PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

19 May 2005

(extract from Book 5)

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By authority of the Victorian Government Printer

The Governor

JOHN LANDY, AC, MBE

The Lieutenant-Governor

Lady SOUTHEY, AM

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Deputy Premier, Minister for Environment, Minister for Water and Minister for Victorian Communities	The Hon. J. W. Thwaites, MP
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Minister for Education and Training	The Hon. L. J. Kosky, MP
Minister for Sport and Recreation and Minister for Commonwealth Games	The Hon. J. M. Madden, MLC
Minister for Gaming, Minister for Racing, Minister for Tourism and Minister assisting the Premier on Multicultural Affairs	The Hon. J. Pandazopoulos, MP
Minister for Health	The Hon. B. J. Pike, MP
Minister for Energy Industries and Resources	The Hon. T. C. Theophanous, MLC
Minister for Consumer Affairs and Minister for Information and Communication Technology	The Hon. M. R. Thomson, MLC
Cabinet Secretary	Mr R. W. Wynne, MP

Legislative Council committees

Privileges Committee — The Honourables W. R. Baxter, Andrew Brideson, Helen Buckingham and Bill Forwood, Mr Gavin Jennings, Ms Mikakos, the Honourable R. G. Mitchell and Mr Viney.

Standing Orders Committee — The President, the Honourables B. W. Bishop, Philip Davis and Bill Forwood, Mr Lenders, Ms Romanes and Mr Viney.

Joint committees

Drugs and Crime Prevention Committee — (*Council*): The Honourable S. M. Nguyen and Mr Scheffer. (*Assembly)*: Mr Cooper, Ms Marshall, Mr Maxfield, Dr Sykes and Mr Wells.

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

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

Environment and Natural Resources Committee — (*Council*): The Honourables Andrea Coote, D. K. Drum, J. G. Hilton and W. A. Lovell. (*Assembly*): Ms Duncan, Ms Lindell and Mr Seitz.

Family and Community Development Committee — (*Council*): The Hon. D. McL. Davis and Mr Smith. (*Assembly*): Ms McTaggart, Ms Neville, Mrs Powell, Mrs Shardey and Mr Wilson.

House Committee — (*Council*): The President (*ex officio*), the Honourables B. N. Atkinson and Andrew Brideson, Ms Hadden and the Honourables J. M. McQuilten and S. M. Nguyen. (*Assembly*): The Speaker (*ex officio*), Mr Cooper, Mr Leighton, Mr Lockwood, Mr Maughan, Mr Savage and Mr Smith.

Law Reform Committee — (*Council*): The Honourables Richard Dalla-Riva, Ms Hadden and the Honourables Geoff Hilton and David Koch. (*Assembly*): Ms Beard, Ms Beattie, Mr Hudson, Mr Lupton and Mr Maughan.

Library Committee — (*Council*): The President, Ms Argondizzo and the Honourables Richard Dalla-Riva, Kaye Darveniza and C. A. Strong. (*Assembly*): The Speaker, Mr Carli, Mrs Powell, Mr Seitz and Mr Thompson.

Outer Suburban/Interface Services and Development Committee — (*Council*): Ms Argondizzo and Mr Somyurek. (*Assembly*): Mr Baillieu, Ms Buchanan, Mr Dixon, Mr Nardella and Mr Smith.

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

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

Rural and Regional Services and Development Committee — (*Council*): The Honourables J. M. McQuilten and R. G. Mitchell. (*Assembly*): Mr Crutchfield, Mr Hardman, Mr Ingram, Dr Napthine and Mr Walsh.

Scrutiny of Acts and Regulations Committee — (*Council*): Ms Argondizzo and the Honourable Andrew Brideson. (*Assembly*): Ms D'Ambrosio, Mr Jasper, Mr Leighton, Mr Lockwood, Mr McIntosh, Mr Perera and Mr Thompson.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-FIFTH PARLIAMENT — FIRST SESSION

President: The Hon. M. M. GOULD

Deputy President and Chair of Committees: Ms GLENYYS ROMANES

Temporary Chairs of Committees: The Honourables B. W. Bishop, R. H. Bowden**,** Andrew Brideson, H. E. Buckingham, Ms D. G. Hadden, the Honourable J. G. Hilton, Mr R. F. Smith and the Honourable C. A. Strong

Leader of the Government:
Mr JOHN LENDERS

Deputy Leader of the Government:
Mr GAVIN JENNINGS

Leader of the Opposition:
The Hon. PHILIP DAVIS

Deputy Leader of the Opposition:
The Hon. ANDREA COOTE

Leader of The Nationals:
The Hon. P. R. HALL

Deputy Leader of The Nationals:
The Hon. D. K. DRUM

Member	Province	Party	Member	Province	Party
Argondizzo, Ms Lidia	Templestowe	ALP	Jennings, Mr Gavin Wayne	Melbourne	ALP
Atkinson, Hon. Bruce Norman	Koonung	LP	Koch, Hon. David	Western	LP
Baxter, Hon. William Robert	North Eastern	Nats	Lenders, Mr John	Waverley	ALP
Bishop, Hon. Barry Wilfred	North Western	Nats	Lovell, Hon. Wendy Ann	North Eastern	LP
Bowden, Hon. Ronald Henry	South Eastern	LP	McQuilten, Hon. John Martin	Ballarat	ALP
Brideson, Hon. Andrew Ronald	Waverley	LP	Madden, Hon. Justin Mark	Doutta Galla	ALP
Broad, Ms Candy Celeste	Melbourne North	ALP	Mikakos, Ms Jenny	Jika Jika	ALP
Buckingham, Hon. Helen Elizabeth	Koonung	ALP	Mitchell, Hon. Robert George	Central Highlands	ALP
Carbines, Ms Elaine Cafferty	Geelong	ALP	Nguyen, Hon. Sang Minh	Melbourne West	ALP
Coote, Hon. Andrea	Monash	LP	Olexander, Hon. Andrew Phillip	Silvan	LP
Dalla-Riva, Hon. Richard	East Yarra	LP	Pullen, Mr Noel Francis	Higinbotham	ALP
Darveniza, Hon. Kaye	Melbourne West	ALP	Rich-Phillips, Hon. Gordon Kenneth	Eumemmerring	LP
Davis, Hon. David McLean	East Yarra	LP	Romanes, Ms Glenyys Dorothy	Melbourne	ALP
Davis, Hon. Philip Rivers	Gippsland	LP	Scheffer, Mr Johan Emiel	Monash	ALP
Drum, Hon. Damian Kevin	North Western	Nats	Smith, Mr Robert Frederick	Chelsea	ALP
Eren, Hon. John Hamdi	Geelong	ALP	Somyurek, Mr Adem	Eumemmerring	ALP
Forwood, Hon. Bill	Templestowe	LP	Stoney, Hon. Eadley Graeme	Central Highlands	LP
Gould, Hon. Monica Mary	Doutta Galla	ALP	Strong, Hon. Christopher Arthur	Higinbotham	LP
Hadden, Ms Dianne Gladys	Ballarat	Ind	Theophanous, Hon. Theo Charles	Jika Jika	ALP
Hall, Hon. Peter Ronald	Gippsland	Nats	Thomson, Hon. Marsha Rose	Melbourne North	ALP
Hilton, Hon. John Geoffrey	Western Port	ALP	Viney, Mr Matthew Shaw	Chelsea	ALP
Hirsh, Hon. Carolyn Dorothy	Silvan	Ind	Vogels, Hon. John Adrian	Western	LP

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THURSDAY, 19 MAY 2005

QUESTIONS ON NOTICE

TUESDAY, 17 MAY 2005

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Thursday, 19 May 2005

The PRESIDENT (Hon. M. M. Gould) took the chair at 9.34 a.m. and read the prayer.

PETITIONS

Schools: religious instruction

Hon. W. A. LOVELL (North Eastern) presented petition from certain citizens of Victoria requesting that the Legislative Council take steps to ensure that there is no change to legislation which would diminish the status of religious education in Victorian schools and, on the contrary, requires the government to provide additional funding for chaplaincy services in Victorian state schools (37 signatures).

Laid on table.

Western Port Highway, Lyndhurst: traffic control

Hon. R. H. BOWDEN (South Eastern) presented petition from certain citizens of Victoria requesting that the Victorian government prevent the installation of traffic lights along the Western Port Highway at Lyndhurst (Dandenong-Hastings Road) (13 signatures).

Laid on table.

Harness racing: Gunbower

Hon. D. K. DRUM (North Western) presented petition from certain citizens of Victoria requesting that the Minister for Racing withdraw his support for the V3 scheme and do his utmost to reinstate harness racing at Gunbower (148 signatures).

Laid on table.

RULINGS BY THE CHAIR

Second-reading speeches: incorporation

Hon. C. A. Strong — On a point of order, President, I seek a ruling from you in regard to sessional order 34, which deals with the incorporation of second-reading speeches into *Hansard.* I will explain the issue, because I think it is of some importance. Sessional order 34 states that:

> … when a bill originating in the Legislative Assembly has passed that house and is transmitted and introduced into the Legislative Council, on the order of the day being read for the second reading of that bill, the minister may make introductory remarks on the contents of the bill, including a statement of any amendments made by the Legislative Assembly to the bill —

and this is the key point —

> … which have been reflected in the second-reading speech …

I refer specifically to the second-reading speech on the Electoral Legislation (Further Amendment) Bill, which was introduced yesterday. That second-reading speech, as incorporated, could be argued to conform to the letter of sessional order 34, but quite clearly not to the spirit, because the second-reading speech was simply incorporated from the Assembly. The minister said, as a footnote to the second-reading speech, that the bill had been amended in the Assembly and highlighted what the amendments were.

The second-reading speech did not incorporate the changes that took place in the Assembly — in other words, specifically what happened was that the bill was amended in the Assembly but the second-reading speech that was incorporated did not encompass those amendments, it simply added a footnote saying that it was amended in that way. Although it could be argued that the amendments were noted, quite clearly if someone read the second-reading speech they would see something quite different.

Mr Lenders — On the point of order, President, I will say two things. As Mr Strong has been speaking I have been looking through the second-reading speech. In the Legislative Assembly there were two minor technical amendments to this bill, which I alluded to in my introductory comments. One of them was on the issue that there was a proposed amendment to the bill that the nominations for candidacy required go from 6 to 50 in both houses. An amendment was moved in the house that the status quo of 6 go to 50. The amendment in the house removed it from the Assembly but maintained it for the Council. So far as intent for change in the second-reading speech is concerned, it is a minor technical amendment that is unquestionably there. Secondly, as my colleague Mr Jennings points out, that was actually incorporated in the penultimate paragraph of the second-reading speech.

The second technical amendment which I alluded to in my introductory remarks dealt with requests from the electoral commissioner about whether pre-poll voting started at 2 o'clock or 4 o'clock on election day, which was an amendment in the house. Again my colleague has pointed out that these amendments have been incorporated into the speech.

I think Mr Strong's technical issues have been addressed, but the broader principle issue under the sessional order is that by definition a second-reading speech includes the macro policy that a minister is required to present to a house. That has not changed.

The issue between the houses, and we had this discussion on sessional orders very early on, is when incorporating a second-reading speech, as a courtesy to the house there is a requirement for the minister to explain what else is happening. I think that courtesy was met with the two technical amendments and, in fact, was met in detail.

I am happy to pursue separately and look at this through the Standing Orders Committee to see if there are further ways by which this can be enhanced. Further on the point of order, both the technical things in the penultimate paragraph of the second-reading speech were met, and certainly the spirit of the requirement was met by my introductory comments when I introduced the bill on behalf of Minister Madden yesterday.

Hon. C. A. Strong — On the point of order, President, it is quite clear the second-reading speech intends to set out the principle and the reason for a particular action. As to the particular clause in the second-reading speech about the number of nominations of a candidate, the second-reading speech as incorporated now says:

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

That is the principal statement that the minister has made. The footnote says, 'We have changed this' but without any explanation as to why it has been changed, without anything of that nature. I think the spirit of what is intended has been breached, and it should be looked at. It is clear that the second-reading speech gives the reasons.

Hon. B. N. Atkinson — On the point of order, President, I think we should be very mindful of the importance of second-reading speeches, because when the courts determine some issues that come before them in terms of law they have an opportunity to refer and in fact do refer back to second-reading speeches as describing the intent of government legislation and the interpretation of those laws.

It is quite true that the Leader of the Government did make an explanation to the house as a courtesy yesterday, and that was appreciated. The house, to that extent, was duly informed of the changes that occurred in the lower house and the change to the bill that was presented to this house. However, I think it is important that on all occasions the second-reading speech should not be a document that is lazily brought in as a document from the other house but should be a clean document that reflects the bill that comes before this house and can be relied on by people outside as the interpretation of our intent.

The PRESIDENT — Order! The raising of a point of order is not an opportunity to make a speech about what the issues should be. It is appropriate to raise a point of order and in raising a point of order to be succinct. There has been an issue raised and I will give the Leader of the Government an opportunity to respond, and then I will make a ruling on the matter before the Chair.

Mr Lenders — Further to the point of order, I draw the house's attention, having now perused the document clearly, to the third-last paragraph that deals specifically with the amendment concerning the Electoral Commissioner regarding the 2.00 p.m. to 4.00 p.m. provision. The penultimate paragraph deals clearly with the amendment from the Assembly and says that 6 signatures are required for nomination for the Legislative Assembly and 50 signatures are required for nomination for the Legislative Council. They are clearly spelt out. This is not a hasty document; the intent of the amending bill as presented to the Legislative Council is clearly enunciated in detail in the second-reading speech. In addition, the house was alerted to those amendments in my introductory comments. The point of order is actually met and all the things required are clearly in the second-reading speech.

Hon. Bill Forwood — Further on the point of order, I do not wish to add to any of the comments made so far, but in considering your response, President, perhaps you could turn your mind to whether or not the words said by Mr Lenders before the incorporation of the actual speech count as part of the second-reading speech. If you look at the heading it says 'Second reading' and then Mr Lenders stands up and says a number of things, the motion is agreed to and then we go on to the incorporated speech itself. I am interested to know whether you regard that as part of the second-reading speech.

The PRESIDENT — Order! The matter raised by the Honourable Chris Strong has led to some discussion, perhaps more on clarification than on an actual point of order. The sessional orders have been adhered to. Whether that is a matter the house wants to deal with by varying the sessional orders to overcome

some of the issues highlighted in the point of order is a matter for the Standing Orders Committee or the house to deal with. I believe the sessional order as it stands has been met in view of the comments made by the Leader of the Government.

On the point of order raised by the Honourable Bill Forwood, under the sessional orders the minister introducing the bill can make introductory comments. In this case the minister made those introductory comments indicating that there is a variation between what was introduced in the Assembly and what has been introduced in the Council. The introductory comments are just that — introductory comments to advise the house that there has been a change between the bill introduced in the Assembly and the one that ends up here. They are not the second-reading speech as such. The sessional orders set out that opportunity to advise the house of the amendments made in the Assembly.

With respect to Mr Strong's point of order, the sessional orders have been met. With respect to other issues that were raised, they are a matter for the house to deal with at another time.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Corporate governance in public sector

Ms ROMANES (Melbourne) presented report, including minority report, extracts from proceedings and appendices, together with minutes of evidence.

Laid on table.

Ordered that report be printed.

Ms ROMANES (Melbourne) — I move:

That the Council take note of the report.

As the chair of the subcommittee which dealt with this report, I am very pleased to have the opportunity to say a few words about its being tabled this morning. I would like to begin by thanking the members of the subcommittee who supported me in the work of the committee. Those members from this house are the Honourables Bill Forwood and Gordon Rich-Phillips. The Assembly members were the Honourable Christine Campbell, the member for Pascoe Vale, and Ms Danielle Green, the member for Yan Yean. I would also like to acknowledge that members of the Public Accounts and Estimates Committee (PAEC) in the 54th Parliament contributed to the beginning of the work done on this reference.

In addition, it is very important to acknowledge the support and good work of the members of the committee secretariat who have put in many hours to bring the report to fruition. In particular I acknowledge the work of the executive officer, Ms Michele Cornwell, the principal research officer for the inquiry, Mr Kai Swoboda, and Mr Peter Stoppa, who is on secondment from the Auditor-General's office and has made a significant contribution since joining the PAEC secretariat in February.

The content of this report is important and highly relevant. Recent corporate governance failures in both the private and public sectors have drawn our attention to the serious consequences for organisations and those they serve if good governance arrangements are not in place or are not adhered to. The report highlights the fact that there are over 400 agencies in the public sector covering a range of activities, services and roles. Therefore, the issues and arrangements in place for managing the work of these agencies and their corporate governance are very complex.

The report scopes the key issues addressed under the heading of corporate governance, which are paramount in setting up good governance structures. The committee's report includes 52 recommendations that encourage improvement in key areas of Victorian public sector governance and administrative practices. Some of the major areas that the report focuses on include monitoring and reporting, controlled structures, risk management, the application of governance principles and board issues.

Attached to this report is a minority report. It is very disappointing that the opposition has broken a longstanding tradition in the Public Accounts and Estimates Committee, whose members strive to reach consensus on their reports. Unfortunately the opposition has played politics with this report. It has done the bidding of the shadow health minister, the Honourable David Davis, and I find it reprehensible that it has refused to accept the facts in the public arena about the enhanced reporting of hospital performance in many areas that has been put in place by the Minister for Health in the other house.

The opposition has failed to acknowledge that there is now more comprehensive and detailed information given to patients and doctors on services offered through the six-monthly written report *Your hospitals.* In addition, the other information that has been

provided quarterly will be updated quarterly and will continue to be provided on the web site.

What the opposition does not want to see acknowledged in a report is a good news story like enhanced performance reporting and what it will not acknowledge is that it did not do anything to publish any statistics for hospitals during its term in office, and it was not transparent in the way it operated.

Hon. Bill Forwood — That is a lie!

The PRESIDENT — Order! I have spoken to Mr Forwood before about what one could deem as unparliamentary language and his interjection was getting very close to it, so I ask him to seriously consider and think about what he says before he says it in the house — —

Hon. Bill Forwood — I do.

The PRESIDENT — Order! I am sure he does but on that occasion I think he got carried away a bit. I ask him to refrain from going down the track of unparliamentary language.

Hon. BILL FORWOOD (Templestowe) (*By leave*) — Let me at the outset congratulate Ms Romanes on chairing the Public Accounts and Estimates Committee subcommittee but not on her speech today, which shows the intransigence of the government. This report goes to 228 pages. We agreed with everything in this report and all its recommendations apart from eight lines; those lines were mealy-mouthed propaganda put in by an intransigent government to try to hide the fact of the knackering of the statistics. We do not resile in any way, shape or form from the minority report. It is ridiculous that we are having an argument about a minority report when the report itself is so important. As I said, we wanted just 8 lines of the 228 pages deleted — 8 lines which were not true. This intransigent mob use their numbers to force those comments through.

I want to in particular congratulate Kai Swoboda on the outstanding work he did on this governance report. This is an important report for the Parliament, governance always is. I think that this report bears a lot of scrutiny and I hope that people will scrutinise it, but I do not want people to be distracted by a minor squabble over eight lines. It is ridiculous that that should be the case, and I cannot believe that Ms Romanes found it necessary to spend 2 minutes of her allowed 5 minutes in a diatribe against an opposition which went out of its way to work cooperatively on this report. I think it is sad that we had a minority report, it was not of our doing, we were forced into it by the intransigence of the minority, by the jack boots of the government members.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Dunmunkle Health Services — Report, 2003–04.

Health Purchasing Victoria — Report, 2003–04.

Lake Mountain Alpine Resort Management Board — Report, 2003–04.

Lorne Community Hospital — Report, 2003–04.

Manangatang and District Hospital — Report, 2003–04.

Nathalia District Hospital — Report, 2003–04.

Omeo District Hospital — Report, 2003–04.

Otway Health and Community Services — Report, 2003–04.

South Gippsland Hospital — Report, 2003–04

Tweddle Child and Family Health Service — Report, 2003–04.

Statutory Rules under the following Acts of Parliament:

Retirement Villages Act 1986 — No. 29.

Sale of Land Act 1962 — No. 28.

Supreme Court Act 1986 — No. 22.

Wrongs Act 1958 — No. 27.

Subordinate Legislation Act 1994 — Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 22.

STANDING ORDERS COMMITTEE

Membership

Mr LENDERS (Minister for Finance) — By leave, I move:

That the Honourable Lidia Argondizzo be discharged from the Standing Orders Committee and that Mr Matt Viney be appointed to that committee.

Motion agreed to.

MEMBERS STATEMENTS

Member for Ivanhoe: public transport meeting

Hon. BILL FORWOOD (Templestowe) — I have a letter in my hand that is being widely circulated throughout my electorate by the member for Ivanhoe, the Government Whip in the other place, about his public transport meeting, which is to be held on 31 May. I must read some bits of it, because it is a cackle:

> While it has taken months to organise (and it wasn't through any lack of trying!), I can now advise that the next public transport meeting will be held at my office on 31 May …
>
> Why the delay? Since late last year I have wanted to report to you on three significant issues that will affect our area. They were the Mitcham–Frankston project, now called EastLink, the review of the Hurstbridge railway line and an update on the north-east integrated transport study (NEITS). The delay has been caused by difficulties with the study.
>
> After several meetings, with the local government members working together to help facilitate the process, internal management issues within NEITS have now been resolved, and it is hoped that NEITS will recommence.
>
> It is becoming more and more apparent to me that a solution to Melbourne's congestion woes is to not spend billions of dollars on road and rail, but by thinking outside the square.

Although I am not sure where that will take us. The letter goes on to say:

> The challenge ahead is not only for governments but the community, as in years to come more of our dollars will be required for health and aged care than for 4 hours a day of traffic problems.

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

Federal Treasurer: performance

Mr VINEY (Chelsea) — I rise to express my exceptional disappointment at the federal budget brought down by Peter Costello one and a half weeks ago. After spending so much time talking about the need for infrastructure spending in building this country this budget came down with not a dollar of extra infrastructure spending. This federal government has brought down a budget that is more about Peter Costello's prime ministerial ambitions than delivering for the people of Australia.

It is a budget that has delivered tax cuts to the wealthy and a miserly $6 a week to ordinary workers. This budget has demonstrated the real priorities of the federal Liberal government, and it shows that they are the same as the priorities of those opposite — no interest in infrastructure spending, tax cuts for the well off and very little for ordinary people. There was an opportunity to bring down a budget about building Australia, about putting into infrastructure and about rebuilding our health and education services, but the federal budget completely failed on those counts. It was a budget all about Peter Costello's appeal to his own backbench for him to take over from the Prime Minister.

Princes Highway–Tivendale Road, Officer: traffic lights

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — Last night I accompanied a delegation of Officer residents to meet with the Minister for Transport regarding the need for traffic lights to be installed at the intersection of Tivendale Road and the Princes Highway. The delegation presented the minister with a detailed submission as to why lights should be installed and highlighted the issues with aerial photographs. It is therefore very disappointing that before even considering the submission, the minister made it clear that VicRoads will not install the lights within five years. The minister claimed that a future developer would have responsibility for the lights which are needed to address today's traffic problems.

While it is true that there is a proposal for VicUrban to do a development in Officer, that development is at least five years away. Whether or not part of that developer's contribution is traffic lights is a matter for the developer and for Cardinia Shire Council; it is not for the minister to say, 'We do not have to fund the lights because someone else — the developer — is going to'. It is clearly absurd for the minister to say that it is a responsibility of the developer when it involves a VicRoads road and existing pre-development traffic problems.

The community rejects this exercise in cost shifting by the Bracks government and again calls on the Minister for Transport in another place, Peter Batchelor, and Tammy Lobato, the member for Gembrook in another place, to ensure this government installs these lights.

Aged care: Mornington Peninsula

Hon. J. G. HILTON (Western Port) — One of the major announcements in the state budget as far as the Mornington Peninsula was concerned was the funding for the first stage of a new aged care facility in Mornington. Twenty million dollars will be allocated to provide 60 beds for geriatric evaluation and management. This is a project I have supported and advocated for since I was elected to this place in 2002.

I am very pleased that the project is now under way and has been given the green light. The project was a commitment at the 2002 election. I am very happy that I have been able to see it delivered. It will be of significant benefit to the aged population in Mornington. I commend all the people who have contributed to the project, including Peninsula Health.

Australian political exchange program

Hon. W. A. LOVELL (North Eastern) — The Australian Political Exchange Council regularly conducts exchange programs for young Australian political leaders to experience different political systems and cultures overseas. Last year I was fortunate enough to participate in one such program in Papua New Guinea. Last Friday and Saturday I had the opportunity to return some of the hospitality that was shown to me and also to highlight my electorate by hosting a delegation from Vietnam as part of the Australian political exchange program.

On Friday the delegation visited Varapodio's orchard, where the Northern Victoria Fruitgrowers Association gave the delegation members an overview of fruit growing in the Goulburn Valley; SPC Ardmona for a tour of the factory; Tatura Milk Industries, which gave the delegation an overview of the dairy industry and a tour of its factory in Tatura; and the Goulburn Broken Catchment Management Authority, which briefed the delegation on the importance of irrigation and explained how we balance irrigation and the environment. The delegation then finished the day with a civic reception hosted by the City of Greater Shepparton.

On Saturday the delegation visited Echuca for a cruise on a paddle steamer, a tour of the historic port and lunch at Oscar W's Wharfside restaurant. Echuca was a popular destination, as the delegation members were all familiar with the TV series *All the Rivers Run*. These destinations were chosen to give the delegation an understanding of the key industries that drive our rural economy and also a flavour of our history. The exchange program will be of mutual benefit to both countries by creating a lasting relationship between Australia and Vietnam.

Schools: class sizes

Ms ROMANES (Melbourne) — At the Public Accounts and Estimates Committee hearing earlier this week the Minister for Education and Training, the Honourable Lynne Kosky, spoke of the impact of improved lower prep to grade 2 class sizes, which are delivering excellent literacy and numeracy outcomes. I was even more interested when the Minister used an example in my electorate. The average size of prep to grade 2 class sizes at Brunswick North West Primary School has decreased from 28 in 1999 to 22.8 in 2005. Between 2003 and 2004 the percentage of grade 2 students reading with a high level of accuracy has increased by 17 per cent from 68.7 per cent to 85.7 per cent. This reflects what is happening across the state, where there are similar percentage increases in reading levels. It is good news for students in Brunswick and the whole of Victoria.

Public Accounts and Estimates Committee: corporate governance in public sector

Hon. D. McL. DAVIS (East Yarra) — My contribution relates to the Public Accounts and Estimates Committee inquiry on corporate governance and concerns the minority report. Just a moment ago I heard the comments by Ms Romanes which revealed her fundamental lack of understanding of the fact that the government has gutted many of the waiting list measures and issues of transparency that ought to be there if a government is to be held accountable and responsible.

On the intensive care issue that we talked about in this house last night the government has pulled down the critical care bed state web site, which showed which intensive care units were full and which were not. There is also the removal of the comprehensive monthly intensive care data from the *Your Hospitals* report. We know what the government has done, and we know what the minister did — and her performance at the public accounts hearing the other day was atrocious. Her performance was a disgrace! On the concept that a minister would seek to hide this data, it is clear that the scrambling of the information, the removal of comparable measures, is an absolute outrage.

Honourable members interjecting.

Hon. D. McL. DAVIS — I remember when the government — your government! — signed a charter with the Independents promising to keep accountability, promising that it would have parallel reporting measures so that it could be held accountable and people could make comparisons. That is out the window. You are covering up because you are embarrassed.

Excelsior Hall, Port Melbourne

Mr SCHEFFER (Monash) — I commend the Port Melbourne Historical and Preservation Society for its

production of an important booklet on Port Melbourne's Excelsior Hall. This is a timely contribution to the history of Port Melbourne.

Excelsior Hall originated some 120 years ago as the Excelsior Club that was run to occupy local boys who while truanting were smashing out street lights and uprooting newly planted trees. The Excelsior Club hall was built in 1886 as a place where boys could do woodwork, perform plays and exercise. The 600-seat corrugated iron structure, designed by Frederick Williams, has served many generations in a variety of ways — as a dance hall, bioscope, theatre, gymnasium, and reception and concert hall. The records show that the local ALP branch booked the hall for its basketball practice.

I had great pleasure in attending the opening of the redeveloped Excelsior Hall on 26 April. This was another of the many social housing innovations projects that have been completed in partnership between the Victorian government and the City of Port Phillip. The 1950s offices and lean-tos have been built out of the structure and the exterior has been faithfully restored. I especially want to recognise the wonderful work of Pat Grainger of the Port Melbourne Historical and Preservation Society, who wrote the text and designed the booklet, and tribute should be paid to the fine work of Port Phillip housing officer, Gary Spivak, to Kay Rowan and to architect Michael McKenna.

