

Clause 4 of the bill allows the alternative dispute resolution program within VLA to be conducted by non-legal persons such as social workers, who certainly would be skilled in mediating and conferring with troubled parties.

I notice that the other part of part 2 of the bill enables Victoria Legal Aid to provide the alternative dispute resolution programs within VLA itself as well as arranging for it to be conducted by outside bodies. I suspect this would be the dispute resolution centre which has provided a very professional service for close to a decade or more. The problem has been and always will be that you have to have the warring parties willing and able to attend ADR not just physically but of a mind to attend and be willing to negotiate and compromise, which is what ADR is all about.

The other amendment of the Legal Aid Act in part 2 of the bill is about the provision of confidentiality for the ADR process. That is an absolute must and always has been, because both parties to an ADR process often have to sign an agreement that respects a number of aspects of what the ADR proposes to do. What they discuss within the room at an ADR session is confidential, which means that it cannot be discussed outside. There are other provisions within part 2 which provide exceptions to this confidentiality regime. I do not have a problem with that. The issue is that one of the major exceptions is where the parties agree and consent in writing, which is often the case when they reach an agreement in ADR, and then want to put that agreement before the court, table it or have it ratified so they can go away and conduct their lives in some sort of order.

Another amendment provides that documents or evidence arising out of ADR programs will be inadmissible in any court or legal proceeding. Again there is an exception to that inadmissibility provision. Most importantly the amendments provide for statutory immunity for the conference chairperson, provided that anything the conference chairperson does is done in good faith.

I will accept the standard time amendments in part 3 of the bill that amend the Summer Time Act 1972 and the Supreme Court Act 1986 as given. I have heard Mr Strong's contribution — —

Hon. P. R. Hall — Did you understand it?

Ms HADDEN — Not quite — I did not understand it. I have taken up the interjection, and I will read *Daily Hansard* tomorrow. I will accept his comments provided my watch is on time. I listen to the beeps if I have to ring for the time. Is the number on the telephone system that tells me the proper time 12455 or something? I do not have an issue with that.

I have an issue with part 4, which is the proposed amendments of the Victorian Law Reform Commission Act 2000. The Victorian Law Reform Commission is a very important body in this state. As we know, it was resurrected after the previous Liberal premier, Premier Kennett, abolished it. To the Bracks Labor government's credit it resurrected the commission during its first term in office. It is an independent, government-funded organisation that develops, monitors and coordinates law reform in Victoria. Its major responsibility is to research issues that are given to it by reference direct from the Attorney-General. It also has the very important power to recommend minor changes to the law without the reference from the Attorney-General.

The matter in point at the moment is that the reports the commission has tabled in this Parliament since its resurrection in relation to homicide, domestic homicide,

sexual offences and areas which are difficult to come to grips with at the best of times have been very learned and serious. The current reference the commission is considering was given by the Attorney-General in October 2002. It was about in-vitro fertilisation access, assisted reproductive technology and adoption law. Its recommendations were released on 11 May in position paper 1, which was in response to a discussion paper released in December 2003. The commission received 243 submissions and as a result is to release three position papers this year. The first was released on 11 May and another two will be released in the coming months, with a final recommendation report probably closer to Christmas this year. It is going to be quite ground breaking. Position paper 1 is ground breaking itself. It resulted in a lot of comments in the *Age,* the *Herald Sun* and the Ballarat *Courier* newspapers last Friday and Saturday. I had an opinion on it. My Anglican bishop also had an opinion on it which was totally contrary to mine. I might be in a bit of trouble there!

The Premier, Steve Bracks, was also quoted in various newspapers last Friday and Saturday. He is quoted in the *Age* under the headline 'Abbott blasts IVF reform call "by experts"'. Premier Bracks said:

> … the question of giving single women and lesbians access to IVF treatment needed public debate.

He was a little bit guarded in his comments in other papers. Mr Abbott, the federal Minister for Health and Ageing, has blasted the position paper released by the Victorian Law Reform Commission. In a speech he gave headed 'The trouble with experts' he attacked Marcia Neave, the chair of the commission, which was totally unacceptable. The federal government is also undertaking at the moment an independent review of Australia's embryonic stem cell research laws. These are very difficult and complex areas of law, and the reports need to be tabled in the Parliament through proper processes which we have always had.

The Victorian Law Reform Commission's report is very different to other reports that are simply sent in. I use the words 'sent in' because it surprised me that — dare I mention it again; I am always mentioning it — the Scrutiny of Acts and Regulations Committee (SARC) in its *Alert Digest* No. 4 of 2005 states on page 3 that the third purpose of the Justice Legislation (Amendment) Bill is to amend the:

> Victorian Law Reform Commission Act 2000 to provide for Victorian Law Reform Commission interim and final reports to be sent to Parliament when Parliament is out of session.

For goodness sake! I doubt that the chair or any of the learned researchers and staff of the Victorian Law Reform Commission would like to think that their reports, whether interim or final, are simply sent to the Parliament out of session. It is totally inappropriate wording, and I do not know why the members of SARC used that phrase. Perhaps there is method in their madness. That is what the Attorney-General proposes — that is, to send them in. We could get an email that the reports are being tabled and to have a look at them.

This report on in-vitro fertilisation access, adoption and surrogacy contains recommendations to change our law that are going to be ground breaking. We can see that from the position taken in paper no. 1. Given that, I have just checked when its final report is to be presented to the government; it will be later this year, around November or December. As we know, Parliament rises in late November or sometimes the first week in December. People go away and we do not resume until February or March. This is very serious. I do not know why part 3 of the bill is included, with its rather simple recommendations for amendment to legal aid for alternative dispute resolution. There is nothing wrong with that in relation to the other time factor, so I do have serious concerns about that. We should not just simply accept that such an important body as the Victorian Law Reform Commission is able to have its very ground breaking, learned and complex reports simply sent into the Parliament. That is nowhere near good enough and I would be surprised if it did not hold a similar view to mine.

In the Attorney-General's second-reading speech he said that ADR is the result of the Bracks government's:

> … commitment to alternative dispute resolution pathways that ensure a fairer and more accessible justice system.

That is a nonsense. The fact is that if you go to ADR, then you avoid the justice system. People do not want to have to access the justice system, and that is why they choose to proceed to alternative dispute resolution. I do not know why that is there; it does not make any sense to me. I would certainly prefer it if the Attorney-General, or whoever is preparing his second-reading speeches, had more thorough research done for them so their speeches were more factual. Some of us in this place are lawyers and some of us do have a brain. Some of us have worked in the law and worked with people and understand very much the process of alternative dispute resolution and how the law works in the justice system.

Mr Smith interjected.

Ms HADDEN — I will take up the interjection of Mr Smith. He needs to get his head out of the golf

course and into the real world. He is not in the real world, as is shown by his comments in this place, which are disgraceful. As I said, I think part 3 of the bill actually belittles the Victorian Law Reform Commission and the great work it does, and I am not at all happy with it.

Hon. T. C. Theophanous — Do you support it yet?

Ms HADDEN — If you put something up, Mr Theophanous, that was decent and looked after everyone in the community, I might support it, but you have not to date so I will not. I am not going to support the bill on the basis that it should not have the Victorian Law Reform Commission in it in the manner in which it is doing. I think I might have a few more things to say.

What we should be doing in bills that are presented to this place is restoring the credibility, integrity and effectiveness of the Parliament and its democratic operations and principles. We should be winning back public respect for the political process. Quite frankly, part 3 of this bill, which purports to facilitate the tabling of the very important Victorian Law Reform Commission reports in this Parliament by simply sending them in, is not appropriate. It is not good enough, therefore I cannot support the bill.

House divided on motion:

Ayes, 27

Argondizzo, Ms	McQuilten, Mr
Baxter, Mr	Madden, Mr
Bishop, Mr	Mikakos, Ms
Broad, Ms	Mitchell, Mr
Buckingham, Ms	Nguyen, Mr
Carbines, Ms	Pullen, Mr
Darveniza, Ms	Romanes, Ms
Drum, Mr	Scheffer, Mr
Eren, Mr (*Teller*)	Smith, Mr
Hall, Mr	Somyurek, Mr
Hilton, Mr (*Teller*)	Theophanous, Mr
Hirsh, Ms	Thomson, Ms
Jennings, Mr	Viney, Mr
Lenders, Mr	

Noes, 16

Atkinson, Mr	Hadden, Ms
Bowden, Mr (*Teller*)	Koch, Mr
Brideson, Mr (*Teller*)	Lovell, Ms
Coote, Mrs	Olexander, Mr
Dalla-Riva, Mr	Rich-Phillips, Mr
Davis, Mr D. McL.	Stoney, Mr
Davis, Mr P. R.	Strong, Mr
Forwood, Mr	Vogels, Mr

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

PARLIAMENTARY ADMINISTRATION BILL

Second reading

Debate resumed from 3 May; motion of Mr LENDERS (Minister for Finance).

Hon. BILL FORWOOD (Templestowe) — This bill does a number of things. While we on this side of the house do not oppose it, I foreshadow that we will be moving an amendment in relation to the protection of the library. I have a few comments to make about other parts of — —

Mr Viney — Beating that dead horse again, aren't you, Bill?

Hon. BILL FORWOOD — It is not so much the horse I am after; it is the jockey, and we will get to that later.

There are a number of aspects of this bill which are worthy of comment. Let me start with the fact that late last year we passed the Public Administration Bill. That was done in December, from memory. We made some criticisms of the fact that various bits of that particular legislation dealt with the Parliament and that it was not appropriate that they be there at the time. In any case, it went ahead.

It is amusing, to say the least, to look at the bill before the house today. In particular I refer honourable members to part 6, division 4, headed 'Amendment of Public Administration Act 2004'. Clauses 47, 48, 49 and 50 illustrate that we are back here, in May 2005, fixing up the mess of December 2004.

Hon. W. R. Baxter — Surprise, surprise!

Hon. BILL FORWOOD — Surprise, surprise! I am not surprised at that, and I am sure Mr Baxter is not either.

Honourable members interjecting.

Hon. BILL FORWOOD — None of us is surprised, because it is the track record of this government that it cannot get things right. What is more, if you look at clause 50, headed 'Amendment of consequential amendments' and then to the commencement clause 2, you will see under subclause (2) that section 50 is deemed to have come

into operation on 21 December. In other words, not only are we here fixing up the mess from December, but we are doing some of it retrospectively. Frankly, my view and the view of the opposition is, 'That is not good enough, try harder, please do better' et cetera. I understand that honourable members will get that simple message.

Division 5 in clause 51 amends the Terrorism (Community Protection) Act 2003. Clause 51 says:

> Order in Council to be made on recommendation of relevant Minister.
>
> In section 28(1) of the Terrorism (Community Protection) Act 2003, after 'Governor in Council' insert 'on the recommendation of the relevant Minister for the essential service'.

This is a sensible amendment. I think that wanting to have the Governor in Council do something 'on the recommendation of the relevant minister for the essential service' is a sound way to go. But I ask: what in heaven's name has it got to do with the legislation before the house — that is, the Parliamentary Administration Bill?

Hon. W. R. Baxter — Nothing.

Hon. BILL FORWOOD — Thank you, Mr Baxter — it has absolutely sweet nothing to do with the legislation before the house. Again I say to the government: it is not good enough, it is not the way to behave; it must not introduce important pieces of legislation and slip them into some other bill. It was put to me that we do not want the terrorists to know what is going on, so that provision got hidden in this bill instead! I frankly think that that is as good an explanation as we are likely to get because I am pretty sure the Minister for Finance cannot give us any reason why an amendment to the Terrorism (Community Protection) Act found its way into the Parliamentary Administration Bill. He is a man of much talent and he has his finger on many pulses, but not even he would know the reason for that.

Mr Lenders — Listen to your leader, who does not want frivolous little bills.

Hon. BILL FORWOOD — Frivolous little bills — okay. We do not want a frivolous little bill either, but I do think that that is particularly odd.

While I am dealing with this end of the bill I refer to division 7, which is a repeal of the Parliamentary Officers Act. As the main part of the legislation deals with that repealing, it is worthy of note that the last clause in the bill before we move onto the schedules repeals the previous act that governed many of the things covered in this legislation.

My views on the so-called restructure of the Parliament are quite well known. In the past I have had a number of opportunities to express my view about the way these things have been done. It is less than satisfactory, I think, in process; it is certainly less than satisfactory in terms of outcome. I think the whole process from go to whoa has been on the dodgy side of shoddy.

Recently at the Public Accounts and Estimates Committee hearings I was able to pose a question. I would not quote from what I said, but they were words to the effect, 'Why is morale amongst the staff in the Parliament so low — as low as it has ever been?'. The response came back, to my memory, along the lines of, 'There is nothing wrong with the morale in the Parliament'. There were a number of possible responses to that observation or answer.

I suspect that the most appropriate thing to say is that some of the decisions being made in the Parliament at the moment are being made by people who have not had a huge amount of experience in managerial matters, and perhaps some of the ability to judge whether morale is high or low is not all that highly refined either. Therefore, probably out of ignorance, as opposed to malice, we are able to suggest that this is just lack of knowledge of the fact that so many people who do such good work in this organisation at the moment feel gravely dissatisfied with what is happening. The fact that that is not being noticed in the upper echelons of the hierarchy is a matter of grave concern.

The matter of the restructure was dealt with in quite some detail by the Public Accounts and Estimates Committee in a report a year or so ago. I remember vividly having a conversation with the Speaker about whether members of Parliament should be involved in any way in discussions about this. We had a discussion about how much members of the House Committee knew. I am pretty sure that the knowledge of these affairs by members of the House Committee has been less than detailed. I was assured last year by the Speaker that in fact the restructure had been raised late in one meeting and was told that if we had not been told about it it was the fault of our representatives. I did not accept that then and I do not accept that now. My view is very much that this has been top-down driven, with very little opportunity for any members of Parliament to have much of a say in what is going on.

I make the point that one of the recommendations last year of the Public Accounts and Estimates Committee — —

Hon. J. M. McQuilten — Why do you hate the House Committee?

Hon. BILL FORWOOD — I do not. I actually have a lot of time for the House Committee. I just think that members of the House Committee need to be aware when they are being conned.

Recommendation 29 in the November 2004 report was:

> The presiding officers provide an opportunity for all members of Parliament to be consulted on proposed changes to the Parliamentary Officers Act …

That followed a discussion about the One Parliament structure. The Public Accounts and Estimates Committee states at page 176 of that report:

> The committee considers it is essential that this legislative review should be given priority —

and the legislative review is what we are talking about today —

> and all members of Parliament given the opportunity to be consulted about any proposed amendments.

That was a unanimous recommendation of the members of the Public Accounts and Estimates Committee, on which the government has the majority — although it is very well served by my colleague Mr Baxter and others in this chamber.

Mr Lenders — It is dominated by members of this chamber.

Hon. BILL FORWOOD — It has good people on it — and that was their recommendation. I was surprised to get a call from the executive on a Monday in, I think, March — although it might have been April — inviting me and others to attend a meeting, at which some people I know well were present, for a purpose not disclosed at the time. So with my leader and others I trotted off one Monday morning to the executive building, 1 Treasury Place. We were sat down and politely told that the government was intending to introduce in the Parliament the next day a parliamentary administration bill. Mr Bowden was with me that day, too. I remember saying quite quickly — —

Mr Smith — That would have been helpful!

Hon. BILL FORWOOD — It was good, yes — we had the strength there. I remember saying at the time, 'Why are we here? Don't we normally get briefed after the second reading?'. Which, of course, is the normal practice; bills are introduced and second read and then we are briefed and go off. So I asked the adviser, who I do not want to burn too badly by naming, 'What is going on?'. I was told, 'The Speaker thought it might be useful if you were consulted beforehand'. Thank you very much; I thought this was very interesting. I asked, 'Can we have a look at the bill?'. I was told, 'No, you cannot have a look at the bill. We are going to tell you what is in it'.

I was grateful for the attempt made by the officers of the Department of Premier and Cabinet to fulfil the wish of the Speaker that an opportunity for some sham consultation be provided to members of the opposition. We were grateful for the conversation; we looked forward to seeing the bill a couple of days later. I say here and now that that was a nonsense and an insult and that my view still remains that members of Parliament have not been properly consulted.

Hon. W. R. Baxter — The Nationals did not get an invitation, but it appears we did not miss much!

