

Tuesday, 19 May 1998

The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 10.03 a.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent to:

Agriculture Acts (Amendment) Act
Dried Fruits (Repeal) Act
Education (Self-Governing Schools) Act
Gaming Acts (Amendment) Act
Gaming No. 2 (Amendment) Act
Gas Pipelines Access (Victoria) Act
Heritage Rivers (Amendment) Act
Local Government (Darebin City Council) Act
Transport Accident (Amendment) Act
Victorian Plantations Corporation (Amendment) Act

MISCELLANEOUS ACTS (OMNIBUS No. 1) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. LOUISE ASHER (Minister for Small Business).

PARKS VICTORIA BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. M. A. BIRRELL (Minister for Industry, Science and Technology).

CATCHMENT AND LAND PROTECTION (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. M. A. BIRRELL (Minister for Industry, Science and Technology).

GAS INDUSTRY (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. R. M. HALLAM (Minister for Finance).

PUBLIC SECTOR MANAGEMENT AND EMPLOYMENT BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. M. A. BIRRELL (Minister for Industry, Science and Technology).

PUBLIC SECTOR REFORM (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. M. A. BIRRELL (Minister for Industry, Science and Technology).

TRIBUNALS AND LICENSING AUTHORITIES (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. LOUISE ASHER (Minister for Small Business).

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. LOUISE ASHER (Minister for Small Business).

BUSINESS LICENSING AUTHORITY BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. LOUISE ASHER (Minister for Small Business).

BUSINESS OF THE HOUSE

Sessional orders

Hon. R. I. KNOWLES (Minister for Health) — I move:

That so much of the sessional orders be suspended as would prevent government business taking precedence of all other business from 12.00 noon during the sitting of the Council on Wednesday, 20 May 1998.

Motion agreed to.

SUPREME COURT JUDGES

Hon. LOUISE ASHER (Minister for Small Business) presented, by command of His Excellency the Governor, report for 1997.

Laid on table.

COUNTY COURT JUDGES

Hon. LOUISE ASHER (Minister for Small Business) presented, by command of His Excellency the Governor, report for 1996–97.

Laid on table.

COUNCIL OF MAGISTRATES

Hon. LOUISE ASHER (Minister for Small Business) presented, by command of His Excellency the Governor, report for 1996–97.

Laid on table.

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Weeds in Victoria

Hon. B. W. BISHOP (North Western) presented report, together with appendices and minutes of evidence.

Hon. B. W. BISHOP (North Western) (*By leave*) — In commenting briefly on the report, firstly, I commend the committee on the constructive and cooperative way it worked through what was at times a complex and difficult subject on a very complicated reference. Undoubtedly the recommendations contained in the report are achievable.

I comment briefly on two issues addressed in the report. One is the weeds seen in many of Victoria's state and national parks and reserves. Governments of all

persuasions that set aside land for national or state parks or reserves must be prepared to ensure that adequate funding is provided for long-term planning for weed control in those areas.

The second is the vexed issue of weeds on roadsides in this state. For many years it has had an air of uncertainty about it. The committee could easily have taken a hard line on the question of responsibility for roadside weeds; it chose, quite correctly, to make achievable recommendations based on solid evidence it received, requiring a cooperative approach between the Department of Natural Resources and Environment and catchment management authorities to manage weeds on roadsides. That process will be a step in the right direction to address a vexed question and effectively manage roadside weeds. I commend the report to the house.

Laid on table.

Ordered that report and appendices be printed.

PAPERS

Laid on table by Clerk:

Law Foundation — Report, year ended 30 September 1997.

Melbourne University —

Minister's report of 12 May 1998 of failure to submit 1997 report to him within the prescribed period and the reasons therefor.

Report, 1997.

Planning and Environment Act 1987 —

Notices of Approval of the following amendments to planning Schemes:

Ballarat Planning Scheme — Amendment L37.

Berwick Planning Scheme — Amendment L118.

Flinders Planning Scheme — Amendment L149.

Hobsons Bay Planning Scheme — Amendment L10.

Macedon Ranges Planning Scheme — Amendment L22.

Mortlake Planning Scheme — Amendment L7.

MISCELLANEOUS ACTS (OMNIBUS No. 1) BILL

Second reading

Hon. LOUISE ASHER (Minister for Small Business) — I move:

That this bill be now read a second time.

The bill will make minor amendments to a number of acts.

Audit Act

The Audit Act 1994 is to be amended to address an unanticipated technical matter concerning the make-up of the Board of Audit Victoria.

The act currently requires that 75 per cent of the members of the board hold practising certificates from either the Australian Society of Certified Practising Accountants or the Institute of Chartered Accountants in Australia. However, the requirement that board members hold a practising certificate has presented a practical difficulty in that while four of the five directors are either fellows or members of the Australian Society of Certified Practising Accountants and/or the Institute of Chartered Accountants in Australia, they do not hold practising certificates. The act is therefore to be amended to require 75 per cent of the directors to be members of one of the accounting societies.

The house will note that appointments to the board were made by the Governor in Council on 3 March, and that the Auditor-General was consulted before the appointments were made. The house will note that performance of the board and its members is not in question and the board has done excellent work in establishing Audit Victoria as an effective auditing enterprise. It is believed that this view is also shared by the Auditor-General.

To ensure that the valuable work which the board has done since appointment can continue without concern of challenge on the technical basis above, the amendment will be operative from the commencement date of the 1997 amendments, 16 December 1997.

Confiscation Act

In 1997 this government passed the Confiscation Act 1997 (the act). The act contains the most comprehensive scheme in Australia for the confiscation of profits from illegal activities. The act is based upon the Crimes (Confiscation of Profits) Act 1986 but also

draws upon confiscation schemes in operation in New South Wales and the commonwealth.

The act improved upon the confiscation schemes in those jurisdictions. However, continued consultation concerning the act has revealed that further improvements can be made to improve efficiency and streamline processes under the act.

Victims of crime

The act will significantly assist victims of crime to recover compensation for pain and suffering from the defendant. The act enables victims of crime to have a compensation order satisfied by the state to the value of property which has been confiscated, provided that a restraining order was obtained for the purposes of satisfying a restitution or compensation order. The bill amends the act by extending the situations in which a victim's compensation order will have priority over the state's interest in confiscated property. It will no longer be necessary for a victim to have a restraining order for the purposes of satisfying a compensation order before the victim's interests take priority over the state's interests. Victim's interests will now always have priority over the state's interests.

This bill will further assist victims of crime by empowering the Assets Confiscation Office to take action against property which has been restrained for the purposes of satisfying a victim's compensation order in certain circumstances. For instance, rather than having both the victim and the ACO taking action against the one item of property, the ACO will be able to take action on behalf of the victim as well as the state, thereby avoiding unnecessary duplication of work and costs to the victim.

The bill also contains a number of other provisions which will further strengthen the effectiveness of assets confiscation in this state to ensure that crime does not pay.

Crimes (Mental Impairment and Unfitness To Be Tried) Act 1997

These provisions amend the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 in relation to the time limits applicable to the review by the courts of people currently subject to Governor's pleasure orders. They also contain consequential amendments necessary for the administration of the Mental Health Act and amendments to various superannuation acts.

Gaming Machine Control Act 1991

The proposed amendment to this act reduces the amount paid to the Community Support Fund CSF) in each of the six financial years from 1998–99 to 2003–04 by \$25 million. These amounts will be used to boost the funding for other government priorities for education and health programs over the next six years. Revenue from gaming operators currently supports a range of social purposes, namely the Community Support Fund, the Hospitals and Charities Fund and the Mental Hospitals Fund. This amendment will expand the support to include education and health programs and initiatives.

Currently, gaming operators are required to pay to the Victorian Casino and Gaming Authority, in accordance with section 136(3)(c) of the Gaming Machine Control Act 1991, 8.33 per cent of the total net daily cash balances of gaming machines. That amount is to be paid to the consolidated fund and an amount equal to that amount is to be paid to the Community Support Fund in accordance with section 138(2) of that act. Under section 136(3)(d) of the act 33.33 per cent of the total net daily cash balances of gaming machines is directed to the Hospitals and Charities Fund and the Mental Hospitals Fund, as determined by the Treasurer.

This bill amends section 138 of the Gaming Machine Control Act 1991 to reduce the amount that is to be paid to the Community Support Fund. Section 138 is amended so that the amount to be paid to the Community Support Fund in each of the financial years 1998–99, 1999–2000, 2000–01, 2001–02, 2002–03 and 2003–04 is the amount paid to the consolidated fund under section 136(3)(c) less \$25 million.

This government recognises the importance of education and health in contributing to a dynamic future for Victoria's coming generations, and the allocation of this \$25 million per annum over the next six years will give effect to priorities in these areas. Providing funds to health and education initiatives is in keeping with the policy objectives of usage of sums paid by gaming operators to the consolidated fund for community beneficial purposes.

Gaming No. 2 Act 1997

The proposed amendments to the Gaming No. 2 Act 1997 are as a result of representations made to the Minister for Gaming on behalf of bingo centre operators and bingo permit holders. They have raised concerns that there may be unintended consequences for particular permit holders of the new requirement that all persons performing prescribed duties in licensed bingo centres hold a bingo employee's licence.

Since 1994, paid employees in licensed bingo centres have been subject to a licensing process which involves a probity check. Following industry concern that some operators may have been avoiding this probity process by using workers who were not strictly employees, this licensing requirement was extended on the commencement of the Gaming No. 2 Act 1997 on 31 March 1998 to all people performing certain prescribed duties in licensed bingo centres.

This amendment will provide that those volunteers who perform prescribed duties under only one bingo permit on behalf of a single community or charitable organisation in any seven-day period will not require a licence. It is considered that the risk of misappropriation of funds posed in relation to a single permit is significantly less than the risk where multiple permits are involved. This will relieve a significant administrative and financial burden from the small number of community or charitable organisations whose bingo, although run in a bingo centre, is a broadly based volunteer effort. The Victorian Casino and Gaming Authority's ability to impose conditions on bingo permits and the licences of bingo centre operators, combined with its ongoing monitoring of bingo centres, ensures that the general policy of the licensing scheme is not compromised by this amendment.

Magistrates' Court Act and Children and Young Persons Act*PERIN warrant issue fees*

The imposition and collection of fines is integral to the criminal justice system. The Victorian system of fines collection has also been very successful in providing the enforcement function necessary to support the road safety strategy and in ensuring a high rate of compliance by those who are fined.

Most fines are imposed through infringement notices such as speeding and parking tickets. Victoria Police and local councils each issue about 1 million tickets annually. A person may discharge his or her potential criminal liability under an infringement notice by the payment of an infringement penalty. If the penalty remains unpaid, it can be registered with the PERIN Court and the registrar of the PERIN Court makes an enforcement order against the fine defaulter. If the fine still remains unpaid, the registrar of the PERIN Court must issue either a penalty enforcement warrant, where the fine defaulter is a natural person, or a warrant to seize property where the fine defaulter is a corporation. The Sheriff then enforces the warrant against the defaulter.

In November 1996 legislation was passed to modify the practices of the PERIN Court and the Sheriff's Office and improve the fines collection process. Since the changes were made, the PERIN Court and Sheriff's Office have developed new techniques of enforcement including saturation blitzes of local areas, multi-agency operations with Victoria Police and local councils and the quick and effective follow-up of those who default on instalment payment arrangements. To the end of March 1998 the fines collected by the PERIN Court and the Sheriff's Office were \$22.9 million, up 4.1 per cent on the equivalent period for the 1996-97 financial year.

The 1996 legislation introduced a warrant issue fee for penalty enforcement warrants and warrants to seize property. During the development of business rules and system changes to permit the fee's collection and disbursement it became clear that the fee would not survive the recall and cancellation of a warrant. The registrar recalls and cancels a warrant when a fine defaulter enters into an instalment arrangement or an extension-of-time-to-pay arrangement. Therefore, where a person enters into an instalment arrangement after a warrant has been issued and subsequently recalled, it is not possible to collect the issuing fee.

Apart from the revenue loss, the loss of the issue fee upon cancellation of a warrant will work unfairly as it will penalise those defendants who seek to discharge their obligations immediately by payment in full, including the issue fee, whereas those who enter an instalment arrangement to pay off their fine or fines gradually will save \$40 for each warrant that is withdrawn.

The bill amends schedule 7 of the Magistrates' Court Act 1989 to provide that the warrant issue fee becomes enforceable by including it in the amount of the fine. This fee would not, therefore, be lost when the warrant is recalled and cancelled. The bill also provides a discretion to the registrar of the court to waive payment of the fee when a warrant is withdrawn. This is necessary because a warrant may occasionally have to be issued for reasons outside the defendant's control.

Senior magistrates

The bill makes two further minor amendments to the Magistrates' Court Act 1989 and the Children and Young Persons Act 1989.

The amendments to the Magistrates' Court Act 1989 and the Children and Young Persons Act 1989 will enable the Chief Magistrate to delegate the power to arrange for a magistrate to attend court and the power to

assign duties to magistrates. The amendment will enable the Chief Magistrate to delegate this power to senior magistrates who are responsible for the management of the different regions of courts.

Further amendments to the Children and Young Persons Act 1989 will provide for the appointment of an acting Children's Court senior magistrate. The amendment addresses the concern that the process of making a Governor in Council appointment where there is a short-term or unexpected vacancy is too cumbersome. The Children's Court senior magistrate may be required to attend a conference or be absent due to an illness or be taking a short vacation. In these situations there is a need to provide for an acting Children's Court senior magistrate at short notice or for a short period of time. The Governor in Council appointment procedure is not suitably flexible for these situations.

The bill amends the Children and Young Persons Act 1989 to provide that where there is a vacancy in the office of the Children's Court senior magistrate and a Governor in Council appointment has not been made, the Chief Magistrate or a magistrate nominated by the Chief Magistrate may act as a Children's Court senior magistrate. Where the vacancy in the office is to exceed a period of three months, a Governor in Council appointment must be made.

Port Services Act 1995

This amendment provides for an increase in the number of directors to the board of the Melbourne Ports Corporation from the current maximum of five to a new maximum of seven. This will permit an expanded range of skills and expertise to be represented on the board of the Melbourne Ports Corporation.

Public Sector Superannuation (Administration) Act 1993

As part of the ongoing state public sector superannuation reform program and following a decision made by the Local Authorities Superannuation Board and discussions held with the Office of Local Government and the Commonwealth Insurance and Superannuation Commission, the bill contains transitional provisions and repeals the Local Authorities Superannuation Act 1988 to enable the Local Authorities Superannuation Board to make a valid election for the Local Authorities Superannuation Fund to become regulated under commonwealth supervision. The decision of the Local Authorities Superannuation Board to transfer the fund to commonwealth control has been agreed because the Victorian government is not a

stakeholder in the Local Authorities Superannuation Fund and is not responsible for making or guaranteeing employer contributions.

Wills Act 1997

Since the passage of the Wills Act 1997 at the end of 1997, a number of issues in relation to the act have been brought to the government's attention by members of the legal profession and the judiciary. The purpose of this bill is to address those issues. Apart from some minor technical amendments, the bill also makes the following amendments:

Revocation of a will

Section 12 of the Wills Act 1997 deals with the circumstances in which a will is revoked. Under current section 12 it would seem that an earlier will is revoked automatically by the making of a later will by the testator. The effect of this section is to change the common-law position, which effect was not intended.

At common law, the mere fact of a testator making a subsequent testamentary instrument does not necessarily result in a total revocation of an earlier testamentary instrument unless the testator expressly revokes the former instrument or the two are incapable of standing together. Often several testamentary instruments may be read together to constitute the last will of a testator. It is the testator's intention in revoking a will that is paramount, not the making of a later will. To address this issue, the bill amends section 12 to restore the common-law position where a testator may revoke the whole or any part of his or her will by a later will.

Witness beneficiaries

The Wills Act 1997, once in operation, will abolish the interested witness rule under which a witness to a will or the spouse of the witness to a will is precluded from taking any benefit under the will, subject to certain qualifications. At present part V of the Administration and Probate Act 1958 allows a court to order that the interested witness rule should not apply where the court is satisfied that the testator knew of and approved the entitlement of the particular witness under the will and that the entitlement was not included as the result of the exercise of any undue influence by any person.

The Wills Act 1997 only abolishes the interested witness rule for wills made after the commencement of the act. It was intended that part V of the Administration and Probate Act 1958 would continue to apply to wills made before the commencement of the act. The bill inserts a transitional provision into the

Administration and Probate Act 1958 to make this clear.

Testator's family maintenance

The Wills Act 1997 amended part IV of the Administration and Probate Act 1958 to provide for a revised testator's family maintenance scheme. The act provides that the revised TFM scheme only applies to applications made after the commencement of the act. Concerns have been expressed that this could result in challenges to existing deceased estates and uncertainty for administrators of estates.

To address these concerns the bill provides that the old TFM scheme continues to apply to the estate of a person who has died before the commencement of the new TFM scheme. Therefore, the new TFM scheme will only apply to the estate of a person who dies after the commencement of part 7 of the Wills Act 1997.

This bill is intended to improve the operation of the Wills Act 1997 when it is proclaimed later this year.

I commend the bill to the house.

Debate adjourned for Hon. D. NARDELLA (Melbourne North) on motion of Hon. M. M. Gould.

Debate adjourned until next day.

PARKS VICTORIA BILL

Second reading

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — I move:

That this bill be now read a second time.

The bill will establish Parks Victoria as a public authority. In doing so it will create a world-class organisation able to deliver park management services for the state's parks, reserves and open space and other related management functions. A focus on sound environmental management will be a feature of Parks Victoria's role as a leading park management agency, while providing compatible services for recreation and tourism.

The creation of Parks Victoria occurs in the broader context of the government's public sector management reform and the establishment of organisations with a clear service delivery focus. As a government service delivery organisation Parks Victoria will be managed under an agreement with the Department of Natural Resources and Environment

which specifies the services to be delivered to Victorians on behalf of the government. The policy and regulator roles will remain with the department.

The new authority will largely comprise the former staff of Melbourne Parks and Waterways and the service delivery staff of the former National Parks Service in the Department of Natural Resources and Environment. Specified staff will transfer to Parks Victoria, with the terms and conditions of their previous employment fully protected. Parks Victoria will continue to play a vital role in fire protection and suppression across the state.

At this point I wish to pay tribute to the many staff who have contributed to the success of those two organisations over the years, in particular for their ongoing dedication and commitment to sound park management. These strengths have significantly assisted Parks Victoria in its establishment and operation over the past 18 months and will continue to help it meet the future challenges of park management throughout the state.

The Water Industry Act 1994 will be amended so that Melbourne Parks and Waterways is retained as a shell authority which will continue to own certain land and carry out certain other functions. This transitional arrangement will provide for the orderly transfer of its land to the Crown for appropriate reservation and the re-allocation of its other assets and liabilities.

Consequential amendments to the Conservation, Forests and Lands Act 1987 will enable the delegation of relevant land management powers, subject to any conditions of the delegation which the minister or secretary wishes to impose.

In conclusion, the establishment of Parks Victoria heralds a new era in the management of the state's magnificent system of parks and reserves. It is fitting that this new integrated organisation is formally established during the centenary year of Victoria's two oldest existing national parks, Wilsons Promontory and Mount Buffalo.

I commend the bill to the house.

Debate adjourned for Hon. PAT POWER (Jika Jika) on motion of Hon. M. M. Gould.

Debate adjourned until next day.

CATCHMENT AND LAND PROTECTION (AMENDMENT) BILL

Second reading

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — I move:

That this bill be now read a second time.

In 1997 the government reviewed its catchment management arrangements. The impetus for the review was a desire to further strengthen the partnership between government and regional communities within 10 natural resource management regions in Victoria, established under the Catchment and Land Protection Act in 1994. This act provided for regionally based boards with members with relevant expertise in land and resource management to advise on the strategic directions for the integrated management of the catchment.

The 1997 review recommended a further step forward, by bringing together the locally based authorities with responsibility for waterways and regionally based catchment boards so as to create a single management and strategic focus for catchment areas. The government agreed that combining the expertise and resources of these bodies would enable the development of a shared and integrated vision for catchment planning and management and that this would provide a basis for the future regional development of rural Victoria through the optimal management of land and water resources.

In announcing its positive response to the review, the government recognised the substantial consultation which had taken place and the wide interest in its results, reflected in the 182 submissions received. It recognised also that the degree of community interest indicated that it should take great care in ensuring that implementation of the review would be widely understood and accepted among regional communities.

This legislation is a first step towards implementing the outcomes of the review. There has been substantial legislative development of measures to give full expression to the government's commitment to a wider and integrated role for catchment management bodies. The government has decided that these measures should be submitted to the Parliament at a later date. While the government considers that it should defer legislation to implement the full reform package, it believes that it is appropriate to demonstrate its commitment to reform by providing at this time a statutory basis for a part of the package. This bill

therefore establishes a Catchment Management Council to replace the Catchment and Land Protection Council.

The government also provided in 1997 for the implementation of new catchment management arrangements through administrative means. Given the decision to implement the full reform package at a later date, it was considered desirable to provide a single statutory basis for management arrangements in a minimal form. This is provided for through this legislation.

There may be some disappointment among stakeholders that the full reform package is not being implemented at this time. The government acknowledges this sentiment, but considers that it is preferable to take a little longer for full implementation to ensure that there is full knowledge of the proposed measures in regional communities and that the work of the new management bodies will be fully understood and supported.

I commend the bill to the house.

Debate adjourned for Hon. PAT POWER (Jika Jika) on motion of Hon. M. M. Gould.

Debate adjourned until next day.

GAS INDUSTRY (AMENDMENT) BILL

Second reading

Hon. R. M. HALLAM (Minister for Finance) — I move:

That this bill be now read a second time.

The bill is an integral part of the government's gas industry reform program which has been carefully designed to deliver significant benefits to the state by creating a more competitive, open and responsive gas supply industry. This bill will ensure that competition is maintained in the Victorian gas market after privatisation. In order to achieve this, the bill principally introduces amendments to the Gas Industry Act 1994 (the act) designed to prevent significant producers from engaging in anticompetitive conduct and creates a cross-ownership regime which will ensure that after privatisation the structure of the gas industry in Victoria remains competitive.

The significant producer provisions of the bill target suppliers of gas to the Victorian wholesale gas market who have the ability to exercise power in that market. Significant producers are prohibited from engaging in conduct which discriminates among gas retailers in a

manner which has the purpose, or has or is likely to have the effect, of substantially lessening competition in a Victorian gas market. One aim of this provision is to ensure that significant producers do not engage in anticompetitive conduct which creates disincentives for gas retailers to seek alternative sources of gas supply. The Office of the Regulator-General will oversee and enforce these provisions by the investigation of complaints and issue of orders where appropriate.

The bill also establishes cross-ownership restrictions on participants in the gas industry. The purpose of this cross-ownership regime is to avoid the competitive structure established for the industry prior to privatisation being diminished by subsequent merger activity. In order to achieve this, the bill establishes a number of prohibitions on industry participants which prevent participants from holding prohibited interests in certain other industry participants.

The bill also establishes a licensing regime for the Port Campbell underground gas storage facility. A person is prohibited from providing services as a market participant by means of that facility unless he or she holds the appropriate licence.

The bill also provides for the dissolution of Gas Transmission Corporation. All GTC's property, rights and liabilities are to be allocated to new gas companies, although at this stage some remain with GTC. When all property, rights and liabilities have been transferred to the new gas companies, the provisions of this bill providing for dissolution of GTC will be proclaimed to commence.

The bill contains a provision establishing that gas pipelines used for the conveyance of gas for sale by retail are not subject to local government rates. This ensures parity between the treatment of gas pipelines and electricity poles and wires and applies to all pipelines of this sort, whether they are existing, new, or publicly or privately owned. This is consistent with the exemption from rates traditionally enjoyed by the former Gas and Fuel Corporation and currently enjoyed by its successor companies.

Provisions are introduced to provide statutory authorisation for the entry into and giving effect to a master agreement between Gascor and the new Victorian gas retailers. The statutory authorisation is to operate to create an exception under section 51(1)(b) of the commonwealth Trade Practices Act 1974 in relation to that master agreement. It should be noted, however, that there is no authorisation of any cooperation among the gas retailers in relation to the renegotiation of the

price at which gas is purchased by Gascor from Esso—BHP.

The bill also provides that the land or easement acquired by the minister under the act vests in the gas company, while the minister remains the authority under the Land Acquisition and Compensation Act. It is proposed that an agreement will be made between the minister and the gas company so that the company manages the acquisition process, but subject to the control and oversight of the minister. The agreement would include, among other things, an indemnity for the minister for all costs incurred by him or her and compensation awards made or agreements reached.

A number of other miscellaneous amendments are made to the act, among other things, as a consequence of the proposed change in the status of Vencorp from a statutory corporation to a company established under the Corporations Law. The bill provides that it is intended to alter or vary section 85 of the Constitution Act 1975 to the extent necessary to prevent the Supreme Court from entertaining certain applications referred to in new part 3A of the act. Subclause 45A provides that no administrative law review, under either the Administrative Law Act 1978 or the common law, may occur or relief be granted by the Supreme Court in respect of a decision or the process leading to a decision of the Regulator-General with respect to a competition notice. Subclause 45Z provides that no proceedings may be brought in respect of a decision or determination of the ORG or of an appeal tribunal or in respect of any process leading to such a decision or determination except as provided under part 3A.

The reason for limiting the jurisdiction of the Supreme Court in the manner referred to in subclauses 45A and 45Z is that the bill provides for a specialist appeals tribunal to hear appeals on certain matters arising under part 3A. The commercial nature of the industries to be regulated requires that appeals be heard and decided as quickly as possible. It is considered that this specialist appeals mechanism would satisfy the requirements for appellants to be given a fair hearing and for a considered decision on any appeals to be made. An aggrieved party may apply to the Supreme Court for a review of a decision of the appeal panel on certain limited grounds.

I commend the bill to the house.

Debate adjourned for Hon. PAT POWER (Jika Jika) on motion of Hon. M. M. Gould.

Debate adjourned until next day.

PUBLIC SECTOR MANAGEMENT AND EMPLOYMENT BILL

Second reading

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — I move:

That this bill be now read a second time.

The purpose of this bill is to continue the reform of the management of the Victorian public sector and to recognise the effect of the historic referral of Victoria's industrial relations powers to the commonwealth. The new employment and management framework for the public sector will move the public service closer to the private sector, where terms and conditions of employment are governed by awards and agreements. The bill focuses on the principles that govern public sector employment and removes unnecessary detail on employment procedures.

A key area where public sector employment is different from the private sector relates to the strict adherence to the merit principle. The government is conscious of the need to continue to protect public employment from politicisation and to ensure the principles of merit and equity are maintained. The bill addresses this need in two ways:

1. principles of public sector employment and conduct are established for the first time by statute, allowing parliament to establish key values that operate in the public interest; and
2. an independent statutory Office of Commissioner for Public Employment is established, with the power to issue binding directions on the principles of public sector employment and conduct.

The principles of public sector employment are basic to an apolitical public sector, serving the government of the day. They are:

- employment decisions are based on merit;
- employees are treated fairly and reasonably;
- equal employment opportunity is provided; and
- employees have a reasonable avenue of redress against unfair and unreasonable treatment.

The principles of public sector conduct are those contained in the current code of conduct for the Victorian public sector. Those principles require public sector employees to:

act impartially;

act with integrity including avoiding real or apparent conflicts of interest;

provide responsive service; and, lastly

accept accountability for results.

The Commissioner of Public Employment will promote those principles and issue directions as to their application. The commissioner will also report annually to Parliament on the application of the principles throughout the public sector.

Commissioner directions will be binding on the public service and certain of the public authorities which are declared authorities under the act. The directions will have the status of statutory rules for the purposes of section 15 and part 5 of the Subordinate Legislation Act. This means that the scrutiny of legislation committee can report to each house on the directions, and the directions can be disallowed by Parliament.

As members will be aware, currently the employment powers of department heads are highly regulated, prescribing forms of employment, appointment and termination of employment procedures. The current act in effect operates as a unique and comprehensive code of public service employment. This function of the act is unnecessary as the public service is now largely covered by federal awards and must observe community standards in employment.

The bill gives department heads the rights, powers, authorities and duties of an employer. Employees in departments continue to be employed by the Crown, on whose behalf department heads exercise their employment powers. Department heads will be required to comply with proposed principles of public sector employment and conduct and related directions of the commissioner. The duty of the department heads to act independently in the exercise of their employment powers is retained.

The Public Sector Management Act has served a useful purpose in reforming contract employment for executives operating across the public sector as a whole. For example, it has allowed for declared authorities to be subject to all or part of the act. Such provisions are included in the new bill. This bill in the main streamlines and clarifies the operation of legislation in the management and administration of the Victorian public sector. For example, the bill removes the concept of 'office', except where established by statute, and the term 'officer.'

The term 'officer' arises from the concept of a public servant occupying an office on a permanent basis. A number of provisions in the act flow from this concept. They include annulment from or appointment to an office. Such provisions are not included in the bill before the house. These provisions are not necessary as department heads are provided with a head of power to employ and assign such people as are needed to perform the functions of the organisation.

Members will be aware that another bill, the Public Sector Reform (Miscellaneous Amendment) Bill, containing consequential and transitional provisions that relate to this bill, will also be considered by Parliament in these sittings.

I commend the bill to the house.

Debate adjourned for Hon. T. C. THEOPHANOUS (Jika Jika) on motion of Hon. M. M. Gould.

Debate adjourned until next day.

PUBLIC SECTOR REFORM (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — I move:

That this bill be now read a second time.

This bill has three purposes. Firstly, it will make consequential and transitional amendments to Victorian legislation which are necessary as a result of the enactment of the Public Sector Management and Employment Bill. Secondly, it will make amendments to Victorian legislation to codify the changes made by administrative arrangement orders since 1983. Finally, it will amend the Administrative Arrangements Act 1983 to ensure orders under the act can construe references in legislation to bodies corporate constituted by agency heads under the Public Sector Management and Employment Act.

Public Sector Management and Employment Bill

As members will be aware, the Public Sector Management and Employment Bill will replace the Public Sector Management Act, and the bill currently before the house repeals that act and the Public Authorities (Equal Employment Opportunity) Act 1990. As a result of the reforms instituted by the Public Sector Management and Employment Bill, consequential changes are required to Victorian legislation, as well as transitional provisions.

PUBLIC SECTOR MANAGEMENT AND EMPLOYMENT BILL and PUBLIC SECTOR REFORM (MISCELLANEOUS AMENDMENTS) BILL

Tuesday, 19 May 1998

COUNCIL

1135

The bill before the house will include the necessary transitional provisions and amend Victorian legislation so as to make the following alterations:

references to the Public Service Act 1958, the Public Service Act 1974 and Public Sector Management Act 1992 are changed to the Public Sector Management and Employment Act;

references to officers are changed to employees;

references to public service offices and positions are removed;

references to appointment are changed to employment;

references to the Public Service Board are removed; and

references to the Public Service Commissioner are changed to the Commissioner for Public Employment.

Administrative arrangements orders

As members will also be aware, orders are made under the Administrative Arrangements Act 1983 to construe references to departments, ministers and officers to mean other departments, ministers and officers. However, as more than 150 of those have been made since 1983 and as those orders do not amend the acts concerned, a large number of acts contain references which are now outdated and which cause considerable confusion when provisions are being interpreted. By codifying the bulk of the changes made to acts by administrative arrangements orders, this bill will remedy this position and remove that confusion.

Administrative Arrangements Act

The bill clarifies an area of uncertainty concerning the effectiveness of administrative arrangements orders. This uncertainty relates to the impact of those orders on references to certain officers — namely, certain departmental secretaries who are bodies corporate in relation to certain of their functions. While it is clear that administrative arrangements orders are able to construe references to those officers, doubts have been raised as to whether the orders are able to construe references to them in their body corporate status. This amendment will put the matter beyond doubt by making it clear that administrative arrangements orders can affect a body corporate constituted by agency heads within the meaning of the Public Sector Management and Employment Act.

I commend the bill to the house.

Debate adjourned for Hon. T. C. THEOPHANOUS (Jika Jika) on motion of Hon. M. M. Gould.

Debate adjourned until next day.

PUBLIC SECTOR MANAGEMENT AND EMPLOYMENT BILL and PUBLIC SECTOR REFORM (MISCELLANEOUS AMENDMENTS) BILL

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — I move:

That this house authorises and requires the Honourable the President to permit the second-reading debate on the Public Sector Management and Employment Bill and the Public Sector Reform (Miscellaneous Amendments) Bill to be taken concurrently.

Motion agreed to.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL BILL

Second reading

Hon. LOUISE ASHER (Minister for Small Business) — I move:

That this bill be now read a second time.

In the past 20 years Victoria has seen a significant growth in the number and variety of tribunals servicing the community. The level of community acceptance of these bodies is such that they are now considered to be an integral part of the Victorian justice system. Over this time tribunals have been established as specialist bodies to deal with a variety of issues as particular needs have arisen. Compared to the courts, they are intended to be relatively informal, inexpensive and efficient. In more recent times these have included new bodies such as the Domestic Building Tribunal. In this context, the development of tribunals has been piecemeal and has taken place without any real consideration of the overall system by which Victoria strives to administer justice.

After the release of the discussion paper entitled *Tribunals in the Department of Justice: A Principled Approach* in October 1996 and extensive subsequent consultation, the government now wishes to introduce a package of reform initiatives to improve the operation of the tribunal system in Victoria. The Victorian Civil and Administrative Tribunal Bill is the central

component of the government's reform initiatives to streamline administrative structures and enhance the current operations of tribunals.

The bill establishes the Victorian Civil and Administrative Tribunal. This new tribunal will:

- amalgamate a number of existing tribunals within the Department of Justice;

- create a new jurisdiction to deal with retail tenancy matters;

- administer extended monetary limits in the Small Claims Tribunal and the Residential Tenancies Tribunal; and

- perform disciplinary functions currently exercised by several licensing authorities within the Department of Justice.

Business Licensing Authority Bill

The second bill in this package of reforms is the Business Licensing Authority Bill. This bill establishes the Business Licensing Authority, which will exercise the licensing functions currently exercised by some tribunals and other bodies.

Tribunals and Licensing Authorities (Miscellaneous Amendments) Bill

The final bill in this package of reforms is the Tribunals and Licensing Authorities (Miscellaneous Amendments) Bill which makes a variety of necessary consequential amendments to legislation and provides for transitional arrangements where these are necessary. The latter bill will be the subject of a separate second-reading speech.

The reform package gives effect to the government's pre-election commitment to provide Victorians with a modern, accessible, efficient and cost-effective civil justice system by meeting commitments contained in the government's policy statement *A Safer Victoria*. A high priority for this government has been to provide Victorians with access to a civil justice system which is modern, accessible, efficient and cost-effective. The increasing complexity and volume of cases require continued improvements to court and tribunal processes to ensure that the civil justice system meets community expectations. This package of reforms will ensure that both the public and business community, including people living and working in rural Victoria, will benefit from improved access to civil justice services which are relevant, responsive and efficient. The key proposal to amalgamate a number of tribunals within the Victorian

Civil and Administrative Tribunal is aimed at meeting these objectives.

Victorian Civil and Administrative Tribunal

The establishment of the Victorian Civil and Administrative Tribunal, to be known as VCAT, will:

- improve access to justice for all Victorians including the business community;

- facilitate the use of technology, such as video link-up and interactive terminals, consequently improving access to justice for Victorians living in both metropolitan and rural areas;

- complement measures to increase alternative dispute resolution programs by providing a range of procedures including mediation and compulsory conferences to help parties reach agreement quickly;

- streamline the administrative structures of tribunals, thereby improving their efficiency;

- develop and maintain flexible, cost-effective practices;

- introduce common procedures for all matters, yet retain the flexibility to recognise the needs of parties in specialised jurisdictions; and

- achieve administrative efficiencies through the centralisation of registry functions, improvement of information technology systems and more efficient use of tribunal resources.

In combination, these measures will enhance the Victorian community's confidence in the tribunal system.

Structure and organisation

VCAT will initially comprise two divisions — the civil division which will predominantly exercise the tribunal's original jurisdiction and the administrative division which will predominantly exercise the tribunal's review jurisdiction. Each division will have a number of lists. The lists will perform the functions of the tribunals to be encompassed within VCAT. For example, the anti-discrimination list will perform the functions of the current Anti-Discrimination Tribunal.

The civil division

The lists in the civil division will encompass the Anti-Discrimination Tribunal, Domestic Building Tribunal, Guardianship and Administration Board, Small Claims Tribunal and Residential Tenancies

Tribunal. A new jurisdiction which will hear disputes arising under the Retail Tenancies Reform Act will also be created.

The administrative division

The administrative division will comprise lists which will exercise the jurisdiction of the former Administrative Appeals Tribunal as well as the disciplinary functions currently exercised by the Credit Authority, Estate Agents Disciplinary and Licensing Appeals Tribunal, Motor Car Traders Licensing Authority, Prostitution Control Board and the Travel Agents Licensing Authority. It will also hear applications for review of decisions made by the Business Licensing Authority.

One-stop shop

VCAT will be a judicially assisted tribunal in order to provide litigants with a one-stop shop. The president — a Supreme Court judge — and the vice-presidents — County Court judges — will, while full-time members of VCAT, be able to exercise the powers of the Supreme and County courts respectively. This will reduce delays for parties who wish to appeal to the Supreme Court against a tribunal decision. This will also reduce the level of interruption to business and in turn promote greater certainty and consistency in business arrangements. These arrangements equally enhance hearing and dispute resolution mechanisms involving citizens' individual rights such as those people who may be subject to guardianship orders.

Procedures

The bill contains a range of measures that will assist VCAT to minimise costs and resolve applications quickly and informally. They will assist VCAT to make the most efficient and effective use of its resources. While many of these measures are, in varying degrees, now in use by tribunals, common procedures and the consistent approach to them will produce far more beneficial results. For instance, only some jurisdictions currently have mediation available to parties. The VCAT bill will enable all parties to access mediation in appropriate cases. The bill empowers VCAT with other procedures such as pre-hearing procedures to expedite the settlement of matters.

While VCAT will adopt some common procedures in relation to all jurisdictions, the bill ensures flexibility by providing for a range of procedures that can be used in relation to specialised jurisdictions, in an endeavour to achieve a just result in the most efficient way.

Representation

Concerns are often raised that the participation of legal representatives in cases before tribunals results in the proceedings becoming unnecessarily legalistic and adversarial and can prolong and complicate matters — adding to the cost of the decision-making process.

The bill provides for parties to be represented by a professional advocate in appropriate cases. The bill will allow professional advocates, including legal practitioners and also people with specialist expertise such as town planners, to appear before the tribunal where this is deemed appropriate. In limited circumstances, the bill allows representation as of right. In this way the bill recognises that in some cases the involvement of professional advocates can assist in the settlement of matters. The tribunal will be charged with ensuring that appropriate procedures are in place to ensure that where professional advocates are used, including legal practitioners, they will assist the tribunal to identify and focus on relevant issues, eliminating unnecessary avenues of inquiry.

Indeed in some complex cases, such as those found in planning and credit jurisdictions, the need for professional advocates may be beneficial to both the parties involved in the matter and the tribunal. However, in other jurisdictions such as small claims, residential tenancies and domestic building disputes, the role for professional advocates may be more limited and permitted only in appropriate cases thereby minimising costs. It will also ensure that proceedings are less legalistic. The bill establishes an appropriate balance between these competing interests, enabling the tribunal to determine, on a case-by-case basis, the appropriateness of representation. For applicants who are unrepresented, the tribunal and registry staff will provide assistance in matters.

Membership of the tribunal

VCAT will have a five-tiered hierarchy of members. The president of the tribunal will be a Supreme Court judge. The president will be assisted by vice-presidents. The vice-presidents will be County Court judges. A number of deputy presidents will be appointed and will manage one or more lists. There will also be senior and ordinary members who will work on a full-time, part-time, or sessional basis.

There are a number of purposes to be served by a hierarchy of members. It ensures that the tribunal benefits from high-calibre appointments to whom complex cases can be referred — in some cases with recourse to the powers of the courts. The hierarchy also

provides for a variety of types of appointment to the tribunal in an effort to attract suitable candidates with appropriate expertise for appointment. The hierarchy also establishes a structure by which management responsibility for the operations of the tribunal can be allocated. It recognises differing levels of experience and expertise among members of VCAT.

With greater judicial involvement in first instance decision-making, Victorians should see greater consistency of decision-making, enhancing their confidence in the civil justice system. It will also enhance the notion of the one-stop-shop. This will reduce delays for parties who appeal to the Supreme Court as the president of VCAT will be able to exercise the powers of a Supreme Court judge. This is a cost-effective measure for Victorians using the tribunal system.

All new members of VCAT will be appointed for a maximum term of five years by the Governor in Council. A five-year appointment balances a number of interests. It provides a measure of stability for members and consistency for VCAT. It also enables the tribunal to attract expert candidates for membership from expert areas to capitalise on the currency of their practical experience.

Current members of tribunals will be transferred to VCAT in accordance with their current terms of appointment. Consistent with the arrangements for new appointees, members transferred from a tribunal will be limited to a maximum term of appointment of five years. Members will be allocated from an existing tribunal to the corresponding list in VCAT. If a member has appropriate qualifications, he or she may also be allocated matters from other lists. This allows for the most efficient use of members' time and appropriate utilisation of their expertise.

Balancing independence and accountability

From time to time, members of the judiciary express the view that governments must act to ensure that tribunals are truly independent bodies, able to deal with matters freely. This is because tribunals deliberate on the merits of decisions made by government bodies and consider whether the original decisions should be overturned. Appointing judicial members to VCAT enhances its independence and clearly demonstrates the government's continuing commitment to the independence of tribunals generally.

In recent times there have been a variety of pressures for change within tribunals, and indeed the wider justice system in general. In particular there is a need to

ensure the accountability of organisations that receive public funding; tribunals are no exception. The government believes that both the independence enjoyed by the tribunal and the need for it to be accountable for its own operations to both the government and the Victorian community generally are able to be balanced. In doing so the tribunal will focus on its effective performance and cost-efficient use of resources. In line with community expectations, the government considers that not only is this achievable; it is essential.

Section 85 statement

It is the intention of clause 52 of this bill to alter or vary section 85 of the Constitution Act 1975. I therefore make the following statement under section 85(5) of the Constitution Act 1975 to set out the reasons for altering or varying that section. Clause 160 of this bill is included to satisfy the requirements of section 85 of the Constitution Act 1975 in respect of the changes to the jurisdiction of the Supreme Court effected by clause 52.

Clause 52 excludes the jurisdiction of the Supreme Court, County Court and Magistrates Court to hear or continue to hear any planning matter where the Victorian Civil and Administrative Tribunal has jurisdiction to review the matter. Clause 52 re-enacts section 66A of the Planning Appeals Act 1980 as this act will be repealed. Clause 52 merely maintains the status quo in planning disputes.

The Planning Division of the Administrative Appeals Tribunal has always been considered to be a one-stop shop for disputes within the planning jurisdiction. It is intended that VCAT continue to fulfil this role. The government considers it appropriate that all planning disputes be dealt with in a forum with accumulated expertise in planning matters. Consequently, the courts' jurisdiction to hear planning disputes has been excluded. However, it should be noted that if a court is of the opinion that there are special circumstances which justify hearing a particular proceeding in the planning jurisdiction the court may hear and determine the matter.

Summary

VCAT will be the most comprehensive reform in Australia in this area to date. The creation of VCAT demonstrates the government's commitment to improving the tribunal system in Victoria.

In closing I want to extend my thanks to those members, registrars and staff of the tribunals which will be merged into VCAT for their excellent work and their contribution to the civil justice system in Victoria.

VCAT is a new beginning for tribunals in Victoria and I am sure that all those involved in the tribunal system will embrace the reforms and make VCAT a success and a model for reform elsewhere. Reform cannot be achieved through words on paper. It requires the commitment of all those involved to make it a success. I have every confidence that those involved in the tribunal system will do just that.

I commend the bill to the house.

Debate adjourned for Hon. D. A. NARDELLA (Melbourne North) on motion of Hon. M. M. Gould.

Debate adjourned until next day.

BUSINESS LICENSING AUTHORITY BILL

Second reading

Hon. LOUISE ASHER (Minister for Small Business) — I move:

That this bill be now read a second time.

As indicated in the second-reading speech for the Victorian Civil and Administrative Tribunal Bill, a second body — the Business Licensing Authority — will be established under the Business Licensing Authority Bill.

The Business Licensing Authority will be a statutory body corporate of one or more members. It will carry out licensing and registration functions in respect of credit providers' estate agents' introduction agents, motor car traders, prostitution service providers, second-hand dealers and pawnbrokers, and travel agents. These functions are currently carried out by the Credit Authority, the Estate Agents Licensing Authority, the Motor Car Traders Licensing Authority, the Prostitution Control Board, the Travel Agents Licensing Authority and the Secretary of the Department of Justice. The Business Licensing Authority will replace these bodies and enable these systems to be streamlined and made more consistent.

This bill also addresses a number of inconsistencies in the current licensing arrangements. Provisions in relation to timing of returns of annual statements, endorsement of licences, surrender and return of cancelled licences and standard disciplinary remedies which are essential elements of a licensing system have been addressed.

Each of the occupations or business categories I have mentioned here are currently regulated under individual acts. This will continue, with the addition of the

Business Licensing Act covering the establishment of the authority. The relevant acts presently set up a variety of bodies and types of licensing systems appropriate to each occupation or business category. The establishment of one single licensing authority will enable licensing processes to be streamlined while maintaining differences where necessary, to ensure appropriate levels of regulation and intervention which do not unreasonably impact on business.

The establishment of the authority will reduce costs and time to applicants and government by streamlining initial licensing processes, provide for a generally consistent set of procedures applicable to licensing applications, clarify statutory discretions, allow for consolidation of resources currently spread over a disparate range of bodies, and provide increased uniformity resulting in increased administrative efficiency. More specifically, costs to businesses will be reduced through the expansion of a perpetual licensing system rather than a system of annual renewals. Once a licence or registration is obtained, businesses or traders will in most cases pay annual fees and provide annual statements. This provides greater certainty for businesses who would otherwise have to seek a renewal of licence at regular intervals.

The Business Licensing Authority will be an administrative body that will determine applications based on written submissions from applicants rather than through the use of hearings. Full inquiries and opportunities to make submissions on relevant issues arising from an application will be provided by the Business Licensing Authority before a decision is made. Further, in the event that an applicant is dissatisfied by a decision, full and appropriate review mechanisms are available. These procedures will reduce costs and prevent unnecessary disruption to business operations.

Where parties are aggrieved by decisions made by the Business Licensing Authority, a full review of licensing decisions can be carried out by the Victorian Civil and Administrative Tribunal. This will ensure consistency of decision making by the authority. It will also ensure that applicants have the opportunity to make further representations about their suitability to operate in these areas.

Appropriate regulation of these industries will also be maintained. Disciplinary functions of the bodies I have mentioned, such as an inquiry as to whether a trader is in breach of their licence, will now be heard by the Victorian Civil and Administrative Tribunal. The Office of Fair Trading and Business Affairs and the police, and in some instances other bodies, will have

the role of bringing these disciplinary proceedings before VCAT. These proceedings will ensure businesses and traders maintain appropriate standards and comply with the legislation regulating them. Industry, police and consumer representatives currently included on licensing and disciplinary bodies will be transferred to the Tribunal so valuable input from those areas will be maintained.

Motor car traders and competition policy review

A competition policy review of the Motor Car Traders Act 1986 has recently been completed. The overall conclusion of the review was that the act had negligible impact on competitive rivalry. However it was considered that its regulatory objectives could be achieved with more transparent regulation regarding certain licensing criteria and rights to claim on the Motor Car Traders Guarantee Fund. I have accepted several recommendations arising from the review and accordingly the BLA bill includes the necessary amendments.

These amendments complete the implementation of this item from the government's schedule of reviewable legislation under national competition policy.

I commend the bill to the house.

Debate adjourned for Hon. D. A. NARDELLA (Melbourne North) on motion of Hon. M. M. Gould.

Debate adjourned until next day.

TRIBUNALS AND LICENSING AUTHORITIES (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Hon. LOUISE ASHER (Minister for Small Business) — I move:

That this bill be now read a second time.

This bill is cognate with the Victorian Civil and Administrative Tribunal Bill and the Business Licensing Authority Bill.

The Tribunals and Licensing Authorities (Miscellaneous Amendments) Bill contains a substantial number of consequential and miscellaneous amendments to other acts to provide for the establishment of the Victorian Civil and Administrative Tribunal and the Business Licensing Authority. I have referred to these two bodies in my previous speech regarding the Victorian Civil and Administrative

Tribunal. As members will be aware, VCAT will encompass 12 tribunals, boards and authorities. The acts establishing those bodies have all required extensive amendment. Many other acts grant jurisdiction to tribunals such as the Administrative Appeals Tribunal. All of these acts require amendment to alter current references from the existing tribunals to VCAT or the Business Licensing Authority.