Barwon Health: regional respiratory management

Ms CARBINES (Geelong) — Last Friday, on behalf of the Minister for Health in the other place, the Honourable Bronwyn Pike, I had the pleasure of launching in my electorate of Geelong Province the regional respiratory management resource package for the Barwon south-west region. This groundbreaking package, which is aimed at improving the respiratory health of residents in the south-west region of our state, is the result of a dynamic project involving health professionals from a range of disciplines working as a team to provide the best possible care for our community.

The project started two years ago with a budget of $400 000 supplied by the Bracks government. Its aim was to develop a consistent approach to the diagnosis and management of respiratory illness. This is especially important in the Barwon south-west region, as we have a higher incidence of respiratory illness than in any other region in Victoria. The project was driven by a regional respiratory steering committee, which is chaired by Professor John Catford, and by the project leader, Ms Mo Fisher. The resource package will assist clinicians in the diagnosis and management of respiratory illness and inform patients with a respiratory disease about their illness while providing them with resources to improve their health and quality of life. The package includes: a respiratory health management handbook for patients, information that is critical to the diagnosis of their illness by health professionals, guidelines to describe the key principles underpinning an objective assessment of lung function, as well as other resources.

I congratulate the team, particularly Dr Chris Steinford, a thoracic physician from Barwon Health, for his involvement in and dedication to the improvement of the respiratory health of people living in our region.

Mercy Hospital for Women: opening

Ms ARGONDIZZO (Templestowe) — On Saturday, 14 May, I had the pleasure of being at the new Mercy Hospital for Women in Heidelberg with the Minister for Health in the other place to see the arrival of some of the premature babies who were moved from the old Mercy Hospital in East Melbourne to the neonatal intensive care unit at the new Mercy hospital in Heidelberg.

The new home for these babies is a state-of-the-art facility that will house 17 neonatal cots and 45 special care cots; it is the largest unit of its kind in the state. The stations for these cots have been specifically designed to suit the needs of the times and to suit various situations. The unit has been purposely designed to accommodate family members as well as the need for teaching, training and research without causing harm or interruption to the care of the babies. It has lots of natural light and space, two very important factors in this case. A full-time nurse is assigned to each cot to ensure maximum care for the babies.

I commend the work and dedication of all involved last weekend in the move of the neonatal unit to the new Mercy Hospital for Women at Heidelberg.

Police: Altona North community awards

Hon. KAYE DARVENIZA (Melbourne West) — I take this opportunity to congratulate two police officers from Hobsons Bay — Senior Sergeant Warren Greene and Acting Senior Sergeant Leigh Wisbey — on receiving an award from the Ethnic Communities' Councils of Australia (ECCA).

Both Senior Sergeant Greene and Acting Senior Sergeant Wisbey are from the Altona North police station and they were honoured for the work they have

been doing with the Islamic, Maori and Horn of Africa communities. They have been working very closely with our multicultural communities in Melbourne's west, particularly with young people through sporting events which include all cultures. This important activity provides an opportunity for a number of other police officers to also become involved with people from different cultures. The work of these police officers helps to break down barriers that can exist for new migrants who come to Australia, and it assists them to understand the work Victoria Police does.

Congratulations to all the award recipients, particularly Senior Sergeant Leigh Wisbey and Senior Sergeant Warren Greene from Altona North police station.

Federal budget: disability support

Hon. S. M. NGUYEN (Melbourne West) — I would like to comment on the federal budget that was delivered by federal Treasurer, Mr Costello. The Footscray *Mail* ran some articles about the budget. It interviewed local people and asked them to comment on whether the budget provided any benefits to the western suburbs. A lot of people commented very negatively, especially about aged care services for elderly people in the west. With respect to service and delivery, people in the west have been neglected in the area of aged care services, as have disabled people in the area.

The federal budget cut the disability support pension for anyone who is capable of working for more than 15 hours a week at adult wages. These people will be moved onto the Newstart allowance and will have to look for work. This is a shame because people who are not capable of working need some assistance. That assistance has now been cut and they have to look for full-time jobs.

With respect to education, there is not much funding for the training of unskilled workers who are long-term unemployed. There is no extra funding to employ those people. Education is — —

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

Federal budget: trade

Mr SOMYUREK (Eumemmerring) — I rise to express my disappointment that the federal budget did not address Australia's no. 1 economic problem — that is, the lopsided trade performance of the economy. Our national economy is being sustained by buoyant consumer spending, but our exports are not keeping pace. This is an issue I have canvassed many times during the course of last year.

Hon. J. H. Eren interjected.

Mr SOMYUREK — Many times, Mr Eren. With the federal election out of the way I thought the federal Treasurer, Mr Costello, might actually start to do something about our lopsided economy, but that was not to be. Obviously there were other priorities involved.

The consequences of Mr Costello's apathy is a trade crisis that is undermining economic growth and generating record current account deficits and foreign debt, putting upward pressure on interest rates. The federal Treasurer said:

> The rebalancing of economic growth from domestic to external sources is expected to continue.

What a strange statement to make when, clearly, over the last 12 months the export growth forecast has been cut from 8 per cent to 4 per cent, and is now down to 2 per cent for 2004–05. For the last four years the federal government has persistently overshot its export growth forecasts. Why should we believe it this time? Furthermore, massive stimulus to domestic consumption — —

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

STATEMENTS ON REPORTS AND PAPERS

Public Accounts and Estimates Committee: budget estimates 2004–05

Hon. ANDREA COOTE (Monash) — I have much pleasure this morning in talking about the government's response to the recommendations in the Public Accounts and Estimates Committee's 59th report on the 2004–05 budget estimates.

When I look closely at this report I have some major concerns with two areas related to my shadow portfolios. The first one relates to the reference made on page 37 to the issue of residential aged care — and I am very pleased to see that the Minister for Aged Care is now in the chamber. I think the minister would acknowledge that aged care is a growing concern for both federal and state governments and that the state government has an enormous amount of ability in respect of aged care in this state.

My concern about the PAEC's report is that it accepts this issue in principle and does not understand the

fundamentals that are involved. I charge the minister with going back and getting the Public Accounts and Estimates Committee to fully understand the ramifications and importance of this issue.

Aged care is an issue that is going to affect all of us. It is essential that the minister work closely with our federal counterparts to make certain that aged care is flexible and affordable for all Victorians. I am very concerned about the underlying thrust of this comment in the PAEC report. As I said, the committee agrees in principle, but its members do not give any strong recommendations and do not talk about where it should be going into the future, so I have some major concerns. I ask the minister to go back and make certain that both levels of government understand what the real issues involved in all this are, and I do not mean as a cost-shifting exercise. I really do mean that there should be a proper and authoritative working situation between state and federal governments to make certain that we have the very best of aged care in this state.

Of more concern is what appears on page 85 of the report about the Department for Victorian Communities. Victorian Communities is the ultimate department of spin. It is a huge organisation which actually manages to refine rhetoric to an extraordinary extent. It believes its own rhetoric, which is the saddest part of it all, but in fact it is taking a lot of taxpayers money to get to that stage. We only have to look at the number of senior bureaucrats on the payroll to see what is happening in this department. When the department was first established there were five employees in the salary range $100 000 to $300 000 a year. Now we have seen that rise in one year — only one year — to 21 people, most of them at the higher end of the scale. I am quite concerned about what might happen next year. We have seen that in the budget papers with the figures on employee expenditure as well. This is the Department of Fat Cats, and it is getting fatter as more and more bureaucrats are getting put into this department, and we are not seeing anything of value.

In fact that is the problem with this report. Once again the Public Accounts and Estimates Committee has accepted in principle that the Department for Victorian Communities should develop and report performance indicators to measure the progress of the following initiatives: the indigenous community capacity building program, the implementation of shared services arrangements with other departments and the development of an electronic grant management system. Nowhere throughout the Department for Victorian Communities can we see any proper key performance indicators, any accountability or any sort of public accountability for the large amounts of money this government department is dealing with.

In fact the PAEC failed to recognise or even to encourage the department to put in place any sort of formal performance indicators. How can we have grants being made to organisations right across this state without any sort of accountability? It beggars belief to think that we can be spending so much money and have all these bureaucrats out there telling us Victorian Communities makes us feel connected to each other. The local councils right across this state are fed up with Victorian Communities. They know what their communities need.

Hon. J. A. Vogels — It is a slush fund for the Labor Party.

Hon. ANDREA COOTE — Their communities do not need these fat cat bureaucrats. As Mr Vogels said, it is a slush fund for the Labor Party, and that is exactly what it is being seen as. But we do not even have accountability. We are not even seeing it being pulled up by the Public Accounts and Estimates Committee. I think this is an indictment all Victorians should be aware of. But I will be watching, local councils will be watching and indeed all Victorians will be watching to see what this money is going to be spent on. The accountability will be at the election in 2006.

University of Melbourne: report 2004

Hon. J. G. HILTON (Western Port) — This morning I would like to make some brief comments on the University of Melbourne annual report for 2004. As the report indicates, the university has a vision of making itself one of the finest universities in the world, and I would like to quote directly from the report. It says:

> The mission of the university is to create a university world class in the staff and students it attracts, the research and scholarship it undertakes, the academic standards it upholds and the graduates it produces …

In pursuit of that goal the university has appointed four Nobel laureates as staff members. They are Professor Peter Doherty, who was the 1996 Nobel Prize winner for medicine; Professor Bert Sakmann, who won the 1991 Nobel Prize for medicine; Professor Sir James Mirrlees, who won the 1996 Nobel Prize for economic science; and Professor Clive Grainger, who won the 2003 Nobel Prize for economic science. I believe it is testimony to the university and the high regard in which it is held that some eminent academics wish to join its staff.

In a survey conducted by the *Times Higher Education Supplement*, Melbourne University was ranked no. 22 in the world. Obviously Melbourne University is held in high regard by its students, as was indicated by the median enter score of 94.8. The university was able to confirm its position as Australia's leading research university, winning more than $83 million in competitive research funding.

The university has set itself a number of goals. These include strengthening the University of Melbourne as an institution of preference for outstanding students and staff from Australia and around the world; strengthening the performance and reputation of the university as a major international research university and as a destination of preference for outstanding research postgraduate students nationally and internationally; creating and maintaining superb learning environments for undergraduate and postgraduate students; positioning the university as a major international institution and being profoundly and increasingly engaged with the Asia-Pacific region across the full range of university responsibilities, including undergraduate education, research and research training and civic and community service; and serving the Victorian, Australian and wider regional and international communities through welfare programs, cultural activities, educational, scientific and artistic developments and by promoting informed intellectual discourse and political debate. They are obviously worthy goals. Other goals cover such areas as quality management, quality infrastructure, quality resourcing and equity and access.

I would like to highlight one of these goals, which relates to the university's international positioning. As I think we are all aware, these days education is a global industry. The university is not only competing against universities in Australia but also internationally to attract the best academics and students to ensure that it is best placed to develop its international profile. It has an objective of internationalising its curriculum and research activities and applying international benchmarking standards across the university. It also wishes to encourage international cooperation and collaboration with like universities around the world and to promote the international mobility of students. In this regard it has recently formalised 65 bilateral relationships for cooperation and exchange and also strengthened its links with academics and universities in China. Last year 320 Melbourne students studied overseas and 384 overseas exchange students studied at Melbourne.

I think we all realise that Melbourne University is one of Victoria's premier educational and academic institutions. I am sure we are all very proud of the work it does and its high reputation within the academic and international community. I commend the university for an obviously very successful 2004 and wish it every success in the future. Before I finish, I note from the report that Mr Bill Forwood resigned as a member of the university council on 15 July 2004. It would be very remiss of me not to acknowledge the great work that Bill Forward has done in the development of the university, and I am sure he deserves significant credit for the position in which the university now finds itself.

University of Melbourne: report 2004

Hon. P. R. HALL (Gippsland) — I too want to make some comment on the University of Melbourne's annual report for 2004 and agree with the comments of the Honourable Geoff Hilton in respect to both the university's standing and also the great contribution made by the Honourable Bill Forwood on the governing council of the university. He has been there a for a long time and has given great service to that university.

My further comments on the university itself are perhaps not as glowing as Mr Hilton's, because I want to take up one particular issue which was significant for the University of Melbourne during 2004 — that is, some of its decisions regarding the restructure of its Institute of Land and Food Resources, which was one of the major issues facing the university towards the end of 2004. The university wanted to centralise all of its diploma courses at the Dookie college and leave some of the other campuses around country Victoria with TAFE-level courses. In fact if it were true to its word, the university was not all that interested in continuing with the delivery of vocational education courses through its TAFE programs. I refer particularly to the Longerenong, Glenormiston and McMillan campuses, and to a lesser extent to the Dookie campus, all of which are former campuses of the Victorian College of Agriculture and Horticulture.

The university's plans to centralise its diploma level courses to Dookie came very late in the day, towards the end of the year, and created a great deal of anxiety around country Victoria because of the great uncertainty of whether or not courses would proceed in 2005. To her credit, the Minister for Education and Training in the other place, Lynne Kosky, stepped in and brought Melbourne University under control at that time and insisted that there be no changes for 2005, and that turned out to be the case. I am prepared to acknowledge and thank the minister for her intervention.

A similar situation is now emerging. I raise this matter now because we are almost halfway through the year and it seems that we are heading for the same sort of last-minute scenario again in respect to the future of those courses. At the moment three inquiries are going on. The university itself is again reviewing its delivery of and its commitment to vocational level courses. I understand the office of education and training is undertaking its own review of the delivery of agricultural education in Victoria generally, and of course a federal House of Representatives standing committee is conducting an inquiry into rural skills training and research right across Australia. Those three reviews are impacting on the future delivery of agricultural education in Victoria, and in the meantime nobody knows what is going to happen. At some of the country campuses — at Longerenong, Glenormiston and McMillan, where Melbourne University has now put a freeze on the appointment of staff members — we are seeing that many positions are now unfilled. That is having an impact on the course delivery this year, but it will have an even greater impact next year unless some decisions are taken.

The real danger is that Melbourne University would wish to abandon vocational education in agricultural courses, and that would lead therefore to a fragmentation of the delivery of agricultural education. I do not see it as being in the best long-term interests of agricultural education to have a whole series of providers at different regional centres in Victoria. It would be better if there were a single provider, as there is now with Melbourne University, so there could be the benefits of the coordination of course delivery across a number of campuses. It is now time for the Victorian government to again step in and try to resolve this issue. It cannot go on much longer. It is the same situation that occurred last year, when right at the end of the year there was a temporary resolution to the problem. There needs to be a permanent resolution now so that those positions that are currently unfilled by Melbourne University can be filled and prospective students are given a clear indication of what courses may be provided and available for them next year. I understand that Melbourne University's meeting of 6 June will consider a report. My request is that the government again be involved and ensure that agricultural education is delivered in the most effective, efficient and coordinated means right across country Victoria.

Victoria University of Technology: report 2004

Hon. S. M. NGUYEN (Melbourne West) — I want to speak on the 2004 annual report of Victoria University of Technology. As a local member of Parliament I have an opportunity to work with community organisations around the place, and VUT is one of the largest organisations. I am very proud of its achievements. VUT has many things to offer to the community, and especially those students who would like to improve their knowledge and their skills. VUT has more than 50 000 course enrolments and about 2500 full-time equivalent staff. It provides courses in both TAFE and the higher education sector. It has 8000 international students, of whom more than half are taught with partners overseas.

It has courses for business and law, arts and education, engineering and health. It has a number of campuses, including City Flinders, City King, City South Melbourne, City Queen, Footscray Nicholson, Footscray Park, Melton, Newport, St Albans, Sunbury, Sunshine and Werribee campuses. It has programs designed to meet the demands of industry and employment opportunities, and has overseas partners at various locations including in China, Hong Kong, Malaysia and Bangladesh.

There are many matters covered in the report. I want to comment on some issues regarding graduation. I mentioned people who took part in the graduation ceremony in 2004. There were 13 000 awards conferred and ceremonies were held in Melbourne, Singapore, Malaysia and Hong Kong. Students travelled from Asia and developing countries to study in Australia. I know the university has been a partner with other countries in Asia and other regions. In 2004 there were nearly 5000 international students from over 60 different countries enrolled onshore and more than 5000 enrolled offshore. The enrolments continue to grow at the rate of 8.3 per cent. Through the English language institute the university offered intensive English-language programs to people from China, Vietnam and Bangladesh.

The university is involved with many community organisations such as the Footscray TAFE, which uses the buildings on weekends for English and mathematics tutors to assist high school students. It is also involved with the state government in programs helping the African community. It has programs helping with the development of vocational education in East Timor and the development of health programs in Indonesia. We lend our expertise to help developing poor countries in our region.

It also has some programs for community building, particularly with the Bosnia-Herzegovina communities and the intercultural aged care alliance project, a corporation of ethnic-specific aged care — —

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

Melbourne Water: report 2003–04

Hon. R. H. BOWDEN (South Eastern) — I wish to comment on the Melbourne Water annual report 2003–04. Melbourne Water deserves commendation for its high-quality report, which is easy to read and well produced. It clearly and comprehensively reports on a large area of corporate activity within the state with major responsibilities that are difficult and diversified. I am pleased about that.

I refer honourable members to some important aspects of the report. Melbourne Water is a large enterprise that has $7.9 billion of natural and built assets and an annual operating revenue of more than $520 million from its core activities of water supply, sewerage treatment and drainage. We are all familiar with the importance of this organisation because it is the principal source of clean water and waste treatment for the metropolitan area and is a core activity for public health maintenance in our capital city.

On page 3 under the heading 'Our business goals' I highlight one point that should be mentioned. I refer to the improvement of the health and amenity of Port Phillip Bay and Western Port for the prosperity and enjoyment of present and future generations. This is an important aspect that Melbourne Water has, because not only is Port Phillip Bay a vital link in our transportation and freight system, but it is also a core recreational asset for the city and the state. Anything that is detrimental to the quality of the water in Port Phillip Bay and Western Port is not good. I am pleased the organisation is conscious of and has at the forefront of its thinking the maintenance of the health and amenity of those areas.

I suggest honourable members read page 5, where some of the financial results are recorded. The net cash flow from ordinary activities is $322.5 million, which enabled it to invest $150.6 million in assets for the future. It paid a dividend to the Victorian government of $137.4 million. We have an organisation that has revenue of around $500 million and a return to the government of $137.4 million.

Page 6 sets out the goal of the organisation, which is to remain Australia's most efficient water authority. I would like to see further thinking by this organisation at board and senior management levels about the cleaning up of some of the water we would describe as partially processed. I am very unhappy about Gunnamatta outfall, which I will come to shortly. An organisation that is turning over this amount of money should, in my opinion, be more conscious of its social responsibility where Gunnamatta is concerned. On page 8 under 'Operating expenditure' depreciation is given as $70.3 million. That is about twice the employee benefits, which I believe are quite high — and that is interesting. Honourable members should look at the borrowing costs of $76.3 million, which are also quite high.

Gunnamatta outfall, the responsibility of this organisation, is unacceptable. It is pumping a reported quantity of between 400 million and 470 million litres of sewage water a day into Bass Strait. That is unacceptable. The board should be conscious of it, and my constituents will not tolerate it. I want to see investment in the future by this organisation in now cleaning up the unacceptable aspects — —

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

Melbourne Water: report 2003–04

Ms CARBINES (Geelong) — I too am very pleased to speak this morning about Melbourne Water's annual report for 2003–04. I join with the Honourable Ron Bowden in congratulating Melbourne Water on an excellent report. It is very easy to read and attractive, and is very interesting and comprehensive. I note that at the back it says that it has been printed on paper that has been produced through a process involving recycled water. Melbourne Water endeavours to practice what it preaches.

Melbourne Water is a very important organisation in our state. Obviously it is especially important to the delivery of water supplies and sewerage infrastructure in Melbourne. Page 1 of the annual report explains that Melbourne Water is owned by the Victorian government and manages Melbourne's water supply catchments, removes and treats most of Melbourne's sewerage and manages rivers, creeks and major drainage systems in and around Melbourne. Its operating area extends from Melbourne's water supply catchments high up in the Yarra Ranges to the Mornington Peninsula and Western Port, north to Yan Yean and west to Werribee.

On page 3 of its annual report Melbourne Water attempts to encapsulate the values of its organisation. I am very pleased to see that one of the highest priorities in its value system is understanding that engaging stakeholders is the key to achieving the vision of making Melbourne the world's most water-sensitive

city. That is important recognition by Melbourne Water of the value of engaging stakeholders in consultation.

I would like to applaud and recognise the work of Ms Cheryl Batagol, the chair of Melbourne Water. I have enormous respect for Cheryl. I enjoy her instructive company very much. She will be taking me on a tour of the Werribee treatment plant in the next couple of weeks, and I look forward to that. I welcome the new chief executive officer, Mr Rob Skinner. He has big shoes to fill in taking over from Brian Bayley who did a fantastic job as chief executive officer of Melbourne Water for many years. I wish Brian Bayley every success in his new role of taking on some of the challenges Mr Bowden outlined in relation to Gunnamatta.

I had a look at the Melbourne Water web site this morning. It is a very interesting web site, and I encourage all members to have a look at it. It is attractive and instructive about all facets of Melbourne Water and is particularly aimed at water conservation. I found out that our storages are currently 53.7 per cent full. Although they are just over half full, we cannot take our water supply for granted. Although we had a very heavy rain event early in February we will not be in a good position for next summer unless we get heavy rain over the next few months.

On page 4 the report indicates that Melburnians saved some 60 000 million litres of water over the period of this annual report. That was achieved through the stage 2 water restrictions. Out of the water restrictions regime has come a desire to conserve more water, not just among the people at Melbourne Water but among ordinary Melburnians. The Minister for Water in the other place has ensured that Melbourne Water has acted on the sensible idea initiated by Barwon Water — the water authority in my region of Geelong — to introduce permanent water conservation measures.

Geelong introduced these measures two years ago and I am pleased to see that Melbourne has finally followed its lead. Melbourne's five permanent water saving measures were introduced on 1 March. They are very sensible measures relating to when people can use sprinklers, making it essential to have a trigger nozzle on a hose, banning hosing of paved areas and requiring an application before a swimming pool can be filled. However, Melbourne Water is not resting on its laurels. It has two pages in the annual report of key challenges ahead, and I know it is making considerable progress in relation to them.

Victorian Communities: report 2003–04

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I wish to make a statement on the 2003–04 annual report of the Department for Victorian Communities and in particular the special purpose report prepared for the Melbourne 2006 Commonwealth Games. At the outset, I welcome the inclusion of this report in the department's annual report.

The Commonwealth Games are not being organised through a single entity but predominantly by the organising committee for Melbourne 2006. There is also expenditure by the Office of Commonwealth Games Coordination within the Department for Victorian Communities as well as contributions from Major Projects Victoria, the Department of Infrastructure and ultimately the Department of Justice and other government agencies. There is no single consolidation within the normal reporting framework which reports on government expenditure on the Commonwealth Games. To that extent this report is very welcome.

However, I note that the report has some limitations. The report as produced in last year's annual report only includes expenditure of the Melbourne 2006 Commonwealth Games Corporation, which is the organising committee, and expenditure by the Department for Victorian Communities — being the Office of Commonwealth Games Coordination and Sport and Recreation Victoria — and the Department of Infrastructure. It excludes expenditure on the Commonwealth Games by agencies such as the Department of Premier and Cabinet which has a coordination and liaison role with the commonwealth. It excludes expenditure by the Department of Justice which is responsible for many of the security arrangements for the Commonwealth Games and obviously security is going to be a major expenditure item. We would seek to ensure that expenditure by those agencies is included in future preparations of this consolidation report.

On that point, two years ago the government announced a cap on state government Commonwealth Games expenditure of $697 million in a total budget of about $1.1 billion. Since that time it has become clear that not all Commonwealth Games expenditure by the state government is being included in that cap. The Minister for Commonwealth Games has told this house that some of the items which have been excluded include the compensation payments to the Australian Football League in respect of the reduced capacity of the Melbourne Cricket Ground while the construction work is taking place. Those compensation payments are

clearly games related to the extent that the redevelopment of the MCG is games related.

It is inexplicable for the government to include in the Commonwealth Games accounts the cost of the capital works at the MCG but not include the compensation payments arising from those capital works. We seek to ensure that in future those matters are covered in this consolidation report.

The report records that to the end of June 2004 the Commonwealth Games booked sponsorship revenue of $265 000 in total. Yesterday the Minister for Commonwealth Games was asked some questions in the house about sponsorship of the Commonwealth Games. He accused opposition members of Schadenfreude — he said we were taking pleasure from the misfortune of others.

I have to place on the record that nothing could be further from the truth. It is a matter of public record that the opposition supports the Commonwealth Games and is keen to ensure that the best Commonwealth Games possible are delivered here in Melbourne. However, that does not mean that the opposition or anyone else should turn a blind eye to the limitations and failings of this government in delivering the Commonwealth Games. The government has set a target of $130 million in Commonwealth Games sponsorship. As of last June it had brought to book only $265 000. Towards a target of 10 Commonwealth Games partners it has only announced 3. At this stage — 10 months before the Commonwealth Games — there is a long way to go in attracting sponsorship. The government needs this sponsorship to meet its budget and the minister should be honest with the people of Victoria about that sponsorship.

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

Economic Development Committee: economic contribution of Victoria's culturally diverse population

Mr PULLEN (Higinbotham) — I would like to speak on the Economic Development Committee's report *Economic Contribution of Victoria's Culturally Diverse Population*. I am a member of the committee, which is well chaired by Tony Robinson, the member for Mitcham in the other place. In addition to the chair, the committee members are me and the Honourables Bruce Atkinson and Ron Bowden from this chamber, and the members for Morwell, Lowan and Mount Waverley from the other place.

I place on the record my appreciation of the staff. We would not be able to produce these sorts of reports if we did not have excellent staff. Richard Willis was our executive officer until 2 July 2004. Richard had been with the committee for about eight years, I understand. He has been replaced very capably by Dr Russell Solomon, who contributed to this report. We had Frances Essaber as editorial assistant; Kirsten Newitt, who is still doing research for us on other projects, was our research officer; and our wonderful office manager is Andrea Agosta.

During the inquiry we conducted a number of public hearings and briefings in Melbourne and also travelled to Mildura, Swan Hill, Shepparton, Milawa, the Latrobe Valley and Canberra. At all times we were assisted by the local councils, businesses and the Victorian Multicultural Commission. The chair, Tony Robinson from the other place, said he would particularly like to thank the commission's Vicki Mitsos, who arranged for the committee to meet a broad range of individuals while in and around Shepparton. I think the trip to Shepparton was really worth while.

The terms of reference of this inquiry required an investigation into the actual and potential contribution to the economy of Victoria's culturally diverse population, including new arrivals. Victoria has continued to attract migrants, but the committee noted they are spread unevenly throughout the state. An interesting finding was that some areas that had historically not attracted migrants were now beginning to experience rapid demographic change.

I want to talk particularly about Shepparton, because that city's success in attracting and maintaining its cultural diversity is partly the result of a comprehensive system of cultural infrastructure and support services that have been developed in that city. During the trip the committee found that seasonal and long-term labour shortages involving both skilled and unskilled labour were major concerns in regional Victoria. The committee was advised that increased migration is a solution to local labour shortages and longer term economic growth and that this could also address the continuing participation of illegal workers in rural industries. In the fruit growing industry in particular it used to be the case that people would go to places like Shepparton and pick fruit from January through to April, but now it is a complete job. There is work there for virtually 11 months doing the four Ps, as I call it — the planting, the picking, the pruning and the packing.

One thing I want to touch on in the few minutes I have left is in relation to Swan Hill. I mentioned earlier that

recent efforts have been made to assist migrants to relocate to rural and regional areas. One of the most successful examples is that of the Horn of Africa project, which is a program run jointly by the Murray Mallee Training Company, the Horn of African Communities Network and Victoria University. The project is based on the understanding that unemployment can be a major issue for some migrant communities. It was initiated about three years ago by Deputy Chief Magistrate Brian Barrow, Victoria University and Melbourne's African community leaders. The program has resulted in the relocation of more than 20 Africans to Swan Hill, and these people have jobs that range from labourer through to accountant. That was a good result.

This is a very interesting report, and I trust that the recommendations will be taken up by the government. The last point I would like to make is that recommendation 4.1 states:

> The Victorian government initiate discussions with DIMIA to pilot regional settlement points for new arrivals …

The ACTING PRESIDENT (Hon. J. G. Hilton) — Order! The member's time has expired.