Hon. BILL FORWOOD — You did not miss much, Mr Baxter. What I am aware of is the response that the Parliament has provided to the government in relation to the recommendations of the Public Accounts and Estimates Committee. I have here with me Don Watson's book, *Death Sentence — The Decay of Public Language*. Another that he has written is titled *Watson's Dictionary of Weasel Words*. The point in this is that more and more the language of the day is being subverted in its use. There is a very nice little passage in here. It comes in fact, would you believe it, from George Orwell, who wrote:

> Don't you see that the whole aim of Newspeak is to narrow the range of thought?

Or to hide or to obfuscate or to just make sure that things are not easy to come to grips with. The response to the Public Accounts and Estimates Committee's recommendation 29 — that the presiding officers provide members with an opportunity, which I read a few moments ago — given by the Parliament to the government is:

> Accept.
>
> All members will have an opportunity to debate any changes to the Parliamentary Officers Act when an amending bill is before the house.

Frankly, that too is an insult. That is a misuse of the English language. It should not be 'Accept'; it should be 'Reject'. The presiding officers have no intention of

allowing any members of Parliament — and I am pretty sure I include all members of the government as well as members of the opposition and The Nationals in that. It may say 'Accept' but it means 'No' or 'Reject' — because no-one has been properly consulted on this particular piece of legislation.

I do not particularly object to a lot of what is in the legislation. The Public Administration Act outlines the new system and refers to values, which have come over in this particular bill so that we have values for parliamentary officers. That is very sensible. I do not have a problem at all about that. I do not have any problem about the object of the bill as set out in clause 3:

> … to promote the highest standards of governance in the administration of the Parliament of Victoria.

I hope like heck that we get it, because one thing that is absolutely sure and certain at the moment is that the governance of this place is nowhere near a high standard or even best practice. At the moment it is in a parlous state.

Some bits of the legislation are a bit odd. I am quite comfortable about the structure that has now been put in place, having the three department heads dealt with as they are. We are to have three people, now known as PEG, or the parliamentary executive group — made up of the Clerk in here, the Clerk next door and Dr O'Kane over the road — running it. I make the point that Dr O'Kane gets only a four-year gig, as opposed to the other two gentlemen — or occupants of the position, because one day they may be women — being appointed by Governor in Council.

Hon. Andrea Coote — On merit.

Hon. BILL FORWOOD — Yes, on merit.

But I think it is important to say that the process whereby employees of the Parliament are now not to be appointed by warrant by the President or the Speaker but are to be appointed by members of the parliamentary executive group, or PEG, is entirely appropriate. I do not have a problem with that. My view has always been that the chief executive officers (CEOs) should have the capacity to do that. I remember when I was involved in parliamentary appointments having some very odd discussions with previous Speakers about some employees, and it just seemed ridiculous to me that it should go to that level.

It is interesting to look at some of the other rights and powers that exist in the legislation. In division 3, 'Parliamentary Officers', clause 18 (2) deals with employment and retirement and says that without limiting sub-section (1), the appropriate department head may employ people, assign people, issue instructions, determine remuneration and pay allowances. Then it says at paragraph (f):

> may transfer Parliamentary officers to duties in other Departments or in public service bodies or public entities …

That gives the department heads a lot of rights and powers, and in circumstances like that you would want to make sure that those powers were exercised in an appropriate way. I am sure other members of the chamber would feel the same, so I was gravely concerned when I turned to clause 29, which deals with the termination of employment, because subclause (1) says:

> The appropriate Department Head may terminate the employment of a Parliamentary officer —
>
> …
>
> (b) if the officer refuses a transfer to other duties under Division 3 …

We have just discovered that under division 3 the head of the department has the right to transfer officers to duties in other departments or in public service bodies or public entities. In other words it is quite plausible and quite conceivable that if you want to get rid of someone you can say, 'We are moving you, transferring you somewhere else'. When you say, 'Hang on, I joined this particular part of the Parliament' — be it whatever — 'and I do not want to move to another part, I do not want to move to the public service and I do not want to move to a public entity', the capacity then exists under clause 29(1)(b) for you to be fired That is of very grave concern.

I find it very odd that a Parliament that is striving, as it says it is in its objectives, to produce the highest standards of governance, to establish values and principles, to ensure that employment decisions are based on merit and to promote integrity in conduct can end up with a clause that enables the department head to chop the heads off people they do not want to have around. For that reason I am not at all surprised at some of the seriously low morale that exists in the Parliament at the moment.

One of the things I have always objected to in this particular legislation is that the excuse, the rationale has been that this is what they do in the commonwealth. Time and again we have been told — and this time we are told again — that this is similar to current arrangements in the commonwealth Parliament. I have done a little bit of research into what they did in the

commonwealth Parliament. A guy named Andrew Podger produced a report and as a result the commonwealth Parliament moved some departments — the library and Hansard — in under a parliamentary services-type structure. But Mr Podger made the very distinct point in his report that what was important was that there be the creation of a statutory office of parliamentary librarian.

I refer to page 57 of the Senate *Hansard* of Wednesday, 9 March 2005, where it talks about the resolution of the chamber in August 2003 to abolish three joint parliamentary departments and replace them with a new Department of Parliamentary Services. It says that the key recommendation was made by the parliamentary services commissioner, Andrew Podger, following his review. Then it says:

> Another key recommendation was the creation of a statutory office of parliamentary librarian.
>
> In the August resolutions, the house and the Senate expressed their support for the presiding officers in bringing forward amendments to the act to provide for a new statutory position of Parliamentary Librarian within the new joint department, and conferring on the Parliamentary Librarian direct reporting responsibilities to the presiding officers and to the library committees of both houses of Parliament.

That was an original recommendation the commonwealth made when it moved to put in place its structure, yet the justification that has been given in this place time and again for the destruction of the library as we know it has been that we are following the commonwealth model. It was a lie then and it is a lie now. It is an absolutely blatant lie. What we ought to do, and what we should have done when we first set up the One Parliament structure, is exactly the same as was done in the commonwealth Parliament — that is, protect the status of the library and the librarian in this place.

The Public Accounts and Estimates Committee turned its mind to that issue. In its report on the 2004–05 budget estimates it made a number of specific recommendations. Recommendation 24 reads:

> The autonomy of the parliamentary library be retained under the Department of Parliamentary Services and that a protocol formalising this independence be signed by the presiding officers.

In other words, it would be along the lines of the statutory responsibility that has been brought into Parliament, by amendment, in Canberra. That was the first of the recommendations. What response came from the Parliament?

Mr Lenders — You've got a few pages there, Bill!

Hon. BILL FORWOOD — Yes, I know. I spread myself out, don't I?

Recommendation 24 states that we think the autonomy should be protected and that:

> … a protocol formalising this independence be signed by the presiding officers.

It was a unanimous recommendation of the Public Accounts and Estimates Committee. The response from the Parliament to the government states:

> Accept in principle.
>
> The Public Administration Act 2004 formally creates the Parliament's three department structure. The library will continue to function as a cost centre in the new corporate structure.

What mealy-mouthed words are they? What does 'accept in principle' mean because the recommendation is that the autonomy be retained — and there is nothing about that in the response — and a protocol be formalised, and there is nothing about that either.

The next recommendation is that:

> The autonomy of the parliamentary library be reinforced through amendments to the terms of reference for the Library Committee.

There is a Library Committee — or there will be until this legislation passes today, when it will be abolished. I make the point: how many members of the Library Committee were consulted about the decision to abolish it? Not one. Again I rest my case on the way this Parliament is run and why morale is so low. It is ridiculous that a committee that is to be abolished is not consulted or even told that that is its fate. I will quote the response that came back. It states:

> Not applicable.
>
> There are no terms of reference set out in the Parliamentary Committees Act to amend.

What mealy-mouthed words are they? I make the point again. Nowhere in our recommendation does it mention the words 'in the Parliamentary Committees Act'. We believed that the Library Committee had its own terms of reference and that they were the terms of reference that should have been reinforced through amendments so as to preserve the autonomy of the parliamentary library. Not under this mob of jackboots! Not on your Nellie!

Let me turn to the next recommendation that the Public Accounts and Estimates Committee made unanimously in relation to this, and it is recommendation 26. It states:

> The resources and services to be provided to the parliamentary library in the amalgamated department be specified in an annual agreement between the Secretary of the Department of Parliamentary Services and the Parliamentary Librarian, and approved by the presiding officers following consideration by the library committee.

At least they have been honest because they have rejected that out of hand. They say:

> The resources of the library will be no less than at present, and in fact, have increased with the additional research position added to the structure. Resourcing and service arrangements will be consistent across all parliamentary departments.

In other words, forget about what the federal government is doing with the support of the opposition. In my contribution I am happy to turn to the speeches given by opposition members in Canberra supporting the statutory position of the librarian there. But what have we here? Absolutely nothing that will recognise the independence of the library in an annual agreement approved by the presiding officers. What are they so scared of? What is the problem? Why are they so scared of giving the library the responsibility that it ought have? Of course that is nonsense as well. So much for the recommendations of the Public Accounts and Estimates Committee. So much for the notice taken of it by the people who run the Parliament in their response.

I am appalled at the language used in the response. It is shocking that people should use words like 'accept' when they actually mean 'reject' and I ask that in future a little bit of honesty be used when these responses are developed.

It is possible to read some of the comments made by opposition members in Canberra. For example, the Honourable Chris Evans, who is the Leader of the Government in the Senate, said:

> The impartial information and analysis provided by the parliamentary library is crucial to the effective scrutiny of government and the Parliament and to ensuring that Australian people get the highest quality debate and resulting legislation possible. No-one appreciates that more than opposition senators — and no-one appreciates it more than me, as Leader of the Opposition in the Senate, how important the role of the library is to the effectiveness of the opposition.
>
> This bill establishes the statutory position of Parliamentary Librarian….

He continued:

> It also establishes the functions and reporting structures …

He goes on to say something in his contribution that was in the second-reading speech as well:

> The focus of the bill is to protect the independent provision of library services to the Parliament.

I quote from the second-reading speech where he said:

> Throughout the history of the Parliament, that independence has been central to the parliamentary library's contributions to the deliberations of the Parliament. It will be guaranteed by the package of amendments in this bill.

Why was it not possible for something similar to be done in this place? Why, when we on this side of the house have decided to move a very simple amendment, which we will move in committee and which states:

> That there continues to be an office of Parliamentary Librarian in the Department of Parliamentary Services and the department head of that department must ensure that a person is at all times employed as Parliamentary Librarian.

Why was that not accepted by the government? It is not nearly as strong as the recommendations made by the Public Accounts and Estimates Committee. It is not nearly as strong as the bill introduced in Canberra and supported wholeheartedly by the opposition in such strong words. It made some amendments of its own, but its feeling is equally as strong as that which I have been expressing here today in relation to the protection of the library.

It is a sad day in this place when these sorts of things happen. In the end perhaps it would have happened anyway, but it might have been nice to have had a decent debate about whether or not it was necessary and whether it was being done appropriately. But those opportunities came to no-one, and the fact that this Parliament and members of the Parliament have been treated with such contempt is very sad. But the flow-on effect is that we now have many unhappy members of staff — not just in the library but throughout the place — and that is very concerning for every person who has to work here. Frankly, I do not know what is going to be done to improve it because the response to the issue that I raised in the Public Accounts and Estimates Committee was, 'We do not have a problem. We meet with people all the time'. I let honourable members make their own assessments of what that means.

I want to briefly touch on one other part of the legislation which goes to the establishment of the new parliamentary committee. I am not so churlish as to suggest that there must be someone in the Labor Party who has not yet got some sort of additional pay, so the government has created an extra position so someone else can get some money. I look forward to seeing who is appointed as chair of that committee.

Mr Lenders — It might be you, Bill.

Hon. BILL FORWOOD — It might be me? I thank the minister for the offer, but I am pretty sure I will have to decline.

Mr Lenders — You have done such a good job chairing the Public Accounts and Estimates Committee.

Hon. BILL FORWOOD — Thank you. This is the new committee that will look into electoral matters. I understand it is modelled on the committee that operates in Canberra. However, as I have said in the past, I am pretty concerned when this government says it models things on what happens in Canberra because sometimes the words do not mean what they actually say.

Clause 39 provides that the Electoral Matters Committee will have the capacity to inquire into, consider and report to Parliament on proposals, matters or things concerned with parliamentary elections and referendums, local government elections and the administration of, or practices associated with, the Electoral Act or any other law. I anticipate and hope that this will work in the same bipartisan way as the majority of committees in this place do, except when the government gets paranoid and stacks them out, which happened in this place two weeks ago. I believe that one of the strengths of this Parliament has been the joint committee system, and I look forward to this committee contributing solid work as well.

I could not finish without referring to the following clause which is headed 'Repeal of references to the Library Committee'. Without any discussion whatsoever the powers that be in this institution have decided to abolish this committee. I am sure it used to meet quite regularly under other people in authority in this place.

Mr Smith — Controlled by you, you mean.

Hon. BILL FORWOOD — No.

Hon. Richard Dalla-Riva (to Mr Smith) — And that's it — if you can't control it, you guys don't meet, do you? That's the reason we have not met.

Hon. BILL FORWOOD — I just think it is ridiculous. I say quite bluntly that from now on we will be scrupulous in our analysis of what happens at the House Committee because — —

Mr Smith — Don't hold your breath.

Hon. BILL FORWOOD — Don't hold my breath? Thank you very much, Mr Smith.

Mr Smith — I am saying your scrutiny would be something different.

Hon. BILL FORWOOD — I think it is very sad when the Parliament is mucked around in ways such as this. We do not support this legislation in any way, shape or form but we are not going to oppose it either because there are bits of it which are sensible. We are gravely concerned about the library and we will be moving an amendment when we get to the committee stage.

Mr Lenders — Will you vote for the third reading?

Hon. BILL FORWOOD — I hope we do not have to. As I said, I am deeply disappointed at the duplicitous behaviour that has occurred in the structure of One Parliament in my time in this place.

Hon. W. R. BAXTER (North Eastern) — I find myself in somewhat the same position as Mr Forwood. I am not opposed to any great extent to most of the provisions in the bill but I am exceedingly disappointed with its genesis. It seems to me that in the past in this place there was widespread consultation with all the parties before major pieces of legislation that go to the governance of this Parliament were considered.

In the past there was always a tradition of attempting to achieve tripartisan support in terms of the management of the Parliament. However, so far as I can tell there has been no such canvassing or attempted consultation on this occasion. That has been highlighted by Mr Forwood's example of the opportunity to appear at the executive building to be told the bill was being introduced the next day but not being trusted sufficiently to have a copy of the bill placed in one's hands. I think that is extremely disappointing and quite alarming. It makes you wonder what drives this government. Why is it so obsessed with control even on something as vital to our democracy as the operation and governance of the Parliament?

For some time I have been concerned that members of Parliament have been sidelined when it comes to the administration and management of Parliament. When the presiding officers appeared before the Public Accounts and Estimates Committee hearings last year I asked the Speaker whether she considered members of Parliament were employees of the Parliament. Her answer, and I quote, I think, verbatim, was, 'I think you know the answer to that, Bill'.

President, I am still puzzling about that. I would not have asked the question if I had known the answer, and I still do not know what the answer is. However, I am increasingly of the view that the point I made is in fact

a reality — members of Parliament are considered to be employees of this Parliament and as such do not deserve or need to be consulted about how the place is conducted.

My opinions are somewhat confirmed by a passage from the secretary's foreword to the 2003–04 annual report of the Department of Parliamentary Services, where it says:

> The 2003–04 year has seen many positive changes across the Department of Parliamentary Services. The 'One Parliament' concept was launched at a series of workshops between the President, Monica Gould, MLC, The Speaker, Judy Maddigan, MP, and the senior staff of the Parliament commencing in 2003. It is an ongoing change management process.

What about the rest of us? Where were we? Why were we not included in this change management process? Why do we just get a bill served up to us like we have on this occasion? It beggars belief and it disappoints me exceedingly that members of Parliament across the board — government backbench, opposition and the third party — have been sidelined, have been isolated, have been left out in the cold. I do not think it is good enough.

We used to have presiding officers as leaders of the team. They were the senior officers of the Parliament but they took the rest of the Parliament into their confidence via the House Committee and other mechanisms. It seems we have now moved to presiding officers who are much less hands on in many respects — they have devolved their responsibilities and their authorities to a chief executive officer who is under a contract. I have high regard for Dr O'Kane, not that I know him well because I have only come to know him since he took up the position, but he does not and cannot have the feel for the place that the presiding officers, who are members of the Parliament, undoubtedly have.