I do not intend to go into the detail of this bill.

However, the consequential amendments, in addition to changing references to reflect the establishment of VCAT and the BLA provide for common language, standardise the test for standing before VCAT, and establish time limits for the bringing of applications for review. The bill also sets out transitional arrangements to assist the merging of the 12 tribunals, boards and authorities.

Section 85 statement

It is the intention of clauses 38, 245 and 270 of this bill, together with items 2.1 and 106.1 of schedule 1 to this bill, to alter or vary section 85 of the Constitution Act 1975. I therefore make the following statement under section 85(5) of the Constitution Act 1975 to set out the reasons for altering or varying that section. Clauses 42, 247, 276 and items 2.4 and 106.2 of schedule 1 are included to satisfy the requirements of section 85 of the Constitution Act 1975 in respect of the changes to the jurisdiction of the Supreme Court.

A number of the tribunals encompassed by VCAT were established under acts containing provisions which exclude the jurisdiction of the Supreme, County and Magistrates courts. Successive governments have considered it appropriate to exclude the courts' jurisdiction to hear matters where a specialist tribunal has been established to hear matters in a particular jurisdiction. Tribunals can offer litigants a high level of expertise in a forum which is less expensive and more accessible than the court system. Where a tribunal to be encompassed within VCAT has exercised exclusive jurisdiction, VCAT will continue that arrangement.

Section 57 of the Domestic Building Contracts and Tribunal Act 1995 limits the jurisdiction of the Supreme, County and Magistrates courts to hear matters which are wholly or predominantly domestic building disputes. Under this section a court was required to dismiss any action on the application of any party if the action came within the jurisdiction of the Domestic Building Tribunal and the court had not begun to hear the matter. If the matter was dismissed any party could apply to have the dispute heard in the Domestic Building Tribunal. It is intended that this

arrangement continue and that VCAT maintain what is essentially an exclusive jurisdiction to hear domestic building disputes. Section 57 has also been amended by clause 38 of this bill to make it clear that where an action relating to a domestic building dispute is stayed by a court and a party applies to have the dispute heard by VCAT then VCAT must notify the appropriate court of that application and the court must dismiss the action.

Clause 245 of this bill inserts a new section 35(2) into the Retail Tenancies Reform Bill — already through both houses — to give VCAT exclusive jurisdiction to hear retail tenancy disputes. Currently retail tenancy disputes are dealt with through a process of conciliation and arbitration outside of the court system. It is considered appropriate that VCAT exercise exclusive jurisdiction so that these disputes are dealt with in a low cost forum which can offer expertise in this area.

Section 16 of the Small Claims Tribunals Act 1973 provided that a decision of a Small Claims Tribunal was final and binding and that there was no right to appeal against that decision. A new section 16 has been substituted by clause 270 of this bill. This section now provides that once an application is made to VCAT under this act in respect of a small claim, the issues in dispute are not justiciable at any time by a court or a tribunal other than VCAT. There are some exceptions to this rule. If a proceeding has already commenced in a court or tribunal before the application was made to VCAT or the application to VCAT is withdrawn or struck out for want of jurisdiction then the court or tribunal can hear and determine the matter. It is considered appropriate that disputes involving small claims due to the small sums involved be dealt with by VCAT rather than the courts.

Item 2.1 of schedule 1 to this bill re-enacts section 4(3) and (4) of the Administrative Law Act 1978 which limited the power of the Supreme Court on a review of a proceeding before a Small Claims Tribunal, the Credit Tribunal or the Residential Tenancies Tribunal to where there existed grounds of lack of jurisdiction or denial of natural justice. This limitation is continued with respect to VCAT. It is considered appropriate due to the nature of the claims to limit the jurisdiction of the Supreme Court to review decisions in respect of small claims, credit and residential tenancies disputes to ensure the finality of proceedings while ensuring that a party can apply for review where there has been a denial of natural justice or lack of jurisdiction.

Section 74 of the Water Industry Act 1994 relates to the liability of licensees arising out of the intentional or

negligent flow of water from works onto any land. Item 106.1 of schedule 1 to this bill inserts a new section 74A which sets out the jurisdiction of VCAT in respect of these matters. Section 74A(5) grants exclusive jurisdiction to hear these matters to VCAT. The one exception to this is a claim for damages arising out of personal injury. This is not a change to current jurisdictional arrangements. Under section 19 of the Water Act 1989, the Administrative Appeals Tribunal has exercised exclusive jurisdiction to hear matters under section 74(1) of the Water Industry Act 1994. All that is being done is to confer the exclusive jurisdiction on VCAT and move the reference relating to jurisdiction from the Water Act 1989 to the Water Industry Act 1994.

The drafting of this bill has been a significant undertaking and I wish to thank the draftspersons involved.

I commend the bill to the house.

**Debate adjourned for Hon. D. A. NARDELLA
(Melbourne North) on motion of Hon. M. M. Gould.**

Debate adjourned until next day.

**BUSINESS LICENSING AUTHORITY BILL,
VICTORIAN CIVIL AND
ADMINISTRATIVE TRIBUNAL BILL and
TRIBUNALS AND LICENSING
AUTHORITIES (MISCELLANEOUS
AMENDMENTS) BILL**

Hon. LOUISE ASHER (Minister for Small Business) — By leave, I move:

That this house authorises and requires the Honourable the President to permit the second-reading debate on the Business Licensing Authority Bill, the Victorian Civil and Administrative Tribunal Bill and the Tribunals and Licensing Authorities (Miscellaneous Amendments) Bill to be taken concurrently.

Motion agreed to.

LAND TAX (AMENDMENT) BILL

Second reading

**Debate resumed from 14 May; motion of
Hon. R. M. HALLAM** (Minister for Finance).

Hon. M. M. GOULD (Doutta Galla) — The opposition does not oppose the Land Tax (Amendment) Bill. The bill makes further amendments to the

legislation which was passed in last year's spring session and which reformed the land tax scale. At that time the government foreshadowed additional changes to the legislation to exempt the principal place of residence from land tax. As set out in budget paper no. 2, it is estimated that that tax reduction will cost the Victorian public \$34 million.

The opposition does not oppose the tax exemption on the principal place of residence. However, it has some concerns about who will and will not benefit from the change. Rather than providing relief for the majority of Victorians, some of the tax exemption measures that were introduced last year look after only land-holders with properties of significant value. A large number of my constituents would benefit more from reductions in motor registration charges and petrol prices than from land tax reductions. The changes that were made look after the big end of town. Few of my constituents own unimproved parcels of land worth more than \$540 000 just waiting to be developed at a later date.

The opposition's concern is that although the tax reduction is good in principle, it is not aimed at assisting the majority of Victorians. That shows the government's priorities: it is heading in the wrong direction by not helping those who are hurting the most. The government is not doing what the Premier said it would do in the lead-up to the Mitcham by-election — that is, become a more caring government. Instead, it is looking after those who own land valued at \$540 000 or thereabouts. I repeat: instead of assisting those in need, the tax reduction just looks after the big boys at the big end of town. The government is looking after the wrong people. It should change direction and look after the bulk of Victorians by reducing other taxes and charges.

The changes made last year also benefit those who own unimproved land worth more than \$200 000. So under the legislation introduced last year, the winners are those who own land worth more than \$500 000 or \$200 000 and the losers include small businesses struggling to make a go of it. The lowering of threshold from \$200 000 to \$86 000 will affect small business people who previously have not paid land tax. People who do not live at the premises from which they operate their businesses will be disadvantaged because they will also be caught up in the land tax net. The government should look after small businesses, which are the major employers in the community, instead of imposing taxes on them.

Another group of people who will be affected by the new tax scales are those with investment properties valued below \$200 000, because they will now pay land tax for the first time. The opposition is concerned

that although the legislation says that the tax cannot be passed on to tenants in the form of rent increases, that may happen anyhow. Arrangements entered into by property owners or by agents on their behalf will need to be monitored closely to ensure that tenants do not in effect get slugged with a tax that should be paid by the owners.

The State Revenue Office estimates that as a result of the changes an additional 55 000 to 60 000 property owners and small businesses will now pay land tax, which will have a snowballing effect: it will have a huge impact on their ability to continue operating because the money to pay the tax will have to come from somewhere. Tax increases have a bigger impact on small businesses than they have on larger ones, because most small businesses are usually struggling to make ends meet. They employ a large majority of the workers in this state, and the land tax is another burden they will have to carry.

Over the past year or so small businesses have had added burdens placed on them by the government. Last year between 500 and 600 small businesses incurred a liability to pay payroll tax for the first time because the government implemented changes to provide that superannuation be added to the wages bills of businesses for the purposes of calculating payroll tax. It was another imposition plonked on small businesses because of a government decision. Under the bill more than 40 000 small businesses will now have to pay land tax if they own properties with an unimproved value of up to \$190 000. It is just another attack on small businesses.

Small businesses are struggling. The number of bankruptcies has blown out since the government came to office — since 1992 there have been more than 10 000 bankruptcies in Victoria, and in the first quarter of this year alone there were more bankruptcies in Victoria than in any other state. The 25 per cent increase in the bankruptcy figures shows that small businesses need help from the government in the form of tax relief rather than having new burdens imposed on them. That is particularly true of the 600 companies that since last year have had to pay payroll tax for the first time and the thousands of small businesses that will have to pay tax on their land if it has an unimproved value of more than \$86 000. During the Mitcham by-election the Premier spoke of being a care-and-share Premier, yet he is prepared to impose these sorts of policies on small businesses.

Clause 5 of the bill clarifies the situation in relation to principal places of residence and it is estimated that 300 000 householders will benefit from the proposed

changes. Honourable members would be aware that over the years difficult issues of identification, qualification and quantification have arisen on the issue of exemption from the payment of land tax on principal places of residence. It is good that the bill sets out to remedy that, but for small businesses and the community at large that is not the area of tax relief with the highest priority. It would have been better for the government to have reduced taxes and charges on petrol and motor registration to provide a benefit to the broader community.

Clause 5 deals with the continuation of exemptions in relation to principal places of residence in cases of temporary absences, the death of an owner, and where a property is unfit for occupancy, such as following a fire or other emergency. The clause goes on to cover changes of principal place of residence by sale and purchase, refunds for trustees in respect of unoccupied land that becomes the principal place of residence, the prevention of passing on of land tax to tenants, and partial exemption if the land is used for business purposes. Those changes will make interpretation of what is the principal place of residence a lot clearer.

The last point I wish to make concerns the use of a principal place of residence for business. The situation is becoming more and more confused as more and more people operate businesses from their principal places of residence, whether they be consultants, architects, lawyers, or, as is the case with a number of people I know, they do secretarial work at home. Many people have their own computers, printers, fax machines and modems and set up parts of spare rooms to run secretarial businesses. I suspect the Australian Taxation Office would be interested in those people, but the State Revenue Office should also consult with them to sort out any grey areas.

The opposition does not oppose the bill. Some property owners will benefit by no longer having to pay land tax on their principal places of residence, particularly landowners who hold parcels of land worth more than \$540 000. The losers will be small business operators who will have to pay additional taxes. The government should be directing its attention to assisting small businesses rather than imposing taxes on them.

Hon. J. W. G. ROSS (Higinbotham) — I am pleased to speak in support of the bill, the purpose of which is to make further amendments to the Land Tax Act. The bill follows closely on the heels of a complementary bill passed by the house on 10 September of last year. I thank Miss Gould and the opposition for their support of the bill and their recognition of tax relief to the value of \$34 million that

will accrue to all Victorians who are liable to pay land tax. The bills are part of a major overhaul of Victoria's land tax system.

The key provision in the bill is proposed section 13A, which provides exemption from land tax liability for land owned, used and occupied by a natural person as his or her principal place of residence, and includes land owned by a trustee of a trust that is used and occupied as the principal place of residence of a natural person who is a beneficiary of the trust. The exemptions apply regardless of whether the natural person or trustee is the sole or joint owner of the land. Every place of residence in Victoria or elsewhere of a person is to be taken into account in determining whether land is used or occupied as a person's principal place of residence.

Land tax was introduced in all Australian states many decades ago to break up large land-holdings. However, because of its negative economic impact on farm incomes it was not very long before land used for agricultural production was exempted and land tax was really converted into a tax on urban businesses. The government has always been aware that land tax is a most inequitable tax that falls disproportionately on relatively few individuals, a great many of whom reside in my electorate in areas such as Sandringham and Brighton. Prior to reform under the tax scale an estimated additional 40 000 people in suburbs such as Williamstown, Albert Park, Carlton and Hawthorn with site values of more than \$150 000 also faced the possibility of paying land tax on their homes within the next four years because of the inner-city land boom.

Miss Gould was quite correct in indicating that the reform is selective. The problem was that any reform needed to take account of from where the forgone revenue would be obtained. Under the Australian constitution state governments can legally levy only very limited types of taxes, most of which have an adverse impact on business. Since 1992 the Kennett government has recognised the inequity of the system and has progressively reduced its reliance on land tax in both relative and absolute terms.

In 1992, the last year of the Kirner government, land tax accounted for 8.3 per cent of Victoria's own source revenue compared with the current year figure of 4.1 per cent. That is better than halving the state's reliance on land tax over the period of the Kennett government. Nevertheless, land tax is an important source of revenue for Victoria, with the 1997-98 budget estimates showing it would receive about \$427 million from land tax.

Because the tax is based on the aggregated value of the taxpayer's property and the grouping provisions in the Land Tax Act it means that even land held in different names within a family will be assessed as if there were only one owner. Grouping provisions and aggregation are essential because of the existence of a tax-free threshold which could be avoided by disaggregating titles into smaller lots so that the tax threshold is never reached. Of course it would be possible to simply abolish the threshold for land tax, but that would mean that an enormous number of properties would become subject to land tax and it is not the intention of the government to go down that path.

There have been two main problems in my electorate. The first is that because family homes are included in the aggregation many small businesses that ordinarily would not be subject to land tax are pulled into the tax net whilst their direct competitors are not. In other words, a business impost is imposed on certain individuals that is completely unrelated to the nature of their business. Another issue that was resolved last year was that the land tax threshold was unrealistic and the old four-point tax rating scale imposed massive jumps on the tax payable at the various threshold levels — for example, the lift in the marginal tax rate from 0.2 per cent to 3 per cent at the \$540 000 unimproved value threshold represents a 15-fold increase. Therefore, as a stopgap measure in 1994 the government introduced a capping arrangement to curb the transition across the four thresholds, but that was only ever intended as a transitional arrangement. The solution to the problem, which was adopted last December, is to smooth or flatten the rate scale, and a new eight-point scale has introduced more gradual steps to smooth out the old land tax structure.

It is clearly irrational to include the principal place of residence in the calculation of a tax that is paid mainly by business. It delivers a competitive disadvantage to Victorian businesses and is inconsistent with the aim of the government to quarantine the family home from business-related taxes. I say to honourable members opposite that this principle has been in place in every mainland state except Victoria for many years. I repeat and emphasise the point that everywhere in mainland Australia except Victoria an individual's principal place of residence has been exempted from land tax. I do not believe there is any justification for the inclusion of an individual's home or principal place of residence in the calculation of their business taxation liability: it simply runs counter to every principle of domestic equity and natural justice. I am delighted to say this bill will deliver relief from land tax to about 300 000 householders who live in their principal place of residence. Sensible arrangements are also included to

take account of persons who travel overseas or who are not domiciled in their principal place of residence for portions of the year; and, conversely, where a portion of an individual's residence is used for business purposes a pro rata arrangement in respect of land tax liability will apply.

The other problem in parts of my electorate is that high land values have a direct and unfair impact on the tax liability of people such as self-funded retirees who have never looked to government for financial support. In most cases these people have worked hard to provide for their own retirement and to maintain a lifestyle in the neighbourhood they call their home. It is patently unfair to force people such as widows and siblings to leave their homes and familiar social support networks simply because the impost of land tax makes it impossible for them to stay with their friends, possibly children and other relatives, in the community that they have enjoyed for most of their lives. Another circumstance that readily springs to mind is the case of separated or divorced persons where one partner and his or her children choose to remain in a family home but have insufficient resources to meet the prior demands of land tax.

It is not difficult to see where the Labor opposition is coming from in criticising land tax reform, particularly its irrational bleating about regressive taxes. The fact is that nothing is more certain than death and taxes and, like it or not, the reality for governments is that as far as taxation is concerned most taxes must have a broad revenue base. These reforms and the reduction of the land tax threshold to \$85 000 will bring between 55 000 and 60 000 new taxpayers into the land tax net. The reality is that all taxes are regressive for the simple reason that most taxes must be collected from the majority of residents because the overall pyramid of wealth in the community is simply not large enough at the apex to meet all of the needs of government for revenue. The legislation is based on the simple proposition that a tax that falls mainly on business should not relate to a person's home — which should be regarded as his or her castle — and, therefore, a principal place of residence should not be included in the equation.

Miss Gould has made much of the fact that smaller scale landlords will be caught up in the net, and I dare say there are many instances of that. But the reality is these are small business enterprises and it is simply fairer for them to pay land tax than to include their principal place of residence under the aggregation principle.

The legislation complements many other initiatives of the Kennett government in providing relief from tax and service charges across the board to the community — I mention municipal rates, electricity and the user-pay principle in respect of water, all of which have delivered good benefits to small business. The suggestion Miss Gould made, that the government is oblivious to those needs of small business, is absolutely erroneous. I am pleased to commend the bill to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

STATE TAXATION (AMENDMENT) BILL

Second reading

**Debate resumed from 14 May, motion of
Hon. R. M. HALLAM (Minister for Finance).**

Hon. M. M. GOULD (Doutta Galla) — The bill gives effect to announcements made in the budget, and for that reason the opposition will not oppose it. The bill also makes other minor amendments to the principal act.

The bill amends the Debits Tax Act by inserting a new paragraph in the definition of 'exempt debit' to include a debit due solely to the closure of an account or the closure, amalgamation or restructure of a branch of a financial institution. The amendment provides for a similar exemption from financial institutions duty for receipts into new accounts opened as a result of the closure of bank branches. The provision will be implemented by regulation. The opposition agrees with the proposal because of the large number of financial institutions that are undergoing massive restructuring and branch closures. In the past few months in my electorate four branches of two banks have closed and people who had accounts at those branches should not be forced to pay the debits tax because they have been forced to transfer their funds to different financial institutions through no fault of their own.

The amendments to the Financial Institutions Duty Act are technical and recognise a change in ownership by replacing a reference to the Victorian Credit Co-operative Association Limited with a reference to Credit Union Services Corporation (Australia) Limited. Clause 11 amends section 71 of the Stamps Act to provide an exemption from stamp duty on the transfer

of a family farm. The Land Tax (Amendment) Bill contained similar amendments, but this amendment broadens the definition of primary production land to make it similar to the definition in the Land Tax (Amendment) Bill. An amendment that extends exemption from stamp duty to transfers to discretionary trusts relates to legislation debated in this place last year.

The bill amends the Pay-roll Tax Act to give effect to the government's budget initiative to reduce the rate of payroll tax from 6.25 per cent to 6 per cent of taxable wages. That is a good thing. However, an increasing number of companies and small businesses are now incurring payroll tax liabilities because of changes to superannuation laws that provided for employer superannuation contributions to be regarded as part of payrolls. In reply to question on notice 742, which asked about the number of companies that had paid payroll tax between 1992, the year the government was elected to office, and 1997–98, the Treasurer supplied the following figures: in 1992–93, 11 686; in 1993–94, 12 025; in 1994–95, 12 884; in 1995–96, 13 604; in 1996–97, 13 961; and in 1997–98, 14 800.

The figures supplied by the Treasurer indicate there has been almost a 25 per cent increase in payroll tax over that period. Victoria has not had economic growth of 25 per cent and an increasing number of small businesses are carrying a significant burden because of the liability to pay payroll tax. The opposition is pleased that payroll tax will be reduced from 6.25 per cent to 6 per cent, but is concerned at the substantial increase in the number of firms that will now incur a payroll tax liability. I have highlighted some of the opposition's concerns. As I said, it will not oppose the measure because it is a budget initiative.

Clause 10 amends section 119 of the Racing Act to abolish the rebates on bookmakers turnover tax collections at metropolitan thoroughbred, harness and greyhound race meetings. The amendment will not affect country race meetings. Currently one-third of the 2 per cent collected from bookmakers turnover tax collections is returned to the Victoria Racing Club, the Harness Racing Board and the Greyhound Racing Control Board for use as stake money, and for promotions and advertising. About \$8 million is collected each year from the three codes, and \$6 million is collected from thoroughbred racing alone. If the amendment had not been introduced, this year approximately \$2.1 million would have been rebated to the Victoria Racing Club, \$90 000 to the Harness Racing Board and \$22 000 to the Greyhound Racing Control Board. More than \$2 million will now go into the coffers of the Victorian government.

The VRC has said it had worked out its budget and set aside amounts for planning, stake money, advertising and capital works on the basis that it would receive its normal rebate of bookmakers turnover tax. It has said it will now have to reduce stake money and the number of race meetings. The racing industry is extremely concerned because the change will impact on owners, breeders and the industry as a whole — a reduction in the number of race meetings would affect the viability of the industry. The VRC is concerned that the measure will impact on jobs and the people who are involved in the industry.

Honourable members will be aware that each year a huge amount of money is invested in the thoroughbred racing industry — approximately \$490 million, and \$180 million in prize money — yet this measure will reduce stake money by more than \$2 million. The VRC has estimated that it will have to cancel 8 to 10 scheduled Sunday race meetings, a new initiative designed to attract families.

If the government takes \$2.1 million from the racing industry, the number of mid-week and Sunday meetings will have to be cut, and fewer race meetings will result in a reduction in government revenue of about \$4.5 million.

The other area of concern is the possible loss of on-course bookies.

Hon. Pat Power — What is the country coming to?

Hon. M. M. GOULD — A race meeting without bookies would be outrageous. However, the number of on-course bookies could fall if the number of race meetings is reduced. On-course bookmakers are also concerned that clubs will introduce totalisator facilities at their expense. The abolition of rebates for the turnover tax collected at metropolitan race meetings will affect bookmakers at the track. Bookmakers' turnover has fallen 38 per cent in the past 10 years, and there are concerns about their future viability and possible extinction in the long term. Fewer race meetings will mean fewer bookies and, therefore, a further reduction in turnover. The legislation will not help the situation.

The opposition is concerned that the tax revenue will not be fed back into the industry, which is respected worldwide. The spring carnival begins in a few months time, and visitors from all around the world will come to Melbourne to bet on the Melbourne Cup and other important races. When people place bets at the races it is not necessarily through the machines. Putting bets on with the bookies rather than the machines adds to the

occasion. As I said, the government is abolishing the rebates to the racing clubs for the bookmakers turnover tax collected at metropolitan race meetings. In New South Wales 1 per cent of the turnover tax is paid back to racing clubs; in Queensland a 1 per cent turnover tax goes to the government, and the racing clubs can charge bookmakers an additional 0.33 per cent to be used for their benefit if they choose; and in Western Australia all of the 2 per cent turnover tax goes straight back to the industry. Nationally, an average of 0.6 per cent of the betting turnover tax goes directly to the clubs. The opposition is concerned that the legislation will prevent any of that tax revenue being returned to Victorian clubs.

The bill does not look after those who most need assistance. It looks after the big end of town and does nothing to secure Victoria's reputation as the racing capital of the country. As I said, although the opposition does not oppose the tax measures because they relate to the budget, it is concerned about the government's priorities and about the importance of those in need receiving appropriate tax cuts.

Hon. W. R. BAXTER (North Eastern) — I am pleased to support the bill because of the benefits the range of tax measures will deliver to Victorians. For example, the reduction in the stamp duty on transfers and conveyancing will assist thousands of Victorians to buy homes, the biggest investments most people make. The bill reduces payroll tax, which is another acknowledgment by the government that the tax is not desirable. I am sure the government would like to be rid of payroll tax, although one has to bear in mind that under the current commonwealth-state financial arrangements it is a significant part of the state's revenue. I am surprised that the Deputy Leader of the Opposition nitpicks over payroll tax when her party's stance on taxation reform denies Australians the possibility that payroll tax will be abolished or significantly reduced.

Hon. Pat Power — It is true we are opposed to a GST.

Hon. W. R. BAXTER — Virtually everyone in the country wants taxation reform, bar the federal opposition — and, by extension, the state opposition, which is extraordinary. It is not a matter of saying, 'If it ain't broke, don't fix it'. Everyone acknowledges that the Australian taxation system is broken. Ordinary citizens, the people the opposition claims to represent, are being detrimentally affected by the current tax system, particularly the personal income tax system, the highest levels of which now click in at modest levels of income. Despite all that, the opposition is putting every

hurdle in the way of the Australian people's desire for a practical and advantageous outcome from the debate on taxation reform. It will be on Labor's head if the Australian taxation system is not reformed in the next couple of years.

The bill also makes other amendments, some of which may be considered minor. For example, the bill amends the Debits Tax Act to accommodate the closing and transfer of accounts following the closure of branches of financial institutions. Branch closures are having the biggest impact in country towns, but I notice the big four banks are also closing branches in the suburbs. They are commercial decisions for those businesses; they have nothing to do with the government. However, I have noticed that the writers of letters to the editors of local papers frequently blame the government for the closures. I am disappointed that in many instances the banks appear to be walking away from country towns. I concede that the banks have to make decisions based on commercial reality. However, they need to take into account the loyalty of their customers, many of whom are now moving to the credit unions or other forms of financial accommodation.

The banks need to take more steps to educate and inform their customers, particularly those middle-aged and beyond, on the use of new technology, particularly ATMs, telephone banking and some of the other means of conducting one's banking business that are now available. I recall that at its conference in Echuca last year the National Party carried a motion calling on the banks to spend more time demonstrating to their customers how they could utilise the new technology, suggesting that bank officers should address senior citizens clubs and the like.

I seldom go into a bank branch now. I am able to conduct all my transactions either at the hole in the wall or over the telephone. Many people, for understandable reasons, are diffident about new technology because they have never been shown how easy it is to operate. I was recently in a bank in Shepparton conducting some business on behalf of a relative. There was a long queue of people in front of me, consisting mainly of elderly women. I was amazed to see that most of them had passbooks, which I thought were a thing of the past. However, for many people they are not because the banks have not given them sufficient opportunity to become aware of the new ways of doing things that can save them time and money. I call on the banks to pay more regard to looking after their bread-and-butter customers rather than concentrating entirely on those who borrow large amounts of money.

I also ask that if banks are closing branches in either a country town or in the suburbs for good reason that they give customers good and proper notice. On many occasions in the past less than proper notice has been given to customers, which has alarmed them unnecessarily and has impinged upon the good name of the banks.

Hon. R. M. Hallam — Or, indeed, in this case, before the closure at all.

Hon. W. R. BAXTER — Yes, there have been one or two occasions, particularly in western Victoria and perhaps in one or two of the towns represented by the minister, where notice has come after the event. That should not happen. It certainly has done the banks' overall public image no good.

I mention in particular the proposed amendments to the Stamps Act which relate to family farm transfers because they demonstrate the willingness of the government to listen and consult. Last year, amendments were made to considerably extend the provisions relating to family farm transfers. Other amendments were designed to ensure that there was no abuse of the legislation. They were well-intentioned and at the time were acceptable to some people. All honourable members would support legislation designed to prevent abuse — not that there was any evidence that the provisions were being abused, at least, as Mr Power says by interjection, not by farmers. In this instance, there was little opportunity for anyone else to abuse the provisions bearing in mind that they applied only to farmers.

At the time, legal practitioners who specialise in the field, including Mr Richard Dwyer of Bendigo and Mr James Lally of Kyabram, drew attention to the fact that they believed some provisions would stymie the transfer of family farms to the next generation. That was certainly not the intention of the government. They were able to produce a fairly cogently argued case as to why that would be so. To their credit, the Treasurer and the Minister for Finance accepted those arguments and moved to rapidly introduce amendments and backdate them to 2 December 1997 so that there could be no hindrance to the transfer of family farms.

I commend the Treasurer for being willing to listen to sound argument. Again, it is a demonstration of the ability of the government to take on board sensible arguments and illustrates the necessity for persons making submissions to the government to present a well-argued case.

All honourable members have had the experience of constituents presenting ideas, proposals or beliefs that are not backed up by well-reasoned argument. In this case the government took on board the arguments and moved at the earliest possible time to introduce the appropriate amendments. I place on record my appreciation to the Treasurer for his consideration in that regard.

It is very important that we encourage succession planning in all families, particularly in farming families where the main asset can be the ownership of the land. It is surprising in this day and age that there are many families where the father is unable or unwilling to discuss with his spouse and their adult children what is to happen when they die. I know of numerous instances of families being rent asunder upon the death of the elderly father who happened to have all the land in his name because of a reluctance or refusal to deal with the issue.

The proposals will encourage people to pass on farming assets within their lifetime and encourage younger people to stay on the land because they have a stake in the land. I notice that the average age of farmers is creeping up and is now somewhere well into the 50s. That statistic is clouded somewhat because it may take into account the ownership of the land. There are a lot of 50-year-old jackaroos who are running a farm that they do not own. Perhaps the average age of those managing and working farms is considerably younger than the statistics show. The statistics may be misleading if only the age of the owners of farms is taken into account.

I will constantly advocate, as I know many of my colleagues will, to our farming constituents that they should seize the very generous opportunity the government is providing. The government is again leading the nation. It did so after the 1992 election and the provisions have now been taken up by several other states, including South Australia. All those families who have used the provisions are to be commended. The proposed amendments will extend the ability to transfer land into certain forms of discretionary trusts, which is another form of assistance to our farming community of which I am sure they will avail themselves in large numbers.

Motion agreed to.

Read second time.

Third reading

Hon. R. M. HALLAM (Minister for Finance) — I move, by leave,

That this bill be now read a third time.

I thank Miss Gould for her comments and the support of the opposition for this important piece of legislation. I also thank Mr Baxter for his comments and his advocacy in respect of the changes. Mr Baxter was gracious in his comments directed to the Treasurer and Minister for Finance. I make the point that the changes were pursued with great vigour by Mr Baxter, among others, and as a result we have a very good outcome.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

BUSINESS OF THE HOUSE

Orders of the day

Hon. R. I. KNOWLES (Minister for Health) — I move:

That the orders of the Council appointing the next day of meeting for the resumption of debate on the second readings of the bills transmitted from the Assembly this day be read and rescinded, and that the resumption of the debate on those second readings be made an order of the day for later this day.

Motion agreed to.

MELBOURNE CITY LINK (EXHIBITION STREET EXTENSION) BILL

Second reading

Debate resumed from 13 May; motion of Hon. R. M. HALLAM (Minister for Finance).

Hon. PAT POWER (Jika Jika) — The opposition vigorously opposes the Melbourne City Link (Exhibition Street Extension) Bill, and will demonstrate its opposition by dividing when the motion is put.

The purpose of the bill is to ratify commercial agreements on the operation of the Exhibition Street extension and its integration with the Melbourne City Link project. Honourable members would be aware that last year Parliament passed legislation facilitating construction of the Exhibition Street extension project and its integration with the City Link project. The extension will be a four-lane divided road connecting the central business district to the South Eastern Freeway. The road will pass over a new bridge

spanning the Flinders Street rail yards; it will then run along Batman Avenue and across Swan Street to behind Olympic Park. The City Link will be extended from the Punt Road interchange to connect with the extension road. The Swan Street tram service is to be relocated and the new route will pass behind the National Tennis Centre, providing services to both it and the Melbourne Cricket Ground. The tram line will then cross the new bridge and connect with the Flinders Street tram service.

As with City Link, the road's construction and operation is to be financed by the collection of tolls — 63 cents in March 2000 dollar terms. The toll will apply to the section of Batman Avenue that connects the extension road to the City Link near Punt Road. The second-reading speech refers to the modification of section 85(5) of the Constitution Act 1975. The bill is yet another piece of legislation altering or varying the Constitution Act to limit the jurisdiction of the Supreme Court. As indicated on previous occasions, the opposition does not support people's rights being so limited.

Similarly the opposition is concerned about clause 50 which will amend section 207F of the Local Government Act 1989 to prevent councils claiming compensation from the operators of the extension road for damage caused to local roads by traffic from the extension road. The government argued in its second-reading speech that it is not appropriate for road administration bodies to seek damages from each other in respect of traffic flows over the state's public road networks. The opposition is interested to see the extension described as a public road when it is to be privately built and operated. In that context it is not appropriate to prevent local municipalities from claiming compensation for damages arising from the construction and operation of the road.

As I said at the outset, the opposition vigorously opposes the bill, as it did when the original Melbourne City Link legislation came before Parliament. The bill is opposed largely because of the opposition's objection to road tolls and to the notion that the construction and operation of public infrastructure, in this case a roadway, ought to be funded by those people who in many cases have no alternative but to use the City Link project and pay user-pays charges. All of Victoria's road infrastructure ought to be considered essential and its building and maintenance should be funded out of general revenue, that is out of the taxing mechanisms traditionally available to the state and the commonwealth. The introduction of a user-pays charge on top of all the existing state and federal taxation regimes is insidious. It will impose a huge cost burden

on those motorists who will essentially have no choice but to use the City Link to reach particular destinations. It is true that many people will, because of their commuting patterns, use the City Link by choice, but it is also indisputably true that it will not be possible for people to reach particular destinations without accessing the City Link. The project will essentially represent a private monopoly for many who will have to travel on it.

As a consequence of being captive traffic using City Link, many motorists will face a quarterly bill for tolls that will be larger than their usual domestic electricity bill. The toll charges for motorists forced to be regular users of the City Link project in its expanded form will not be insignificant; they will have a marked impact on the disposable and discretionary income of workers and their families. No doubt they will force cutbacks to the personal budgets of many families in the western, northern and south-eastern suburbs who will be captured by the City Link infrastructure.

Honourable members in this and the other chamber will be clear examples of one of the inequities. That is, that Victorians who as part of their salary package are provided with vehicles for which all expenses are paid will be in a very privileged position. The bill proposes charging tolls that will impose significant direct charges on many workers and their families, while at the same time ensuring that members of an elite group, because of their satisfactory remuneration package, are further advantaged by not being personally charged the tolls.

The opposition argued in the debate on the original City Link bill that it will have a major physical impact upon Melbourne, particularly the inner city precincts. The opposition is concerned about the possibility of the operators making a future claim for compensation arising out of, in this case, the Exhibition Street extension. When my colleague the honourable member for Thomastown in another place was being briefed by the City Link Authority its representatives could not provide a clear answer as to which clause of the bill unequivocally prohibits the operators from making a future claim for compensation. Therefore, at the appropriate time I request that the minister address that concern.

It is my understanding that a former partner in the Transfield company has succeeded in winning the work of issuing and collecting infringement notices. Again I ask the minister to indicate who will be collecting unpaid tolls and any fines arising from the issuing of infringement notices. The Exhibition Street extension project will result in two new toll collection points, one between Swan Street and Punt Road and another

between Swan Street and Flinders Street. It is clear to the opposition and many people in the community that the coalition government is keen for tolls to increase in terms of both their level and incidence.

An examination of the public record shows that Transurban has no difficulty in charging the maximum for tolls. It is also of concern to the opposition and the community that as a consequence of transponders being in place there is a likelihood — and there has been no evidence of it being ruled out — of tolls being extended from the City Link project into other road projects. It is anticipated that transponders will be fitted to some 600 000 vehicles and that the government is looking at the use of the transponders and toll collections as a further taxing mechanism.

I draw the attention of honourable members to specific advice that the Minister for Roads and Ports gave this house. An examination of *Hansard* shows clearly that the Minister for Roads and Ports was invited to rule out unequivocally the use of tolls in Victoria on roads other than the City Link project. He indicated clearly that the government is prepared to look at the use of tolls, in his language, 'in any new roadwork'. Therefore this is not a case of the community panicking or the opposition scaremongering. The Minister for Roads and Ports, even though he is not responsible for City Link, has indicated that the government will consider tolls on privately constructed and operated roadways in relation to future road work.

If one further examines comments made by the government and its representatives one sees references to the possible use of tolls in relation to roadworks in Scoresby, on the Mornington Peninsula and even, at one point, on the Great Ocean Road. The bill extends the use of tolls from the original City Link project to the Exhibition Street extension.

It is reasonable for the community and the opposition to be concerned that the government will take advantage of transponders and associated technology to use tolls as a further taxing mechanism. Without doubt we are looking at legislation today that constructs contractual arrangements enabling the charging of tolls on roads other than the City Link.

I refer to the way the bill will impact on people in the northern and western suburbs. As an aside I point out that an alarming pattern has developed of the government treating people in the western and northern suburbs as second-class citizens. At the same time as we are debating legislation about the City Link, its extension, and the way people using it will be unable to avoid paying tolls, the coalition government has

imposed two toxic dumps upon the people in the northern and western suburbs, at Niddrie and Werribee.

The opposition is concerned that the government has not been prepared to develop any toll strategy which would allow concessions for western and northern suburbs residents who are students, pensioners or health card holders. Through their remuneration parliamentarians are in an advantageous or privileged position because they are provided with vehicles, the associated costs of which are paid for by the taxpayer. However, the government is not prepared to acknowledge that people on fixed incomes or those who are at the bottom end of weekly earnings will be required to pay tolls that parliamentarians and certain others will be excused from paying. The situation is a little like the state deficit levy: it did not matter whether your house was in Glenroy or Toorak — the government required you to pay the levy without paying any regard to the capacity of people to pay.

The government insists that all people, regardless of their capacity to pay — whether they be students or health card holders — will be required to pay the same toll charges on the Exhibition Street extension. Many western and northern suburbs students travelling to tertiary institutions will use the Exhibition Street extension — and the statistics reveal that many of those students will be on low, if any, incomes.

The opposition also expresses concern that no traffic management plans exist for traffic in streets adjacent to City Link. The government has paid no attention to the increased number of vehicles that will use those streets when motorists seek to avoid using City Link. As I said earlier, the minister's second-reading speech discloses that local councils will be prevented from seeking compensation as a result of heavy traffic movements, let alone traffic movements by heavy vehicles, that may cause otherwise unforeseen damage to their roads.

The use of tolls on City Link and the Exhibition Street extension will significantly affect people living in the western, northern and south-eastern suburbs. People who use Exhibition Street, the Tullamarine Freeway and the South Eastern Freeway will have no option but to pay tolls.

Another issue of concern is whether work associated with the construction of the City Link project and its feeder roads, such as the Exhibition Street extension, is being conducted to proper and appropriate standards. Communities adjacent to City Link and its feeder roads are concerned that insufficient attention is being paid to the types of walls and landscaping that would minimise the impact of construction and freeway noise on

residents living adjacent to the project. Honourable members understand that for a whole range of reasons, some motorists will seek to avoid paying the tolls to be levied on City Link and the Exhibition Street extension. The bill pays no attention to how the associated traffic management issues have been addressed.

I am concerned not only about the environmental impact of the Exhibition Street extension construction work, where trees of historic value will need to be removed, but also about the impact the City Link construction is having on land close to the Yarra River. Mrs McLean and I have discussed the way in which the existing City Link work is impacting on the Yarra River and the river's bed. Recent media reports reveal that the river bed has significantly subsided and that problems have been encountered with the design and construction of the project in that alarmingly high water levels have been discovered in some areas of that work.

The opposition opposes the bill because it further extends the imposition of tolls on those who basically have no option other than to use the roads. The opposition expresses concern about the economic impact the tolls will have on many residents of the south-eastern, northern and western suburbs. It is also worried about the environmental impact during the extended time when construction occurs and the later air pollution problems that will be caused as traffic is seduced into using City Link and the Exhibition Street extension. The opposition vigorously opposes the bill.

Hon. W. I. SMITH (Silvan) — I support the Melbourne City Link (Exhibition Street Extension) Bill. In so doing, I note the opposition's philosophical concern about the introduction of the concept of road construction being paid by tolls. The opposition is out of touch with the rest of the world because 10 years ago in Asia road construction was paid for by tolls. It has missed what is happening globally in how governments pay for their road infrastructure.

The provision of road infrastructure is fundamental if a city is to grow and allow future generations the flexibility and ability to meet the challenges many years ahead. Roads are vital in linking ports, major freight terminals and airports so that industry may be efficient and internationally competitive. It is vital to link all the major infrastructure groups together for Melbourne to be developed correctly. Building road infrastructure brings to the community, and in particular to business, significant economic benefits.

During my contribution I shall refer, firstly, to the reasons the Exhibition Street extension has been chosen and the benefits it will bring, and secondly, to the

construction of the City Link project and its current status.

The Exhibition Street extension will give direct access from the southern bypass to the sports precinct and, in particular, the National Tennis Centre. It will provide access to the south-eastern sector of the central business district, thus avoiding blockages at Punt Road. It will also provide a bridge over the Jolimont rail yards connecting Batman Avenue with Exhibition Street, extend the Federation Square project to the river and will be pivotal to the existing development in the Jolimont precinct. The Jolimont precinct is an important project worth more than \$370 million, which includes Federation Square, the riverside parkland development and the Jolimont rail rationalisation.

The Exhibition Street extension will provide more direct vehicular and pedestrian linkage between the city, and the sports and arts precincts. It will relieve existing congestion in Punt Road at the Swan Street rail bridge, in Swan Street and Wellington Parade. It will encourage the separation of traffic particularly entering the sporting and entertainment precincts by bypassing the eastern sector of the city via Lansdowne Street and also accessing the south-eastern sector of the city.

The history behind the choice of Exhibition Street is interesting: it provides a new CBD access road, which was a feature of the Jolimont planning structure under the Labor government since the mid-1980s when the previous government investigated development options over the rail yards. While we all knew the Jolimont project was doomed to failure, it never even started; neither did the extension of the CBD across Jolimont. The Kennett government finally developed Jolimont with housing and an extension to the National Tennis Centre. In 1993 the Kennett government carried out a study of traffic access and car parking for the precinct at the request of the sports venue managers. It is obvious there is a need for a direct link to the CBD across the rail yards and direct access to and from the South Eastern Freeway.

In late 1994 the Kennett government reviewed possible land uses and road link options due to the continuing release of surplus land along Batman Avenue, such as the Children's Court and the State Swimming Centre. Unlike earlier planning exercises in this area, the government required the plan to be capable of implementation in the medium term and not be dependent on significant levels of public funding.

Traffic management, urban design and land use studies have been extensive. There are four major reasons why improved access to the South Eastern Freeway and a

new road between Batman Avenue and Exhibition Street are recommended. The bill provides a more effective linkage between the CBD, the National Tennis Centre and the sports precinct, and an important consideration is the need for easier bus and car movement between city hotels and sporting facilities. The increased use of existing city car parks by sporting fans will be an outcome of the new link.

The second reason relates to future land use and development in Jolimont. The surplus land in Batman Avenue creates new open space incorporating the river. Also, importantly, Federation Square is a major consideration in the overall planning in the area. With this alternative CBD access from Exhibition Street, and pedestrian movement between Federation Square, the station and the arts precinct will be easier.

The major factor for the Exhibition Street extension is for overall central city traffic management and, in particular, Punt Road's key role as the primary north-south link east of the CBD. Increasing Punt Road's capacity as an alternative is unrealistic.

Concern that has been expressed about the new link attracting unwarranted through traffic in the CBD is negated by the road extension being part of the 'tolled' road system which is regarded as the most effective way to ensure its use is primarily for CBD access purposes. The fact that it is a tolled road enables state funds to be used for other purposes.

I shall now report on the current progress of construction of City Link and the Exhibition Street extension. Next year both the City Link and the Exhibition Street extension projects will be complete, and I understand construction work in both those developments is proceeding well in all areas. As at the end of April, more than \$760 million of work, or about 60 per cent of the total value of City Link construction, has been completed. The second and final tunnel breakthrough on the Burnley tunnel was achieved on 2 March 1998. Concrete lining is proceeding at a rate of 40 lineal metres per day and already more than 900 metres have been completed.

The sheet piling from the east side coffer dam to the Domain tunnel has been removed and works have now commenced on the west side of the Yarra River. On the western link, production on the Tullamarine Freeway and elevated roads are maintaining good momentum with the main carriageway superstructure having progressed to Footscray Road. The new Yarra Bridge at Victoria Dock is progressing well and becoming a major feature of the skyline. Finally, the Exhibition Street extension bridge over the Jolimont rail yards is

advancing rapidly with six of the seven piers under construction.

The *Herald Sun* of 28 September says that Melbourne is set for a heart bypass. That sums up well the extension of Exhibition Street. The bill provides for the Exhibition Street extension to be a new major infrastructure initiative enabling the city to grow into the next century. It will further link Melbourne's infrastructure to provide industry efficiency, international competitiveness and economic growth. I commend the bill to the house.

Hon. S. M. NGUYEN (Melbourne West) — I speak against the Melbourne City Link (Exhibition Street Extension) Bill. The main purpose of the bill is to ratify commercial agreements relating to the operation of the Exhibition Street extension and its integration with the Melbourne City Link.

The opposition strongly opposes road tolls on highways. The City Link project will create a huge problem for motorists who travel on the highways because they have to pay road tolls. When the tollway opens, motorists who have been used to travelling on the existing highways and on the new sections of the tollway will be asked to pay high fees to move from place to place. It will make it difficult for many working people who travel every day from their homes to work and return, or pick up their children from school and take them home. Students at the Victoria University of Technology in Footscray who live in Cranbourne or Dandenong who have to travel to school every day will have to pay to get to school. How much will they pay? They will be forced to use the highway because it will be the only way to get to the university. There is only one way they will be able to do it — that is, if they are prepared to sacrifice other personal things. The life of ordinary Victorians will be badly affected by the decision of the Premier because the privileged few will be able to afford to travel via the City Link but the majority of Victorians face substantial toll costs or they will travel via other routes.

The main purpose of the bill is to ratify the commercial agreement relating to the Exhibition Street extension and the integration of City Link. The nature of the project has created problems and procedural difficulties for the government.

The extension will be a four-lane divided road connecting the CBD to the South Eastern Freeway. The City Link will be extended from the Punt Road interchange to connect with the extension road. The original proposal was that motorists coming from the south were to enter through the long tunnel; now those

coming from the eastern suburbs such as Kew, Hawthorn and Prahran will be able to travel on the Exhibition Street extension.

This legislation will therefore benefit the people who live in the south-eastern areas but not the residents of the western suburbs whom the government regards as second-class citizens, as demonstrated by the toxic waste dump in Werribee and the self-governing schools bill which was debated in the house last week — you name it. There are many things that do not benefit the western suburbs. The Exhibition Street extension will impose tolls on those who travel from the western suburbs. Each toll is 63 cents, once in the vicinity of Batman Avenue and once in the vicinity of Punt Road. There is no concession for students or unemployed persons who travel to seek work or pensioners who travel to visit their friends or family members.

The original City Link project closes off Batman Avenue, providing new parklands and overtaking the land currently occupied by Batman Avenue and the tram line. This is a major physical project from Punt Road to Flinders Street. The opposition has some concerns about the impact of privatisation on the collection and issuing of infringement notices and wishes to know whether this was made clear before discussions took place. Who will collect unpaid tolls and the fines of those who fail to pay tolls when using the tollway?

There are two toll locations, one between Swan Street and Punt Road and the other between Swan and Flinders streets. When motorists leave the City Link freeway the tolls will continue to tick over. Motorists travelling on the Exhibition Street extension into the south-eastern corner beyond Flinders Street will go through two tolls and will also attract two tolls if they return the same way.

The opposition strongly opposes the way tolls operate on the City Link project and the Exhibition Street extension, and I ask members to vote against this bill.

Hon. D. A. NARDELLA (Melbourne North) — I also oppose the bill on the principle that the opposition opposes any tolls on Victorian roads. To give some history to some of the newer members of this house I point out that the Hamer government was the last government in Victoria to impose a toll, and that was on the West Gate Bridge over the Yarra River. It fell to the Labor government to abolish that toll, a move welcomed by all who use the bridge as well as people living in streets that were swamped by traffic avoiding payment of the toll. However, this legislation proves all the opposition's fears: toll roads will now be a feature

of the coalition government. Tolls will be imposed on any new roads either built or extended.

The original City Link legislation did not detail the Exhibition Street extension, but provided that no further roads were to attract a toll. However, the current legislation provides for a new road that is not up to freeway standard — because there is an intersection in the middle of it — that will attract a toll because the area will become a tollway. The opposition is against a move that sets a further precedent for roads the government will build in the future. Community members who understand how this government works are concerned that further extensions or upgrades of roads in their areas will attract tolls. It is ludicrous.