Public Accounts and Estimates Committee: budget estimates 2004–05

Hon. J. A. VOGELS (Western) — I would like to make some comments on the government's response to the 59th report of the Public Accounts and Estimates Committee (PAEC) on the 2004–05 budget estimates. I refer to recommendation 3 at page 3 of the response, where it says:

> The Department of Education and Training provide a consolidated statement in its annual report of expenditure on school capital projects and maintenance programs that separately identifies budgeted and actual expenditure directed to the construction of new schools, upgrades, modernisation and maintenance programs.

The government has rejected that recommendation. The schools in my area all know there is very little money provided for maintenance. If you go around to schools in my electorate you find in a lot of cases that the roof is leaking, the spouting is leaking or there are white ants in floorboards, but money for maintenance is just not being provided. We all know spending money on maintenance is not sexy. Governments prefer to open new buildings, because that involves a press release and it looks great in the newspapers. We know that when the Kennett government got elected in 1992 the maintenance of schools backlog was enormous, and it put in hundreds of millions of dollars to try to fix up some of the problems. It is happening again now, maintenance on schools is just not happening. We have an excellent recommendation from the PAEC on this issue, yet the government has rejected it.

At page 5 of the response, recommendation 8 states:

> The Department for Victorian Communities develop and report performance measures that reflect its efforts to improve the quality and timeliness of local government and financial and performance reports to auditors.

This recommendation has also been rejected. The government's answer is:

> It is not appropriate to measure DVC's performance based on the quality and timeliness of local government's provision of financial and performance information to the Auditor-General …

Why not? As I have travelled around and talked to local government people I have not heard a good word for the Department for Victorian Communities. It is seen as distributing a slush fund on behalf of the government. The state would do much better if the money were actually handed to local government in the first place. We often hear about growing together and community strengthening, but what councils say to me is, 'Give us the money for the projects we would like to have, not for something somebody in Spring Street thinks is important. We could tell you what our community needs. Make the money available to us rather than have the Department for Victorian Communities send someone down to us in a bow tie to spend a couple of days in an area and go back and say there should be $10 000 for some grant'. Just because Spring Street thinks it is important does not mean that the locals think it is important. They have other projects which they would much sooner see funded.

Once again this has been rejected. Each May the budget is introduced and we all sit here and wait in anticipation. Like most members of Parliament we race out and get the budget papers. Unless you are the opposition shadow Treasurer, wading your way through the figures is just about impossible. No budget papers reflect what was in last year's budget, so you are basically trying to get through a minefield of figures to work out if there is any increase. It would be very simple to have a budget where an agency can say, 'Last year this community centre got $100 000 and this year it got $105 000'. The centre would then know that it has a 5 per cent increase in its budget. It seems to me that that must be too simple.

I do not think anybody I speak to in this place can understand the budget papers. It is high time the Public Accounts and Estimates Committee had a look — —

The ACTING PRESIDENT (Hon. J. G. Hilton) — Order! The member's time has expired.

Human Services: report 2003–04

Hon. D. McL. DAVIS (East Yarra) — In my contribution to this debate today I intend to comment on the Department of Human Services annual report 2003–04 and to continue some comments I made in this house both this morning and last night about the gutting of the performance measures in the government's reporting systems. It is clear that the budget this year removes one of the measures that was in last year's annual report and in the budget, and that measure relates to hospital bed numbers and the percentage of beds accredited. It is an important performance measure, and I am concerned that the government has chosen to delete it this year. The deletion of that performance measure follows the further wind-back of key information in these papers and in the annual reporting system that we face.

I note that the Public Accounts and Estimates Committee has today introduced a report on corporate governance in the Victorian public sector which makes a series of comments on reporting arrangements, and I look forward to reading that in some depth. I want to discuss the removal of the set of key performance reports that properly allowed Victorians to know the performance of parts of our acute health system, and that is intensive care bed status. The Victorian government, in its *Your Hospitals* report, removed a series of measures that were in the previous quarterly *Hospital Services Report*. Those measures in the quarterly *Hospital Services Report* showed how many hospital beds were available for patients who needed intensive care. The *Hospital Services Report* gave the average number of public hospital intensive care beds available at 9.00 a.m. by month, and did that right through the period in each quarter. When the report came down there was a series of figures available that was very helpful. The figures included the total open ICU beds, including Barwon Health beds.

There was also a report on how many hospital beds were available for patients who needed coronary care. It again reported on the average number of public hospital coronary beds that were available and open at 9.00 a.m. by month, a report that was extremely useful. Ms Romanes commented on the minority report on the Public Accounts and Estimates Committee's deliberations on corporate governance that has just been tabled. I ask her to take up my point on these intensive care issues in a genuine way and to undertake a small task, and that is to find the equivalent measures — and I will hand this over to her at the end of the 2 minutes that remain to me. I ask her where she can find this information in the government's new reporting system, this important information that has now been completely deleted from the system.

I also note the removal of data on intensive care from the Victorian critical care bed-state web site. On 27 October 2004 the government peremptorily removed that web site from public access. That web site had information that was enormously valuable to communities, to doctors and to others. Obviously its primary use was for clinicians, but it was a valuable monitor on the status of intensive care beds throughout metropolitan and regional Victoria.

The analysis that was undertaken by my office between 17 August and 27 October 2004 painted a very tawdry picture. If you look at the number of days where intensive care units were not accepting or there was restricted access — we sampled the figures on 59 days — you find that the Alfred hospital was not accepting or was restricting access on 59 days, or 100 per cent of our sample; the Austin and Repatriation Medical Centre was not accepting or was restricting access on 100 per cent of the days for which we had a sample; Box Hill Hospital was restricting access or was not accepting on 96.6 per cent of the sample days; Dandenong Hospital was not accepting or was restricting access on 96.6 per cent; Frankston Hospital, 89.8 per cent of the time; Geelong hospital, 72.9 per cent of the time; Maroondah Hospital, 71.2 per cent of the time; Monash Medical Centre, 86.4 per cent of the time; the Northern Hospital, 98.3 per cent of the time; and the Royal Melbourne Hospital, 98.3 per cent of the time.

These beds were not available for critically ill patients, and the government sought to hide these statistics. I intend to show Ms Romanes this information and ask her to point to it in the *Your Hospitals* report.

The ACTING PRESIDENT (Hon. J. G. Hilton) — Order! The member's time has expired.

Public Accounts and Estimates Committee: budget estimates 2004–05

Ms ROMANES (Melbourne) — I will be very pleased to have a look at Mr David Davis's information and to give it due scrutiny over the next few days. I rise to make a contribution on the government's response to recommendations in the Public Accounts and Estimates Committee's report on the 2004–05 budget estimates.

The Public Accounts and Estimates Committee budget estimates report is a substantial document and the government has given the 177 recommendations due consideration over the past few months. As members would be aware, the government tabled its response in a 95-page document which addressed all of the recommendations earlier this week. The government accepted 80 per cent of the recommendations, which is pleasing for members of the Public Accounts and Estimates Committee. The PAEC is able to make an important contribution through its analysis and scrutiny of the budget estimates and contribute to improved public sector performance in this state.

A very good example of a recommendation that the PAEC is pleased the government has accepted is recommendation 131, which refers to the Department of Primary Industries. The recommendation is that:

> The Department of Primary Industries prepare an annual research report card on its agriculture research activities …

And that such a report card:

> … should include a consolidation of relevant information concerning Victoria's agricultural research and development program and the benefits potentially available to the private sector from participation in state research activities.

That was accepted in full, and the Department of Primary Industries described action taken to date. It is:

> … currently developing a report regarding its agriculture research activities. The report will include specific reference to benefits received by the private sector.

The department goes on to describe the further action planned:

> DPI continues to develop and improve its approach to investment reporting in research and development (R& D) and the assessment of benefits to private sector from participation in state research activities.

That recommendation was originally driven by the concern of the PAEC about the substantial amount of state funding that is invested in agricultural research and its desire to know more about the outcomes of that investment.

A number of departments agreed to further changes to the way information is presented in budget papers. This will lead to increased transparency in the future. The major departments are committed to further improvements to performance information, for example, by more closely linking objectives to outcomes. Wherever it happens, such a move will provide for greater accountability. As well, there is agreement in many areas about more detailed reporting. So it is not just the improved performance information and actions within departments but more detailed reporting in annual reports about outcomes of the programs that have been put in place. That will further improve the transparency of government to the Parliament and to the people of Victoria.

An area that has caused a lot of discussion within the PAEC has been the need to look at performance reporting across departments where there are programs that involve a number of departments trying to make a difference in a particular area. These areas are difficult to assess, but there is a commitment by a number of departments in the government's response to do better in this area. It is a very pleasing result. I am very pleased to have had the opportunity to make some comments on this government report this morning.

Victorian Communities: report 2003–04

Mr SOMYUREK (Eumemmerring) — I am pleased to have the opportunity to make a few comments on this report. The mission statement of the Department for Victorian Communities as outlined on page 235 of budget paper 3 is:

> The Department of Victorian Communities' goal is to create active, confident and resilient communities. The department achieves this goal through:
>
> supporting local community strengthening initiatives;
>
> investing in community infrastructure; and
>
> linking government, business and community networks to develop improved responses to community needs.

The establishment of the Department for Victorian Communities (DVC) was an ambitious project. It was a courageous step by the government. It demonstrates the commitment that this government has to the concept of community strengthening. As I said, from its inception the DVC was very courageous. The fact that the DVC transcends 10 portfolios is an indication of the scope of the department and the project.

The DVC was established in December 2002 with the broad objective of furthering the government's goal of building active, confident and resilient communities. It seeks to do this by working within the framework of Growing Victoria Together, which — as I am sure every member in this place will know — is this government's holistic approach to growing the state of Victoria. It is holistic because it is a whole-of-government approach. The underlying philosophical reasoning for this is that this government believes every Victorian should share in the growth and development of this state.

Listed on page 6 of the report are the values, objectives and outcomes of the department in diagram form. Reference is made to this diagram throughout the extent of the report. It is interesting to go through some of these things, and I will take a minute to do so. The objectives of the Department for Victorian Communities are that:

communities that shape their future;

communities that encourage participation;

communities that embrace diversity;

communities that gain lasting benefits from the Commonwealth Games;

government that is easier to work with.

Some of the values that this diagram mentions include:

communities first;

people and place;

That is putting communities and people first, front and centre. Also it says:

doing government differently;

Some of the outputs include:

supporting local government

local government sector development — —

The ACTING PRESIDENT (Hon. J. G. Hilton) — Order! The time for statements on reports has expired.

HIGHER EDUCATION ACTS (AMENDMENT) BILL

Second reading

Ordered that second-reading speech be incorporated for Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) on motion of Ms Broad.

Ms BROAD (Minister for Local Government) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

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

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

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

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

Section 33.15 of that act states that a higher education provider's basic grant amount for a year will be increased if the provider meets the national governance protocols imposed by the commonwealth grant scheme guidelines.

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

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

1. the higher education provider must have its objectives and/or functions specified in its enabling legislation;

2. the governing body must adopt a statement of its primary responsibilities (including the eight which are listed);

3. the duties of the members of the governing body and sanctions for the breach of those duties must be specified in the enabling legislation;

4. each governing body must make available a program of induction and professional development for its members;

5. the size of the governing body must not exceed 22 members and must include members with certain expertise;

6. the higher education provider must adopt systematic procedures for the nomination of prospective non-elected members;

7. the higher education provider is to codify and publish its internal grievance procedures;

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

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

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

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

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

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

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

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

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

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

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

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

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

overseeing and monitoring academic activities; and

approving any significant commercial activities.

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

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

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

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

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

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

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

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

The current acts contain special arrangements for RMIT, Swinburne, Ballarat and Victoria universities which have both higher education and TAFE divisions. Currently these institutions are required to have an academic board to oversee the institution's higher education activities and a TAFE board to oversee its TAFE activities.

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

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

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

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

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

I commend the bill to the house.

Debate adjourned on motion of Hon. A. R. BRIDESON (Waverley).

Debate adjourned until next day.

COMMONWEALTH GAMES ARRANGEMENTS (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Ordered that second-reading speech be incorporated for Hon. J. M. MADDEN (Minister for Commonwealth Games) on motion of Ms Broad.

Ms BROAD (Minister for Local Government) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A number of provisions in the bill are necessary for the management of the games management areas to protect the investment by the state in the Melbourne 2006 Commonwealth Games. There is a prohibition on unauthorised advertising within 1 kilometre of a games management area. The provision is directed only to those advertisements that are erected temporarily to take advantage

of the publicity of the Melbourne 2006 Commonwealth Games and which do not have the required council permission. Existing billboards with the required permits or authorisations under the Local Government Act or the Planning and Environment Act within 1 kilometre of a games management area are specifically authorised under the bill.

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

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

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

I commend the bill to the house.

Debate adjourned for Hon. G. K. RICH-PHILLIPS (Eumemmerring) on motion of Mrs Coote.

Debate adjourned until next day.

CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 18 May; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. C. A. STRONG (Higinbotham) — In rising to speak on the Children and Young Persons (Miscellaneous Amendments) Bill I would like to indicate that the opposition has a problem with one particular part of it which it does not believe has been sufficiently well canvassed in the public or among the people who are involved in the whole process of the Children's Court. Later in my address I will move a reasoned amendment to the effect that time should be allowed to appropriately canvas these particular issues. They revolve around compensation. Otherwise the opposition does not have any problem with the bill. As members would understand, if the reasoned amendment I move is defeated clearly we will have no option but to oppose the bill, although we have no problem with the majority of its provisions.

I turn in some detail to the bill. This bill follows on from a bill that we passed last year, the Children and Young Persons (Age Jurisdiction) Bill 2004. That legislation was also fairly simple — it simply increased the age jurisdiction of the criminal division of the Children's Court.

Hon. Andrea Coote — Acting President, I draw your attention to the state of the chamber. There are only two government ministers in here at this present time and a quorum is not present.

Quorum formed.

Hon. C. A. STRONG — As I was saying, this bill is a direct consequence of the Children and Young Persons (Age Jurisdiction) Bill of 2004, which we passed late last year. That legislation increased the age up to which young people can go before the Children's Court. Until the introduction of that legislation last year, if one was less than 17 years old at the time of committing an offence or 18 years old at the time of coming before the court for the commission of that offence, one was dealt with by the Children's Court. That act simply increased that age threshold by one year. That meant that people up to 18 years of age who committed an offence or, alternatively, those up to 19 years of age when brought to court for the commission of that offence were dealt with by the Children's Court.

At that time we were informed this would increase the number of people coming before the Children's Court for processing by something like 11 000 per year. At the briefings on this bill we asked about the extent to which the provisions of the bill would increase the workload of the court, but the answer was not provided. Certainly the answer was provided last year that the figure was 11 000, and that is a lot of extra people to be coming before the Children's Court. It seems to me that the main purpose of this bill is to set in place procedures so that the Children's Court will be able to handle this flood of extra work that will come before it as a result of lifting the age threshold by one year.

I understand that the Children and Young Persons (Age Jurisdiction) Act, which we passed last year, is due to come into operation in July of this year, with all its ramifications and the potential for extra people to come before the court. Again we have a bit of a last minute rush where this is introduced to allow preparations to be made for the flood of new business that will come before the Children's Court. I guess one could argue about what effect this will have on the court and whether it will just move work to the Children's Court from the Magistrates Court, which now deals with these

cases. In truth that will not be the case, because as we all know a great many of the offences committed by adults that would otherwise be heard in the Magistrates Court are dealt with under the penalty enforcement by registration of infringement notice (PERIN) system, which relieves the load on the traditional court. We do not have the equivalent of the PERIN system in the Children's Court, so one can see that without that arrangement there will potentially be a huge amount of extra work going through the Children's Court. This bill essentially seeks to deal with that issue.

Apart from a few little things, the bill does not radically alter the juvenile justice system. The changes are technical in nature, and the big issue is how we will deal with this flood of new people coming into the court. The bill has a few other little changes. With bills that make small technical changes there is often a sting in the tail, either intended or inadvertent. It is that sting in the tail about which the opposition is concerned. I must admit that on balance I am of the view that the sting is probably inadvertent, but nevertheless it should be dealt with.

The bill also makes a few other small amendments to the act. However, the key is the introduction of a new system called the children and young persons infringement notice system, known as CAYPINS. We have a new acronym to deal with now. In theory CAYPINS holds itself out to be similar to the PERIN system, with the objective of removing a large amount of the extra work that will come to the Children's Court. It will be removed and dealt with on a more administrative basis so that the Children's Court can still function effectively.

This will be very interesting to watch. Only time will tell, but I suspect it will be something of a mixed blessing. Previously the only way you could get enforcement if a person 17 year of age or under did not pay a fine or an infringement notice was to go to the Children's Court. Having to launch proceedings in the Children's Court and follow it through to enforce a fine of maybe $50, $60 or $100 is a fairly significant workload, and one suspects it would have been a significant deterrent to following up young people who defaulted on the payment of an infringement notice or fine. With the new system it will be a lot easier to follow up on those people, so all that discouragement from collecting the fines because you would have to go to court will be removed. People who would probably have just binned their infringement notices and said, 'This will never go to court' will be faced with a slightly different regime. One can speculate on whether or not this will put money into the government's coffers — I suspect it probably will because young people will be encouraged to pay their fines.

We will have to wait and see what the effect of the legislation is, but it will certainly be a significant change for young people, many of whom did not take much notice of various infringement notices they got simply because they knew that the whole process of taking them to the Children's Court to enforce them was too expensive, time-consuming and cumbersome and as a consequence would never happen.

I would like to explore the new CAYPINS system in detail later, because it is something we should know about because it will certainly affect a lot of our constituents, and I will now turn to some of the smaller changes in the legislation. The bill amends the Bail Act to ensure that people who are under the age of 18 and for whatever reason are held on remand in an adult prison can be speedily transferred to a youth training centre. Given the change of age, obviously we do not have a problem with that. There is a definitional question on the issue of that time period between a person turning 18 and turning 19 when an offender has committed an offence before turning 18 but is not brought before the court until some time later. The definition currently in the act says that, if they are brought before the court before their 19th birthday, their case can be processed by the Children's Court. If they are not brought before the court until after they are 19, their case is processed by the adult court. The act says that for their case to be handled in the Children's Court they need to brought before the court before their 19th birthday.

Apparently there was some confusion about what the words 'brought before the court' meant — was it the initial stage at which a person was remanded; was it a bail hearing, a directions hearing, a committal hearing or whatever — and the bill attempts to clarify that by changing 'brought before the court' to 'when proceedings for an offence commenced in the court'. One can say that is not much different to 'brought before the court', but the bill then goes on to define 'proceedings'. In clause 4(b), which deals with section 3(1) of the principal act, there is a new definition of 'proceedings' which endeavours to make quite clear what being brought before the court means.

I am not sure why we could not have had a definition of 'brought before the court' in the first place; it would have dealt with the issue equally.

Another small amendment extends the age limit for giving undertakings and making bonds and the like to 21 years. If somebody were to commit an offence at

18 years of age and be put on a three-year bond or a three-year good behaviour arrangement but then breached bond or arrangement in their 20th year, are they to be dealt with by the Children's Court or a senior court? This makes it quite clear that if there is an undertaking or a bond, or whatever the result of a Children's Court action, then the Children's Court has carriage of that up until the person is aged 21 years.

Amendments are also made to the current compensation scheme under the Sentencing Act. This is the area that causes the opposition most concern. The extent to which these new provisions limit judicial independence, the extent to which they impinge on the rights of victims of crime — and I think we have heard a lot about the rights of victims of crime in recent times in bills that have come here — and the extent to which these change the compensation scheme may not be sufficiently strong to act as a deterrent. This will be the subject of a reasoned amendment, which I will move later.

For the sake of the house I would like to run through briefly what this new CAYPINS system is and how it is intended to work. As I said before, it basically tries to mirror the PERIN system, although there are very significant differences in how it does that. At present when a child has committed some infringement because of a behavioural problem — maybe drinking or yahooing in some way, or another major area would be for the Department of Infrastructure in that child trying to avoid rail and tram fares and so on — then any of these enforcement agencies, usually Victoria Police, can issue an infringement notice to the child. But if the child does not pay the penalty, then that agency must pursue the matter in the Children's Court. Clearly that is a big disincentive because the enforcement agency has to issue a summons, have the matter come before the courts, and be heard in open court — the whole system has to be dealt with.

You could compare that to the PERIN system in which none of that takes place. To put it simply, if you do not pay your fine, you are followed up by the PERIN system, although of course you are able to take the matter to the Magistrates Court if you so desire. The new CAYPINS system aims to streamline the arrangements so that the Children's Court will not be engulfed by all that extra workload — the extra 11 000 cases per year — as a result of increasing the age limit for a child offender.

How will it work? The whole procedure is a bit different from the PERIN system because it acknowledges the increased vulnerability of a child as distinct from an adult. If an infringement notice is issued and not paid, the first stage is for a courtesy letter to be sent to the child reminding them they have not paid their infringement notice and that if they do not pay it, they will be proceeded against.

The courtesy letter must state they have a further 28 days to pay, and if they pay within those 28 days, apart from a few costs there is no increased penalty. If they do not respond to that courtesy letter, the next process is for an infringement penalty together with an account of the prescribed costs to be sent, and that infringement is registered with the court. That registration does not automatically trigger an enforcement order for the amount that remains unpaid. The system provides that the enforcement agency can seek to have the infringement registered.

The child who has either not paid the infringement penalty or has failed to comply with an instalment arrangement from some previous penalty can notify the registrar before the specified date that he wishes in some way to have that infringement notice dealt with by the court. In other words, it is a bit similar to the PERIN system in that if you disagree with the arrangement, you can request to have the system dealt with by the court. A similar process will be in place under this bill. If the child decides to have the issue dealt with by the court, then he or she can make all sorts of claims for hardship, for payment terms or request to be relieved of the fine for whatever reason.

Hon. Andrea Coote — Acting President, I direct your attention to the state of the house as only one minister and four government members are present. Where is the government whip? It is up to the government to maintain a quorum — —

The ACTING PRESIDENT (Hon J G Hilton) — Order! The member has made her point.

Quorum formed.

Hon. C. A. STRONG — And so the process goes on. The process has many more safeguards built into it and is a much softer process than the PERIN system as it acknowledges that it deals with children. Perhaps the biggest difference at the end of the day is that once all these processes have been gone through and a child has not paid or has not responded to the courtesy letter or to anything else in the process, rather than an automatic follow-up by the court of the enforcement and the collection of the fine, the enforcement authority — in other words, the person who had issued the infringement notice, which would be the police, VicRoads or whoever — has to make the conscious decision of saying, 'We have gone through all this

process. Now we are going to take it back to the court and have the court enforce the law'.

So it is a process which at the end of the day allows the enforcement authority to say, 'I have gone through all these things, but I will still not bother following up'. It has to take this last step of a conscious decision to follow up. That is quite a significant difference from the PERIN system. Although it is a fairly convoluted system, it will work well and can be appealed at all levels. It is a system which is nowhere near as harsh as the PERIN system, which is appropriate given that it deals with minors.

Going back to the compensation issue, it is the key point about which the opposition has a problem. I believe this is an inadvertent omission in the bill, and one that needs to be fixed. In general terms, part 4 of the Sentencing Act provides that on the conviction of an offender one of the dispositions available to the court can be to consider the matter of compensation. Compensation can mean many things, including the return of stolen goods. It can be for damage done to a car or a house. We hear of many instances where young people gatecrash a party and trash somebody's house, damage their garden and do all sorts of damage. There are many cases where young people, sadly often under the influence of alcohol, cause very extensive damage to property or cause the pain and suffering that can happen to individuals who are involved in some sort of assault, and all of these are capable of becoming the basis of an action for compensation.

The bill does something very significant. Under the heading, 'Orders in addition to sentence', clause 41(2) states:

> At the end of section 191 of the Principal Act insert — —
>
> "(2) The maximum amount that the Court may order an offender to pay under Part 4 of the Sentencing Act —

that is the one that deals with compensation —

> is $1000.".

So the maximum compensation that anybody can receive from the Children's Court is $1000. We have a situation where if somebody who is 17 years and 11 months old — and at that age a lot of people are fairly mature — does significant damage, whether it be physical damage in some sort of affray or damage to property or a stolen car, the maximum compensation that can be claimed under the bill is $1000.

We had the recent instance where the Bertram's motor car — I think it was an expensive Porsche — was stolen at a service station and trashed and the damage amounted to thousands of dollars. Whatever damage is done by somebody who might be 17 years and 11 months old, whether it be accidental or deliberate — and in many cases the damage caused is quite deliberate — the maximum compensation that can be claimed under the bill is $1000. Quite clearly this is a very significant provision. It is a very significant limitation of the discretion of the court, because normally the court has discretion about the appropriate compensation payable in all the circumstances. Such compensation judgments normally cover all the circumstances of the damages caused as well as the ability of the individual offender to pay the compensation. All that discretion is removed and there is a limit of $1000. That is really quite outrageous.

The extent to which this will impact is unknown. Certainly the opposition has asked if any assessments have been done as to what the impact will be. That impact can take place at many levels. Quite clearly an order for compensation can often be a very significant deterrent. If you have some young people around for a birthday party or some function for your children or grandchildren and some hoon comes in and deliberately trashes the place and causes thousands of dollars worth of damage, the fact that they may have to pay some compensation would clearly be a disincentive for them. Knowing that they only have to pay a maximum of $1000 provides no disincentive at all. In the first instance compensation has an effect of providing some disincentive to offenders, and it is a major part of victim compensation. Only last week a bill was introduced into this place which was all about trying to enhance victim compensation. Here we have the exact reverse. We have the removal of any compensation for the damage caused, either physical or mental, to a victim. In many cases victims cannot be compensated in any way to the extent that they should be.

Many issues need to be pursued here. There is the removal of the discretion of the court, there is the effect of a disincentive or a deterrent and there is the effect of victims of crime. We understand that none of these issues has been effectively canvassed with any of the bodies, and we think that is absolutely outrageous. The amendment I will move tries to deal with those issues. Therefore, I move:

> That all the words after 'That' be omitted with the view of inserting in their place 'this house refuses to read this bill a second time until the government consults with key stakeholders including the judiciary, Victoria Police, victims of crime groups and the Sentencing Advisory Council as to the impact of limiting judicial discretion in imposing compensation orders under part 4 of the Sentencing Act 1991'.

The amendment says it all. What do the key people involved in criminal courts think? What does the judiciary think? Does it think that this will severely limit its ability to properly carry out its function in an independent way? I would be surprised if they did not think that. What does Victoria Police think of the deterrent effect, let alone the victims of crime, who are being shut out by this change? The government has set up the Sentencing Advisory Council to look at some of these issues, so why has it not been consulted? Why has is not been consulted or reported to on this and what is its view on it? It seems to me that such a very significant change that is just snuck in at the end as a small amendment of two or three words needs a lot more consultation as to its effect and impact.

That is why the opposition has moved its reasoned amendment. We very strongly believe this needs to be done and that there is no reason it cannot be done. The key part of the bill and the part that is urgent will put CAYPINS in place so that the Children's Court will not be flooded by extra work after July. That is the important thing. If the government undertook not to proceed with clause 41 and to have an inquiry, I am sure we would be more than happy to see CAYPINS put in place so that the system could work effectively, but its bulldozing through this provision as part of putting CAYPINS in place will put a very significant limitation on the amount of compensation that can be paid and a significant limitation on the freedom of the judiciary. It is a smack in the face to victims of crime. To put this in place without appropriate consultation and without seeing what the ramifications are is frankly stupid and should not happen. I urge the house to support my amendment and to ensure there is a proper assessment of the impact of this $1000 limit.

Hon. D. K. DRUM (North Western) — The Nationals will not oppose the legislation but will support the reasoned amendment moved by Mr Strong. We believe the vast majority of the bill is commonsense and builds on the acts that were amended last year. We believe many of the amendments have led to better procedures within the Children's Court and have enabled the Koori court to operate at the exceptional level it is currently operating at in Shepparton. I note with interest the pending introduction of the Koori court in Melbourne.

We understand the bill will build on the raising to 18 the age limit for individuals to have their cases heard before the Children's Court. The previous wording was a bit messy, but the definition is now much clearer. Anyone who has proceedings begun against them in the Children's Court prior to their turning 19 years of age will now be eligible to have the hearing continued in the Children's Court. Mr Strong mentioned the issue of individuals who are placed on good behaviour bonds who may breach their conditions at a later stage in their lives. Such breaches will be referred back to the jurisdiction of the Children's Court, which will make a somewhat complex issue clearer and will cut out any confusion as to which jurisdiction those individuals may fall under.