I acknowledge that the administration of the Parliament has become more complex than it was when I first came here. We did not have electorate officers then, we did not have the sort of technology we have now. We had less members than we have now and less committees than we have now. The world was a somewhat simpler place but I do not see the increasing complexity as a reason to change the way the place has operated and in the process to take the rank-and-file MP out of the loop.

I am similarly exceedingly disappointed with the downgrading of the position of librarian. As far as I am concerned the librarian in any Westminster Parliament is a pivotal officer of that Parliament, and probably more so now with all the technology we have — the vast array of information that is now available electronically — compared with earlier days when it was all paper based. It seems to me that the librarian should be an appointment at the highest level to give that guarantee that the library is in fact absolutely independent and can go about its work without fear or favour, and service members of Parliament on all sides of the house.

We have been well served in this Parliament by our librarians. Josephine McGovern would turn in her grave at what is going on now. Bruce Davidson, and now Gail Dunston, have all been officers of the highest calibre. Will we attract persons of such calibre in the future if the position is not seen to have the status which it had in the past, and which I believe should be maintained? I regret that we may not attract the best into the position and that is going to be a tragedy for the Parliament and is going to be to the detriment of our democratic system.

I could attribute some ill will to the government with this move if I was a believer in conspiracy theories. I do not think I am and I am not going to go down that track, but it does make one wonder whether there was something more in this than meets the eye, something more than we have been told. One thing I have learned about Labor governments is that they can have objectives in the far distance, and it does not matter how long it takes to get to that objective, how devious is the track, how winding is the path, they will keep at it by incremental changes until they get to those objectives in the far distance. I cannot help but think that perhaps there is an element of that in this move to downgrade the librarian.

I wonder about the introduction of another committee. We have got more committees now than the Parliament has ever had before. It is obviously a job for another Labor backbencher to get on a higher emolument. Aside from the chair, I am not sure who is going to serve on the committee from the rank and file of government members, because it seems to me virtually every government backbencher is now already on a committee except for one or two who are obviously deemed to be such lightweights they cannot be put on. Four members of this chamber are members of two committees — Mr Somyurek, Mr Hilton, Mr Scheffer and Ms Argondizzo, who is a member of the Scrutiny of Acts and Regulations Committee and the Outer Suburban/Interface Services and Development Committee. If the committee system is to maintain the integrity it has had in the past, members need to be able to give it the sort of attention that committee work requires, and one does wonder how persons who are

serving on two committees are actually able to give them the attention they deserve.

I express some absolute concern about another committee, and I wonder what its charter is. I have read in the bill where the references can come from and what areas they can cover, and certainly that is a very broad scope. I know that the second-reading speech says that the federal Parliament has got such a committee, so the inference is that perhaps we should have one. I had a bit of a look at what the federal committee does. It looks into electoral matters but it has been very limited in what it has done over time. In the current Parliament it has conducted an inquiry into the last federal election and matters related thereto. That inquiry is still on foot. It conducted a similar inquiry in the last Parliament, the 40th Parliament, into the 2001 election, and one could say that is an appropriate thing for such a committee to do because obviously it may be able to recommend some changes to the voting procedures which would be in everyone's interest.

The commonwealth committee is currently inquiring into the disclosure of donations to political parties and candidates. That is a matter that may well be valid but that is all it has done thus far in this Parliament. It might be, 'The 41st Parliament has not been in process very long, so what do you expect?'. I will accept that given the time, but if one looks back to the 40th Parliament, from February 2002 to August 2004, it similarly only conducted a couple of inquiries — the one to which I have already referred, one into an audit report into the integrity of the electoral roll and a short inquiry into the representation of the territories in the House of Representatives. Going back to the 39th Parliament, again similar types of inquiries were undertaken. They were not very extensive, were fairly limited and were into specific subjects.

Is that what this committee is going to do? Is it to just do those sorts of things and look into each election — and I would not necessarily object to that — or is it to be a committee such as we have got now where there are always one or two references before the committee and therefore it is going to need the full panoply of staff and costs?

Hon. Bill Forwood — Who knows?

Hon. W. R. BAXTER — As Mr Forwood says, 'Who knows?'. Is it to conduct a witch-hunt of some sort? We do not know and there has not been any indication of what the government intends in terms of this committee. I am not saying I am opposed to the setting up of this committee, but I wonder what the government has got in mind. It is just one of those things that one needs to take a little bit of care about.

Finally, I take this opportunity to express my disquiet with the rumours I am hearing around the place, perhaps more from the other side of the building than this side, about the government's intentions with regard to meeting times and a proposal to have the house rise earlier on Tuesday and Wednesday evenings, allegedly in the interest of family-friendly hours or some such thing. I say that people who are elected to this place come into the place with their eyes open, and we need to take account of what is the efficient operation of the Parliament, especially for those members who come from the country and who are not able to return to their homes each night when Parliament adjourns. It is exceedingly unfair to ask them to spend even more time in Melbourne because the house wants to rise earlier and therefore will be required to sit on more days. Country members already spend a lot of time away from home, even in their electorates. They are often not able to return home each evening because of the distances involved. It would be grossly out of order if sitting times were changed so that the house did not sit on the evenings of Tuesday and Wednesday. I am not saying that country members would be left at a loose end because they would certainly have plenty of work to go on with, but it would cause there to be more sitting days, which would add to the cost and which would keep those members away from their electorates, and more particularly away from their homes and their families, more than is already the case.

The current system is tried and true. Through cooperation and good management by the Leader of the House perhaps we have avoided in this Parliament, and we largely avoided in the last Parliament, the late sittings which from time to time were experienced in the past, although they were remarkably rare despite what one reads in the newspapers. Of course no one wants very late nights, and I am not suggesting we need them, but the current regime of going on the adjournment at 10.00 p.m. is working well and ought to be retained.

In summary, this bill not only has some features in it which are entirely acceptable but it has a number of others, such as the downgrading of the library and its position, which are regrettable to say the least. It has a couple of other issues which are acceptable, but my main concern is that it again demonstrates the way this government operates in that this bill came into being without the traditional cross-party discussions and negotiations that we have had in the past on the governance of the Parliament.

Mr SMITH (Chelsea) — This, more than anything else, is a bill about restructuring parliamentary administration and as such needs to be closely scrutinised. I know something about restructuring, and I have taken some time to look at exactly how this process evolved. I would say without any fear of contradiction that if the architects of this restructuring exercise did not fully consult and comply with the normal standards then this will fail.

However, I am pleased to report to the house that not only has an appropriate amount of consultation taken place but it has also been done under the guidelines of the Australian Council of Trade Unions structural efficiency principle of 1988. I note that Mr Dalla-Riva went into a state of shock over that comment. For his information, the credibility for restructuring in this country resides entirely in Swanston Street at the ACTU. We invented it. I shall give an example of how that is right and why this restructuring exercise will work. The presiding officers and others have completely complied with the guidelines in that they took senior management, middle management and staff offsite and took them through workplace reform and change management processes et cetera, which is something completely foreign to that lot over there. They would never and in the whole history of this place have never taken into account the views and attitudes of the work force. It is a bit rich to be lectured by them about workplace reform or workplace change.

The staff of this place, who are highly regarded by both sides of the house and have performed at a level that not only they can be proud of but that we appreciate without question, have had input and a say in the changes. Both the previous speakers have concentrated almost entirely on the library as if the library were the Holy Grail or the only thing that has been restructured. I have no doubt there are some people in the library, and I have talked to them as well, who have expressed some concern and disappointment about either the process or the actual changes that are being proposed. That is understandable.

No-one likes change— I suppose the beneficiaries do — and overall most people get into a comfort zone. They understand who they are, where they are and how everything works. When they are confronted with quite significant change it is natural that they want to resist it and are not happy about it. They see it in a personal sense almost as an attack on them. I say to those people that this is in no way and attack on them, their performance or the value the government places on the service they provide to us, not at all. Do members on the other side actually suggest that the government would do something — anything — that would impact on the library and its services in a detrimental way? Not at all. Why would we do that? It is a no-brainer because we simply would not.

We know the conservatives opposite are appalled at anything regarding change, but it is not always a bad thing. We restructured this place, and they did not like that either. After the last election we changed the whole house, and they did not like that. It was a case of shock, horror, the end of the world, because they no longer dominated this house. I say the them, 'Get used to it'. It is not necessarily going to be the worst thing that ever happened to Victoria. In the long term it will prove to be a very wise decision.

Hon. Bill Forwood interjected.

Mr SMITH — I am glad you did not say, 'Go to Gough!'. In my view the library has nothing to fear. While there will be some changes, and the new head of the department will be sitting over the top, I do not see how it will impact at all other than in the sense that someone may feel that they have lost some status, power or whatever. Again this is part of the world we live in, it is change. Be it technological change or whatever there should always be continuous improvement, and that is the system I suggest is being utilised now. We should from here on use that to look at ways and means of improving everything to do with the administration of the Parliament. We are refining the structure.

Hon. Andrea Coote — Why don't you start with the IT?

Mr SMITH — I suggest that the new head of that department, who will head up the IT and the library, should be someone who has a very strong background or knowledge of IT, because that is a vital area that needs some technical expertise and improvement. I am sure these changes will start that process as well.

One of the major changes is the reduction in the number of current departmental heads from five to three. Our own Wayne Tunnecliffe will be a head of one of those departments — that is, head of the Legislative Council. I am sure we would all agree we have absolute faith in Mr Tunnecliffe's judgment — other than for his choice of football teams, and he is paying his penance right now for that anyway! Other than that, in a way that is consistent with his predecessors he is overseeing a standard that we have come to appreciate and expect will continue.

Mr Ray Purdey is the departmental head of the Legislative Assembly and Dr Stephen O'Kane is the other departmental head. I do not think for 1 minute

that any member would suggest that the reduction in the number of departmental heads from five to three is a bad thing or that it will not deliver more productivity or efficiency improvements. That should happen logically, but if it does not, we then have this process of continuous improvement. It can be reviewed or changed. I say to the conservatives opposite: from here on nothing stays the same anymore! We are moving on and up.

The other important aspect of this involves the Community and Public Sector Union. For Mr Dalla-Riva's edification, the CPSU is the relevant union that covers the staff here. He has no idea what it is. The union has been fully consulted regarding these changes. It has participated in them. It has guarantees that no-one will lose their job as a result of this restructuring. People are grandfathered or green inked. Mr Dalla-Riva should know that that is the term we use to protect the income of people and ensure they do not lose. We have no losers here in terms of pay and conditions. There may be some bruising around the edges for some people in terms of either their ego, status or whatever, but if you want to make an omelette, you have to break a few eggs. It is just the way it is. I also feel very confident that we will see no reduction in the standards, quality or services provided to us. Hopefully there will be nothing but actual improvements.

The purpose of the bill is to allow for good administration of the Parliament. It repeals the Parliamentary Officers Act 1975 and amends the Constitution Act 1975, the Long Service Leave Act 1992 — I am looking forward to the debate on the Long Service Leave Act as well — the Parliamentary Committees Act 2003, the Public Administration Act 2004 and the Terrorism (Community Protection) Act 2003. In particular it establishes a joint investigatory committee on electoral matters. I have heard people say, 'What has this got to do with the Parliament?'. I am sure the people who designed this and had it included in the bill had very good reasons for it. I am very confident of that, so much so that I am going to vote for it!

This bill will also ensure that Parliament's employment positions are based on merit. This is a huge step forward. The normal situation that has prevailed either in this house or in some other countries has been promotion based on time served or what we refer to in the industrial game as 'seniority'. Seniority has never been something I have supported when it comes to promotion. It does not guarantee the best people are in the best positions. You may be a time server, you happen to have been here long enough and you get promoted — nobody accepts this as a good system. Now we will have the new officers — Mr Tunnecliffe in the case of the Legislative Council — able to ensure that people are appointed or employed on merit.

In restructuring exercises some people thought that because they had been there longer than someone else they should automatically have first access to better opportunities. That problem had to be overcome. We had to get over that hurdle. Those people simply failed. I am very pleased that merit will be used. I do not think any of us could legitimately criticise that. These changes will promote the highest standard of integrity among and conduct from our parliamentary officers. As I said before, that is something we are used to. It is simply a matter of maintaining the status quo in that regard as far as I am concerned.

In November last year the presiding officers reviewed the administration of the Parliament. This was in accordance with the One Parliament project and aimed to reduce the number of departments from five to three. This bill provides for a more modern administrative structure that clearly outlines employment arrangements that are consistent with the public service. The bill has been prepared by the presiding officers and the heads of the departments so we can be confident of its outcome. There is no question in my mind that this is a good piece of legislation despite what those conservatives opposite have been rabbiting on about it. The house ought to support this bill. I commend it to the house.

Hon. RICHARD DALLA-RIVA (East Yarra) — I rise to speak on behalf of, as Mr Smith said, the conservatives on this side of the chamber — —

Hon. Andrea Coote — And the Liberals!

Hon. RICHARD DALLA-RIVA — I also rise to speak on behalf of the Liberals in relation to the Parliamentary Administration Bill 2005. It is amazing that we will have to go to the Australian Council of Trade Unions to benchmark restructuring if — heaven help us! — that is the benchmark and model for the future. That aside, I was going to talk specifically in relation to the overall structure and process that went on in this Parliament and how it has evolved to become the farcical situation that I will highlight in my contribution to the debate. It is important to note that the bill now before the house deals with restructuring. Part 3 has a particular provision that I will talk about. But I thought it was important that we went back to the government, and in particular to what it quoted in *One Parliament*. I looked at the business plan. Mr Smith, you might know

what a business plan is if you are talking about restructure — —

The DEPUTY PRESIDENT — Order! Mr Dalla-Riva, through the Chair!

Hon. RICHARD DALLA-RIVA — I raise the point in debate because Mr Smith raised that issue.

The DEPUTY PRESIDENT — Order! Mr Dalla-Riva can direct his comments through the Chair.

Hon. RICHARD DALLA-RIVA — I had cause to examine a document entitled *One Parliament: a Business Plan for the Parliamentary Departments 2003–06*. It is a document created during the term of this government. I looked at attachment 2, which shows the structure of the parliamentary departments. It says:

> In order to implement the business plan … the structure of the parliamentary departments will be modified as shown.

The business plan shows the existing structure, but it adds the department secretary. That one position has four positions reporting to it: the Editor of Debates, the Parliamentary Librarian, the Directors of Infrastructure Services and the Director of Corporate Services. The only document that shows the creation of this new structure of Parliament has only one position — that of department secretary.

The document says:

> The structure will result in an additional cost to fund and support the new position of department secretary.

It is important to put that in the context of this debate. The government announced the creation of and advertised for candidates for the position of Secretary of the Department of Parliamentary Services. That position was advertised in the *Age* of Saturday, 14 February 2004, in accordance with the business plan. The position had a salary of about $126 000. It is important to put that in context. That process went through and an announcement was made in an email to Parliament House staff of 23 April 2004 that Dr Stephen O'Kane had been appointed and he would commence duty with the Parliament on Monday, 10 May 2004. For all intents and purposes that was the end of it: the structure in the business plan and the appointment of a departmental secretary. But hold on to your hats, because this is where it all started to go pear shaped. In June — —

Hon. J. M. Madden interjected.

Hon. RICHARD DALLA-RIVA — The closest thing the minister would know to restructuring is pulling the wings off a fly.

The reality is that on 17 June 2004, in a Public Accounts and Estimates Committee hearing on parliamentary departments, the Speaker gave an undertaking that members would be consulted on changes, and that the House Committee deliberations on the matter would be published on the Parliament's intranet. In June 2004 the former Editor of Debates, Carolyn Williams, resigned. In November 2004 additional management layers were established. In November 2004 the PAEC presented its *Report on the 2004–05 Budget Estimates*. On page 177, recommendation 29 in the chapter on parliamentary departments states:

> The presiding officers provide an opportunity for all members of Parliament to be consulted on proposed changes to the Parliamentary Officers Act 1975.

Recommendation 24, on page 175, is important in the context of the amendment proposed by the Honourable Bill Forwood. It states:

> The autonomy of the Parliamentary Library be retained … and that a protocol formalising this independence be signed by the presiding officers.

Recommendation 25 on the same page states:

> The autonomy of the Parliamentary Library be reinforced through amendments to the terms of reference for the Library Committee —

and so on. We should remember that the Public Accounts and Estimates Committee is controlled by the Labor Party. But let us continue. In December 2004 — —

Honourable members interjecting.