Even more ludicrous is the fact that the government is building and paying for half of this extension. The City Link partners, Transfield-Obayashi, will not be the ones building and paying for half of this road; instead it will be contracted and built by Vicroads and the government. According to the briefing, as I understand it, Victorians will be paying for part of this road, and once it is built it will be sold to the Melbourne City Link Authority. Such a situation should not occur. If Victorians are paying for the building of a road — obviously the funds are there to build it because it is not going to be paid for in any other way — they should own the road and using it should not attract a toll. However, this ideologically driven government is setting a precedent and is winding the clock back to pre-1985 days when previous conservative governments imposed tolls on Victorian roads and bridges.

That is not acceptable to the opposition. There is no reason for toll roads to be built in Victoria. Victoria is not poor — it is not destitute yet, even if the government has sold off the family farm — and this legislation proves that the government has enough money to build roads.

Sitting suspended 1.00 p.m. until 2.01 p.m.

Hon. D. A. NARDELLA — Before the suspension of the sitting for lunch I was making a point about the toll on the Exhibition Street extension. One of the criticisms that has been made was that the government was going to build the extension road. I refer honourable members to the note on clause 4 on page 2 of the explanatory memorandum, which deals with definitions. It states:

'Extension road' refers to the road to be leased to the extension corporation under the extension agreement. This road, which is currently under construction by the state, will run from the corner of Flinders and Exhibition streets in the

city, across a new bridge over the Jolimont railyards and along an upgraded section of Batman Avenue.

I was right. My memory of the briefing — we received a very good briefing by the officers of the department, which I appreciated — was that we were told the extension will be built by the government and leased to the City Link consortium. As far as I am concerned, there is no need for the road to be leased over the 34 years of the contract to the private consortium when the people of Victoria have paid for it. The consortium will make a lot of money out of Victorian motorists who use this stretch of road.

Hon. W. R. Baxter — Your colleagues maintained that they wouldn't use these roads. Have you changed your mind?

Hon. D. A. NARDELLA — Many motorists will use these roads, but many will use roads that are not part of the City Link network so that they do not have to pay the toll. This is a matter that has concerned the opposition. The community that Mr Walpole and I represent are most concerned about the commuters who use roads other than the City Link network so they do not have to bear the cost of the tolls. At the briefing we were told that there will be alternative routes into the city other than the Exhibition Street extension and commuters may use those routes if they see fit. It is another option for motorists.

It will be much more convenient for a motorist who is going to the Exhibition Street end of town where he or she is transacting business or working to use that road, and that is one of the major reasons that it is being built. Certainly those on this side of the house are not concerned about the Exhibition Street extension but about other extensions and existing roads that are being leased to the City Link consortium, which will mean that motorists will try to avoid paying tolls for roads that have already been paid for over many generations. That is a major concern of the opposition.

We welcome the extension of the roadway to Exhibition Street — that is not the issue. The issue is how it will be paid for and the tolling that will be imposed on Victorian motorists. Also, there are no concession arrangements for students, pensioners or low-income earners who use the extension or any other section of the road network that is currently being built. The opposition has made this point in the past. I reiterate that it is important that a road system that is part of the way a modern society travels should provide the opportunity for all people to use the roads. Schedule 4 at page 100 of the bill details that a trip along the Exhibition Street extension will cost 50 cents per car on 31 March 1995 figures.

Hon. K. M. Smith — That's reasonable!

Hon. D. A. NARDELLA — I pick up Mr Smith's interjection, but he should understand that those are 31 March 1995 figures. The cost will increase to 63 cents once the network is completed. This is an impost on students, pensioners and others because they will not receive a concession rate. That is a concern for the opposition.

I believe the tolls referred to in schedule 4, which include the toll to be imposed for the Exhibition Street extension, will drive many motorists onto side streets. People will still use their vehicles to transact business or — —

Hon. Bill Forwood — Just to go from A to B.

Hon. D. A. NARDELLA — That is correct, you have got it in one — and that includes going to work. Things will be much different when at the end of each tolling period motorists get billed for the tolls. Based on 31 March 1995 figures, a quick calculation shows that it will cost around \$3.50 a day to use the whole link, understanding that that will not include everybody who uses a toll road. That \$15 a week, or around \$60 a month — and that is without taking into account the possible 4.5 per cent maximum increase before they open in 1999.

The RACV continues to support toll roads in general and the tolling of vehicles on the City Link in particular. But people's reaction to the tolls will be immediate. People will react sharply to having to pay an extra \$60 from their monthly family budgets, on top of the GST to be levied by the federal government — —

Hon. Bill Forwood — God, you're a whacker!

Hon. D. A. NARDELLA — There's Mr Forwood using unparliamentary language. But certainly — —

Hon. Pat Power — He didn't use the word 'Kennett' did he?

Hon. D. A. NARDELLA — No, he used another word that referred to him. If the federal government imposes a 10 or 15 per cent GST and monthly charges increase by that amount, instead of paying \$60 a month for using the toll roads motorists will be paying in the vicinity of \$66. Currently there is debate about exemptions from the GST, which the Labor Party welcomes. Those extra expenses, on top of the 3-cent-a-litre petrol levy and the doubling of registration fees, will hit motorists severely and drive them further away from the government.

History shows that people do not want extra burdens placed on their family budgets. They do not want the government to allow the private consortium and the many private investors who hold \$650 shares in it to continue to rip them off. It distresses me that, like the decision on the West Gate Bridge toll, motorists and taxpayers will not be relieved of the toll for using the Exhibition Street extension and will be paying private taxes for 34 years to the private consortium that is building City Link.

The political effect will be marked. The Kennett government does not comprehend that any residual goodwill people feel towards it will quickly evaporate once they start receiving their bills.

An honourable member interjected.

Hon. D. A. NARDELLA — Absolutely — as we saw with the 15.8 per cent in the Mitcham by-election. The further imposition of private taxes on road use will have a marked effect on any residual goodwill people have towards the Kennett government. That will certainly be true in the suburbs from which traffic will feed onto the Exhibition Street extension. Constituents of mine who receive monthly invoices that detail how much has been directly ripped out of their accounts by the City Link and Exhibition Street extension tolls will give their clear response at the ballot box at the next state election.

The opposition does not support the Exhibition Street extension. It also does not support shareholders and private corporations using loopholes in the federal tax laws to maximise their profits by investing in BOOT schemes. The government should use some of the money collected from the exorbitant taxes and charges it has imposed on ordinary Victorian taxpayers to build roads. I urge honourable members not to support the bill.

The DEPUTY PRESIDENT — Order! I am of the opinion that the second reading of this bill is required to be passed by an absolute majority of the Legislative Council. I understand a division will be called for, which will test whether an absolute majority exists.

House divided on motion:

Ayes, 29

Asher, Ms
Ashman, Mr
Atkinson, Mr
Baxter, Mr
Best, Mr
Bishop, Mr
Boardman, Mr
Bowden, Mr

Furletti, Mr (*Teller*)
Hall, Mr
Hallam, Mr
Katsambanis, Mr
Lucas, Mr
Luckins, Mrs
Powell, Mrs
Ross, Dr

Brideson, Mr
Cover, Mr
Craigie, Mr
Davis, Mr D. McL.
Davis, Mr P. R.
de Fegely, Mr
Forwood, Mr (*Teller*)

Smith, Mr
Smith, Ms
Stoney, Mr
Varty, Mrs
Wells, Dr
Wilding, Mrs

Noes, 8

Gould, Miss
Hogg, Mrs
McLean, Mrs
Nardella, Mr (*Teller*)

Nguyen, Mr
Power, Mr (*Teller*)
Pullen, Mr
Walpole, Mr

Pairs

Birrell, Mr
Knowles, Mr

Theophanous, Mr
Eren, Mr

Motion agreed to by absolute majority.

Read second time.

Third reading

Hon. R. M. HALLAM (Minister for Finance) —
By leave, I move:

That this bill be now read a third time.

I seek the indulgence of the house to respond briefly to two of the issues raised by Mr Power. Mr Power raised the prospect of Transurban claiming compensation for a material adverse effect on City Link as a result of the Exhibition Street extension. Although that claim has been made here and in another place I am advised that clause 3.11 of the integration and facilitation agreement ensures that a material adverse effect cannot be used as a basis for claiming compensation against the government. I can also confirm that the Labor Party's spokesman on the issue, Mr Batchelor, the honourable member for Thomastown in another place, was advised of this on Wednesday, 12 May.

Secondly, Mr Power raised the issuing of infringement notices within the precincts of City Link. I am advised that the decision to issue or not to issue an infringement notice for an alleged offence on the Melbourne City Link or the Exhibition Street extension remains absolutely with the Victoria Police. While it is true that some of the functions of the Victoria Police in respect of traffic camera offences are to be outsourced that will not alter the procedure for deciding whether infringement notices are to be issued in the first place.

It is the government's understanding that there is now no connection between on the one hand the preferred tenderer for the Traffic Camera Office outsourced functions, Lockheed Martin and Tenix, and on the other hand Transurban and its contractors. By way of

clarification I make the point to Mr Power that while it is true that Transfield used to be jointly owned by the Belgiorno and Salteri families, Transfield has now been split into two parts. The advice I have been provided with is that the construction business remains as Transfield and is now owned solely by the Belgiorno family, and that the defence systems business is now owned solely by the Salteri family, and is now called Tenix. Any question of a connection between the preferred tenderers for the outsourced functions of the Traffic Camera Office and Transurban is well and truly behind us.

The PRESIDENT — Order! So that I may be satisfied that an absolute majority exists, I ask honourable members supporting the passage of the third reading to rise in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

QUESTIONS WITHOUT NOTICE

Shepparton: food experience centre

Hon. PAT POWER (Jika Jika) — I refer the Minister for Industry, Science and Technology to the fact that on Monday of last week the Premier promoted the \$7.5 million food experience centre to be built in Shepparton which was to be a key component in tripling Victoria's food exports to \$12 billion by 2010 and in driving economic growth, only for the Premier to discover that your department, Minister, and the federal government had withdrawn funding for the project. Will the minister now reinstate funding for this important project that will benefit the Shepparton community and food exports from Victoria, to restart the project while seeking or negotiating further financial support from the federal government or alternative sources?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — I commend Mr Power for the quality of his question. This type of questioning is a hallmark of what could be done in asking me questions. This question is quite different from the usual questions I am asked by Mr Theophanous! Nevertheless, it is inaccurate and misleading.

I am pleased to be able to respond because I, too, read the article in the *Sunday Herald Sun* of 17 May headed 'Kennett slips on food', which is presumably the basis for the question. I regret the article which, uncharacteristically, did not meet the good standards of journalism I expect in Victoria and did not give the full story. First, the Kennett government has long been a supporter of the food experience centre in Shepparton and has sought to see it supported; indeed, some time ago it approved and announced a grant of \$1 million from the Community Support Fund. That \$1 million was to be matched by federal funding and industry support was forthcoming; there was enthusiasm from the council — which the government appreciates — but unfortunately federal funding was not forthcoming. As a result the project was set back. The government regrets the federal government did not seek to support the project and it hopes it will rethink the matter given its virtue.

The government recognises that reality; and it is perhaps that reality that led, as I am advised, the City of Greater Shepparton to write to the Community Support Fund administrators and withdraw its application. Despite the public comment made on Sunday by one person from the board of one company, it was not the Kennett government that withdrew funding — the federal government, I am advised, withdrew its application for the funding.

In the context that the state government backed the project, provided \$1 million and supported a cooperative partnership, on a fair balance based on the background of the issue it would be fair to say that the state government tried to get the project up. If there is criticism I expect it will be laid at the feet of the federal government for not wishing to also support the project.

However, all this is the stuff of ongoing negotiation. The government had to work hard with the Keating government to get projects jointly supported; and it has had to do the same with the Howard government. It does not mean you lose faith or chuck it in. I am pleased to be able to give the full story to the house.

Better Roads Victoria

Hon. R. A. BEST (North Western) — I direct my question to the Minister for Roads and Ports. Currently residents of Bendigo and surrounding areas north of Melbourne are experiencing delays when travelling to the metropolitan area due to the extensive works occurring on the Calder Highway. Those works are being funded under the Better Roads Victoria program, which has been an outstanding success for the government. I ask the minister to inform the house of

the government's 1998-99 Better Roads Victoria program.

Hon. G. R. CRAIGE (Minister for Roads and Ports) — Is it not great that today we are being held up by numerous roadworks throughout Victoria! It did not happen for 10 years under the governance of the Labor Party. Whenever we travel throughout rural Victoria we have one big problem: so many roadworks occurring! Even my parliamentary colleagues complain about it. Some people even get fined because they proceed too fast in roadworks areas. And I say in passing to honourable members that when this government imposes speed limits at roadworks those limits are enforceable and must be adhered to — and I know most members do adhere to them.

I am pleased to inform the house that in 1998-99 more than \$190 million will be allocated from the state government's Better Roads Victoria program to new and ongoing roadworks. That includes a \$64 million allocation to rural and regional Victoria, honouring the government's commitment to spend one-third of all funds in country Victoria. I remind honourable members and all Victorians that the ALP has a different policy on this issue. The Leader of the Opposition in another place, Mr Brumby, has described the Better Roads Victoria program as stupid and has promised to scrap it. Clearly, rural Victoria can make a decision based on one thing alone — that is, the Leader of the Opposition's statement that it is a stupid program and should be scrapped.

Funding will be allocated to 110 new projects and 140 ongoing projects in the next financial year. More than 2000 kilometres of Victoria's arterial roads will be resurfaced or reconstructed to provide for better road conditions; more than 50 bridges on rural arterial roads, local timber roads and access roads will be replaced, widened and strengthened. The major focus of this year's program is to look after our existing road network and to address the maintenance backlog. Some of our roads are rough and need to be brought up to standard. Of course, during the 10 years the Labor government was in office no maintenance occurred at all! Everybody knows what happened!

Opposition members interjecting.

The PRESIDENT — Order! I ask honourable members to cooperate so the minister can be heard and we can move on to the next question.

Hon. G. R. CRAIGE — The program will ensure that our existing roads and bridges can safely and efficiently carry increased traffic volumes as an

increase in loads is occurring due to a further growth activity in Victoria's economy under the Kennett government. The major rural routes to be upgraded and attended to are the Princes, Midland, Maroondah, Murray Valley and Calder highways. Also a significant share of the contribution to the rural allocation will be for those roads which are managed on behalf of the state by councils.

The Better Roads fund has allowed the government to maintain its commitment to resurfacing 10 per cent of Victoria's arterial road network each year. Under the previous Labor government the rate of annual resurfacing fell as low as 7 per cent. Following the introduction of the Better Roads program in 1993, 625 new road projects have been funded and approximately \$1 billion has been invested in road improvements over and above other state and federal funding. I will inform honourable members of the forthcoming projects individually over the coming weeks.

Finance: credit cards

Hon. M. M. GOULD (Doutta Galla) — I refer the Minister for Finance to the fact that between 9 February 1996 and 13 January 1998 he and members of his staff visited Cafe Il Duca at 55 Little Bourke Street, just down the road, on nine separate occasions, spending a total of \$1211.50 on food and entertainment at an average of \$134.11 a visit. Will the minister explain to Victorian taxpayers the nature of the government business undertaken during those nine visits?

Hon. R. M. HALLAM (Minister for Finance) — I make the observation that the opposition has been provided with a total print-out of every single instance in which the corporate cards held by myself and senior members of my staff have been used. The only thing that the opposition can come up with is innuendo —

Honourable members interjecting.

Hon. R. M. HALLAM — If it is any consolation to members opposite, it is very hurtful to my senior members of staff who are absolutely trustworthy in this respect. This issue was raised by Mr Theophanous earlier. Indeed, at one stage he had my senior adviser, Russell Marriott, attending a nightclub frequently — in fact, twice on one day.

Government members interjecting.

The PRESIDENT — Order! The Minister for Finance is not being helped by his ministerial colleagues. The minister should continue, in silence.

Hon. R. M. HALLAM — Apart from the concept being absolutely incongruous it is also absolutely untrue. I have responded to Mr Theophanous in writing in respect of that issue. The question that occurred to me on this issue is: why would the officer attend the Ivy nightclub on two occasions on the one day? If Mr Theophanous had thought through the notion that he was putting to the house he would have recognised it was pretty stupid. The information with which Mr Theophanous was provided includes one page headed 'Process date', which contains two entries on the same date and another page which shows separate dates for those transactions. Either Mr Theophanous did not read the information provided to him or he set out to deliberately mislead the house.

Apart from addressing this issue in some lighthearted manner, I confirm that the senior officer involved has been badly hurt by the inference and innuendo, and I resent that. Apparently the opposition is unable to understand that honest, upright officers can be trusted to do the right thing when given responsibility regardless of their political persuasions. I say again that corporate card use by myself or my senior staff has been absolutely appropriate and has been used on genuine government business.

Honourable members interjecting.

Hon. R. M. HALLAM — Listen to me carefully: corporate card use has been appropriate and has been used on genuine government business on every single occasion.

Government members interjecting.

The PRESIDENT — Order! Government members are not helping the minister.

Honourable members interjecting.

The PRESIDENT — Order! Question time will finish in 3 minutes unless there is cooperation from both sides of the house.

Hon. R. M. HALLAM — I do not intend to dignify the question by providing more detail beyond that provided in the detailed records obtained under freedom of information legislation.

Victoria Prize

Hon. W. R. BAXTER (North Eastern) — I direct my question to the Minister for Industry, Science and Technology. The government has a laudable policy of recognising outstanding achievements by citizens of Victoria in various fields. Will the minister inform the

house of recent awards in recognition of outstanding achievements in science, engineering and technology?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — I am pleased to advise the house that at 1.30 p.m. today the Premier presented the inaugural Victoria Prize for outstanding achievement in science, engineering and technology, as well as six Victoria Fellowships in the fields of science, engineering and technology to young, bright Victorians who obviously have a special gift.

The Victoria Prize is a new prize. It was foreshadowed in the government's science, engineering and technology policy document entitled *Creating Our Future*, which was launched in July of last year. *Creating Our Future* was the first policy document issued in the field by any Victorian government, and part of the policy is to recognise outstanding leaders in the field. I am pleased to inform the house that today's prize, which carries with it not just the prestige of recognition for the winner but also \$50 000 in prize money, was awarded to Mr Andrew Martin. Mr Martin has developed a digital radio analyser that is breaking new ground internationally in providing high-quality and cost-effective telecommunications capabilities. The award recognises the work of an outstanding Australian engineer and an outstanding person who has over 18 years built up a skills base that is now recognised overseas. It is about time it was recognised in Australia.

The Victoria Prize was initiated to raise awareness of the importance of science and engineering and to promote the state as the skills capital of the south-east corner of Australia. The government is concerned about a growing misconception that engineering and science are not as important or financially or intellectually rewarding as other professions. We are seeking to turn that around in part by role-modelling the great achievers.

The second element of today's inspiring presentation to young people involved recognising the achievements of six great Victorians in their 20s who are either doing postgraduate studies or working in industry after completing their studies. They will be awarded \$15 000 fellowships so they can travel overseas, learn more, create networks and come back enriched as a result of the experiences. The six fellowship winners are Ms Angela Corrie, Mr Michael Leonard, Ms Catherine (Cait) MacPhee, Mr Mitchell Shaw, Dr Joseph Sofra and Mr Ross Waller.

They come from university and industry science and engineering backgrounds. They are examples of the young Victorians of today who are making enormous

contributions to innovation and who have been picked by the science, engineering and technology task force as leaders in their fields. We hope they will be Victoria Prize or Australia Prize winners 10, 15 or 20 years into the future.

Victoria certainly cannot afford to assume its existing strength in those fields is good enough, even though it has more science and engineering students than any other state. Although we are the leaders in skills terms, we should not assume that that is sufficient. All the government's initiatives in this policy area are designed to ensure the state does more, and part of that involves role-modelling the achievers.

I will distribute information to honourable members on the winners of the Victoria Prize and the Victoria Fellowships. One can certainly see through them that we are well placed for the new millennium in terms of skills.

Finance: credit cards

Hon. D. A. NARDELLA (Melbourne North) — I refer the Minister for Finance to the fact that he and his staff used their corporate credit cards at the Ivy Nightclub on seven occasions between 6 August 1997 and 7 January 1998. I acknowledge the letter from the minister to Mr Theophanous dated 19 May 1998 accounting for two of those occasions. Given that nearly one week has elapsed, will the minister now inform the house of the nature of the government business that was transacted at the Ivy nightclub on those five other occasions?

Hon. R. M. HALLAM (Minister for Finance) — Mr President, I have nothing to add to my previous response.

Honourable members interjecting.

Workcover: workplace safety

Hon. W. I. SMITH (Silvan) — Since the commencement of Workcover the government has been accused by the trade union movement and the opposition of being soft on workplace safety and negligent employers. I know the Minister for Finance does not accept the criticism, and I ask him to report on the latest strategy to protect safety in the workplace.

Hon. R. M. HALLAM (Minister for Finance) — I thank Ms Smith for her question, which gives me the chance to report that yesterday saw the launch of a new series of TV commercials on workplace safety. At the outset I do not apologise for the shock they are designed to deliver. I suspect that many honourable

members who have seen some of the commercials recognise them as hard hitting and graphic as well as showing the human side of workplace injuries and fatalities. The advertisements are deliberately designed to illustrate the impact on family and friends of horrifying and unnecessary workplace deaths and injuries.

Those who attended yesterday's launch, including representatives from the employer sector, the unions and the media, saw at first hand some of the heartache and grieving that families endure as a result of workplace injury. I am told there were a few tears shed at the launch.

I have previously raised the issue of workplace bullying. One of the new advertisements goes to that precise issue, making it clear that the government will not tolerate that sort of behaviour in the workplace and that any employer who allows it to happen faces the risk of prosecution. The message to employers is clear. The Victorian Workcover Authority has set up a special inquiry line for victims of workplace bullying and will provide support and counselling as required.

All the commercials are based on actual incidents and highlight work injury black spots identified by the authority and also by the state Coroner. We have relied heavily on the State Coroner in developing the strategy. The incidents include forklift collisions with workers, falls from heights, chemical burns, explosions of flammable materials and the failure of hydraulic hoists and jacks, as well as the issue of bullying in the workplace.

The campaign, which also includes radio, press and billboard advertisements, is designed to bring home to Victorians that since 1985 about 2500 Victorians have died because of their work. The direct cost of that is something like \$185 million, but of course those costs are secondary to the cost in suffering. As well as the traumatic deaths, each year thousands of Victorians are injured at work. Last year alone almost 3500 Victorian workers received traumatic injuries. It is true that the statistics are heading in the right direction. The death and injury figures are steadily decreasing, which is good news, but I say on behalf of government that I am not satisfied with that. Having demonstrated that we can have some effect on the statistics, we are keen to pursue the issue even more enthusiastically.

The campaign will be supported by workplace visits. There are more staff out in the field than ever before, with more than 200 officers visiting workplaces to give advice to employers and workers about the need for workplace safety. Those officers are now spending

more time out in the field: a comparison of the figures for the first four months of 1996 and 1998 show there has been a 31 per cent increase over those two years.

The Victorian Workcover Authority will not hesitate to prosecute employers who deliberately flout health and safety laws. I remind honourable members that it is not so long ago that Parliament passed laws to increase by something like 500 per cent the fines imposed on those who fail to meet the standards. For me and for the government I proudly represent, as well as those others who share a commitment to workplace safety, success is measured not in the number of prosecutions but by the impact we have in the workplace and the continued reduction in workplace death, disease and injury.

Finance: credit cards

Hon. M. M. GOULD (Doutta Galla) — I refer the Minister for Finance to the fact that he and his staff spent \$1162.80 at the Imperial Hotel on 20 occasions between May 1996 and October 1997; \$508.80 at the Ivy Nightclub on seven occasions between August 1997 and January 1998; and \$1211.50 at the Cafe Il Duca on nine occasions between February 1996 and January 1998. I further refer the minister to his statement in the house on 14 May, when he said the cards had been appropriately used on every single occasion. Given that the minister has been able to explain the reason for only two purchases made by Russell Marriott at the Ivy Nightclub on 29 August 1997, will he now inform the house of the government business that was transacted during the course of the remaining 34 transactions, which cost the people of Victoria \$2669.60?

The PRESIDENT — Order! The honourable member is asking cumulative questions whereby she is rolling the first couple of questions into a third. In so far as it being a new question, there is reference to a third organisation or establishment, so I will allow the question. Cafe Il Duca and the Ivy Nightclub been dealt with; the Imperial Hotel has not been dealt with today. The minister may deal with that part of the question that has not been dealt with.

Hon. M. M. Gould — Government business hasn't been dealt with.

Hon. R. M. HALLAM (Minister for Finance) — What the opposition has is a total list of every transaction. The question put to me sounds remarkably like a question that was asked about a week ago.

The PRESIDENT — Order! I am not aware of any rule that prevents a question from being repeated a week apart but certainly in relation to the earlier part of

the question it is a repeat of questions asked today and that is not allowed.

Hon. R. M. HALLAM — As the opposition would expect, I stand by the answer I gave on that occasion.

Health: radiotherapy services

Hon. W. A. N. HARTIGAN (Geelong) — Will the Minister for Health advise the house of the outcome of the recent review of radiotherapy services in Victoria?

Hon. R. I. KNOWLES (Minister for Health) — The provision of radiotherapy services in this state is an important subject. Currently about 42 per cent of cancer sufferers receive radiotherapy. That has to be put in the context that the Australian Health Technology Advisory Committee has estimated that 50 to 55 per cent of cancer sufferers would be suitable for a treatment regimen that incorporates radiotherapy. Some of the American data tends to include health outcomes of up to 60 per cent of sufferers. It is against that background that the government continued to review radiotherapy services at my request at the beginning of last year.

Acil Consulting were employed as consultants and operated an advisory committee chaired by Professor Gordon Clunie, the former Dean of Medicine at the University of Melbourne. That work has now been completed and I have released it to the health sector for a four-week feedback period which will frame a teaching approach for radiotherapy services.

A number of honourable members, particularly from country areas, like Mr Best and Mr de Fegely and others, have raised the issue that access to radiotherapy over long distances is a significant inhibitor to those who would benefit from it. Part of the current difficulty is that the commonwealth government guidelines require two machines to be located at a single site. It is very hard to get a critical population mass that would enable those machines to be established outside the metropolitan area and the Geelong area, as Mr Hartigan would be aware.

The development of a hub-and-spoke model has been proposed, where major service providers in Melbourne would have single machines in centres like Ballarat, Bendigo and the Latrobe Valley. I am having discussions with the New South Wales government about looking at an Albury–Wodonga proposal which would have two machines.

The report has recommended discussions should be pursued with the commonwealth government about modification in terms of commonwealth data. The

report has suggested we should look at establishing those services in the outer metropolitan service area of Melbourne as a way of making radiotherapy services more accessible to people in those areas. That is consistent with what the government is seeking to do in health services generally that is, to move those services close to where people are able to practically access them. This is an important development. It provides interesting new concepts in the way that we might make radiotherapy services more available than they are currently. That is not in any way to detract from the centres of excellence we have in this state.

The Peter MacCallum Cancer Institute, which is the major centre for cancer treatment — it is important that we maintain their work — has a role that is much greater than simply providing clinical services — it is also facilitating research. As I said, it is an important development.

I look forward to receiving a response from the sector as to the proposals in the report and to pursuing those recommendations with both the commonwealth government and the providers in this state to see if we can expand radiotherapy services across Victoria.

Questions interrupted.

DISTINGUISHED VISITOR

The PRESIDENT — Order! Before I call the next question, I recognise the presence in the gallery of Toshio Ishikawa, a member of the Hokkaido Assembly in Japan, and welcome him to our Parliament.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Cyclists: road deaths

Hon. PAT POWER (Jika Jika) — Will the Minister for Roads and Ports confirm that more cyclists have died on Victorian roads so far this year than for the whole of 1997? What plans has he developed and implemented to address these alarming road deaths?

Hon. G. R. CRAIGE (Minister for Roads and Ports) — I am aware a high number of people riding bicycles have died on our roads this year. In fact, looking at the analysis of the 9 people who died as a result of accidents on bicycles, 5 of those were 16 years of age and under. That is a tragedy in itself. Another alarming factor is that a large number of the accidents

appear to have occurred in country areas. Of the 9 deaths, 4 occurred in country areas.

As the honourable member would know if he has been following the issue, immediately the increase became apparent Vicroads, in conjunction with Victoria Police, began formulating a program to address the problems faced by young cyclists. Most honourable members would know that safe cycle campaigns have now commenced, involving the police and community organisations. In formulating the program consideration was given to ways in which school-age cyclists who demonstrate safe and appropriate behaviour could be rewarded.

One tragedy about the high incidence of deaths of Victoria's young cyclists is that so many have occurred in country areas where cyclists have a sense of freedom and, being used to open roads, they tend to take less notice of activities on the road than they should in areas where they are at severe risk. That is an issue that the police are examining closely.

Cycle On, a bicycle safety education program targeted at secondary school children in particular, commenced over the past two weeks. The ages of those involved in the cycling tragedies — 16, 14, 13 and 12 years — meant that programs had to focus heavily on secondary schools.

Hon. Pat Power — In the country?

Hon. G. R. CRAIGE — Of course it is in the country, because of the pattern of high incidence of deaths occurring in cycling accidents among young people of this age.

Hon. Pat Power — So it is available at Yea Secondary College?

Hon. G. R. CRAIGE — Do not do yourself a disservice. You have asked a serious question and I am answering it.

Hon. Pat Power — And Seymour?

Hon. G. R. CRAIGE — The program is targeting secondary school children, and I will check for you specifically, as you have made mention — which seems a little pointed — of particular schools.

Hon. Pat Power — And Northland?

Hon. G. R. CRAIGE — Can you help yourself, Pat? Is it any wonder that you throw a bucket on yourself occasionally, when you ask a very sincere

question and then get into the sort of nonsense you are going on with now? It is absolute stupidity!

Campaigns will also be conducted specifically by community road safety councils. The government has asked them to encourage in particular the wearing of helmets, the use of lights on bikes, and, importantly, increasing their visibility. I am glad the honourable member asked this question because I can inform him that the government is addressing this issue of grave and legitimate concern. Six programs have been implemented by Victoria's community road safety councils. Those programs will continue to be improved and the situation will be monitored.

It is also important to note that the government has put more money into Victoria's bicycle programs, the state's principal bike network and separate bike paths than any previous government. The Labor Party cannot hold its head high.

Hon. Pat Power — But the deaths are not on bike paths.

Hon. G. R. CRAIGE — Excuse me! The Labor Party cannot hold its head high. It does not even have policies on it! I assure the honourable member that the government is deeply concerned and is addressing the issue.

Small Business May

Hon. BILL FORWOOD (Templestowe) — Given the government's longstanding commitment to the development of Victoria's small businesses, will the Minister for Small Business and Tourism advise the house of the success to date of the Small Business May program?

Hon. LOUISE ASHER (Minister for Small Business) — I thank the honourable member for his ongoing interest in government assistance for small businesses in Victoria. As members of the house would be aware, May is a special month set aside to celebrate achievements of small business and to offer a range of practical assistance and advice for Victoria's small businesses. Each of the four weeks in May has a theme. The first week was devoted to marketing and the second to encouraging young people to look at small business as a viable career option.

Attendances during the first two weeks have been excellent — over 2100 people have attended the seminars, compared with 2500 for the whole month last year. Clearly Victorians are gaining an understanding of this special month of activity. As I have said to the house on many occasions, many small business

operators do not have the time to enrol in a structured formal course and find the one-off programs provided by the government in partnership with a range of strategic alliance partners a very good way of learning how to assist their businesses. As I said, last year Small Business May attracted 2500 attendees in total and to date this year — only halfway through the month — attendances have reached 2100. Attendances were evenly split between marketing and young people, and do not include attendance at the Business Expo, which was a highly successful program at the beginning of Small Business May.

I am particularly pleased, as all honourable members should be, about the attendance of young people at the programs run during the week devoted to encouraging young people to look at small business as a viable career option. I draw the house's attention to a young entrepreneurs' forum held at Mentone Grammar on 15 May. I was delighted to be there and to meet with many of the 300 young people in attendance who had started simulated business exercises to enable them to actively assess whether they will go into small business.

Another event of particular interest was a youth and small business seminar held on 13 May at Moonee Valley which attracted 290 people. It is very encouraging for young people to see Victoria as an entrepreneurial state with real opportunities for entering small business.

The theme of this week is multimedia. So far, although we are only just into it, the attendances have been excellent. I thank the sponsors for Small Business May and the strategic alliance partners. Small Business May has so far been very successful and is clearly going to outstrip all attendances last year. I look forward to advising the house of future developments.

QUESTIONS ON NOTICE

Answers

Hon. R. I. KNOWLES (Minister for Health) — By leave, I move:

That so much of the standing orders as require answers to questions on notice to be delivered verbally in the house be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in *Hansard*.

The numbers of the questions that have been answered are: 39, 41, 134, 135, 231–308, 494, 496–508, 510, 591, 598, 601, 602, 606, 613, 614, 634, 635, 637–641, 643–648, 650, 651, 662, 663, 677, 679, 687, 716–719, 722, 725, 729, 730, 733, 734, 736, 738, 755, 780, 786,

792, 794, 796, 797, 799, 800, 801, 805, 807, 808, 810, 814, 818, 820, 821, 918, 919, 922, 923, 945, 956, 1202 and 1235.

Motion agreed to.

MISCELLANEOUS ACTS (OMNIBUS No. 1) BILL

Second reading

**Debate resumed from earlier this day; motion of
Hon. LOUISE ASHER (Minister for Small Business).**

Hon. D. A. NARDELLA (Melbourne North) — I move:

That all the words after 'That' be omitted with the view of inserting in place thereof 'while this house does not oppose some of the changes to legislation proposed in the bill, it is of the opinion that bills should not be drafted in this omnibus form because it does not allow the house to properly consider the many and varied propositions contained in the bill, and that this legislation not proceed until —

- (a) the Parliament receives a report from the Premier on the difficulties he has experienced in establishing an Audit Victoria Board that has members with practising certificates;
- (b) the Parliament receives a report from the Attorney-General as to the number of victims of crime successfully suing their offenders, seeking damages for their pain and suffering under section 31 of the Confiscation Act 1997;
- (c) the Premier establishes proper guidelines regulating the Community Support Fund; and
- (d) the bill has been divided into 10 bills comprising the: (i) Audit (Amendment) Bill; (ii) Children and Young Persons (Amendment) Bill; (iii) Confiscation (Amendment) Bill; (iv) Crimes (Mental Impairment and Unfitness to be Tried) (Amendment) Bill; (v) Gaming Machine Control (Amendment) Bill; (vi) Gaming No. 2 (Further Amendment) Bill; (vii) Magistrates' Court (Amendment) Bill; (viii) Port Services (Amendment) Bill; (ix) Public Sector Superannuation (Administration) (Amendment) Bill; and (x) Wills (Amendment) Bill.'

Again the government has placed before the house an omnibus bill that does not deal with issues pertaining to a specific portfolio but with wide-ranging areas of government administration. The opposition's reasoned amendment shows that the bill relates to 10 different pieces of legislation which should be introduced separately. The government is not prepared to do the work to introduce the bills in the correct separate manner and this situation should not be repeated in future.

Obviously omnibus bills need to be introduced in specific areas where changes occur to a number of

different acts within the same area, but these disparate amendments to acts brought together in one bill are a lazy way of introducing legislation. Some of the changes are not of a minor nature and do not relate to what was said by the minister in the second-reading speech.

Within the Audit (Amendment) Bill the government admits an error in the changes — I would not call them reforms — regarding the Auditor-General. The original act required members of the board of Audit Victoria to have practising certificates. The government has had difficulty in finding individuals willing to be on the board within the terms of the original legislation, and to date the board has been filled with people who have no profile and, it seems, no practising certificates. There are approximately 100 000 people in Victoria with practising certificates, yet the Premier had difficulty in finding five to fill the board positions. The positions are difficult to fill because appropriate individuals are concerned that there may be a conflict of interest in cases where they are on the board and at the same time are working for firms that are bidding for contracts involving accounting work for the government. Therefore, those on the board at present do not have a profile.

I do not mean this as a criticism of Mr Flavio Belli, but *Who's Who* states that he is a strong believer in the synergistic principle that one plus one indeed may be three. Therefore there is obviously a marked need to expand the number of people who can be appointed to the board.

Clause 5 in part 4 of the bill amends the Confiscation Act 1997 to enable more efficient confiscation of offenders' assets. The changes are essentially consequential and those put in place in 1997 were debated vigorously in this chamber, and in the final analysis the opposition supported the changes. The amendments mean that in certain circumstances the confiscated assets will remain confiscated.

Part 4 of the bill aims to strengthen the case for a victim of crime to seek compensation. This provision is necessary only because the government abolished compensation for victims of crime as a result of their pain and suffering. The government has now gone down the path of allowing victims, rather than the state, to be compensated by seeking to recover assets from offenders. One has only to examine the government's own figures — its budget papers — to understand how it has reduced the sums paid to victims of crime. The expenditure will decrease from \$34.2 million in 1997–98 to \$5.7 million in 1998–99. Through this amendment the government can feel warm and fuzzy,

and can say to victims of crime, 'We are looking after you. We have knocked off any right that you have had in the past to compensation for pain and suffering, but we will give you this new right to be able to claim compensation before the state does. Isn't that generous? Isn't that better than your having to wait for us to get you compensation?'.

But that provision will not assist victims of crime. In the majority of instances in the real world victims of crime find they cannot gain any compensation from their offenders because usually the offenders have no assets. That is the sad part about it because at every turn the government says it is there for victims of crime, that it is on the front line holding the hands of victims of crime. But instead of holding them, the government has been chopping off the victims' hands. The government has been doing the wrong thing by victims of crime who are not being compensated. Generally victims do not have the wherewithal to seek compensation from offenders who have no assets.

It is a disgrace that this provision is in the bill. The amendment is an insult to victims of crime who have suffered enough at the hands of this government. A future Labor government will reinstate compensation for victims of crime as a result of their pain and suffering.

Hon. P. A. Katsambanis — Is that a policy?

Hon. D. A. NARDELLA — That is an absolute policy commitment, among a number of other policies the Labor Party will detail in the future.

Hon. P. A. Katsambanis — How much will it cost; how will you fund it?

Hon. D. A. NARDELLA — The Labor Party makes that commitment to victims of crime. We will consult and work through the cost. We will ensure victims of crime will be compensated for their pain and suffering, unlike the unprincipled position adopted by the government when it says victims can seek redress through the courts. The Labor Party will institute a system whereby victims can gain compensation more easily.

Prior to the passage of the Confiscation Bill last year it was easy to determine how many victims of crime were being compensated for their pain and suffering. The house is being asked to amend the Confiscation Act without having the full facts before it. Therefore, I ask the government to answer a simple question: how many victims have successfully sued offenders for pain and suffering under section 31 of the act? It is incumbent

upon the government to advise the house how many victims have been successful in gaining compensation.

Part 5 amends the Crimes (Mental Impairment and Unfitness to be Tried) Act and other acts. The opposition supports these consequential amendments in that the bill extends time limits for review by the courts and will assist people under Governor's pleasure orders. The amendment is in line with previous changes to the review process. The opposition has no problems with that measure.

The next act to be amended by this omnibus bill is the Gaming Machine Control Act. The amending provisions in part 6 will enable the government in the next six years to take \$25 million from the Community Support Fund for education and health programs.

Honourable members interjecting.

Hon. D. A. NARDELLA — Now government members are bleating! No part of the government's \$790 million surplus is being directed to the education and health portfolios.

We must not forget that the government sacked 9000 teachers. The budget surplus is \$790 million, yet the government is raiding the Community Support Fund, using it as a slush fund for projects that have no value for the Victorian community. I remind honourable members that \$1.5 million of Community Support Fund money lies at the bottom of the bay in America. That is an example of the way the government has abused the fund instead of using it for research into gambling-related problems, including assisting problem gamblers and their families.

The government continues to bleat, but it is not doing the right thing by our children and the community in general by looking after education and health. Over the next five years the government will spend an additional \$150 million on education and health, which will not be enough to rectify the damage the government has caused over the past six years, nor will it increase the school retention rate, which has been plummeting every year since the government has been in office. It is a disgrace that the retention rate has fallen from 78 per cent to 69 per cent — —

Honourable members interjecting.

The ACTING PRESIDENT
(**Hon. G. B. Ashman**) — Order! The level of interjection is making it extremely difficult for me to hear Mr Nardella. The honourable member would make it little easier if he addressed the Chair rather than debating with government members.

Hon. D. A. NARDELLA — The government has consistently withdrawn money from the public school system and has sacked 9000 teachers. The state continues to slide because of the government's policies, which will disadvantage our children and grandchildren. Schoolchildren in the province Mrs Hogg and I represent are being affected by the cuts. Government members do not understand the problems those students are facing, and they have no feeling for them. If they had, they would tell the minister \$25 million is not enough and that the cuts that have been made consistently over the past six years should be reversed. Teachers should be valued and money should be spent on the education system to ensure that it meets the needs of our children. Government members will not do that because they are scared of the Premier — but he will not save them. The \$25 million that should be spent on problem gambling and other problems to assist our community will now go into the consolidated fund.

That money should come from other government areas so that the Community Support Fund can be used for the purposes for which it was set up. The money should not go into consolidated revenue, because that will mean the 27 500 cap on the number of gaming machines, revenue from which goes into the fund, will have to be increased to meet the fund's requirements. The opposition supports the 27 500 cap on gaming machines in Victoria. That has been its position for some time, so government members should not say the opposition once supported an increase in the cap to 45 000. Next they will be claiming the maximum number should be 60 000, 100 000 or even 200 000. Government members are in fantasy land. Of the \$80 million that goes into the Community Support Fund every year, \$25 million will automatically go into consolidated revenue — and there is no guarantee that the money will be spent on education or health. Once it goes into consolidated revenue it will not be hypothecated; instead it will go into a black hole to look after the government's mates.

The government is not good at looking after people waiting on hospital trolleys or waiting for ambulances. It is not good at looking after children who are finding it difficult to get through primary or secondary school. The opposition has no faith in the way the government is using the Community Support Fund. There are no guidelines on how the money is used, about which the opposition has expressed concern in the past. Whenever the matter has been raised, the government has assured the opposition that guidelines would be released both to it and to the community. But that has not happened, which is the reason why paragraph (c) of the reasoned

amendment calls on the Premier to develop proper guidelines to regulate the Community Support Fund.

The Kennett government is using the Community Support Fund as a political tool for its own purposes rather than to benefit the wider Victorian community. The opposition calls on the government to release proper guidelines.

The sixth act to be amended by this legislation is the Gaming No. 2 Act, which is in response to the state opposition raising serious concerns about the impact of new legislation on bingo volunteers.

The amendment will exempt volunteers representing single organisations from the \$115 fee for probity checks. The requirement of a single organisation is based on concerns that some people who are working in commercial bingo operations are being called volunteers and paid under the counter. This amendment is a sensible measure for that narrow band of people who are true volunteers and work consistently for specific non-profit organisations. The amendment also demonstrates that the opposition brings its concerns to this house — and they are reasonable concerns. In this instance the non-profit organisations brought the matter to the attention of the opposition, and both the organisations and the opposition raised the matter in both houses of Parliament. The result is that volunteers will continue to perform the valuable work already being done without being subjected to the cost of probity checks which, in the Geelong region, would have amounted to approximately \$30 000 — not a wise way to spend money!

The seventh amendment concerns the PERIN warrant issue fees and ensures that the warrant fee is payable regardless of whether an individual enters into an instalment payment scheme or pays up front. Based on my information, when a person who has been fined does not pay the issue fee that person then goes into an instalment payment scheme, which is inappropriate because to pay up front the person would need to pay that issue fee there and then. At the moment the issue fee is \$40, and that would be paid regardless of whether it was in instalments or up front. The legislation also gives discretion to the registrar of the PERIN Court to waive the payment of the fee if necessary in circumstances where it is appropriate to do that.

The eighth amendment amends the Magistrates' Court Act 1989 and other relevant acts and allows the Chief Magistrate to delegate certain functions such as assigning duties to magistrates or arranging for a magistrate to attend court. The opposition certainly

does not oppose the delegation of such functions to others.

The ninth amendment, changes to port services, is curious in that it increases the number of members of the board of the Melbourne Ports Corporation from five to seven and allows for a change to the mix of the board membership. The current government is vindictive; it does not want dissent; it looks after its mates; it has a new mate at the moment in the person of Mr Corrigan and it has maintained a mate in the person of Peter Scanlon. These mates need a bit of a chop-out. They want the full force of the law so they can get at the people who are exercising their human rights with regard to protecting the wages, conditions and jobs of Maritime Union of Australia workers.

The small section of the second-reading speech that deals with this part of the bill does not explain in detail why the change is necessary other than that it will allow for a greater mix on the board, but the opposition has grave concerns about how that provision will be used in the very near future. Undoubtedly the government will take a much harder and more vindictive line and will appoint subservient members to the board to continue a system of victimisation of the MUA members and their supporters at East Swanson and Webb docks. This vindictive government will change the composition of the board to strengthen its attack upon the MUA. Members of the opposition have grave concerns about who will be appointed to the Melbourne Ports Corporation and believe the board will continue to spend taxpayers' money — money it has received from stevedores, importers and exporters — in its quest to silence critics of the government, Corrigan, Reith, Scanlon and others in the Patrick organisation.

The government does not believe in justice for working people. The major reason for the changes is that the government does not believe in an award system that protects the jobs, wages and conditions of employees. Government members will undoubtedly say that that is not the case and that it is looking for people with a range of expertise and abilities to serve on the board. However, its prime consideration in the current environment is the same as that of the federal government, Corrigan and Scanlon — to sack the maritime workers. People will only be appointed if they agree with the aims of the government in getting rid of the unionised work forces at Webb and Swanson docks. The opposition does not and will not support further attacks on those who have raised their voices in dissent against the government and its implicit support for Corrigan and Scanlon through the changes we are debating. The opposition is particularly concerned

because the changes have been included in the bill surreptitiously.

The bill appropriately amends the Public Sector Superannuation (Administration) Act to remove the Local Authorities Superannuation Fund from state control and enable it to be governed under the federal scheme. The opposition supports the change. However, it does mean that the state government can shed its responsibility for the black hole caused to the fund by the commissioners it appointed. The government wants to further distance itself from its own decisions because the problems faced by the Local Authorities Superannuation Board resulted directly from the government's policies — they were not the result of a voluntary restructuring of local government but of changes made at the direction of the government-appointed commissioners.

A prime example of problems caused by the government's policies occurred in the Shire of Melton, where minor changes were made to the municipal boundaries. Although there were no significant changes in any real sense to the boundaries that existed prior to amalgamation, the commissioners used it as an excuse to unnecessarily completely restructure the staff. Senior managers were removed and replaced by a new chief executive officer and new senior managers. As a result the number of senior managers at the shire has ballooned. Changes have also been made to other administrative positions at the council, and employees have lost their jobs because of compulsory competitive tendering. Those sorts of problems are occurring in addition to the problems caused to local government authorities by the Local Authorities Superannuation Board situation, and the proposed amendments will help the government further distance itself from the problems of the board.

Proposed changes to the Wills Act follow changes made in 1997. Firstly, an anomaly with regard to the revocation of wills has been removed. The act inadvertently changed the common-law position concerning the intent of a testator. Under the 1997 act a new will automatically revokes the previous wills of a testator, but in some circumstances that is not appropriate. I understand that people affected by the provision encountered problems when matters were litigated. The amendment will result in the intent of testators being taken into account in such cases.

The second amendment to the Wills Act deals with witness beneficiaries. It amends the interested witness rule, which provides that no witness can benefit from a will he or she witnesses. The amendment provides that in appropriate circumstances a court, having heard

argument on a matter, may deem that a witness may benefit from such a will. The third change to the Wills Act concerns testator's family maintenance. It adjusts the scheme so that it does not apply where the person is already deceased.

The reasoned amendment deals with the opposition's concerns with this omnibus bill. I have explained a number of those concerns. Paragraph (d) seeks to have the bill divided into 10 separate bills. Paragraph (c) of the reasoned amendment seeks that proper guidelines be established to regulate the Community Support Fund and that they should be made public. Paragraph (b) seeks that the government should provide Parliament and the community with the number of victims who have successfully sued their offenders. Paragraph (a) seeks a report from the Premier on the difficulties he has experienced establishing an Audit Victoria board that has members who have practising certificates. I have already argued for that. I urge the government to limit its omnibus bills to particular departments or relevant areas of authority rather than having 11 disparate and unconnected —

Hon. R. A. Best — There are 10 pieces of legislation.

Hon. D. A. NARDELLA — I make it 11.

Hon. R. A. Best — There are 11 parts to the bill, but there are 10 acts.

Hon. D. A. NARDELLA — Thank you for that! I urge honourable members to support the reasoned amendment.

Hon. R. A. BEST (North Western) — It gives me pleasure to support the Miscellaneous Acts (Omnibus No. 1) Bill and to speak against the reasoned amendment. Although it is tempting, I will not go through each clause and each change to the 10 pieces of legislation it comprises, because many of the changes are minor and technical. However, I will comment on the changes to the Gaming No. 2 Act.