We have spent an amount of time talking to people involved in the Koori court in Shepparton. The Nationals at one stage were reasonably sceptical about creating a separate judicial system for the indigenous members of our towns and regions, but we have become totally committed to the benefits of the Koori court. People involved in the Koori court are very proud of the decreases in reoffending rates. Although the official figures have not yet been released by the Attorney-General in the other place, Minister Hulls — the report on offending rates has been done — we believe that for Kooris tried in the Koori court system the reoffending rate has dropped to around 12 per cent as against the rate in mainstream courts, which may be 28 per cent. We are talking about a system that offers tremendous outcomes. That has been an impact of work done previously and has not been affected by this bill.

It is also worth noting in relation to Shepparton and Echuca that Mr Strong's amendment goes to the issue of compensation and looking after the victims of crime sufficiently. Some of the initiatives put in place in those areas involve group conferencing. The offenders have been sat down in the same room with the victims of their crime to discuss and talk about the consequences of their actions. This is having significant benefits. This is not just happening with Kooris but with people from all races, and it is having tremendous results in heightening the consequences caused by the offender's actions. There is tremendous support for the offenders to help them break out of the cycle. We spend so much time, effort and energy making sure we treat the offenders with the right amount of punishment and making sure the punishment fits the crime, but we tend to forget about the victims of crime. The unusual step of sitting the victims of crime down with the offenders and having the result of their actions worked through is having a great effect on some victims of crime. We need to support that kind of initiative within the judicial system.

In relation to the Koori court it is also worth noting that with the pending introduction of the criminal Koori court in Melbourne the success of the court in Shepparton is not necessarily due just to the process or structure in place but is more about the resources made available to the court system. It needs to be very clear

that when trying to replicate that structure in Melbourne we need to make the relevant resources available to a criminal Koori court established in Melbourne. In a normal mainstream court procedure, as in Shepparton, they would prosecute and sentence perhaps 20 individuals in a day, but a Koori court would deal with seven or eight individuals per day.

The time lines the Koori court operates under require that additional resources be available to it. For every day a prosecutor prosecutes the proceedings in the courtroom, as a rule of thumb we need to allow another day so the prosecutor can work with the victims, the elders and with people who will offer support to make sure we maintain low reoffending rates. When it sets up any sort of Koori court in Melbourne I implore the government to ensure that is done with the appropriate and necessary resources to make it work and have a similar success rate to the court in the Shepparton region.

The bill introduces the children and young persons infringement notice system (CAYPINS) for those people dealing with unpaid infringement notices. Mr Strong went through the process in detail. It offers a process whereby the police — it will predominantly be the police although there will be other users of this system — will be able to seek recompense of the unpaid infringement notices. At the moment some youths know the system and understand that if they get an infringement notice and ignore it, it will be too much trouble for the police to do the paperwork and go to the trouble of trying to get them back into a court to seek restitution. The more these youths are allowed to get away with not paying infringement notices, the more it breeds upon itself.

This system is not as simple and automatic as the PERIN system. The police in my region whom I have spoken to about this were very strong in preferring the PERIN system be put in place because of the automatic referral back into the court system. We see it as a small impost on police but at least they will be able to act in some sort of civil jurisdiction, which they cannot do now. Police are currently required to seek that type of direction through the Magistrates Court.

All I can say about that is we will need to give CAYPINS an opportunity to work and take the time to see how it operates. Once all the processes have been exhausted by the police they will have to take a further course of action to bring a matter before the court. We will have to see whether this new system helps police carry out their duties and enables them to control and penalise young offenders in an appropriate manner or whether it creates more paperwork and another set of obstacles which could cause young offenders to flout the system. This is very much a matter of wait and see as to whether this new system will work.

The Nationals do not oppose this legislation. We think the vast majority of it is commonsense legislation. We have an extremely positive opinion of the Koori court set up under this legislation last year. We share some of the concerns expressed about the $1000 cap even though we understand that there is a mechanism for claims of great value to be made through the Magistrates Court and that this $1000 cap simply applies to the Children's Court. I thank Ms Mikakos for her assistance prior to this debate. We will not be opposing this legislation but we will be supporting the reasoned amendment.

Ms MIKAKOS (Jika Jika) — It is with great pleasure that I rise today to demonstrate my support for this important Children and Young Persons (Miscellaneous Amendments) Bill. I want to indicate at the outset that this legislation is not a remedial bill — it was foreshadowed during the debate on the Children and Young Persons (Age Jurisdiction) Bill 2004, which made a number of changes to the jurisdiction of the Victorian Children's Court. I also want to indicate that the government will be opposing the reasoned amendment moved by Mr Strong. I will come to the reasons for that shortly.

Briefly, the bill has three main purposes. The first is clarification of the jurisdiction of the criminal division of the Children's Court together with changes to the operation of sentencing orders to achieve greater flexibility and consistency. The second objective of the bill is the development of a process through which the Children's Court can deal with unpaid infringement notices issued to children. This process will be known as the children and young persons infringement notice system (CAYPINS). The third objective is to make a number of miscellaneous changes to improve the operation of the criminal division of the Children's Court. I want to talk about some of these in a little detail in a moment.

I want to turn firstly to how we have gone about developing this bill and in particular the issue of consultation, because I note it is the substance of the reasoned amendment moved by Mr Strong. I want to stress that in developing this bill we have been mindful of key stakeholders and other interested parties which have sought to comment on the legislation. In November 2004 the Department of Justice and the Department of Human Services released a paper entitled 'Proposed amendments to the Children and Young Person's Act 1989', and that forms the basis of

this bill. The Department of Human Services organised an extensive consultation process involving DHS staff, members and representatives of the Minister for Community Services' round table and other community organisations. I note that written submissions and comments were received from a number of organisations including Victoria Legal Aid, the Children's Court, the group conferencing advisory committee, Youth Law, the Federation of Community Legal Centres and the Law Institute of Victoria. The consultation and submissions received in response to the paper indicated broad support for the proposed amendments.

It is reassuring to know that these key stakeholder groups share our understanding of the vulnerabilities of 17-year-olds in their interactions with the criminal justice system. Like these stakeholder groups we are absolutely committed to the rehabilitation of young offenders and assisting them in fulfilling their potential as vital community members.

Turning to the background to the legislation, members might recall that the Children and Young Persons (Age Jurisdiction) Act 2004 increased the age jurisdiction of the criminal division of Victoria's Children's Court from 17 years to 18 years. This was supported unanimously at the time. Its commencement on 1 July this year will bring Victoria into line with the United Nations Convention on the Rights of the Child, which, for criminal matters, defines a child as a person under the age of 18.

The bill seeks to remove the existing ambiguity in the definition of 'a child' by replacing the concept of a child being 'brought before the court' with a much more precise definition linked to the date of the commencement of proceedings. This bill also ensures that the court has the discretion to transfer proceedings to the adult courts where a person is aged over 19 but was under 18 at the time of the alleged commission of the offence and under 19 at the time the proceeding commenced.

The bill provides the court with more flexibility in sentencing by removing age limits on bonds and undertakings and increasing to a person's 21st birthday the age at which a child may be placed on a community-based juvenile justice order. Consistent with young adult offenders under the dual track system the bill also increases the age at which a person may be sentenced to a period of detention in a youth training centre to the person's 21st birthday on the day of sentencing. Provisions are already in place to allow the Adult Parole Board or Youth Parole Board to transfer young offenders between these facilities as appropriate. Clause 46 of the bill enhances the flexibility of the existing provisions of the Children and Young Persons Act with respect to the transfer of people between adult and juvenile facilities. In particular clause 46(2) requires the Secretary of the Department of Human Services to report to the Youth Parole Board. This report must outline what steps have been taken to avoid the need for a young person to be transferred back to the adult prison once they have been transferred into a youth training centre or a youth residential centre from a prison in the first place. Further the bill provides that all 17-year-olds will now be held in juvenile remand rather than adult remand, even if their proceedings have already commenced in the adult courts.

As I indicated before, the bill also develops a process through which the Children's Court can deal with unpaid infringement notices issued to children. This process will be known as the children and young persons infringement notice system — CAYPINS. This change will mean that children and young people with minor infringement notice matters will have the option of having their matters dealt with by registrar rather than in open court. This new process will provide flexibility and discretion in decision making which takes into account the child's age, financial and other circumstances and prospects for rehabilitation. CAYPINS will be more flexible than the PERIN process that currently applies to 17-year-olds. It also provides agencies with the alternative of an expedited process rather than having to issue a charge and summons, which is a lengthier process. I understand it is estimated that an additional 11 420 matters will be dealt with by the Children's Court as a result of the increase in age jurisdiction, almost 9000 of which will consist of unpaid infringement notices or penalty notices, so it is therefore entirely appropriate to introduce the CAYPINS system.

I want to turn now to the issue that has been raised by the opposition in the context of the reasoned amendment. I believe the opposition has made a number of misguided comments in relation to the issue of compensation that might be ordered against the child at the time of sentencing. Whilst the bill imposes a limit of $1000 on certain orders in addition to sentence, such as compensation, emergency services, cost recovery and recovery of victims of crime assistance, the bill also provides for the enforcement of such orders. At present all restitution and compensation orders imposed under the Children and Young Persons Act are not enforceable. Under the current legislation courts are placed in the absurd situation that restitution or compensation is more likely to be granted for a small amount rather than a large amount, as the child is more likely to have the capacity to pay a couple of hundred

dollars restitution than, say, to pay an amount such as $20 000. The clause 41 provision simply reinforces the court's ability to impose some restitution and, more importantly, under clause 42 such orders may be enforced.

The $1000 cap does not affect the victim's right to sue, nor does it affect the victim's access to assistance under the Victims of Crime Assistance Act. It also does not prevent the court from ordering restitution of goods. It is important that I stress this point, because it goes to the heart of why I believe the opposition's reasoned amendment is misguided. The $1000 cap is consistent with the New South Wales legislation and is broadly consistent with the maximum amount a court can impose as a fine on a child. Currently without the cap in place it is extremely rare that the Children's Court makes a restitution order for over $1000. The majority of restitution orders are in the range of $150–$250. The Children's Court is often dealing with children who come from dysfunctional and disadvantaged socioeconomic backgrounds and this amendment is consistent with the philosophy of rehabilitation that underpins the Children's Court.

The amendments also ensure that for the first time since 1989 orders made by the Children's Court can be enforced. Up until now, as I have said, there has been no way to enforce these orders, because the act has excluded the Children's Court from exercising civil jurisdiction. This new legislation gives the court the power to enforce the legislation under the civil regime of the Magistrates Court.

It is also important that members be aware that we do have a number of restorative justice programs, one of which is group conferencing, and the Bracks government is exploring ways to bring young offenders and their families face to face with the police, the victim and the victim's family in a mediated setting as an adjunct to the usual court process. At group conferencing an outcome plan is developed as an agreement between those attending, and it allows the child to make redress in kind to a victim. This is often far more effective than a restitution or compensation order which may never be enforced, given that, as the member for Kew in the other place said, you cannot get blood from a stone.

Each of these initiatives assists our criminal justice system in striking the right balance between the rights of the victim, the concerns of the community and the needs and responsibilities of a young offender. This program has been operating effectively for some years now, and the government intends to give it greater status by legislating for it in the coming spring sitting.

It is important also to note in respect of the opposition's reasoned amendment — as I have indicated the government will be opposing it for the reasons I have outlined — that it is misguided. It calls for consultation with key stakeholders. As I have already said, we consulted extremely extensively. We received submissions from a number of organisations. I want to put on record some further stakeholders who were consulted in relation to this bill. They include the Sentencing Advisory Council; the Victorian Community Council Against Violence Crime Prevention Victoria; Youth for Christ Australia; the Victorian Council of Social Service; Catholic Social Services Victoria; the Victorian Aboriginal Community Services Association; the Catholic Commission for Justice; Development and Peace; Jesuit Social Services; Uniting Care Connections; Inside Out; the Youth Affairs Council of Victoria; the St Vincent de Paul Society; the Salvation Army; Whitelion; the Municipal Association of Victoria; the Good Shepherd Social Justice Network; the Centre for Multicultural Youth Issues; the Office of Public Prosecutions; and a range of legal professional organisations and a number of other community agencies and non-government organisations. It is important that I stress also that Victoria Police was consulted extensively on this bill. Generally we had support for the introduction of this $1000 cap. I think it is important that the opposition be aware of that before it seeks to proceed with its misguided reasoned amendment.

By way of conclusion, the Bracks government is always exploring new ways to ensure that young people are rehabilitated appropriately, and this bill is a clear demonstration of this commitment. This is important legislation. It recognises the uniqueness of the Children's Court, and it seeks to support and rehabilitate children and young people who come into contact with the justice system.

I ask that opposition members and The Nationals rethink this reasoned amendment. It is completely unnecessary because there has already been extensive consultation with key stakeholder groups to arrive at a piece of legislation that strikes the appropriate balance. I commend the bill to the house.

Hon. DAVID KOCH (Western) — I will make a small contribution because I know many of the areas in the Children Young Persons (Miscellaneous Amendments) Bill have already been covered by other speakers. Firstly, I congratulate my colleague Mr Strong for his contribution to the bill, and those who were lucky enough to hear his contribution would recognise that he has a very good knowledge of these

matters, and my discussions with him earlier certainly assisted me in putting my contribution together.

Obviously this bill picks up amendments that will increase the age of children whose cases can be heard in the Children's Court by one year — from 18 years to 19 years. We have been led to believe that these changes have wide community support, on which I will touch a little later. The development of the children's Koori court offers young indigenous people the opportunity to be dealt with in a more understanding way that gives them some ownership of the outcome. As with the Koori adult court system, there is a greater understanding of the way society must pull together so that civil obedience is maintained. I say openly that we have two very strong Koori communities in Western Province — Framlingham and Lake Condah. I know the adult Koori process that has been put in place to date has been well received. As Mr Drum said, we are not aware of some of the findings concerning that court following its initial setting up, but it has been viewed favourably. It is important that the children's Koori court is being put in place by these amendments.

Victoria has had a fundamental and consistent approach to the juvenile justice system over the last 20 years, and that has been recognised nationally. We recognise that juveniles these days have in many ways a different attitude to accepting the way our legal system is managed and our laws work. From a personal point of view, and I am sure Mr McQuilten, Mr Mitchell and Mr Pullen would agree, in our younger days a police presence was recognised and probably respected differently from what happens today. Policeman were seen as very strong members of the community and the police enjoyed the confidence of the community. On most occasions when we ran off the edge a little a reprimand in a gruff voice, a kick in the pants or a clip under the ear usually resolved the problem, and we did not need a courtroom process to pick up on it. Regrettably it is a sign of the times that in many ways that part of our legal process has been left behind. In those days law enforcement was a practical matter. It was well accepted and it got the results we were after. I clearly remember some of the renowned names in policing in the Casterton district, such as Jack Phillips, Merv Goodson and, later in my youth, a fellow by the name of Bill Johnson. They were all exceedingly good blokes. I saw very little of them, but I know they did a marvellous job.

This bill picks up three broad areas of change by offering greater flexibility to deal with all children — Koori's, Anglo-Saxons and children from other backgrounds. It puts in place a mechanism to handle unpaid penalty infringement notices, which I will come to a little later; and it makes some minor changes that tidy up the operation of the juvenile justice system. The bill also accommodates kids and young adults between the ages of 10 and 18. As I mentioned earlier, the maximum age has been increased by 1 year from 17 to 18, which will be of benefit to the outcomes achieved. The bill importantly does not alter the longstanding and accepted position in relation to extremely serious crimes such as murder, attempted murder, arson and culpable driving that in some cases regrettably cause death. As happens today, committal hearings for these offences will still take place in the Children's Court but matters will be transferred to the County or Supreme courts to pick up on them and see them through to resolution.

The young persons infringement system that is being introduced employing a children and young persons infringement notice system (CAYPINS) should be watched in operation. Some of the outcomes for those who come before the system will be impressive. This will again be handled in the Children's Court and will offer greater discretion to those who have to handle these issues. It is important that caution should be exercised in this area so that penalties are not diminished so that they lose their meaning or value. After all, at the end of the day the young people involved are offenders. They have a responsibility, and that responsibility must be borne by them in whatever comes out of this new system. As Ms Mikakos has indicated, one of the biggest loads on the infringement notice system occurs where there are some 4000 or 5000 outstanding notices to be pulled in and resolved.

It is important to try to find a balance between financial capacity and making children who find themselves in this situation accountable. In saying that, I also note that we have some concerns with the maximum penalty being capped at $1000. More discretion should be offered to reflect the losses suffered by victims. We should not forget victims, because they are usually left out of conversations and discussions in a very big way. At the same time the system should pick up and reflect the capacity of minors and young adults to settle their fines. Ms Mikakos said that most of these fines were in the $150 to $200 vicinity and that she felt that a cap of $1000 was adequate. That may be so in 99 per cent of cases but on the odd occasion where it is demonstrated that a greater capacity than $1000 in that process is required that discretion should be offered to those who have cases before them.

The bill importantly does not try to radically alter the operation of Victoria's justice system but purely modifies it to accommodate the capacity of younger members of the community to accept that they have a

responsibility to community standards for everyone's betterment. In many cases I imagine we will find some notices finding their way to the PERIN court. As a member of the Law Reform Committee I am always interested to hear people who put submissions before that committee and outline their frustrations and concerns at younger members of the community being the recipients of the infringement process. From that point of view the legislation certainly has some good aspects to it.

As I mentioned before, it has been indicated that consultation has covered a wide scope across our community and that much support has been gained from it. I would certainly differ from that. As my colleague the shadow Attorney-General, the member for Kew in the other place, was unsuccessful in having his reasoned amendment that requested greater consultation adopted, I support the reasoned amendment moved today by Mr Strong. We accept that many amendments coming to the house these days have little horsepower and are rats and mice issues in many ways. It is necessary to have a greater degree of consultation than is currently taking place on those bills; we know consultation is not occurring.

I refer to the opposition's reasoned amendment. Many people were not consulted about this bill. In our opinion the judiciary, Victoria Police, victims of crime groups and the Sentencing Advisory Council are among those that certainly should have been further consulted or have been invited to make submissions to try and put some balance into the argument.

In many ways this government is lazy from the point of view of consultation and transparency. We would certainly like to see it get off its backside, be more engaged and give all sectors and agencies a chance to comment or make submissions on further legislation. In closing, I reinforce that the Liberals oppose the bill in its current format and I support the reasoned amendment.

Hon. J. G. HILTON (Western Port) — I would like to make a brief contribution to debate on the Children and Young Persons (Miscellaneous Amendments) Bill. As has been pointed out, the Liberal opposition and The Nationals generally support this bill. However, they are expressing some reservations about the impact of clause 41 and have moved an amendment that the debate be deferred until there has been further consultation with respect to the $1000 cap on restitution, compensation and recovery costs under this clause.

Before I talk further about the amendment, I want to briefly indicate that the bill complements the Children and Young Persons (Age Jurisdiction) Act 2004. These amendments were foreshadowed by the Attorney-General in his summing up in the other place on the original legislation. This bill amends four main areas: it changes sentencing regimes as they apply to children; it introduces a children and young persons infringement notice system (CAYPINS) to deal with unpaid infringement notices; it enables people under the age of 18 years who are remanded to an adult prison to be transferred to a youth training centre; and finally, it amends the compensation scheme — and the opposition has some concerns about that.

As I understand it, the gist of the opposition's amendment is that insufficient consultation has taken place in relation to the compensation regime. I would suggest there has been very extensive consultation. As Ms Mikakos said, the amendment moved by the opposition has no substance and merit.

The origins of the bill was in a discussion paper jointly prepared by the Department of Justice and the Department of Human Services and circulated in 2004. That paper included the proposal to limit to $1000 the amount that may be ordered. The opposition says that the key stakeholders that we should have consulted include the judiciary. I emphasise that the discussion paper was provided to the Supreme Court, the County Court, the Magistrates Court and the Children's Court.

The three courts that deal with adults decided they did not wish to comment on the paper. The County Court also added it would adopt the views of the president of the Children's Court. The Children's Court has been consulted extensively. It has not opposed the $1000 cap. That means one of the bodies which, the opposition suggests, should have been consulted by the government in fact has been consulted. I repeat that the court's view is that the $1000 cap should not be opposed.

My honourable friend Ms Mikakos listed several other groups that were consulted. She listed those for the record, so I do not need to go through them again. I again refer to the reasoned amendment and remind the house that the other key stakeholders include Victoria Police, victims of crime groups and the Sentencing Advisory Council. Victoria Police, the Sentencing Advisory Council and the Victorian Community Council Against Violence were all consulted extensively on this bill. Having received the discussion paper, those organisations were asked to provide written responses and were also invited to a number of

consultation sessions to provide an opportunity for them to ask questions or to have issues raised.

During that process no-one opposed the proposed $1000 cap, except for Victoria Legal Aid which felt that the cap might invite magistrates to impose orders more readily than they do now. However, other groups such as the Federation of Community Legal Centres strongly supported the cap. It should also be pointed out that the $1000 cap does not affect in any way the victim's right to sue and does not apply to proceedings for death-related offences or other indictable offences that are dealt with in the County Court or Supreme Court. As Ms Mikakos said, the $1000 cap is broadly consistent with the maximum amount the court can impose as a fine on a child, nor does the $1000 include the restitution of goods. The $1000 cap is consistent with the philosophy of rehabilitation that underpins the Children's Court. It can be strongly argued that young offenders will not be assisted if they enter their 20s with a large debt against their names.

Therefore in relation to the opposition's reasoned amendment I would argue that the government has consulted on the cap issue. The government's approach is broadly and widely supported by the relevant stakeholders, and the $1000 cap is consistent with the government's approach to dealing with young offenders. This is good and progressive legislation. I am very pleased to commend it to the house.

Hon. KAYE DARVENIZA (Melbourne West) — I am pleased to rise to speak in support of this important bill, a bill which aims to modernise our criminal justice system for children and for young people with an emphasis very much on prevention of crime and on rehabilitation of offenders, particularly children and young people. When it is passed the legislation will complement the Children and Young Persons (Age Jurisdiction) Act 2004 and the Children and Young Persons (Koori Court) Act 2004. It is one of a range of initiatives the Bracks government is currently undertaking to deal with children who find themselves coming up against the justice system.

The bill builds on the Children and Young Persons (Age Jurisdiction) Act, which was enacted in 2004. It does that by developing a number of more detailed changes to the criminal provisions in the act. On this side of the house we are very much committed to human rights and to modernising the justice system and increasing its flexibility, particularly in our courts, and the ability of our courts to respond to legal needs. We are particularly mindful of the fact that often those before our courts are very vulnerable people, such as those who have experienced or are experiencing a mental illness and of course children. We are committed to addressing disadvantage in a whole range of ways within our criminal justice system. The bill is very much about dealing with and addressing disadvantage.

The legislation that was passed in spring brings Victoria into line with the United Nations Convention on the Rights of the Child, which defines a child as a person under the age of 18. When that bill was before this house I remember that we spoke at length about our being brought into line with that human rights convention. It is fair to say that members of the Bracks government really understand the particular vulnerabilities of young people — of 17-year-olds — when they come into contact with and have to interact in our criminal justice system. We are therefore absolutely committed to the rehabilitation of young offenders and to assisting them to fulfil their potential and make a valuable contribution to the community as a whole. It is the Children's Court which can use its skilled and highly specialised jurisdiction to understand and address the needs of our young people in the criminal justice system.

The amendments in the bill fall into three broad categories. The first is the clarification of the jurisdiction of the criminal division of the Children's Court together with changes to the operation of sentencing orders to achieve greater flexibility and consistency. The second category is the development of a process through which the Children's Court can deal with unpaid infringement notices that are issued to children. This process will be known as the children and young persons infringement notice system (CAYPINS). The third category deals with a number of miscellaneous changes to improve the operation of the criminal division of the Children's Court and the juvenile justice system.

The bill removes age limits on undertakings and bonds. It also increases the age limit for supervisory orders from 20 to 21 years and allows a sentence of detention in a youth training centre to be imposed where a person is aged 15 years or more but is under 21 years of age on the day of sentencing. The Children's Court will be able to deal with breaches of bonds, probation, youth supervision orders and youth attendance orders, and will have the discretion where appropriate to transfer a proceeding to an adult court if a person is older than 19 before or during the hearing of such a breach. The Children's Court will also be given the discretion to transfer proceedings to an adult court, where that is appropriate, to deal with young absconders or delayed prosecutions.

The bill also develops a process through which the Children's Court can deal with unpaid infringement notices that are issued to children, and children and other young people with minor infringement notice matters will have the option of having their matters dealt with by a registrar rather than an open court, which can be particularly intimidating. As I said, the new process will provide for greater flexibility and for discretion in decision making which takes into account a child's age, financial and other circumstances which should be taken into consideration when looking at a child's prospect of rehabilitation.

The amendments in the bill before us today include a range of other provisions, such as those allowing for limited publication of Children's Court proceedings, publishing judgments that do not identify parties on web sites, increasing to 21 years the age to which the Supreme Court or County Court may impose a penalty on an appeal under the Children and Young Persons Act, and clarifying that a young person on remand must be brought before a court every 21 days. The bill also allows the Supreme and County courts to remand to a youth training centre a person undergoing a sentence of detention in a youth training centre. It limits the amount of compensation, restitution or costs that may be ordered against a child at sentencing, without restricting a victim's right to sue. It also requires that the Youth Parole Board have regard to a person's age and maturity, along with other factors, before directing that the person be transferred to a prison to serve the unexpired portion of their sentence where the person was originally sentenced as a child to a youth training centre.

As has already been pointed out by previous government speakers, this bill has been subject to very wide consultation with stakeholders, and it is fair to say that that consultation process has formed the basis of the drafting of this bill. Organisations have indicated their very broad support for these proposed amendments, and I will not again go through the range of people who were included in that consultative process.

It is a sensible bill, it is a good bill, and it will see the modernisation of our criminal justice system for children and other young people. I believe this bill deserves the support of all members of this chamber, and I commend it to the house.

Ms HADDEN (Ballarat) — I rise to speak on the Children and Young Persons (Miscellaneous Amendments) Bill. I have a couple of issues with the bill and I was not satisfied when I had my briefing that they had been addressed.

For a start, I support the reasoned amendment moved by the Honourable Chris Strong. It should be seriously considered by the government because we need to be very careful when purporting to interfere with judicial discretion when it impacts on our community, lawyers appearing before our courts and the judiciary itself. If we are going to be saying to the community, as the government does, that we look after victims of crime as well as offenders then we should not be tying the hands of the judiciary behind their backs, as it were. I have concerns about a couple of clauses of the bill on that very basis.

I have no issue with doing everything we can through legislation to assist young people in turning away from crime. It is not an easy thing to do and more and more we see young people reoffending and becoming serious recidivists. We see that at both the Children's Court level and after that when they reach the age of 19 and now enter the adult criminal justice system.

I have been around a pretty long time in this area of the law — in my legal practice before coming into this place — and I still keep my finger on the pulse in relation to the movement and improvement of young people within the criminal justice system. I do so because I used to practice extensively in the Children's Court and the Magistrates Court. I was at the coalface where young people often find themselves when they have misbehaved. We are not talking about offensive behaviour or urinating on the side of a building in Ballarat after coming out of a nightclub; we are talking about very serious crimes such as murder, rape, sexual assault and drug offences. Over the last two decades I have not really seen much improvement in action by governments on either side, Liberal or Labor, to turn around the repeat offending, or recidivism, of young people. We are still really not doing things quite right.

If the services are out there and resources are put into them, we can improve the recidivism of young people in the criminal justice system. I know it is not popular at election time to spend money on prisons, youth training centres and services to assist families and children before they reoffend and get onto the wrong path in life, but frankly we have to get our heads around this. Unless we start putting lots of resources into that area we will find we have to build more prisons to cope with the young people coming through the criminal justice system.

You only have to read the newspapers, whether it be the *Herald Sun*, the *Age*, the *Ballarat Courier* or the *Border Mail*, to see time and again that young people are offending pretty awfully. It is serious stuff. The only way we can address it at that stage is of course in a

criminal trial. Clearly they are then looking at serving a very long sentence for their crimes. I know that does not turn them around because they often get bitter and twisted; they learn the ropes from an older person in the prison system and they come out as hard and fast convicted criminals.

With my experience in this area I am concerned that this legislation purports to place a cap on the compensation order that can be made against a young person. I have an issue not only with a compensation order. In particular I have an issue with clause 41 which amends section 191 of the principal act by adding that the word 'must' is required to be substituted for the word 'may' for the purposes of the criminal division of the Children's Court and capping the maximum amount the court may order an offender to pay under part 4 of the Sentencing Act 1991 to $1000.