Hon. Bill Forwood — They have got the numbers, but we control it.

Hon. RICHARD DALLA-RIVA — Good point, Mr Forwood. In fact, having watched the Public Accounts and Estimates Committee in action I would have to agree. In December 2004 the Public Administration Bill was passed, which inserted a new section 5A abolishing the parliamentary library and parliamentary debates as parliamentary departments and established the position of the Secretary of the Department of Parliamentary Services. At that stage we still had the one position of secretary, and without consultation the government abolished the existing positions.

Now suddenly we have an array of positions starting to form within the structure of the system. I thought it was important to go back and start looking at where we were at in terms of each of those. I obtained a copy of the department of joint services organisational chart, which showed that the Speaker had reporting to her the Director of Corporate Services and the Director of Infrastructure Services — two people. I thought it was important that I look at the parliamentary departments. Reporting to the President of the Legislative Council were the Parliamentary Librarian and the Editor of Debates, which conforms with the new structure proposed within the business plan of the department secretary having four people report to him, as appears in attachment 2 of the *One Parliament* document — that is, the Editor of Debates, the Parliamentary Librarian, the Director of Infrastructure Services and the Director of Corporate Services. For all intents and purposes the process was correct in the way it was heading. It may have been abolishing the parliamentary library as a department, but for all intents and purposes the business plan was proceeding as per normal.

In the interim we had on the side, as was mentioned by the Honourable Bill Forwood, some legislation going through the commonwealth Parliament — namely, the Parliamentary Service (Amendment) Bill 2004. I reference the fact that clause 38C of that bill concerns the appointment of the Parliamentary Librarian. It went against the advice that we were given, as Mr Forwood has indicated. Clause 38H states that the Parliamentary Librarian reports to the Library Committee, so our federal colleagues saw the importance of that.

In my research I thought it important to look at the Senate *Hansard*, and in particular the debate in relation to what occurred on Thursday, 10 March. Senator Chris Evans, the Leader of the Opposition in the Senate, rose to support that bill. He concluded at page 32:

> We will also continue to stand up for the library, which has provided outstanding service to this Parliament for more than 100 years.

Did they? Do they do it here? No. So why is it that we have Labor federally understanding the importance of the library and the importance of the autonomy of Hansard and those other groups? Why is it that those on the other side of this house do not wish it? That position was advertised on page 34 of the *Australian Financial Review* of 8 April, under the heading 'Parliament of Australia, Department of Parliamentary Services, Parliamentary Library'. I wish that person, whoever they may be, all the best because I know that they will have support from their Parliament in whatever they wish to do.

But getting back to the issue about structure, I thought it would be important in the remaining 5 minutes to look at where we are at. In February this year the manager of the Parliament's IT unit resigned. I should mention that the Deputy Editor of Debates also resigned. Despite the rhetoric that things are going well, clearly we have an outpouring of grief. As Mr Forwood indicated, motivation has certainly been declining.

However, what is interesting is that the federal Parliamentary Service (Amendment) Bill was passed in the commonwealth Parliament on 16 March, and on 17 March this Parliament was conducting interviews for three directors positions. These positions were: director, organisation development and finance; director, precinct and property management; and director, communications and information technology. This proposed organisational chart, which I have obtained and which I believe is available to all, shows that there is a new layer of management. We have two new deputy clerks, who I know were appointed today, and we have three additional directors — plus the Secretary of the Department of Parliamentary Services. I thought I would put on the record here what those directors cost, which is on the public record. They are paid between $91 316 to $104 523. The salaries of the existing positions vary, and I have them here. The amounts vary from $78 000 to $105 000, $66 000 to $93 000 and up to $120 000 for those positions.

I looked at the structure that was proposed in the business plan. Theoretically it was costing the Victorian taxpayer about $480 000 a year for the provision of management services. The addition of the Secretary of the Department of Parliamentary Services, at around $126 000 plus, puts it at above half a million dollars. Within this Parliament we now have two deputy clerks, three directors and the Secretary of the Department of Parliamentary Services. In a sense we have six new positions. Let me also put on the record that those four initial positions that I referred to are still within the proposed new structure. In other words, this government is now going to cost the Victorian taxpayer in excess of $1 million a year — close to $1.1 million a year — by implementing a new level of bureaucracy.

I thought it was important to say why the government would do that. I thought I would do a comparison with the libraries of the other state parliaments just to give an idea of where the money is going. It is going not in service provision, not in research, not in assisting members, as the other side says, but to put in layers of bureaucracy. Why does it do that? Because it wants to avoid scrutiny. The less scrutiny there is of the government's performance in this house the less

accountability there is of the government out in public. That is what it is about.

I cannot work out why we have this bill and the reasons for having a huge layer of additional bureaucracy within the parliamentary administration. The business plan made it very clear that there would only be one department secretary. From one department secretary we all of a sudden have a layer of five additional senior management positions that are part of the parliamentary senior management group, or PSMG, and the additional cost for the privilege is $600 000-odd more per annum.

Do we receive any benefit as members? Absolutely not. If we look at the numbers of library and research staff and compare them with those in the other state parliaments, we find New South Wales has 38 library staff, Queensland has 35 and Victoria has 25. But when you get to the issue of research, which is about scrutiny of the government, you see that New South Wales has 9 research staff, Queensland has 4 research staff but Victoria has only 3. So in the area where there is a need to ensure that the government has accountability and is subject to scrutiny, the government does not have the capacity to provide staff. It is no reflection on the people who hold those positions, but that sure paints a picture of a government that is again — it does not matter where it does it — putting down layer upon layer upon layer of additional bureaucracy.

What I have discovered and what we have found out is that this government has gone absolutely ballistic in appointing people at senior positions, when what we really need are people at the grassroots providing services to us as members. Those on the other side who support this bill should be ashamed.

Ms ROMANES (Melbourne) — Thank you, President, for the opportunity to speak on the Parliamentary Administration Bill. From listening to the contributions of the opposition it seems to me that the opposition is not fundamentally opposed to the organisational restructure of this important organisation, the Parliament of Victoria, even though it has expressed opposition to or scepticism about a few specific proposals in the bill. Nor should the opposition be averse to restructuring and looking at changes that can contribute to a more effective organisation, because it engaged in an enormous amount of restructuring when it was in government. Like many others, I bore the brunt of its restructuring when I was sacked as mayor of the former City of Brunswick with exactly 2 hours notice. That was not exactly a good practice that was engaged in by the opposition when it was in government.

This bill continues the major changes to the way the Parliament is organised. It began through the passage last year of the Public Administration Act, which included changes to the administration of the Parliament. That involved consolidating the separate departments of the Parliamentary Library and Parliamentary Debates into the Department of Parliamentary Services. The bill before us this evening is the next step — that is, of reinforcing the notion of One Parliament as the framework structure for the organisation of the Parliament and putting in place a structure consisting of three departments: the Department of the Legislative Council, the Department of the Legislative Assembly and, supporting the two house departments, the Department of Parliamentary Services.

The One Parliament structure that is outlined in the bill before the house is designed to put in place a more modern parliamentary administration that integrates advice and support to members in a more effective way throughout the operation of the Parliament. We might ask where the catalyst for change is coming from. I am a member of the parliamentary Public Accounts and Estimates Committee, and the catalyst for and the origin of the changes were clearly outlined for me and other members of the committee in the contribution from you, President, and the Speaker when you presented evidence before the committee last week. The reasoning given on that occasion was that you, as presiding officers, initiated extensive staff training and workshops to look at how:

> **…** Parliament could operate better and how units could operate better together to provide a more efficient service.

That was the rationale driving the consideration of change to the organisation. Through that process of bringing senior staff together to reflect on and examine what needed to happen to improve the way this organisation operates, as the Speaker said, a number of issues were identified. One was that departments tended to work in their own little areas and did not relate well together, and that there was no sense among the senior staff of an overall management structure for the Parliament. As the Speaker put it very clearly, when an examination of the records was undertaken, no-one could:

> … find at any point that anyone had sat down and said, 'We think this is the best administrative structure for the Parliament of Victoria …

In a sense, things were added in an ad hoc way as the administration of the Parliament evolved over, as we know, nearly 150 years.

We have in front of us a new structure which puts like functions of the Parliament together and aggregates the various functions under different directors. These three areas are: knowledge, property and assets, and administration and organisation. The new organisational structure creates three new directors who will look after those three separate functional areas. The proposed organisational structure to be adopted in Victoria of aggregating the corporate support functions of the Parliament is not unlike the way parliaments are structured in Western Australia, the commonwealth of Australia and New Zealand. But of course we know that when you undertake major structural change it does affect people's situations in the work force.

There have been allegations thrown up in this chamber by Mr Dalla-Riva in regard to the outcomes of the restructuring of the Parliament and decisions made by members of staff as a result. He was suggesting that the parliamentary Editor of Debates got up and left as a result of the changes that have been introduced by the presiding officers, when we know that the editor, Ms Carolyn Williams, resigned to get married and move to Canberra — a very personal reason for leaving this Parliament — and that the Deputy Editor of Debates is on long service leave. So let us not incorrectly attribute changes in the work force that may be personal or have a whole range of reasons behind them to the important structural changes the presiding officers, the President and the Speaker, are endeavouring to introduce into the Parliament.

One of the more controversial areas, of course, has been the amalgamation of the knowledge management functions — that is, Hansard, the library and research, and information technology — as they are grouped together under a director to encourage closer integration and a more effective service delivery and support for members. Despite changes to that structure — and we know that has affected the position of the Parliamentary Librarian — the current librarian has had her position and salary protected under the Public Administration Act 2004. After consideration of a change of title for the Parliamentary Librarian to manager, library and research, to make the research function more explicit among the responsibilities of the Parliamentary Librarian, the position title will remain the same, acknowledging the traditions of this Parliament but still incorporating all those functions of parliamentary services and research.

The Parliamentary Librarian, as other members have acknowledged, is held in high regard, and the parliamentary library staff have the confidence of members in this place that they will continue to deliver good services as they have for many decades. We are confident that they will act consistently and in accordance with the values enshrined in clause 5 of the bill — that is, those values of impartiality, integrity, accountability and respect, leadership and responsiveness. These are the values that we expect of all the staff who are employed to serve the Parliament and the people of Victoria.

Contrary to what many people are saying, there are no plans for resource reduction in the library. Recently the provision of library services has been enhanced, in particular with the expansion of the parliamentary research service to include additional resources for undertaking legal research for members. As was mentioned again by you, President, and the Speaker at the estimates hearings, there will also be two part-time research officers added to the parliamentary library to free up senior research staff so that they can take on higher level tasks. Library services are to be revitalised and expanded in terms of the range of research that is necessary for the future development of those services in this Parliament into the future.

The opposition has continued to make comparisons with the commonwealth Parliament, where the position of Parliamentary Librarian is a statutory position within its Department of Parliamentary Services. However, the parliamentary administration still has responsibility for the financial management and responsibilities of the parliamentary library, and the Parliamentary Librarian also reports to the Leader of the Senate. There is also a situation where the secretary and the librarian in that Parliament are entrusted with the negotiation of a resources agreement each year that has to be advised on by the Joint Library Committee and approved by the presiding officers.

Hon. Bill Forwood — What a good idea. That is what we recommended.

Ms ROMANES — That is a different way of organising the processes of allocating resources and responsibilities, but it is one which has some unresolved governance issues at the commonwealth level associated with these recent changes. It is one in which the hybrid model could be caught in a standoff and it is one which will be interesting to observe over time. The bill before the house clarifies the processes relating to the appointment and salaries of parliamentary officers and brings together the requirements relating to the clerks' appointments and salaries. The clerks are to be appointed by the Governor in Council while the Secretary of the Department of Parliamentary Services is entitled to the same salary and allowances as the clerks but will be employed

under a contract that will be set between the secretary, the President and the Speaker.

I mentioned before the importance of clause 5 in part 2 of the bill. It relates to the values and employment principles that will govern the work of parliamentary officers employed by the Parliament and the importance of the very objective of the bill, which is to provide the good governance framework for this Parliament.

This is sensible legislation. It is responsive to changes in administration and changes in workplace practices. It responds to the changing needs of a modern parliamentary system. This Parliament serves the people of Victoria through the members whose work it supports. We, as members, hold the staff and the administration of this Parliament in high regard because we get impartial and responsive support from them. The legislation that we are dealing with tonight aims to take that further, and to continue to build on and develop the skills and the coherence of the structures that underpin the work of this Parliament. I commend the bill to the house.

Sitting suspended 6.34 p.m. until 8.06 p.m.

Hon. R. H. BOWDEN (South Eastern) — In rising to make my contribution to the Parliamentary Administration Bill I am reminded of an old saying that I am sure all members would have heard — that is, 'If it ain't broke, why fix it?'. That is not to say that over time, with the changes in technology and changes in management progress and structure, adjustments are not necessary. But fundamental change is something that honourable members should be very careful about bringing to an institution such as Parliament because it is quite unlike a normal commercial structure. Parliament is made up of honourable members representing hundreds of thousands of constituents from different parties and from different philosophies, and the service needs and administrative needs of those members can vary enormously.

We all recognise that over the last decade advances in technology have made it desirable to ensure that we benefit from those changes and opportunities. But in changing the fundamentals such as the organisational structure and the absolute way in which an institution such as this Parliament operates, the approach to those changes should be done very carefully indeed. Not to do that can have a big effect on the morale of long serving and very rare experience levels of those who have served the people of Victoria and Parliament for many years. It can also have an effect on the speed and style of decisions which are made.

I suggest to honourable members that this institution is somewhat unique. Because of the sensitivity and the importance of the legislation there are occasions when the administrative base and the people supplying the essential support services to the Parliament, such as Hansard, the library and some of the other necessary support services, have to operate in an environment where independence and the ability to give information in a confidential way is extremely important.

I am somewhat concerned that in the name of democracy, in the name of change and all of those things, there are structural changes — for instance, I have never had anyone explain to me the meaning of the One Parliament structure. That sounds to me a little bureaucratic and I am not sure I am comfortable with it. I really do not understand what a One Parliament structure means and I do not feel comfortable about it. I am not sure I am terribly enthusiastic about embracing this on the information I have heard so far in this debate.

I would suggest to honourable members that the Parliament is not a government department. The Parliament of this state and other Westminster-based parliaments are not government departments. If they were, there would be no need for them as they would not provide members with the ability to carry out their oath of representing their constituents without fear or favour. When I look at the glossary of terms and the bureaucratic language in the bill, I am not terribly comfortable about that either.

There are three main provisions in the bill. The library and the Hansard staff have been merged with a new Department of Parliamentary Services, with a new head of that department. The second fundamental change is that there are three separate department heads to administer the Parliament where previously there were five. The third change, and I think not by any means the least important, is that a new joint investigatory committee, the Electoral Matters Committee, will be formed to investigate and review electoral procedures involving state and local government and other matters referred to it within the parameters of the bill. That is extremely important and I will return to it shortly. The new joint investigatory committee is established under clauses 38 and 39 of the bill.

An area I am very unhappy and concerned about in many ways is the loss of independence of Hansard. I can remember several occasions over the years when there was some difference of opinion about what was said or what was inferred, and the arbiter was often, 'What did Hansard record? What did *Hansard* say?'. The ability of Hansard to be independent is very

important in the establishment of the written record of the Parliament. I feel it is a good thing to have that level of real and perceived independence, but it has been lost.

I am also concerned about the independence of advice from the library. Whether one is a humble backbencher or a senior minister, the advice from the library is uniformly of high quality and it is prompt. Over the years, and still now, the service and the professionalism of our library is something we can all be proud of. I draw on the services of the library for statistical information and for help and guidance on statistical summaries and documents on many occasions during a typical year, and that advice has always been and remains of extremely high quality. The staff are excellent. They go about their work in a way which is very credible.

The independence of the Parliamentary Librarian is a hallmark of the history of this Parliament, and I am disappointed in the extreme that through this legislation future librarians will not have that independence. The loss of the position of the Parliamentary Librarian as an independent office-holder is to be regretted. Fortunately the present librarian is not affected by the changes in the bill, and that is as it should be. I very much support that particular aspect of the bill.

The bill has been brought into the house with the suggestion by members of the government that there has been considerable consultation. I can only speak for myself but the consultation I have had and the opportunities for consultation have been extremely limited. Along with the Honourable Bill Forwood I attended the meeting held one morning several weeks ago and was appalled that we could not see the bill. We were told there would be some changes but these were fundamental, integral changes to the Parliament. Mr Forwood, I and other members who attended that meeting probably represent 1 million Victorian constituents between us, but we were not even given the courtesy of seeing a copy of the bill. I do not call that consultation; I call it dictation.