The act, which was passed in 1997, provided for the application of stringent regulations to the operation of bingo centres. Because some operators were clearly not conforming to the intent of the legislation, it was thought that greater controls over bingo centres and the people who worked in them would enhance the accountability of the industry. The regulations were to come into effect on 1 April 1998.

As most members will be aware, people must be licensed before they can be employed in the poker machine industry. Together with the granting of the

licences go the necessary checks and balances to ensure that those people meet the required standard. However, because bingo centres handle substantial amounts of money, it was agreed during the drafting of the 1997 legislation that similar sorts of probity checks should apply to all bingo centres in Victoria.

Unfortunately, the regulations that were to come into effect on 1 April 1998 had some unintended consequences for bingo centre operators and workers. The amendments will address the problems identified by the operators, who rely on volunteers to assist in the running of the centres. The first type are the commercial operators, a number of which run bingo centres throughout the metropolitan area in particular and the workforces of which are required to be licensed. Licence applicants must pay the \$115 fee, and the relevant probity checks are done to ensure they are fit and proper persons to work in the industry, which is important for the integrity of the commercial operations concerned.

The other type of bingo operators are community centres and clubs such as local football clubs, church groups, schools, or junior basketball clubs, all of which rely on voluntary workers to assist in the running of their bingo sessions. The regulations controlling the bingo industry were not intended to have an impact on that second group. Many of these clubs do not have the capacity to access gaming machines and rely heavily on raising funds in their bingo games.

I was approached by Mr Barry Peterson of the chancery office of the diocese of Sandhurst, who outlined some of the unintended consequences of the regulations, which had affected 340 volunteers who assist in running bingo games at St Kilian's Church; the Golden Square Football Club; St Joseph's Primary School; the Junior Basketball Association; the North Bendigo Football Club; the YCW Football Club; the Bendigo Umpires Association; Golden Square Spastic Auxiliary; and the Marist Brothers band.

At no time did the government intend to affect the capacity of those organisation to raise funds. Some people believed the regulations overly controlled the industry, to the extent that these people were unintentionally caught up in them. I appreciate the assistance I received from the Minister for Gaming, Mr Hallam, in resolving the issues raised by not only St Kilian's Church but also other commercial operations that work under a similar volunteer structure in Shepparton. The bill introduces changes that will enable those organisations to continue raising much-needed dollars.

With those few words I support the legislation and speak against the reasoned amendment. As I said, the bill will make a minor change to the regulations made under the Gaming No. 2 Act by removing the unintended consequence of obliging those 340 volunteers to pay the \$115 licence fee. I have much pleasure in commending the legislation to the house.

Hon. S. M. NGUYEN (Melbourne West) — I oppose the Miscellaneous Acts (Omnibus No. 1) Bill, which is against the spirit of omnibus bills and is a desperate attempt by the government to complete a legislative program that only began four weeks after the beginning of the sittings.

The bill deals with 10 acts of Parliament, very few of which are related in any way. The government continues to introduce omnibus bills that need an enormous amount of consultation. The opposition does not treat the stakeholders in the various bills with contempt, unlike the government. That is obvious from the way the government is rushing the legislation.

I will outline the effect of each part of the bill before detailing what the opposition believes must occur in response to them. The amendments to the Audit Act are an admission of error by the government in respect of its reforms of the Auditor-General's functions. The original act required the members of the board of Audit Victoria to possess practising certificates, but because the government has had difficulty finding individuals willing to sit on the board, the members appointed to date have absolutely no profile and do not possess practising certificates.

The bill makes essentially consequential changes to the Confiscation Act to enable more efficient confiscation of the assets of offenders. The bill also amends the act to strengthen the position of victims of crime when recovering assets from offenders in preference to recovering from the state. That is necessary because of the abolition of compensation for the pain and suffering experienced by victims of crime. It is another admission by the government that its original legislation was flawed.

The opposition supports the consequential amendments the bill makes to the Crimes (Mental Impairment and Unfitness to be Tried) Act. The bill also amends the Gaming Machine Control Act to allow the government to raid \$25 million from the Community Support Fund during the next six years to pay for education and health programs. The amendments to the Gaming (No. 2) Act are a response to the opposition's raising of serious concerns about the impact of the legislation on bingo volunteers. The amendment will exempt volunteers

from having to pay the \$115 fee and from probity requirements if they represent a single organisation. The requirement of representing a single organisation is based on concerns about people working in commercial bingo operations being called volunteers and being paid under the counter.

The bill amends the Magistrates' Court Act to ensure that under the PERIN system a warrant issue fee is payable regardless of whether an individual enters into an instalment payment scheme or pays up front. The bill also amends the Magistrates' Court Act and the Children and Young Persons Act to allow the Chief Magistrate to delegate certain functions. The bill also amends the Port Services Act to increase the number of members of the Melbourne Ports Corporation board from five to seven, and allows a change in the mix of members on the board.

The bill amends the Public Sector Superannuation (Administration) Act to enable the Local Government Superannuation Board to be removed from direct state control and placed under the governance of the federal scheme. That is appropriate, but the public should be made aware of the size of the debt incurred as a result of local government amalgamations.

The opposition's reasoned amendment would require the legislation to be withdrawn and redrafted so it could be presented in the following manner. Firstly, to provide separate bills dealing with the each of the substantive amendments as follows: amendments to the Audit Act, amendments relating to the victims' assistance scheme, amendments to the Gaming Machine Control Act, amendments to the Port Services Act, and amendments to the Public Sector Superannuation (Administration) Act. Secondly, Parliament would receive a report from the Premier on the difficulties he has had in establishing an Audit Victoria board that has members with practising certificates. Thirdly, Parliament would receive a report from the Attorney-General as to the number of individuals who have successfully sued offenders and obtained damages for their pain and suffering. Fourthly, the Premier would establish proper guidelines regulating the Community Support Fund to prevent the use of taxpayers' money as a slush fund for political purposes. Fifthly, Parliament would receive a report into the effectiveness of the Melbourne Port Corporation board in relation to its failure to secure OOCL as a third competitor in the port of Melbourne.

There is concern about the Community Support Fund. The amendment would require the Premier to establish proper guidelines to regulate the fund to ensure that it had a proper committee and to invite prominent

members of the community and the opposition to discuss what is best for the community, especially people who have lost their houses and families. The fund should reflect the needs of the community and not be a slush fund for the Premier.

Since the opening of Crown Casino and the introduction of poker machines research has been carried out by many institutions on the impact of gambling. I recently read a study on the issue completed by Deakin University. Copies are available in the parliamentary library and I encourage all honourable members in this and the other place to read it so they understand the crisis faced by communities in both metropolitan and rural Victoria. The Premier and his ministers must care about people in small communities, no matter where they live or come from and regardless of their backgrounds. Once a person is addicted, that is the end of his or her life.

In conclusion, although the opposition does not oppose a number of the amendments in this bill it believes they should not be lumped in with amendments that are clearly controversial. Honourable members should have the opportunity to more thoroughly examine the amendments currently before the house. I urge all honourable members to support the opposition in its attempt to have the bill amended as I have described.

Hon. C. A. FURLETTI (Templestowe) — I am pleased to support the Miscellaneous Acts (Omnibus No. 1) Bill and to oppose the reasoned amendment. The opposition's reasoned amendment is, as is fairly typical, nonsensical. It is a nonsense for a number of reasons, but I will refer to the most significant ones.

The opposition is either not aware or chooses to ignore the fact that paragraph (b) of its amendment calling on the Attorney-General to report on victims of crime claiming under section 31 of the Compensation Act is nonsense because that act has not come into operation and is not intended to come into operation until 1 July this year. The amendment also suggests the proposed legislation not proceed until it has been divided into 10 separate bills. Again, that is indicative of the administrative incapacity of the opposition in that it suggests to the house that certain provisions be established as independent bills — for example, the amendment to the Audit Act comprises one clause of nine lines, and the amendment to the Gaming Control Act comprises one clause of 16 lines. The most glaringly ridiculous claim is that the amendment to the Port Services Act be put forward as one bill when that provision comprises three lines.

Apart from everything else, it is clear that if the proposed legislation were to stand over until the issues raised in the reasoned amendment were dealt with it would leave serious and grave anomalies in the legislation which this bill seeks to amend; and, most significantly, given the circumstances we face in Victoria and the difficulties with the restriction in health funding from the federal government, it would mean that \$25 million from the Community Support Fund would not be redirected to where it is most needed. It is for those reasons I strongly oppose the reasoned amendment put forward by the opposition. I will touch on the whining and carping from the other side — —

Hon. D. A. Nardella — And that of your own people!

Hon. C. A. FURLETTI — With respect to the content of the omnibus bill, I have conducted some detailed research into any convention, protocol or rule which suggests what an omnibus bill should contain. Unfortunately, I have not been able to find any such recorded rules.

Hon. Louise Asher — How about Labor's performance in government!

Hon. C. A. FURLETTI — As we would be led to believe by the opposition, it appears the amendments to the omnibus bill are not controversial in nature. There is no rule or convention that they need to relate to the same area of impact. The opposition clearly takes this stand to record a political point rather than seeking to assist in the worthwhile and expeditious passage of legislation through the house. I sought *The Oxford English Dictionary*, second edition, volume X — —

Hon. D. A. Nardella interjected.

Hon. C. A. FURLETTI — Mr Nardella, you would not know because you have never referred to a dictionary in your life! The definition of 'omnibus' in that dictionary states:

B. adj.

1. Relating to or serving for numerous distinct objects at once; comprising a large number of items or particulars: e.g., an omnibus bill, clause, order faculty.

It is clear an omnibus bill is a proper and appropriate way of bringing before this Parliament numerous matters which need to be corrected and rectified for the purposes of efficiency and expedition and they need not necessarily relate to the one area of the law.

I address the particular amendments of the bill. I notice Mr Nardella is mumbling under his breath. I am pleased

I cannot hear him, but I know Hansard can! The first act which is sought to be amended in the bill is the Audit Act. On appointing the board to Audit Victoria it was found that the appointees were not holders of practising certificates and hence it has become necessary to amend the legislation introduced last year which provides that 75 per cent of members should hold practising certificates.

The opposition made quite a deal of the fact that the government could not find appropriate members for appointment; the fact is 100 000 people have practising certificates. The government examined the qualifications of the people who have been appointed and found that four of the five directors of the board are fellows or members of the respective associations but they do not hold practising certificates. The government is serious in seeking to have the best and most qualified people holding positions of authority and decision making on these boards and it must achieve that end. The requirements for fellowship are that to become a fellow of the Institute of Chartered Accountants in Australia one needs to be a member of the institute for a minimum of 10 continuous years and to have held a senior position in employment or public practice, or a combination of both, for 7 years. A fellow must demonstrate leadership in the profession as evidenced by his responsibility in employment and public practice and be chosen by his peers as a suitable person to be a fellow. Fellowship of the Australian Society of Certified Practising Accountants requires 15 years experience in the area including 5 years in a senior managerial position, and I could go on. Suffice to say that the opposition's efforts to denigrate the selected members of the board have fallen foul. The government will continue to monitor and control the legislation so we can continue to procure and attract the most competent and capable individuals to work on behalf of Victorians.

The Confiscation Act 1997 has been mentioned in some detail by Mr Nardella so I will not harp on the amendments as such. However, it should be noted that the Confiscation Act is probably the most dramatic piece of legislation affecting the confiscation of proceeds of crime in this country. The bill seeks to refine and smooth the edges, if necessary, in a minor but sufficiently technical way to allow benefits to victims of crime, and benefits that were not mentioned by the opposition. The act allows victims of crime to be compensated and to achieve and attain their compensation in priority of the government's rights. The interests of the victims of crime have been placed ahead of those of the state in terms of claiming the property of an offender. The act is also amended so that restraining orders no longer automatically lapse. Under

the present legislation they lapse after seven days; this amendment will prevent offenders from being able to dissipate or dispose of their assets between the time of automatic lapsing of the restraining order and the procuring of a forfeiture order.

The amendment, which was not addressed by the opposition, is significant for innocent people who are subject to investigation and who have been put through the mill by having had a restraining order imposed on them that has frozen their assets. Because the costs of defending proceedings taken to freeze assets may be ordered against the police or a prosecutor in favour of the party involved, the decision to seek an order to freeze or restrain assets will not be taken lightly by police.

The sensible amendments to the Crimes (Mental Impairment and Unfitness to Be Tried) Act to a large extent take account of difficulties with the time limits that apply to reviews by the courts of people currently subject to Governor's pleasure orders. The provision extends the time within which a major review of a detainee's situation can be held from three months to six months from the end of the nominal term of detention. The bill also extends the period of leave of detainees who were on leave at the date of the commencement of the act from 6 months to 12 months to avoid some affected people falling through the gap between the enactment of the legislation and earlier legislation. This important legislation rounds the edges and corrects certain anomalies in the act passed last year.

Mr Best spoke eloquently and in detail on the amendment to the Gaming No. 2 Act. He indicated that he was one of the instigators of the amendment involving volunteer workers at bingo games. I have nothing to add to what Mr Best said other than to indicate that the 1997 amendments were heavy handed and it is appropriate to take prompt action when difficulties arise. The amendments to the Gaming Machine Control Act will result in an amount of \$25 million a year from the Community Support Fund for the next six years to be utilised in health and education. It would be ridiculous if the funds were allocated to those portfolios in this bill given that the Appropriation Bill allocates funds. The commitment of \$25 million per annum from the Community Support Fund to the consolidated fund, which funds the government has indicated will be used to relieve the pressures currently being felt in the health and education systems, should be applauded.

The bill amends section 138 of the Gaming Machine Control Act which provides one-twelfth of the net cash

balance of gaming machine revenue from hotels only, which is significant, is applied to the Community Support Fund. The opposition is clearly not aware of the purposes of the Community Support Fund, notwithstanding the fact that the former Labor government established it. I refer honourable members to some of the projects funded by the Community Support Fund as at 21 August 1997. The Turning the Tide drug initiative received nearly \$70 million, sports and recreation received approximately \$65 million, families in crisis received \$17 million, youth received almost \$26 million, and tourism received approximately \$25 million. Those initiatives total \$310 million. This amendment redirects \$25 million from the Community Support Fund that would normally go to those initiatives to two areas that are recognised as being in some considerable need.

It would appear obvious that the Chief Magistrate had the right to delegate duties to senior magistrates, but apparently that is not the case. The amendments to the Magistrates' Court Act and Children and Young Persons Act will give the Chief Magistrate the right to assign or delegate duties to a senior magistrate to allow greater flexibility in the administration of justice. The amendment will also allow the Chief Magistrate if need be to appoint an acting Children's Court senior magistrate to replace the Children's Court senior magistrate for a limited period of three months. An appointment for any longer period would require Governor in Council approval. The amendments also make minor changes in respect to PERIN system warrant issue fees.

An amendment to the Port Services Act increases the number of directors on the board of the Melbourne Port Corporation, and the amendment to the Public Sector Superannuation (Administration) Act facilitates the transfer of the Local Authorities Superannuation Fund to commonwealth control. They are minor amendments to relatively minor acts, but nevertheless amendments that need to be made.

The last significant amendment introduced by the bill is an amendment to the Wills Act. Considerable debate took place when the Wills Act was passed last year. It appears that section 12 of the act has been interpreted by some members of the legal profession as automatically revoking any prior wills irrespective of the testator's intention. The common-law position is that prior wills are not revoked unless expressly so revoked, and it is not unusual for a number of documents to constitute a last will and testament. The Wills Act goes into considerable detail as to the intention of the testator in the establishment of a will,

and the common law details the testator's intent in respect of revocation.

This change will remove uncertainty and make it clear that those consequences were not intended by the government. There are also some amendments to the new testator's family maintenance provisions. Concerns were expressed that applications by members of the public in respect to wills that came into operation on the death of a testator before the act was enacted may be possible. The act will be amended to provide for applications to be brought only in cases where a testator dies after the commencement of the act. Although the amendments are fairly minor in nature, they are significant in effect.

The reasoned amendment is totally inappropriate and I urge honourable members to vote against it and support the bill.

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

Ayes, 31

Asher, Ms	Hall, Mr
Ashman, Mr	Hallam, Mr
Atkinson, Mr (<i>Teller</i>)	Hartigan, Mr
Baxter, Mr	Katsambanis, Mr
Best, Mr (<i>Teller</i>)	Lucas, Mr
Bishop, Mr	Luckins, Mrs
Boardman, Mr	Powell, Mrs
Bowden, Mr	Ross, Dr
Bridson, Mr	Smith, Mr
Cover, Mr	Smith, Ms
Craige, Mr	Stoney, Mr
Davis, Mr D. McL.	Strong, Mr
Davis, Mr P. R.	Varty, Mrs
de Fegely, Mr	Wells, Dr
Forwood, Mr	Wilding, Mrs
Furletti, Mr	

Noes, 8

Gould, Miss	Nguyen, Mr
Hogg, Mrs	Power, Mr
McLean, Mrs	Pullen, Mr (<i>Teller</i>)
Nardella, Mr (<i>Teller</i>)	Walpole, Mr

Pairs

Birrell, Mr	Eren, Mr
Knowles, Mr	Theophanous, Mr

Amendment negated.

Motion agreed to.

Read second time.

Third reading

Hon. LOUISE ASHER (Minister for Small Business) — By leave, I move:

That this bill be now read a third time.

I thank Mr Nardella, Mr Nguyen, Mr Best and Mr Furletti for their contributions. I particularly thank the latter two for their full rebuttal of the arguments put by the opposition.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

GAS INDUSTRY (AMENDMENT) BILL.

Second reading.

Debate resumed from earlier this day; motion of Hon. R. M. HALLAM (Minister for Finance).

Hon. PAT POWER (Jika Jika) — As I am sure government members will acknowledge, the Gas Industry (Amendment) Bill is a major piece of legislation. It is part of the government's privatisation agenda for the gas industry, and that is why the opposition vigorously opposes it. At an appropriate point I will move a reasoned amendment that highlights two concerns members of the opposition have about the process and the outcome.

The bill establishes a licensing regime for an underground gas storage facility at Port Campbell, which is in the province Mr President represents. It is also situated in a beautiful part of Victoria, which I am sure he and the Minister for Finance acknowledge. The bill also provides that the pipeline used to convey natural gas for retail sale is not subject to local government rates.

The bill also provides for a variation to section 85 of the Constitution Act to the extent necessary to prevent the Supreme Court from entertaining certain applications referred to it. Clause 12 inserts new section 45A which provides that no administrative law review, either under the Administrative Law Act or common law, may be undertaken or relief be granted by the Supreme Court.

As I indicated at the outset, the bill is a significant piece of legislation in the government's reform agenda, particularly for the gas industry. The opposition takes the debate very seriously and seeks to put on record its objection to the policy underlying the legislation and to make a number of comments on behalf of the community.

The proposed privatisation of the gas industry follows the commitment of the Kennett coalition government to privatise essential utilities. The former State Electricity Commission has now been reconstructed into a series of privately owned and operated distribution and generation units. The bill will enable the same to happen in the gas industry and, of course, the community and the opposition fear that another term of the Kennett coalition government will see the water industry treated in a similar way.

The legislation is consistent with one of the more controversial political agenda of the Kennett coalition government. As a consequence, it has attracted an enormous amount of community interest and has generated a number of very constructive criticisms.

The opposition argues — I suspect the coalition would not disagree — that the private operator of a formerly publicly owned utility will always seek to maximise its profits as one of its major outcomes. The bill endorses that ethos, that is, the transfer of the obligations underpinning public ownership and the public control inherent in it to a capacity for a private operator to approach a utility with an entirely different goal, agenda and set of obligations.

When various pieces of legislation relating to the electricity industry were debated, the opposition argued that notwithstanding a one-off significant injection of funds, the sale of a utility such as the State Electricity Commission would result in the loss of two things. One is the significant annual revenue flows from the to the state; and the second is the level of control under public ownership. Notwithstanding that regulatory mechanisms are in place, the traditional capacity of state governments of all persuasions to manage a utility in the best interests of the community in the short, medium and long term is abandoned.

Reference was made by interjection to the debt that is surrendered, if that is the correct word, when a public utility is sold. Of course that is not disputed but I make the point that it is not really a question of whether the debt exists but whether the state managing that public utility has the capacity to service and manage the debt.

I am sure there is not one member in this chamber who does not have personal debts that he or she would prefer not to have but I am sure also that very few members would argue that selling their property, be it a house or a farm, in order to no longer have a mortgage is sensible short, medium or long-term planning. We must construct our obligations so that any debt is an investment for the future and the funding of that debt can be met and honoured in an appropriate way.

I certainly acknowledge that the sale of a public utility results in realising the asset and disposing of the debt associated with it, but the opposition maintains that it must be examined in the proper light.

Hon. R. M. Hallam — Wouldn't you use exactly the same logic in respect of the dividend stream from the SEC and the cost of the debt removed?

Hon. PAT POWER — The Minister for Finance and I have participated in many debates in this place where we have acknowledged that at the end of the day it is a judgment about which is the better philosophical approach. My interest is not in condemning those who are responsible for preparing the legislation but in pointing out that the opposition has a different philosophical view. I am certainly not arguing that those who prepared the bill consider themselves to be acting against the best interests of the state.

I emphasise the forfeiture of public control when a utility is privatised. It could be argued that that has already occurred with the privatisation of the electricity industry. During the debate on the proposal to privatise the former SECV it was argued that it would result in competition that in turn would reduce tariffs and benefit the end users, that is, essentially businesses and households. The government may suggest that it is too early to be drawing conclusions, but my research reveals that in a report in June 1997 — I do not have it with me but I can verify the information — the Regulator-General stated that rather than prices for household consumption of electricity falling, which was the government's prediction for privatisation, electricity tariffs for households have increased.

Hon. C. A. Strong — Rubbish!

Hon. PAT POWER — I am disappointed that Mr Strong responds suggesting —

Hon. C. A. Strong — The truth!

Hon. PAT POWER — Earlier I said that my intention in this debate is to express the view of the opposition on privatisation. I am disappointed that Mr Strong's response implies that I am lying or speaking untruths. I am quite happy to hear Mr Strong put an alternate view, and I assure him that I will accept his remarks in the spirit in which they are given.

The opposition and those in the community who are concerned about privatisation of public utilities believe that the privatisation agenda and program is not driven by considerations of public benefit but by the coalition's political views on how utilities ought to be

reconstructed. The agenda is not about guaranteeing the future; it is about selling off the future.

As I said, the bill proposes the establishment of a licensing regime for the Port Campbell underground gas storage facility. This is one aspect of the bill — apart from the principle of privatisation — about which the opposition is most concerned. Until recently governments of all persuasions in this state have strongly supported the principles underlying the preparation of environmental effect statements. The opposition is concerned that the government is either not committed to the process of preparing a full environmental effect statement about the Port Campbell proposal or is prepared to bulldoze through the process. Those preparing an environmental effects statement on the Port Campbell proposal are essentially midway through the process, but the government is asking members of this chamber and the other place to pass a bill that will ensure that the outcome is a *fait accompli*.

Another concern of the opposition is that the bill will create a circumstance in which the profits from a privatised utility will be established and propped up by significant initial and ongoing injections of public funds, either directly or by forfeiture.

The opposition is concerned also that the bill proposes that gas pipelines to be used for the conveyance of gas for retail sale will not be subject to local government rates. The government will argue that the former Gas and Fuel Corporation was also not required to pay local government rates. That is not disputed. As I said, one of the opposition's concerns is that either directly or by forfeiture public funds will establish and prop up the profit margins of privatised utilities, of which the current proposal is a classic example. Why should a utility that is about to be privatised to operate in marketplace be protected by local municipalities and funded by ratepayers and residents who will effectively be subsidising its operation? Owners of property in municipality X — be it residential or farming land or a place of business or industry — are all required to pay rates according to the rating schedule of the municipality. The coalition government is asking Parliament to create a new circumstance in the Victorian community by which a private business will not be required to pay rates but will essentially be subsidised by ratepayers and residents.

It is reasonable for the opposition to argue that rate revenue normally payable by a privately owned enterprise will be forgone. The government may consider that to be an oblique approach to the issue, but an examination of the facts reveals that in respect of local government rates the bill proposes that a

privatised utility be treated differently from other private enterprises in the municipality.

I refer, as I did in relation to the City Link extension legislation that the house debated earlier, to the fact that again the bill contains a provision to alter or vary section 85 of the Constitution Act. This simply means that people who may wish to seek access to or redress through the Supreme Court will be unable to do so in this case. Once again, in support of the profit and potential profit that exists under privatised gas, people's rights and access to due process are effectively to be nobbled. In relation to the Melbourne City Link bill government members interjected that previous governments have used that variation of the Constitution Act. It is not disputed that that is the case, but the fact that it has occurred before, whether under this government or previous governments, does not make it good public policy.

At present a monopoly on the production of gas exists in Victoria. Esso-BHP essentially has that monopoly. The question is whether the passage of this bill will introduce competition and ensure that it drives and delivers outcomes to benefit Victorians and the state. That will not occur.

What we have now is a monopoly provider prior to privatisation. After privatisation we will continue to have that monopoly provider. Nothing in the bill enables the government to guarantee a reduction in the cost of production or distribution; therefore after privatisation we will have the same producer, the same product and the same pricing structure.

In the opposition's view the report of Maddock and King supports the opposition's concern that the government has got it wrong in relation to the monopoly structure. Its report says that a monopoly provider circumstance will be maintained. We argue, therefore, that the government is acting against the advice of not just Maddock and King but the consultants that the government itself commissioned — Collins Hill. The producer monopoly will remain in place, but the state-owned distribution system will be removed. This will forfeit the right of governments as custodians of Victorians' welfare to ensure that their interests are paramount in relation to products provided by utilities.

The current state-owned distribution system operates with the public interest as its priority. In the period 1984 to 1994 it delivered cost reductions in excess of 40 per cent. The bill does not encourage competition in the sense that the end users are the people benefiting. The bill breaks down that competition.

I refer to the Port Campbell underground storage. I was alarmed to be advised by my colleague the honourable member for Geelong North in another place that it was not possible for the opposition to be briefed on the proposal because the government had declined to do so.

Hon. K. M. Smith interjected.

Hon. PAT POWER — I accept Mr Smith's interjection that in relation to my responsibilities I have never had any difficulty being briefed by any shadow minister or his or her department, but I do not accept the advice given to me that — —

Hon. R. M. Hallam — It is certainly out of the norm.

Hon. PAT POWER — Absolutely, but the member for Geelong North advised me that the government declined to brief him on the Port Campbell issue.

Hon. R. M. Hallam — Did he give any further detail?

Hon. PAT POWER — No.

The Port Campbell project has generated considerable controversy. Some of this is driven by the fact that the area near Port Campbell, between the coast and Simpson, is beautiful dairying country in a wet area of the state where ground water levels can be significant. People who do not want the plant in their own backyards, so to speak, are concerned whether its proposed location between Simpson and the coast adjacent to Port Campbell is appropriate. I acknowledge that such facilities, once it has been established they are necessary, must be located somewhere, as is the case with toxic dumps.

Hon. R. M. Hallam — There is already a reservoir there — the two are different!

Hon. PAT POWER — I am not suggesting the two are parallel. While the not-in-my-backyard view must be acknowledged, it is not a good enough reason of itself for a proposal to be rejected. I am concerned to go beyond that and to satisfy an argument about whether the Port Campbell storage proposal is appropriate.

In relation to the environmental aspects of the project, I have been advised that 53 000 tonnes of emissions could well come from the site in its first year of operation. If those figures are correct, honourable members must acknowledge that environmental considerations would be significant. One reason why the opposition is concerned about the environment effects statement process is that the issue needs to be

examined and conducted especially at the local level in such a way that people feel comfortable that the issues they have raised have been examined satisfactorily — for example, it has been suggested that an area adjacent to land that was subject to some of the more tragic effects of the Ash Wednesday bushfires is not an appropriate location to have an exhaust tower burning.

I acknowledge that the symbolism in a major naked flame burning may well make people uncomfortable, especially in the drier seasons, but in this day and age it is possible for that technology to operate and for that kind of flame to burn safely. I would support any efforts during the environment effects statement process to convince people who are understandably nervous about fire risks to be made conversant with the technology and to be made aware of the strategies in place that would immediately address any malfunction of that exhaust tower burning.

I understand that the claimed 53 000 tonnes of emissions would contain carbon dioxide, nitrogen dioxide and carbon monoxide. Therefore, a credible environment effects statement process must be undertaken; the process must be sufficiently transparent so all those who may want access to it or to read its findings and deliberations can feel relaxed and comfortable about the outcome. Our concern is that we are now debating legislation when that environment effects statement process is essentially only halfway completed. In that sense, the opposition has considerable sympathy for the local people who feel their access to due process is being railroaded.

Earlier I referred to the toxic dump issues. I acknowledged then, as I do now, in reply to an interjection from the minister, that there is little parallel between the toxic dumps and the proposed gas storage facility. Nevertheless, the government's separate management of the two issues adds to the community perception that the government does not treat seriously community concerns about environmental issues.

The opposition relies on its experience with two other major proposals in opposing the bill. The first was the proposed storage facility at Point Lillias near Geelong. An environment effects statement on that proposal gave clear advice that it was inappropriate to proceed with that storage development. The public record shows that the government overrode that environment effects statement and decided to proceed. Eventually, only commercial realities determined that the project would not proceed.

The second experience was the Amcor project. Again, the environment effects statement advice was that the

project should not proceed, but the government overrode that advice and decided to proceed. Consequently, 2000 hectares of timber was lost. For those reasons, I move:

That all the words after 'That' be omitted with the view of inserting in place thereof 'this house refuses to read this bill a second time until such time as —

- (a) the environmental effects statement process for the proposed Port Campbell underground gas storage facility is complete; and
- (b) local government has been consulted regarding the proposal to exempt privatised gas companies from paying council rates on gas pipelines.

The opposition will divide on the reasoned amendment and will oppose the second reading of the bill. The reasoned amendment is an opportunity for the government to consider the opposition's view about process, that the bill being allowed to lie on the table would not kill it off but, rather, would demonstrate the government's commitment to the principles behind environment effects statements.

Paragraph (a) of my reasoned amendment says the bill should not proceed until:

the environmental effects statement process for the proposed Port Campbell underground gas storage facility is complete ...

The reasoned amendment does not argue that the government should be committed to accepting a negative recommendation in an environment effects statement. The process is simply an opportunity for the government to respond positively to a request from the opposition on behalf of the broad community that the principles and notion of environment effects statements should be honoured, and be seen to be honoured, to create a circumstance in which those with an interest in the proposed storage facility, particularly those who live close to the facility, can believe that before any legislation proceeded the government allowed, and was committed to, a process; and that the government considered the reports and recommendations that came from the process.

Today the government is asking the house to pass a bill which is bad public policy. The government is ignoring, overriding and bulldozing the principles of an environment effects statement regardless of what its recommendations may be, and to vote on legislation today would make the process a sham. That is a reasonable view for the opposition to put.

Paragraph (b) of the reasoned amendment asks that the bill essentially lie on the table until local government

has been consulted about the proposal to exempt privatised gas companies from paying council rates on gas pipelines. That, too, is a reasonable proposal. The opposition is not asking that the matter be killed off but that the government consider any recommendations that may come out of consultation with local government. It is appropriate, especially for me as shadow minister for local government, to argue that where the government introduces legislation that contains unsatisfactory treatment of local government the bill should not proceed until at least the local government sector has been consulted.

No honourable member would be naive enough to suggest that the legislation once enacted would not set a precedent. The bill provides for privatised gas companies not being required to pay local government rates, but anybody who suggests that is not a precedent for the privatisation of utilities — such as water — is being naive to the point where the community would see through it.

The reasoned amendment is one that deserves serious and sympathetic consideration by the government. It does not challenge the government's mandate or its commitment to privatisation of public utilities; it is essentially about process, creating a circumstance in which, to the best level possible, people have an opportunity to feel ownership of the outcomes. The minister would know I have argued strongly about this issue regarding local government change. If a decision is to be imposed upon a community, which in the eyes of some members may be radical, one cannot expect the community to feel ownership if it has not participated in the due processes that should be available to citizens in a democracy. The opposition will divide on the reasoned amendment and oppose the bill.

Hon. C. A. STRONG (Higinbotham) — I shall detail the issues covered by the Gas Industry (Amendment) Bill and then deal with the reasoned amendment. In going through that process I cannot help but comment on the cynicism of Mr Power who said that he does not in any way question the benefits of privatisation but is fundamentally against the process. All his discussion on the bill, which in no measure dealt with the provisions, was a reiteration of an anti-privatisation position. Although I can understand Mr Power having that view, his cynicism in saying the reasoned amendment is not about privatisation but about process is outrageous. The reasoned amendment can only be seen as a delaying tactic.

The bill deals with the important phases of setting up the gas industry for privatisation which the government

announced some time ago. Significant provisions protect Victorian gas consumers in the projected private environment, the major one of which deals with what is called the significant producer issue. The government is trying hard to find the right solution because as the industry now stands the majority of gas comes from Bass Strait and is supplied by Esso-BHP. There is clearly potential for that company, if it chooses, to become involved in all sorts of monopolistic practices and procedures. That becomes a risk, not so much at present as its bound by various contracts, but in the future as we move to total deregulation of the commercial gas market in 2001.

There is one other element of risk as we move from the period 2002 to 2008. The current contracts that bind Esso-BHP to provide gas to Victoria at favourable rates run out by 2008. There is a clear need for the government to do whatever it can to guard against monopolistic behaviour until such time there can be more competition in the gas supplier market. These significant producer provisions, which rely to a certain extent on existing trade practices provisions, strengthen those and give power to the Office of the Regulator-General to step in and do many things in an ordered procedure if there is any question of monopolistic behaviour in gas supply taking place.

The bill relies heavily on experience around the world in introducing and regulating acts that deal with the curtailment of monopolistic behaviour. Monopolists have always shown a great degree of innovation and lateral thinking in trying to work their way around these things. Nevertheless, this bill endeavours to set in place the most up-to-date and best possible ways of dealing with the significant producer issue.

The next significant anti-competitive measure set out in the bill is the cross-ownership provision. As members are aware, the legislation provides for three distribution networks plus three retail networks in the cross-ownership provisions which are similar to those in the electricity industry. An owner of one distributor can own up to 20 per cent of another distributor and 5 per cent of a third, which ensures that each new entity will be independent and therefore significantly less able to collude with others on price.

One important point to mention in this context is that no cross-ownership provisions between the gas and electricity industries are established in the bill. In other words, the bill does not bar people with holdings in an electricity retail company from having holdings in a gas retail or distributing company, although the point needs to be made that they would nevertheless run the gauntlet of the ACCC's normal anti-competitive rulings

and investigations; which opens up the interesting question of how the ACCC will deal with ownership and potential dominance of a particular player as the whole industry becomes national to the extent that companies will be allowed to have generation distribution in one state and another.

One significant part of the bill sets in place the economic regulations and rules for underground storage at Port Campbell. Such storage is potentially important to the industry because, as with all fuel sources such as electricity, gas has a peak load element; so the ability to store gas to deal with that peak load is beneficial to consumers because it allows for buying in bulk to meet peak demands. This bill puts in place the economic regularity regime to ensure that the operator of this facility, if it should come into being, does not operate it in a monopolistic fashion to his or her benefit rather than to the benefit of consumers at large.

The bill also deals with the question of local government rates on gas pipelines, which relates to the reasoned amendment moved by Mr Power. In terms of competitive neutrality it tries to put gas distribution systems on the same basis as electricity distribution systems in so far as electricity poles are not subject to rates and therefore gas pipelines will not be subject to rates.

When talking about the question of privatisation and who benefits from such things, Mr Power claimed that electricity privatisation in Victoria has resulted in higher costs to Victorians. I would like to know the source of that statement because, as I indicated at the time, I do not think it is true. I have a copy of the annual report from the office of the Regulator-General 1996-97 in which he compares the electricity prices then with those of earlier times. I wonder if this is the source of Mr Power's comments. I would be interested to know from where he gained the view that prices have gone up because on page 10 of the report the office of the Regulator-General states:

... another measure of competition at the retail level may be obtained by reference to the significant actual reductions (an average of 10 per cent) that the latest tranche of customers who are eligible to shop around are receiving on their bills;

He then goes on to say, on the question of whether customers are domestic:

prices for residential customers (consuming 5500kWh/yr) who are not yet eligible to shop around have been reduced by 6.9 per cent in real terms since the government froze prices in July 1993 and will continue to reduce by 1 per cent per annum in real terms under the price path set by the government until the year 2000 when all customers will be eligible to shop around;

Given that when the Regulator-General was referring to costs in 1997 he was not aware of the winter electricity bonus that has been granted in the recent budget which gives a further reduction of \$60 a year to all domestic customers, I fail on every count to understand the factual basis for the continual assertion that electricity consumers in Victoria are paying more as a result of privatisation, when clearly the detailed monitoring of prices by the Regulator-General proves that to be a lie. I find it hard to believe that it is not used by members of the opposition as anything but a lie. I expect Mr Theophanous to do that but I am surprised that Mr Power, for whom I have much admiration and who is much more measured in his approach, would not do the homework to try to establish, where it is written in black and white by the Regulator-General, that there have been significant reductions both at the domestic level, which up until this stage is still regulated, and at the larger consumer level, which is more significant.

I recall, as may Mr Power, that only a couple of months ago the Business Council of Australia undertook a survey which showed 80 per cent of those who had recently been deregulated had savings of between 20 per cent and 40 per cent, and as deregulation continues those savings will also continue. We should not overlook the other side of the equation — that is, that the latest report from the Auditor-General states that the savings to Victoria from the privatisation of the electricity industry have meant a saving of \$760 million each year, and interest rates have been a major element of that saving. If interest rates had not been reduced to the extent they have the savings would have been much greater. If the \$760 million is divided between 4.6 million Victorians it means a saving of the order of \$160 per person per year. Those savings are significant by every measure.

I now turn to the reasoned amendment moved by Mr Power. Although it was put forward with an air of reasonableness about giving people time to look at the process, it was no more than an attempt to delay the bill. The reasons given for delaying it are nothing more than a ruse. Paragraph (a) seeks to refuse to read the bill a second time until an environmental effects statement process has been undertaken regarding the proposed Port Campbell underground gas storage. However, the bill only provides that if such a storage were to be established, the handling, pricing and management of the gas will be the subject of a specific regulatory regime, as set out in the bill, with the object of the curtailment of monopolistic behaviour and the purchasing and selling of the product. The bill deals purely with the economic regulation of the facility, if it should be established. It does not say anywhere that the facility will be brought into existence, and it does not

say there will be no environmental effects statement. If such a storage were seen as viable by a particular operator a whole gamut of normal planning procedures would have to be gone through. A planning permit would be applied for and an EES would be done on all the environmental issues such as flames, smells and beautifying the area. Those matters would be gone through as part of the normal planning process.

As Mr Power knows, the local council would play a role in those planning activities. The bill does not override any of the normal practices. The establishment of such a facility would therefore run the gamut of those processes as would any other industrial building or development, and to say that we should defer the bill until such time as the EES is done is absolute nonsense. It could well be and may easily be that no-one will want to run such a facility. Nobody has been signed up, although people are sniffing around as they always do. However, there is no decision at this time and any proposition would have to go through the normal gamut of planning process. The bill does not affect the planning process in any way, so to say that this should be an impediment to passing the bill is clearly nonsense.

Paragraph (b) of the reasoned amendment deals with local government rates and says that local government should be consulted on the question of rates. The implication of this paragraph is that something is being taken away from local government. In other words, exempting pipelines from rates will mean some loss of revenue to local government, but that is an absolute nonsense because Mr Power would know that at present the gas industry is owned by the government, which pays no rates, so there would be no loss of revenue to local government. The reverse will probably be the case. Currently, all gas transmission assets and property, as well as pipelines are rate-free and that includes depots, shop fronts and other properties. Under a privatised regime those other assets will not be exempt, so there is a significant potential for council gain as a result of the bill. Further, the majority of gas pipelines run through easements on private properties which are rated, so this point is also nonsense.

The reasoned amendment should be totally and utterly rejected. It is a delaying tactic because Mr Power and the opposition are opposed to privatisation in principle. This has nothing to do with improving the process; it is just a delaying tactic with no credibility because firstly the Port Campbell facility will be subject to all the normal EES processes and secondly local government will in no way be adversely affected by the changes in the bill. In fact rate revenue will be increased, and for

those reasons I urge members to reject the reasoned amendment and support the bill.

Hon. S. M. NGUYEN (Melbourne West) — I oppose the Gas Industry (Amendment) Bill and support the reasoned amendment. The bill regulates certain anti-competitive conduct, restricts cross-ownership in the gas industry and makes other amendments to the Gas Industry Act 1994. It gives private companies a great opportunity to seek maximum profits for its shareholders, maximise market share and minimise competition. The bill is based on a recognition of those benefits.

The opposition believes the government's involvement is flawed and that it has engaged in a range of bad government practices. The bill ignores the concerns of the Port Campbell community about the environmental effects of the underground sewerage facility. The so-called benefits will come from the expenditure of public funds, but the bill will remove from local councils the power to rate what will be not public assets but private assets.

The legislation also constrains the democratic rights of Victorians to appeal to the Supreme Court against decisions of the organisations or authorities involved in the gas industry. People's rights will not always be removed, but it is a continuing theme of government legislation.

Who is the major company in Victoria's gas industry? The answer is Esso-BHP, which has a virtual monopoly on gas production in Victoria. The bill will leave the production monopoly largely intact and remove the security offered by the publicly owned and state-administered system, which operates in the public interest and through which costs to customers have fallen by 42 per cent.

The Office of the Regulator-General was established to ensure competition; however, the bill does not encourage competition but instead undermines it. The opposition is concerned that the Office of the Regulator-General will be incapable of performing in the interests of the community. The Regulator-General's task is to supervise the industry and ensure it works for the benefit of the community. A well-resourced Office of the Regulator-General is needed to resolve the complex issues that could arise through the implementation of competition policy in the industry.

The Port Campbell underground storage facility is of major concern to the community, and the environment study has highlighted its likely effects. The opposition

has not received any response from the government on the environmental issue. The project has generated controversy in the local area, which can be seen from a reading of the local newspapers. The *Warrnambool Standard* of 13 January 1998 had the headline 'Gas Fear', and a recent issue of the *Cobden Times* had the headline 'RAWDEEL in council', and so on.

The government does not respect local government, because it continually takes action to impinge on its rights without consulting it. A provision in the recently passed Electricity Safety Bill outraged local councils because it weakens the ability of elected councillors to raise concerns on behalf of their community. Under that bill, the profits of private companies will be subsidised by the public. That is another example of the government taking care of big businesses and its mates by maximising their profits while ignoring the concerns of local communities and elected bodies such as local councils. This time, the community, through its local councils, is being asked to bolster the profits of privatised gas companies.

The opposition has outlined its concerns. It will inform the public of its stand on the legislation at the next election. I urge all members to vote against the bill.

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

Ayes, 30

Asher, Ms	Hallam, Mr
Ashman, Mr	Hartigan, Mr
Atkinson, Mr	Katsambanis, Mr
Baxter, Mr	Knowles, Mr
Best, Mr	Lucas, Mr
Bishop, Mr	Luckins, Mrs
Boardman, Mr	Powell, Mrs
Bowden, Mr	Ross, Dr
Brideson, Mr	Smith, Mr
Cover, Mr	Smith, Ms
Craige, Mr	Stoney, Mr
Davis, Mr D. McL. (<i>Teller</i>)	Strong, Mr
Davis, Mr P. R.	Varty, Mrs
Forwood, Mr	Wells, Dr
Furletti, Mr	Wilding, Mrs (<i>Teller</i>)

Noes, 8

Gould, Miss	Nguyen, Mr
Hogg, Mrs	Power, Mr
McLean, Mrs (<i>Teller</i>)	Pullen, Mr
Nardella, Mr	Walpole, Mr (<i>Teller</i>)

Pairs

Birrell, Mr	Theophanous, Mr
de Fegely, Mr	Eren, Mr

Amendment negatived.

The DEPUTY PRESIDENT — Order! I am of the opinion that the second reading of this bill requires to

be passed by an absolute majority. So that I may be satisfied that an absolute majority exists, I ask honourable members supporting the motion to rise in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read second time.

Third reading

Hon. R. M. HALLAM (Minister for Finance) — By leave, I move:

That this bill be now read a third time.

I will comment briefly on one of the issues raised by Mr Power in the course of his second-reading contribution. Mr Power stated that according to Mr Loney, the opposition spokesman on the issue and the honourable member for Geelong North in another place, was denied a briefing on the bill. I said by way of interjection that that was out of character and that it appeared to me those involved must have got their wires crossed on the issue. In the intervening period I have tried to find out what took place. I am sure it is a case of crossed wires rather than a deliberate decision to deny a briefing on the bill.

I have been told that Mr Loney received a briefing, but a question arose as to a briefing in respect of the Port Campbell facility. I have been told Transmission Pipelines Australia offered to brief local members of Parliament on the Port Campbell facility in particular, and that when opposition members sought to attend they were told that the briefing was for local members only and the company had no intention of extending the original brief. It was suggested at the time — and I am told this was three weeks in advance of the bill coming to the house — that it would be appropriate for a request to be made of the Treasurer in respect of a briefing on the bill. I understand Mr Loney got a briefing.

The Department of Treasury and Finance officers who were directly involved are distressed that some sort of inference has been drawn that they were part of a process that denied a briefing when that was not the case. I assure Mr Power that it is a matter of crossed wires rather than a deliberate decision.

The DEPUTY PRESIDENT — Order! So that I may be satisfied that an absolute majority exists, I ask honourable members supporting the passage of the third reading of the bill to rise in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

Sitting suspended 6.26 p.m. until 8.03 p.m.

CATCHMENT AND LAND PROTECTION (AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Hon. M. A. BIRRELL (Minister for Industry, Science and Technology).

Hon. PAT POWER (Jika Jika) — The opposition opposes the Catchment and Land Protection (Amendment) Bill. In 1997 the Kennett coalition government reviewed catchment management arrangements. The Catchment and Land Protection Act 1994 provided for regionally based boards with members with relevant expertise in land and resource management advising on the strategic directions for integrated management of catchments. The 1997 review recommended that further forward steps be taken. This bill is a first step towards implementing the outcome of that review.

The opposition believes this is a bad measure because it is retrospective legislation. It corrects mistakes made by previous ministers in January 1995 — for instance, a mistake by the Minister for Agriculture and Resources.

Hon. Philip Davis — There was no Minister for Agriculture and Resources in 1995.

Hon. PAT POWER — He was the minister responsible for agriculture and resources. The legislation validates actions taken by the minister and the Minister for Conservation and Land Management going back to 1995. Retrospective legislation is bad legislation. However, the bill fixes up a mess created by the Deputy Premier and Minister for Agriculture and Resources in not properly setting up regional catchment and land protection boards. I refer to clause 10 on page 11, which inserts proposed sections 99 to 103 in the act. The clause in part states:

After section 98 of the *Catchment and Land Protection Act 1994* insert —

‘99. Establishment of Catchment and Land Protection Boards

- (1) There is deemed to have been made by the Minister on and with effect from 4 January 1995 under section 11(1) of this Act as in force at that time —
 - (a) an instrument establishing for the Wimmera Catchment and Land Protection Region the Wimmera Regional Catchment and Land Protection Board;

The words in the government’s own legislation indicate that this is retrospective legislation that it is correcting the poor decisions and practices of ministers going back to 1995. I repeat: proposed new section 99(1) states:

There is deemed to have been made by the Minister on and with effect from 4 January 1995 ...

It is important to acknowledge this. Proposed section 100 on page 15 refers to the appointment of board members:

An instrument purportedly made by the Minister on 4 January 1995 under section 12 of this Act ...

Those words show that the legislation is retrospective; it applies back to 4 January 1995 and is designed to correct errors made at the time. It is clear that the boards did not exist in the technical sense, because they had not been correctly established. I refer to some of the legislation relating to the responsibilities of the Minister for Conservation and Land Management. Proposed section 114 is honest enough in its description; it is headed ‘Effect of certain Orders made by Minister’. Proposed section 114(1), which is inserted by clause 12, states:

An instrument referred to in column 1 of Table A in Schedule 3 purportedly made by the Minister on 23 June 1997 has, and is deemed always to have had, the same force and effect ...

The provision acknowledges that the bill is retrospective legislation — it is backdated to 23 June 1997. It corrects an oversight because it uses the words ‘is deemed always to have had’. Proposed section 115 sets out for the first time a description of responsibilities. Proposed section 115(2) states:

Without limiting sub-section (1), that sub-section applies with respect to the following...