That is not very much at all. These days when young people deal in drugs they deal in tens of thousands of dollars worth of drugs — $1000 is just a little drop in the ocean to any drug deal. Look at the cars we are allowed to drive. I think the highest level of vehicle backbenchers are allowed to drive is a Ford Fairmont that retails for about $48 000. The Ford Falcon XR6s, which were taken from the list of those we were allowed to drive, were $11 000 cheaper. They are still worth a lot of money. If anyone has had their car stolen and smashed up or burnt out, what is $1000 going to do?

I have been a victim of crime. I have had my house burgled three times. He was a pretty smart cookie. He did not leave any trace as to who he was, but that was his MO — his modus operandi. At the time I was informed by the CIB in Ballarat that that bloke would keep coming back to my house and hitting on it because he knew it. I did not have a dog — my two neighbours did, but that did not stop him. He never left a fingerprint or a cigarette butt. He was a really cool dude. He was not too cool though. He happened to be the client of another criminal lawyer, who is now a magistrate, who had his heritage hedge burnt by one of his clients and was not happy about that. They all thought it was funny that I had been done over by one of their clients.

The cool dude who did my place over actually got caught. He had stolen a car in Ballarat and was rocking up the highway to answer his parole and he got done, so he did nine months for that. As Mr Theophanous said to me some 12 months ago — around the time I stood up for my community over the toxic waste dump plans for Pittong — 'What goes around comes around'. That is what he said to me, so those words were in my mind about the cool dude who did over my place. He stole many thousands of dollars worth of jewellery that could not be replaced, so $1000 would have been a smack in the face to me, so I am concerned about that.

I am concerned too that there has not been sufficient consultation. Had there been sufficient and proper consultation I am sure that would have been mentioned by the Attorney-General in his second-reading speech, but it is not. I am not comfortable that this bill proposes to put a $1000 cap on an order the Children's Court may make under part 4 of the Sentencing Act — because I cannot be satisfied that the persons and groups whom the Parliamentary Secretary for Justice mentioned have supported that cap — and so interfere with and reduce the judicial discretion of our Children's Court.

There is a cursory mention on page 5 of the second-reading speech. It says:

> At the same time, the bill imposes a limit of $1000 on the amount of compensation, restitution or costs that may be ordered against a child.

That is it. I am all for the rehabilitation of young people, but I am not sure that $1000 is going to change a young person's thinking. I think it needs a lot more consideration. I would like to know how the consultation has occurred on exactly that clause and how it will impact on part 4 of the Sentencing Act. That clause does remove the court's discretion in relation to compensation and other matters that it can order for pain and suffering et cetera under part 4 of the Sentencing Act. So I am not satisfied with this bill and its cap of $1000. I question whether it will do what the government says it will do.

I support the PERIN system; it is a good thing. This will certainly increase the work of the Children's Court, and I certainly hope resources will be put in there. We are not just talking about the Children's Court here in Melbourne; the Children's Court sits all around rural Victoria.

Sitting suspended 1.00 p.m. until 2.02 p.m.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Local government: intergovernmental agreement

Hon. J. A. VOGELS (Western) — I direct my question without notice to the Minister for Local Government, Ms Broad. The Hawker report into cost shifting onto local government by state and federal

governments made many recommendations, including the establishment of an intergovernmental agreement which defines and recognises the roles and responsibilities of all levels of government. I ask the minister whether, as the minister responsible for local government in Victoria, she supports the establishment of an intergovernmental agreement between the three tiers of government?

Ms BROAD (Minister for Local Government) — I welcome the member's question. An intergovernmental agreement between the national level of government and state governments recognising the role of local government is something which was certainly supported going back to the Hawke-Keating government. There has been no action during the period of the Howard government in progressing the matter of an intergovernmental agreement in relation to the role of local government.

However, it is the case that at the most recent meeting of the ministerial council of federal and state ministers responsible for local government there was some commitment made on the part of the federal government to progressing this. It is on the agenda for the next meeting of the ministerial council of state and commonwealth ministers responsible for local government. It is also the case that an intergovernmental agreement is not by itself going to address the main issue for councils around Australia, including those here in Victoria — that is, their sustainability.

That is because the level of financial assistance grants to local government, which is a commonwealth responsibility, has continued to decline to almost half of what it was as a share of commonwealth revenues over the past decade. This is a matter of grave concern to councils. It is also a matter of concern to the state and territory ministers responsible for local government. It contrasts with the funding that the Bracks government provides to local government for a whole series of services which local government delivers, like the home and community care program. It also contrasts with funding which is provided for areas such as capital and recurrent funding for libraries, which has been increased under the Bracks government compared to what it was under the former Liberal Kennett government.

In relation to the Hawker report, which is a federal parliamentary committee report to the commonwealth Parliament that the member referred to in his question, I note that on a number of occasions the Howard government has indicated that it will get around to responding to that report — and it is its responsibility to do that in the federal Parliament — but it has not yet done so. I, for one, will be very interested to see what its response is when it finally does get around to making a response. For example, one of the recommendations in the report would see councils in Victoria lose funding which would be redistributed to other states under the Commonwealth Grants Commission formula. That is something I do not support, that councils in Victoria do not support and that the Municipal Association of Victoria does not support. There are a whole range of recommendations in that parliamentary committee's report, and everyone is watching to see how the federal government will respond. But in the meantime, the Bracks government will continue to meet its responsibilities in funding services to local government.

Supplementary question

Hon. J. A. VOGELS (Western) — What recommendations, if any, has the minister's department made to the working party which is working on the Hawker report, because I understand that the committee is due to hand down a draft report in about August?

Ms BROAD (Minister for Local Government) — I think the member is confused, to put it mildly. The Hawker committee has reported to the federal Parliament. The only thing that is now outstanding is the federal government's response to that report. Commonwealth and state officials have been working on drafts of an intergovernmental agreement, which will be presented to the next meeting of commonwealth, state and territory ministers who are responsible for local government. We will deal with that when it is presented at the next meeting. That is the only thing that is in draft form, unless the member has access to a draft of the federal government's response to the Hawker report, in which case we would all be very interested to see it.

Minerals and petroleum: industry initiatives

Ms ARGONDIZZO (Templestowe) — My question is to the Minister for Energy Industries and Resources. Can the minister advise the house of any recent reports and initiatives that have impacted on the Victorian energy and resources industries?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — I thank the member for her question and for her interest in this area. Yesterday, in its regular report on major mineral and energy developments, the federal government's Australian Bureau of Agricultural and Resource Economics (ABARE) again highlighted the growing strength of the

Victorian minerals and resources industries. Victoria is still third among states for the value of its committed projects. Only the traditional resource-rich states of Western Australia and Queensland are now ahead of Victoria, and I think that is a phenomenal achievement for all of those who have been seeking to develop the resources industry in this state.

The value of resources projects committed in Victoria has continued to grow. ABARE reports that the value of committed minerals and energy projects in Victoria has grown again to around $2.6 billion, up from $2.3 billion at the end of last year. Already in the first half of this year we have seen a number of major new commitments. Bendigo Mining announced the beginning of the construction of its project that will bring up to 500 jobs and over $200 million in investment in the Bendigo region. Ballarat Gold has announced an acceleration of its plans to construct its mine, with a capital spend of $44 million, 150 jobs in construction and up to 110 jobs when the mine is in production. We have seen BHP's Minerva gas field opened, and the ongoing construction of the $1.1 billion Woodside project in the Otways. The $270 million Iluka Douglas project is nearing completion, with the prospect of more investment in western Victoria with the KWR prospect near Ouyen. This is the beginning of a minerals industry, in addition to the traditional gold industry that we have had in the past.

The resource industries are becoming an increasingly important part of the economic life of provincial Victoria. That is a direct result of the Bracks government's commitment to rejuvenating provincial Victoria after the previous government's time in office. But of course, the minerals and energy industries are not just affected by the policies of the Bracks government. We are keen to work with the federal government in continuing this very good investment. I have indicated to the house before that the Bracks government has recently committed over $100 million in a variety of programs to do with brown coal mining in the Latrobe Valley. That includes geosequestration trials, money for mechanical thermal expression work and large-scale new technology projects. I call on the federal government to also provide funds for research into geosequestration and coal drying technology. Further, I call on it to provide funds for the development of large-scale new demonstration technology plants in the Latrobe Valley so that we can build a future for the valley based on cleaner technology and the use of energy in a more environmental way, thereby securing the future not just for ourselves but for our children.

Ice sports: national centre

Hon. B. N. ATKINSON (Koonung) — I direct my question without notice to the Minister for Sport and Recreation, the Honourable Justin Madden. I note the Bracks government's election promises in both 1999 and 2002 to build a new national ice sports centre, and its apparent support for the facility to be located at Docklands. I also note in an article in the *Age* on 26 April that an unnamed government spokesperson said that $10 million had been allocated to the project and that the government is currently talking to a developer. I therefore ask: will the minister advise the house as to when the national ice sports centre will be built, and what budget provision the government is likely to make to the facility?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I welcome the member's question in relation to the national ice sports facility. It is good to see that in the last few days opposition members have been very keen to ask more questions in relation to the sport and recreation portfolio, and I welcome that as well. The national ice sports facility has been a commitment of this government. We are committed to it, and we will build it. An assessment process has been undertaken. I understand that process has narrowed down a short list, and we will be making some very significant announcements in the not-too-distant future.

May I just reinforce that it is certainly worth while for Mr Atkinson to appreciate that having identified that we would have a national ice sports facility we have been open to expressions of interest from a range of businesses to locate it in a range of places, and they are currently being assessed. We would like to see it located at Docklands because we think that a central location would do justice to such a facility, but we are assessing those proposals and look forward to making some very significant announcements about the way it will be delivered very shortly.

Supplementary question

Hon. B. N. ATKINSON (Koonung) — There is some urgency regarding this project. The minister may be aware of the closure of Bayswater and Geelong ice-skating rinks, which leaves just two centres in Victoria, at Bendigo and Oakleigh, for the sports of figure skating, ice hockey, speed skating and curling. After five years the government has still not delivered on its promise to build a national ice sports centre. Will the minister confirm the centre will be built at Docklands, or one of the other locations he referred to in his answer, and completed by November 2006?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — We have always been committed to this project and committed to delivering it. I reinforce that we are committed to seeing the project delivered, but we are working with appropriate developers on the basis of a short list of expressions of interest and have been through a process. We are adhering to and committed to that process.

We are looking forward to making very positive announcements soon in relation to that, and I know there are those in the community who are committed to the various forms of ice sports and who are very keen to see this brought together. We are working very closely with them to make sure all those groups — whether it be curling, ice skating, recreational skating or figure skating groups — are incorporated into whatever facility is developed in whatever manner to make sure this is not a burden on the sports. I reinforce that we are committed to the project.

Housing: homelessness

Ms ROMANES (Melbourne) — My question is directed to the Minister for Housing. Will the minister inform the house what action the Bracks government is taking to tackle homelessness, and is the minister aware of any other actions being undertaken to help homeless people?

Ms BROAD (Minister for Housing) — I thank the member for her question and all the hard work she does in her electorate for people who need access to low-cost housing. The Bracks government believes every Victorian deserves decent housing. Access to affordable housing is crucial to reducing disadvantage because without proper housing people miss out on opportunities like decent health, education, and employment.

The Bracks government's social policy action plan, A Fairer Victoria, makes significant investments in actions to reduce disadvantage, including actions that will help homeless Victorians. The Bracks government is responding more effectively to family violence through $35 million worth of initiatives; it also does this by investing $49 million to boost access to social housing and is making $180 million available to support mental health services, which affect people who are at risk of homelessness.

I am pleased to say that the Bracks government, since coming to office, has addressed its share of responsibility for homelessness. We have made substantial investments in the Victorian homelessness system with over $29 million in additional state funds for services for homeless people over the past five years, with additional state funds totalling $14.5 million this year alone. As well, nearly $9 million has been provided under the Youth Homelessness Action Plan to boost family reconciliation and other practical measures to prevent homelessness among younger Victorians, who are the largest group accessing homeless services in this state.

In contrast, the 2005–06 Costello budget is a massive disappointment for homeless people in Victoria. Not only are there no new funds in it but it contains no respite from the proposed cuts to funds for the supported accommodation assistance program (SAAP) for homeless people in Victoria. Federal Treasurer Costello had the opportunity in his budget to demonstrate that he cared for homeless people in his home state of Victoria — but he did not do it.

The commonwealth has not budged from its unacceptable offer to Victoria which it presented in December in relation to the fifth SAAP agreement, which is the main means of supporting homeless people. Under that offer and according to commonwealth budget estimates, homeless people in Victoria will lose some $6.5 million every year and approximately $32 million over the next five years.

I think Treasurer Costello and the Liberal Party generally have no idea what a cut of $32 million will mean to agencies like the Salvation Army, the Brotherhood of St Laurence, Hanover and many others, and to the jobs of people working in those services and what it will mean to homeless people in Victoria. I call on them to urge the federal government to do the right thing and at least match the Victorian government.

Aged care: nurse practitioners

Hon. P. R. HALL (Gippsland) — I direct my question to the Minister for Aged Care, Mr Jennings. At a recent aged care forum held in Bunyip, which I attended, the desirability of a specialist aged care nurse practitioner working in aged care facilities attracted strong support from all those present. Does the Victorian government acknowledge the health benefits for aged Victorians and the improved efficiencies to the hospital system that would eventuate if aged care providers were funded to employ a nurse practitioner?

Mr GAVIN JENNINGS (Minister for Aged Care) — I do not want to be completely gratuitous, but I do say that is the best question that has come to me in the life of this Parliament from the other side of the chamber. It is a question that goes to the heart of the ongoing work force planning needs of the aged care

sector and the appropriate mix of skills and attributes that we need to provide high-quality care to the older members of our community who end up in residential aged care. It is a very useful proposition.

Hon. D. McL. Davis interjected.

Mr GAVIN JENNINGS — Mr Davis interjects, but in terms of the priorities within nursing Mr Davis would be acutely aware that during the life of the Bracks government over 2000 new entrants have returned to the nursing profession in Victoria. It is a significant issue.

Hon. D. McL. Davis interjected.

Mr GAVIN JENNINGS — Give me a chance, Mr Davis, I am happy to talk about it. The importance of this is the significant investment of the Bracks government to make sure we have nurses trained and skilled through the system in Victoria. We have seen a great return of nurses to the system in Victoria. Mr Hall may be aware because of the seminar he attended that the breakthrough of nurse practitioner could have the potential of a being bridge between the skills nurses bring to our system and the skills allied health professionals and general practitioners often bring to bear.

It is a bridging set of skills that may range from the appropriate degree of making decisions about referrals for certain tests, whether it be radiology, pathology or maybe special skills such as wound dressing or other advanced skills, or it may involve some degree of decisions about the form of medication appropriate for the residents. There is a range of skill mixes that we think will add to the capacity of high-level nurses, not to replace doctors or allied health practitioners but to play a very useful role. Clearly in our system the majority of people who provide care are nurses. There needs to be appropriate support for that, and our government recognises that.

Mr Davis said there are only four graduates at the moment, which is true, but 34 people are currently undergoing intensive training. To demonstrate the intensity of the training I indicate that the government provides $80 000 to health care providers who are the home-based auspice for the skills to be undertaken. That is the degree of the measure of the intensity of the course — $80 000 is provided to provide the degree of nurturing and learning environment for the skills to come through. We recognise that it has the potential to play a great role in residential aged care. There are currently three pilots operating across the Victorian system: one is in residential aged care, one is in the community sector and one in the acute hospital sector, all trying to find the relative utility of this form of practice for those various sectors.

We are acutely interested in the development of this proposal. I recently had a discussion with the Australian Association of Gerontology, which is responsible for the range of skills that come into our health care system, including aged care. It shares my concern about making sure that all the disciplines that may be relevant to the needs of our residential aged care community have an appropriate degree of skills and attributes. This is a very exciting time to see the evaluation of the nurse practitioner pilot program and to see the contribution these people may make. I am very enthusiastic about the potential role they may play.

In terms of the work force planning issues, I think the commonwealth needs to play its part in funding positions, just as the Victorian government has. That is a challenge I hope it will rise to similarly.

Superannuation: unfunded liabilities

Mr VINEY (Chelsea) — My question is to the Minister for Finance, Mr Lenders. Can the minister outline to the house actions taken by the Bracks government to address unfunded superannuation liabilities to ensure Victoria's economic prosperity is preserved for the long term?

Mr LENDERS (Minister for Finance) — I thank Mr Viney for his question and his ongoing interest in Victoria being at the forefront of sound financial management, at the forefront of transparent financial management, at the forefront of balancing our books and at the forefront of planning for the future.

The Bracks government has led the way in superannuation reform. We are dealing with unfunded superannuation liabilities, and we welcome the federal government's establishment of a Future Fund. However, we are a bit disappointed that it took the federal government 10 years to do this, despite the rhetoric when it was first elected and despite the debt bus that used to be driven around the country and is probably parked in a garage somewhere. Despite its being tardy, we welcome the federal government putting in place a Future Fund.

The federal government has been asleep at the wheel. Not just one, not just two, not just three, not just four, not just five, not just six state governments but seven state and territory governments were funding their superannuation before the federal government and that

great disciple of fiscal rectitude, Peter Costello, started putting their money where their mouth is.

Victoria started moving from the pay-as-you-go system back in 1995. I give full credit to the Honourables Ian Smith and Roger Hallam, who were ministers over that time and who began that program. We have accelerated the program under this government, and we have now paid more than $1.8 billion extra into our unfunded superannuation than we are required to do to reach the 2035 target of eliminating all unfunded superannuation.

In addition we are managing our funds better, and I will shortly introduce legislation into this place to allow us to manage the emergency services superannuation scheme better so we take full advantage of the taxed/untaxed benefits approach to make further savings for taxpayers and provide benefits for members in these areas. This government has delivered on sound financial management. We have delivered on these areas, and we have seen the commonwealth asleep at the wheel.

Hon. Richard Dalla-Riva interjected.

Mr LENDERS — I cannot but take up Mr Dalla-Riva's interjections about where we are federally. It was the Hawke-Keating government back in 1983–84 that led the way on compulsory superannuation levies so that both the government and the private sector would have funded superannuation for a person's retirement. When Mr Dalla-Riva entered the work force there were five people in the work force for every person on a pension. When Mr Dalla-Riva leaves the work force there will be three people in the work force for every person on a pension. The actions of the Hawke-Keating government and the actions of the Bracks government are providing money for individuals — —

Hon. Richard Dalla-Riva interjected.

The PRESIDENT — Order! The minister has the floor, not Mr Dalla-Riva.

Mr LENDERS — This government welcomes the commonwealth's Future Fund. We know it was asleep at the wheel for 10 years, but we welcome this fund. We welcome the conversion to some fiscal rectitude in Canberra. We note that despite federal Treasurer Costello's boasts in this area he still has not addressed the unfunded liabilities of aged pensions. He still has not addressed those, and he is still not using the revenue from company taxes and the unseemly gains he makes from that and other areas. However, we welcome the federal government's introduction of the Future Fund. We say it is a bit slow, but this state government remains on time and on budget on its programs.

The Bracks government has paid in advance $1.8 billion of Henry Bolte's superannuation debt — we have paid it off early. We are on time and on budget. We are leading the way, and it is a shame the feds are asleep at the wheel.

Members: conduct

Hon. PHILIP DAVIS (Gippsland) — I direct a question without notice to the Leader of the Government, who is also the Minister for Finance. Can the minister outline the proper procedures for the government to investigate allegations such as those made on the Neil Mitchell program this morning given the distress that this type of allegation can cause to individuals?

Mr LENDERS (Minister for Finance) — It is very difficult when you get a question based on allegations in the media, but first and foremost the member of Parliament involved has strenuously denied the allegations made in the media about him. To my knowledge no allegations have been made in this place, so I will not comment on a hypothetical situation. If the Leader of the Opposition wishes to pursue this matter further, I invite him to put the question he wishes to ask on notice to the appropriate ministers. However, I remind him and the house that this is an unsubstantiated allegation made in the media and the member involved has strenuously denied all the claims.

Federal budget: aged care

Mr PULLEN (Higinbotham) — My question is addressed to the Minister for Aged Care, Mr Jennings. Can the minister advise the house of the implications for aged care in Victoria of last week's federal budget?

Mr GAVIN JENNINGS (Minister for Aged Care) — I thank Mr Pullen for his question and his interest in the wellbeing of older members of the Victorian community. Presumably he, along with many members of the community, was very disappointed with the structure of the commonwealth budget, particularly how it relates to aged care. It is a deep wound, because for many months the federal Treasurer has been talking about the consequences of an ageing population. You would think his recognition of the dimensions of that issue would warrant some degree of attention and support in the federal budget. Unfortunately that is not the case. His constant use of the phrase 'demography is destiny' to explain the ageing population has been a cover for the draconian measures in the federal budget.

It was not used to promote measures to support services for older members of the community but to justify draconian work force issues and to force people with disabilities and others into the work force in the name of caring for the aged. It is a contradiction in terms, because as it does not provide a degree of service delivery the federal government relies on personal carers to undertake much of that work in the home on behalf of the community and their loved ones. It is a complete contradiction in policy terms. The federal government has also used it as an excuse to squirrel away money in terms of the superannuation liabilities and propping up the private sector and the share market rather than investing in the long-term infrastructure needs of this country.

This is a great paradox given that the Deputy Prime Minister, John Anderson, has been out in the past 24 hours talking about the federal government's desire to take over the ports in Australia. There was not 1 cent for port development in the budget, but the federal government wants to assume responsibility for our ports. Not 1 cent of infrastructure spending was outlined by the federal government.

Honourable members interjecting.

Mr GAVIN JENNINGS — Opposition members are awake! I thought they had fallen asleep during question time — asleep at the wheel. The Leader of the Government used that phrase three times.

Within the aged care budget $1.3 million was allocated across the nation — $1.3 million — for a consultation in the follow-up to the $7 million Hogan inquiry. The sector was analysed at length by Professor Hogan, and that was only concluded earlier this year. What has happened? The commonwealth's level of investment is $1.3 million to pursue a consultation about this review. There was not one additional cent in terms of beds or support or services to meet the demographic destiny of the nation. Not one cent was allocated for new service provision, but there was $1.3 million for consultation.

Talk about being asleep at the wheel! Here is an example of the Prime Minister nodding off entirely because at page 169 in budget paper 2 is the removal of the commitment of the commonwealth government to fund reciprocal transport arrangements for seniors around the country — something that was promised in the election of 2001 and was committed to in the following budget. Not 1 cent has been allocated and here hidden away in the 2005–06 budget the commonwealth has withdrawn the offer. Why did it withdraw the offer? Because it was not prepared to fund the states for the level of funding required to ensure that those reciprocal transport arrangements were in place. When the federal Treasurer Peter Costello takes over he may restore it to encourage his, hopefully retired, Prime Minister to take a trip interstate.

Planning: Kyneton Bowling Club

Ms HADDEN (Ballarat) — My question without notice is for the Minister for Local Government, Ms Broad. The Local Government (Democratic Reform) Act, as we know, was passed by this house in July 2004. It gives the minister some very extensive powers to investigate councils, as it should. My question for the minister is: will the minister take action to establish an inquiry to investigate the Macedon Ranges Shire Council's handling of the lease to the Kyneton Bowling Club and its plan to extend its gaming facilities onto the children's playground in Kyneton?

Ms BROAD (Minister for Local Government) — I welcome the member's acknowledgement that the Bracks government has acted to strengthen the Local Government Act, including through the democratic reform act passed through this Parliament, to increase the accountability of councils and shires across Victoria.

In relation to the particular matter that she has raised I will certainly take any information that is provided to me or my department and investigate whether there is a cause of action under the Local Government Act or indeed under any other legislation which may be applicable which — —

Hon. Bill Forwood — And do nothing!

Ms BROAD — In the case of some matters raised by other members of Parliament they are not matters under the Local Government Act but are matters — —

Hon. Bill Forwood — The minister does not care about corruption.

Ms BROAD — If the member ever cares to provide anything to back up his allegations, matters could be investigated under other acts of Parliament.

But to return to the member who actually raised the question rather than the member who is interjecting, I reiterate that any information which is provided to myself, my office or my department will certainly be investigated to establish whether there is a cause of action under the Local Government Act in relation to the member's concerns.

Banks: fees and charges

Ms MIKAKOS (Jika Jika) — My question is to the Minister for Consumer Affairs, the Honourable Marsha Thomson. The community has watched recently as banks have introduced new fees for services that used to be free. Can the minister advise the house what can be done to reduce the impact on consumers?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I thank the honourable member for her question and I know the concerns that she has for those in Victoria who are least able to afford additional fees, charges and imposts and the burden that it may put on them. Consumers were right to be outraged at the latest fee hikes that were put on by the banks, particularly the Commonwealth Bank of Australia, in relation to fees and charges around internet banking. We can all remember the time when we used to go into the bank and be served over the counter. Banks went out of their way to ensure that that was made difficult by extending long queues and not providing good services, by closing bank branches and by putting fees and charges on transactions that were conducted across the counter — all to encourage everyone to use the automatic teller machines (ATMs). As everyone started to use the ATMs, which were initially free of charge, they put on a fee or a charge in relation to the use of an ATM.

Then the banks set up the free Internet and telephone services so that people would do their banking online because it would be cheaper for banks to provide that service. So consumers moved across to Internet banking, to find that now fees are being applied there just a few years after its introduction. Without any notice to consumers that fees and charges would be put on these services, they were applied. The Bracks government has been calling for greater transparency in bank fees and charges since 2000. It was put on the agenda for the Ministerial Council on Consumer Affairs for consumer affairs ministers in 2000. However, the federal government has been asleep at the wheel and has failed to act to protect consumers from fees and charges that have been applied. It is overdue for banks to be required to be honest about the cost of transactions, to be transparent.

Hon. B. N. Atkinson — On a point of order, President, under the standing orders a minister is to be asked a question that is within his or her jurisdiction and within the purview of the state government. I have listened intently to what the minister has talked about and the minister herself has conceded in her answer that her sole action in regard to this issue has been to call for some change. The minister has no jurisdiction in this, she has been saying to the house only that she has been calling for a change and I ask you to rule the question out of order.

The PRESIDENT — Order! On the point of order, the minister is being responsive to the question and also has indicated agenda items on the state and federal ministers consumer affairs council, which obviously falls in the purview of the Minister for Consumer Affairs, so I do not uphold the point of order.

Hon. M. R. THOMSON — Since 2000 the Bracks government at ministerial council meetings has continued to raise the concerns about bank fees and charges. We are concerned that this practice should not continue with the likelihood of the introduction of short message service (SMS) banking — I might add that the National Australia Bank is considering the use of banking through this means — and that if fees for these services are to be applied it should be done only with prior notice given to the customer and the actual cost associated with such a transaction declared immediately before the transaction takes place. This would give consumers the opportunity to choose whether or not to undertake such a transaction, or whether or not there is a better banking option for them with a different banking institution.

We will continue as a government to call on the federal government to act. We are not the only ones calling for such action. It is not only other state governments, it is also members of the federal government who in a parliamentary report in 2001 recommended a real-time disclosure regime be implemented within two and a half years of 2001 on all electronic and telephone banking. It has not occurred yet. It is four years on, and it is time for the federal government to act. The Victorian government will continue to be vigilant on behalf of Victorian families.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 3094, 3096, 3606–12, 4214, 4491, 4710, 4711.

CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed.

Ms HADDEN (Ballarat) — I do not have much further to go with my contribution. Clause 41, and as a consequence clause 42, caused me concern in relation to the capping of the maximum amount of compensation, restitution and costs that a court may order an offender to pay under part 4 of the Sentencing Act 1991.

The Scrutiny of Acts and Regulations Committee looked at this bill, and in its A*lert Digest* No. 5 noted the capping of the payment which a court may order an offender to pay. It concluded by saying that it would make no further comment. I suggest that clause 41 has an undue impact on people's freedoms in that it affects the right of a victim to claim for a court to order that an offender pay adequate compensation, restitution or costs as set out in part 4 of the Sentencing Act. That concerns me, and I do not believe the second-reading speech adequately explains it. It is a few lines in two paragraphs, and nowhere in the second-reading speech does it say that the Attorney-General has had specific support for that capping of restitution, compensation or costs by an offender. I would question whether any organisation, as was mentioned by Ms Mikakos earlier in her contribution, would support the capping of a victim's right to compensation, restitution or costs to $1000.

I am more happy with the other parts of the bill, which are appropriate and timely. I am more than happy with the fact that a young person in custody is brought back before the court every 21 days. That is something that should have happened many years ago and allows the court to monitor if the young person is coping within the remand system. That is more than appropriate so that they do not get lost in the system, which they often do. I also think it is appropriate that the bill allows the Supreme and County courts to remand a young person to a youth training centre while they are undergoing a sentence of detention in a youth training centre, as is outlined in clause 60 of the bill. I have no problems with the other parts of the bill in relation to the implementation of the children's PERIN system in relation to underpaid penalty infringement notices.