There is another thing I find quite puzzling. I just do not understand this and I would welcome a government member explaining to me and the house why part 6, division 5 on page 38 of the bill talks about amendments to terrorism legislation. I cannot understand why this would be linked to changes to the Parliament. If these changes are so important and so critical to our collective security, why put them in at the rear of a bill such as this? I would listen intently to any government member who could offer an explanation for terrorism being highlighted in part 6, division 5 on page 38 of the bill.

It is also worth noting that the roles of the Clerk of the Legislative Assembly and the Clerk of the Legislative Council have not been changed. Whether one is a member of the opposition or a member of the government, from time to time access to the clerks of either chamber and free, honest, frank and professional advice is so important. I am pleased that that will not be affected by this bill.

The two clerks and the head of the new department will act as employers under the Crown. Previous opposition speakers have expressed concerns about the potential for that to be abused in the future in a way that would be quite unacceptable — that is, to transfer people from department to department and then put them in a position where they are forced to leave. I do not believe that will happen, but should it happen it would be a totally unacceptable mechanism, something that would be entirely regretted and should not be tolerated at all. The department head who may ever want to contemplate that deserves some very rigorous questioning.

The regulations can be made by the Governor in Council on the recommendation of the Speaker and the President. That is not unusual; it is quite acceptable. In some ways this catching up and changing of the mechanisms gives a degree of security to the office-holder and the incumbent.

I was elected to this Parliament in 1992 and it is my opinion that, in support and administration, members of Parliament have been given progressively less respect. We are not given the respect we are entitled to given our responsibilities, but I hasten to add that on no occasion has that ever been from the staff. The staff have been fantastic and wonderful, but our position in the structure of this Parliament has been progressively downgraded over a considerable period, which is something I am not terribly happy about. Now we are openly talked about as ‘employees’. In a legal sense we may be employees but in another we are far from employees because essentially the members of Parliament run the state, and I do not think we are given that respect as the ultimate deciders of what happens.

The amendment that I would like to have passed would have the position of librarian restored to a separate position. The librarian’s position is so important for our access to information, for the confidentiality of that information and for the expeditious way in which that information is required. That all adds up to having the Parliamentary Librarian continue to be a distinct and separate function — one which we have always respected and we certainly still respect.

I have concerns about the bill. In many ways I am uncomfortable, although I am not sure why, about the addition of terrorism clauses into a bill such as this. I am always suspicious when an institution such as Parliament is subject to massive change. This bill is a significant change to its structural services. I will be listening very intently to the content of contributions by government speakers being far more convincing than I have heard so far today.

Mr SOMYUREK (Eumemmerring) — I am not going to attempt to be forensic in my analysis of the bill but will stick to a pretty superficial commentary on it. Speakers on the bill before me, such as Mr Smith, have given a very forensic analysis of it.

One of the things I want to mention is the importance of Parliament. It is through the elected representatives of the Parliament of Victoria that the Parliament is accountable to the people of Victoria for the conduct of democratic, representative and responsible government. The Department of Parliamentary Services really is a significant department. Mr Bowden has just said that he contested the view that such a department should exist. The department has a big budget, too.

When appearing last week before the Public Accounts and Estimates Committee you, President, and the Speaker demonstrated to the PAEC what an important institution Parliament is and with a budget of $107.64 million it is vital that the Parliament is administered efficiently. This bill will replace the Parliamentary Officers Act 1975; however, many key features of that act will be retained and updated.

The bill also outlines the employment arrangements for parliamentary officers and ensures that these arrangements are more consistent with modern employment arrangements for the delivery of public services. Clearly the current legislative framework which was introduced in 1975 is outdated and inefficient. I mentioned earlier that this bill was important to ensure good governance; a critical part of good governance is administrative efficiency and effectiveness. This government has attempted to bring about operational efficiency, and good governance is its priority. This bill certainly is consistent with the government's aspirations for good governance. The Parliament of Victoria will be more efficient as a result of this bill, thereby benefiting the state in terms of a higher level of democracy.

Finally, this bill is also consistent with the Public Administration Act and ensures good governance within the Victorian public sector with an emphasis on integrity, impartiality and accountability. There are other key provisions of this bill including parliamentary officer values, parliamentary administration employment principles and the like but I will not go into those as I think they were quite cogently articulated by the preceding speakers. I commend the bill to the house.

Hon. D. McL. DAVIS (East Yarra) — I am pleased to make a short contribution to debate on the Parliamentary Administration Bill. In doing so I indicate that the opposition does not oppose the bill but that it has a number of concerns about it. I think it is important to put on the record tonight that there has been a weakening, a dilution of the forms of the Parliament, of the independence of the Parliament and that this legislation takes a further step in that direction.

It amends a number of acts including the Parliamentary Officers Act; it changes the role of the Clerk of the Legislative Assembly and the Clerk of the Legislative Council so that the Governor in Council will appoint the clerks on advice of the Speaker and the President. Also, a new department will act as employers under the Crown.

I am happy to indicate that in the early phase of my contribution I will do a very long contribution, if Mr Forwood is not careful. The objects of the act are:

(a) to promote the highest standards of governance in the administration of the Parliament of Victoria;

(b) to establish values and principles to guide conduct and performance within Parliamentary administration;

(c) to ensure that employment decisions in Parliamentary administration are based on merit;

(d) to promote the highest standards of integrity and conduct of Parliamentary officers.

I do not quibble with any of those aims. This is agreed by all, but the question is whether the bill achieves these aims in the form that they are put out. I contend that it does not. My contribution tonight specifically relates to the continual downgrading of the position of the library, which I believe is one of the most important activities of parliamentary administration in this Parliament. I believe both government and opposition members depend on the library heavily, particularly opposition members. The truth of the matter is that the Parliament turns from time to time, and members on this side of the chamber understand what it is like to be in government, and some members on the other side of the chamber, Minister Theophanous, for example, understand what it is like to be in opposition. When you are in opposition you depend on the parliamentary

library considerably, and I know some government backbenchers also depend on it.

It is an important aspect of our Westminster system that the parliamentary library is free from interference, that it is free in every sense to serve the interests of members and through them their constituents. I do not believe the position of head of the parliamentary library is now sufficiently strong. I place on record my concern for this new structure. I made a contribution to a bill in this Parliament a year or two ago which outlined concerns that I then saw about the future of the parliamentary library. I indicated that the government had clearly as part of its objectives to wind back the independence and strength of the parliamentary library, and I believe this bill takes this a further step. It is shabby and sad that the position of the parliamentary library has been weakened in this way.

I do not believe the head of the library, whatever title is given to him or her, will be in the position to robustly advocate for the resources and decisions that they would need to make from time to time in the way they were able to in the past. In the longer haul that will have a significant effect on the quality of debate in this Parliament. It will also have an affect on the ability of members to serve their constituencies. This process began a small number of years ago under this government and will be seen in the future, from a number of steps that have already been taken through to this bill today, to be a time when the independence of the parliamentary library was wound back.

There are a number of other concerns with the bill. The merging of the library and Hansard staff will also in my view weaken the independence and the ability of Hansard to serve all of us here in this chamber and in the other place. I am more relaxed with the structure of the parliamentary committees and the Electoral Matters Committee, but I will be interested as see what that committee actually does. There is plenty of work to do, and I commend the work of the equivalent federal committee, which I have observed does very good work indeed. If this committee can achieve even a small part of the aims and achievements of the federal committee, it will have taken a significant step.

With my small contribution tonight I indicate that we do not oppose the bill but place on record my grave concerns for the independence of the library. The robustness of the library's independence is in the end one of a very small number of pillars on which parliamentary democracy in this state depends.

Hon. J. A. VOGELS (Western) — I would like to make a small contribution to the Parliamentary Administration Bill. I do have concerns with the bill. I was elected to Parliament in 1999, when Jeff Kennett called the election that we were never supposed to lose but did lose. I very well remember coming to Parliament for the first time and, unlike government members, found myself in opposition. It was a difficult journey, and it would have been more difficult if it had not been for the library staff under Mr Bruce Davidson. He realised I was a rookie and took me under his wing. He helped me enormously with the legislation that was going through Parliament and with how to investigate matters and look up reports et cetera. It has been the same with Gail Dunston, who is also doing an excellent job, as is the library staff. It would concern me if under this bill the Parliamentary Librarian were demoted. It seems to me she will be demoted from a department head to a parliamentary officer. That is a devolution of power, which concerns me.

We in opposition especially need an independent head of the parliamentary library. The library plays a very important role, as I said before, in servicing not only us but also our electorate offices. I know that Marlene in my electorate office in Warrnambool is very grateful and appreciative of the work the library and other parliamentary staff carry out for us. It seems to me that the Bracks government takes great delight in denying opposition members resources. I am not sure who started this, but I was the member for Warrnambool, where I had a constituency of about 5000 square kilometres and two electorate officers to help me service that electorate. I am now a member for Western Province and my electorate is the same size as Ireland — 65 000 square kilometres. I was actually born in Holland, and I keep telling my mother that my electorate is twice the size of Holland. It is an enormous size. It must be costing taxpayers heaps of dollars. Last year I travelled 100 000 kilometres servicing my electorate.

The library staff are fantastic and help me with all the issues that come before me. It worries me that the library is being diminished. I have an interesting staffing profile that shows the differences between the Labor Party and the Liberal Party. For example, when talking about staffing, the Bracks office has 55 staff and the Leader of the Opposition has 10. We obviously have no ministerial staff, but the Labor Party had 173 at last count six months ago, so it is probably 193 now. The Labor Party has 7 pool staff and we have 3. The Labor Party has 149 electorate office staff and we have 49. That is a total of 384 staff helpers over on that side and we have only 62. In addition the Labor Party has 24 ministerial cars and drivers and we have 3. Those people over there have thousands and thousands of

bureaucrats writing their speeches for them and we have to go to the library to get help.

An honourable member — And it shows.

Hon. J. A. VOGELS — It does show — and they still get it wrong. It is very important to note that the library has no devolution of power. The issue I wanted to raise tonight concerns clause 39 which inserts proposed section 9A into the Parliamentary Committees Act 2003. It creates a new joint investigatory committee — the Electoral Matters Committee — that will investigate electoral matters. The subclause I am interested in inserts section 9A(1) into the act, and states:

> The functions of the Electoral Matters Committee are, if so required or permitted under this Act, to inquire into, consider and report to the Parliament on any proposal, matter or thing concerned with —
>
> …
>
> (b) the conduct of elections of Councillors under the Local Government Act 1989;

As the opposition spokesperson for local government I had a look at that provision. Up until now, if anything were wrong with local government under the Local Government Act, the responsible minister would be the Minister for Local Government, Ms Broad. Under this provision the Minister for Local Government will not have the power under the Local Government Act to properly investigate improprieties that occur at council elections et cetera. That authority moves to the Department of Premier and Cabinet where the secretary, Terry Moran, can now investigate the election of councillors and any associated improprieties.

Two weeks ago in this very house the opposition pointed out to the minister why she should act on many improprieties — dummy candidates, stooge candidates, people with brown paper bags and peaches with the lot — that have been carried out in local government elections. These improprieties have always been investigated by the Minister for Local Government. Obviously the Premier believes the minister is not capable of investigating those matters; that role has been removed from the Local Government Act and put into this bill.

In true Labor Party form another committee, to be known as the Electoral Matters Committee, will be formed. This will be a job for another ALP backbencher to earn $110 000 or more as chairman of that committee. Mr Eren might be eligible, and I see Mr Pullen in the house — they will all be putting their hands up to chair this committee, which position will probably attract $10 000 a year extra in salary.

My recommendation is that if you are going to look at electoral matters, you should have a look at Canada. The Canadian Parliament sits for 135 days a year, unlike this Parliament, which would be lucky to sit for 40 days a year on the way we are going. It is an outrage! We have sat for only 9 or 10 days, yet we are nearly into June. On a couple of those days we adjourned because somebody had died, which was fair enough. We had debate on a condolence motion, then we adjourned for the day. That is still counted as a sitting day, which is absolute rubbish. This house does not sit often enough. When it does sit, many people in the opposition including me need parliamentary staff and parliamentary services to help because unlike the Labor Party or the government of the day — and it could be the Liberal government in years to come — we do not have hundreds of bureaucrats at our beck and call.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 and 2 agreed to.

Clause 3

Hon. BILL FORWOOD (Templestowe) — Clause 3, the objects clause, states:

> The objects of this act are —
>
> (a) to promote the highest standards of governance …
>
> (b) to establish values and principles …
>
> (c) to ensure the employment decisions in Parliamentary administration are based on merit;
>
> (d) to promote the highest standards of integrity …

I refer to Don Watson's book *Death Sentence: The Decay of Public Language*. For the benefit of the committee I want to read a short paragraph.

The CHAIR — Order! Is Mr Forwood sure it is relevant?

Hon. BILL FORWOOD — I will make it relevant, Chair! It says:

> If in your professional life you want to understand your fellow human beings and be understood by them practise with a mission statement. And remember, everything worth putting

on paper, slide or disk has a dot in front of it. It should look something like this:

> What we stand for: our core beliefs and values.
>
> Objectivity is the substance of intelligence, a deep commitment to the customer in its forms and timing.

Do not worry if you are not entirely sure what this means. Once you have mastered the style you are half way to the philosophy, which is why the easiest way to write a mission statement is to borrow someone else's. Any sort of outfit will do … The one quoted here is the CIA's.

The CIA is the Central Intelligence Agency in the United States of America. It continues:

The dot point preceding the previous one is:

> Intelligence that adds substantial value to the management of crises, the conduct of war, and the development of policy.

I want to ask the minister: what is the difference between the CIA's objective and those of the Parliament of Victoria?

The CHAIR — Order! Thank you, Mr Forwood.

Clause 3 agreed to; clauses 4 to 17 agreed to.

Clause 18

Hon. BILL FORWOOD (Templestowe) — On a serious note, I move:

Clause 18, page 15, after line 11 insert —

> "( ) There continues to be an office of Parliamentary Librarian in the Department of Parliamentary Services and the Department Head of that Department must ensure that a person is at all times employed as Parliamentary Librarian.".

I canvassed this issue at some length in the second-reading debate, and other members have done so as well. This is a very simple proposition — that is, that as the commonwealth has demonstrated in its legislation, the position of Parliamentary Librarian holds a special spot in the Westminster system, and that rather than lumping the library into parliamentary services headed by Bill Bloggs over the road, or by an IT expert or other expert, we need to quarantine this position and we need to give it some clout.

We on this side have not moved an amendment along the lines of the bill that has been moved and passed in Canberra, which creates a statutory position of librarian. What we have done here is move that there be a position of Parliamentary Librarian. We on this side of the house are disappointed that the unanimous recommendations of the Public Accounts and Estimates Committee, which is controlled by the government and which made a number of recommendations about protecting the library in this new restructure, have not been picked up by the government or by the Parliament. We are very disappointed that the government does not appear as though it wishes to pick up the amendment that is before the chamber tonight.

This amendment does nothing other than say there needs to be a Parliamentary Librarian. There is grave concern amongst all members of Parliament, both on the government side and on the part of the opposition and The Nationals I believe, that the library is being treated in this way. This is but a small way of indicating that the library will continue, despite the abolition of the library committee, to operate as it has operated in the past. I am confident that I can assert that the reason this amendment was not picked up by the government was because it was not desired by the presiding officers. That is disappointing, because what we have here is a frolic by the presiding officers that has caused great angst throughout the Parliament. I am sorry that the executive has not been able to understand the importance that many members of Parliament — on all sides of the Parliament — put on this particular issue.

I do not want to go on any further except to say that I hope all members of this place will accept a very simple amendment — that is, that there continues to be an office of parliamentary librarian in the Department of Parliamentary Services, and that the departmental head of that department must ensure that a person is at all times employed as the Parliamentary Librarian.

Hon. W. R. BAXTER (North Eastern) — This is a very modest amendment by Mr Forwood, and I think the committee would do well to support it. It really is phenomenal to think that we could have a Parliament in the Westminster tradition without a formal designation of Parliamentary Librarian. It diminishes all of us if we are not going to have an officer by that description with the authority that that office should have accorded to it. I think that the arguments advanced by Mr Forwood and by other speakers in the second-reading debate are worthy of consideration. I do not see it being of any issue to the government at all. There is no detriment or derogation to the government if this office continues. I am not sure about Mr Forwood's assertion that it is not the wish of the presiding officers to have this. That may well be — —

Hon. Bill Forwood — It is the other way round, sorry. It is not the wish of the executive; it is the wish of the presiding officers.