The provision lists in paragraphs numbered (a) to (p) a range of responsibilities that authorities will have. For example, authorities will have responsibility for the setting of a tariff or development tariff; the imposition of a fee on a property under a tariff or development tariff; the setting or imposition of a fee, charge or rate of interest; the requirement of a payment or contribution from any person; the declaration of any

land to be a serviced property for the purposes of the act; the recovery of money; the selling of any property; and so on. This is a sorry state of affairs because the legislation will correct the mistakes of ministers dating back to 1995.

Technically the West Gippsland Catchment Management Authority and the Goulburn Broken Catchment Management Authority will not exist until the legislation is passed. Clients have been receiving accounts from technically non-existent authorities. Authorities have been issuing accounts dated 6 February requiring payment on 16 March and stating that if the accounts are not paid by the due date interest will be backdated to 1 July 1997, yet those authorities do not exist legally. Pensioners are naturally concerned that legally non-existent authorities are issuing accounts to them and are not granting concessions. I understand this situation applies only in country Victoria, and it is in stark contrast to the advantages available to the corporate sector. For example, although Loy Yang Power and Hazelwood Power are not eligible for concessions they can negotiate significantly lower payments. The community is concerned about whether the authorities legally exist and whether they have been entitled to issue accounts and about the status of those accounts. Those matters explain the retrospective nature of the bill.

The bill is not good legislation and what the government is doing is not good public policy. The opposition will divide on the second-reading motion at the appropriate time.

Hon. B. W. BISHOP (North Western) — I was confused and disappointed by Mr Power's contribution. The views he puts in this place are normally accurate but that does not apply to the views he has put tonight. The house should note that in 1995 there was no Minister for Agriculture and Resources; the position was not created until after the 1966 election. Mr Power is confused, and I noted similar confusion in the debate in the other place.

This small bill establishes the Victorian Catchment Management Council to replace the Victorian Catchment and Land Protection Council, and the amendments relate principally to the new council and its membership. The bill renames regional catchment and land protection boards as catchment management authorities. Mr Power's contribution missed the point by a country mile. Honourable members will recognise the excellent work done by the Victorian Catchment and Land Protection Council, and I am certain members of the new council will be just as effective in the future.

I will refer mainly to the work done by the regional catchment and land protection boards. The CALP boards set the foundation for community representation throughout Victoria, and their work will be carried on by the catchment management authorities. The expertise and knowledge picked up by board members will enable the new authorities to do their jobs even better. I have the highest regard for members of the catchment management authorities and past CALP boards. They did and do a wonderful job and will continue to do so. I have three catchment management authorities in my electorate. The North Central Catchment Management Authority, which is chaired by Drew English, covers the area from Bendigo to Swan Hill and deals with a range of diverse management issues.

The second is the Wimmera Catchment Management Authority, which takes in the Wimmera and a fair amount of the southern Mallee. The authority is chaired by Lance Netherway, a capable operator who is doing a good job. The largest of the three authorities in my electorate is the Mallee Catchment Management Authority, which is chaired by Gerald Leach. It covers a huge area with diverse land management problems, from Swan Hill to the north to the South Australian border in the west.

Honourable members should recognise the wonderful contribution those people have made and will continue to make. They receive meagre remuneration for the work they do, the hours they put in and the responsibilities they bear. The system has changed: it is now community based, driving land management issues from the ground up, not from the top down. Local content and local understanding are strong features.

I turn to the issues that have been raised, including the challenges to the validity of what is being done. Given that some legal opinions may have created a grey area, it is reasonable to ask what should be done about it. Why should a government take any risks at all? Why should it expose the people of Victoria — the opposition will correct me if I am wrong, but the government and Parliament are the people of Victoria — to risk? We have the opportunity to establish a good structure for land management across the state. If the government had not acted crisply to introduce the bill, there may well have been an expensive and long-running court battle and we may not have been able to continue doing a job that has been welcomed by people not only in rural areas but all over Victoria. The only ones to gain would have been members of the legal fraternity.

I turn to deal with some of the points raised by Mr Power. He rightly spoke about the imposition of levies, which I have no problem with because it is an issue members in rural Victoria have faced as well. Some people have struggled to adequately communicate the real reason for the levies and the targets they should meet. However, the funding issue is starting to settle down. In the past river management authorities drew funding for badged works that were visible on the ground. Those authorities were highly efficient, as, I am sure, the catchment management authorities will be.

I can foresee the government taking further steps to commit the CMAs to improving the coordination of land management processes, and there is no doubt the CMAs would need to be adequately resourced for the task. Honourable members from both houses who have spoken on the bill should visit some of the catchment management authorities across the state to see for themselves the need for the work being done on waste water, salinity and land management issues, not only in rural areas but in urban areas as well. It is important that we capitalise on the good start that has been made. We want to keep the momentum going.

Let's be positive, because the bill provides a wonderful opportunity for our catchment management authorities to become more community driven. As a representative of rural Victoria, I would prefer to have a catchment management authority run by people who know the area well and who are selected because of their skills and experience. It is also a wonderful opportunity to set up what will be known as implementation committees, which will draw together the former river management authorities, the salinity groups and others. It will allow communities, both rural and urban, to work together and play a coordinated part in the land and catchment management process.

I have the greatest faith in the catchment management authorities. For the past 18 months the Environment and Natural Resources Committee, of which I am a member, has been involved in a study of weeds in Victoria, both environmental and agricultural. The committee recognised the capacity of the catchment management authorities to coordinate community viewpoints on weed control, whether on public land — although not all public land is their responsibility — or on roadsides, a vexed issue that it struggled with for some time. The committee realised that the authorities will have the local knowledge and understanding to communicate what is needed to the department, local Landcare groups or adjoining land-holders. The work of the locally driven authorities will be enthusiastically

welcomed by all those involved in catchment management.

The government will continue to develop the concept of community-driven land management, which I am sure will be accepted across Victoria. At times we have not communicated with those affected as well as we could have, and that is a reasonable statement coming from someone who has been involved in the process. As people become more aware of the badged work being done in their communities they will support the concept of community-driven land management organisations such as the catchment management authorities leading us into the future. I commend the bill to the house.

House divided on motion:

Ayes, 30

Asher, Ms	Furletti, Mr
Ashman, Mr	Hallam, Mr
Atkinson, Mr	Katsamhanis, Mr
Best, Mr	Knowles, Mr
Birrell, Mr	Lucas, Mr
Bishop, Mr	Luckins, Mrs
Boardman, Mr	Powell, Mrs
Bowden, Mr (<i>Teller</i>)	Ross, Dr (<i>Teller</i>)
Brideson, Mr	Smith, Mr
Cover, Mr	Smith, Ms
Craige, Mr	Stoney, Mr
Davis, Mr D. McL.	Strong, Mr
Davis, Mr P. R.	Varty, Mrs
de Fegely, Mr	Wells, Dr
Forwood, Mr	Wilding, Mrs

Noes, 8

Gould, Miss	Nguyen, Mr (<i>Teller</i>)
Hogg, Mrs	Power, Mr
McLean, Mrs (<i>Teller</i>)	Pullen, Mr
Nardella, Mr	Walpole, Mr

Pairs

Baxter, Mr	Eren, Mr
Hall, Mr	Theophanous, Mr

Motion agreed to.

Read second time.

Third reading

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — By leave, I move:

That this bill be now read a third time.

I thank honourable members for their comments.

Motion agreed to.

Read third time.

*Remaining stages***Passed remaining stages.****PARKS VICTORIA BILL***Second reading*

Debate resumed from earlier this day; motion of Hon. M. A. BIRRELL (Minister for Industry, Science and Technology).

Hon. PAT POWER (Jika Jika) — The opposition opposes the Parks Victoria Bill and will call for a division at the appropriate time. The legislation establishes Parks Victoria as a public authority some 18 months after it commenced operation, so its creation on a legislative basis comes late in the piece.

Part of the opposition's basket of concerns is that the public will not have access to the Parks Victoria business plan or statement of corporate intent. Such documentation ought to be publicly available so that the community can have confidence in its directions and provide advice and comment to the government about the authority through the appropriate avenues. Parks Victoria, which commenced operating 18 months ago in December 1996, was announced to the community with no consultation at all. In not allowing access to the business plans or directions the bill is consistent with that approach. It is interesting to note what the Premier said to the people of Victoria in 1966:

The coalition will ensure Victorians are able to enjoy the best set of parks anywhere in the world and we will keep adding expertise and resources to the specialised, dedicated National Parks Service that has been established in our first term.

We will keep adding expertise and resources to the specialised dedicated National Parks Service.

Given the bill the house is considering, it is reasonable for the opposition to argue that the Premier has broken the promise he made. The commitment to keep adding expertise and resources to Victoria's amazing, dedicated national parks has bitten the dust. Parks Victoria will have a board of nine members, all appointed on the recommendation of the minister, which again raises concerns about how much access the people will have to the authority.

The functions of Parks Victoria include providing park management services for government-controlled parks and for other private land as the minister agrees. The nub of the opposition's concern about the bill is that in examining the functions of Parks Victoria one would expect to find a significant number of references to the conservation of the natural environment. However, the

bill contains only one mention of the terms 'environment' and 'environmentally sound'. It is therefore reasonable for the opposition to argue that that renders the bill somewhat wanting.

Many members will be aware of an organisation called Friends of the Grampians—Gariwerd. Its members have prepared a pamphlet that states:

Our national parks are now to be operated by a body that has no legislative instruction to conserve.

The Parks Victoria bill has not one mention of conservation of the natural environment. It focuses on finances and corporate business plans. It fails to set any philosophy on behalf of the community for the preservation of the public lands it holds in trust for us.

How perverse is the idea that management is elevated to the pre-eminent objective of an organisation ahead of the function of the instrumentality.

That is a reasonable summary of the concerns that interested Victorians have about the bill. It contains no references to the skills or experience required of persons who might be appointed to Parks Victoria, and none of the function outlined refers to conservation or environmental management. It is reasonable for the opposition to argue that no-one in the entire department will have any such responsibility. It seems the director, for instance, will be simply an adviser.

The operations of Parks Victoria will not be open to public scrutiny. The business plans and directions of an authority that has responsibility for nearly 4 million hectares of public land should be open to reasonable and public scrutiny. However, such access is denied to the public.

The role of rangers is also changing. Now chief rangers are little more than supervisors, essentially holding down desk jobs. The Victorian National Parks Authority issued a newsletter in April 1998 in which Geoff Durham, a well-known conservationist, says:

The role of these so-called functional 'chief rangers' is quite different to the role of the traditional chief rangers and is nothing like the role envisaged by [the minister] for chief rangers. It is a corruption of the title 'ranger'.

The naming of the 10 new regional environmental and asset management positions 'chief rangers' when their role is assistant regional managers must be a political ploy to claim there has been no reduction in the number of chief rangers.

An examination of the selection criteria for the new chief ranger positions shows that they contain no mention of environmental expertise. They mention leadership, people-managing skills, the ability to lead organisations and to address cultural change, which are

all important attributes — but so too is environmental expertise, yet it is not referred to.

Many members of this chamber know that rangers have played a lead role in providing interpretation and education services. The opposition is concerned that rangers will no longer have that responsibility.

An examination of the budget shows staff cuts of 52 per cent, and spending in this area is the lowest in Australia. Commonwealth Grants Commission figures show that in 1991–92 spending on parks and wildlife was 93 per cent of the national average. In 1996–97 that had decreased to 44 per cent, and the recent budget will drive that down even further.

The Friends of the Grampians—Gariwerd also say this about the agenda of Parks Victoria:

Their policy is to reduce expenditure, outsource services, withdraw from environmental education and divest themselves of the national park visitor centre. The Grampians National Park is 'first cab off the rank'. Without a public campaign to protect this essential service it will go the same way as our schools and hospitals, and be lost to our community with great implications to conservation and tourism.

I have set out the reasons why the opposition is opposed to the Parks Victoria Bill.

Hon. PHILIP DAVIS (Gippsland) — I support the bill. I was surprised and disappointed once again by the quality of the research undertaken by Mr Power. If he had given more time to developing his argument he would have understood the principal purpose of the bill, which is to give effect to the policy reform announced on 12 December 1996 by the Minister for Conservation and Land Management, Mrs Tehan — that is, the formation of Parks Victoria to manage the state's network of parks, including those under the responsibility of a range of agencies such as Melbourne Water.

The appropriate management of Victoria's parks has developed over a long period. Last year was the 100th anniversary of the declaration of parks at Wilsons Promontory and Mount Buffalo. Those two national parks have captured the imagination of many generations of Victorians, and I am confident they will be well supported by the community and by governments into the future.

The parks network has been extended over time. In 1904 the Bulga National Park was formed near Yarram, in South Gippsland. A separate park known as the Tarra National Park was created five years later, and in 1987

they were subsequently merged to form the Tarra–Bulga National Park.

Consistency in the development of the national parks network is critical to the development of infrastructure to support the recreational aspirations of the Victorian people. Indeed, Parks Victoria manages some 3.8 million hectares of public land, which represents about 16 per cent of the total Victorian landscape. This puts into context the commitment of successive governments and generations of Victorians to park management.

The bill reflects the importance this Parliament and preceding parliaments have placed on improving park management. During the time of the previous Minister for Conservation and Environment in the first Kennett ministry, Mr Birrell, reforms were made to bring together under the umbrella of the then National Parks Service a range of activities to provide a better focus on park management. The legislation complements administrative changes that have already been put into effect to create Parks Victoria and to separate the policy function from the operational function of park management.

It will implement the government's public sector reforms to distinguish between purchasers and providers of services. In this case Parks Victoria will be the provider of park management services to the government through a contractual relationship with the Secretary to the Department of Natural Resources and Environment. This will articulate more effectively the activities required to be undertaken by the operational manager, Parks Victoria, to ensure the integrity of the infrastructure and management aspects of the parks. It will improve accessibility for the community as a whole, with particular emphasis on creating the appropriate infrastructure and marketing arrangements to encourage recreational tourism activity in parks. Parks Victoria will manage 35 national parks, 3 wilderness parks, 32 state parks, 83 regional parks and some 3000 Crown reserves as well as key heritage properties, sanctuaries and gardens.

The second-reading speech clarifies the separation of the provider activity. That is not to reflect on the strong commitment over time of officers within the former National Parks Service or Melbourne Parks and Waterways staff who have been transferred to Parks Victoria. The bill effects those transfers while maintaining existing entitlements including protection of superannuation entitlements. It is important to ensure that appropriate functions are properly delegated to Parks Victoria and that there is a clear understanding of what those delegated responsibilities are. There is also a

transitional provision relating to the management of Melbourne Parks and Waterways responsibilities under a shell authority, which will contract out to Parks Victoria the 4000 hectares of land it owns. These arrangements are necessary so that the future transfer of the assets of Melbourne Parks and Waterways can have full effect.

Parks Victoria will be a world-class, dedicated park management agency, which represents a further development of the first-rate management of parks in this state and which is recognised Australia wide. There is also a clear recognition internationally of Victoria's effective park management. The bill focuses on sound environmental management, which the second-reading speech articulates by stating:

A focus on sound environmental management will be a feature of Parks Victoria's role as a leading park management agency, while providing compatible services for recreation and tourism.

Therefore, notwithstanding the observations by Mr Power about the lack of environmental focus in the bill, its primary function is to ensure that Parks Victoria operates in a way that is not environmentally unsound.

Parks Victoria must manage parks and reserves in accordance with the law under which the land is reserved. That further criterion will ensure that the operational management conforms with existing statutes. The bill does not change that responsibility in any way, nor does it change the requirements in the National Parks Act for environmental protection.

The board of Parks Victoria will have the necessary mix of skills and experience to provide for the optimum level of management expertise to maintain, manage and promote one of Victoria's finest assets — our national parks system.

House divided on motion:

Ayes, 31

Asher, Ms	Hallam, Mr
Ashman, Mr	Hartigan, Mr
Atkinson, Mr	Katsambanis, Mr
Best, Mr	Knowles, Mr
Birrell, Mr	Lucas, Mr
Bishop, Mr	Luckins, Mrs
Boardman, Mr	Powell, Mrs
Bowden, Mr	Ross, Dr
Brideson, Mr (<i>Teller</i>)	Smith, Mr
Cover, Mr (<i>Teller</i>)	Smith, Ms
Craige, Mr	Stoney, Mr
Davis, Mr D. McL.	Strong, Mr
Davis, Mr P. R.	Varty, Mrs
de Fegely, Mr	Wells, Dr
Forwood, Mr	Wilding, Mrs

Furletti, Mr

Gould, Miss
Hogg, Mrs
McLean, Mrs
Nardella, Mr

Noes, 8

Nguyen, Mr
Power, Mr
Pullen, Mr (*Teller*)
Walpole, Mr (*Teller*)

Pairs

Baxter, Mr
Hall, Mr

Eren, Mr
Theophanous, Mr

Motion agreed to.

Read second time.

Third reading

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — By leave, I move:

That this bill be now read a third time.

I thank honourable members who contributed to debate on the bill. As we celebrate 100 years of the creation of Mount Buffalo and Wilsons Promontory national parks we can reflect on the fact that all Victoria's great new national parks — Murray–Sunset, Grampians, Alpine, Errinundra, Yarra Ranges and Mornington Peninsula — have been created in our generation. I welcome the fact that all were created with a sense of the long-term protection of an important part of our environment and as a result of Liberal Party support.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

AMBULANCE SERVICES (AMENDMENT) BILL

Second reading

Debate resumed from 13 May; motion of Hon. R. I. KNOWLES (Minister for Health).

Hon. M. M. GOULD (Doutta Galla) — The purpose of the Ambulance Services (Amendment) Bill is to abolish the Ambulance Officers Training Centre (AOTC) and replace it with a mainstream pre-employment model that will be based at Monash University. The bill also abolishes the Victorian Ambulance Board, which had the role of advising the minister on ambulance matters throughout Victoria. The second-reading speech refers to the consultation

that has taken place on the future of the Ambulance Officers Training Centre:

The AOTC staff have been consulted and fully informed of the changes that the bill will enact. Furthermore, the union representing the staff is both aware and supportive of these changes.

During the course of its consultation on the bill, members of the opposition spoke to the general secretary of the Ambulance Employees of Australia, Victoria Branch, Mr Morris.

Hon. R. I. Knowles — Did he tell you he was on the task force?

Hon. M. M. GOULD — He advised us he had written to the parliamentary secretary of the Minister for Health expressing concern.

Hon. R. I. Knowles — Did he tell you he was on the task force?

Hon. M. M. GOULD — Yes, the letter refers to the fact that he was on the task force. He sent the opposition a copy of the letter he sent to the Parliamentary Secretary to the Minister for Health and Aged Care, Mr Doyle, dated 29 April expressing concern about the consultation on and the support for those changes. He states:

I find it rather alarming that the minister has misrepresented the union by stating in Parliament that the union representing the staff, (and the students), is both aware and supportive of the changes.

You and your minister are both very aware that there has been no recent consultation with the union on these matters and that the union and the employees have not yet been afforded rights to meaningfully and informed consultation.

The general secretary says that meaningful and informed consultation has not taken place. The union and a number of members of the community are concerned about how the government operates. The letter continues:

For example, notwithstanding that I was a member of the task force, I have just become aware, via hearsay, that the arrangement between the government and Monash University provides for ambulance training to be conducted at the Peninsula campus and, further, that appropriate accommodation facilities may not be available.

The letter clearly states that Mr Morris was a member of the task force but that he found out about the consultation and the location of the training centre via hearsay. The letter goes on to say:

Further, I am astounded that the government is spending up to \$3 million on the Monash building option, which will not be on-line prior to January 1999 at the earliest, when VUT was

rated by the task force as a very close contender and only required \$1 million, or less, to refurbish an otherwise excellent and existing building.

Here we go again — the government certainly spends money when it comes to the ambulance system. A task force has been established but there has been little consultation. The task force has decided on an option costing \$2 million more than what is required to refurbish the existing premises, and the government has committed taxpayers' money to that. The government pours money into the ambulance system but that money is spent on consultants. Over the past four years the amount of money spent on the Metropolitan Ambulance Service has increased by approximately 400 per cent. One could say that is a good thing, but are there more ambulances on the roads and are there more trained officers? No, because the money has been spent on consultants. Cuts have been made year after year to prop up what is happening in country Victoria. Money is going into the system but the community is not benefiting. Consultants are getting the money rather than the community at large.

Honourable members know about the Intergraph scandal which has blown out from \$7 million to \$38 million. Anybody with any business sense would know that that is not the best way to run an ambulance system. I have a definition for consultants: they are victims looking for a disease. These consultants picked up a great disease — that is, money in the bank. They have been awarded a government contract. In one case they said a particular option would cost \$45 000 but it ended up costing \$1.4 million. Have we got a better system for that? No. The letter from Mr Morris continues:

Finally, contrary to the assertion in your letter that no clear priority order was established between VUT and UMTC, as alternatives to Monash, it is my clear recollection, supported by my notes and other task force participants, that if the Monash option was not to proceed, then the offer would be made to VUT.

It is another example of the government ignoring the advice of the task force and doing what it wants when it comes to the ambulance system. It spends dollar after dollar for no return to the community. In this case it has spent \$2 million more than the task force recommended.

The second part of the bill abolishes the Victorian Ambulance Board, an organisation which could give the government good advice on how to run and maintain the ambulance system. There has been bungle after bungle with the ambulance system and Intergraph and the consultants who have been employed to advise

on it. Millions of Victorian taxpayers' dollars have gone into the pockets of consultants.

The opposition opposes the bill and believes the government ought to have proper advice from a properly constituted board to give it some desperately needed guidance, because it is obvious the ambulance system needs a board that can give independent advice. Under the previous Labor government a board was established with Mr Capp at its head, and it gave good advice.

Honourable members interjecting.

The PRESIDENT — Order! I find it difficult to hear the Deputy Leader of the Opposition. I suggest that members on both sides of the house desist.

Hon. M. M. GOULD — Mr Stan Capp was the head of the Victorian Ambulance Board established under the previous Labor government, and he gave good advice as to the best way to deal with the ambulance system. Mr Capp came up with a proposal that would benefit all Victorians — that there should be one ambulance service across Victoria. He suggested that instead of spending considerable amounts of money on administrative costs the government should establish a statewide system. The opposition supported that view in the belief that it was a proper way to go. The government put the argument that it would be — —

Hon. R. I. Knowles interjected.

Hon. D. A. Nardella — It went better at Mitcham!

Hon. M. M. GOULD — And we know about the problems in Mitcham relating to ambulances meeting the standards that the government set. Over a six-month period the service could not meet the benchmarks it established for itself. The government keeps pouring money into the pockets of consultants for advice about the ambulance system. The Auditor-General's findings show that some of the practices that took place in handing out the contracts and spending taxpayers' money were the result of mismanagement, if not corruption.

The bill has caused concern that \$2 million will be wasted on a proposal that would cost only \$1 million under the task force recommendations. Considerable amounts of money have been poured into the ambulance service.

Hon. R. I. Knowles — Thank you very much. You are always talking about the cuts!

Hon. M. M. GOULD — In 1991–92 about \$16 million was put in and according to the service about \$47 million was put in this year; but are there more ambulances and more trained officers? Is there a better service? No, there is not. More money is being poured into the Metropolitan Ambulance Service but funds to country areas have been cut. The ambulance service in the north-eastern region received about \$5.2 million in 1992–93; last year that was cut down to \$4.6 million. To get an ambulance in country or regional areas it is necessary to jump into the ambulance and drive it oneself! In real terms that cut has been even greater. In 1992–93 the Western District received more than \$4 million; last year it received \$3.6 million.

Hon. R. I. Knowles — Is Miss Gould prepared to identify the document from which she is quoting her figures?

Hon. M. M. GOULD — They are figures that the opposition has put together by going through the government budget.

Hon. R. I. Knowles — Can she establish that these are opposition figures and that they are not from any official government document?

Hon. M. M. GOULD — They are figures the opposition has put together by looking at reports of government grants.

Hon. R. I. Knowles — But not direct quotes from any official documents?

Hon. M. M. GOULD — The figures come from reports the opposition has put together.

Hon. R. I. Knowles — I rest my case, Mr President. Miss Gould is saying these figures are not from any authoritative, credible source.

Hon. D. A. Nardella — They are! They are from your documents. We put them together.

Hon. M. M. GOULD — The opposition's research also shows that funding for the ambulance service in the north-western region has been cut.

Hon. W. A. N. Hartigan interjected.

Hon. M. M. GOULD — That is the \$64 question. I acknowledged that increased funds are going into the Metropolitan Ambulance Service and the minister was grateful for my acknowledgment; but funding for the ambulance service in country Victoria has been cut. Ambulances in the country that are not operational

because they exceed government standards on distances travelled are still being driven because there are insufficient funds to replace them.

When this government came into office there were more than 800 ambulance officers; now the number is down to fewer than 600. The government paid more than \$6 million in voluntary redundancy packages to get rid of 200 ambulance officers and then realised that it needed them back again, so some were re-employed shortly after leaving the service.

Although the opposition does not in principle oppose the education of ambulance officers it is concerned that it will take two to three years to train them. It is concerned about that time lag. The same thing has happened in the nursing and teaching professions: there will be a gap of two to three years between needing more staff and having them trained. The opposition is concerned that the gap will not be filled and there will be insufficient ambulance officers to look after Victoria's needs. At the moment ambulance officers are trained on the job; they are performing their duties and are out on the road when needed.

The opposition is concerned about the amount of taxpayers' money wasted on the Intergraph fiasco and that consultants have profited considerably from that. It is also concerned that there has been lack of consultation with those who are involved in the training centre. For those reasons the opposition opposes the bill.

Hon. J. W. G. ROSS (Higinbotham) — I am pleased to speak in support of the Ambulance Services (Amendment) Bill and to indicate that the two main purposes of the bill are to abolish the Victorian Ambulance Board and the Ambulance Officers Training Centre. However, that glib and somewhat negative description of the legislation belies its real importance as a further stage in the continuing evolution of quality services for all Victorians in metropolitan and rural areas.

Firstly, I take up a number of points made by Miss Gould in her contribution. In respect of consultation between the Ambulance Officers Training Centre and the Ambulance Employees Association of Victoria as represented by Mr Rod Morris, I advise Miss Gould that the latest annual report of the Ambulance Officers Training Centre noted a progress report on the work of the task force chaired by the Parliamentary Secretary to the Minister for Health and Aged Care. The minister had already indicated that Mr Morris was on the task force. It comes down to what one really defines as consultation. There can be no

doubt the union was informed of progress all along the way.

The only interpretation I can put on the union position is that although I have the greatest respect for ambulance officers themselves it seems that under the umbrella of the union's management a reactionary position was adopted. That is perfectly understandable. Perhaps it is because the moving of ambulance officer training into a first-rate university environment will allow officers to develop and may induce them to leave the union officialdom in their wake. That is the only reasonable construction I can put on the union's reactionary position.

Hon. R. I. Knowles — That is extraordinarily generous.

Hon. J. W. G. ROSS — In respect of the Victoria University of Technology option, it seems to me that Monash and VUT are like chalk and cheese. VUT has no medical school or capacity for collegiate development with the nursing profession, medical practitioners and physiotherapists or access to the technology and other facilities that are necessary to develop a well-trained ambulance service officer.

On the decision to abolish the Victorian Ambulance Board, it is significant that the Auditor-General has examined the situation. I refer to page 71 of the Auditor-General's special report no. 51 entitled *Victorian Rural Ambulance Services: Fulfilling a vital community need*. Under the heading 'Victorian Ambulance Board', the report states in paragraph 6.32:

The Victorian Ambulance Services Act provided for the establishment of the Victorian Ambulance Board with representation including the Metropolitan Ambulance Service, the rural ambulance services, relevant employee associations and the department. The major function of the board, as envisaged under the act, was to provide advice to the minister and the secretary of the department on matters affecting ambulance services.

Paragraph 6.33 states:

Despite the legislative provisions, the board has not, to date, performed the extensive advisory role outlined in the legislation and currently is, in fact, virtually non-operational.

Paragraph 6.34 states:

Ambulance service management advised audit that the failure of the board to fully operate could be attributed in part to the fact that its recommendations were not binding on either the department or ambulance services.

Paragraph 6.35 states:

In audit opinion, the extremely limited ambit of the board's activity may have contributed to the past lack of attention

given to the development of statewide performance standards and inconsistencies in the current operations of rural ambulance services.

Paragraph 6.36 states:

In conjunction with a review of the department's role, as recommended in the preceding section, the need for a continuing role for the Victorian Ambulance Board should be considered.

In accordance with the recommendations of the Auditor-General the government considered the future of the Victorian Ambulance Board and decided it should be abolished.

Ambulance Services Victoria comprises seven distinct services, each of which has a committee of management that reports to the Minister for Health and the Department of Human Services. Those sources of advice in many ways duplicate the role of the Victorian Ambulance Board. In other words, under the Labor government a complex web of advisory mechanisms grew up in the ambulance services area. It is now considered that many of the past functions of the Victorian Ambulance Board can be provided to the minister just as well by the secretary. In addition, the various committees of management are both an important source of community and individual advice and an important knowledge base on ambulance services.

Victorian ambulance services trace their history back to the formation of the Association of the Order of St John in Melbourne in 1883. In 1899 the first ambulance station was housed in stables behind the Windsor Hotel, just across the road from this place. Since those early horse-and-buggy days we have seen a phenomenal growth in the technology of ambulance service delivery and the bill will facilitate even more spectacular growth. For over a century Victorian ambulance administrators and officers have worked to improve the quality of patient care and services to the community. I am proud to say that those services are among the most advanced in the world. Victoria is a leading provider of life-saving emergency medical care and transport for the sick and injured.

During 1996–97 the Metropolitan Ambulance Service attended a record 157 624 emergency cases, and despite a 9.7 per cent increase in its workload the service's response time for critical code 1 cases improved over the previous year. Officers attended 50 per cent of cases in 9 minutes or less and 90 per cent of cases in 16 minutes or less. In addition to the Metropolitan Ambulance Service there are five major rural services: North Eastern, North Western, Western, South Eastern and South Western ambulance services. During

1996–97 rural ambulance services attended a combined total of 100 000 emergency and non-emergency cases.

Despite the long history of the ambulance services the modern era in ambulance officer education and training dates back only some 20 years to the Ambulance Services Act. In 1986 the act established the Ambulance Officer Training Centre, which still operates out of premises at 69 Queens Road, Melbourne. That legislation specified a list of objectives for the training and education of persons charged with the administration or operation of ambulance and related services. In other words, the facility provided for the training of ambulance officers and its brief extended to almost every aspect of the provision of a first-class service that is second to none in the world. The disciplines now required include medical and technical training, research into ambulance service planning and delivery, vocational guidance, and lectures and in-service courses for members of committees of management.

I well remember around the time that the Ambulance Officers Training Centre was established that ambulance officers were still working hard to establish their credentials as bona fide allied health professionals. The issue in which I was personally involved as executive officer of the Poisons Advisory Committee related to the possession of drugs of addiction and other potent substances by ambulance officers. At the time there was considerable apprehension on the part of medical and pharmacy administrators in allowing ambulance officers to administer life-saving drugs and addictive pain-killers in emergency situations.

The truth was that at that time the ambulance officers concerned were at the cutting edge of professional development. There were probably only two or three mobile intensive care ambulances, now well known as MICA ambulances, with staff sufficiently trained to use potent drugs and high technology equipment in emergency situations such as cardiac arrest. A great deal of expert testimony from emergency service medical practitioners supported the ambulance officers' case and it became very clear to me that in the event of a heart attack or roadside trauma MICA ambulance officers were probably far more skilled than most doctors when rendering life-saving assistance.

Those are the circumstances in which the Ambulance Officers Training Centre was established, its main purpose being to make inroads into a highly restricted area of health care that was the preserve of the medical profession. There is no doubt that the centre has served the community well in the intervening years, producing a work force of well-trained paramedical officers.

In 1996–97 the centre accepted 51 students to train for the Associate Diploma of Health Science. Four paramedic courses delivered quality programs to 39 students, 21 of whom were from regional areas and 18 of whom were from the Metropolitan Ambulance Service. In addition, three years ago the privatisation of non-emergency ambulance work gave the Ambulance Officers Training Centre the opportunity to provide specialised training to ambulance transport assistants. Although the Ambulance Officers Training Centre has served Victorians well for more than 20 years, the needs of new professional paramedics have outstripped the centre's original charter to a significant degree, and the time has come for further reform.

The expense involved in administering and maintaining a single-vocation tertiary teaching institute therefore needs reappraisal. However, there is also the more significant issue of developing collegiate links with nursing, medical and other health professionals, as well as others working in the field, in educating and training ambulance personnel. That will lay the groundwork for teamwork in the delivery of health care and the cross-fertilisation of thinking that is the hallmark of all modern health care delivery services.

In order to pursue those aims the Minister for Health commissioned his parliamentary secretary, Mr Robert Doyle, the honourable member for Malvern in the other place, to chair a task force and make recommendations on the future needs of ambulance officer training. In its report, which was released last year, the task force recommended that ambulance education and training be mainstreamed and based on a pre-employment model and that Monash University's faculty of medicine be offered the opportunity to develop a proposal.

I understand the committee of management of the Ambulance Officers Training Centre was kept informed and supports the ministerial task force recommendations. As I have already mentioned, the centre saw fit to mention the progress of the proposal in its recent annual report.

Not surprisingly, the final proposal recommended that, by agreement with the Department of Human Services, Monash University's faculty of medicine should assume responsibility for ambulance education and training on 1 July 1998. That means that if the implementation planning deadlines are to be met, there is some urgency about having the bill passed by Parliament in the current session.

Clause 4 removes the definitions of 'board', which refers to the Victorian Ambulance Board and which will be abolished, and 'centre', which refers to the

Ambulance Officers Training Centre, which is also redundant and which the legislation will abolish. Clause 6 effects a purchaser-provider split. It makes the Secretary to the Department of Human Services the successor in law to the board and the centre and sets the scene for the department to become the purchaser of education and training services from Monash University in the first instance.

Clause 8 removes the prohibition on the payment of fees to members of committees of management of the ambulance services and, in line with some other services, maintains the flexibility of being able to pay committee members if that is desirable in certain circumstances. Clause 9 may be of interest to members because it inserts proposed section 20A in the principal act. It specifies that being a member of a committee of management of an ambulance service shall not be taken to mean holding an office of profit under the Crown. The proposed section is identical to section 38 of the Health Services Act, which refers to the membership of a board of a public hospital.

These provisions allow sitting and former members of parliament to accept nominations for membership of public hospital and ambulance services boards. That is eminently sensible, and there are some clear precedents for it. My predecessor in Higinbotham Province, the Honourable Geoffrey Connard, was a member of the Fairfield Hospital board for many years, eventually becoming its chairman.

Hon. M. A. Birrell — He did an excellent job.

Hon. J. W. G. ROSS — He maintained his position under the former Labor government, making an enormous contribution to the hospital over many years.

Consider the situation in the future when, for example, Mrs Hogg may have left this place but may be willing to serve as a member of either an ambulance or hospital board. I readily accept that as a former health minister she would be a suitable member of such boards. Until the recent reforms of community health centres I was a member of the board of the East Bentleigh community health centre. I understand the member for Springvale in the other place, Mr Eddie Micallef, is a highly regarded president of the Springvale community health centre. I emphasise that the issue is not the payment of sitting fees but, rather, that people are eligible to receive them, which has implications for current and former members of Parliament. I can only conclude that maintaining the ability of serving and retired members of Parliament to serve on the community-based boards of management of public hospitals and ambulance services is sensible indeed.

I do not have the slightest hesitation in supporting the bill. In doing so, I acknowledge the first-class work that the Ambulance Officers Training Centre in Albert Park has done over the past 20 years or more. I also take the opportunity to congratulate the serving members of the board of management for their vision and their willingness to enter into discussions on and facilitate the auspicing of the future training of ambulance officers at a top-flight medical faculty at one of Victoria's most prestigious universities. I commend the bill to the house.

Hon. S. M. NGUYEN (Melbourne West) — I oppose the bill, the purpose of which is to abolish the Ambulance Officers Training Centre and replace it with a mainstreamed, pre-employment model that will be based at Monash University's Frankston campus. The bill will also abolish the Victorian Ambulance Board, which once had the role of advising the minister on ambulance matters throughout Victoria.

In the past four years the Metropolitan Ambulance Service has gained a bad reputation as a result of the huge cut the government made in its resources. Its operations have gone backwards and its capacity to service the needs of taxpayers has been substantially reduced. The trifecta — the Auditor-General's report, police inquiries and coronial inquiries — have reflected poorly on the reforms that have been inflicted on the ambulance service.

The government has spent 400 per cent more on the Metropolitan Ambulance Service since reforming it. A lot of money has been spent on consultants, who in most cases have been appointed without the proper tendering process being followed.

Instead money should be spent on improving ambulance services. The minister has little understanding of the portfolio or the department. Money needs to be spent on improving the services so that ordinary Victorians will benefit and will not have to wait for long periods to get ambulances — Victorians are literally dying while waiting for ambulances — instead of letting contracts such as Intergraph, which blew out from \$7 million to \$38 million.

In addition, the government wants to abolish the Victorian Ambulance Board, a body that gives the minister and Parliament good advice on how to improve services. The government ought to receive proper advice from a board that understands and can guide ambulance services. The government must listen to independent advisers. One way for the government to improve the health system in Victoria is for it to

adopt the advice of the Victorian Ambulance Board. In 1992 under the leadership of Mr Capp the board issued an excellent report one of the key recommendations of which was that the government should amalgamate all ambulance services into one organisation because a single umbrella organisation would be easier to manage, it would ensure better communication, costs would be fewer and it would provide faster services.

In the second-reading speech it was claimed that changes to the bill had the support of the Ambulance Employees Association of Victoria. Mr Rod Morris, secretary of the union, wrote to the Parliamentary Secretary to the Minister for Health and Aged Care and stated:

You and your minister are both very aware that there has been no recent consultation with the union on these matters.

Further, there are concerns because Monash University has not yet built the \$3 million government-funded facility that will be used for training, and because the Frankston campus of the university is a long way from metropolitan Melbourne and will not be easily accessible to trainees who live on the other side of town. I am sure the government will encourage motorists to travel further because that will benefit the City Link project.

There is currently a shortage of ambulance employees and if there is a switch to pre-employment training there will be even fewer available. The opposition will vote against the bill.

House divided on motion:

Ayes, 30

Asher, Ms	Forwood, Mr
Ashman, Mr	Furletti, Mr (<i>Teller</i>)
Atkinson, Mr	Hallam, Mr
Baxter, Mr	Hartigan, Mr (<i>Teller</i>)
Best, Mr	Katsambanis, Mr
Birrell, Mr	Knowles, Mr
Bishop, Mr	Lucas, Mr
Boardman, Mr	Luckins, Mrs
Bowden, Mr	Powell, Mrs
Bridson, Mr	Ross, Dr
Cover, Mr	Smith, Mr
Craige, Mr	Smith, Ms
Davis, Mr D. McL.	Stoney, Mr
Davis, Mr P. R.	Strong, Mr
de Fegely, Mr	Wilding, Mrs

Noes, 7

Gould, Miss	Power, Mr (<i>Teller</i>)
Hogg, Mrs	Pullen, Mr
McLean, Mrs (<i>Teller</i>)	Walpole, Mr
Nguyen, Mr	

Pairs

Hall, Mr
Varty, Mrs
Wells, Dr

Eren, Mr
Nardella, Mr
Theophanous, Mr

Motion agreed to.

Read second time.

Third reading

Hon. R. I. KNOWLES (Minister for Health) — By leave, I move:

That this bill be now read a third time.

In doing so I thank honourable members for their contributions to the debate. In particular I thank Dr Ross for his contribution. He refuted the claims made by the opposition. There has been extensive consultation on the process, and Rod Morris, secretary of the Ambulance Employees Association, was a member of the task force.

The task force recommended we transfer the training away from the Ambulance Officers Training Centre to a university. It also recommended that it would be ideal if the university to which it was transferred had a medical school. That has happened and Monash University has agreed not only to take on the training of ambulance officers but also to locate their training at the peninsula campus of the university. We will see a significant expansion of opportunities on the peninsula and the government welcomes that development.

The suggestion that this will represent a break in the training is factually incorrect. The bill facilitates Monash University's management takeover of the centre from 1 July this year so the transition will be smooth and continual. These are small but important initiatives; they are in keeping with best practice and the government has every confidence the proposals covered by the bill will lead to a better outcome in ambulance services in this state. I thank honourable members for their contributions to the debate and I commend the bill to the house.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

ADJOURNMENT

Hon. R. I. KNOWLES (Minister for Health) —

Prior to moving the motion for the adjournment of the sitting I believe I can say on behalf of all honourable members that today is an important occasion: it marks the 25th anniversary of the election of both you, Mr President, and Mr Baxter, Leader of the National Party, as members of Parliament. You have both had illustrious careers and have made significant contributions to the Parliament and the state. Honourable members look forward to joining you in celebrating this milestone after the adjournment of the house. In eager anticipation, I move:

That the house do now adjourn.

CASA: Loddon-Campaspe

Hon. C. J. HOGG (Melbourne North) — I raise for the attention of the Minister for Health the Loddon-Campaspe centre against sexual assault (CASA). I am advised that a portion of the suicide prevention fund has been earmarked for victims of sexual assault. I understand the Loddon-Campaspe CASA has been allocated \$34 000 a year under this program and that the current financial year's allocation that will be made soon must be expended by the service by 30 June this year. I ask the minister if there is any flexibility around this time line which will allow the CASA to spend some of the money on service delivery as well as on much-needed capital items.

ABC: business program

Hon. D. McL. DAVIS (East Yarra) — I direct a matter of concern to the attention of the Minister for Industry, Science and Technology. All honourable members are concerned that Victorian businesses are able to operate at the highest and most efficient level, which means exports being increased and jobs created for Victorians. That requires high-quality information to be presented to businesses, both large and small, and broadcasters have a role to play in the presentation of such information.

In that context I direct to the minister's attention the support of various business organisations for the development of a regular stand-alone business program on the national broadcaster, the Australian Broadcasting Corporation. The organisations include the Retail Traders Association of Australia, the National Institute of Accountants, the Victorian Employers Chamber of Commerce and Industry, the Franchise Council of Australia, the Institution of Engineers, Business East, the Committee for Melbourne, the Australian Federation of Business and Professional Women, the

Non-Profit Chamber, VIP Australia, the Australian Chamber of Manufactures and Whitehorse Business Council.

Is the minister prepared to take up the concerns of those organisations and endorse the idea of a flagship business program based in Melbourne and the contribution that might make to Victorian businesses?

Werribee Mercy Hospital

Hon. S. M. NGUYEN (Melbourne West) — I raise for the attention of the Minister for Health the parking arrangements at the Werribee Hospital. Recently a parking fee of \$2 was introduced for all visitors and patients to the hospital. As there is only one entrance to the hospital, emergency patients and people requiring immediate medical attention must pay the \$2 fee before gaining access to the medical attention they need.

In April this year a constituent with a serious head injury was rushed by her husband to the hospital, but the parking attendant refused entry as they had left home without any money. They were forced to park on the Princes Highway opposite the emergency area and walk back to the hospital with their two small children in tow to get the urgent medical treatment the woman required.

Hon. R. I. Knowles — Have you raised this with the hospital?

Hon. S. M. NGUYEN — No. Will the minister investigate the parking arrangements at the hospital as they fail to allow access to the emergency area of the hospital? The government must ensure that the residents of Werribee can gain access to the emergency medical care they require without having to pay a ridiculous parking fee for that privilege.

Taxis: seat belts

Hon. ANDREW BRIDESON (Waverley) — I direct to the attention of the Minister for Roads and Ports the wearing of seat belts by taxidrivrs. I have been approached by taxidrivrs who inform me that many taxidrivrs do not wear seat belts. The regulations applying to New South Wales taxidrivrs clearly exempt them from wearing seat belts. I am informed that in South Australia and Queensland taxidrivrs are not required to wear seat belts. Taxidrivrs not wearing seat belts are able to escape from their taxis if attacked or quickly get out of their cabs if chasing people — runners — who have not paid their fares.

Will the minister inform the house whether the government will come down heavy on Victorian taxidrivrs who do not wear their seat belts?

CASA: sexual assault phone-in

Hon. PAT POWER (Jika Jika) — Mr President, I compliment you and the Leader of the National Party on your 25 years in Parliament — and on providing drinks on the day the Leader of the Opposition is absent!

I ask the Minister for Small Business to raise with her colleague the Minister for Women's Affairs in another place a matter of some urgency. My pecuniary interests register shows that I am a member of the organisation called Men against Sexual Assault. In that capacity I inform the house that the Victorian Centres Against Sexual Assault is conducting a phone-in against sexual assault.

As honourable members are aware, sexual assault is a serious social problem in Victoria. It is estimated that at least 60 people are sexually assaulted each day. The coordinator of CASA House told me that the phone-in is scheduled for Sunday, 24 May, and Monday, 25 May. It is an opportunity for CASA to collect more information about how women's lives are affected by sexual assault. Women's stories will assist CASA both to advocate for the rights of all the victims and to work towards ensuring quality support services are available for them.

The women who ring the phone-in will have access to interpreters who speak Vietnamese, Greek, Turkish, Spanish and Arabic — as well as English, of course. Phone-ins have been shown to be an effective strategy for gathering information about sexual assault. The phone-in is confidential; callers will not be asked to provide their names. Responses to previous phone-ins have shown that women who may feel unable to report their experiences to authorities or who may be unable to gain access to services take the opportunity to anonymously report the violence perpetrated against them. I am sure no member of the chamber would underestimate the importance of the phone-in.

I know there is only a short time left, but I ask the minister to ask the Minister for Women's Affairs whether she can make a public comment in support of the phone-in.

Finance: credit cards

Hon. M. M. GOULD (Lourta Galla) — I refer the Minister for Finance to FOI documents that show that on 26 August 1996 his adviser, Russell Marriott, spent

\$230 at the Cerebonas Espresso on his state government corporate credit card. Will the minister provide the house with details of the official government business being conducted on that occasion?

Finance: credit cards

Hon. D. T. WALPOLE (Melbourne) — I refer the Minister for Finance to FOI documents that show that on 27 May 1996 his adviser, Scott Hargreaves, spent \$91.25 at the Duke of Wellington Hotel on his state government corporate credit card. Will the minister provide the house with details of the official government business being conducted on that occasion?

Responses

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — Mr David Davis raised a matter about the Australian Broadcasting Corporation and in particular a campaign by a wide variety of business groups to secure a stand-alone business program for Victorian businesses.

The government shares Mr Davis's concerns about the fact that the ABC has deliberately, or by default, allowed a drift of programs away from capital cities such as Melbourne to Sydney and the centralisation of programming and production resources out of Sydney at the expense of the second largest city in Australia. I regret that happening. I am prepared to lend the weight of the government to try to change the practice. I will raise the matter with the Premier.

Hon. R. I. KNOWLES (Minister for Health) — Mrs Hogg raised the expenditure of funds given, or about to be given, to the Loddon-Campaspe centre against sexual assault. She indicated it was part of the government's response to the report of the suicide prevention task force. I am prepared to accept that, but it could well be that part of the additional funds were provided to CASA as a response to the issue of sexual assault and the need for improvement in counselling services.

Mrs Hogg asked whether the deadline for expending the funds could be extended. I am happy to look at that matter because from the government's perspective we are more interested in the funds being spent wisely than in them being spent by a particular deadline. I do not have the details at my fingertips but I undertake to look at that matter to see if it is possible to extend the deadline set to ensure that the organisation has the

capacity to spend the funds sensibly and wisely for the community.

Mr Nguyen raised with me the fees required to be paid for parking at the Werribee Mercy Hospital. Parking is a matter for the hospital. I have no doubt the hospital would not want the policy that it has instituted to try to generate revenue to ensure adequate parking is provided to operate so as to preclude people from being able to access those services if they need them. I asked by interjection whether Mr Nguyen had raised the matter with the hospital. I think a better outcome is achieved if the question is raised with the hospital in the first instance. I am happy to take up the issue with the hospital but I suspect if what was put to the house is an accurate summation of the situation the hospital would want to address that immediately.

In future, it is preferable and in the community interest if such issues are raised in the first instance directly with the hospital. If the explanation given is unsatisfactory it is appropriate to raise the matter with me and I can follow it through. However, in this case I will take it up with the hospital and seek its explanation as to how the policy it has instituted is operating.

Hon. R. M. HALLAM (Minister for Finance) — Miss Gould and Mr Walpole raised incidental issues relating to the use of government corporate cards. I repeat and stand by what I said earlier today regarding the use of corporate cards. If honourable members have any evidence that corporate cards have been used inappropriately in the pursuit of government business I invite them to repeat those accusations outside the chamber and I will be happy to accommodate them.