I do not think the provision capping compensation, costs or restitution by an offender has been thought out properly. The taking away of the court's discretion is a serious thing to do in this state. We are proud of the fact that our judiciary has a wide discretion in sentencing, as is set out in the Sentencing Act, to take into account the situation of the offender as well as the situation of the victim. As I say, clause 41, and as a corollary clause 42, caused me concern. I support the reasoned amendment, but I do not support the bill.

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

Ayes, 22

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

Noes, 20

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

Amendment negatived.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 to 40 agreed to.

Clause 41

Hon. C. A. STRONG (Higinbotham) — The opposition is seeking some clarification. We understand the clause limits the amount of compensation, restitution or costs that can be awarded to $1000. Ms Mikakos indicated this was not the case. Certainly we have taken the opportunity to study the bill further and are at a loss to understand how our interpretation is incorrect. I want to try and flesh out the details of this. I will go to the particular issues and seek the minister's advice.

In his second-reading speech the minister says in regard to this particular clause that:

> … the bill imposes a limit of $1000 on the amount of compensation, restitution or costs that may be ordered against a child.

Clause 41(2) inserts proposed section 191(2), which states:

> The maximum amount that the Court may order an offender to pay under Part 4 of the Sentencing Act 1991 is $1000.".

Section 191 of the principal act says:

> The provisions of Part 4 of the Sentencing Act 1991 apply to a proceeding in the Criminal Division with any necessary modification and as if in sections 85H(1) and 86(2) for "may" there were submitted "must" …

The 'may' and the 'must' are not relevant to the debate because they apply to the extent to which the court has to take precedence to take notice of the financial circumstances of the offender. Under the Sentencing Act the court 'may' take note of those conditions but under the Children and Young Persons Act the court 'must' take note of those provisions.

But the key issue I am trying to get to the bottom of is that section 191 of the Children and Young Persons Act 1989 clearly says that part 4 of the Sentencing Act applies in terms of compensation, restitution and costs. There is a new section — section 2 — that significantly changes that by putting on the $1000 limit. I am at a loss to know how this is not a change and how previously there was no limit and now there is a limit, and yet the government is telling us that nothing has changed and one can still get compensation and restitution. I wonder if the minister can possibly explain that seemingly inexplicable point.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Thank you. I will attempt to answer as much as I can the questions of the member. If he is still not clear, I will be happy to continue to clarify it. I am advised that the $1000 cap does not affect a victim's right to sue, nor does it restrict a victim's access to assistance under the Victims of Crime Assistance Act 1996. This $1000 cap is consistent, I understand, with section 36 of the Children (Criminal Proceedings) Act 1987 of New South Wales, so there is some consistency.

The $1000 cap does not apply to proceedings for death-related offences — murder, attempted murder, manslaughter, culpable driving causing death, arson causing death or other serious indictable offences that are dealt with in the County Court or Supreme Court as the case may be. I understand this is consistent with the approach in New South Wales. This amount does not fetter judicial discretion, I understand, as it does not interfere with the proper operations of the sentencing process. Compensation and restitution orders are orders in addition to sentence and are not part of the sentence itself. As stated, they are simply truncated civil proceedings — I just want to reinforce that: truncated civil proceedings. So the $1000 cap is broadly consistent with the maximum amount that the court can impose as a fine on a child, which is 10 penalty units for a child aged over 15, with respect to more than one offence. Given that the court has a limit on the amount of the financial penalty that may be imposed, it is consistent to impose a broadly similar amount for an order in addition to sentence.

I understand up until now — that is, since 1989 — there has been no way to enforce these orders in the Children's Court, as section 24(2) of the Children and Young Persons Act 1989 excludes the Children's Court from exercising civil jurisdiction. I understand at present the courts are placed in this absurd situation that restitution or compensation is more likely to be granted for a small amount than for a large amount, as a child is more likely to have the capacity to pay a couple of hundred dollars restitution rather than $20 000. The clause 41 provision simply reinforces the court's ability to impose some restitution, and more importantly under clause 42 such orders may be enforced.

These orders are not a form of punishment. Restitution, compensation and cost recovery orders made by a criminal court are truncated civil proceedings and not strictly part of the sentencing process at all. With respect to children, the criminal division of the Children's Court is not the appropriate place to make determinations of large civil debts against children, particularly as the Children's Court is precluded from exercising civil jurisdiction under part 5 of the Magistrates' Court Act 1989.

Clause 41 does not affect a victim's right to sue — I will reinforce that again; I think that is probably the important issue here, Mr Strong — a victim's right to sue civilly, perhaps once a young person is older and more financially secure, but it is subject to relevant statute of limitations provisions.

I hope that assists. It may not, but if there is anything more Mr Strong wishes me to clarify, I am happy to provide it.

Hon. C. A. STRONG (Higinbotham) — I thank the minister. I understand the argument — and it is a correct argument — that says that anybody can launch a civil action for compensation in the Magistrates Court or in the Victorian Civil and Administrative Tribunal (VCAT) or wherever. But the point is that that is a separate action, a new action, which has to run through the whole process of initiating action, leading evidence and ultimately, one would hope, arriving at the same judgment that was made in the Children's Court where the whole concept of compensation, as set out in part 4 of the Sentencing Act, is that you do not have to take this double jeopardy approach. If you in fact establish

the offence, the guilt of the offender, then that court can go on to make a judgment — if it sees fit — for restitution or compensation, rather than simply running the whole thing again, which is obviously very inefficient and counterproductive and runs the risks of double jeopardy et cetera.

So although on the one hand the government is right in saying there is no reason why you cannot proceed for compensation, the point I am trying to get to is that there is a very significant downgrading of that ability by virtue of the fact that you could do that under the Children and Young Persons Act. This amendment says you cannot do it for an amount over $1000. I would point out that this also deals with restitution; this is not just compensation. If we turn to, for instance, the Sentencing Act, on restitution it says that the court can direct restitution. The court can restore property which has been removed as a result of an offence.

One can quite easily imagine this in a particular case. I will use my example again: if somebody were to steal a Porsche motor car worth $40 000 or $50 000, the court would not be able to direct that that vehicle be restored to the owner because it could only order restitution of $1000. It seems to us that not only is it a removal of the ability to claim appropriate compensation but it also has very significant effects on restitution. Where any goods that belong to the victim are in excess of $1000, then restitution is not able to be ordered by the Children's Court. You would have to then go to the Magistrates Court, presumably, to get restitution of your goods, which seems to be a highly inefficient, unfair and unjust system.

So I have two issues, I guess. One is for the minister to confirm that clause 41 does in fact remove an existing right, and as a second barrel, I ask him to explain where we are with the issue of restitution if the value of the goods is more than $1000.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I appreciate the line of argument but the provision does not take away any legal right in a sense because there still exists an opportunity or the right to sue. Whilst I can see the point Mr Strong is trying to argue, the capacity for any young person to provide either compensation or restitution is, I believe, the prominent issue here. A civil action through some other court would mean that there is the ability for that to be compelled, whereas to compel a young person may not achieve a result. Whilst Mr Strong is arguing in one way, his argument could limit anybody being able to seek greater levels of compensation.

I have just been advised by my colleague that clause 41 does not include restitution of goods, so under this clause there is no restriction on the court ordering goods to be returned. That should clarify any misconception on the issue; it does not limit the restitution. I repeat that there is no restriction under this clause on the court ordering goods to be returned.

Clause 41 only affects the financial amount that a court may order. I think that is the significant component on which you are seeking clarification. It should be appreciated that if greater levels are sought, that can be done through civil proceedings in another place.

Hon. C. A. STRONG (Higinbotham) — Returning to the restitution issue, because it is an important one. Frankly, your legal adviser on the left — —

Hon. J. M. Madden — On the right.

Hon. C. A. STRONG — She is not correct because two issues are involved here. Firstly, clause 41 states:

> … the court may order an offender to pay under part 4 of the Sentencing Act 1991 …

Part 4 of the Sentencing Act deals with compensation and restitution — it clearly deals with restitution. In fact part 4 is headed 'Orders in addition to sentence' and its Division 1 is headed' Restitution'. As well as that we all know that the courts, when interpreting provisions of an act, look at the minister's second-reading speech. I repeat my initial comment, that in his second-reading speech the minister clearly says:

> At the same time, the bill imposes a limit of $1000 on the amount of compensation, restitution or costs that may be ordered against a child.

In this case the Attorney-General is probably right and your legal adviser on your left might be slightly in error.

I said in my initial comments that this was probably an inadvertent error rather than a deliberate one, which is one of the reasons why we saw good measure for not proceeding with the bill — to give the minister a chance to look at it again. This is a very serious issue, and I am asking the minister to seek advice from the adviser on his right rather than the one on his left to see if they have a different view.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I appreciate Mr Strong's sentiment in relation to the issue, and I can only provide him with the advice given to me. I am happy to seek further clarification from the Attorney-General and also seek to have that information provided to Mr Strong in writing

so that he can be confident about the advice on this clause. I think that should give him some comfort. It may not, but I ask that he allow me to seek that information from the Attorney-General and have it provided to him.

Hon. C. A. STRONG (Higinbotham) — I thank the minister very much for his kind offer, and I would like to accept it with one caveat — that is, when he seeks that advice from the Attorney-General, could it be tabled in this house so that it would be part of the official record which courts would then have available when writing judgments and in making their decisions. That would be, from all points of view, the best case. I would appreciate it if the minister could obtain this advice and for it to be tabled.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am happy to make that advice available but I cannot guarantee it can be tabled. I am not sure whether it could be tabled here under the proceedings of the house. I am advised that it cannot, but I am happy to provide the advice to Mr Strong if the Attorney-General provides it to me.

Hon. C. A. STRONG (Higinbotham) — Others may want to question the minister about this clause, but I will conclude my questioning by thanking the minister. I understand that he can only give the answers as he is advised. I must say, though, that the opposition has not been convinced that the position it holds is anything but correct.

Ms HADDEN (Ballarat) — I am concerned about clause 41 and the capping of the amount that a court may order an offender to pay to a victim under Part 4 of the Sentencing Act 1991 to $1000.

Part 4 of the Sentencing Act covers not just compensation, it covers restitution and costs. The committee stage has not yet got to the next clause, but in my contribution to debate in the house I said as a corollary that I also did not have any confidence in clause 42, and I questioned what it was about because clause 42 actually refers to restitution and compensation, which is what part 4 is about.

Can I conclude from the minister's earlier answer to Mr Strong that the minister is saying that the subsection proposed to be inserted by clause 41(2) only means that the maximum amount that a court may order an offender to pay by way of compensation under part 4 is correct? If so, then indeed there is an error in the wording of this clause in the bill, and it is a pretty serious error, because as the bill stands it covers the entire part 4 of the Sentencing Act. As I understand it, the minister's answer to Mr Strong just before was that it only covers compensation. It is pretty simple reading in the bill, and I cannot see where it only mentions compensation. It says that the court may order an offender to pay under part 4 of the Sentencing Act 1991 a maximum of $1000. Given the minister's previous answer, perhaps there is an error in the bill and the words should have been restricted to compensation only, because part 4 of the Sentencing Act covers orders in addition to sentence — it covers restitution, compensation and costs payable by the offender to the victim. I would like the minister's clarification on that.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I welcome Ms Hadden's contribution. Again I can only speak to the advice provided to me, which is that this relates to the amount of compensation, it does not limit restitution. Greater amounts sought in relation to financial compensation would need to be done through a civil court. Again I can only speak to the information and legal advice which has been provided to me. I will make the same offer I have made to Mr Strong — that is, I am happy to provide the advice which confirms the information to which I have spoken today.

Ms MIKAKOS (Jika Jika) — If I could make a couple of points — —

Ms Hadden — The minister was answering my question, and I wanted to comment further on it.

The CHAIR — Order! Ms Hadden, I have given you an opportunity to speak on clause 41. Ms Mikakos is next to speak, and I will come back to you if there is anything further that you want to say.

Ms MIKAKOS — I think Ms Hadden understands how the committee stage works — that is, all members have the opportunity to speak during the committee stage. I think it is important that we all understand that this is a fairly technical bill and that we are talking about some very technical issues here. I want to try and clarify matters a little bit. Ms Hadden is correct in the sense that part 4 of the Sentencing Act does deal with a range of issues. It deals with restitution, compensation and so on. My understanding of what the bill does in clause 41 is that we are imposing a cap of $1000 in relation to cash payments, whether that be by way of compensation or by way of restitution. However, if you look at section 84 of the Sentencing Act you will see there are some relating to restitution orders for goods. Mr Strong earlier gave an example of a stolen motor vehicle. This bill, and clause 41 in particular, in no way changes the situation whereby a person can seek restitution of goods. For example, they would be able to get back a stolen vehicle. However, the bill imposes a

limit of $1000 by way of restitution in terms of a cash payment. The policy rationale for this is, as I outlined in my earlier contribution, that here is an obvious difficulty — and we are talking about minors here — of the ability of young people to make very large contributions by means of a — —

Ms Hadden — On a point of order, Chair, this is not an opportunity for the Parliamentary Secretary for Justice to continue her debate on the second-reading speech. This is an opportunity in committee to ask a question of the minister. I ask you to bring her back to her question.

Ms MIKAKOS — On the point of order, Chair, I think it is extraordinary for Ms Hadden to come in here, particularly when she has been complaining on numerous occasions that she has been denied an opportunity to make a contribution in this house, and seek to deny me an opportunity to make a contribution during the committee stage. Ms Hadden, I am entitled — —

The CHAIR — Order! On the point of order!

Ms MIKAKOS — The procedures of this house entitle members to speak on any clause that they wish, it does not necessarily need to be in the form of a question. The contribution I am making to the discussion in relation to this clause is perfectly in order. I think Ms Hadden needs to go and read the sessional orders.

The CHAIR — Order! I do not uphold the point of order. I have sat in this chair for over two years now, and I have overseen discussion and debate on the detail of clauses. That discussion on the detail of clauses in the bills before the house has often been in the form of questions to the minister at the table but has also been on occasions in the form of comments. As Chair I have allowed a liberal interpretation of the way the committee stage is conducted.

I do not uphold Ms Hadden's point of order. As Chair I try to be fair and give everyone a chance to make a contribution, and that is exactly what is happening today. Ms Mikakos has been speaking on clause 41, and the discussion is on clause 41. I call on Ms Mikakos to complete her comments on clause 41.

Ms MIKAKOS — Thank you, Chair. I was concluding my remarks before an attempt was make to gag me. I think it is important that we have a sensible and informed debate about this clause and this bill. The point I was making was that the rationale here is that young people have difficulty in making payments of large amounts. The courts are reluctant to make orders for large amounts in any event, and I have also pointed out earlier that there is a difficulty in enforcing these orders in the Children's Court, which does not have a civil jurisdiction. There is an ability for any victim of a crime to pursue a civil claim through the Magistrates Court or the other courts, and that has not been fettered in any way. I think members of the opposition need to clearly understand how this bill and this particular clause will operate. If they do so, they will see that they have misconstrued the operation of the legislation and this clause. As I said, there is a cap on cash payments for restitution and for compensation of $1000, but restitution of goods is not altered in any way in that there is no restriction on restitution of goods, including stolen vehicles.

Ms HADDEN (Ballarat) — That has just confused me totally. This matter is pretty serious when we are looking at changing and amending by this bill a court's powers to make determinations as it thinks fit, which is its discretion in relation to orders in addition to sentencing a young person. Without belabouring the point continually, part 4 is very clear in that it gives the court discretion to make orders as it thinks fit in relation to restitution, compensation and costs. By virtue of clause 41(2), that discretion to be exercised by the court is being fettered by the bill's proposal to insert the words:

> The maximum amount that the Court may order an offender to pay under Part 4' —

which is in relation to restitution, compensation and costs —

> of the Sentencing Act 1991 is $1000.

There are no hidden words there. It is pretty clear that the court is only going to be able to exercise its discretion up to $1000 when it is sentencing a young person in relation to restitution, compensation and costs. In relation to the minister's earlier offer to provide a letter from the Attorney-General, in my respectful opinion that will be too late, because the bill may very well pass today and a letter will not change the wording of that part of clause 41 which will clearly inhibit and fetter a court's discretion, which is a pretty serious thing to do. Yes, there is a balance to be had. I am the first to acknowledge that. There is a balance and a fairness and justice, but not just to the offender; it has to be to the victim as well. Unless there are some hidden words I cannot see in there — and there are only three lines — this clause fetters the discretion of the court in the exercise of its powers under part 4 of the Sentencing Act so that it can only order an offender to pay up to $1000. That is it, and it is not only in relation

to compensation but also in relation to restitution and costs. I ask the minister how he proposes to fix this up.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I can appreciate the line of argument that both Mr Strong and Ms Hadden are making here, but I think there is a failure to fully understand what I said earlier in relation to this matter. This amount does not fetter judicial discretion because it does not interfere with the proper operation of the sentencing process. Let us just think about the sentencing process. Compensation and restitution orders are orders in addition — and I reinforce the words 'in addition' — to sentence. They are not part of the sentence itself, they are an addition to the sentence. The court will only do it in order to truncate civil proceedings. Why would you want to have a civil proceeding under $1000? But if it is anything greater than that, then there is no doubt a need to seek civil proceedings. It is fairly straightforward. It is not part of the sentence, but can be in addition to the sentence. Mr Strong and Ms Hadden are confused about what the sentencing process is. This is in addition, and is not part of the sentence itself. If it were the sentence itself, I could understand the confusion on the part of both Mr Strong and Ms Hadden.

I think it is fairly straightforward. I know that they have concerns about the limit, but if any party were to seek greater amounts over and above that, they would have to do it through civil proceedings anyway, so I think the members are getting bogged down with the court not appreciating that the only other way is through civil proceedings. I know that the members beg to differ on the interpretation, but I can only state the case again. We could labour the same point for some time, but I do not see the point of doing that either.

Hon. BILL FORWOOD (Templestowe) — I have been listening with interest in my room, and I heard the minister's offer to seek clarification. It seems to me that the easiest way around this is to report progress, take 10 minutes to have a quick chat with the minister and find out what the hell is going on, get on with something else and then come back and fix it up. This is a point that has been raised and argued through, and there is total disagreement over it. The easy way to resolve the problem is to report progress, sort it out and then pass the bill.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am happy to put the question. There is a point in a committee where people beg to differ. At this stage we beg to differ, and we could labour this for some time and come back after 20 minutes, 30 minutes, 2 days or 3 weeks and still maintain the same point. But at the end of the day, I can put the question.

The CHAIR — Order! Is Mr Forwood suggesting that we — —

Hon. BILL FORWOOD (Templestowe) — I was just trying to help, but I can see that there is a different view around, so I will go back to my room!

Ms MIKAKOS (Jika Jika) — It is certainly the minister's call as to whether we wish to go down that path, but I am not quite sure what it would achieve. I am not sure if we need to go off and draw diagrams for Mr Strong and Ms Hadden. The minister has made it extremely clear how the legislation will operate. Yesterday Mr Strong came in here and claimed that we would need to have a referendum to change the entrenching provisions of the judicial conduct legislation when clearly that was incorrect. As the lead speaker for the opposition he put a case that the opposition was opposing the legislation on an incorrect basis, and it appears that that is happening again today. All Mr Strong is doing is making Inga look better by the day. I think that taking 10 minutes out will achieve little here, given that the minister has clearly explained the legislation. It is just that the opposition is being bloody-minded and will not accept the answer.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I could put the question, but on this occasion to show some goodwill I will give the opposition the benefit of the doubt. I am happy to report progress so that we can come back with further clarification on this. I just state the point that I think there is a failure on the part of the members concerned to fully appreciate the role of the Children's Court and the discretion of that court, as well as how compensation is obtained. I think there is a significant failure on the part of the members to comprehend the way in which that takes place. In this circumstance, I am happy to report progress in order to seek clarification, but I would expect that on receipt of that clarification we would not labour the point in any further committee stage and that we could progress the bill.

Progress reported.

MAGISTRATES' COURT (JUDICIAL REGISTRARS AND COURT RULES) BILL

Second reading

Debate resumed from 18 May; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. C. A. STRONG (Higinbotham) — In rising to speak on the Magistrates' Court (Judicial Registrars and Court Rules) Bill I would like to summarise the opposition's position on the bill. Although this is a relatively small bill masquerading as some simple amendments, the truth is that it has the potential to be a very significant change to the judiciary and the judicial processes of the state. We believe the scale of the potential differences has not been adequately canvassed with all the key players in the courts. This is a case where the government should pause and go back and seek the views of the judiciary and all those involved in the court process. Hence I will move a reasoned amendment along those lines in due course.

I turn now to what the bill does, which essentially in its most extreme case is to create a whole new level of court officers of the judiciary in the Magistrates Court. The bill will set up a new level of sub-magistrates or assistant magistrates — call them what you like — to take a great amount of the load off magistrates. It will set up a new level of judicial officer who is on limited tenure — five-year contracts as it were. They will have no security of tenure to ensure their independence and freedom from any form of coercion. It sets up the position in a way that means they can be appointed on the advice of the Chief Magistrate or they can be dismissed by the Attorney-General, as distinct from the process that we set in place only yesterday with the mechanism dealing with how the performance of judicial officers is judged and how they can be removed from their posts. This new level of judicial officer will not have any of those protections.

In essence the bill does it through two simple means. It introduces to the court a new officer called the judicial registrar and increases the rule-making powers of the court, which can and undoubtedly will be used to set the limits of the scope of this new judicial registrar. Remember these people will be sub-magistrates, as it were, operating in the Magistrates Court, which can deal with cases involving up to $100 000 — a significant amount of money.

It is worth paraphrasing the Attorney-General's second-reading speech comments about judicial registrars. He says that the judicial registrar model contained in the bill creates an office that is a hybrid of a judicial and administrative office — that is, the judicial registrar will not be a judicial officer but would be able to exercise some judicial powers. In other words, we are setting up a judicial officer who is not a judicial officer. He will be a sub-magistrate, as it were, who will be able to preside over commercial cases but not criminal cases —

Hon. E. G. Stoney — President, I direct your attention to the state of the house.

Quorum formed.

Hon. C. A. STRONG — We are setting up this new temporary, acting magistrate who will be an administrative officer with judicial powers and will have none of the protection that is afforded to other judicial officers. Quite clearly in principle and in terms of the separation of powers and independence of the judiciary et cetera, such a person, who will be presiding over cases involving up to $100 000, will have the potential to suffer duress by virtue of the fact that, firstly, he or she is on a five-year contract, and secondly, he or she can be removed by the Attorney-General, as distinct from the normal protections we grant to judicial officers.

In light of some recent conversations I will make it quite clear how this will work and demonstrate the significance of the amendment by quoting from the bill. Proposed subsection (3AA) inserted by clause 4 (2) states:

> Without limiting sub-section (3), the Court may be constituted by a judicial registrar in the case of any proceeding for which provision is made by rules of Court for —
>
> (a) the Court to be so constituted; and
>
> (b) the delegation to judicial registrars of powers of the Court …

Clearly what the bill is saying is that the judicial registrar can step into the shoes of the magistrate in any situation where the rules of the court allow him to do so. Members will recall that I said earlier that the bill amends the rule-making power of the court and that rule-making power will set in place the powers of a judicial registrar.

Proposed section 4(3AB), inserted by clause 4(3), states:

> … Nothing in sub-section (3A) prevents the Industrial Division being constituted by a judicial registrar …

As we will see in the Long Service Bill, we will be seeing more and more industrial issues being sent to the Magistrates Court. In many cases they will not be heard by a magistrate; they can be heard by a judicial registrar, who will be very much at the beck and call of the government because he or she will only be on a five-year tenure and can be removed by the Attorney-General. Proposed section 4A(3A), which is inserted by clause 4(4), states:

> … Nothing in sub-section (3) prevents the Drug Court Division being constituted by a judicial registrar …

Proposed section 4H(3A), which is inserted by clause 4(5), states:

> … Nothing in sub-section (3) prevents the Family Violence Court Division being constituted by a judicial registrar …

Quite clearly it is conceived that these judicial registrars will be able to go in there and essentially act as magistrates in all but criminal cases, hence my point that in this bill we are setting up a whole new level of judiciary.

Proposed section 16B(1), which is inserted by clause 5, states:

> The Chief Magistrate may, in consultation with the Attorney-General —
>
> (a) prepare guidelines relating to the appointment of judicial registrars of the Court …

As it has been explained to me this is a fairly new and unique concept where the Chief Magistrate and the Attorney-General together will establish the criteria for appointing these people. In all other cases this criteria is established by legislation but in this case the Chief Magistrate and the Attorney-General will do it, so it is not something that has to come to this place. The bill goes on to say that a judicial registrar may be appointed either full time or part time and that a judicial registrar must not engage in legal practice or undertake any other paid employment or conduct a business of any kind without the approval of the Attorney-General.

In light of the legislation we passed yesterday to protect the judiciary, it is interesting that proposed section 16F talks about suspension from office. Proposed subsection 16F(1) states:

> The Chief Magistrate, with the approval of the Attorney-General, may suspend a judicial registrar from office, if the Chief Magistrate believes that there may be grounds for removal of the judicial registrar from office.

The tenure of this new level of the judiciary is pretty shaky. They are on five-year contracts, they are full time or part time, they are appointed based on guidelines developed by the Chief Magistrate and the Attorney-General and not approved by this place, and they can be removed from office if in the judgment of the Chief Magistrate and the Attorney-General they are not performing appropriately. Their independence is quite clearly significantly less than that of a magistrate, yet they will be able to do most of the work that a magistrate does. By any measure this is a very significant change to the independence of the judiciary.

One wonders with this government what will happen next. Do we then move to this type of post in the County Court? The extent to which this concept can be driven up the court process is frankly frightening. That is essentially the issue the opposition has. We are creating a new level of judiciary and one with very considerable responsibilities, because judicial registrars can be involved in civil cases up to $100 000. Judicial registrars will also be able to operate in very important jurisdictions such as the industrial division of the court. Clearly this government, and potentially other governments, will have a very significant interest in the outcome of any decision in the industrial division, hence the opposition believes that the right thing to do is to pause at this stage and go back to the stakeholders to ensure that they really understand what is being done here. I really do not believe people quite understand what is being done. Therefore, I move:

> That all the words after 'That' be omitted with the view of inserting in their place 'this house refuses to read this bill a second time until the government consults with key stakeholders as to the need for judicial registrars, how the independence of judicial registrars could be best protected, and how to properly prescribe the powers of judicial registrars'.

This reasoned amendment highlights the key issues of concern I have outlined — that is, the independence of these people, how best to prescribe the things they can do and why we need them at all, why we cannot simply have more magistrates.

In conclusion, I do not believe that people understand what is being done here. I do not believe that people understand that we are putting in place a new level of judiciary. I do not believe that people would be happy if they understood that this new level of judiciary is part time, contracted and potentially simply at the behest of the government of the day. More needs to be done to help people understand this. We need more time. There needs to be more time to seek feedback and get effective comment as to whether this is a wise and appropriate course. All the normal sources one would go to, but particularly the judiciary, the lawyers and the practitioners in this area, need to fully understand and have more time to consider these issues. On that note I

urge the house to strongly support the reasoned amendment. In this case, if the amendment is lost, the opposition will be voting against the bill because it sees this as a very dangerous and unnecessary change to our judiciary.

Hon. W. R. BAXTER (North Eastern) — I think the government is treating this piece of legislation far too lightly. It has introduced it with a very short and sketchy second-reading speech. It has characterised the legislation as little more than housekeeping. If you can believe what is in the second-reading speech, this bill is simply going to appoint some officers at the Magistrates Court to carry out some mainly administrative functions, although there is an acknowledgment that these officers are going to have some judicial functions and the office is referred to as 'hybrid'.

The whole tenor of the second-reading speech is that this bill is really nothing to worry about, that it is just part of this government's justice statement — and I am not sure that the justice statement actually mentioned the appointment of registrars at all but it is the policy document upon which this move is being hung — yet I think it is far more serious than that. It is exactly as the Honourable Chris Strong believes — through this legislation the government is creating a fourth tier of judicial officers in this state. We are going to have the Supreme Court justices, the County Court judges, the magistrates, and now the Magistrates Court's registrars.

Hon. R. H. Bowden — And the Victorian Civil and Administrative Tribunal.

Hon. W. R. BAXTER — Well, VCAT is a somewhat separate issue, Mr Bowden, in the sense that some of the people on VCAT are themselves judges while others who are part-time members are not judges. On this occasion we are actually putting into the Magistrates Court a new category— and they might be part time — of tenured people who are not going to have security of tenure. Therefore the question arises as to the maintenance of their independence.