Hon. W. R. BAXTER — I am sorry, I misunderstood the point Mr Forwood was making. It seems to me that a Parliament itself ought to be supreme in this circumstance. I am sure all members value the library — that has been well demonstrated — and I cannot see any reason why the government would want to die hard on what is a modest change. As Mr Forwood said, the opposition has not chosen to go fully down the commonwealth path and call for a statutory appointment. I urge the committee to support the amendment.

Mr LENDERS (Minister for Finance) — I listened very carefully to the genuine concerns raised by opposition members about what they think may or may not happen to the great service that is the parliamentary library. We have seen that, but while the government acknowledges that it is a modest amendment and is a stand on principle as much as anything coming from those opposite, from the government's perspective there is a proposal to streamline the Parliament from five departments to three. While the amendment undermines that, in a sense, by specifying the name of an officer and that an officer be appointed, the government's perspective is that all those great things about the library that have been spoken here today can be achieved through the current structure. Through its commitment to extra resources for the library, the government is continuing to make it a great service for all members. We acknowledge where the opposition is coming from, but we do not support the amendment because we think in the end it makes it more restrictive than what we are seeking to do with this departmental realignment. For those reasons we will not be supporting the amendment.

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his comments. Obviously there is no way that we want to be restrictive, but I do think that this is an issue of some importance. The second-reading speech on the federal Parliamentary Service Amendment Bill said, in part:

> A focus of the bill is to protect the independent provision of library services to the Parliament. Throughout the history of the Parliament that independence has been central to the Parliamentary Library's contributions to the deliberations of the Parliament. It will be guaranteed by the package of amendments in this bill.
>
> The continued independence of the Parliamentary Librarian is established by the legislative requirement that the Parliamentary Librarian's functions must be performed in a timely, impartial and confidential manner and on the basis of equality of access for all Senators and members.

I am happy to accept the statement made by the Minister for Finance that more resources have been placed in the library, but in Canberra there is a legislative requirement that this be done even-handedly into the future. What we in this house are looking for is that sort of undertaking from the government into the future. That is not what we have got, and the purpose of our amendment is not to hamstring the government in any way — or the Parliament — but to provide the flexibility that the minister mentioned, but in a way that says, 'There will always be a Parliamentary Librarian who has some rights and some responsibilities'.

Mr LENDERS (Minister for Finance) — Without prolonging the debate — and I think Mr Forwood, Mr Baxter and I will disagree on this — if it is of any reassurance to Mr Forwood, the values in clause 5 of this bill that are put in place, which apply to all staff of the Parliament and not just the librarian, do address those issues of impartiality that Mr Forwood has raised legitimately. From the government's perspective the values in clause 5 do address the issue, but I think on that other one we will continue to agree to disagree.

Committee divided on amendment:

Ayes, 19

Atkinson, Mr	Hadden, Ms
Baxter, Mr	Hall, Mr
Bowden, Mr	Koch, Mr (*Teller*)
Brideson, Mr	Lovell, Ms
Coote, Mrs	Olexander, Mr
Dalla-Riva, Mr	Rich-Phillips, Mr (*Teller*)
Davis, Mr D. McL.	Stoney, Mr
Davis, Mr P. R.	Strong, Mr
Drum, Mr	Vogels, Mr
Forwood, Mr	

Noes, 21

Argondizzo, Ms	Mikakos, Ms
Broad, Ms	Mitchell, Mr
Buckingham, Ms (*Teller*)	Nguyen, Mr
Carbines, Ms (*Teller*)	Pullen, Mr
Darveniza, Ms	Scheffer, Mr
Eren, Mr	Smith, Mr
Hilton, Mr	Somyurek, Mr
Jennings, Mr	Theophanous, Mr
Lenders, Mr	Thomson, Ms
McQuilten, Mr	Viney, Mr
Madden, Mr	

Amendment negatived.

Clause agreed to; clauses 19 to 38 agreed to.

Clause 39

Hon. BILL FORWOOD (Templestowe) — Clause 39 inserts new section 9A, which establishes the new parliamentary Electoral Matters Committee. While we on behalf of the opposition do not object to this, we are keen for a little bit more information about what the

government actually has in mind. I thought in his contribution to the second-reading debate Mr Baxter raised a number of pertinent issues about what sort of structure and terms of reference the committee would have, and whether it will be a standing committee or a specific-purpose committee. It would assist the committee if the minister at the table, the Minister for Finance, could provide some information about the government's intention in this regard.

Mr LENDERS (Minister for Finance) — I am happy to try to provide some assistance. In the end any committees really depend on the references given to them by the Governor in Council or by either house of Parliament. Obviously I cannot predicate what that would be, but I think it is fair to say that the government sees this committee as fairly similar to the commonwealth joint committee on electoral matters. I heard Mr Baxter's second-reading contribution. Sometimes referrals to that committee have appeared light and sometimes they have been more substantive. In a sense it will really be in the hands of the executive and the two houses of the Parliament as to what is referred to it. Certainly from the government's perspective we see it as having a role fairly similar to what the commonwealth committee does.

In a sense there is also a fairly principled position here as to what you would hope a committee like this would do. The Parliament has set up the Public Accounts and Estimates Committee to be a forum where issues from the independent Auditor-General are reviewed by the Parliament. Clearly with electoral matters there is an independent commissioner, and if the Parliament wished to have some review, or a view or a reference that tread on the delicate area of what is the role of the executive government or the Parliament itself, that would be the sort of thing that would be appropriate to go to this committee. In the end it is a call for the Governor in Council or either house to give references to it. I would certainly not see this as being a committee that would need to have huge staff support in any of those areas. I see it as a committee which will have specific references, like the commonwealth committee, and which will provide that extra forum and the appropriate balance when we are dealing with some of these probably more delicate areas. That can be appropriately done through the filter of this committee rather than necessarily through the executive government presuming to look at those areas.

Hon. J. A. VOGELS (Western) — Proposed section 9A(1)(b), to be inserted by clause 39, mentions the conduct of local government elections. Does this mean that the Parliament will be investigating local government elections and how they are conducted et cetera rather than that being done by the Minister for Local Government under the Local Government Act?

Mr LENDERS (Minister for Finance) — Again it would depend on the references that were given to that committee, but I would imagine the logic would be that in the same way there is a capacity to look not at individual elections or the performance of an individual election but to look for a broad discussion on Parliament's view of the system, that would be the appropriate reference to go to that committee.

However, that again would really be an issue where either house of Parliament or the executive government would make a reference to that committee. I would certainly not see it being a specific executive issue that is handled by the minister or the department but something in general policy terms. To give an example, you might have issues such as a four-year term or other things that happen. After a general election the commonwealth Electoral Matters Committee will look at the electoral commissioner's report and recommendations about the system: what has worked, what has not worked and what could be improved. Again, I am hypothesising a bit here because there are three ways references can go to that committee: two are via the two houses and the third is via the executive government, so I am only speculating there.

Clause agreed to; clauses 40 to 53 agreed to; schedule agreed to.

Reported to house without amendment.

Report adopted.

Ordered that third reading be made an order of the day for next day on motion of Mr LENDERS (Minister for Finance).

COURTS LEGISLATION (JUDICIAL CONDUCT) BILL

Second reading

Debate resumed from 5 May; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. C. A. STRONG (Higinbotham) — I rise to speak on the Courts Legislation (Judicial Conduct) Bill. While there are many issues in this bill with which the opposition does not have a problem, it has, however, one key issue which essentially means the opposition cannot support it and will be opposing it.

This bill implements new procedures for dealing with the removal of members of the judiciary from judicial office. That is really the main function of the bill, and the majority of clauses in the bill deal with that provision. The bill also deals with a situation where a court is abolished for whatever reason and with the fate of members of the abolished court.

The key issue to which the opposition takes great exception concerns not the actual provisions of the bill but the fact that it goes on to entrench those provisions. This means that these provisions cannot be changed without a referendum, and I think we all know how difficult a course that is. When we look at many of the bills that come before this house, which are very important to the way we carry out the functions of state — and particularly the way the courts carry out their functions — we find ourselves often going back and changing legislation by crossing the t's and dotting the i's. If the provisions of this bill are entrenched, it will not be possible to dot the i's and cross the t's. The opposition believes that will be to the great detriment of an effective management of the judiciary and legal system in this state.

I will run through some of the key parts of the bill and deal firstly with the removal of judicial officers from office.

Clearly, the independence of the judiciary is one of the very foundations of our legal system. What we want and what we have established over many years in our democratic system is a situation where the judiciary is able to make its decisions free of any duress from the Parliament or from any other source, so that it feels under no obligation to weight its decisions or its arguments, or to balance its decisions against any personal factors — in other words, if a member of the judiciary makes a particular decision which might be contrary to what the government feels is appropriate, will they still have a job in two or three years time? They need to be free of any duress. That is quite clearly one of the very foundations of our legal system, and one of the foundations of the separation of powers.

But also, if an officer of a court is manifestly corrupt or incompetent, there needs to be a device by which that officer can be removed under those circumstances. Such a process exists today and this bill seeks to modify that process, to codify it and put around it a series of systems to make it work better. One can always ask logically whether the codifying of systems, writing things down and making them detailed, as distinct from conventions that have been established over many years, is the right course. Is the right course to try to document everything in great detail or is it to rely on conventions that have been in place for hundreds of years? The government is setting in place a series of processes and documenting them. I must say that on the face of it the opposition does not have any problems with what has been set out in the bill.

It is appropriate to mention quickly how we got to the situation we are now in, and what the current situation is. Probably most of us have a broad understanding of the current situation, which is that if there is any complaint against a member of the judiciary, or if there is a desire to remove a member of the judiciary for whatever reason, a vote of both houses of Parliament is required. The government then goes to the Governor in Council and asks for that particular officer to be removed. To get a vote from both houses of Parliament is no mean feat. When we look at history we find that in the 150 years of this Parliament in Victoria — which we will be celebrating shortly — there has been no case where both houses of Parliament have passed a resolution to get rid of a member of the judiciary. So quite clearly this is a circumstance which is exceptional in nature. As I said, in the 150 years of Victoria's constitutional history, there has been no case where these provisions have been required or tested or where such an event has taken place. So one can well ask why we need to make all these changes. Nevertheless, we do not have any problem with the process that is set out in this bill. But the point I am trying to make is that this is an exceptional circumstance.

If we look at what has happened around Australia, I am advised that only one judge has been removed in any state in Australia, and that was in Queensland. So not only has it never happened in Victoria, it is a very rare occurrence in any state. There has recently been a second case which went to both houses of Parliament in New South Wales where, I am advised, the lower house moved to remove a judge, but the judge in question was not removed because a similar vote in the upper house did not support his removal. There is obviously a fairly significant safeguard to the independence of the judiciary in the current situation.

However, the fact remains that the government thought that this situation should be further investigated. The Attorney-General commissioned a report into this whole system. Professor Peter Sallmann was the chair and he reported on the judicial conduct complaint systems in Victoria in late 2003. One of the interesting things that came out of that report was the number and scale of complaints against the judiciary. Peter Sallmann's report found that in 2000 there were 43 complaints against the judiciary: 2 against members of the Supreme Court, 4 against members of the County Court, 12 against members of the Magistrates Court,

and 25 complaints against members of the Victorian Civil and Administrative Tribunal.

The types of complaints cited ranged over a whole series of issues including allegations of bias, failure to give a fair hearing, inappropriate comments and remarks, incompetence and that people were not given a proper opportunity to present a case. A frequent complaint was a wrong decision. The Sallmann report went on to make the point that there was a misunderstanding — and one would say a significant misunderstanding — by some members of the public about what is a valid complaint of misconduct as opposed to simply disagreeing with the court's decision.

I quote those figures because it is interesting to illustrate the point that although in 150 years of history in Victoria there has been no case where a judge has been removed, there have been, as the figures I just read out indicate, a significant number of complaints against the judiciary. Therefore it raises the not unreasonable point of how you deal with those complaints, and that is why the opposition believes that the process set out in this bill is not an unreasonable way of dealing with them. There needs to be a transparent — a much overused word — and proper way of dealing with those complaints. The bill seeks to do that in the process set out.

The bill introduces a uniform system to cover all the courts: the Supreme Court, the County Court, the Magistrates Court and the Victorian Civil and Administrative Tribunal. That is a fairly broad gamut because certainly existing legislation does not cover all those courts. The process is as follows. The bill establishes a standing panel of seven interstate retired judges. In other words, it provides for seven judges who have practised outside Victoria so that they do not have any local bias, as it were. As retired judges they will also not be under any duress from the fear that judgments they make will come back to haunt them when they are making judgments in future cases. The bill seeks to provide for the establishment of a panel that is as impartial and skilled as possible by selecting judges who are retired and have practised interstate. Those judges can be drawn from the Federal Court, the Family Court and courts in the jurisdictions of other states and territories. They will make up a standing panel, as I said.

I guess the bill leaves it open to the Attorney-General to make the judgment as to what is a serious complaint. In 2000 the Sallmann report recorded 43 complaints, and the Attorney-General will have to make a decision on which complaints are serious. Upon receiving a serious complaint the Attorney-General will select a committee of three judges from the panel of seven to carry out an investigation. The three members of the panel will investigate whether the behaviour of a judicial officer could amount to proven 'misbehaviour or incapacity', the key words set out in the bill. The powers of the three-member investigating committee will include being able to summons witnesses, examine witnesses under oath and use all the usual processes available to a court of law.

What is unclear in the bill is whether the proceedings of the investigating committee will be open to the public. Certainly in our briefing we were advised that the chairman of the investigating committee will decide whether to make the proceedings open to the public or conduct them in camera. One could question whether that goes all the way to providing a fully transparent system. Nevertheless it will be for the committee to decide. The investigating committee will be able to allow a judicial officer coming before it to be represented by a barrister or other person. The committee will be bound by the rules of evidence. All the procedures will be well known and understood by the committee, given that it will be made up of retired judges.

The committee must then report its findings to the Attorney-General and state whether on the facts there exists a proved 'misbehaviour or incapacity', they once again being the key words. Then the Attorney-General, if he sees fit — and this is another interesting little twist in the legislation — can simply receive the report and do nothing. That will be his decision. If the occasion warrants, he can bring it to Parliament for action. If he brings it to Parliament for action, the findings of the committee will be tabled and both houses of Parliament will deal with it. If, by a majority of three-fifths of the members, both houses agree that action be taken against the judicial officer, a recommendation will be made to the Governor in Council for the removal from office of that particular person. It is worth putting on the record that the three-fifths majority is a significant increase from the current requirement of only a majority of both houses to take such action. Requiring a three-fifths majority creates a significantly greater hurdle for the action of removal to be taken. The opposition does not consider that process unreasonable. Given that the number of complaints will no doubt increase over time, some process is needed to deal with them, and the opposition considers the process in the bill to be appropriate.

I will touch on the next point a little more later, but the bill then goes on to entrench that process under the constitution so the process cannot be changed except by

referendum. We consider that a very dangerous and unnecessary step. The bill also extends the process to apply not only to members of the court as it now stands but also to masters of the Supreme Court, judges and masters of the County Court, magistrates, and members of the Victorian Civil and Administrative Tribunal. The breadth of the judicial officers who will be covered by the legislation is significantly increased.

As I mentioned at the outset, the bill contains other provisions to deal with the members of a court that is abolished. In essence the bill provides that if a court is abolished the judicial officers of that court must be appointed to a role in a court at a level not lower than the level at which they were appointed. Although the abolition of a court is a very rare occurrence and to the best of my understanding there has been virtually no occasion when a court has been abolished and therefore the officers of that court have been unemployed, there has been a case of a tribunal being abolished — and I have no doubt that in their contributions members of the government will refer to this at great length — and the officers of that tribunal not finding a role of similar status.

I guess the point needs to be made that there is a significant difference between a court and a tribunal. A tribunal carries out reviews of administrative functions, as distinct from a court which is more about making decisions on points of law and about individuals than making administrative decisions. This bill extends the provisions regarding the employment of judicial officers from a court that is to be abolished to cover judicial officers of a tribunal if such a tribunal were to be abolished at any time in the future. Once again, the opposition sees no problems with this. It is a very rare occurrence for a court or a tribunal to be abolished and part of the separation of powers is to ensure independence and that no duress is placed on the officers of that court or tribunal.