Hon. G. R. CRAIGE (Minister for Roads and Ports) — Mr Brideson raised with me the issue of taxi drivers wearing seat belts. Victoria has led the way in the introduction of the compulsory wearing of seat belts for car drivers and passengers. The state government makes it clear that it will allow no exemptions at all from wearing seat belts, no matter who the drivers or passengers are. It is important that the government maintains a policy that addresses the overall issue of road safety for all Victorians, and it will not consider changing the rules. The government is aware of stories similar to the one related by the honourable member this evening about chasing runners and so on, but at the end of the day the government must make a decision about the overall public safety issue. The government would argue that the greater benefit of compulsory wearing of seat belts is of the utmost importance. Compulsory wearing of seat belts has been a great road safety initiative by this state, and the government will continue to enforce and regulate the initiative.

Hon. LOUISE ASHER (Minister for Small Business) — Mr Power raised with me an issue relating to sexual assault to refer to the Minister for Women's Affairs. His fundamental question was whether the minister will support a phone-in on 24 and 25 May. I am moved to echo the very simple suggestion of the Minister for Health to a matter raised with him: have the CASAs asked the minister to participate? If they want the minister to participate they should ask her rather than asking me. However, I can comment that a lot of the funding for CASA comes from Human Services and as I chaired the domestic violence task force in my first term of government, I am very familiar — perhaps more than many others in Parliament — with the work of CASAs and completely support their work.

Honourable members interjecting.

The PRESIDENT — Order! I ask honourable members to quieten down and allow the minister to respond.

Hon. LOUISE ASHER — It appears that the honourable member who asked the question does not want to hear the response. I indicate to him that this government has contributed more money to CASAs for victims of domestic violence than any government of the party he represents ever contributed. As he was not listening to the response, I am happy to place on record again that the government has contributed more money to victims of domestic violence than any other government, has expanded services for Outreach and has supported CASAs. That funding stands on the record.

I urge the honourable member to advise the CASAs that if they want the minister to participate, they should ask her directly.

Motion agreed to.

House adjourned 10.23 p.m.

Wednesday, 20 May 1998

The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 10.03 a.m. and read the prayer.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Redundant and unclear legislation

**For Hon. M. T. LUCKINS (Waverley),
Hon. P. A. Katsambanis presented report on Carriers
and Innkeepers Act 1958, together with appendix.**

Laid on table.

Ordered to be printed.

PAPER

Laid on table by Clerk:

Parliamentary Committees Act 1968 — Minister's response to recommendations in Law Reform Committee's report upon regulatory efficiency legislation.

MOIRA: MANAGEMENT

Hon. PAT POWER (Jika Jika) — I move:

That this house congratulates the Shire of Moira's elected councillors for their individual and collective efforts to:

- (a) manage the municipality in the best interests of ratepayers and residents;
- (b) make local government a leader within the region; and
- (c) seek the assistance of state and federal government in plans for economic and social growth.

The motion is important not just because it acknowledges the importance of local government and of the efforts of elected councillors as individuals and as a team at the council table, but because it acknowledges that in the Shire of Moira the ratepayers, the community, the staff and the team of councillors are working through a difficult period to ensure that local government is strong, sustainable and of critical importance to local people.

Members in this chamber are probably aware that the Shire of Moira was created as a result of the amalgamation of the former municipalities of Cobram, Nathalia and Numurkah and sections of the former Tungamah and Yarrawonga shires. That part of Victoria is beautiful country. It contains many vibrant smaller and significant townships, and it is important

because of its agricultural contribution to the north-east and north-central region and to the state itself.

The first shire elections were conducted in 1997, and in alphabetical order the councillors elected were Cr Chris Bourke; Cr George Cattermole; Cr Yvonne Davies — who had the difficult and challenging role of being the inaugural mayor, a position that everyone would acknowledge she undertook with significant enthusiasm and commitment — Cr William Gread; Cr Graham Helmore; Cr John Lawless and Cr Rex Wright.

I will seek to demonstrate the degree of difficulty taken on by the councillors when they came to office in March 1997. We all know that the government's strategic approach to amalgamation was to create a Local Government Board which was headed up by the honourable member for Prahran in another place. In relation to the geography of Moira, I am not sure there is significant criticism about whether the boundaries could have been better placed.

Today I certainly do not seek to revisit whether the amalgamation process was appropriate. As the house has heard in previous debates, the government chose through an amalgamation process to use commissioners to manage and to bed down the various local government policies the government believed were critical for that major change period. Today I shall demonstrate that during that period of commissioner management, questions were asked and decisions and actions were taken that have made the role of the new councillors extremely difficult.

Everyone knows that one of the responsibilities of the commissioners was to self-fund, to the best of their ability, the amalgamation process. The government required the resources of the new municipalities, as the successor bodies, to be used for the cost of amalgamations. At the point of amalgamation the new Shire of Moira had approximately \$4 million in outstanding loans but had \$7 million in financial reserves. The biggest problem facing the community, the elected councillors, and the new chief executive officer and his staff was the alarming financial situation in the shire. I understand that when councillors took over management of the municipality they discovered that instead of \$4 million, the total of outstanding loans liability was about \$10.5 million, comprising \$7.67 million in outstanding loans and \$2.9 million as the Shire of Moira's share of the unfunded superannuation liability. In addition, the financial reserves of the shire at that point were not \$7 million but zero. For those reasons, an investigation should be carried out.

The government took a different approach as to the number of commissioners and the mix of skills it considered to be appropriate in different municipalities. Notwithstanding that the opposition was opposed to the dismissal of councillors and the notion of commissioner appointments, especially under the terms of those appointments, I have previously acknowledged that many commissioners did a good job for their municipalities and the ratepayers, who, after all, are the stakeholders in those municipalities. Generally, those commissioners who had previous experience in local government, usually as councillors, turned out to be the commissioners who were best able to manage through the amalgamation process because they understood the sector and the importance of local government to local communities.

In the Shire of Moira the commissioners appointed were Keith Christie, Cherie Crawford, Trevor Noonan and Jeremy Gaylard who was appointed as the chair of the commissioners. Moira had a larger number of commissioners than was the case in many other municipalities, especially those in non-metropolitan and non-provincial Victoria. I shall present arguments that those commissioners, as a group charged by the Kennett government with managing the change period, failed to succeed in a way that benefited short, medium and long term the ratepayers and residents of that municipality.

I acknowledge there are differences of opinion about the accuracy of some of the data I will seek to put before the house today about where responsibility for actions taken may rest and whether certain actions were appropriate. However, it is reasonable for the opposition to argue that the team of commissioners and the then CEO did not manage the financial situation of the new municipality to the necessary or expected level.

At public meetings held at a number of places in the new municipality since the council has been elected a large number of ratepayers and residents, people representing business interests and the many tourist and recreational outlets in the shire and people from the farming community, have said the team of commissioners and the then CEO failed to satisfactorily meet their responsibilities. During the administration of the shire by the commissioners the CEO considered his position and queried whether his professional management skills had been what they should have been. At one point during that time he offered to resign on the basis of there being substantive evidence that his work was less than satisfactory.

Documentation and records at the Shire of Moira indicate that the commissioners refused to accept the

CEO's offer of resignation. Instead, the commissioners informed the chief executive officer that he should dismiss the Shire of Moira's chief accountant. It is not clear to me why the commissioners reached that conclusion, but it is clear — and it is clear from the public record — that despite this advice being given to the chief executive officer by the commissioners, the chief executive officer declined to heed it and did not dismiss the chief accountant.

In relation to whether the commissioners met their obligations, it is also on public record at the Shire of Moira that Trevor Noonan — who, as I indicated before, was one of the commissioners appointed by the coalition government — made it very clear that in his view Moira was financially sound during the period of commissioner management. Cr Noonan was telling ratepayers and residents on the basis of his experience, skills and knowledge that the municipality was financially sound. Although one might argue about the actual figures, it is now indisputable that that was not the case. It appears, not just from the public record, that the commissioners and the then chief executive officer were not up to the mark in relation to their management skills and that they were seeking to assure the community that all was well.

During the period of commissioner management some arrangements that were not just strange but also expensive and costly to ratepayers were put in place. I will point out later that the commissioners used consultants in what I would argue was an excessive way — and we all understand that consultants are very expensive — which meant that essentially ratepayers and residents were being asked to fund those consultants.

One of the other appointments that I consider to be if not inappropriate certainly unwise was that of Gerard Nelson, who was to provide strategic advice to the commissioners. Gerard Nelson operates an agency called Australian Workplace Strategies and he was, I believe it is appropriate to say, personally recruited by the chair of commissioners to provide advice. He was funded on the basis of a retainer of \$40 000 for turning up — or just for being — and on top of that was paid for any work that he carried out. Again, I am not sure why his appointment was necessary, given that there were plenty of other places from where the commissioners could have sought advice in relation to the matters that Mr Nelson advised them on. There must have been more efficient and less costly ways of seeking this advice than to create a circumstance in which an individual was paid a retainer simply to exist and on top of that was paid for services rendered. If somebody's skills are needed, the most efficient and

responsible way to engage those services is to have a remuneration arrangement which is not as open-ended and excessive as the arrangement made with Gerard Nelson.

As the financial circumstances of the Shire of Moira became more difficult, it is clear from the public record that the commissioners — and probably the chair of commissioners more than others — became anxious about the best way forward. On 14 March 1997, using Melbourne Market Authority letterhead, the chair of commissioners wrote to the chief executive officer suggesting that he ought to consider his position. I do not have any difficulty with the chair of commissioners concluding that that was a responsible action; I am not sure why he wrote the letter on Melbourne Market Authority letterhead rather than Shire of Moira letterhead, but I do not think that is a big issue. What is a big issue is that it is now very clear — and there is a paper trail that can document this — that some time after the event the chief executive officer acted in a way which in my opinion represented a breach of the Local Government Act in that he removed an item of correspondence from the council files. Not only did he remove the letter from the council files; he also altered the inward correspondence records of the municipality to delete any reference to the letter. It is only as a consequence of staff at the shire of Moira being committed to the best interests of ratepayers and residents that it has been possible to establish that these actions did in fact take place.

A breach of the Local Government Act is a breach of the Local Government Act; a breach of the act by the chief executive officer of any municipality is a serious issue. When the matter was drawn to the attention of the Office of Local Government and government, action should have been taken quickly — not just in the best interests of ratepayers and residents in Moira but to demonstrate that standards of the highest level are necessary in the management of the public sector, whether it is at the local level, the state level or the federal level. A chief executive officer cannot commit a clear breach of the appropriate act by, in this case, removing correspondence from the municipal record and, further, by deleting the record of that correspondence from the incoming correspondence list.

The chief executive officer's explanation for committing this apparent breach of the Local Government Act was that the Australian Workplace Strategies representative Gerard Nelson told the chief executive officer to do so. I cannot understand why a chief executive officer would be discussing this kind of matter with an out-of-house consultant.

I do not understand why somebody would commit an apparent breach of the Local Government Act on the advice of an out-of-house consultant or anybody. The public record will document the fact that the CEO took this action because Gerard Nelson said the chair of commissioners had written on a Melbourne Market Authority letterhead and that it was inappropriate for such a letter to be written on a MMA letterhead. I do not believe it is a big issue whether the chair of commissioners wrote on a MMA letterhead, but it is important that the chair of commissioners decided such correspondence was necessary to communicate his concerns to the chief executive officer. It is inappropriate that the CEO committed what I believe is a breach of the Local Government Act and that a consultant employed by the Shire of Moira would encourage any officer, let alone the chief executive officer, to perpetrate such a breach.

The public record will also show that when the alleged breach of the act was drawn to the attention of the Office of Local Government it was in a dither. That is understandable, given that the commissioners and the coalition government had appointed a CEO who clearly had committed a breach of the Local Government Act. I do not accept the decision the Office of Local Government took was in the interests of public sector management, of local government as a critical tier of administration or of the ratepayers and residents of Moira. The Office of Local Government said, 'As this breach occurred more than 12 months ago, unfortunately, it is possible for us technically to not proceed'. That is unsatisfactory. It does not matter whether it occurred 12 minutes, 12 hours, 12 days, 12 weeks or 12 months ago. It is not good enough to ignore an allegation about a breach of the Local Government Act by a CEO allegedly acting on the advice of a municipal consultant because 12 months has elapsed.

Unfortunately, consistent with the coalition's response to the period of commissioner management in Moira, there are many reasons, triggers if you like, that could have allowed the Minister for Planning and Local Government or the Office of Local Government to take appropriate action.

Hon. N. B. Lucas — It decided not to proceed.

Hon. PAT POWER — Thank you. Mr Lucas confirms that despite the fact that the chief executive officer had committed a clear breach of the Local Government Act, his government took no action. I welcome the assistance of Mr Lucas, who cannot usually help himself anyhow, but it is important that in this debate we have a government member reiterating

my claim that despite the evidence of a breach of the Local Government Act the Kennett government decided to take no action.

Hon. N. B. Lucas — On a point of order, Mr President, Mr Power in his earlier comments and again now has said somebody has committed an offence. My limited knowledge indicates that this matter has not been heard in a court of law. I understand that in a democracy one cannot say somebody has committed an offence unless that matter has been heard in a court of law and that person has been found guilty of an offence. If Mr Power wishes to choose that line of argument he should be talking about an alleged offence rather than saying, as he has said a number of times, that the person in question has committed an offence. They are two separate matters altogether.

Hon. PAT POWER — On the point of order, Mr President, Mr Lucas talks about democracy in a climate where his government has stolen democracy from ratepayers in Melton and Darebin. In my role as the shadow minister for local government, the advice I have taken and the documentation that I have seen shows that it is appropriate for me to assert that the chief executive officer of the Shire of Moira who was involved in the removal of correspondence and the deletion of a reference on the correspondence record has committed a breach of the Local Government Act.

The PRESIDENT — Order! I do not uphold the point of order. It would have been more accurate for Mr Power to have said that in his opinion there was a breach of the Local Government Act or, 'I have legal advice that there is a breach of the Local Government Act', but it is a matter of debate and in response the honourable member can make the point that he has made.

Hon. PAT POWER — I thank Mr Lucas for his confirmation that the Kennett coalition government took no action when this apparent breach of the Local Government Act occurred. I turn to the behaviour of the chief executive officer. On the basis of conversations I have had and examination of public records that I have been able to obtain, it is clear that a draft report of 10 October 1997 by the Auditor-General on the Shire of Moira was received by the chief executive officer. What action did the CEO take? Despite its nobbling of the Auditor-General, the government argues that it fully supports the findings and deliberations of the Auditor-General. I can only assume that every government member, including Mr Lucas, would want any report completed by the Auditor-General to be made fully and publicly available. That did not occur at

Moira and that is not what the then CEO of the Shire of Moira did. I am not sure whether there was a breach of the Local Government Act or that Mr Lucas would support such actions, but the chief executive officer directed the shire's principal accounting officer to hide the report, to bury it, to not make it available to the community, to Moira's ratepayers and residents. That represents an increasing picture of unsatisfactory professional skills by the chief executive officer and an inability on behalf of the commissioners and, it seems, the Kennett coalition government to address the reality.

The chief executive officer resigned on 13 October 1997. The commissioners were not able to bring that about but it was achieved by the elected councillors. Perhaps that is an indication of the commitment of government-appointed commissioners to the interests and wellbeing of ratepayers and residents and the difference in emphasis placed on those interests by commissioners and elected councillors. Under redundancy arrangements that had been negotiated with the former CEO he was to receive a \$100 000 departure package, which was to be paid in nine monthly payments, a vehicle provided from ratepayers' funds and access to a credit card for the purchase of fuel.

The former CEO jumped because it was becoming increasingly clear that his management and professional skills were unsatisfactory, and because an apparent breach of the Local Government Act made his position untenable. It would be normal to assume that if a chief executive officer left a municipality under a cloud his future employment in any senior position would be in question and would be put on hold, yet that did not occur. The former CEO in question, whose skills were in dispute, was appointed by the Kennett coalition government to undertake a probity inquiry into the Shire of Central Goldfields.

In summary: the chairman of commissioners believed the former CEO ought to go; subsequently the former CEO committed an apparent breach of the Local Government Act; the elected councillors succeeded in obtaining his resignation; and the government's response was to give the former CEO the job of inquiring into probity matters in another municipality. It was a most unsatisfactory decision by the government, and it was an unsatisfactory outcome for the ratepayers and residents of the Shire of Central Goldfields to have their shire investigated by a person who was forced to depart his former position because of his unsatisfactory performance.

During his employment with the Shire of Moira the former CEO had an accident in the vehicle provided to him by the council, and it was written off. He marched

off to a dealership and authorised a replacement vehicle. It was absolutely inappropriate that ratepayers and residents had to fund such behaviour. Since then the former CEO has threatened legal action against the municipality, the councillors collectively and the councillors as individuals. Honourable members who did not come down in the last shower know that the threat of legal action is nothing more than an attempt to silence those who want to make information available at the local level about what occurred during the period of management by the commissioners and the former CEO.

On 17 March the honourable member for Murray Valley in another place, Mr Ken Jasper, made a contribution in the address-in-reply debate. As many local members do, in his contribution he made a verbal tour of his electorate and made observations and comments about a whole range of issues. He also referred to the Shire of Moira. The *Hansard* report of his speech states:

There has been mismanagement and the municipality is now in a desperate financial situation. Audit reports ... indicate debts of approximately \$17.5 million ... it is clear that the municipality will have to overcome a huge financial loss.

As Mrs Powell, Mr Baxter and I know, a number of public meetings were held in the municipality. In his speech Mr Jasper said that many people in the community were angry that the Shire of Moira was in difficult financial circumstances because of mismanagement. However, it is clear that the Kennett coalition government decided to take no action as a consequence of Mr Jasper's comments. That is in stark contrast with what the opposition has argued should have happened.

It is clear that the performances of the commissioners and the former CEO were unsatisfactory and led to the difficult situation that the elected councillors are now seeking to manage on behalf of the Moira community. Following their election in March 1997 the councillors wisely decided to conduct their own audit. Audits were conducted in a number of municipalities when councillors realised there was a considerable body of evidence to suggest not only that there had been mismanagement during the commissioners' period in charge, but also that many of the exit reports authorised by commissioners did not fully represent the truth or the factual situation.

The first time that was drawn to our attention was when the elected councillors requested an external audit, which discovered an almost \$20-million gap between what the commissioners claimed and the real situation. The audit showed that under the management of the

commissioners council expenditure had exceeded revenue not just by a small amount but by \$17.5 million. That team of people, which was appointed by the Kennett coalition government and worked with a chief executive officer — whose interim appointment by the government they made a permanent appointment — mismanaged the council to the point that expenditure was \$17.5 million greater than revenue.

It is remarkable that the government has failed to respond to the situation starkly revealed by that data, leaving the elected councillors and the community of Moira to struggle through on their own. The independent audit discovered administrative cost blow-outs, mostly associated with the implementation of compulsory competitive tendering. As government members know, a Brumby government would not require municipalities to comply with the CCT process, so they would therefore not experience the administrative cost blow-outs associated with it.

The audit also discovered that significant retrenchment payouts had been made to meet the government's local government agenda, as well as an inappropriate sale and lease-back arrangement for the vehicle fleet — and I will come to that in due course.

I will now comment on the performance of the chairman of commissioners, Jeremy Gaylard, in as constructive a manner as I can. Jeremy Gaylard has been appointed by the Kennett government and previous governments, including the former Labor government, to a number of important management positions. I take that as an acknowledgment by those governments that Jeremy Gaylard has the management expertise and skills necessary to manage projects. Accepting that as a basic tenet, his performance as the chairman of commissioners of the Shire of Moira is worrying.

I will refer to some of the positions Jeremy Gaylard has held under this and previous — and I emphasise 'previous' — governments. He has been appointed to the state panel that assesses grants under the federal government's \$1.25 billion Natural Heritage Trust; as the chairman of the Victorian Catchment and Land Protection Council; as the chairman of the sustainable regional development board of the Shepparton irrigation region; as the chairman of the catchment management structures review working party; and to the newly formed Victorian Catchment Management Council, in which context he oversees the collection of the river management levy. In addition, he has been the vice-president of the Victorian Agricultural Societies Association; a member of the Salinity Program

Advisory Council; a member of the Agribusiness Council of Victoria; a member of the State Landcare Committee; a member of the Murray Darling Basin Advisory Council; the chairman of the South Shepparton community house; a chairman of the horse committee of the Victorian Agricultural Societies Association — —

Hon. N. B. Lucas — On a point of order, Mr President, the motion to which Mr Power is speaking refers to the collective efforts of Shire of Moira councillors to manage the municipality, make local government a leader within the region and seek the assistance of governments in plans for economic and social growth. Mr Power has already spoken for three-quarters of an hour, but so far he has not addressed any of the issues in the motion. He said at the outset that he wanted to give some background to the situation the council found itself in, and I could not argue against that; but he has now been talking about that background for three-quarters of an hour and has not yet addressed paragraphs (a), (b), and (c) of his motion.

We are now being given the life history of one of the commissioners, who is a good man; but none of it supports Mr Power's motion. I ask you to ask him to start explaining why the councillors should be congratulated for managing the municipality well, making local government a leader in the region and seeking assistance of state and federal governments in their plans for economic growth. He has not given the house a skerrick of information on any of those three points in three-quarters of an hour.

The PRESIDENT — Order! As I explained to the house last week, the form of a motion decides the type of debate, and the mover of a motion can use whatever terms of reference he or she likes to make his or her major points. The debate will presumably finish in an hour's time, which will allow for a couple of speakers on each side. It is appropriate that Mr Power address himself to the issues — and the point has been well made that he has not yet done so. No doubt he will, but I encourage him to do so more quickly.

Hon. PAT POWER — Thank you, Mr President. I am happy to move on from establishing Jeremy Gaylard's public credibility to concentrating on his role as the chairman of commissioners and chief executive officer during that period. I am more than happy that Mr Lucas does not want me to tell the house of Jeremy Gaylard's achievements but instead to concentrate on his shortcomings as a commissioner. So be it.

Hon. N. B. Lucas — I want to hear why I should vote for your motion. I have not heard anything yet.

Hon. PAT POWER — I am happy for Mr Lucas to say he is anxious to hear about the motion. The motion states:

That this house congratulates the Shire of Moira's elected councillors for their individual and collective efforts to —

- (a) manage the municipality in the best interests of ratepayers and residents;
- (b) make local government a leader within the region;
- (c) seek the assistance of state and federal government in plans for economic and social growth.

Anyone who understands the circumstances at the Shire of Moira — I suspect Mr Lucas understands more clearly than he is indicating — knows it would not be possible to contemplate such a motion without acknowledging the enormously difficult and unsustainable position the council has inherited and seeks to move forward from. People who know of or understand the outcomes of the period during which commissioners managed the shire and know of the questionable contribution of the former chief executive officer would clearly understand what is meant by the motion.

This motion could apply to elected councillors in many municipalities, but in not many municipalities is the public record so well documented or does it so well indicate the unsatisfactory base from which the elected councillors are seeking to move forward. People who have been involved with the Moira councillors and with various individuals and community groups understand that the elected councillors should be congratulated for their efforts in for the first time managing the municipality in the best interests of ratepayers and residents — because during the period of commissioner management the municipality was managed in the best interests of the coalition government.

The motion states that we ought to congratulate the councillors on once again making local government a leader in the region. In the new municipality for the first time a group of people has been elected and charged with making and empowered by the community to make local government a lead agency rather than a branch office of the coalition government. The house should congratulate the councillors for their efforts in seeking the assistance of the state and federal governments in implementing their plans for future economic and social growth.

I acknowledge that the motion could have been worded more negatively. It could have been the sort of motion that we too often see from oppositions in parliaments. The house could be debating a motion, the words of which would charge impropriety by commissioners and CEOs. The motion could have alleged that during the period of commissioner management Moira was treated as a branch office of the coalition. The motion could have condemned the coalition government for failing to respond to any of the information that is now on the public record. However, the opposition chose to move a motion that enables all honourable members who will make a contribution and all honourable members who are in the house when the time comes to vote to indicate in a positive sense their support for elected local government and for a municipality that is seeking to move forward for the future.

I acknowledge that there are people like Mr Lucas, who, when information is put forward that in their view is unsatisfactory, talk about it as character assassination. I have said nothing in relation to commissioners or chief executive officers that highlights anything other than their lack of management skills in relation to the wellbeing of ratepayers and residents. I have made no mention of their personal habits or styles.

This is an opportunity for all honourable members, even Mr Lucas, to put on the public record their views about what occurred in the Shire of Moira and at the end of the debate to move forward positively by saying that the house acknowledges that there are elected councillors in place and that they are approaching their responsibilities from a difficult base, even though we might have different views about why that is; that the house endorses their efforts; that the house endorses local government, especially in country Victoria, as being a lead agency; and that the house endorses the efforts of any municipality in working cooperatively with the state and federal governments to develop and ensure economic and social growth in the municipality.

I am confident the motion is carefully and positively worded. It recognises that different views will be put forward. It allows honourable members to indicate bipartisan support for local government and recognise the efforts of elected councillors to move forward. I support the motion.

Hon. W. R. BAXTER (North Eastern) — What an extraordinary performance the house has witnessed from Mr Power. He moved a motion in a form of words that I am sure every honourable member would be able to endorse. The government would be happy to vote for the motion in the way it was expressed, but it is really what I suspected it was all along — a Trojan Horse

motion which is dressed up as a congratulatory and commendatory motion acknowledging the importance of local government but which is really intended to enable an attack to be made on the former commissioners and executive officers of the Shire of Moira.

Hon. R. M. Hallam interjected.

Hon. W. R. BAXTER — As the minister says, it was a chance to slur. The house sat through 50 minutes of slurring, innuendo and the like until Mr Lucas called a point of order. He rightly drew the attention of the house to the fact that we had had 50 minutes of innuendo and slur and attack but no comment on the motion. You, Mr President, made some remarks on that point of order. The house then found Mr Power to be wanting because he had nothing to advance in terms of the words of the motion at all. After Mr Lucas's well-timed point of order Mr Power's case collapsed because the ground was cut from under him. Mr Power came into the house this morning to attack the amalgamation process, to attack the appointment of commissioners and to allege certain illegalities on the actions of the then chief executive officer of the Shire of Moira. It is pretty despicable when a laudatory motion is used for the purposes of making unsustained attacks on people who are not here to defend themselves.

If Mr Power wants to make allegations against the conduct of the commissioners and of some of the officers, why did he not move a motion in those terms so that it could properly be tested and debated in the house rather than try to do it through the backdoor? It is the mark of a man who is a bit cowardly and who is not prepared to front up with the allegations and look people in the eye. Mr Power came into the chamber and attempted by some slimy, sleazy way to get unsubstantiated allegations on the public record in the guise of congratulating a group of people — and I reject that approach.

The government will support the motion in the terms of the words that are on the notice paper and which are now in the *Hansard* record, but it does not support and totally rejects the assertions and allegations made in the first 55 minutes of Mr Power's contribution. It endorses only his rather airy-fairy remarks at the end of his contribution when he finally got around to talking about the motion.

Hon. N. B. Lucas — It took a minute and a half out of 55.

Hon. W. R. BAXTER — Yes, Mr Lucas. It might be appropriate if I put on the record some of the things that have happened in the Shire of Moira and address the terms of Mr Power's motion. I think we can congratulate the current elected council for the way it has addressed the situation and tackled matters in the Shire of Moira; and, by extension, I believe we can congratulate most elected councillors for the way they are now taking local government into a new era in Victoria. However, in typical fashion the opposition is a bit late in congratulating the Shire of Moira because the government has already done so. The Premier was there on 6 May and met with the shire, the full council and the officers in Yarrawonga. On that occasion the Premier extended his congratulations to the council for the way it conducted the affairs of the municipality. Labor is playing catch-up politics yet again!

I turn to the formation of the Shire of Moira. I was a councillor in the former Shire of Nathalia, elected 28 years ago in 1970. One of the first observations I was able to make after a short period on that council was that the council had no future: it was too small; it did not have critical mass; it was unable to get economy of scale; and too much of its revenue was spent before we got outside the front door. Even then, 28 years ago, I set out to try to bring about at least a re-amalgamation with the adjoining Shire of Numurkah — Nathalia having been hived off from Numurkah in 1957 — a decision which I believe now was incorrect. However, my predecessors, councillors of those days in the 1950s, made that decision in good faith and it may well have been appropriate at that time but it had outlived its usefulness.

As Mr Power has said, we had a Local Government Board which took extensive submissions throughout the area and recommended a five-into-one proposal — the amalgamation of Nathalia, Numurkah, Cobram and the majority of Tungamah and Yarrawonga, and they christened it the Shire of Muckatah. It is fair to say there was a great deal of resistance throughout the area to the five-into-one proposal — a tremendous amount of resistance. Many people wanted no change at all; others were prepared to entertain an amalgamation but on a much smaller scale; some advocated that Nathalia and Numurkah and the irrigated parts of Tungamah should form one shire and that Cobram, Yarrawonga and the balance of Tungamah should form the second. I was attracted to that proposal because it is a long way from Bundalong to Barmah and there are significant differences in people's attitudes and relationships and their focus to adjoining regional centres such as Shepparton and Wangaratta.

The government took the view to support the board's recommendation that it should be a five-into-one amalgamation and made the good decision of changing the name from Muckatah, which was meeting a good deal of resistance, to Moira — an appropriate, historic name for that area and a name with a long and proud history in the area. I believe that was the right decision and that the proposal I was giving some favour to — along with a number of others — to form two shires instead of one, would have ended up with the formation of two small shires, which would have been economically unsustainable alongside their neighbours, the very large viable municipalities such as the City of Greater Shepparton and the Rural City of Wangaratta.

I endorse the decision the government took to follow the board's recommendation that there be one shire. But it was always going to be a tough call; there was always going to be resistance to the proposal. The government took that into account and, unlike most places, appointed four commissioners — I think there was only one other new entity that had four commissioners — the Shire of East Gippsland. The government looked around and appointed wisely in the case of commissioners. Mr Power remarked early in his contribution that he believed where commissioners had been previously experienced in local government as councillors they proved to be more able. He left that hanging in the air and, by inference, one could draw the conclusion that the commissioners appointed to Moira were not experienced in local government. That is not true.

Commissioner Gaylard had been a former mayor of the City of Shepparton and a very good mayor. I am sure Mrs Powell would agree that when Cr Gaylard was mayor of Shepparton, the place was jumping. Commissioner Crawford had been a long-time councillor of the Shire of Rodney based at Tatura. She was president of the shire not long before amalgamations occurred. Commissioner Noonan had been president of the shire of Cobram some years prior to amalgamations and was a well-known businessman in the area. Commissioner Keith Christie had been shire president of Numurkah and a shire councillor for some time. No one could find a more committed, genuine, sincere and enthusiastic commissioner than Keith Christie. He put his heart and soul into making the Shire of Moira work. He has spent his whole life in the district, having come from one of the pioneering families of Numurkah. At times he had his differences with his commissioner colleagues, but he was prepared to make a point strongly and he carried a big load as a commissioner. All commissioners carried big loads, but I have a particular regard for Commissioner Christie because of the work and time he put in.

Commissioners delivered tremendous benefits for the ratepayers of the Shire of Moira, not the least of which was a 22.1 per cent rate reduction — it has a cumulative effect, it goes on year after year. I have with me a rate notice that shows a decrease in rates for one particular ratepayer of 35 per cent. He had been a ratepayer of the former Shire of Nathalia, a relatively high-rating shire compared with some municipalities, so the 22 per cent reduction was an average applied across the board. The ratepayer concerned saved \$6000 a year on his rates and is happy about it. He is not alone. Many ratepayers in the Shire of Moira have benefited from significant rate cuts.

The commissioners of the Shire of Moira also instituted an important environmental program at a time when many ratepayers thought it was not a shire's responsibility to get involved in environmental issues. The commissioners showed tremendous foresight given the significance of the environment in the Shire of Moira. The shire is bounded on the north by the River Murray and within its boundaries lie the great Barmah Forest and numerous other important environmental assets.

Conscious of the fact that they would not be commissioners for long and that elected councillors would return in 1997, the commissioners chose not to take decisions in respect of the council's real estate assets that with hindsight they perhaps should have taken. However, the commissioners decided that those decisions were more properly to be made by elected councillors.

Hon. D. A. Nardella — The hard decisions.

Hon. W. R. BAXTER — It is interesting that Mr Nardella says by interjection that they were hard decisions, because I could imagine what his response would have been if the commissioners had taken the decision to close the offices at Nathalia and Tungamah. He would be screaming, ranting and raving. He would be saying those commissioners were cutting back services for ratepayers.

Hon. Pat Power — The councillors took the decision to close those services because they had to implement what the commissioners had made inevitable.

Hon. W. R. BAXTER — The commissioners took the decision to install a state-of-the art communications system.

Hon. Pat Power — Excellent.

Hon. W. R. BAXTER — I am glad Mr Power acknowledges it was an excellent decision, but it destroys his earlier interjection. It cost —

Hon. Pat Power — It cost \$17.5 million.

Hon. W. R. BAXTER — If Mr Power believes the debt is \$17.5 million it shows that either he has no idea about reading balance sheets or that he is prepared to rely on deficient reports and believe what he hears on street corners. The communications system, which was installed at some cost, looks like bearing fruit in a range of ways. It is now to be trialled as a system for providing communication to remote areas throughout Australia. It will be a feather in the cap of the commissioners if it is proved to be the sort of system that will provide access to modern technology to thousands of Australian living in remote areas.

Hon. E. J. Powell interjected.

Hon. W. R. BAXTER — That is right, Mrs Powell, it will consolidate the municipality as the leader in the region. Honourable members heard nothing about that from Mr Power in his tirade against the commissioners. The commissioners made the bold decision that the municipality would unsubdivided.

Hon. R. S. de Fegely — Not a bad idea.

Hon. W. R. BAXTER — As it turned out it was a very good idea, but at the time it generated immense alarm. Mrs Powell and I attended a meeting with the then Minister for Local Government at which the municipality put its case. People said how dreadful it would be to have an unsubdivided municipality. The commissioners stuck to their guns and made it an unsubdivided municipality. At the council elections held soon afterwards, 18 candidates stood for seven seats and there could not have been a more even spread of candidates across the municipality if it had been done by design. The electors voted in a council that represented a good geographic spread, and made appropriate selections based on the calibre of the candidates who offered themselves for election.

The strength of the commissioners in taking the right decision was demonstrated because they stuck with it in the face of opposition that would have had many others shaking at the knees and giving way. That is another indication that the government chose well in selecting the four Moira commissioners. They had opprobrium heaped on them for making that decision, but it was right. They maintained their stance and history proved them to be right.

Hon. R. M. Hallam — I seem to recall that the minister got a bit of flak.

Hon. W. R. BAXTER — Yes, the then Minister for Local Government received quite a towelling, but he showed his strength and stuck with it. It happens that new councillors had all been former councillors — 1 from Nathalia, 2 from Numurkah, 2 from Tungamah and 1 each from Yarrawonga and Cobram. In some respects that was good, but in other respects it may have been better to have had several who had not previously served in local government. Everyone would acknowledge that local government is in a new era, although it took some time for many to reach that conclusion. Municipalities are no longer the tin-pot shows that once existed. Local government is no longer some cosy arrangement — —

Hon. D. A. Nardella — And you were a councillor there.

Hon. W. R. BAXTER — Yes, I was a councillor of a tin-pot council, and I advocated from an early stage that the municipality was too small. I am consistent in my argument.

Hon. D. A. Nardella — You opposed the amalgamations in 1986 so you aren't really consistent, are you?

Hon. W. R. BAXTER — We know about amalgamations in 1986, don't we? They consisted of Stuart Morris drawing lines on maps in an office in Melbourne and creating municipalities that had absolutely nothing to do with community of interest or the good governance of the state. It was a charade — a political exercise by the Labor Party to shore up its base and it had nothing to do with good government. Of course we opposed it at the time — as any responsible opposition would oppose government actions that are not in the best interests of the state.

Now we are in an era of local government in which its functions are open to compulsory competitive tendering. It took some time for people to come to grips with that being the way of the future and with the purchaser/provider split applying in local government — as it applies elsewhere.

The councillors of the Shire of Moira — just like the commissioners — had to grapple with the fact that there were varying levels of service within the municipality. For example, Cobram had a very strong social welfare base but Tungamah had a very low priority for that sort of activity. That had to be taken into account and standardised across the municipality. That task is being undertaken and is not yet complete.

The commissioners had to take account of the fact that when they came into office the finances of the Shire of Cobram were in a diabolical mess. The Cobram shire was in severe financial difficulty and if amalgamation did not occur that would all have come out in the wash. It did not because the commissioners set about regularising the finances of the new municipality.

Early in his remarks Mr Power quoted figures of alleged loan and reserve levels but he did not give any comparative figures of the levels of assets.

Hon. Pat Power — Yes, I did.

Hon. W. R. BAXTER — You may have intended to, Mr Power. Mr Lucas and I were waiting to hear it, but assets were not mentioned. The new council endorsed the budget and set out to get another audit report because its members were not happy with the exit audit. It is fair to say that a couple of the councillors perhaps shared some of Mr Power's concern about some of the decisions of the commissioners and might have been looking for some evidence with which to give the commissioners a bit of a belt.

The council, without consultation with the local government office or the minister, sought to engage an outside consultant to look at the books. They engaged Mr Salisbury from Albury. It is a bit peculiar that an interstate accountant was engaged to do the audit. A reading of his report will quickly illustrate that he obviously has not been looking south across the Murray River much in the past two or three years, because he seems to have been totally unaware of what had transpired in Victoria with local government amalgamations including the introduction of CCT and that we are running a different ship when compared with what applies in New South Wales.

Anyone undertaking a clear reading of it will deem it to be a deficient report. Nevertheless, it has been bandied about by Mr Power as if it is gospel. It has also been bandied around by other people at public meetings as if it were the truth, the whole truth and nothing but the truth. Naturally it has created great alarm because it refers to a \$17.5 million so-called black hole about which Mr Power talked and Mr Nardella parroted by interjection.

I will not go into great depth in explaining to those who perhaps do not want to listen, but I will put on the record a critique of the Salisbury report, which says:

Of the so-called black hole, \$12.7 million relates to purely accounting changes which have also been experienced by all other councils. There is nothing unique in this regard and they

largely result from the application of the new accounting standard AAS27.

To make it even worse for Mr Salisbury, the comments continue:

This was discussed and recognised in the publication *Commentary on 1996/97 Results of Local Authorities* by Coopers and Lybrand.

It is a pity Mr Salisbury was unaware of the existence of that report. The comments state further:

Specifically:

the adjustment to the rating year reflects the fact that the rates were collected in 1994-95 by the former municipalities rather than Moira.

depreciation of \$4.5 million was charged for the first time in Moira's books which was not charged by the former councils.

the bringing into account for the first time of \$2.6 million of unfunded superannuation liability (one-off).

It is clear there was no comparison of apples with apples. The critique continues:

The report has one significant deficiency in that it has not established the comparative position of Moira at its pre-amalgamation level to allow for a proper comparison to be made. Salisbury has not bothered to calculate what Moira's position would have been given new boundaries to allow a proper comparison to be made.

An Honourable Member — Why would you think Moira is in difficulty?

Hon. W. R. BAXTER — I would have thought that, as someone who was being paid a significant fee to prepare an audit report for a new council to enable it to properly assess the condition of the municipality, a rather more rigorous report might have been forthcoming. Regrettably, that was not so and a lot of concern has been caused to the local community.

So often I hear it parroted on radio, on talk-back shows, by journalists, and even by newsreaders who put words into the mouths of local members of Parliament that the debt is \$17.5 million. One example is that an ABC news broadcast on radio station 2CO had me announcing a \$600 000 grant to the Shire of Moira. I was reported to have said that would be a great boost to the ratepayers of Moira who were understandably feeling a bit jaded and — the ABC added, as if I had said it — because of the \$17.5 million debt.

An Honourable Member — Why are they jaded?

Hon. W. R. BAXTER — Because of all the alarms that have been rung. I telephoned the ABC and pointed out not only had they put words into my mouth but the

facts were wrong. What did the dear old ABC do? Did they include an item on the next news bulletin and say, 'Sorry, we quoted Mr Baxter saying something he certainly did not say'? — no, nothing was said. The ABC is important to country people because it is a major source of information, and therefore it ought to take care about the information it gives out. When it is pointed out that that information is just plain wrong, it has an obligation to at least correct the record.

Be that as it may, the councillors — having received the Salisbury report and other advice, including from the Office of Local Government and the Auditor-General's agent, Lockwood and Partners — acknowledged that the budget they had adopted was unsustainable.

Hon. Pat Power — So they messed up!

Hon. W. R. BAXTER — I am not saying that for one moment, Mr Power.

Hon. Pat Power — Who mucked up?

Hon. W. R. BAXTER — You mucked up! The councillors acknowledged that the budget they had adopted was unsustainable and that if they continued in that vein the municipality would have a very serious solvency problem. They took the proper decision, Mr James the CEO having departed.

Hon. Pat Power — Why did he depart?

Hon. W. R. BAXTER — I believe the commissioners and the councillors were let down by some senior managers, in particular the senior finance manager and, by extension, the CEO because he was clearly the administrative manager of the municipality.

Hon. Pat Power — Do you think it was an appropriate appointment in Central Goldfields? Do you think somebody who was unsatisfactory ought to be appointed in Central Goldfields to conduct a probity inquiry?

Hon. W. R. BAXTER — I am not aware of the purpose of the appointment in Central Goldfields. It has nothing to do with the motion. What I am saying is that Mr James took the decision to resign. Anyone listening to Mr Power's remarks would have gained the impression that Mr James was sacked by the councillors and that the commissioners had been unable to remove him. While the commissioners were there they had no reason to remove Mr James.

Hon. Pat Power — Why did the chairman write to him as he did in October?

Hon. W. R. BAXTER — I would hope, Mr Power, if a senior chairman of any organisation is unhappy with one of his senior officers that he would at least give him the opportunity to mend his ways rather than wielding the big stick immediately. What the Chief Commissioner did was appropriate. He said to the CEO, 'We don't believe that this is up to scratch. We believe you should lift your game'. That is surely a fairer way of dealing with the situation than just saying 'Off you go'.

Hon. R. M. Hallam — Unlike the assassination we heard a moment ago!

Hon. W. R. BAXTER — Indeed! It was absolutely proper practice by Mr Gaylard, and he is to be admired for having had the fortitude to act that way.

Mr James having handed in his resignation, the council made a very wise choice, having gone through the proper process, in the appointment of Mr Gavin Cato as the new CEO. He is widely experienced in local government in Victoria and more recently in New South Wales he handled a very difficult situation with dexterity. He arrived at Moira, quickly summed up the situation and, working with his council, adopted a seven-point plan to take the shire into a confident and sustainable future. The councillors, to their credit, have all worked together to achieve that. It would be very easy for councillors, not only in the Shire of Moira but in any council experiencing great public agitation, to take the easy populist line.

Hon. R. M. Hallam — Make heroes of themselves!

Hon. W. R. BAXTER — Yes, to make heroes of themselves — but to their eternal credit they did not. They stuck together as a team and attended the public meetings. The then mayor, Cr Yvonne Davies, deserves a medal for the way she conducted herself and led the municipality through some very turbulent times, particularly when agitators within the community — and in this place! — were making the most extreme allegations. Cr Davies has a long history of involvement in local government, having served in the Shire of Tungamah and succeeded her father, Cr Eric Lidgerwood, who had served in Tungamah for more than 20 years. I place on record my admiration of the way that Cr Davies led the municipality.

I place on record also my admiration for the way the councillors have stuck together as a team. No-one has gone out and made a hero of himself or herself. That has not always happened in other municipalities, and it has not always happened in Parliament or in government. All honourable members can learn from

the way the council conducted itself during somewhat difficult times. The council has had a few obstacles put in its way.

Hon. Pat Power — By whom?

Hon. W. R. BAXTER — Not only by some pretty fearsome allegations being made by some of their own ratepayers who set out to sabotage some of the things the council wanted to do and to mislead other ratepayers, but also by those who perhaps quite genuinely misunderstood what the council was on about. The council was leading the state in contracting out, and had let its road contracts by proper process to a private operator. Many of the workers from parks and gardens had gone out to Kirwan. The new municipality no longer needed a large work force, and certainly had no need for the seven or eight road graders it had inherited from the former five municipalities. That is an indication of the great need for amalgamation. The council, to its credit, has sold those road graders. That has caused a lot of angst for people who cannot understand why a council would not want to own a road grader. They have been unable to accept that if the council is not actually building roads, it does not need road machinery. Councils should not be building roads because that is not their specialist activity. Plenty of people in the private sector know how to do that efficiently and effectively. That can be seen in the Shire of Moira, where the new road contractors are doing — —

Hon. Pat Power — How is the road between Shepparton and Kyabram at the moment?

Hon. W. R. BAXTER — It is not in the Shire of Moira to begin with, Mr Power. What that red herring has to do with this debate, I do not know!

Hon. Pat Power — And on top of that, what sort of nick is it in?

Hon. W. R. BAXTER — If you had been up there you would have found it is in perfect order because \$2 million has been spent on it, as Mrs Powell has twice informed the house; you were clearly not taking it in. Mr Power's motion states:

- (a) manage the municipality in the best interests of ratepayers and residents ...

I can give that a big tick! That is what the council is doing.

Hon. E. J. Powell — That is their seven-point plan.

Hon. W. R. BAXTER — It is their seven-point plan, Mrs Powell. I call on other ratepayers in Moira

and on the opposition to support the council because it is managing the municipality in the best interests of ratepayers and residents. The motion states also:

- (b) make local government a leader within the region ...

The commissioners have set the scene for making the Shire of Moira a leader of local government in Northern Victoria by addressing the environmental issues that I have referred to, by establishing a communication system which will prove to be a far-sighted decision, by reducing the rates and by giving the wealth providers of Moira a big lift. The council is carrying on the work initiated by the commissioners.

Paragraph (c) seeks:

- ... the assistance of state and federal governments in plans for economic and social growth.

This government is extremely active in that regard. It has not been a latecomer to the scene and it has materially assisted the Shire of Moira. The shire leads the field in local government; it was the only country municipality to become a partner with the government in the multi-media concept of electronic service delivery. It is a tribute to the foresight of the commissioners that the ratepayers of Moira shire are the first non-metropolitan ratepayers in this state to have access to today's technology, despite the fact that most of us have not yet caught up with it! I pay tribute to the foresight of the commissioners and the councillors. It would have been easy for the incoming councillors to have decided that it was all too highfalutin and costly and to pull out of the project. The councillors chose not to take that easy decision, and the government has recognised that.

The Minister for Planning and Local Government and the Minister for Multimedia are at this very moment working on a proposal to materially assist the Shire of Moira to meet the start-up costs of that system, bearing in mind that the costs were heavier on the Moira shire because it was the originator. I have a submission from the council to the Minister for Planning and Local Government dated 5 May, and I am confident the minister will react favourably to the request in the submission. He has indicated to me that he will, and there will be an announcement shortly.

Only 1 hour ago the Deputy Premier was in Cobram presenting a cheque for \$600 000 to enable the levy banks on the River Murray, built by the Public Works Department 100 years ago and allowed by successive governments to fall into disrepair, to be rejuvenated. That is another example of direct assistance from this

government to the Shire of Moira. When the Premier was in Yarrowonga 10 days ago the shire put to him a submission regarding the cost of levy banks to protect the township of Cobram. The funding involves a tripartite arrangement between the council and the state and federal governments. The council has set a special rate for that purpose, not just for the ratepayers of Cobram but across the shire, and it has been accepted by the ratepayers. It now appears the costs will be greater than those first estimated, but that is no surprise as that seems to happen a lot. The Premier gave a very clear indication that he would be prepared to consider the state government increasing its share of funding in order to accommodate the increased costs. That is another positive indication of this government helping the Moira shire.

The motion refers to seeking the assistance of state and federal governments, but this government has positively helped the Shire of Moira in major as well as minor ways. It has made \$20 000 available to assist the municipality rejig its computing and accounting systems. It has made available, at a cost to government, two officers to act as consultants to assist the shire in that regard. The previous senior accounting officer proved not to be up to the job, and it is acknowledged that the accounting system he put in place is not good enough. The government is helping in a tangible way and the Minister for Planning and Local Government has been extraordinarily supportive.

A deputation from the shire visited the minister in Melbourne and told the minister that, among other things, the shire would have difficulty this year meeting the 50 per cent compulsory competitive tendering bench mark. The minister said he did not think that was an important priority at this stage and that he was not too worried about it. I note from the report tabled in Parliament that Moira has done better in that regard than many other municipalities, and that is a tribute to council.

I sum up the matter in this way: I am pleased the motion has been phrased in the way it has been phrased and I am happy to support it in the words in which it is couched. However, I am extremely disappointed, although not surprised, that Mr Power used it as a Trojan horse to attempt an unsubstantiated attack on commissioners and some other people. I am pleased he was pulled into line by the point of order raised by Mr Lucas. Once he was called to order his whole debate collapsed and he had nothing to offer. It is disappointing that he chose to use the house in that way.