Perhaps with this bill the government is going down the same track it went down earlier this year when it passed legislation that will enable the appointment of acting judges. It is undermining, to a degree, that concept. Yes, it can be demonstrated that a huge volume of work goes through the Magistrates Court each day, much of which is mechanical, but surely some of it ought to be done by someone of a lesser status than magistrates. That may be so, but I do not think the second-reading speech or the legislation actually addresses those issues. The bill just glosses over the fact that it will actually create another tier of judicial officers with all the implications that that carries with it.

I referred as well to some oddities in the second-reading speech. They include the fact that these new people are to be a 'hybrid', to use the second-reading's note, and it also says that registrars will have limited judicial powers; for example, they will not be able to imprison people. Later on it says they will deal with bail applications. I appreciate that there is a difference between someone being incarcerated because they have been convicted as against someone being remanded in custody pending a hearing. Nevertheless it seems to me there is a contradiction in the second-reading speech.

In any event the bill also talks about the registrars being able to hear applications for the restoration of suspended driving licences. That provision is fairly mechanical. If you have lost your licence, you need to have met certain criteria before you can have it reinstated. You must have undertaken certain activities and presumably that is just a matter of ticking off the boxes.

As to the provision dealing with interim intervention order applications, I am not so sure I want a court registrar issuing interim intervention orders willy-nilly. There seems to be a propensity in our society now to rush off and get an intervention order at the drop of a hat. I would like to think that if they were being issued, they were being issued by someone of a higher standing than the registrar if one is to take into account the lowly status that this bill accords such new appointments.

On the provision to have registrars deal with taxing costs of parties in a civil proceeding, possibly that could be done by the registrars, as it is a fairly mechanical procedure. They could have regard to benchmarks and cost examples. What about directions hearings? I am not sufficiently aware of legal matters to know whether that is an appropriate role for these judicial registrars; I will not say that it is not.

The bill would have registrars dealing with applications to issue search warrants. The issuing of a search warrant is a very serious matter indeed if it leads to the police being authorised to go barging into someone's private residence. I am not sure that I want search warrants to be issued by people of registrar status.

Then the bill goes on to list a couple of other legal matters of which I am not particularly acquainted, so I cannot comment on them. All in all, I have a great deal of concern about this legislation. I do not think it has been properly thought through in the sense that, 'Yes, there is a lot of work to be done in the Magistrates

Court; and if we can speed it up, that is a good idea', but is this the way to go? Has there been enough consultation out there in the profession and in the community?

The courts in this state are held in very high regard and I think people who find themselves before the courts want — indeed, need — to be confident that the person making the ruling, issuing a direction or making an order is someone of substance, of standing, of training and someone who has that degree of authority, both real and perceived, to make a fair and just order. It seems to me that there is some scope here for registrars to be appointed, who, provided they hold a legal qualification, need not have much other experience — which is the impression you get if you read the second-reading speech and the bill — but can exercise these powers.

I have some concern about the legislation, and I therefore share the reservations of the opposition, that whilst this government is entitled to govern, it has been elected by the people and it does have a mandate to do certain things. I do not think it has exercised that mandate at all properly in this case because there has been insufficient consultation on the provisions in the bill. I do not think that the community at large understands yet that there is a proposal by this government to create a fourth tier of judicial officers in this state. I think the government ought to go back to the community and have a wider range of consultation.

I note that the second-reading speech talks about a High Court case where a judicial registrar's authority in the Family Court was challenged and the High Court ruled that in the circumstance of registrars of the Family Court, there was not an issue. In fact the sort of authority they were exercising was properly delegated and all in order. I accept that. I am not so sure that the analogy can been properly drawn between the Family Court and the Magistrates Court. The Family Court is dealing with a narrow, albeit often contentious, range of issues in a similar field. The Magistrates Court, of course, deals with a great breadth of issues that come before it. It seems to me that this could be in a sense a dumbing down of the Magistrates Court. I do not think that is good for the confidence of the community in the courts.

I am not saying that it is not a viable way forward, but I do not think there has been enough consultation, and on that basis The Nationals will be supporting the opposition's reasoned amendment.

Ms MIKAKOS (Jika Jika) — I rise today to speak in support of the Magistrates' Court (Judicial Registrars and Court Rules) Bill, and I indicate at the outset that the government will be opposing the reasoned amendment moved by the opposition, to which I will come in a moment.

On the face of it the bill does two things: it introduces the office of judicial registrar and it provides for general rule making in the Magistrates Court. What it does is integral to the Bracks government's vision for an accessible and responsive court system, and it conveys that the Bracks Labor government is committed to ensuring that our courts are efficient in their work practices and are in touch with our community.

In the development of these proposals there has been considerable consultation and collaboration with the courts, the judiciary, legal professionals and the Community and Public Sector Union. I am pleased to report that broad support has been achieved from each of these stakeholder groups. It is for that reason in particular that I question the need for the opposition's reasoned amendment. It is again seeking to defer the passage of a bill, as we saw a little while ago with the Children and Young Persons (Miscellaneous Amendments) Bill, to have the government consult with key stakeholders.

It is terrific that opposition members have a new acceptance of the benefits of consultation, in that they have embraced this concept of consultation at this late juncture because we certainly did not see it in evidence when they were in government. I can assure opposition members that, unlike the way they went about conducting themselves in government, we do consult with key stakeholders. We have done that in the case of this bill, and we do that in every case. We have consulted with key stakeholders and members of the justice system more broadly. We have consulted in this case, and we are now seeing the opposition put forward yet another half-baked amendment that does not stack up. It is an attempt to defer the passage of a good piece of legislation.

The first part of the bill seeks to amend the Magistrates' Court Act 1989 to create the sub-judicial office of judicial registrar. These registrars will undertake minor judicial duties, which will allow judicial officers to focus on more complex matters. At the request of the Chief Magistrate, and I stress that, we have sought to create this office in Victoria to provide a flexible and economic judicial resource within the court and an improved career structure for registrars. After all, a responsive justice system needs not only to focus on court users but also on the opportunities available to court staff.

Judicial registrars are not unique to Victoria. They are used in several jurisdictions in Australia, and their powers and functions vary. The Victorian proposal is closely modelled on the federal Family Court judicial registrar model, as it was felt that it offers the greatest flexibility in the range of powers and functions while also maintaining judicial independence.

The Victorian model is in accordance with the High Court decision in *Harris v. Caladine* in 1991. Very briefly, this case considered the use of judicial registrars to undertake judicial duties and found that it was constitutional to delegate judicial functions so long as the delegation is not to the extent that it can be said that judges no longer constitute the court. Decisions made in the exercise of the delegated jurisdiction are subject to review or appeal by a judicial officer of the court by way of a hearing de novo. A hearing de novo means that it is conducted as if the matter were being heard for the first time rather than just reviewing the decision.

Provisions in the bill ensure that the court will always have a supervisory role over decisions made by judicial registrars. It will do this firstly by enabling the court to delegate the powers of the office which will enable magistrates to decide which matters will be heard by a judicial registrar and which ones will not. Secondly, the legislation will prevent judicial registrars from imprisoning people or making certain treatment orders.

The types of matters that may be considered by judicial registrars could include directions hearings and case conferences, applications to issue search warrants, bail applications, interim intervention order applications and so on. These are matters which very easily could be undertaken by judicial registrars without affecting the quality of the operation of the Magistrates Court. It is not a second-best option, it is an option that will fully meet the requirements of a modern day court system.

In terms of who can become a judicial registrar, I note that the minimum qualification required is admission to practise in any Australian jurisdiction. Any concerns about unskilled or inappropriately qualified people being appointed should be dismissed for this reason. While the minimum qualification requirements for judicial officers are significantly greater, it is considered that the qualification requirements for registrars are appropriate, given the status of the office. Judicial registrars will be appointed by Governor in Council on recommendation by the relevant head of jurisdiction to the Attorney-General. Guidelines will be jointly developed by the relevant head of jurisdiction and the Attorney-General to determine the finer details of the office of judicial registrars. The selection and appointment process will be open and transparent and will ensure that only high-quality candidates are ultimately appointed. Judicial registrars will be appointed for a period of up to five years and will be eligible for reappointment. I understand that in the Family Court appointments are made for seven years.

I note that comments were made about judicial independence and so on in relation to the appointment of judicial registrars. It is important to emphasise that judicial registrars are not judges. This bill does not alter that fact, and they are not currently afforded the same entitlement as members of our judiciary. All in all, the creation of the office of judicial registrar will be an important addition to our court system, ensuring that it is as modern and flexible as is possible.

Turning to the second part of the bill, which also makes amendments to the Magistrates' Court Act 1989, I note that it seeks to provide for general rule making in the Magistrates Court. The creation of a general rule-making power will bring the Magistrates Court into line with the County and Supreme courts and courts of the same level in other Australian jurisdictions. This amendment will allow the court to make rules in relation to criminal proceedings in a more accountable and transparent manner. At present the Magistrates Court is able to make rules in relation to civil matters, but its ability to make rules in relation to criminal proceedings is extremely limited. A general power to the court to make rules in relation to both civil and committal proceedings will see it manage its proceedings more efficiently and effectively.

I remind members opposite that there are provisions in the Magistrates' Court Act which outline that all rules made by magistrates under their rule-making power, either existing or new, will be subject to parliamentary scrutiny and can be disallowed by either house of Parliament. This is a straightforward and sensible amendment, and I need not labour the point any further.

In conclusion this is a bill about modernising our court system. It protects the independence of our courts and offers improved career opportunities for registrars. I reiterate that the reasoned amendment moved by the opposition is a half-baked amendment. Clearly consultation has already taken place. There is no need to further delay the passage of this bill. I commend the bill to the house.

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

Ayes, 21

Argondizzo, Ms	Mitchell, Mr
Broad, Ms	Nguyen, Mr (*Teller*)
Buckingham, Ms	Pullen, Mr (*Teller*)

Carbines, Ms	Romanes, Ms
Darveniza, Ms	Scheffer, Mr
Eren, Mr	Smith, Mr
Hilton, Mr	Somyurek, Mr
Jennings, Mr	Theophanous, Mr
Lenders, Mr	Thomson, Ms
Madden, Mr	Viney, Mr
Mikakos, Ms	

Noes, 19

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

Pair

McQuilten, Mr	Hall, Mr

Amendment negatived.

House divided on motion:

Ayes, 24

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

Noes, 16

Atkinson, Mr	Hadden, Ms
Bowden, Mr	Koch, Mr
Brideson, Mr	Lovell, Ms
Coote, Mrs	Olexander, Mr (*Teller*)
Dalla-Riva, Mr	Rich-Phillips, Mr (*Teller*)
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.

TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Ms BROAD (Minister for Local Government).

LOCAL GOVERNMENT (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Ms BROAD (Minister for Local Government).

Business interrupted pursuant to sessional orders.

USHER OF THE BLACK ROD

Retirement

The PRESIDENT — Before I go on to the adjournment I would like to draw the house's attention to the fact that our Usher of the Black Rod will be leaving us tomorrow. This is his last day in the chamber in that position. Dr Ray Wright — or 'The Doc', as he is affectionately known — started with the Parliament back in 1983. He has held numerous positions within the Parliament, becoming the Usher of the Black Rod in January 2000. He will conclude his time as a member of the Parliament's staff since 1983 on Friday, 27 May.

Ray was awarded a Centenary Medal in 2003 as part of the Centenary of Federation commemoration for his services to Victorian environmental, administrative and parliamentary history. While an officer of the Legislative Council, Ray has continued to publish widely, including his book *A Blended House*, which records the history of the original Legislative Council — that is, before it became the Council as we know it in 1856. Ray has also published a number of revised editions of *Who Stole The Mace?*, which is always a topical subject in Victoria. Ray has a view on whether it was worth anyone's while financially to steal the mace, and he will tell you where he thinks it is. He has also been involved in numerous biographical and encyclopaedic entries on Victorian land management and parliamentary affairs.

Ray now hopes to continue to write — and, of course, avoid domestic duties — while spending more time in

Ballarat with his wife, Sarah, his daughter Elise and his son, Benjamin. I am sure he will achieve his writing ambitions, but I do not know whether he will be able to dodge his domestic duties.

On behalf of all the parliamentary staff and members on both sides of the house, I wish Ray a very long and enjoyable retirement.

Mr LENDERS (Minister for Finance) — On behalf of government members I would like to add my comments and wish Ray well in his retirement. I also wish to thank him for his time here. As a new member of this house I certainly appreciated his wisdom when I was first selected. It was great, and I appreciated reading his book *A Blended House*. I did not read the second book, but I will make a point of reading *Who Stole the Mace?*.

We wish Ray well in his retirement. We wish him well in playing his guitar, which I believe he is going to do in his retirement. I can say that even though I am a new member of the house I have known Ray for a lot longer than that, because he was my wife's geography tutor at Monash University. He certainly tutored Elizabeth very well in her honours year. We thank Ray for what he has done, and we wish him well. I am sure he will enjoy a great retirement.

Hon. PHILIP DAVIS (Gippsland) — I would like to make some comments about Ray Wright — and I have to say that the difficulty is not to make it sound like a eulogy! For posterity I note for the record that Ray is a very young man with a great deal of life before him, so I am sure there will be no mistake about what I have to say.

Ray has had an eminent career with the Parliament, and it is useful to note that he was awarded a PhD from Monash University, where he worked as an academic before coming to Parliament in 1985. His employment with Parliament included working from 1983 to 1990 as a research officer with the parliamentary library; from 1990 to 1993 as senior research officer with the parliamentary library; from March 1993 to 1996 as executive officer with the Natural Resources and Environment Committee; from May 1996 to September 1999 as senior parliamentary officer, chamber support, Legislative Council; from September 1999 to January 2000 as manager, procedure and projects office, Legislative Council; and from January 2000 to the present as Usher of the Black Rod and Clerk of Records, Legislative Council.

Ray is an interesting fellow who has made a very significant contribution to the Parliament. I understand that when he was appointed to the library in 1983 he was one of the first two research officers. This was a great initiative, because members benefit enormously from the work the library does, particularly that done by its research officers. But Ray's great claim to fame in regard to his work was that he bought the Parliament's first computer. In 1984, when computers were virtually unknown outside the laboratory, Ray bought Parliament's very first computer — an IBM from Myer — and I am advised that the library still has the receipt!

Hon. Bill Forwood — It probably still has the computer!

Hon. PHILIP DAVIS — The interjection from Mr Forwood was that Parliament probably still has the computer. That perhaps reflects why Mr Forwood thinks his background papers are slow in coming. The machine was apparently used for word processing alone. Of course this ultimately led to the early databases being developed for the library, including *Hansard Online*. There is no doubt that Ray Wright was well ahead of his time, at least ahead of all members of Parliament. An important contribution Ray made in 1988 was developing a system for the statistical analysis of electorates. We rely on this enormously, as indeed does the media, which is useful to note.

Ray, as has been mentioned, was enthusiastically involved as a researcher and writer of histories about the Parliament. I know Ray had very strong support from the previous President of this house, Bruce Chamberlain. Bruce is a keen historian, and I suspect some of Bruce's very fine speeches about various aspects of life in the Parliament that I was privileged to hear were significantly contributed to by Ray's endeavours. It is important for us to recognise that it is only by understanding our history that we can understand the present, and Ray has made a significant contribution in that respect. He has also been responsible for the photographic collection and the archiving of photographs of the library that have contributed to a wealth of understanding in the wider community.

Apart from the information kits and his contributions to journals such as the *Journal of Australian Studies*, the *Victorian Historical Journal*, the *La Trobe Journal* and the *Australian Dictionary of Biography*, it is quite clear that Ray has made a contribution to the efficient management of the Parliament through the giving of advice to members as required. There is no question that the clerks, as a team, provide enormous support to members of this place. In my view all of them are

dedicated to being impartial and providing the best advice they are capable of, and I would like to acknowledge Ray in that respect.

In conclusion, I certainly wish Ray well in his retirement at Ballarat. I was interested to note that a few years ago Ray relocated to Ballarat and has thoroughly enjoyed the lifestyle. I was intrigued — I think it was two years ago — to see Ray pushing a pusher around Lardner Park, Warragul, at the Gippsland Field Days. I thought, 'Is another transition coming? Is Ray Wright to become a farmer?'. I am looking forward to Ray's next career, and I would like to see, read and hear about what he is up to in that respect.

Best wishes to you, Ray, and to Sarah and the children. I hope you will have a very pleasant retirement.

Hon. W. R. BAXTER (North Eastern) — I want to associate members of The Nationals with this tribute to Black Rod. I think Dr Ray Wright has brought to this Parliament a great deal of distinction in the work he has done on behalf of the Parliament, and not only as Black Rod.

For some reason or other, before I came to this place I always assumed that Black Rods would be people who were fairly garrulous and rumbustious-type characters. I do not think we have had any Black Rods like that, and certainly not Ray Wright. I have very much appreciated the advice he has given to me and my colleagues over the years, but more particularly I have appreciated the tremendous amount of work that he has done in recording the history of this place, this Parliament. Two of his works have been mentioned — *Who Stole the Mace?* and *A Blended House* — but there is a much weightier tome, *The People's Counsel,* which Ray wrote much earlier in his career here and which I think should be a required book on every member's bookshelf, because quite often I have had to resort to it to check a fact or look up a particular part of the history of this Parliament. It is an excellent book, and it goes into great detail indeed.

On behalf of my colleagues in The Nationals I say to Dr Wright that we wish him well in his retirement. It really is, as the Leader of the Opposition has indicated, simply a transition to another part of his life, and we know that his wife and children are surely going to enjoy his company in Ballarat much more than they might have experienced it in recent times. We certainly wish him well.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Rail: Bentleigh crossing

Hon. C. A. STRONG (Higinbotham) — The issue I would like to raise tonight is for the Minister for Transport in the other place. It concerns the railway crossing at Centre Road, Bentleigh. This is a particularly dangerous railway crossing where there have been four fatalities over the years. Many people who know it is dangerous have been lobbying the minister and trying to get some action on this crossing for quite some time. I know that the member for Bentleigh in the other place, Mr Hudson, has been active in pursuing the minister to try to get something done about it. I am sure that my colleague Mr Pullen, who also understands how dangerous it is, has also been trying to get some action about the crossing.

I want to put on the record again that this is really urgent. This is one of the most dangerous railway crossings in the suburban area. The layout of the crossing — a centre platform with a track each side and a third express line — creates an island where pedestrians are trapped and are looking for up trains and down trains and often do not see an express train coming on the third track. It is seriously a very dangerous railway crossing. Although there is clearly a responsibility on the individuals concerned to look to their own safety, I am sure engineering changes could be made to improve the crossing. As I said, this is not a political or partisan issue, it is an issue that all the local members, of whatever political persuasion, are seeking some action on.

I urge the minister to listen to the pleas from all the local members and all the local groups and try to get something done. This government has a significant amount of money available for capital works, and I think some of that money should go into the redesign of the railway crossing at Centre Road in Bentleigh to make it much safer.

Consumer affairs: credit

Hon. KAYE DARVENIZA (Melbourne West) — I wish to raise a matter for the Minister for Consumer Affairs, Ms Thomson. The matter concerns the need to protect vulnerable and disadvantaged consumers from predatory, exploitative and irresponsible lending practices that are designed to target those in the community who find themselves unable to access affordable credit options. My electorate of Melbourne

West is a growth corridor and is one of the fastest growing areas in Victoria. Melbourne West has many young families where both parents work and their pay packets are committed every payday. We also have within our community those who are disadvantaged and vulnerable: single parent households, the unemployed, disability pensioners, the mentally ill and the aged. These people are least able to afford exorbitant interest rates and excessive bank fees and charges but are often the ones who have to resort to fringe lenders, such as pay-day lenders and vendor financiers, who use exploitative credit practices. These vulnerable people have to utilise these lending services when they are unable to access mainstream credit.

We are all aware, including members in this chamber, that the nature of the credit market has changed significantly. We all know that credit has never been so readily available, and we are all faced with a large array of products and services, including nil-percentage credit card deals and reverse mortgages, which are targeted at older people. Credit card debt is at an all-time high — I understand it is in excess of $2500 per person.

The specific question that I wish to raise with the minister is what action she or her department is taking to protect families, particularly the vulnerable and the disadvantaged, from being taken advantage of by the many credit predators who are out there in the marketplace offering a whole range of credit services. Some are more reputable than others, but their activities can lead to families becoming very overcommitted and very much in debt. We are not surprised that credit has become a very big issue for families, particularly young families, who often have to turn to credit payments for many of their household expenses. This is a real and live issue out there, and I ask the minister to give it her consideration.

Dental services: Box Hill

Hon. B. N. ATKINSON (Koonung) — My matter is for the Minister for Health in another place, and I am sure she would share my concern about the behaviour of the Labor Party this week in not being able to assemble its members in the house because of an apparent preoccupation with the state conference to be held this coming this weekend. Certainly there are very few who have managed to make it to adjournment debates on any one of the nights this week.

The matter I raise for the attention of the Minister for Health concerns the dental service at Box Hill and a constituent of mine from Nunawading, whose name, address and contact telephone number I am prepared to provide to the minister. I am sure the minister would share my concern about the fact that this resident has been unable for more than 24 months to obtain an appointment at the Box Hill dental service. She was referred to the Box Hill service by the dental hospital, and she has consistently over that 24-month period contacted the health service at Box Hill. She was told that it would take some 20 months or so, but that period has well passed. She does not drive, she is a pensioner and she is a volunteer in the community and is known to me in that capacity.

She has now applied for a disability support pension because of circumstances with her health. I therefore find it very disturbing that of late this woman has pulled out her own teeth because she simply could not access the dental service and because when she rang it she was put on hold. She said the music was quite nice but it certainly did not address her issues about dental work. As she pointed out, there are self-esteem issues associated with this. There are some real concerns. And yet this service has not made an appointment to see this woman.

I am particularly surprised about that, and I am sure the minister will share my real concern — and probably astonishment — about this in the context of a press release from almost this day last year. The press release was issued by the minister on 14 May 2004 and announced additional dental chairs right across Victoria — 42 at that time, including 6 chairs to be allocated for the Whitehorse dental clinic, which is the very one that is in question here and the one that has failed to provide services to this constituent.

I am alarmed at this circumstance, and I hope the minister shares that sentiment. I certainly hope she addresses the issues facing my constituent very quickly, because I think the woman has been more than patient. It is of concern to me when somebody has to resort to pulling out their own teeth because they cannot get to a dentist.

Rail: Dandenong line

Mr SOMYUREK (Eumemmerring) — I raise a matter for the attention of the Minister for Transport in the other place concerning the potential for a third rail track to the Dandenong growth corridor. This year's budget has allocated $25 million for a review of public transport options in the Dandenong growth corridor. I understand the review will investigate a number of public transport options including the potential for a third track.

The Dandenong growth corridor is one of the fastest growing regions in Australia, and it is certainly the

fastest growing growth corridor in Melbourne. I see Ms Darveniza gesticulating; in terms of numbers it certainly is the fastest growing corridor in Victoria. It includes suburbs like Narre Warren, Berwick, Endeavour Hills, and Fountain Gate. The rail would run through to places such as Pakenham, Cranbourne and even to the Latrobe Valley.

A third track would increase the capacity of the existing rail corridor to provide the operational efficiency of trains, to allow more trains to run and therefore have a higher operational capacity on the corridor. As I said before, this growth corridor is one of the fastest growing in the nation and although I have not seen forward projections — I do not think there are forward projections for the next five years or so — I am reliably informed that the projected growth in patronage is expected to be about 6 per cent, which compares with about 3 per cent growth in patronage across the state.

I request that as part of the review the minister give due consideration to the potential construction of a third rail track to Dandenong.

Trams: Balwyn–Doncaster line

Hon. A. P. OLEXANDER (Silvan) — Tonight I seek the attention of the Minister for Transport in the other place. The issue I raise is not a political issue in the party-political sense but is something that has been on the agenda for years and has been talked about in the eastern suburbs for a very long time by a lot of people — yet nothing has ever happened to make the idea come to fruition.

I am talking about that old chestnut — that is, the extension of the tram line from Balwyn to Doncaster Shoppingtown. I know that Ms Argondizzo, who is in the chamber tonight, has also been talking about this for a very long time. As I said, it is not a political issue in the traditional party-political sense of the words because everybody seems to agree that at least a feasibility study needs to be conducted so that we can understand whether there is a real cost benefit to having such a tram line extended and built to Doncaster shopping town.

I know that Boroondara and Manningham councils have talked about it, and I know that there are international consortia who are considering whether they might want to be involved with it, but it seems to me that we need a little bit of leadership from the state government in terms of a fund for the feasibility study to be conducted so that we can get to stage 1 at least and inform everybody. I know that Ms Argondizzo agrees with that position as well.

I noted that the state budget that was recently handed down did not contain such funding, and we were disappointed by that, but I also note that the minister is able to use discretionary funds within his department for specific projects, and I certainly hope that he will see fit to use some of those funds to conduct such a feasibility study on this project, to at least get us to the first phase whereby those who are interested might then be more aware of the real possibility of building it.

I call on the minister to set up a steering committee. I am sure that local members from both sides would be very happy to support and contribute to such a steering committee, to provide funding as well so that the committee could have a feasibility study conducted on whether it is a valid cost-benefit solution for transport in the local area. I ask the minister if he would respond to my request as soon as he possibly can in the interests of transport in the eastern suburbs.

Courts: Mildura sheriff's office

Hon. W. A. LOVELL (North Eastern) — My adjournment issue is for the attention of the Attorney-General in the other place. I raise this issue on behalf of a constituent of mine, Mr Kieren James, the proprietor of Midland Mufflers in Shepparton, who was granted a court order for property to be seized to the value of $6000.

On 7 June, 2004, Mr James received notification that a warrant to seize property to enforce the judgment against the defendants had been issued, and that he could expect a report from the sheriff's office within 8 to 12 weeks. Eleven months later Mr James is still waiting for the sheriff's office to execute the warrant. Mr James is understandably feeling quite frustrated that having been to court and obtained the warrant, nothing has been done by the sheriff's office. The warrant is in the hands of the sheriff's office in Mildura. My office contacted the Mildura sheriff's office on 19 April and was told by the officer that Mr James's warrant was a priority for him but that he could not guarantee that it would be dealt with in the near future.

The sheriff's office in Mildura is a single officer station that obviously has a significant backlog of work and is obviously underresourced. I am advised that it is not an isolated case and that the sheriff's stations are underresourced and also have significant backlogs of work. Yet we see in the recent budget papers that the government has cut funding for the enforcement of court orders from $36 million in 2004–05 to $32.7 million in 2005–06 — a cut of $3.7 million. Rather than cutting the budget and placing additional pressure on the many sheriff's offices that are already

underresourced, the government should have provided additional funds for the enforcement of court orders to allow the sheriffs to carry out their responsibilities within a reasonable timeframe.

My request is that the Attorney-General takes action to intervene in this matter to ensure that Mr James's warrant is executed immediately.

Responses

Mr LENDERS (Minister for Finance) — Three members raised issues for the Minister for Transport in the other place: Mr Strong regarding a local railway crossing in his electorate, Mr Somyurek regarding Dandenong public transport options, and Mr Olexander regarding a Balwyn–Doncaster tram line. I will raise those with the ministers.

Mr Olexander very eloquently called for the establishment of a steering committee and a cost benefit analysis. I urge him to not be critical of the government. When the government sets up steering committees to judge community opinion and consult with communities to come up with proper plans, it is accused of all sorts of nasty things by Mr Olexander, but I am sure that supporting the Bracks government's view of consultation is a new and emerging view from him, and I will raise his issue with the Minister for Transport.

The Minister for Consumer Affairs had a matter addressed to her by Ms Darveniza regarding credit options for people in the western suburbs, which in her constituency is a very serious issue. I will raise that matter with the minister for her attention.

The Minister for Health in the other place had a matter addressed to her by Mr Atkinson regarding the Box Hill dental service. I will pass on to the minister the name of Mr Atkinson's constituent, as he asked me to do.

The Attorney-General in the other place had had an issue addressed to him by Ms Lovell regarding a case with the sheriff's office in Mildura. I will pass it on to the Attorney-General for his attention.

House adjourned 5.00 p.m.

QUESTIONS ON NOTICE

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

Tuesday, 17 May 2005

Attorney-General: Court Security Act — fees and penalties

3605. **THE HON. PHILIP DAVIS** — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to amendments made by the *Monetary Units Act 2004* to the *Court Security Act 1980* and any subsequent Regulations:

(a) What fees and penalties were amended.

(b) What was the value of each of the fees and penalties immediately prior to these amendments.

(c) What is their value following indexation on 1 July 2004.

ANSWER:

I am informed that the Monetary Units Act 2004 converted a significant number of penalties and fees for legislation and subordinate legislation, including those specified in the *Court Security Act* 1980 into fee units and penalty units.