However, the opposition has an enormous problem with the entrenching provisions. To labour the point for a moment, as legislators and members of this house we need to recall how many times we have dealt with legislation which has been introduced to do such things as change a definition, change a few words in a section, amend the punctuation of a particular provision or make very minor changes to the provisions of an act to ensure that it achieves what the Parliament wanted it to achieve. This can happen in a series of ways. It can happen because the drafting of the bill is slightly in error. It can happen because the drafting of the bill is little bit sloppy and mistakes are made in punctuation and grammar. It can happen because a court interprets the grammar or punctuation this Parliament put in a bill slightly differently to the way the Parliament had intended. We all know, because we sit in this place for many years, that time and again we come back to finetune pieces of legislation to ensure they achieve what we as the Parliament wanted them to achieve.

If we entrench a piece of legislation like this and if for any reason — be it because of an interpretation by a court or a tribunal, because of an error in punctuation or a spelling mistake, or for whatever reason — the objective of the legislation is not achieved and we want to bring it back to make those subtle changes so that it achieves the objective the Parliament wanted to achieve, we will not be able to do that. We will not be able to do that without going to a referendum to ask the people whether we can put a comma in a particular section. We will have to seek their support to do that, explain why we want to do it and run the whole gamut of any counter views on what putting that comma in a different place might achieve. When we get the support of the people — if we get the support of the people in the referendum — we then have to bring the legislation back here and it has to go through both houses of Parliament before it can go to the Governor in Council to make the change.

This is a ludicrous situation. So many pieces of legislation are technical in nature. You could argue that issues of great policy or theoretical substance should be entrenched so they cannot be changed on a whim, but not things that are technical in nature. This is technical in nature because it sets out a detailed step-by-step procedure, as I have outlined, for testing whether a judicial officer should be removed from that office or not. One word out of place or one comma out of place could mean a slightly different result and one not intended by this house. But we will not be able to change it; we will be stuck with it forever.

We only have to look at the next bill we are going to deal with in this house, the Legal Profession (Consequential Amendments) Bill, to see that. It proposes a series of consequential amendments and corrections to the Legal Profession Act which we passed in here barely 12 months ago. That bill was an inch thick, and now we have another bill which is about a quarter of an inch thick making consequential amendments and corrections to the original legislation. What sort of situation would we be in if that legislation had been entrenched? The whole legal system in this state would be in chaos because we could not make these changes without a referendum.

The opposition believes it is frankly ludicrous to even want to entrench these provisions. If we look at what is required to be proved for the removal of a judicial

officer, it is proved misbehaviour or incapacity. That is a fairly broad definition. If at some time in the future, based on some particular facts of a case involving a particular judicial officer, a situation is not effectively covered by this term 'proved misbehaviour or incapacity', and the Parliament seeks to change that requirement to achieve what it set out to achieve by making the requirement 'proved misbehaviour and incapacity', or something as simple as that, it simply will not be able to do it. We think it is simply ludicrous to entrench these provisions such that they cannot be changed without a referendum.

I believe the process that is set out is a significant improvement because there will be more and more complaints about judicial officers. It is the nature of our society that people will complain more and find some reason to disagree with the decisions and judgments that are handed down. We can expect that there will be more and more complaints against judicial officers, so there will need to be a process to effectively deal with them. The process set out under this legislation seems to be a reasonable and effective process, but if there is something in that process that proves to be not reasonable or which could be improved to make it better, the Parliament will not be able to change it; it will not be able to improve it. It is a ludicrous situation to entrench these provisions.

I repeat that although the opposition does not have any problem with the provisions of the bill, the opposition will be most strenuously opposing this piece of legislation on the basis of the stupidity of entrenching these provisions. I urge all members of the house to vote against the bill and to ask the government to bring it back without these entrenching provisions. It would then be seen as a good and appropriate piece of legislation.

Hon. W. R. BAXTER (North Eastern) — The Nationals are supporting the bill because we believe it is sound legislation, notwithstanding the entrenchment provisions to which Mr Strong has quite rightly objected very vociferously. We cannot understand why the provisions are being entrenched, particularly as Professor Sallmann, who did the report on which the legislation is based, did not recommend entrenchment. I have a copy of his report of December 2003 entitled *The Judicial Conduct and Complaints System in Victoria*, which is a very concise yet worthy report. Professor Sallmann does not make entrenchment one of his recommendations, and we are at a loss to understand why the Attorney-General and the government have gone down this path. We think it is unnecessary and that it throws up all the potential problems to which Mr Strong has alluded. However, we do not believe that in the circumstances of this legislation the entrenchment provisions so taint the bill that we cannot support it. We are therefore proposing to vote with the government to pass the bill, but I register our objection to the entrenchment provision because we think it is unnecessary and indeed dangerous.

I think it is fair to say also that Victoria has been exceedingly well served now for many years by its judiciary at whatever level. We have had precious few instances of complaints, or at least valid complaints, against Supreme Court judges and County Court judges. We have perhaps had a few more instances of complaints against magistrates — and bearing in mind the volume of business that goes through the Magistrates Court, I suppose that is not surprising — and we get some complaints against tribunals such as the Victorian Civil and Administrative Tribunal from time to time, but as Professor Sallmann so rightly points out in his report, on many occasions those complaints are not really valid complaints because they do not go to the behaviour or conduct of the particular judicial officer and are complaints lodged because the complainant does not like the decision of the judicial officer. Clearly that is not a case of misbehaviour, it is a matter that should be appealed if the complainant is so minded. I think we have to be very careful when sifting through these complaints to find out which ones are actually complaints against behaviour or conduct and which are simply disagreements with the court's decision.

I think that it also is worth noting, as Mr Strong has noted, that the Victorian Parliament has not been faced with having to take the decision to remove a judicial officer in this state. I do not think that has ever happened but certainly it has not happened since Federation, in any event so far as the records show. There have been a couple of judicial officers who have stood down or voluntarily resigned after complaints have been made against them but an issue has not come to the Parliament. It is not as if the Parliament is having to legislate or act on this occasion because a system that has been operating in the law and in the constitution for many years has been found wanting. I do not think the system has been found wanting, but the two experiences that have recently occurred with respect to a magistrate and a judge, who did resign after complaints, have indicated that there is the potential for difficulty in the future. That potential ought to be headed off by some appropriate amendments and changes of process at this time, and The Nationals support that. That is why the Attorney-General appointed Professor Sallmann to conduct a review, which Professor Sallmann did in his usual fashion with a great deal of skill.

Professor Sallmann produced a discussion paper first. There were many responses to that discussion paper, by and large agreeing with the thrust of the proposed recommendations in that paper and culminating in the report to which I referred earlier. The legislation by and large takes up those recommendations, but it has the additional measure providing for entrenchment. The Nationals have had a good look at Professor Sallmann's report, have taken note of his advice and his recommendations and believe that the bill is worthy of our support because of it, despite the government going further and including entrenchment.

I want to say in the way of other comment that it is a pity that some members on the backbench of the government, notably Ms Darveniza, are not in the chamber at this time, because they regularly fling accusations across the chamber that the former government sacked judges, which of course is absolutely untrue. It is true that some persons who were members of the Accident Compensation Tribunal and who were given the title 'judge' I think somewhat erroneously by the Cain Labor government, went out of office when the former government abolished the Accident Compensation Commission, which was in fact the Accident Compensation Tribunal, which was simply the normal course of events that takes place. In the same way Ms Romanes in her remarks today on an earlier bill alleged that she had been sacked as mayor of Brunswick. That is simply not true, Ms Romanes was not sacked at all. The entity of which she was mayor went out of existence. That does not mean — —

Mr Pullen — That is the same thing, isn't it?

Hon. W. R. BAXTER — No; sacking, Mr Pullen, is when you are removed from office and the office which you held continues to exist. In this case the office did not continue to exist, it went out of existence.

On a matter of logic and in reply to Mr Pullen, how can anyone remain as the mayor of Brunswick when the City of Brunswick no longer exists? Therefore, a person cannot say he was sacked when the office he held ceased to exist. I absolutely reject the assertion that is made so often, that the former government sacked judges.

If this government really believed that, it might have matched its rhetoric with action because this bill would not have prevented members of the Accident Compensation Tribunal going out of office. If one has regard to the definition of 'judicial office' in clause 4, proposed section 87AAA states:

> "judicial office" means the office of any of the following —
>
> (a) Judge of the Supreme Court;
>
> (b) Master of the Supreme Court;
>
> (c) judge of the County Court;
>
> (d) master of the County Court;
>
> (e) magistrate.

It makes no mention whatsoever of members of tribunals such as the Accident Compensation Tribunal. It is a bit rich for Labor backbenchers to be alleging that the former government sacked judges when its legislation, which it introduced today, does not include similar officeholders within the definition of 'judicial office'. It is simply rhetoric on behalf of Labor backbenchers to be making those allegations as they so often do. It is not true, and they have been found out by the actions of their own government in this bill. It does not cover that issue, which proves that they do not really believe in what they are saying in any event.

I say again that we are very fortunate in this state in that our judicial officers conduct themselves in such a high-minded manner and have maintained the confidence of the public. The legislation enhances the separation of powers. It certainly assists the independence of the judiciary by giving it greater security from removal. I must say that in a sense the legislation passed earlier this year to appoint acting and temporary judges flies somewhat in the face of this legislation and makes the entrenchment provisions even more peculiar because the government, in that earlier legislation, undermined the independence of judges.

It is a contradiction for the government to say it will entrench this in order to enhance the independence of the judiciary. The two things do not add up. There is an inconsistency there, but that is par for the course for this government in any event. Notwithstanding my sympathy for Mr Strong's argument about the evils of entrenchment, The Nationals will be supporting the legislation, although with reluctance on that issue.

Ms MIKAKOS (Jika Jika) — I rise to speak in support of the Courts Legislation (Judicial Conduct) Bill, a bill to establish in Victoria a modern system for dealing with the most serious complaints involving judges, masters, magistrates or Victorian Civil and Administrative Tribunal (VCAT) members. This system will be consistent with our constitutional principles of judicial independence and will maintain and enhance community confidence in our judicial system.

This bill is about protecting our independent judiciary, and for the first time we will see a system created in

Victoria that will protect judicial officers from politically motivated intervention. As has already been noted by other members, the bill is based on a review of the system for dealing with complaints against judicial officers conducted by Crown Counsel Professor Peter Sallmann, a review that was commissioned by the Attorney-General in 2001 and which involved a great deal of consultation.

The final report is entitled *Report on the Judicial Conduct and Complaints System Victoria* and was released in December 2003. It is an excellent report that found that the current system for dealing with serious complaints against judicial officers is ad hoc, vague and uncertain, and made a number of recommendations for the government's consideration.

In the report Professor Sallmann recommended that a standing panel of interstate judges be created to undertake an investigation when required. I note that the other model was to go down the path of a permanent judicial commission, as is the case in New South Wales, but it was felt that a standing panel would be a more appropriate model for Victoria, given that serious complaints against judicial officers are rare.

The legislation seeks to create a uniform and transparent system for the removal of judicial officers. It also strengthens judicial tenure by ensuring that a special majority of Parliament is required to remove a judicial officer or to amend any of these provisions, and I will come back to the issue of entrenchment further in my contribution.

The bill seeks to amend the Constitution Act 1975, the County Court Act 1958 and the Magistrates Court Act 1989 to standardise within the Constitution Act provisions for the removal of judicial officers in line with section 72(ii) of the Australian constitution. It also provides that non-judicial members of VCAT will be removed on the same grounds as judicial officers; however, the current removal provisions will remain as they are.

The bill provides that a standing investigative committee be established consisting of seven retired federal, state and territory Supreme Court judges who will be nominated by their respective chief justices for a fixed term. From this panel of seven judges, three will be randomly selected by the most senior member to constitute a committee to undertake an investigation when a reference has been referred to it by the Attorney-General. The committee will need to apply the principles of natural justice to any of its investigations.

The committee will be able to investigate removal cases involving any judicial officer, including masters, in Victoria. If a Victorian judicial officer is accused of misbehaviour or incapacity warranting removal, she or he will be investigated by their interstate peers. The committee will then report back its findings to the Attorney-General of the day. It is important to stress that a judicial officer will not be able to be removed unless the committee makes a prima facie finding to the Attorney-General that the officer's actions amount to misbehaviour or incapacity warranting removal.

A judicial officer will not be able to be removed except by a special three-fifths majority of both houses of Parliament and only following an adverse finding by the investigative committee. It is appropriate that we require a special majority rather than the current ordinary majority to provide greater protection to the independence of our judiciary.

I note comments have already been made about discretion given to the Attorney-General as to whether a report is to be tabled in Parliament. Given we have already heard that some complaints against judges are in fact vexatious, frivolous or unfounded — this is something that Professor Sallmann found in his report — a great injustice might be done to judicial officers if every single report were brought before the Parliament, in effect tarnishing their reputations. The bill gives discretion to the Attorney-General to bring these reports before the Parliament, and obviously that would occur where very serious allegations had been made and where the standing investigative committee of interstate peers had found that misbehaviour or incapacity warranting removal had occurred.

Business interrupted pursuant to sessional orders.

ELECTORAL LEGISLATION (FURTHER AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Economic terrorism: penalties

Hon. PHILIP DAVIS (Gippsland) — I raise a matter for the attention of the Attorney-General in the other place. This is a matter of great significance to not just the farming community but all exporters and businesses in Australia. It relates to what can only be described as an act of gross irresponsibility with respect to protester activity which can be equated to economic terrorism. I refer specifically to the action on the part of Animal Liberation Victoria on 19 November 2003 when it claimed it had placed pig meat in feedlots of 70 000 sheep bound for export to the Middle East. The sheep were being kept at Portland.

The Australian Quarantine Inspection Service conducted tests on the animals before they were allowed to be exported. As a consequence of the claims, evidence and admissions made by the spokesman for Animal Liberation Victoria, Ralph Hahnheuser, he was charged under section 249 of the Crimes Act, which is headed 'Contaminating goods with intent to cause public alarm or economic loss'. Mr Hahnheuser was acquitted of the charge. The acquittal was based on an interpretation of the sections of the Crimes Act under which he was charged notwithstanding that there was an absolute admission and a boast on the part of Mr Hahnheuser in regard to the actions which he had taken. It is estimated that the direct losses of that action were in the order of $1.3 million. The indirect losses are significant in that the action has undermined confidence in the ability of business, exporters and primary producers to conduct their lawful business according to the law and to have the protection of the law. It is clear that whilst the activist was acquitted by the jury in this particular matter, it was a matter of the interpretation of the law that the jury based its acquittal on.

It is clear that interfering with private trade or business is not an acceptable form of protest, whilst we would argue that protest is part of the nature of our democratic process. Therefore given that an apparent risk exists that this decision will encourage other animal extremists, I ask the Attorney-General to amend the law to protect exporters, farmers and business in Victoria.

Seniors: interstate concessions

Hon. ANDREA COOTE (Monash) — My question tonight is for the Minister for Aged Care. Several years ago the federal government put in front of all the states in Australia two of the most generous and worthwhile offers that would aid senior citizens Australia wide. These offers were to obtain further concessions for commonwealth senior health care card holders and to obtain reciprocal public transport concessions for holders of state seniors cards when they travel outside of their home state. The federal government offered a commitment of 60 per cent of the funding costs and asked the states to work in partnership with it by committing 40 per cent. This was largely supported by senior citizens groups and senior Australians across this country. The Association of Independent Retirees was particularly supportive.

However, after waiting patiently for three years the Bracks government failed to show any interest in the deal and the federal government has come to realise that the ALP is simply not interested in taking part in these benefits for its senior citizens. After years of waiting the federal government has taken the offer off the table. The federal Minister for Health and Ageing said:

> This is personally disappointing to me and represents a real opportunity lost by the states' inaction.

I have a letter from Mr Keith Wall who is from the Goulburn Valley branch of the Association of Independent Retirees. He lives in the province of my colleague the Honourable Wendy Lovell. He says:

> … what we think is a disgrace, that the federal government's kind offer to standardise our concessions (for all seniors not pensioners as wrongly stated by the minister in his reply) has been offered for two years and not accepted. It is difficult to understand how this government cannot grant a few million dollars for this great scheme when they have received so much in taxes.