Motion agreed to.

**VICTORIAN CIVIL AND
ADMINISTRATIVE TRIBUNAL BILL,
BUSINESS LICENSING AUTHORITY BILL
and TRIBUNALS AND LICENSING
AUTHORITIES (MISCELLANEOUS
AMENDMENTS) BILL**

Second reading

Debate resumed from 19 May; motions of

Hon. LOUISE ASHER (Minister for Small Business).

Hon. D. A. NARDELLA (Melbourne North) —
The opposition supports the bills, however, it is
concerned about some of the changes. During the
committee stage a number of amendments will be
moved to take into account some of the shortcomings
of the legislation.

The issue of tribunals goes to much of the debate about
access to the judicial system and a system that is less
legalistic and formalised than the court system. The
tribunal system allows ordinary people to take action in
regard to administrative decisions that have been made
against them or others.

At the outset I outline to the house a possible pecuniary
interest. Due to changes the bills make to the
Residential Tenancies Tribunal —

Hon. Louise Asher — You are a big landlord.

Hon. D. A. NARDELLA — Like yourself.

Hon. Louise Asher — No, I am a small one.

Hon. D. A. NARDELLA — I need to record that
possible pecuniary interest.

Hon. M. A. Birrell — The minister doesn't own
anything in Toorak.

Hon. D. A. NARDELLA — No, it is Albert Park.

Hon. Louise Asher — You own five properties.

Hon. D. A. NARDELLA — Your property is more
valuable than my five properties put together.

Hon. Louise Asher — In my dreams! I'd love to be
as wealthy as you!

Hon. M. A. Birrell — Heaven to us is being as
wealthy as you.

Hon. D. A. NARDELLA — Coming from
somebody who earns about \$170 000 a year, that is an
interesting comment.

Justice must be accessible, affordable, fair, timely and,
with regard to tribunals, non-legalistic. The Victorian
Civil and Administrative Tribunal Bill arises from the
1984 Administrative Appeals Tribunal Act. It was
groundbreaking legislation that provoked much debate.
The opposition at the time opposed parts of the original
bill, and the Law Institute of Victoria opposed the
establishment of tribunals on the basis of people's right
to have legal representation. In that regard the
opposition will raise points about disabled people's
rights later in the debate. The Law Institute believed its
members would be disadvantaged and may lose some
custom and a role within the judicial system. Today it
would probably have the same view.

The 1984 bill was part of a program to open up the
appeals and judicial system. It assisted the opposition of
the day because previously appeals from freedom of
information requests had to be dealt with in the County
Court, but in 1984 the Labor government established a
process whereby they went before the Administrative
Appeals Tribunal.

Hon. C. A. Furletti — Was it a good process?

Hon. D. A. NARDELLA — I think it was, yes.
Rather than having to take rejected FOI requests to the
County Court, with the added expense and time delays
that involved, the Administrative Appeals Tribunal was
used as the appropriate vehicle for the opposition to
make its appeals in that jurisdiction. That is still the
case, and I believe it will remain so within the bills
being debated today; however, other impediments have
been put in the way of appeal processes to frustrate the
current opposition such as the fees being charged by the
AAT. I remind the government that what goes around
comes around, and just as the opposition is having to
fundraise to finance the appeals, so too will the
government have to fundraise to find the fees when it is
in opposition after the next state election.

The 1984 legislation also established a new relationship
between the government and Victorians based on a
number of principles. These were that the government
should make reasoned decisions; provide information to
its citizens; develop a greater consistency in decision
making and justify its actions before an independent
tribunal. They were the principles on which the AAT
was established in 1984. The culture also needed to be
changed from a legalistic position where only experts
could be involved in appeal processes to one where

ordinary citizens could mount cases and carry through the process. One of my concerns is that the culture of ordinary citizens putting across their point to panel members may not remain. It has been suggested to me that the consumer review process could become more legalistic, which is not what the opposition or consumers want from their consumer-driven tribunals.

In general terms the Victorian Civil and Administrative Tribunal Bill is assuming the jurisdiction currently exercised by the Administrative Appeals Tribunal, the Anti-Discrimination Tribunal, the Credit Authority, the Domestic Building Tribunal, the Estate Agents Disciplinary and Licensing Appeals Tribunal, the Guardianship and Administration Board, the Residential Tenancies Tribunal and the Small Claims Tribunal.

Those tribunals need to maintain the position whereby people with grievances can put their case without a lawyer and without the added expense of having experts represent them. This is particularly so in the case of tribunals such as the Residential Tenancies Tribunal where interested parties know what the issues are, understand the problems they are facing and merely require an independent umpire to hear the other side of the case and make a decision.

The Victorian Civil and Administrative Tribunal Bill will bring a number of disciplinary and occupational licensing tribunals under the one tribunal. The administrative division of the Victorian Civil and Administrative Tribunal (VCAT) will exercise the disciplinary functions of the Credit Authority, the Estate Agents Disciplinary and Licensing Appeals Tribunal, the Motor Car Traders Licensing Authority, the Prostitution Control Board and the Travel Agents Licensing Authority. It will play a role in maintaining standards for those categories of occupations or areas that have operated independently of each other. The opposition wishes, so far as possible, to have lawyers kept out of the system.

Hon. C. A. Furletti — Why?

Hon. D. A. NARDELLA — You have been a lawyer, Mr Furletti, you may appreciate the opposing view, but the majority of parliamentarians have the opposite view.

Hon. C. A. Furletti — Until you need one.

Hon. D. A. NARDELLA — Yes, until you need one. The main aim is to try to have people resolve issues between themselves with the assistance of an independent umpire. You need not necessarily have

lawyers as panel members in a tribunal system; you need people with experience and an understanding of the areas in which they are working. They may be town planners or real estate agents — although I have some concern about real estate agents being on panels — or people from a number of walks of life. That kind of panel is the better avenue for members of the community to put their cases. A major concern of the opposition about the bills is the independence of VCAT, which goes to the tenure of appointees. I will discuss that matter shortly.

Hon. C. A. Furletti — It is better than running through a list of Labor lawyers when you were in office.

Hon. D. A. NARDELLA — Good on you; we know where you are coming from, Mr Furletti. The opposition is concerned about the right to representation in clause 62 of the VCAT bill which details various classes of people or organisations that have a right to representation. Clause 62(2) states:

The following persons may be represented by a professional advocate in a proceeding —

- (a) a child;
- (b) a municipal council;
- (c) the State or a Minister or other person who represents the State;
- (d) a public authority within the meaning of the Public Sector Management Act 1992.

It is important to understand the first couple of classes of persons who will have automatic representation before the tribunal. The bill recognises that it is not usual for ministers of the Crown to be available to attend hearings and that they should be able to have representation. A municipal council usually has officers to represent its interests before tribunals. The same applies to public authorities or the holders of public office, credit providers or insurers.

The VCAT bill recognises that people with power and influence within our society, and certainly those from the big end of town, should have an automatic right to representation. The list in clause 62 should be expanded to include people with disabilities. The opposition's proposed amendment details the people who should have automatic representation before VCAT; it defines a person with a disability as a person with intellectual impairment, mental illness, brain damage, physical disability or senility. That class of people should have an automatic right of representation before VCAT because that tribunal will incorporate the present

Guardianship and Administration Board which has power to intervene in the lives of people with disabilities; it may direct a person with a disability to change certain practices or to live in a particular place. It may take control of a person's worldly goods and all matters to do with their lives — for example, the Guardianship and Administration Board may refer assets to the public trustees. In those instances VCAT would hold considerable power over the lives of those with disabilities. The Victorian Civil and Administrative Tribunal must adopt a responsible stance. Those people who do not have the wherewithal to represent themselves should be allowed to have a person represent them as of right.

It should not be up to a tribunal panel member to determine and then hear a case; it should be the role of Parliament to tell the tribunal that a person with such disabilities — and they are disabilities that in many cases do not allow people to represent themselves adequately — should have that right.

The United Nations also considered this issue in the light of a number of its covenants on human rights. Article 6 of the United Nations Declaration on the Protection of Persons with Mental Illness and the Improvement of Mental Health Care 1991 states:

Any decision that, by reason of his or her mental illness, a person lacks legal capacity, and any decision that, in consequence of such incapacity a personal representative shall be appointed, shall be made only after a fair hearing by an independent and impartial tribunal established by the domestic law. The person whose capacity is at issue shall be entitled to be represented by counsel. If the person whose capacity is at issue does not himself or herself secure such representation, it shall be made available without payment by that person to the extent that he or she does not have sufficient means to pay for it.

Understandably, the United Nations is concerned for people who have incapacities that prevent them from representing themselves. The opposition believes that concern should be taken into account when the government considers the legislation. As I understand the operations of this house, the opposition's amendment will be voted down, as are all opposition amendments put in this house, but I put to the government —

Hon. Louise Asher — The government is exercising its discretion.

Hon. D. A. NARDELLA — I put that as a fact, because this house is not really a house of review.

Hon. Louise Asher — Why don't you put the amendments and we might vote for them?

Hon. D. A. NARDELLA — I will put the amendments and I will bet you \$1000 — —

Honourable members interjecting.

Hon. Louise Asher — This is gambling in the house!

Hon. D. A. NARDELLA — We are following the other house, except that I am not going to gamble on the leadership! I certainly seek to amend the VCAT bill. However, I also ask the government to continue to review the operations of the tribunal — and the bill provides for the president of the tribunal to hand down an annual report — and to keep in mind the need for representation of the people in the category I talked about, because the opposition believes that issue is important. People with such disabilities should be looked after so that they are not disadvantaged.

The Guardianship and Administration Board will be included in the new Victorian Civil and Administrative Tribunal structure. The board plays, and has played over a long time, in a relative sense, a beneficial role for the people and their families who have disputes and need to place the disputes before the guardianship board for determination. There have been times when people who have needed representation have used the services of advocates, which has also assisted many people to deal with issues they have brought before the board.

The second major issue concerns the inclusion of the Guardianship and Administration Board within the Victorian Civil and Administrative Tribunal. Because decisions of the tribunal deal with people's lives and the tribunal has the ability to take away people's rights or control their lives, there must be a role to review the decisions that will now go to the Victorian Civil and Administrative Tribunal.

What used to happen was that the Administration and Guardianship Board had a review process whereby people who did not believe the correct decision had been made on behalf of themselves or others could take their grievances to the Administrative Appeals Tribunal. However, because the current legislation includes the Administration and Guardianship Board with the new Victorian Civil and Administrative Tribunal, my understanding is that it will be impossible for the board to review itself. The nonsensical position will be created where the panel that conducted the reviews previously will conduct the reviews again.

The opposition believes a review process should be put in place and that reviews should be dealt with by the

president or the vice-president, who are legal officers. The Victorian Civil and Administrative Tribunal would be able to hear a case and, if there were aggrieved parties and further matters to be determined, a review would be more appropriately undertaken by a higher authority such as the president or the vice-president. Because my understanding of the legislation is that that will not be the case, it is necessary to look at ways of implementing an appropriate process for reviews. The opposition feels that the way I have just outlined would be the appropriate way of dealing with reviews and will propose another amendment to allow the government to deal with that aspect.

The third major issue concerns the provision in the Victorian Civil and Administrative Tribunal Bill that deals with the independence of the tribunal members. Clause 22 of the Victorian Civil and Administrative Tribunal Bill refers to the suspension of non-judicial members:

- (1) The Minister, with the approval of the President, may suspend a non-judicial member from office, if the Minister believes that there may be grounds for removal of the member from office.
- (2) A member who is suspended under this section remains entitled to his or her remuneration and allowances as member during the period of suspension.

The opposition has no problem with subclause (2) but is concerned with subclause (1). We are not confident that the provision will not be abused because it allows a minister of the Crown to interfere in the operation of the tribunal. Tribunal members may make decisions unfavourable to the government on a daily basis, and the minister could use this power to influence them.

The government's track record of dealing with tribunal members and even judges is of concern. The opposition does not trust the government with such power. The government hounded out of office both Moira Rayner, the former Commissioner for Equal Opportunity, and Bernard Bongiorno, QC, the former Director of Public Prosecutions, and it summarily dismissed the Workcare judges, who later received a \$3.3 million payout. It is clear that the government does not believe in the independence of tribunals and the judiciary. Even worse, it did not reappoint three Administrative Appeals Tribunal members, Ms Angela Smith, Mr Neil Wilkinson and Mr Ray Rooke, because it believed they were political appointees.

An independent body should deal with matters of impropriety or dishonesty in the first instance, taking them out of the hands of ministers or members who may have a vested interest in the outcomes. People

holding high office have been found to be corrupt, including, not so long ago, a Queensland Supreme Court judge; and, over time, there can be collusion between government-appointed members of tribunals. Further, clause 22 treats the Victorian Civil and Administrative Tribunal differently from tribunals in other areas of public administration. For example, the Minister for Police and Emergency Services cannot suspend or dismiss members of the Police Force. Rather, it is up to the Chief Commissioner of Police to examine each case and to take the appropriate action. A minister of the Crown should not have the power to suspend a member of a tribunal, a police officer or any other officer. An independent process must be put in place to ensure there is no political interference in the appointment of members of tribunals and the judiciary.

The Attorney-General should review the tribunal system to make sure it enhances access to justice. People in the community should have access to tribunals without the necessity of hiring expensive lawyers or barristers to handle their cases.

I understand that the chair of the tribunal must provide an annual report to Parliament, but the opposition believes the report should detail the ways of accessing the tribunal system so that it is much more open and easier for ordinary members of the community to bring matters before it. This has not been encompassed explicitly in the existing legislation. The opposition believes it is important that that direct reference is given to the chairperson of the tribunal. The tribunal should also be reviewed within a short period of between 18 and 24 months to ensure that its work aligns with what the legislation sets out. It is necessary to be vigilant to ensure that the tribunals fulfil their roles.

These are the major points of contention, and the opposition foreshadows it will move amendments during the committee stage. The legislation will ensure that a particular structure is put in place that will allow the tribunals to develop into an organisation that will ensure that people are more informed about the rules of evidence and the costs. In a real sense it will be a standardisation of the tribunal structure to allow people to be more comfortable and have a greater degree of certainty about administrative law. As I mentioned earlier, in the committee stage the opposition will be moving amendments that it believes are important, but in the final analysis the opposition will not oppose the bill.

Hon. W. I. SMITH (Silvan) — It gives me great pleasure to support the Tribunals and Licensing Authorities (Miscellaneous Amendments) Bill. In

particular I refer to clause 245, which inserts a new section 35(2) into the Retail Tenancies Reform Act to give VCAT exclusive jurisdiction to hear retail tenancy disputes. Currently retail tenancy disputes are dealt with through a process of conciliation and arbitration outside the court system and it is appropriate that VCAT exercise exclusive jurisdiction so that these disputes are dealt with in a low-cost forum which can offer expertise in this area.

Last year the Minister for Small Business set up a working party that reviewed the Retail Tenancies Act 1987. I was fortunate to chair that particular working party and the outcome was that the new Retail Tenancies Reform Act, the most far-reaching reform of retail tenancy in this state in 12 years, was passed by this house on 21 April. The linchpin of the Retail Tenancies Reform Act was the need for a low-cost dispute-resolution mechanism. The working party found that underpinning all the recommendations and the proposed legislation put forward was the need for a tribunal that would give enforcement to the legislation through a low-cost dispute-resolution process, in the form of the Victorian Civil and Administrative Tribunal with the jurisdiction and power to make a wide range of orders including injunctions and awards for damages and costs. This will give the retail industry a real low-cost and effective dispute-resolution system.

The current dispute-resolution process was supposed to protect lessees and lessors in the retail industry, but it has been unsuccessful largely because lessees are unaware of their rights under the arbitration and conciliation process, the lack of confidence in the process and the problems caused by split jurisdiction between the courts and the arbitration process. The problems that the industry is facing at present which the new tribunal will address are as follows: the lack of awareness by tenants of the dispute-resolution process; the costs involved; the limits on the jurisdiction of an arbitrator; the fact that disputants sometimes need to resort to courts to have awards enforced; the arbitrary nature of awards and the uncertainty of outcomes; and the fact that the courts in some cases offer better remedies for aggrieved lessees.

Tenants show a huge lack of awareness of the industry. Many tenants are unaware of their rights under either the old act or the current conciliation and arbitration process, and in addition the process is costly. One of the major problems affecting costs in all jurisdictions is the enforceability of decisions. In Victoria, depending on the level of an award in dispute, parties may have to go to the County Court or the Supreme Court to have an award enforced as an award of the court. Another issue

that has a large impact on the costs faced by parties is the ability of one party to appeal against the decision of an arbitrator. Under certain circumstances some arbitration awards can also be appealed against in court, which further increases costs. This is a common problem in most dispute-resolution systems. The costs of proceeding with a dispute, including the cost of legal representation, are often beyond the financial means of the tenant.

Another problem with the current system is the limits of the jurisdiction. The dispute-resolution process applies only to a dispute arising under a lease which has been interpreted very strictly. As a result, it does not include misrepresentation matters whether under the Trade Practices Act, the Fair Trading Act or general law or, in many circumstances, disputes between assignors and subsequent parties to the lease. Many disputes between lessors and lessees involve a complex set of issues, some of which will be within the jurisdiction of the courts and some within the jurisdiction of an arbitrator — hence the problems. It makes it costly for parties to decide to which forum to take their problems. Currently in Victoria an arbitrator does not have jurisdiction to consider misrepresentation; disputes where a party has forfeited the contract; rectification where there has been an error in the lease that does not give full effect to the agreement struck between the parties to the lease; disputes between previous parties to the lease; or disputes involving guarantors of lessees' obligations.

In legislation in other states, particularly New South Wales and Queensland where it has been working, mediators and arbitrators have broad jurisdiction to consider matters arising from leases, including alleged misrepresentation. In the main, disputes between lessees and lessors can be heard in one forum in those states.

There is also uncertainty with the current system. In Victoria the more important awards are published in the conveyancing law and practice service publications. The Law Institute of Victoria expressed concern about the confidentiality of such awards. The confidential nature of an arbitration award means that disputants have very little certainty about the possibility of their claims being successful. This uncertainty may be one of the reasons for a lack of confidence in the dispute-resolution process. In some cases a party to a dispute will not comply with the award once it is handed down by an arbitrator. In a few cases that we were aware of parties have had to have arbitrators' awards enforced as awards of the court, which of course increases the costs to lessees.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL BILL, BUSINESS LICENSING AUTHORITY BILL and
TRIBUNALS AND LICENSING AUTHORITIES (MISCELLANEOUS AMENDMENTS) BILL

Wednesday, 20 May 1998

COUNCIL

1215

The South Australian government has been innovative in giving that state's Magistrates Court the jurisdiction to hear disputes on retail tenancies. Currently, arbitrators cannot award costs to successful parties, and there is even doubt about whether they can award costs in special cases.

Obviously lessees and lessors must be given assistance and advice to help them resolve their commercial disputes. As a last resort, they must have access to a low-cost dispute-resolution forum. The bill establishes such a forum by giving the Retail Tenancies Tribunal the power to make a range of orders, including injunctions and awards for damages and costs. It is important to note that current retail tenants will have access to the new tribunal.

I conclude by saying that this is important legislation. It will give the retail industry access to a low-cost dispute forum, which will alleviate many of its problems.

Hon. C. A. FURLETTI (Templestowe) — I am pleased to speak in favour of this triumvirate of bills, which will truly revolutionise the lower levels of dispute resolution. They will now be lower level in name only, because the three bills establish a centralised tribunal that will not only resolve disputes but also review the decision-making processes of some seven authorities and a large number of tribunals. The new tribunal will undoubtedly have a far-reaching impact on administrative law and dispute-resolution procedures throughout the state.

As I said, the bills will consolidate a number of authorities and tribunals. The Business Licensing Authority Bill will establish the Business Licensing Authority, which will in future administer all the regulations and licensing provisions covered by seven authorities under the Consumer Credit (Victoria) Act, the Estate Agents Act, the Introduction Agents Act, the Motor Car Traders Act, the Prostitution Control Act, the Second-Hand Dealers and Pawnbrokers Act and the Travel Agents Act.

The Tribunals and Licensing Authorities (Miscellaneous Amendments) Bill will abolish a large number of the tribunals, including the Credit Tribunal, the Estate Agents Disciplinary and the Licensing Appeals Tribunal. The new tribunal and the new licensing authority will be responsible not only for the approval of applications for the various permits and authorities required under the legislation but also for any disciplinary procedures arising from breaches of the conditions under which the permits and authorities are given.

The structure of the new tribunal is novel in that its president will be a Supreme Court judge. The president will be assisted by a number of vice-presidents, who will be County Court judges. A number of deputy presidents will be appointed from the vice-presidents and will manage one or more divisions. The tribunal will also comprise senior members, who will be legal practitioners of at least five years' standing, and ordinary members who will be experienced in their particular fields of expertise. The tribunal members will have a wide range of abilities and expertise. The hierarchy recognises the extent and complexity of the matters that the new tribunal will be required to deal with. The president and the administrators will identify the economic, social and legal impacts of the matters that come before the tribunal before appointing the appropriate members to hear them.

The Victorian Civil and Administrative Tribunal Bill sets out the jurisdictions, functions and general procedures pursuant to the administration of the tribunal. Although parts 3 and 4 set out the general provisions, schedule 1 identifies specific variations in the rules and procedures of the various lists under which the tribunal will operate. For example, although as a general rule representation is not permitted in hearings before the tribunal, in proceedings under the Residential Tenancies Act, if possession of a dwelling is in issue, a tenant is automatically entitled to representation by an advocate.

Ms Smith has already addressed the newly introduced power of the VCAT to deal with retail tenancies. I agree with her summation that the process will not only make the resolving of disputes between retail tenants and landlords cheaper but will, more importantly, as a matter of general principle give the tribunal the ability to develop a record of precedents to provide for consistent decision making for reference by those involved in such disputes.

The tribunal will operate informally, and it is not intended that it will be bound by the strict laws and principles of evidence. That will help tribunal members to elicit the facts and determine the issues before them. I conclude by noting that the president and the vice-presidents will retain their powers as Supreme and County Court judges and will be authorised to constitute their respective courts and to exercise their functions. I strongly urge members to support the bills.

The PRESIDENT — Order! I will put the questions on the second-reading motions separately.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL BILL

Second reading

The PRESIDENT — Order! I am of the opinion that the carriage of this bill requires an absolute majority of the whole number of the members of the Legislative Council.

Bells rung.

Members having assembled in chamber:

The PRESIDENT — Order! So that I may be satisfied that an absolute majority exists, I ask honourable members supporting the motion to rise in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read second time.

Ordered to be committed later this day.

BUSINESS LICENSING AUTHORITY BILL

Second reading

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

TRIBUNALS AND LICENSING AUTHORITIES (MISCELLANEOUS AMENDMENTS) BILL

Second reading

The PRESIDENT — Order! I am of the opinion that the second reading of the bill requires to be carried by an absolute majority. So that I may be satisfied that an absolute majority exists, I ask honourable members supporting the motion to rise in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read second time.

Ordered to be committed later this day.

Sitting suspended 1.02 p.m. until 2.07 p.m.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL BILL

Committed.

Committee

Clause 1 agreed to.

Clause 2

Hon. LOUISE ASHER (Minister for Small Business) — I thank all those who participated in this debate, particularly Mr Nardella, Ms Smith and Mr Furletti. It is momentous legislation and I am delighted to be here to see the bill go through Parliament, particularly in my capacity as Minister for Small Business.

Clause agreed to; clauses 3 to 21 agreed to.

Clause 22

Hon. D. A. NARDELLA (Melbourne North) — I move:

1. Clause 22, omit this clause.

Amendment 1 has an impact on amendments 2 and 7. Do you, Mr Acting Chairman, want to deal with them concurrently?

The ACTING CHAIRMAN
(**Hon. G. B. Ashman**) — Order! Yes.

Hon. D. A. NARDELLA — Clause 22 allows the minister, with the approval of the president of the tribunal, to suspend a non-judicial member of a tribunal, and clause 23 deals with the investigation of a non-judicial member. Amendment 7 standing in my name would insert new clauses to keep the minister at arm's length from any involvement in the suspension or removal from office of a non-judicial member.

As I said during the second-reading debate, the opposition is concerned that those processes might be abused. A better process needs to be put in place to allow for independent reviews and investigations. An independent review could quickly lead to the suspension of a non-judicial member of the tribunal without involving a minister of the Crown. That could be achieved by the omission of clauses 22 and 23 and the addition of new clauses A and B in amendment 7. New clause A provides:

- (1) The Minister, with the approval of the President, may appoint a person nominated by the President to investigate the conduct of a non-judicial member if the Minister reasonably believes that the member —
- (a) has been convicted of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence; or
 - (b) has become incapable of performing, or has neglected to perform, the duties of office; or
 - (c) is unfit to hold office because of misconduct.

The suspension of a member would then follow due process.

New clause B deals with removing a non-judicial member from office after the receipt of a report under what would be proposed section 22(2)(b). The clause provides that the minister, after receiving the independent report, may, with the approval of the president, recommend to the Governor in Council that the member be removed from office. That is important, because the independent process would guarantee the separation of powers and avoid any political interference in the judicial process. The new clause would be a protective measure for all governments, not just the current government, and the committee should seriously consider agreeing to it.

Hon. LOUISE ASHER (Minister for Small Business) — I will refer to amendments 1, 2 and 7 standing in Mr Nardella's name, which the government does not support. I am advised that the main difference between the government's position and the opposition's amendment 1 is that as it stands clause 22 allows for the suspension of the non-judicial member prior to an investigation. The opposition is proposing that an investigator may recommend that a member be suspended pending the completion of the investigation. The government does not support that. The grounds on which a member may be suspended are serious, and the committee should remember that under the bill a member who is under suspension remains entitled to his or her remuneration and allowances. However, it is the government's view that to allow a member to continue to sit while under investigation could bring the administration of justice into disrepute.

Clause 23 deals with the investigation of non-judicial members. The main change proposed by the opposition is that the tribunal president must agree to the removal of a member under investigation. The government does not support the change. It believes the amendment would blur the line between the responsibilities of the executive and the judiciary. The clause provides that the president must nominate the investigator and must

be consulted before a member is removed. That ensures that the president has input into the process but clearly distinguishes between the role of the executive and the role of the judiciary.

Hon. D. A. NARDELLA (Melbourne North) —

The minister has outlined the crux of the difference between the government and the opposition. One of the differences concerns the role of the president. Under the opposition's amendments, the president's views not only would be taken into account but would be pivotal to the process. Under the bill, the process is based only on the president's being consulted. That is a view members of the opposition will continue to hold, and we will divide on the amendment.

The ACTING CHAIRMAN

(Hon. G. B. Ashman) — Order! The division will also test amendments 2 and 7, which contain the new clauses.

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

Ayes, 30

Asher, Ms	Furletti, Mr
Atkinson, Mr	Hallam, Mr
Baxter, Mr	Hartigan, Mr
Best, Mr	Katsambanis, Mr
Birrell, Mr	Knowles, Mr
Bishop, Mr	Lucas, Mr
Boardman, Mr	Powell, Mrs (<i>Teller</i>)
Bowden, Mr	Ross, Dr
Bridson, Mr	Smith, Mr
Cover, Mr	Smith, Ms (<i>Teller</i>)
Craige, Mr	Stoney, Mr
Davis, Mr D. McL.	Strong, Mr
Davis, Mr P. R.	Varty, Mrs
de Fegely, Mr	Wells, Dr
Forwood, Mr	Wilding, Mrs

Noes, 8

Gould, Miss	Nguyen, Mr
Hogg, Mrs	Power, Mr
McLean, Mrs	Pullen, Mr (<i>Teller</i>)
Nardella, Mr	Walpole, Mr (<i>Teller</i>)

Pairs

Hall, Mr	Theophanous, Mr
Luckins, Mrs	Eren, Mr

Amendment negated.

Clause agreed to; clauses 23 to 36 agreed to.

Clause 37

Hon. D. A. NARDELLA (Melbourne North) — I move:

3. Clause 37, after line 33 insert —

“() The Minister must cause to be laid before each House of the Parliament at the same time as, or within 14 sitting days of the House after, the report under sub-section (1) is laid before the House, a report by the Minister containing details of issues concerning, and initiatives to improve, access to justice through the Tribunal structure.”.

As I said during my contribution to the second-reading debate, the access to justice through the tribunal system is important to the opposition. The amendment codifies a separate report to be laid before the house about access to justice; it could very easily be part of the annual report. I urge the government over the medium term to review the access-to-justice issue through the tribunal. I also referred to the need for a review to ensure the new system is working well and that it does not become a much more judicial process that destroys part of the current tribunal culture. At present people can go along and put their case without needing to be legally represented. There are two ways of going about that and it would be appreciated if the government would consider the second option.

Hon. LOUISE ASHER (Minister for Small Business) — The government does not support the amendment. Clause 31 of the bill states:

It is a function of the President to advise the Minister with respect to any action that the President considers would lead to —

- (a) the more convenient, economic and efficient disposal of the business of the Tribunal;
- (b) the avoidance of delay in the hearing of proceedings;
- (c) this Act or any enabling enactment being rendered more effective.

My advice is that the process of improving the functions of the tribunal will be part of an ongoing dialogue between the Attorney-General and the president; and furthermore, the administration of justice in Victoria is under constant review along the lines suggested by Mr Nardella as part of the functions of the Department of Justice.

Amendment negated; clause agreed to; clauses 38 to 61 agreed to.

Clause 62

Hon. D. A. NARDELLA (Melbourne North) — I move:

- 4. Clause 62, after line 29 insert —

“() a person with a disability”.

- 5. Clause 62, page 46, after line 3 insert —

“**disability**” means intellectual impairment, mental illness, brain damage, physical disability or senility”.

The opposition regards seriously the right of a person with a disability to be represented by a professional advocate. Again, in my contribution to the second-reading debate I referred to the United Nation’s declaration under article 6 and particularly mentioned ‘a person with a disability’, which is explained by amendment 5. That is an appropriate definition whereby a person is automatically entitled to professional representation. In many instances professional representation has been necessary for people in this category. It is important to allow that to occur automatically rather than having debate, because many of those people have serious issues with which they need to deal. People may require the benefit of professional advocacy.

Hon. LOUISE ASHER (Minister for Small Business) — The government does not support the amendments proposed by Mr Nardella. Clause 62(1)(c) allows the Victorian Civil and Administrative Tribunal to specify representation for any person appearing before it. The government believes it is better to have discretion and flexibility in the hands of the tribunal rather than have the matter codified. The tribunal also has the power to appoint a person to represent an unrepresented party. Clause 97 stipulates that the tribunal must act fairly in all cases. I am advised the tribunal has a duty to ensure an applicant is not disadvantaged in respect of legal representation.

Amendments negated; clause agreed to; clauses 63 to 108 agreed to.

Clause 109

Hon. D. A. NARDELLA (Melbourne North) — I move:

- 6. Clause 109, page 71, after line 26 insert —

“() The Tribunal is not to award costs against an applicant in a proceeding if the Tribunal considers that the subject-matter of the proceeding involves issues of particular complexity the resolution of which may establish important precedents in the interpretation or application of the enabling enactment or this Act.”.

The amendment would allow test cases to be run within the VCAT. The tribunal will deal with complex issues of law and in some cases issues may need to be tested. Costs should not be awarded against an applicant who is running a test case. The opposition believes there should be no impediment to test cases being run, and the amendment would ensure there would be no impediment.

Hon. LOUISE ASHER (Minister for Small Business) — The government does not support the amendment. The overriding principle is that parties to a hearing bear their own costs. I am advised that the tribunal can make costs orders only if it is satisfied that in doing so it has had regard to matters listed in the provision. The government believes it is inappropriate to bind the discretion of the tribunal in respect of costs.

Amendment negated; clause agreed to; clauses 110 to 161 agreed to; schedules agreed to.

Reported to house without amendment.

Third reading

The PRESIDENT — Order! I am of the opinion that the third reading of this bill requires to be passed by an absolute majority. So that I may be satisfied that an absolute majority exists, I ask honourable members supporting the motion to rise in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

QUESTIONS WITHOUT NOTICE

Museum Victoria: credit cards

Hon. M. M. GOULD (Doutta Galla) — I refer the Minister for Finance to the fact that as a result of his resignation the former Director of the Museum of Victoria, Mr Graham Morris, received a \$37 800 bonus payment on top of his redundancy payment. In light of Professor David Penington's statement that Mr Morris transgressed state legislation in his use of his state government corporate credit card, which was reported in today's *Age*, I ask the minister to inform the house whether Mr Morris's employment contract will be released for public scrutiny and what action he as the responsible minister for state government corporate credit cards will take to recover the bonus payment?

Hon. R. M. HALLAM (Minister for Finance) — As it happens, I have a copy of the same *Age* article with me. At least Miss Gould is predictable. I note the reported comments of Professor David Penington that Mr Morris and Mr Graham Jephcott have 'transgressed state legislation'. I would be interested to ask Professor Penington what particular piece of state

legislation they have transgressed. The issue is covered by government guidelines rather than legislation. Leaving that to one side, I am not surprised that Miss Gould should refer to one quotation in the article by Gareth Boreham that appears on the front page of the *Age*, but not refer to other quotations in the same article.

An alternative view was put by Steve Murphy, the Premier's spokesperson, who stated:

There is no money missing and that no-one has fraudulently received benefit.

Why not quote that? Honourable members should reflect for a moment on what the shadow Attorney-General, Mr Rob Hulls, read into it. He was able to say of the Premier on the basis of the quotation that:

He is sending a message to all ministers and all bureaucrats that it is open slather as far as credit cards are concerned. You can do what you like.

What a load of nonsense. Whenever the opposition wants to dish up tripe like this it should expect to be treated with contempt.

Tourism: Asian financial crisis

Hon. PHILIP DAVIS (Gippsland) — I ask the Minister for Tourism to advise the house of Tourism Victoria's response to the Asian financial downturn?

Hon. LOUISE ASHER (Minister for Tourism) — I have previously advised the house of the impact on Victoria's international tourism of the Asian financial crisis and want to answer the honourable member in terms of an update.

Today I am releasing Tourism Victoria's response to the Asian financial downturn, a document entitled 'The Changing Face of International Tourism', which will be an update on Tourism Victoria's strategic business plan for the years 1997 to 2001.

The situation in 1997 was that Victoria's success came fundamentally from domestic tourism, which made up about three-quarters of all Victoria's visitors. However, we have 1 million international visitors annually. The Asian market, excluding Japan which is the market on which we are focusing, was worth 311 000 visitors to Victoria in 1997. The four most seriously affected markets of Malaysia, Thailand, Korea and Indonesia represent 12 per cent of the number of international visitors to Victoria, so they cause some grave concerns although Victoria is relatively less exposed than New South Wales and Queensland.

Tourism Victoria's business plan originally forecast a significant growth which we now will not achieve in the timeframe we expected. I asked Tourism Victoria to rewrite the section of the business plan focusing on Asian growth and to revise our estimates in light of the recent financial downturn.

The tourism forecasting council has recently put out new forecasts for Asian tourism which will impact on Victoria. The forecasts for Asia — excluding the Japanese market — that is, Hong Kong, Singapore, Taiwan and mainland China are that they will return to the 1997 actual figures by 1998. So in four key markets Victoria will recover to its 1997 level. However, the four most affected markets of Malaysia, Taiwan, Korea and Indonesia will not recover until much later. Thailand and Korea in particular will not recover until after the year 2001. However, Victorians can take solace from the fact that the numbers involved for Victoria are very small: in 1997, we had 17 000 visitors from Korea and 18 000 from Thailand. Victoria's exposure is very small to the market that is most exposed and is forecast to suffer the longest impact.

In response, Tourism Victoria will do a number of things. Firstly, we are immediately shifting \$200 000 of marketing expenditure from Asia to our traditional markets, that is, to the USA, the United Kingdom and the European markets. Already we have experienced a growth in tourist numbers from those areas. Our currency makes Australia a very attractive tourist destination for people from those areas.

We are not abandoning the Asian market. We still want to be there but from now our focus will be different. We will have one office in Japan where previously we had two. We will close the Osaka office and operate from Tokyo. In Indonesia we have delayed plans to open an office, which will now be a representative office. We will close the Korean office and we will co-locate the Singaporean office with the Australian Tourism Commission.

It is very important to note that rather than those closures being identified as just a response to the current position, the office in Tokyo will continue to operate. Given the new emerging lucrative Chinese market, for which we have a preferred destination status, we have also opened an office in Shanghai co-located with the Australian Tourism Commission. Thirdly, we will focus on the domestic tourism that has been successful for some time. It is a very important market. We are under real threat from very cheap Asian fares with Victorians along with other Australians choosing to take up cheap packages for overseas travel.

We are implementing a number of strategies on the domestic front to ensure that our domestic tourism numbers are kept up. Victoria is considered to be a leader in tourism because we are always one step ahead of the pack and our marketing campaign puts us ahead of the other states. I think this revised strategy again puts us ahead of the other states. The revised strategy will be sent to tourism operators in Victoria so that they are aware of the reality of which markets will recover when, where we are not going to get the growth we expected, and that now is not the time to panic.

In conclusion, although the Asian economic climate is cause for concern we have adjusted our strategy in order to maximise Victoria's tourism income from this vital source.

Museum Victoria: credit cards

Hon. D. A. NARDELLA (Melbourne North) — I refer the Minister for Finance to the Coopers and Lybrand audit of guidelines for the use of state government corporate credit cards by the Museum of Victoria, which identified a number of weaknesses in the existing credit card guidelines, including that the policy of prohibiting expenditure of a personal nature should be firmly reinforced by the museum.

Given that Professor Penington has indicated that in his belief Mr Morris's personal expenditure transgressed state legislation, what action will the minister take to automatically refer all breaches to the Director of Public Prosecutions or the Victoria Police?

Hon. R. M. HALLAM (Minister for Finance) — I thank the honourable member for his continuing interest in my portfolio. As it happens, the question he raises has nothing to do with my portfolio.

Aviation industry: Qantas upgrade project

Hon. I. J. COVER (Geelong) — Will the Minister for Industry, Science and Technology advise the house of a recent project in the Geelong region that utilises Victoria's and Geelong's world-class skills base and reinforces Victoria's leading role in the aviation industry?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — I am pleased to advise the house that the first stage of Qantas's \$250 million aeroplane upgrade project has commenced at Avalon and is drawing upon the skills available, particularly in the Geelong region.

I thank Mr Cover and Mr Hartigan for accompanying me on Sunday to see the start of this project which is

enormously exciting for those who believe there is a long and strong future for the aviation industry in Victoria. It is also extremely pleasing to realise that Victoria won the project ahead of competition from Singapore, Hong Kong and Ireland. The decision by Qantas to refit their 747s gives an indication of the cost-competitiveness of Avalon in 1998.

It must not be forgotten that during the 1990s hundreds of employees based in Geelong lost their jobs from Aerospace Technologies of Australia (ASTA) at Avalon. It was a pleasure on Sunday to meet some of the employees who used to work at ASTA who now have jobs on the Qantas project.

We were taken into the largest hangar at Avalon and saw the Qantas 747 flagship 'Wunala Dreaming' which is decorated with traditional Aboriginal artwork of Central Australia. The entire fleet of 29 Qantas international 747s will be flown to Avalon. About 150 skilled technicians will work on each upgrade of the 747 cabins over a period of just under a month each. As a result, there will be a complete refit of the 747s which will include new luxurious sleeper seats in first class, electronically-adjustable seats in business class and the latest in economy class seats will be installed; the aircraft kitchens, galleys and toilets will also be upgraded as part of the refit. Each aircraft will require around 12 000 man-hours to complete the refurbishment. It will mean that Qantas will have the best equipped 747 fleet — and they will all have been equipped at Avalon.

Business Victoria facilitated the Qantas project, working closely with the new Avalon airport management under Mr Ron Wood, the chief executive officer, and I commend all those involved in it. The decision by Qantas to establish the facility at Avalon is welcome as it means Victoria can pitch for more international airline work at that airport, and it is hoped that over the next five years considerable success will be achieved in meeting that target.

Qantas is a welcome addition to the other great international corporate names in the Geelong region such as Ford, the international glass manufacturer Pilkington, and the international oil giant Shell. I am very pleased that the Kennett government has been able to assist Geelong in obtaining a sustainable industrial project. The commencement of the refurbishment project is also a real shot in the arm for the Victorian aviation industry. The government regards the engineering and maintenance function of that industry as very important. The more facilities that can be located at both Tullamarine and Avalon airports, the better.

Hospitals: service outsourcing

Hon. M. M. GOULD (Doutta Galla) — I refer the Minister for Health to the fact that the Southern Health Care Network has contracted out the management of millions of dollars worth of hospital services for food, hospital cleaning, linen supply and waste removal to a company, Serco—Marchant Gardiner, under the government's competitive neutrality policy. Is it a fact that the health network had to terminate the contract last week because of breaches of contract, poor quality and high costs by the contractor, and will the minister advise what effects this will have on the Alfred Hospital, which has also subcontracted food and cleaning to Serco?

Hon. R. I. KNOWLES (Minister for Health) — The decision to outsource the provision of hospital services was a matter for the network; it is not in the context of any government policy of neutrality — or whatever terminology was used. The network has the responsibility to use the resources provided in the most efficient manner to provide the optimum health outcomes. The network entered into a contractual arrangement. As I understand it, the contractor did not deliver the services to the standard required by the network; the network therefore responsibly terminated and replaced the contract to ensure a continuation of services.

There are no implications for the Alfred Hospital, which is very well run. It is so well run that the Leader of the Opposition in this chamber attended it yesterday! Clearly at least some members of the opposition have confidence in the Alfred Hospital; certainly all members of the government do.

The contractual arrangements require those who enter into them to deliver services to the standard and level required. If disputes arise regarding those services, there are mechanisms within the contract to resolve them.

Electricity industry: privatisation

Hon. C. A. FURLETTI (Templestowe) — Given that the opposition has consistently and without basis or evidence maintained that privatisation, particularly of the electricity industry, has been detrimental to the state, and that as recently as yesterday Mr Power suggested that privatisation has increased tariffs in this state, although I believe that that allegation was substantially rebutted by Mr Strong, I ask the Minister for Finance to report on the latest example of the benefits of competition for government as an electricity consumer.

Hon. R. M. HALLAM (Minister for Finance) — I thank the honourable member for his question and his impeccable sense of timing, because only last week I signed an agreement that represents a great deal for Victoria and for all Victorians in savings on electricity supply charges.

Twelve months ago the Victorian Government Property Group, which is part of the finance stable, identified 12 contestable sites under its management, being buildings with a consumption of more than the cut-off point of 750 megawatt hours. Under an existing agreement applying from 1 July 1997, savings for buildings managed by that group with an electricity consumption above 750 megawatt hours are currently running at \$422 000, or 27 per cent less than the cost incurred for the previous financial year. Better still, from 1 July this year sites with annual electricity consumption above 160 megawatt hours become contestable, and consumers are able to negotiate supply agreements with preferred retailers for those sites.

To obtain the best possible deal for government, a collective tendering process has been arranged through the agency of the Victorian Government Purchasing Board. The 286 contestable sites that are part of the tender package include properties managed by the Departments of Treasury and Finance, Justice, Human Services, Natural Resources and Environment, and Education, as well as Vicroads and the Geelong Performing Arts Centre Trust.

Tenders were received from no less than 14 separate suppliers; that of itself identifies the dimension of competition. After assessment by a departmental evaluation team, three companies were short-listed for the submission of final offers on the 286 sites. I can now advise Mr Furletti and other honourable members that as a result of the tender process, QTSC (Victoria) Pty Ltd, trading as Ergon Energy Victoria, is the successful tenderer. The estimated savings from the new contract for the total portfolio of 286 sites is in excess of \$3 million per annum, a saving of more than \$9 million over the contract period. Even members opposite would have to acknowledge that that is a very good outcome. The results are on the board.

Hospitals: eastern suburbs

Hon. JEAN McLEAN (Melbourne West) — Given the answer of the Minister for Health to a question last week about the role of the Angliss and Maroondah hospitals, will the minister give an unequivocal guarantee that the number of acute hospital beds at the Angliss and Maroondah hospitals will not be reduced after the privatised Knox hospital is built?

Hon. R. I. KNOWLES (Minister for Health) — It is not possible to answer the question in the terms in which Mrs McLean has asked it. I will put it in a different context. The number of beds will be not affected by the development of a new hospital at Knox, but clinical practices are continuing to change all the time, and during the 10 years of the Labor government there was a significant reduction in the number of acute beds across Victoria. That was based on very sound clinical practice as day surgery procedures increased. Only a few years ago practically no day procedures were undertaken in this state; now they represent about 30 per cent of total surgical procedures, and some experts believe that within a decade that figure will rise to 60 per cent. It is not possible to give the sort of undertaking that the honourable member is seeking without ignoring the reality of changes in clinical practice.

I stand by the answer I gave last week. The construction of the new tertiary referral hospital at Knox is designed to complement the existing health services provided in the eastern suburbs. I am sure that even Mrs McLean would support that expansion of health services in the area.

Hon. B. N. Atkinson — She visited it once!

Hon. R. I. KNOWLES — She used to represent that area until she moved to the western suburbs, at least in electoral terms — not necessarily in physical terms.

The development of the Knox hospital is obviously a very important project to which the government is committed. I welcome an unequivocal statement from the opposition that it supports the development rather than running a scare campaign, which can be interpreted only as complete opposition to the development of the hospital.

Bass Highway: duplication

Hon. K. M. SMITH (South Eastern) — Will the Minister for Roads and Ports inform the house of the recent contract announcement concerning the Bass Highway?

Hon. G. R. CRAIGE (Minister for Roads and Ports) — I thank Mr Smith for his question and place on the record the support that both he and Mr Bowden have given to this project.

The contract, worth \$4.67 million, for the duplication of the Bass Highway through Grantville, has been awarded to John Holland Construction and Engineering Pty Ltd. As most government members would know —

because they have read *Linking Victoria*, which is one of the government's most significant documents outlining its strategies for managing Victoria's rural arterial road network — the Bass Highway duplication was a key initiative of the government. The first part of the duplication from the South Gippsland Highway to the Phillip Island road will involve the construction of a four-lane duplicated road, approximately 2.7 kilometres long, through Grantville. The contract includes design, construction of stormwater drainage and important aspects such as street lighting, landscaping and the installation of traffic lights at the Bass Highway–Glen Alvie Road, Grantville, intersection.

Most people on this side of the chamber recognise the significance of the Bass Highway because of its critical link to tourism and the holiday traffic generated by the attractions of both the Bass Coast region and Phillip Island. These attractions include the penguin parade, Seal Rocks and the koala park. In the peak tourism period and during racing events at the Phillip Island grand prix circuit traffic volumes can exceed 13 000 vehicles a day. There is no doubt that these works will provide a significant and long-term benefit to the region. The improved access will boost tourism and provide the safety advantages offered by a divided road, and no doubt all motorists as well as tourists will benefit.

Work on the project is expected to commence in June 1998. This is yet another project funded under the Better Roads Victoria program, which the Leader of the Opposition in this place says is a stupid program that the opposition will abolish. We need to ensure that everybody in Grantville and the surrounding areas understands that the opposition's policy on roads is to abolish this 'stupid program', which has created so many benefits to Victorians and is one of the most successful programs to date.

Roads and Ports: ministerial responsibilities

Hon. PAT POWER (Jika Jika) — I direct my question to the Minister for Roads and Ports. In responding to questions on notice nos 601 and 606 the minister indicated that he was unable to answer issues relating to the Port of Melbourne Authority because it does not fall within his portfolio responsibilities. If the port of Melbourne is not within his portfolio, will he advise the house of the responsibilities he does have as minister for ports?

Hon. G. R. CRAIGE (Minister for Roads and Ports) — It is good to see that Mr Power has done some research on questions I have answered, and it is interesting that once again he shows he is well behind

the times. The Port of Melbourne Authority no longer exists. It is now called the Melbourne Ports Corporation and has been since it was corporatised and placed under the Treasurer's jurisdiction as a state-owned enterprise. How can anybody be responsible for the Port of Melbourne Authority when it does not exist?

The Melbourne Ports Corporation, which is the landlord under the model in existence in Melbourne, is the responsibility of the Treasurer, as are all other corporatised bodies under the state-owned enterprise agreement. He has the lot of them! I have a great deal of interest in and involvement with port activities, not only in Melbourne but also in Portland and Geelong, and as Mr Power would know both of those have been very successful ventures by the government and my colleague Mr Bill Baxter, when he was the minister.

Through state-owned enterprises and the Treasurer we now have two successful privatised ventures in Victoria. Real changes are occurring in Melbourne's port operations, not only with the port itself but with the integration of the whole transport chain. A key issue for the port of Melbourne to be successful is to have a totally integrated structure of ports, including roads and rail. The government is currently working at ways of successfully enhancing the port of Melbourne's ability to trade internationally — —

Hon. D. A. Nardella — But you have no responsibility for it! You are the Minister for Paddlesteamers! The port of Echuca — that's your responsibility!