Section 5(3) of the Monetary Units Act 2004, provides that the Treasurer can fix an 'annual rate' by which penalty and fee units are adjusted each year. As of 1 July 2004, for the financial year 2004-2005, the annual rate was set at 2.25%. The new rate for fees and penalties can therefore be calculated by adding 2.25% to the pre-July 2004 amount.

The Treasurer published the value of fee and penalty units in the Victorian Government Gazette on 17 June 2004, page 1683. In accordance with sections 11 (1)(a) and 11(1)(b) of the Monetary Units Act 2004, the value of a fee unit and a penalty unit for the financial year commencing 1 July 2004 is $10.23 and $102.25, respectively.

I am of the opinion that to answer the question with more specific detail would be an unreasonable diversion of my Department's resources, when the information is publicly available.

Attorney-General: Victorian Civil and Administrative Tribunal Act — fees and penalties

3613. **THE HON. PHILIP DAVIS** — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to amendments made by the *Monetary Units Act 2004* to the *Victorian Civil and Administrative Tribunal Act 1998* and any subsequent Regulations:

(a) What fees and penalties were amended.

(b) What was the value of each of the fees and penalties immediately prior to these amendments.

(c) What is their value following indexation on 1 July 2004.

ANSWER:

I am informed that the Monetary Units Act 2004 converted a significant number of penalties and fees for legislation and subordinate legislation, including those specified in the Victorian Civil and Administrative Tribunal (Fees) Regulations 2001 into fee units and penalty units.

Section 5(3) of the Monetary Units Act 2004, provides that the Treasurer can fix an 'annual rate' by which penalty and fee units are adjusted each year. As of 1 July 2004, for the financial year 2004–2005, the annual rate was set at 2.25%. The new rate for fees and penalties can therefore be calculated by adding 2.25% to the pre-July 2004 amount.

The Treasurer published the value of fee and penalty units in the Victorian Government Gazette on 17 June 2004, page 1683. In accordance with sections 11 (1)(a) and 11(1)(b) of the Monetary Units Act 2004, the value of a fee unit and a penalty unit for the financial year commencing 1 July 2004 is $10.23 and $102.25, respectively.

I am of the opinion that to answer the question with more specific detail would be an unreasonable diversion of my Department's resources, when the information is publicly available.

Attorney-General: Equal Opportunity Commission — freedom of information requests

4032. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to the Freedom of Information requests received by the Equal Opportunity Commission between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many were given to the Minister before being given to the applicant.

ANSWER:

I am informed that:

(1) & (2)
I refer you to the 2003/04 FOI annual report tabled in Parliament on 9 December 2004.

(3) These statistics are handled by the Equal Opportunity Commission and are not collected by the Department of Justice.

Attorney-General: Legal Practice Board — freedom of information requests

4034. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to the Freedom of Information requests received by the Legal Practice Board between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many were given to the Minister before being given to the applicant.

ANSWER:

I am informed that:

(1) & (2)
I refer you to the 2003/04 FOI annual report tabled in Parliament on 9 December 2004.

(3) These statistics are handled by the Legal Practice Board and are not collected by the Department of Justice.

Attorney-General: Legal Profession Tribunal — freedom of information requests

4035. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to the Freedom of Information requests received by the Legal Profession Tribunal between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many were given to the Minister before being given to the applicant.

ANSWER:

I am informed that:

(1) & (2)
I refer you to the 2003/04 FOI annual report tabled in Parliament on 9 December 2004.

(3) These statistics are handled by the Legal Profession Tribunal and are not collected by the Department of Justice.

Attorney-General: Office of the Victorian Privacy Commissioner — freedom of information requests

4037. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to the Freedom of Information requests received by the Office of the Victorian Privacy Commissioner between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many were given to the Minister before being given to the applicant.

ANSWER:

I am informed that:

(1) & (2)
I refer you to the 2003/04 FOI annual report tabled in Parliament on 9 December 2004.

(3) These statistics are handled by the Office of the Victorian Privacy Commissioner and are not collected by the Department of Justice.

Attorney-General: Office of the Public Advocate — freedom of information requests

4038. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to the Freedom of Information requests received by the Office of the Public Advocate between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many were given to the Minister before being given to the applicant.

ANSWER:

I am informed that:

The Office of the Public Advocate is not subject to freedom of information as it is not a prescribed authority under the *Freedom of Information Act* 1982.

Attorney-General: Victoria Legal Aid — freedom of information requests

4040. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to the Freedom of Information requests received by Victoria Legal Aid between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many were given to the Minister before being given to the applicant.

ANSWER:

I am informed that:

(1) & (2)
I refer you to the 2003/04 FOI annual report tabled in Parliament on 9 December 2004.

(3) These statistics are handled by Victoria Legal Aid and are not collected by the Department of Justice.

Attorney-General: Victorian Law Reform Commission — freedom of information requests

4041. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to the Freedom of Information requests received by the Victorian Law Reform Commission between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many were given to the Minister before being given to the applicant.

ANSWER:

I am informed that:

(1) & (2)
I refer you to the 2003/04 FOI annual report tabled in Parliament on 9 December 2004.

(3) These statistics are handled by the Victorian Law Reform Commission and are not collected by the Department of Justice.

Women's affairs: Queen Victoria Women's Centre Trust — entertainment expenses

4344. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Local Government (for the Minister for Women's Affairs): In relation to the Queen Victoria Women's Centre Trust's entertainment expenses incurred in 2003–04, what are the details, in relation to expenses in excess of $500, including the —

(a) date incurred;

(b) cost;

(c) number of guests;

(d) purpose; and

(e) name of service provider.

ANSWER:

I am informed that the answer is:

Entertainment expenses to a total cost of $1671 were incurred by the Queen Victoria Women's Centre Trust in 2003–04. These expenses were incurred in support of the functions of the Queen Victoria Women's Centre Trust.

Housing: neighbour renewal locations — funding

4712. **THE HON. BILL FORWOOD** — To ask the Minister for Housing: What are the 15 Neighbour Renewal locations and how much funding has each been allocated.

ANSWER:

I assume that the Honourable Member is referring to the Neighbourhood Renewal program.

I am informed that the fifteen Neighbourhood Renewal locations and Office of Housing funding for them from 2001–02 to 2004–05 are as follows:

–	Wendouree West	$11.2 million
–	Latrobe Valley	$18.3 million
–	Collingwood	$20.5 million
–	Fitzroy	$22.3 million
–	Maidstone-Braybrook	$21.6 million
–	Eaglehawk	$2.9 million
–	Long Gully	$12.1 million
–	Seymour	$4.1 million
–	Shepparton	$9.1 million
–	Corio-Norlane	$16.5 million
–	Ashburton-Ashwood-Chadstone	$4.1 million
–	Broadmeadows	$2.5 million
–	Colac	$1.9 million
–	Doveton-Eumemmering	$2.6 million
–	Werribee	$2.9 million

Total funding is **$152.5 million**, excluding funds from other departments and authorities, local government and other agencies**.**

Women's affairs: Office of Women's Policy — advertising and credit card expenditure

4727. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Local Government (for the Minister for Women's Affairs): In relation to the Office of Women's Policy within the Department for Victorian Communities:

(1) What was the advertising expenditure in 2003–04.

(2) What was the credit card expenditure in 2003–04.

ANSWER:

I am informed as follows:

(1) The advertising expenditure for the Office of Women's Policy in 2003–04 totalled $7431.20 (excluding GST).

(2) The Office of Women's Policy does not have an office credit card, hence the credit card expenditure for 2003–04 is nil.

QUESTIONS ON NOTICE

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

Wednesday, 18 May 2005

Corrections: Prisoners — illicit drug use

1718. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Corrections): In relation to each facility at HM Prison Ararat, HM Prison Barwon, HM Prison Beechworth, HM Prison Bendigo, HM Prison Dhurringile, HM Prison Langi Kal Kal, HM Prison Loddon, HM Melbourne Assessment Prison, HM Prison Tarrengower, HM Prison Won Wron, Fulham Correctional Centre, Dame Phyllis Frost Centre and Port Phillip Prison between 1 January 2004 and 30 April 2004:

(a) What was the total number of prisoners that tested positive for illicit drug use.

(b) What percentage of the total prison population tested positive for illicit drug use.

(c) What was the performance benchmark as a percentage of total prison population allowable for illicit drug use as agreed in the Service Agreement for Public Prisons and the Contract Agreement for Private Prisons.

(d) What was the total number of prisoners treated for illicit drug use.

(e) What was the maximum number of prisoners who could access drug treatment programs.

(f) How many prisoners were unable to access drug treatment programs due to resource constraints.

(g) What was the total number of prisoners who accessed drug awareness programs.

ANSWER:

I am advised that:

(a) At the time, the effectiveness of the Victorian Prison Drug Strategy was widely publicised in the media, including figures which reported the number of prisoners that tested positive for illicit drug use.

(b) I am able to advise that the percentage of positive results from random urine tests, for the period 1 January 2004 to 30 April 2004, was 3.6%. This is based upon a random general figure, whereby a sample of the prison population is tested, and this figure is used to indicate the positive rate for the entire prison population.

(c) The method used to calculate this figure for the period 1 January 2004 to 30 April 2004 period is an old calculation method no longer used. This calculation is used in this instance to allow comparison with previous performance, and is not comparable to figures released for current periods.

In addition, the period 1 January 2004 to 30 April 2004 is not a standard reporting period, and is therefore not comparable to full financial year figures, due to reasons including seasonal fluctuations in prison population.

(d) – (g)
Sufficiently detailed information to answer other parts of this question, and to provide a breakdown of these figures for each prison, is not readily available without substantially and unreasonably diverting the resources of Corrections Victoria.

Attorney-General: Equal Opportunity Commission — media research and public opinion polling

2365. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to the Equal Opportunity Commission's media research and public opinion polling conducted since 1 January 2002:

(a) What is the title of each poll or item of research.

(b) What is the date of approval and duration of the contract.

(c) What is the cost.

(d) Who are the personnel conducting the project.

(e) Was it put to tender.

(f) What recommendations were made.

(g) Were any actions taken by the Department or Minister.

ANSWER:

I am informed that:

The Equal Opportunity Commission did not conduct any media research and public opinion polling between 1 January 2002 and 3 June 2004.

Attorney-General: Judicial College of Victoria — media research and public opinion polling

2366. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to the Judicial College of Victoria's media research and public opinion polling conducted since 1 January 2002:

(a) What is the title of each poll or item of research.

(b) What is the date of approval and duration of the contract.

(c) What is the cost.

(d) Who are the personnel conducting the project.

(e) Was it put to tender.

(f) What recommendations were made.

(g) Were any actions taken by the Department or Minister.

ANSWER:

I am informed that:

The Judicial College of Victoria did not conduct any media research and public opinion polling between 1 January 2002 and 3 June 2004.

Attorney-General: Legal Practice Board — media research and public opinion polling

2367. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to the Legal Practice Board's media research and public opinion polling conducted since 1 January 2002:

(a) What is the title of each poll or item of research.

(b) What is the date of approval and duration of the contract.

(c) What is the cost.

(d) Who are the personnel conducting the project.

(e) Was it put to tender.

(f) What recommendations were made.

(g) Were any actions taken by the Department or Minister.

ANSWER:

I am informed that:

The Legal Practice Board did not conduct any media research and public opinion polling between 1 January 2002 and 3 June 2004.

Attorney-General: Legal Profession Tribunal — media research and public opinion polling

2368. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to the Legal Profession Tribunal's media research and public opinion polling conducted since 1 January 2002:

(a) What is the title of each poll or item of research.

(b) What is the date of approval and duration of the contract.

(c) What is the cost.

(d) Who are the personnel conducting the project.

(e) Was it put to tender.

(f) What recommendations were made.

(g) Were any actions taken by the Department or Minister.

ANSWER:

I am informed that:

The Legal Profession Tribunal did not conduct any media research and public opinion polling between 1 January 2002 and 3 June 2004.

Attorney-General: Municipal Electoral Tribunal — media research and public opinion polling

2369. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to the Municipal Electoral Tribunal's media research and public opinion polling conducted since 1 January 2002:

(a) What is the title of each poll or item of research.

(b) What is the date of approval and duration of the contract.

(c) What is the cost.

(d) Who are the personnel conducting the project.

(e) Was it put to tender.

(f) What recommendations were made.

(g) Were any actions taken by the Department or Minister.

ANSWER:

I am informed that:

The Municipal Electoral Tribunal did not conduct any media research and public opinion polling between 1 January 2002 and 3 June 2004.

Attorney-General: Victorian Privacy Commissioner — media research and public opinion polling

2370. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to the Office of the Victorian Privacy Commissioner's media research and public opinion polling conducted since 1 January 2002:

(a) What is the title of each poll or item of research.

(b) What is the date of approval and duration of the contract.

(c) What is the cost.

(d) Who are the personnel conducting the project.

(e) Was it put to tender.

(f) What recommendations were made.

(g) Were any actions taken by the Department or Minister.

ANSWER:

I am informed that:

The Office of the Victorian Privacy Commissioner did not conduct any media research and public opinion polling between 1 January 2002 and 3 June 2004.

Attorney-General: Office of the Public Advocate — media research and public opinion polling

2371. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to the Office of the Public Advocate's media research and public opinion polling conducted since 1 January 2002:

(a) What is the title of each poll or item of research.

(b) What is the date of approval and duration of the contract.

(c) What is the cost.

(d) Who are the personnel conducting the project.

(e) Was it put to tender.

(f) What recommendations were made.

(g) Were any actions taken by the Department or Minister.

ANSWER:

I am informed that:

The Office of the Public Advocate did not conduct any media research and public opinion polling between 1 January 2002 and 3 June 2004.

Attorney-General: Victoria Legal Aid — media research and public opinion polling

2373. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to Victoria Legal Aid's media research and public opinion polling conducted since 1 January 2002:

(a) What is the title of each poll or item of research.

(b) What is the date of approval and duration of the contract.

(c) What is the cost.

(d) Who are the personnel conducting the project.

(e) Was it put to tender.

(f) What recommendations were made.

(g) Were any actions taken by the Department or Minister.

ANSWER:

I am informed that:

Victoria Legal Aid did not conduct any media research and public opinion polling between 1 January 2002 and 3 June 2004.

Attorney-General: Victorian Law Reform Commission — media research and public opinion polling

2374. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to the Victorian Law Reform Commission's media research and public opinion polling conducted since 1 January 2002:

(a) What is the title of each poll or item of research.

(b) What is the date of approval and duration of the contract.

(c) What is the cost.

(d) Who are the personnel conducting the project.

(e) Was it put to tender.

(f) What recommendations were made.

(g) Were any actions taken by the Department or Minister.

ANSWER:

I am informed that:

The Victorian Law Reform Commission did not conduct any media research and public opinion polling between 1 January 2002 and 3 June 2004.

Police and emergency services: Office of the Emergency Services Commissioner — office accommodation

3057. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Office of the Emergency Services Commissioner's leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

I am advised that:

The Office of the Emergency Services Commissioner occupies space leased by the Minister for Finance. You may wish to refer this question to the Minister for Finance.

Police and emergency services: Victoria State Emergency Service — office accommodation

3058. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Victoria State Emergency Service's leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

I am advised that:

The Victoria State Emergency Service occupies space leased by the Minister for Finance. You may wish to refer this question to the Minister for Finance.

Police and emergency services: Bureau of Emergency Services Telecommunications — office accommodation

3059. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Bureau of Emergency Services Telecommunications' leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

I am advised that:

The Bureau of Emergency Services Telecommunications' occupies space leased by the Minister for Finance. You may wish to refer this question to the Minister for Finance.

Police and emergency services: Victorian Community Council Against Violence — office accommodation

3062. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Victorian Community Council Against Violence's leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

I am advised that:

The Victorian Community Council Against Violence occupies space leased by the Minister for Finance. You may wish to refer this question to the Minister for Finance.

Police and emergency services: Victims of Crime Assistance Tribunal — office accommodation

3070. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Victims of Crime Assistance Tribunal's leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

I am advised that:

The Victims of Crime Assistance Tribunal comes within the portfolio responsibilities of the Attorney-General. You may wish to refer this question to the Attorney.

Police and emergency services: Adult Parole Board — office accommodation

3088. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Adult Parole Board's leases of office

accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

I am advised that:

The Adult Parole Board comes within my portfolio responsibilities as Minister for Corrections and not as Minister for Police and Emergency Services. The Adult Parole Board occupies space leased by the Minister for Finance. You may wish to refer this question to the Minister for Finance.

Police and emergency services: Firearms Appeals Committee — office accommodation

3091. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Firearms Appeals Committee's leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

I am advised that:

The Firearms Appeals Committee occupies space leased by the Minister for Finance. You may wish to refer this question to the Minister for Finance.

QUESTIONS ON NOTICE

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

Thursday, 19 May 2005

Police and emergency services: Police Appeals Board — office accommodation

3094. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Police Appeals Board's leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

I am advised that:

The Police Appeals Board occupies space leased by the Minister for Finance. You may wish to refer this question to the Minister for Finance.

Police and emergency services: Victoria Police — office accommodation

3096. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to Victoria Police's leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

I am advised that:

Victoria Police occupies space leased by the Minister for Finance. You may wish to refer this question to the Minister for Finance.

Attorney-General: Electoral Act — fees and penalties

3606. **THE HON. PHILIP DAVIS** — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to amendments made by the *Monetary Units Act 2004* to the *Electoral Act 2002* and any subsequent Regulations:

(a) What fees and penalties were amended.

(b) What was the value of each of the fees and penalties immediately prior to these amendments.

(c) What is their value following indexation on 1 July 2004.

ANSWER:

I am informed that the Monetary Units Act 2004 converted a significant number of penalties and fees for legislation and subordinate legislation, including those specified in the *Electoral Act 2002* into fee units and penalty units.

Section 5(3) of the Monetary Units Act 2004, provides that the Treasurer can fix an 'annual rate' by which penalty and fee units are adjusted each year. As of 1 July 2004, for the financial year 2004–2005, the annual rate was set at 2.25%. The new rate for fees and penalties can therefore be calculated by adding 2.25% to the pre-July 2004 amount.

The Treasurer published the value of fee and penalty units in the Victorian Government Gazette on 17 June 2004.

I am of the opinion that to answer the question with more specific detail would be an unreasonable diversion of my Department's resources, when the information is publicly available.

Attorney-General: Electoral Boundaries Commission Act — fees and penalties

3607. **THE HON. PHILIP DAVIS** — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to amendments made by the *Monetary Units Act 2004* to the *Electoral Boundaries Commission Act 1982* and any subsequent Regulations:

(a) What fees and penalties were amended.

(b) What was the value of each of the fees and penalties immediately prior to these amendments.

(c) What is their value following indexation on 1 July 2004.

ANSWER:

I am informed that the Monetary Units Act 2004 converted a significant number of penalties and fees for legislation and subordinate legislation, including those specified in the *Electoral Boundaries Commission Act 1982* into fee units and penalty units.

Section 5(3) of the Monetary Units Act 2004, provides that the Treasurer can fix an 'annual rate' by which penalty and fee units are adjusted each year. As of 1 July 2004, for the financial year 2004–2005, the annual rate was set at 2.25%. The new rate for fees and penalties can therefore be calculated by adding 2.25% to the pre-July 2004 amount.

The Treasurer published the value of fee and penalty units in the Victorian Government Gazette on 17 June 2004.

I am of the opinion that to answer the question with more specific detail would be an unreasonable diversion of my Department's resources, when the information is publicly available.

Attorney-General: Freedom of Information Act — fees and penalties

3608. **THE HON. PHILIP DAVIS** — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to amendments made by the *Monetary Units Act 2004* to the *Freedom of Information Act 1982* and any subsequent Regulations:

(a) What fees and penalties were amended.

(b) What was the value of each of the fees and penalties immediately prior to these amendments.

(c) What is their value following indexation on 1 July 2004.

ANSWER:

I am informed that the *Monetary Units Act* 2004 converted a significant number of penalties and fees for legislation and subordinate legislation, including the application fee specified in section 17(2A) of the *Freedom of Information Act 1982* into fee units.

The value of the application fee in section 17(2A) of the Act prior to the amendment was $20. The value of the application fee following the amendment, for the financial year 2004–2005, is $20.50. This is the only fee contained in the Act. There are no penalties in the Act.

I also understand that the Freedom of Information (Access Charges) Regulations 2004 were re-made last year due to the sun-setting of the 1993 regulations. As the regulations were re-made at the same time as the implementation of the *Monetary Units Act* 2004, the access charges set out in the Regulations were not indexed for the financial year 2004–2005. Accordingly, the access charges related to Freedom of Information applications currently remain the same.

Attorney-General: Maintenance Act — fees and penalties

3609. **THE HON. PHILIP DAVIS** — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to amendments made by the *Monetary Units Act 2004* to the *Maintenance Act 1965* and any subsequent Regulations:

(a) What fees and penalties were amended.

(b) What was the value of each of the fees and penalties immediately prior to these amendments.

(c) What is their value following indexation on 1 July 2004.

ANSWER:

I am informed that the Monetary Units Act 2004 converted a significant number of penalties and fees for legislation and subordinate legislation, including those specified in the *Maintenance Act 1965* into fee units and penalty units.

Section 5(3) of the Monetary Units Act 2004, provides that the Treasurer can fix an 'annual rate' by which penalty and fee units are adjusted each year. As of 1 July 2004, for the financial year 2004–2005, the annual rate was set at 2.25%. The new rate for fees and penalties can therefore be calculated by adding 2.25% to the pre-July 2004 amount.

The Treasurer published the value of fee and penalty units in the Victorian Government Gazette on 17 June 2004.

I am of the opinion that to answer the question with more specific detail would be an unreasonable diversion of my Department's resources, when the information is publicly available.

Attorney-General: Public Notaries Act — fees and penalties

3610. **THE HON. PHILIP DAVIS** — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to amendments made by the *Monetary Units Act 2004* to the *Public Notaries Act 2001* and any subsequent Regulations:

(a) What fees and penalties were amended.

(b) What was the value of each of the fees and penalties immediately prior to these amendments.

(c) What is their value following indexation on 1 July 2004.

ANSWER:

I am informed that the Monetary Units Act 2004 converted a significant number of penalties and fees for legislation and subordinate legislation, including those specified in the *Public Notaries Act 2001* into fee units and penalty units.

Section 5(3) of the Monetary Units Act 2004, provides that the Treasurer can fix an 'annual rate' by which penalty and fee units are adjusted each year. As of 1 July 2004, for the financial year 2004–2005, the annual rate was set at

2.25%. The new rate for fees and penalties can therefore be calculated by adding 2.25% to the pre-July 2004 amount.

The Treasurer published the value of fee and penalty units in the Victorian Government Gazette on 17 June 2004.

I am of the opinion that to answer the question with more specific detail would be an unreasonable diversion of my Department's resources, when the information is publicly available.

Attorney-General: Sentencing Act — fees and penalties

3611. **THE HON. PHILIP DAVIS** — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to amendments made by the *Monetary Units Act 2004* to the *Sentencing Act 1991* and any subsequent Regulations:

(a) What fees and penalties were amended.

(b) What was the value of each of the fees and penalties immediately prior to these amendments.

(c) What is their value following indexation on 1 July 2004.

ANSWER:

I am informed that the Monetary Units Act 2004 converted a significant number of penalties and fees for legislation and subordinate legislation, including those specified in the *Sentencing Act 1991* into fee units and penalty units.

Section 5(3) of the Monetary Units Act 2004, provides that the Treasurer can fix an 'annual rate' by which penalty and fee units are adjusted each year. As of 1 July 2004, for the financial year 2004–2005, the annual rate was set at 2.25%. The new rate for fees and penalties can therefore be calculated by adding 2.25% to the pre-July 2004 amount.

The Treasurer published the value of fee and penalty units in the Victorian Government Gazette on 17 June 2004.

I am of the opinion that to answer the question with more specific detail would be an unreasonable diversion of my Department's resources, when the information is publicly available.

Attorney-General: Summary Offences Act — fees and penalties

3612. **THE HON. PHILIP DAVIS** — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to amendments made by the *Monetary Units Act 2004* to the *Summary Offences Act 1966* and any subsequent Regulations:

(a) What fees and penalties were amended.

(b) What was the value of each of the fees and penalties immediately prior to these amendments.

(c) What is their value following indexation on 1 July 2004.

ANSWER:

I am informed that the Monetary Units Act 2004 converted a significant number of penalties and fees for legislation and subordinate legislation, including those specified in the *Summary Offences Act 1996* into fee units and penalty units.

Section 5(3) of the Monetary Units Act 2004, provides that the Treasurer can fix an 'annual rate' by which penalty and fee units are adjusted each year. As of 1 July 2004, for the financial year 2004–2005, the annual rate was set at 2.25%. The new rate for fees and penalties can therefore be calculated by adding 2.25% to the pre-July 2004 amount.

The Treasurer published the value of fee and penalty units in the Victorian Government Gazette on 17 June 2004.

I am of the opinion that to answer the question with more specific detail would be an unreasonable diversion of my Department's resources, when the information is publicly available.

Attorney-General: Judicial College of Victoria — entertainment expenses

4214. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to the Judicial College of Victoria's entertainment expenses incurred in 2003–04, what are the details, in relation to expenses in excess of $500, including the —

(a) date incurred;

(b) cost;

(c) number of guests;

(d) purpose; and

(e) name of service provider.

ANSWER:

I am informed that:

No entertainment expenses in excess of $500 were incurred in relation to the Judicial College of Victoria in 2003–04.

Attorney-General: Judicial College of Victoria — entertainment expenses

4491. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to the Judicial College of Victoria's entertainment expenses incurred in 2002–03, what are the details, in relation to expenses in excess of $500, including the —

(a) date incurred;

(b) cost;

(c) number of guests;

(d) purpose; and

(e) name of service provider.

ANSWER:

I am informed that:

No entertainment expenses in excess of $500 were incurred in relation to the Judicial College of Victoria in 2002–03.

Commonwealth Games: Office of Commonwealth Games Co-ordination — executive officers

4710. **THE HON. GORDON RICH-PHILLIPS** — To ask the Minister for Commonwealth Games: In relation to the Office of Commonwealth Games Co-ordination (OCGC), for each month from January 2004 to February 2005:

(1) How many executive officer level staff commenced employment with OCGC.

(2) How many executive officer level staff ceased employment with OCGC.

(3) How many non-executive officer level staff commenced employment with OCGC.

(4) How many non-executive officer level staff ceased employment with OCGC.

ANSWER:

I am informed that:

The table below shows the number of executive officer level staff and the number of non-executive officer level staff who started employment with OCGC and who ceased employment with OCGC, each month from January 2004 to February 2005.

OCGC Staff – January 2004 to February 2005				
	Executive		**Non-Executive**	
Month	**Started**	**Ceased**	**Started**	**Ceased**
Jan 2004	0	0	0	0
Feb 2004	0	0	2	0
Mar 2004	0	0	1	0
Apr 2004	0	0	4	0
May 2004	0	0	1	0
Jun 2004	0	0	0	0
Jul 2004	1	0	4	1
Aug 2004	0	0	4	1
Sep 2004	0	0	9	1
Oct 2004	0	0	6	1
Nov 2004	0	0	3	0
Dec 2004	0	0	2	0
Jan 2005	0	0	5	1
Feb 2005	0	0	6	0

Commonwealth Games: Melbourne 2006 Commonwealth Games Corporation — executive officers

4711. **THE HON. GORDON RICH-PHILLIPS** — To ask the Minister for Commonwealth Games: In relation to the Melbourne 2006 Commonwealth Games Corporation (M2006), for each month from January 2004 to February 2005:

(1) How many executive officer level staff commenced employment with M2006.

(2) How many executive officer level staff ceased employment with M2006.

(3) How many non-executive officer level staff commenced employment with M2006.

(4) How many non-executive officer level staff ceased employment with M2006.

ANSWER:

I am informed that:

The table below shows the number of executive officer level staff and the number of non – executive officer level staff who started employment with M2006 and who ceased employment with M2006, each month from January 2004 to February 2005.

M2006 Staff - Jan 2004 to Feb 2005				
	Executive		Non-Executive	
	Started	Ceased	Started	Ceased
Jan–04	1	0	7	0
Feb–04	2	0	9	0
Mar–04	0	0	12	0
Apr–04	0	0	6	3
May–04	0	0	10	2
Jun–04	0	0	8	0
Jul–04	1	0	16	1
Aug–04	0	0	14	0
Sep–04	0	2	4	1
Oct–04	0	1	17	1
Nov–04	0	0	18	0
Dec–04	1	0	9	0
Jan–05	0	0	23	4
Feb–05	1	0	22	1