We have seen this government's total disregard for senior Victorians. This is another instance. We put this into the same category as the taking away of the $80 rebate for car registration fees for senior Victorians. The capping of the multipurpose taxis shows the disregard this government has for senior Victorians across this state. My question to the minister is: with such an increased amount of revenue coming into this state through GST and gaming taxes, why did the Bracks government turn its back on such worthwhile funding for senior citizens?

Lake Bolac: management plan

Hon. DAVID KOCH (Western) — My matter is for the Minister for Environment in the other place, who is also the Minister for Water. It concerns the worsening health of the once vibrant Lake Bolac, one of western Victoria's great natural resources. Lake

Bolac is a freshwater lake covering over 1400 hectares and is some 100 kilometres west of Ballarat on the Glenelg Highway and is surrounded by productive cropping and grazing country. The tree-lined lake has a 20-kilometre shoreline, numerous sandy beaches and campsites and is a popular destination for recreational fishermen and bird watchers.

The lake has traditionally been well stocked with trout, yellow belly, eels, red fin and perch. Indeed Lake Bolac is revered for its eels. Historically this lake was a major meeting place for the local Aboriginals, who were well known as the Bulugbara. They called the lake Boloke. It was a significant meeting place for untold generations during the eeling season, when upwards of 1000 Aboriginals would gather to feast on the eels. Aboriginal relics, burial sites and middens have been recognised and remain around the lake. Lake Bolac has also been a great spot for family camping holidays and for those who enjoy boating, waterskiing, sailing or windsurfing. Each Easter Lake Bolac hosts its annual four-day yachting regatta. However, this ideal holiday destination is seriously threatened by government ignorance and inaction.

The lake is dying, and many locals believe it will be dead by 2020 if nothing is done to redress the problems caused by high salt levels, non-compliant water diversions and weed infestations. The rising salt levels are a quarter of the levels in seawater and three times what they were 50 years ago. The future of the lake is now in peril. In the near future visitors, who flock to Lake Bolac in their thousands annually, will be welcomed by a dying, putrefied black swamp. This environmental disaster was highlighted at the recent inaugural and successful Eel Festival, which attracted hundreds of visitors to the district. This festival was inspired by indigenous celebrations and the lake's environmental issues. Lake Bolac desperately needs to have a management plan in place so that the environmental issues can be addressed. The Lake Bolac Foreshore Committee has sent numerous submissions to government that have fallen on deaf ears. This natural resource is too valuable to Victorians and the environment for the government to simply ignore it any longer. My question is: will the minister, as a priority, redress the environmental problems at Lake Bolac by developing a stream flow management plan for the lake's catchment?

Neighbourhood houses: funding

Hon. RICHARD DALLA-RIVA (East Yarra) — I rise to bring a matter to the attention of the Minister the Local Government, Ms Broad. It relates to funding for neighbourhood houses. In a submission addressed to me, people at the Box Hill South neighbourhood house have raised concerns about a requirement within the funding regime provided by the government. They are concerned that the neighbourhood house coordination program (NHCP) provides for a requirement of an employment outcome, but the employment outcome funding is set at about 80 per cent of the award rate the houses are required to pay coordinators. In other words, they have set the funding at a class 2A year 7 level, but my understanding from the correspondence is that all neighbourhood houses that employ staff are required by law to pay their coordinator at the level of class 3 year 3 of the Social and Community Services (Community Development) Award.

It appears that the management committees, and particularly that of Box Hill South neighbourhood house, have raised concerns about the fact that it appears they are in an impossible position of either paying below the award, which would be illegal, or of using money raised by the community through fundraising events, fees et cetera to top up difference in pay for the coordinator. It appears that the Department of Human Services has argued that the NHCP only makes a contribution to the coordinator's hours, but given that there is such a large variance in the hours that the coordinators can work, it seems ridiculous that the government has just announced as part of A Fairer Victoria, its social policy action plan, that the existing neighbourhood house funding has not been increased to meet this rising concern. I am led to believe that this matter has also been raised within the Association of Neighbourhood Houses and Learning Centres as an issue. It believes the highest priority for the expenditure of new funding is to bring the NHCP up to the level that enables committees to pay award wages.

My request therefore is to seek some guidance from the Minister for Local Government, Ms Broad, in relation to what action she will be taking to redress this imbalance and to adequately respond to issues such as those raised by the Box Hill South neighbourhood house.

The PRESIDENT — Order! Before I call the next member I draw the attention of the house to the adjournment matter raised by the Leader of the Opposition. Rule of practice 4.0.4 states:

> In speaking on the motion for adjournment a member may not:
>
> …
>
> (c) request the introduction of legislation …

I ask the Leader of the Opposition to rephrase his request to the Attorney-General in which he did call for legislation. The Leader of the Opposition can do that now or at the conclusion of the adjournment debate.

Economic terrorism: penalties

Hon. PHILIP DAVIS (Gippsland) — Thank you, President, for asking me to clarify my request.

An honourable member — You have got 3 minutes!

Hon. PHILIP DAVIS — I can see that, but I do not intend to do it all again. Suffice it to say that the point that was made was in relation to the recent decision in the Geelong County Court *re Hahnheuser*, who was acquitted of a charge of causing economic harm in relation to his own admitted actions in dealing specifically with a protest against the export of live sheep from Portland in November of 2003. In that action it was clear that he set out to impede fair trade in relation to the export of live sheep. The net result of the action was to cause $1.3 million of direct economic loss, and it is inestimable what the additional economic cost to the Australian community has been in loss of confidence. The point I was seeking to make and which I asked the Attorney-General to dispose of was: will the Attorney-General advise what action he will take to protect farmers, businesses and exporters from further actions by self-declared economic terrorists advancing a political protest action in terms of protecting the way in which trade and business are conducted in this state?

Water: Sale aquifer

Hon. P. R. HALL (Gippsland) — Tonight I wish to raise a matter for the attention of the Minister for Water in the other place, the Honourable John Thwaites. It concerns the Sale aquifer. I have been contacted over a number of years by many constituents, and again just recently by the Victorian Farmers Federation East Gippsland district council, regarding the Sale aquifer. For some years the declaration of a water supply protection area over the Sale aquifer has meant that no new applications for a water allocation have been able to be considered. Monitoring of bore levels by Southern Rural Water to the east and the west of the Sale water supply protection area has shown that water levels in the west drop during dry spells while levels east beyond Bengworden remain steady. To many people this suggests that there are two aquifers and not just one. What is required is some definitive research to establish once and for all whether that area covered by the Sale water supply protection area in fact involves two aquifers instead of the presently assumed one contiguous aquifer and, if so, what permitted annual volumes should be applied to this new resource.

I note the state government has recently committed to research involving the Latrobe aquifer and the impact of oil and gas extraction on falling water levels in that area. I am seeking to have a similar research project undertaken for the Sale aquifer. I ask the minister to urgently consider making available the necessary funding to undertake the research project I have described.

Mount Buller–Jamieson roads, Mansfield: upgrade

Hon. E. G. STONEY (Central Highlands) — I raise a mater for the Minister for Transport in the other place regarding the need for an upgrade of the Mount Buller–Jamieson roads intersection. I have raised this issue in this house before, in 2000, 2002 and 2004. On Saturday night two local people were killed at this intersection, both of whom I knew well.

On Monday I received a letter from Mr Neil Allen, who lives next to the intersection. Mr Allen attended the accident and helped out by directing traffic. The letter says:

> I have been a resident of Mansfield, living on Mount Buller Road, for the past seven years. I bring to your urgent attention the intersection of Mount Buller and Jamieson roads, which are within 80 metres of my house. So often there are screeching of tyres, horns tooting, unreported minor incidences and even trucks going down the wrong side of the road. It seems because there has been no deaths here that it is not a priority —

until now —

> Well, today at 1.00 a.m. all this changed, two people died at this intersection … I am asking for the immediate speed reduction, from 100 kilometres an hour to at least 80 kilometres an hour until a full investigation of this intersection is completed and hopefully resolved. Also with the start of the ski season in one month I ask that the extra 200 000 … visitors would be aware of this dangerous intersection, and be kept a little safer as a result of the government's actions.

I think it is obvious that a complete upgrade of the intersection, including the installation of turning lanes, lighting and signage, is urgently needed. I ask the minister to review the government's decision not to upgrade this death trap.

Rail: Glen Waverley crossing

Hon. ANDREW BRIDESON (Waverley) — I wish to raise an issue for the Minister for Transport. It regards an actively protected pedestrian crossing which

crosses the Glen Waverley railway line and links Rose Avenue to the north with Railway Parade in the south. It is a relatively new crossing, and I believe it was constructed essentially for the use of Wesley College students who have to cross the railway track at that point.

An actively protected pedestrian crossing is one which is activated by trains, has a mini boom, and has an audible warning system, line marking and safety signs. I have visited the site, and it is a very well-constructed crossing. However, the audible alarm presents an environmental nuisance problem to the neighbourhood. It rings from 4.40 a.m. to 1.30 a.m. — approximately 20 hours in each 24-hour cycle. At that section of the railway line there are approximately 140 trains which activate the alarm — that is, once every 9 minutes; I have done my maths — and there are also trains shunting at that section of the railway line from Glen Waverley when they have to change their lines. So it may well be one every 7 or 8 minutes.

I have had complaints from constituents who live within earshot of this crossing. They are not complaining about the volume of the audible sign; they are complaining about the pitch, because if you understand the physical nature of sound, it is all to do with the waves et cetera. It is the pitch that is the problem. This pitch of the alarm penetrates through the homes. It does not matter whether you are in the front room, the back room or the backyard — you can hear this audible sound. It is causing loss of sleep, tiredness and subsequent irritability in some of these households. My request is that the minister arrange for the appropriate authority — probably VicTrack, the Environment Protection Authority and maybe also Connex — to investigate and resolve this problem.

My constituents have even offered some suggestions. They think that if the pitch of the audible sound could be altered, that might resolve the problem, and they suggest that perhaps the audible signal only operate between the hours that pedestrians actually use it — probably between 7.00 a.m. and 9.00 p.m. That would satisfy the constituents concerned. I think the Minister for Sport and Recreation would agree that it is a pretty difficult situation to live with. I am sure he would not like that noise near his place.

Hazardous waste: Nowingi

Hon. B. W. BISHOP (North Western) — My adjournment issue tonight is directed to the Premier. In raising this issue I congratulate the volunteers of the Mallee who put together the No Mallee Toxic Waste Dump Roadshow. The roadshow travelled the Calder Highway from Ouyen to Kyneton and provided information to communities along the way about the Bracks government's proposal to site a toxic waste dump at Hattah-Nowingi and to inform those communities that the waste is to be trucked right through their towns. The dump will be sited next to the region's food bowl which would lose its clean, green image, and over $2 billion worth of agricultural production would be put at risk. The dump would be sited next to the Ramsar wetlands in the Hattah-Kulkyne National Park and next door to the Murray-Sunset National Park.

The purpose of the roadshow was to inform the communities along the 500-kilometre toxic waste route of what the Bracks government was intending to do, and how a decision made hundreds of kilometres away has the capacity to affect them. It went really well — it was well led by Peter Crisp, who heads up the Save the Food Bowl Alliance, which has a lot of volunteers totally committed to stopping this toxic waste dump being constructed in the Mallee. Councillors from the Rural City of Mildura were upfront as well, chairing and supporting every public meeting and information whistle stops along the way.

The Treasurer, the Honourable John Brumby, got more than just his lunch at the Shamrock Hotel on Friday when the roadshow was in Bendigo. The Treasurer got a first-hand look at the type of resistance the entire government can expect on this project. I give the house my assurance that the noise about it will not quietly go away; it will only increase. The alliance now has support all the way along the Calder Highway, with posters every few kilometres. The environmental issues are irrefutable, the hydrology shouts huge risks, and the clean, green image is at risk.

It is time the Minister for Major Projects, the Premier and their cabinet front up to be accountable, practical and sensible. They need to call this flawed project off now, before more taxpayers' funds are spent and more livelihoods destroyed in the Mallee. I do not want what happened last sitting week to occur again. The minister in charge of this project got a question on the government's plan to reduce hazardous waste — and he handballed it to both the Minister for Innovation and the Minister for Environment in the other place, as he has done before. This type of duckshoving proves just what a poisoned chalice this project is, and there is not one Bracks minister who will deny it. The pressure is full on — and no-one wants the responsibility. I inform the house that the Save the Food Bowl Alliance Chair, Peter Crisp, sent a report dealing with the issue to the Minister for Environment, from where it was deftly passed back to the Minister for Major Projects.

I request the Premier to direct the Minister for Major Projects to take full responsibility for this issue and be transparent, accountable and responsive to such questions so that at least our communities can get some straight answers.

Supreme Court: Wodonga

Ms HADDEN (Ballarat) — I wish to raise a matter for the attention of the Attorney-General in the other place. It concerns a most serious issue concerning the Wodonga Supreme Court complex. I ask the Attorney-General to immediately act to rectify the validity of the past three years of criminal verdicts, both for convictions and acquittals, conducted at the Wodonga Supreme Court during its non-gazettal period, as well as to urgently carry out the necessary rectification works to the courthouse so that justice can in fact be done.

This court cost $11.9 million and was officially opened amidst great fanfare by the Attorney-General and police minister in August 2002. It was hailed as providing enhanced access to services, greater security, state-of-the-art technology and as a modern court complex aimed to make justice more transparent. However, the Wodonga Supreme Court has been in limbo since last week, as has Justice Bongiorno and the murder trial which was listed for hearing there last week. Wodonga had never been gazetted as a Supreme Court under sections 6 and 7 of the Supreme Court Act. Amidst great confusion, it was gazetted at 1.00 p.m. today, the jury was empanelled this afternoon, and the murder trial is expected to commence tomorrow.

There are also major design faults with the court. There is no room for the Crown Prosecutor, who has no telephone, no Internet connection and not even a desk to work on. The same applies for defence counsel. The jury pool room is in a cul de sac on the second floor; to get there jurors have to come through the area where witnesses sit and wait and talk, past the counsel robing room, past the public toilet used by lawyers, witnesses and the public, and past the prosecutor's office where discussions with police, witnesses et cetera can be overheard by the jurors. The jury deliberation room, which should be sequestered from the outside world, contains telephone and Internet connections. Is this to enable the jury to dial a friend or ask the audience, and thus risk a mistrial? The library, like all libraries in regional courts, is totally deficient for counsel to undertake research during major trials.

The court facilities are unfit for jury trials. Justice cannot be done with such appalling facilities for prosecutors and defence counsel. It is doubtful that a fair trial can be guaranteed when there is such a degree of interaction between jurors and participants in trials. Security of jurors cannot be guaranteed. Surely the Attorney-General does not mean by making justice 'more transparent' that jurors can be eyeballed by those associated with trials and that jury deliberations can be broadcast via webcam? This facility is ill-conceived and needs a radical overhaul. I would ask the Attorney-General to give it his urgent attention, as I have earlier asked, and I would ask the Attorney-General to seriously consider becoming a full-time Attorney-General of the state of Victoria.

Responses

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The Honourable Philip Davis raised the matter of action to protect trade and the appropriate action the Attorney-General might take. I am happy to refer that to the Attorney-General in the other place.

The Honourable Andrea Coote raised the matter of concession schemes in relation to offers by the federal government, and I will direct that to the attention of the Minister for Aged Care.

The Honourable David Koch raised a matter concerning the condition of Lake Bolac and appropriate stream flow management. I will draw that to the attention of the Minister for Environment in the other place.

The Honourable Richard Dalla-Riva raised a range of issues in relation to the award criteria for neighbourhood houses, particularly in respect of the Box Hill South neighbourhood house. I will refer this to the Minister for Local Government.

The Honourable Peter Hall raised the matter of the Sale aquifer, and I will refer that to the Minister for Water in the other place.

The Honourable Graeme Stoney raised the matter of the Mount Buller–Jamieson roads intersection. I will refer that to the Minister for Transport in the other place.

The Honourable Andrew Brideson raised a matter relating to the pedestrian crossing at the Glen Waverley railway line and displayed an outstanding knowledge of physics and appropriate matters. I will refer that to the Minister for Transport in the other place.

The Honourable Barry Bishop raised the matter of a long-term containment facility at Hattah-Nowingi. I will refer that to the Premier.

Ms Hadden raised a matter relating to the Wodonga Supreme Court, and I will refer this to the Attorney-General in the other place.

House adjourned 10.28 p.m.