Hon. G. R. CRAIGE — I sincerely hope Mr Nardella is still sitting in that chair when the next election comes along because the public of Victoria will take one look at him and, from the minute he opens his mouth, say, 'Now, there is a real dodo!'. If ever I have seen a misfit, a guy who preaches socialist philosophy yet owns more real estate than anyone here, it is this guy. He is the absentee landlord from Toorak!

The PRESIDENT — Order! The minister has finished his reply.

Food: hygiene standards

Hon. SUE WILDING (Chelsea) — Will the Minister for Health advise the house of recent initiatives to improve food safety and the preparation of food by people of non-English-speaking backgrounds?

Hon. R. I. KNOWLES (Minister for Health) — As honourable members would be aware, the government has placed significant importance on improving the food safety regime in this state, not only from a public

health perspective but also to ensure that those who might be interested in purchasing food products from Victoria can do so with confidence that it is a safe, clean product.

The government has allocated more than \$2 million to support the food safety regime. One of the critical areas is to ensure the small retail outlets understand their obligations and responsibilities to follow safe food practices. That means getting the message through to those proprietors and staff from non-English-speaking backgrounds.

As Mrs Wilding is aware, I visited her electorate last Friday and launched the project at a Vietnamese bread shop. The Bread Manufacturers Association of Victoria, working with Vietnamese bread shops, Swinburne University of Technology, the food safety authorities and particularly with the environmental officers of the City of Greater Dandenong, initiated the project which developed an effective strategy to help people — in this case, the Vietnamese bread shops — understand the practical measures they need take to reduce the risk of food-borne viruses, as well as by our providing bilingual information to ensure the message gets through.

That important initiative was met with a great deal of enthusiasm. I am pleased that the initiative of the association and the bread shops received publicity. As honourable members will be aware, adverse publicity last year followed an outbreak of food-based illnesses. That had an adverse impact on Vietnamese food shops across Victoria. The industry estimated trade declined by 50 per cent. Many of those establishments are still struggling to regain public confidence even though there was no incidence of a breakdown in their food safety regime. That emphasised how critical public confidence is and I hope this initiative, together with a number of other initiatives, will not only reduce the risk of food-borne viruses being passed on through the food chain but also help reassure and rebuild public confidence in the outlets that are contributing, and will continue to contribute, so much to our way of life.

The cultural diversity reflected in our eating establishments has been one of the fantastic developments in Victoria over the past 30 or 40 years. It is important that we promote the initiative and provide that reassurance to the community, so that we can visit restaurants and use the products manufactured by those outlets with every confidence that the risk of food-borne viruses is no greater in those establishments than in any other establishments. I thank Mrs Wilding for her question although, unfortunately, she was

unable to be present last Friday, and nor was Mr Boardman.

Hon. M. A. Birrell — Did anyone come?

Hon. R. I. KNOWLES — Yes, many people were there, but those honourable members received very late notice of my visit. I know they support the efforts undertaken by the City of Greater Dandenong and the bread shops in Springvale to try to develop a more comprehensive policy in this area.

QUESTIONS ON NOTICE

Answers

Hon. R. I. KNOWLES (Minister for Health) — By leave, I move:

That so much of the standing orders as require answers to questions on notice to be delivered verbally in the house be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in *Hansard*

The numbers of the questions that have been answered are: 14, 25, 126, 129, 633, 642, 672, 673, 676, 680, 684, 690, 701, 706, 713, 714, 720, 768, 775, 823, 825, 921, 925–927, 930, 932, 934, 940, 942, 954, 1231, 1246, 1247, 1249, 1250, 1261 and 1267.

As it is anticipated that today will be the last sitting day for the autumn session, more answers may become available during the afternoon. If so, I will seek the indulgence of the house to table such answers.

Motion agreed to.

Hon. B. T. PULLEN (Melbourne) — I seek the indulgence of the house — —

Hon. M. A. Birrell — By leave?

Hon. B. T. PULLEN — I do not need leave to raise this matter since I have given written notice. I am trying to clarify a matter.

Hon. M. A. Birrell — Who have you written to?

Hon. B. T. PULLEN — I have written to ministers.

Hon. M. A. Birrell — Standing orders are quite precise — —

The PRESIDENT — Order! Mr Pullen has given an assurance that he has written to the appropriate ministers. He is entitled to raise his concern at this time.

Hon. M. A. Birrell — On a point of order, Mr President, I seek an elaboration of your ruling.

The PRESIDENT — Order! The ruling is clear. This is the appropriate time. When a member has not had an answer within the time limits, and having notified the minister or ministers that he intends to do so, he or she may raise the concern for an explanation from a minister.

Hon. M. A. Birrell — With your indulgence, Mr President, on a point of order, or whatever, could you reflect on whether that is adequate under the standing orders, as you imply that a member can write only once on a matter? Mr Pullen has not written recently. Can a member then forever have the right to raise a matter?

The PRESIDENT — Order! I understand the standing order is such that the member has to write in relation to a particular question.

Hon. M. A. Birrell — Once?

Hon. B. T. PULLEN — I have written on two occasions to the ministers in respect of the questions; a number of ministers have responded. I understand it is more difficult for ministers to get answers to questions from ministers in the other house; I have not raised it previously because I was assured by a number of ministers they were doing their best to obtain answers. I simply wish to ask whether answers to questions 581, 585 and 586 will be tabled today if they become available during the day.

Hon. R. I. KNOWLES (Minister for Health) (*By leave*) — That is what I was saying earlier. We are tracking all the questions. As Mr Pullen will understand only too well, given the practices of the former government we can be held accountable only for those questions addressed to us. When notice has been given we have a responsibility to ask our colleagues in another place for their answers, but we have no capacity to force a minister to provide an answer, just as the former government had no capacity to force ministers to provide answers. As additional answers are provided I will seek the indulgence of the house later this day to table all the answers that have been prepared.

The PRESIDENT — Order! I had already put that to the house. The Minister for Health sought leave and leave was granted by Miss Gould for the minister to make any further answers available later this day.

Hon. R. I. KNOWLES — To whom were they directed, Mr Pullen?

Hon. B. T. Pullen — To the Attorney-General and the Minister for Police and Emergency Services.

Hon. R. I. KNOWLES — As Mr Pullen said, his questions were to ministers in another place. Other members, including Miss Gould, have written to me and a number of other ministers. We have raised their concerns with our colleagues, which is what we are obliged to do under the standing orders — a practice that has been followed since the rule was introduced.

TRIBUNALS AND LICENSING AUTHORITIES (MISCELLANEOUS AMENDMENTS) BILL

Committed.

Committee

Clauses 1 to 128 agreed to.

Clause 129

Hon. D. A. NARDELLA (Melbourne North) — I move:

1. Clause 129, after line 26 insert —

() For section 67 of the Principal Act substitute —

“67. Review of decisions of Tribunal in certain cases

- (1) A person may apply to the Tribunal for review of a decision made by the Tribunal under this Act, other than a decision made by the Tribunal constituted by the President or a Vice President (whether with or without others).
- (2) An application under sub-section (1) is to be made in accordance with, and within the time limits specified by, the rules of the Tribunal.
- (3) A review under this section is to be heard by the Tribunal constituted by the President or a Vice President (whether with or without others).
- (4) On a review under this section the Tribunal —
 - (a) has all the functions and powers of the Tribunal at first instance; and
 - (b) may, by order —
 - (i) affirm the decision under review; or
 - (ii) vary the decision under review; or
 - (iii) set aside the decision under review and make another decision in substitution for it.

- (5) Nothing in Division 3 of Part 3 of the **Victorian Civil and Administrative Tribunal Act 1998** applies to a review under this section.”.

2. Clause 129, line 28, omit “67,”.

Amendments 1 and 2 refer to the right of review regarding guardianship and administration matters. Under the previous system, Guardianship and Administration Board matters could be heard before the Administrative Appeals Tribunal. The legislation subsumes the Guardianship and Administration Board into the Victorian Civil and Administrative Tribunal (VCAT). The review body that was previously the appropriate body under the Guardianship and Administration Board is now the structure under which matters can be heard in the first instance.

There was no process for appeal. I understand that the appeals that took place were important to the families of those who brought them before the Guardianship and Administration Board. Amendment 1 creates an appeals process within VCAT where it will now be heard by the president or the vice-president, who are County Court judges. That is an appropriate process in which to hear an appeal regarding matters that would normally go on appeal to the AAT.

It is an internal process within VCAT but it is the best way of dealing with appeals rather than attempting to go through other processes that would be inappropriate. The tribunal system is set up to allow access to justice, for justice to be affordable and to allow for a different level of compassion with respect to the ability of people to give evidence in a non-legalistic way. The appropriate process is encompassed in the new tribunal system being set up by the government by appealing to the president or the vice-president.

Hon. LOUISE ASHER (Minister for Small Business) — The government does not accept the amendments moved by Mr Nardella. I appreciate the opposition’s intentions. Clause 129(3) repeals section 67 of the Guardianship and Administration Board Act. Section 67 of the act provides for review of a decision of the Guardianship and Administration Board to the Administrative Appeals Tribunal by a person aggrieved by the decision.

The opposition proposes that the committee does not repeal section 67 but rather inserts a new provision which would allow review of a decision of VCAT in the Guardianship and Administration Board jurisdiction to a panel comprised of the president or a vice-president sitting with or without others. This would allow for internal review of VCAT decisions in this jurisdiction, and that is not supported.

It is important to note that the president and vice-presidents will be available to hear contentious matters in this jurisdiction. Consequently, a Supreme Court or County Court judge may hear some applications in respect of guardianship and administration issues in the first instance. Judicial involvement at this level is something that is not available in this jurisdiction. It is an improvement to the system.

Also, under section 61 of the Guardianship and Administration Act, VCAT will be required to conduct a review of a guardianship order or an administration order within 12 months after making the order, unless the tribunal orders otherwise; and in any case within three years after making the order. The tribunal may at its discretion also conduct a review of these orders at any time on the application of any person. This process should allow for concerns to be raised with VCAT about the operation of an order within a fairly short period.

The proposed arrangements will be monitored to ensure that access to justice is not restricted.

Hon. D. A. NARDELLA (Melbourne North) — I take on board the minister’s comments about continual review. There should be at least an internal process where matters can be requested to be heard again within VCAT and a structure established within VCAT to hear those appeals. The minister did not detail any mechanism of appeal that an aggrieved party would have, as parties currently have with AAT on matters requiring further clarification or change. A review in 12 months or three years is for many too long, especially when one is dealing with family or sibling matters that go to the Guardianship and Administration Board. It is important to have a process in place, although it is an internal process, to deal with those matters.

It may be as simple as having a different role or a different internal process for dealing with those appeals. One has only to look at the operation of appeals against decisions from the County Court or Supreme Court — even the High Court, where an appeal might be made to a full bench — or the Industrial Relations Commission. One would go before a commissioner and, if further discussion were required it would be held before a full bench. There may be mechanisms built into the process of the tribunals to deal with appeals or matters arising from initial hearings.

I understand what the minister is saying and I take her advice with regard to maintaining this matter in review. It is a matter on which the opposition will call for a

PUBLIC SECTOR MANAGEMENT AND EMPLOYMENT BILL and PUBLIC SECTOR REFORM (MISCELLANEOUS AMENDMENTS) BILL

Wednesday, 20 May 1998

COUNCIL

1227

division because it believes it is an important issue, but the opposition takes on board what the minister has said.

Committee divided on amendment 1:

Ayes, 7

Gould, Miss (<i>Teller</i>)	Power, Mr
McLean, Mrs	Pullen, Mr
Nardella, Mr	Walpole, Mr
Nguyen, Mr (<i>Teller</i>)	

Noes, 29

Asher, Ms	Hallam, Mr
Atkinson, Mr	Hartigan, Mr
Baxter, Mr	Katsambanis, Mr
Best, Mr	Knowles, Mr
Bishop, Mr	Lucas, Mr
Boardman, Mr (<i>Teller</i>)	Powell, Mrs
Bowden, Mr	Ross, Dr (<i>Teller</i>)
Bridson, Mr	Smith, Mr
Cover, Mr	Smith, Ms
Craige, Mr	Stoney, Mr
Davis, Mr D. McL.	Strong, Mr
Davis, Mr P. R.	Varty, Mrs
de Fegely, Mr	Wells, Dr
Forwood, Mr	Wilding, Mrs
Furletti, Mr	

Pairs

Eren, Mr	Hall, Mr
Hogg, Mrs	Luckins, Mrs
Theophanous, Mr	Birrell, Mr

Amendment negatived.

Amendment 2 negatived; clause agreed to; clauses 130 to 313 agreed to; schedules agreed to.

Reported to house without amendment.

Report adopted.

Third reading

The ACTING PRESIDENT

(**Hon. B. W. Bishop**) — I am of the opinion that the third reading of this bill requires to be passed by an absolute majority. I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The ACTING PRESIDENT

(**Hon. B. W. Bishop**) — Order! So that I may ascertain that an absolute majority exists, I ask honourable members who support the motion to rise in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

**PUBLIC SECTOR MANAGEMENT AND
EMPLOYMENT BILL and PUBLIC
SECTOR REFORM (MISCELLANEOUS
AMENDMENTS) BILL**

Second reading

**Debate resumed from 19 May; motions of
Hon. M. A. BIRRELL (Minister for Industry, Science
and Technology).**

Hon. B. T. PULLEN (Melbourne) — These bills make major changes that I will address in a serious and fair way. I acknowledge the ideological differences between the government and the opposition on many of the changes in the bills. I shall address those changes in the context of their links with a number of other changes and processes the government has introduced that have changed the way government business is done in this state. I shall also link the changes with some concrete examples of many of their unintended consequences that have the potential to cause considerable damage to the way the public service operates in Victoria. I shall make some detailed comments about the bills now, but many of my comments may be more appropriately dealt with during the committee stage of the bill.

Many Victorian public servants and others who regard the public service as important to Victoria are concerned about the operation of the service. Public servants have accepted trade-offs, such as lower wages and salaries than are paid in the private sector for equivalent levels of work and responsibilities, against benefits such as having a sense of security, a good superannuation scheme and the satisfaction of knowing their work is of service to the community. It is not a question of making a profit. It is a question of carrying out their duties to a certain degree of professional competence with positive outcomes for Victorians.

The comparison is made by the government in the objects of the Public Sector Management and Employment Bill. Clause 3(a) states:

further to enable Victorian public sector employees to be brought under the general industrial framework established by the Workplace Relations Act 1996 of the Commonwealth on a similar footing to employees in the private sector.

That expects that the performance and nature of public sector jobs is identical to the sort of work carried out in the private sector. The government has been trying to bring into the public sector and other operations of government many of the practices of the private sector that it regards as admirable, efficient, effective and economic. The government is entitled to take a traditional, right-wing and conservative ideological position on how the state is run. However, I make the point that the degree to which the government has brought those changes about and their pervasive nature have had consequences beyond those intended as a result of the damage they have done and do to the way the state operates — particularly in relation to this legislation — and the way the public service operates.

There is a real danger that the independence of the public service will be compromised if people are scared about the security of their jobs. What kind of working relationships will the CEO and various executives in any organisation have if their bonuses depend on their meeting government objectives on downsizing and they know full well that the target set involves questioning whether they will be needed at the end of the process or whether their work will be outsourced?

Work in the public service often entails people investing large parts of their working careers in developing expertise. Many people attend courses to improve their competence without the expectation of moving to another position for gain but simply because they want to do their jobs better. The culture in the public service will be challenged by the changes in the bill and that may lead to compromise. Clause 3(b) states:

to promote among public sector employees a spirit of service to the community;

Nobody could argue with that objective. Clause 3(c) states:

to emphasise the principles of merit, responsible management, and management competence and efficiency within the Victorian public sector;

We all agree that is an admirable aim. Clause 3(d), the final objective, states:

to maintain appropriate standards of integrity and conduct for employees in the Victorian public sector.

The opposition agrees that anyone who is in charge of an organisation that carries out services in the public interest should have those qualities. I hope private sector firms have a similar philosophy of achieving that kind of culture in their organisations, and ask their employees to be ethical, have integrity and carry out

their work with those general aims in mind. However, I believe, and a number of people have observed, that the pervasive nature of the changes in the public sector have meant we are now seeing the circle closing because the public service now has a corporate rather than a community nature.

That makes it difficult for individuals to look forward to careers in the public service and to accept roles in the public interest — and on lower wages — when they know that things are so uncertain and that if they are offered promotions they will have to sign contracts and explicitly accept the government's aims. The bill is bad for the government, too, because it will reduce the capacity of public servants to give independent and fearless advice when to do so could well inhibit their advancement.

I say that in the context of a number of things that are happening in the state. All members are aware of the government's privatisation agenda, which is about selling public assets to the private sector. Beyond that, there have been changes in the way programs are carried out and attempts to introduce tight, marketised mechanisms — —

Hon. M. A. Birrell — That's a dreadful word.

Hon. B. T. PULLEN — It is a dreadful word, but it is hard to find a better one for the process I want to describe. It covers doing as much as possible by outsourcing or contracting out, to the extent that it is absolutely compulsory. That means people cannot choose between letting out contracts or providing services in house — which is the case with local government.

The idea of a purchaser-provider split is being introduced into public sector operations to create false markets so that it looks like different people or organisations are competing for jobs. It is an unnatural and inefficient way of doing things and leads to the break-up of good working relationships that have developed slowly and sensibly over time. That procedure is not followed in the private sector and would be foreign to the operation of efficient private sector firms. Private firms do not create false competition between areas within their organisations to somehow make people work harder or produce better results.

By and large they organise themselves to achieve particular objectives. They compete with other firms, not among themselves. They want to hold on to the skilled people in their organisations — or to poach such people from other organisations — by providing the

conditions, security, support and culture that is required to keep them. The cost of bringing in people and training them is considerable.

I turn to something less tangible — that is, the corporate concept that underlies the way management operates. That can be seen mostly in the human services area, in which the emphasis is on public service and in which outcomes are absolutely dominant — to the extent that they affect how things are done. We are all in favour of outcome management, but some things require people's attention over a number of years.

I now turn to the changes in the legislation. It will complete the circle by bringing about even more fragmentation and politicisation in the public sector than we have seen to date.

Hon. P. A. Katsambanis — You have referred to a corporate outlook; now you say it is fragmented.

Hon. B. T. PULLEN — Yes, it is fragmented.

Hon. P. A. Katsambanis — That is contradictory.

Hon. B. T. PULLEN — I will explain. It is not difficult to understand if you look at concrete examples. The fragmentation occurs because of decentralisation, under which activities are broken up in ways that mean there is no coherent accountability. One example that continually comes up is the health area. When he is challenged about the non-performance of a hospital or health network, how often does the Minister for Health say, 'It is not my responsibility, it is the network's. You should talk to the hospital and to the network.'? He no longer acts as we have come to expect ministers who are accountable for their portfolios under the Westminster system to act. Instead he says he is accountable for providing the finance and that hospitals and networks are accountable for how services are delivered on the ground. But if the finance is not provided, how can the hospitals and networks possibly deliver?

One opposition member who asked the Minister for Health a question about a hospital was lectured about why he had not gone to the hospital or the relevant health network for an answer. That member was entitled to question the Minister for Health about the hospital's performance — and the minister ought to be seen to be accountable.

The same thing occurs in other areas that have been decentralised. It is not about decentralisation linked to local accountability, because the purse strings are still held tightly at the centre. The result is an enormous

amount of fragmentation and a reduction in accountability for service delivery. When that is linked to funding cuts, it seems that one hand of government is no longer clear what the other hand is doing.

It is ironic that Mr Bishop presented a report to Parliament this week from the Environment and Natural Resources Committee — a good report I thought — that is obviously based on a good deal of consultation.

Hon. Bill Forwood — Are you on that committee?

Hon. B. T. PULLEN — No, I am not, although I know a number of members are. I have examined the report, which addresses the important subject of the control and eradication of weeds that cause a great deal of economic and environmental damage and are of enormous concern to people on the land. After examining the report and after listening to Mr Bishop's speech in presenting it, I had the sense that the people working in catchment and management and land protection were being applauded.

However, on the same day I received a call from someone at the Keith Turnbull Institute, the principal institute for research on the eradication of weeds in Victoria, who had just been told that the institute is to be disbanded. The institute not only does quarantine work but has for a long time been working on long-term solutions to control weeds, including developing biological controls. The people who work at the institute are having discussions about where they will go. Some are being invited to go to Rutherglen.

Hon. B. C. Boardman — The committee received no evidence to that effect.

Hon. B. T. PULLEN — That is exactly my point. You and your government colleagues make up half the committee, yet you did not realise that was going on at the very time you were taking evidence.

Hon. B. C. Boardman — You are basing your assumption on a telephone call.

Hon. B. T. PULLEN — No, not on a telephone call. I don't base my assumptions on phone calls.

Hon. Bill Forwood interjected.

Hon. B. T. PULLEN — It has a lot to do with the bill, because it shows that the government intends to disband an organisation that delivers important services to the state through outsourcing their work. The letter from Michael Taylor, the Secretary to the Department

of Natural Resources and Environment, confirms the early estimate that 300 staff separations will take place, and in his accompanying notes he cites the Keith Turnbull Research Institute as one of the areas that will lose staff. Those officers who completed various academic or training courses in their areas of expertise are being told they will not have careers in those areas unless they want to uproot their families and go up to Rutherglen. I understand that only three of the scientists are likely to take up that offer. The result will be the destruction of a very worthwhile activity at a time when Parliament has had presented to it a report that recommends positive action to address the state's weed problem.

Currently 300 public servants are being removed from the agriculture and the natural resources areas as a result of the budget. Another area of concern, which is more insidious, is the politicisation that goes with these changes, and I shall deal with the bill in more detail in the committee stage. If public servants have no security how can they give honest advice? How can they have a relationship —

Hon. Bill Forwood interjected.

Hon. B. T. PULLEN — You can make a joke of it, if you like.

Hon. Bill Forwood — I am not.

Hon. B. T. PULLEN — The point is that if people have limited tenure and their continuing employment depends on whether they are performing tightly and rigorously to a government direction they are in an invidious position if they want to be even reasonably critical and professional and say something that may not be in line with what the government or the minister expects — and I am not just talking about whistleblowers. The legislation really sets that in concrete.

I turn to specific examples of the way areas may be asked to operate. Public servants who work in the environment area and who become too critical or clear about protecting some part of the environment that affects the government's interest in and capacity to implement a tourist facility or some other development will know that their work area is capable of being outsourced and they may suffer the same fate as the staff of the Keith Turnbull Research Institute. The government is not just dealing with individuals — it is preparing to send messages to groups of people in the public service that their capacity to give independent and fearless advice is diminished.

Hon. M. A. Birrell — Exactly what former ministers Steve Crabb and David White did. It does not matter what legislation is involved.

Hon. B. T. PULLEN — It is not the same — this is in the context of a whole series of changes resulting in politicisation.

Hon. Bill Forwood — We value good public servants. We like to have good public servants.

Hon. B. T. PULLEN — I wish you did, but certainly the legislation is not heading in that direction. Since Mr Hartigan is in the chamber I will put a more concrete example that will be closer to home for him. He has been associated with the development of the International Fibre Centre (IFC), which was originally called the Australian Fibre and Textile Education Centre. The Minister for Tertiary Education and Training and the Minister for industry, Science and Technology have also been involved with the development. Both ministers were associated with an announcement that it was an important project, a good idea and had a lot of potential for the TCF industry and Geelong.

I will be blunt and say that Mr Hartigan's influence has been entirely negative because it has led to a situation where the drive to complete the project was so strong it did not allow appropriate consideration of it by either the industry or public servants. Mr Hartigan's illogical disposition of being against the public service and against cooperation has meant the project will be more of an embarrassment than the success story it should have been. I know from a ministerial briefing that a business plan produced by Arthur Andersen was supposed to examine the project, but the minister will not release that plan.

The industry people involved are fairly clued up on what is happening, and there are many of them in my electorate. In their view the business plan reveals that the whole concept is very shonky financially, and it looks like incurring a loss over 10 years. We are talking about an amount of in excess of \$25 million, including an injection of an amount from the government each year of which I am not sure because I do not have the plan but which is in the order of \$2 million or more. Nevertheless, the assumptions of the IFC's likely market share are extremely generous. In an attempt to make it work a fruitless attempt is beginning to lever in operations from other areas — to include the type of training that it would not be logical to put in at Geelong to be successful.

The government has politicised that process and put itself in a position where it did not receive considered and fearless advice from the public servants involved. I am sure those public servants are well aware of the difficulties in going about the project in the way that it has been gone about to date. I doubt whether the business plan has been subject to scrutiny by Treasury, much less by the Auditor-General, and I wonder whether it will stand up if it ever emerges in the light of day. That is a clear example of trying to drive something through a political process and creating an atmosphere in which decent advice will not be available or heeded. That problem would be multiplied if members of the public service were more influenced by the question of whether they would be rewarded for serving the government than by whether they should give independent advice.

I asked the parliamentary library to research the original announcement about the location of the Natural Fibres Institute of Australia. An article appeared in the *Geelong Advertiser* of 31 January 1997 in relation to assistance from the government in the purchase of the Delta Carpets building. According to the Minister for Tertiary Education and Training the building would:

... provide a home for the Natural Fibres Institute.

The building would have housed some of the equipment we have been told has been brought over from the UK and has been sitting in containers. When praising the cooperation involved the Minister for Industry, Science and Technology said it was something of a coup. However, Mr Hartigan did not think to check out whether the Delta Carpets building was capable of accommodating the equipment. I now understand it is not possible for the equipment to be installed in that building and that it will be necessary to go somewhere else, yet the government has already put in the \$500 000 towards its purchase. If things are done in a political way and rushed that is the type of thing that happens. If public servants are consulted before saying, 'Don't do that — hang back', they will hesitate, because if they give such advice they may be remembered as stoppers, that they were critical when they should have been supportive. Yet when a project like that is driven in that way it is in danger of falling over.

I acknowledge it was a good idea — I think it was originally the Premier's idea — of how to assist the textile industry and assist Geelong. The concept had merit, but I think the way it is being done does not enhance the industry nor meet the original intention.

Hon. W. A. N. Hartigan — You do not know what has been done.

Hon. B. T. PULLEN — Mr Hartigan, you are the chairman. Will you release the business plan?

Hon. W. A. N. Hartigan — I have no intention of releasing the business plan.

Hon. B. T. PULLEN — Mr Hartigan says, 'Find out if you can; I will not help you'. He will not help the public by transparently disclosing that the \$2 million to \$3 million a year is being well spent and that the organisation will be viable in 10 years time. If at the end of 10 years it does not show a profit —

Hon. W. A. N. Hartigan — If you read the public documents, which I will show to you, you will find out that that judgment was made three years ago.

Hon. B. T. PULLEN — You have told me you are not prepared to release or to advise the minister to release the business plan.

Hon. W. A. N. Hartigan — I will tell you why in a minute.

Hon. B. T. PULLEN — That would help a lot of people to understand whether the project is viable.

Hon. W. A. N. Hartigan — You are ideologically opposed to the idea.

Hon. B. T. PULLEN — The public should know. It does not help the argument —

Hon. W. A. N. Hartigan interjected.

The ACTING PRESIDENT

(**Hon. B. W. Bishop**) — Order! Mr Hartigan will have his opportunity. Interjections are good for debate, but only within reason.

Hon. B. T. PULLEN — I have used that as an example. The answer is simple: the doubt could be dispelled if Mr Hartigan were prepared to release the business plan.

Victoria has had an excellent public service that has served several governments well. What disturbs me most is that the bill will cause damage that will take years to repair, especially the damage caused by the loss of talented people and the reduced ability to recruit people of talent and goodwill. All governments benefit by having a public service that is capable of advising them independently and fearlessly. The legislation is tying the public service to a system of central control.

We know that the permanent heads meet regularly with the Premier and that instructions go out through a tight network. Ministers who are not close to the seat of government do not play an important part in major decisions on their portfolios. Government is now extremely centralised, and that is reflected in the upper levels of the public service. The control that is exerted extends to almost everybody in the service, especially to those at the executive level. Beyond the executive level, outsourcing will lead to the creation of a casualised public service. The service's collective memory and knowledge will progressively be lost as people are brought in only for particular jobs. They will have no interest in maintaining the systems and the information banks that have made the public service work. The real tragedy will be the loss of individual talent and the wasted capacity and potential to serve the state.

To put the argument in a different context, I will give one more example that relates to an issue about which many questions have been asked during question time. At some stage after changes like these are made a public service becomes so fragmented that it is difficult for a government to keep control over all its operations. That occurred in Britain following the privatisation and outsourcing changes undertaken by Mrs Thatcher. I refer to a conference paper presented by R. A. W. Rhodes, professor of politics at the University of Newcastle at Newcastle-upon-Tyne, which is based on information provided by the British Committee of Public Accounts in 1997. The committee examined the impacts of privatisation and what Professor Rhodes called its unintended consequences. He did not say the Thatcher government was necessarily wrong; in fact, he was fairly neutral about the changes brought about by corporatisation.

The Committee of Public Accounts reported that the Yorkshire Regional Health Authority — that is, just one regional health authority — paid invoices totalling £694 909 in one year. The beneficiaries were the Croft Hotel, the Old Swan Hotel, the Devonshire Arms, Grants Hotel, Dower House, the Majestic Hotel, the Grange Hotel, Fairfield Manor, the Viking Hotel and the York Pavilion. The Devonshire Arms is one of the better hotels in Yorkshire, and each dinner cost between \$400 and \$600.

I am not saying that those were not occasions on which business was transacted or that some government business was not involved. The point Professor Rhodes makes is that when changes such as these take place a culture develops whereby business is done that way rather than around a table in an office. The Committee

of Public Accounts was disturbed to find that in the corporatised and privatised areas of the public service people were dining out on the public purse in the name of business when that business could have been transacted in other ways. It did not suggest that people were misusing the money in the sense of corruptly taking it for themselves, but it represented a change in the way business was transacted.

The Minister for Finance, Mr Hallam, has taken personally the questions that have been asked in the house about credit cards. In his May 1997 report on ministerial portfolios the Auditor-General referred to some 4400 corporate cards with a total monthly credit limit of \$22.7 million. He showed by graph that corporate card expenditure had increased from \$3 million in 1989–90 to over \$42 million in 1996–1997.

Hon. M. A. Birrell — So what?

Hon. B. T. PULLEN — The point that seems to have escaped some government members is that that expenditure requires the scrutiny of government.

Hon. Bill Forwood — They provide the best audit trail possible.

Hon. B. T. PULLEN — I will repeat the point just to make it clear. It is not only a question of whether someone is having a booze up on a credit card.

Hon. M. A. Birrell — It would be, given the nature of your questions; that is all you are interested in.

Hon. B. T. PULLEN — That is not the point at all. The point is whether the way business is being done and the sorts of things credit cards are being used on are examples of a developing culture that will lead to an expansion of such activities so that entertainment in the name of business will become the norm.

It is clear the escalation of costs is becoming the norm in this state. Standards will drop further than they have now. If public servants are not in a position to set some standards without fear of blowing the whistle or if they cannot criticise the operation of government, the people of Victoria will have no security concerning how the public service works. They will not have the kind of public service they have been used to and entitled to.

Honourable members interjecting.

Hon. B. T. PULLEN — The proposed legislation is closing the circle around the changes the government has made in privatising other areas by focusing on the

privatisation of the public service in a way that will undermine the quality and independence of the public service that we have known. The opposition opposes that move. Many people sense the government is going too far in introducing changes that can be justified only by an economic rationalist or outcomes-is-all-that-matters approach. The opposition opposes the bills, and I shall deal with them in more detail in committee.

Hon. B. C. BOARDMAN (Chelsea) — Mr Pullen has just delivered a passionate presentation on certain issues which are obviously of great concern to him but, unfortunately, which have absolutely nothing to do with public sector management employment in Victoria — the subject of the debate.

Mr Pullen had an opportunity to use his anti-corporatisation and anti-privatisation philosophy and also to introduce the taxpayer-funded credit card issue — but after having read the proposed legislation once again, I fail to find any mention of that matter. It is difficult to speak on the measures before the house and not accuse the opposition of complete hypocrisy because in one breath it is detailing its support for the Westminster system and the independence of the public service, while outside the chamber it is dictating its support for major constitutional change, which most honourable members would realise would have a grave effect on the way the public service would operate.

The opposition in its contribution has not once taken the opportunity to provide an alternative to the points raised by the government. I should have thought Mr Pullen, as lead speaker for the opposition, would have used the opportunity to move some reasoned amendments explaining how an ALP government would manage the public sector. I acknowledge some of the concerns that have been raised in the community and in particular from several public servants because historically Victorians are conservative individuals. Most Victorians — and the public sector is in no way exempt — react with some suspicion when any change to their employment or conditions is initiated. They also find themselves in the unfortunate position of being misinformed and misled by their various representatives when it comes to the legislation that is about to be introduced.

Honourable members should realise we are facing a time in society when change and progression is occurring at a greater speed than ever before. We see changes in technology, community attitudes and living conditions — in particular working practices and standards. We have to acknowledge that change is

occurring not only in Victoria; it is occurring across the nation and around the world. The Victorian government is a world leader in change. On many occasions it has been hailed internationally for some of the reforms it has introduced — industrial relations, microeconomic policy, industrial competitiveness and reforms in education and human services have been acknowledged worldwide as being world's best practice. The proposed legislation is about introducing a new professionalism and new standards in government administration. The opposition's socialist rhetoric and ideology have been proved internationally to be outdated in many circles; it simply does not work. In an era when these reforms have been praised the measures represent another of those further reforms; they are part of the ongoing reform process of government administration to make the public sector more accountable and more responsive and to bring it into line with the terms and conditions set out in the federal Workplace Relations Act.

If we were to return to the days when the Labor Party was in government, when its ministers — in particular David White — did not like what was happening in the public service, especially at management level, he would say things like, 'If you don't have a willingness to push a senior public servant down a lift-well, you are lost'. When in government the Labor Party and its ministers, rather than dispose of a manager or a public servant who was not abiding by the government's principles and directions, would give them an equitable and fair right of appeal and counselling service.

Hon. Philip Davis — The lift-well theory; is that right? What does it mean?

Hon. B. C. BOARDMAN — That is right, Mr Davis; that is exactly what it was. The formulation of the legislation commenced in March 1997 and involved consultation with many groups — a number of public authorities, employee associations and individuals — which throughout the review provided valuable comments to the Office of the Public Service Commissioner. The review identified certain areas where change was necessary. It identified that 95 per cent of the Victorian public service and private sector are now on federal awards which cover most employment-related matters. It also acknowledged the right for department heads to be given powers that allowed them to negotiate the terms and conditions of employment specific to workplaces. The roles, guidelines and objectives of employees in the Department of Human Services are different from those of employees in the Department of State Development. It also acknowledged that public sector employees can

benefit from more say in how they perform their work; they can also arrange for flexible work practices to help improve and assist their productivity.

Furthermore, it is also acknowledged that public expectations are met by specifying clearer accountability for merit, equity and equitable conduct within the public sector. The changes have been identified; there has been considerable consultation throughout the process; and the legislation has come to fruition. The Community and Public Sector Union has expressed concern about a number of issues associated with the introduction of the legislation. I will touch on some of them. Opposition members in another place raised the prospect of the Premier not replying to the CPSU about its concerns. Mr Bill Scales, the secretary of the Department of Premier and Cabinet, has not only done that; he has also listed the responses to the CPSU's concerns on the Internet, which is available for all members of the public to read. If the opposition does not agree with that, I have a copy of those concerns in front of me now, along with the responses.

Hon. D. A. Nardella — Are you prepared to table them?

Hon. B. C. BOARDMAN — The issues raised — —

Hon. D. A. Nardella — Are you prepared to make them available?

Hon. B. C. BOARDMAN — Mr Nardella, they are on the Internet. I am more than happy to table these responses, but for Mr Nardella's direction I will give him the Internet address which may assist him next time. The address is <http://www.vic.gov.au/opsc/direct.html>.

The Community and Public Sector Union is concerned that the independence of the public service will be compromised. Mr Nardella should know in his capacity as a member of the Scrutiny of Acts and Regulations Committee that the directions of the Commissioner for Public Employment will have the status of statutory rules and that as such they will be able to be disallowed only by Parliament. The Scrutiny of Acts and Regulations Committee must report to Parliament on whether it agrees or disagrees with statutory rules and it may ask for them to be reviewed. As a member of the committee, Mr Nardella should be aware of that safeguard.

The opposition expressed concern that the requirement for a notice of termination is being removed. Nothing could be further from the truth. If union representatives

and members of the Australian Labor Party read the details of the bills they would know that they do not purport to alter, nor can they alter, the application of the Workplace Relations Act regarding the termination of employment. The measures have nothing to do with the termination of employment as such. The regulations applying to notice of termination are set out in the Workplace Relations Act.

Concerns were raised about recognition of prior service. Clearly the provisions recognise prior service, the only exemption being employees from other states, territories or the federal public sector. Recognition of prior service will be negotiable for new staff, as it would be in the case of any person joining the private sector or changing jobs. Another concern expressed by the opposition was that the concept of a career in the public service will be destroyed. I fail to see the relevance of that issue. How could any logical or reasonable individual believe a career in the public sector should be different from a career in the private sector? The same opportunities and challenges will apply in the public sector as apply in the private sector — people will be rewarded according to their abilities and their opportunities for career advancement will continue.

The draft 'Directions on public sector employment and conduct principles in the Victorian Public Service' prepared by the Office of the Public Service Commissioner are on the Internet and can be obtained by any person who is interested in the issue. Concerned public sector employees will note that the draft directions contradict issues raised by the CPSU and should alleviate any of their concerns. The public sector employment principles are: employment decisions are based on merit; employees are treated fairly and reasonably; equal employment opportunity is provided; and employees have reasonable avenues of redress against unfair or unreasonable treatment. The principles go on to state that all employees are required to act impartially; to act with integrity and to avoid any real or apparent conflict of interest; to accept accountability for results; and to provide responsive service. Not only are principles of public sector employment set out by the Commissioner for Public Employment, there is a requirement for public service employees to act reasonably when working in public sector organisations.

The directions set out how the new rules and regulations will be implemented and provide for the review of standards and practices I have already outlined. The directions indicate that employees will be selected on merit and minimum standards will be

observed. People have raised concerns about the filling of positions without their being advertised. It is true that the regulations will allow the filling of vacancies without advertisement in certain circumstances. However, there is a safeguard because agency heads will have to report to their on-line supervisors and the reports must be included in the annual reports of departments.

Some of the provisions in the directions relate to equal opportunity and others go to managing diversity and under-performance in the public sector. The minimum standards for managing under-performance are set out in the draft directions. They state:

1. Policies and processes to deal with under-performance are documented, fair, accessible to all employees and apply consistently.
2. Decisions and processes provide procedural fairness.
3. Employees are given reasonable notice that a performance standard is not being met and where appropriate, an opportunity to improve their performance.

It is not that if employees are not meeting a department's standards they will be cut off from further employment, as the opposition would have honourable members believe. The draft directions continue:

4. Employees may be assisted by another person when subject to performance counselling or to an investigation into an alleged breach of the employment contract.
5. Management action, including action taken pending an investigation into an alleged breach of the employment contract, is appropriate to the circumstances.
6. Management action that is a reasonable alternative to dismissal should be considered as circumstances warrant.
7. Decisions are documented and capable of review.
8. Appropriate confidentiality is maintained.

I challenge any public sector employee to disagree with those minimum standards. They are not unjust or unreasonable. Any public sector employee who is having difficulties with his or her job will be subjected to terms and conditions that will give the person a realistic opportunity of alleviating the problems. Personal grievances are dealt with in the draft directions.

If the opposition members took the time to read the provisions in the bill they would realise that the minimum standards relating to personal grievances are contained in the Workplace Relations Act. The regulations in that act indicate that an employee who has a grievance with the way he or she is being treated

has the right to appeal to the Industrial Relations Commission and pursue court action if necessary. I do not think any person could dispute the fairness of that proposition.

The draft summary of the bill is on the Internet. I note that copies have been circulated throughout many departments. Implementation of the bills will mean a more equitable workplace for all employees. As a former member of the Victorian public service for more than seven years, if I were still a member of the service I would embrace the provisions and regulations set out in the bills. In fact, I would be proud to call myself a member of the Victorian public service. I dispute the concerns raised by the opposition. It clearly shows the ignorance of its members of the intent of the legislation. I wish the bills a speedy passage.

Hon. D. A. NARDELLA (Melbourne North) — The bills will be vigorously opposed by the opposition. They are the types of measures that Chris Corrigan would want to have in place to deal with his employees who are members of the Maritime Union of Australia. The bills will give authority and power to the government to do anything it wants with any public servant without any recourse to the Industrial Relations Commission, the Federal Court or to anywhere else.

Honourable members interjecting.

Hon. D. A. NARDELLA — Honourable members opposite show their ignorance of the contents of the Public Sector Management and Employment Bill which will give department heads and agency heads absolute power; it will put in place minimum standard directions that department heads and agency heads do not have to follow — they will be able to sack anybody without recourse to directions or minimum standards. The opposition opposes the bill because it is crook. It makes public servants fifth or sixth-class citizens — not even second or third-class citizens.

When he was a police officer, Mr Boardman would not have agreed with such legislation and his union would have fought against it because it will remove any proper or due process and any prescription of the conditions under which public servants work, unlike the processes that were worked through, agreed to and set down to protect the rights of Mr Boardman and his colleagues when he was a police officer. The legislation will strip away rights to deal with unfair and unjust termination.

In the past, debates in this chamber have included discussion of the disciplinary procedures covering police officers. The opposition has not agreed with some of the changes that have been put in place but at

least they included procedures to cover disciplinary action.

The passage of the bill will mean that no procedure will be in place to deal with cases of mass redundancies of public servants. The opposition and the union maintain that public servants will lose all the rights they have accrued over a long time. Obviously honourable members opposite are not thinking members of Parliament because all one has to do to understand that is read the clauses of the bill. Members opposite are good at reading things if they have a cartoon next to them — they have difficulty understanding their own legislation. The reason is they do not want to understand the implications of the legislation for public servants, for whom they are responsible. They do not care about the people who work in the public sector. The proposals form part of the economic rationalist ideology on which they have swept through the state.

The legislation will affect over 23 000 Victorian employees. It cannot be supported. Some of the clauses have been brought to the attention of the Premier, as Mr Boardman said in his address. The response of the Premier to Ms Karen Batt, the state secretary of the Community and Public Sector Union, after she brought the concerns of the union to the Premier appears in a letter dated 11 May 1998, which states:

On behalf of the Premier, I acknowledge your letter of 8 May requesting to meet with Mr Kennett to the Public Sector Management and Employment Bill.

As the Premier's appointment schedule is heavily committed for the foreseeable future, he has asked me to pass on his regrets that it will not be possible to meet with you.

Yours sincerely

Tessa Curtain-McNeill
Appointment Secretary.

That is the type of response the Premier gives to public servants or to the organisation that represents them, the organisation that has the ideals and concerns of public servants at heart — unlike honourable members opposite.

The Premier does not have even half an hour to sit down with the public sector union to talk about their concerns as the responsible minister — he is not being asked to do this as the representative of the Minister for Agriculture and Resources or of any other portfolio. As I said, he does not have even half an hour to listen to the concerns of the public servants for whom he has ministerial responsibility.

As for finding a response from Bill Scales on the Net, the suggestion is unbelievable, because half the members of this place do not know how to get onto the Internet, let alone find anything on it!

As I said, the Premier did not have even half an hour to spare so he sent his lackey, Bill Scales — he has been a lackey for some time. The Premier said, 'Reply to this, I haven't got the time to muck around or waste time talking to public servants. I don't care about them. This legislation will do them in like a dog so I'm not going to talk to them. I'll get you to talk to them and respond to the letter'.

It is important to realise that Bill Scales did respond. Let us consider that response. The public sector union put a number of points to the Premier. The first was that the bill will compromise the independence of the public service, which is one of the major concerns of the public service and of the opposition. The CPSU believes the Public Sector Management and Employment Bill will erode the independence of the public service because more of the roles now carried out in the public service will be done by casual employees. The response of the government, in a note from Bill Scales, is that the employment powers will be subject to directions of the Commissioner for Public Employment.

After receiving the government's response, the CPSU stated that the vagueness of the directions will be abused by departments. The directions that will be put in place will be vague for one reason and that is that the government does not want real directions; it does not want to give public servants real power and the rights they deserve.

The second point the CPSU put to the Premier was that the Public Sector Management and Employment Bill:

Minimises procedural fairness for non-executive officers.

The bill repeals the regulations outlining agreements and discipline and puts in their place the broad principles contained in Division 7 and vague directions that will be given by the Commissioner for Public Employment. The government's response came from Bill Scales, who I estimate spent a maximum of 15 minutes putting it together:

The directions will provide for minimum standards.

The CPSU was making exactly that point — that the minimum standards will not reflect the existing standards. They will be pared back to way below the standards currently enjoyed.

The third point made by the CPSU was that the bill:

Removes periods of notice on termination.

Currently public servants must be given four weeks notice on termination of employment. The government's response, again from Bill Scales, was:

The provisions of the Workplace Relations Act relating to termination of employment apply, except on redundancy where constitutional limitation as set out in various High Court decisions exist.

I will expand on that so that people can understand what the limitation is. Mr Boardman and others have said that the bill will put the public sector on the same footing as the private sector. It will not.

Hon. B. C. Boardman — In your eyes!

Hon. D. A. NARDELLA — No, the reference is to High Court decisions! That demonstrates the ignorance of Mr Boardman, who spruiked off for half an hour and demonstrated that he has absolutely no understanding of what he was talking about. If he knew, he would know that the Australian Education Union had taken these matters to the High Court.

Hon. B. C. Boardman — Against this bill?

Hon. D. A. NARDELLA — About redundancy. In the case of *Re AEU and Others* (1995) 128ALR 610, the majority of the Full Bench consisting of Chief Justice Mason and Judges Brennan, Deane, Toohey, Gaudron and McHugh decided a number of constitutional questions. They found that state public servants could be in dispute with their employer as outlined in the then commonwealth Industrial Relations Act and in line with section 51(xxxv) of the constitution. The High Court found also that the commonwealth Parliament could not make laws that infringe upon the implied limitation of the constitution on the existence of states and their rights to, amongst other matters:

... determine the number and identity of persons whom it wishes to dismiss with or without notice on redundancy grounds.

Government members say that public servants should be treated like people working in the private sector. The opposition will test this at the committee stage. Unless the government gives a guarantee that the implied limitation will be invoked by the state, public servants will not be on the same footing as private employees, and certainly not as private employers. Private employers have to discuss redundancies with their employees. When BHP decided to sack 600 members

of its work force in Newcastle, it had to discuss redundancy payments and other conditions for those employees. I am not saying that they would have been great discussions — they certainly were not, because those 600 people lost their jobs — but discussions took place about redundancies, transfers, and other matters arising out of the proposal to sack 600 people, who would be losing their salaries for possibly a very long time.

This government does not and will not allow its public servants to take the action that private sector employers and employees are able to take when faced with redundancies. The federal legislation referred to by Mr Boardman will not allow for that, either, because it is also covered by the regulations.

Mr Boardman might squint because he finds such concepts very difficult to understand. For his benefit: it means that public servants do not have the same rights as private sector employees. It is important that people understand that public servants have given up a number of rights and conditions and have sacrificed salary to stay in their jobs for several reasons, including job security and tenure.

Under the Westminster system, security and tenure go hand in hand. Part of the philosophy underlying the Westminster system is that the public service should operate without fear or favour. Public service employees should be able to give advice to ministers or to the executive — this is another concept that honourable members on the other side find hard to understand — in an independent fashion and without the threat of being sacked. The bill will mean that unless public servants give the answers that their ministers or their supervisors — be they agency heads or departmental heads — want, they will find themselves in a very difficult position. They might find themselves out of the public service, because the bill gives those departmental and agency heads the ability to dismiss them very easily.

A comparison between the base salary or remuneration for public servants and their counterparts in the private sector reveals that in the main public servants are paid about 75 per cent of what private sector employees are paid. They accept that because of their commitment to working for the Victorian public. I put on the record that public servants are committed to their jobs, to the state of Victoria and to achieving for the community.

The government does not believe in that commitment. Government members talk a lot of rhetoric about commitment, but when it comes to the government

putting its money where its mouth is, so to speak, it introduces a bill that will take away the rights and conditions of public servants under its direction. It must be understood — Mr Boardman has not understood this; he might understand it now — that no conditions will be imposed on redundancies and public servants will have no independent bodies to turn to if they feel aggrieved by such actions. All that public servants will be able to rely on will be very vague directions from the Office of Public Employment and the goodwill of the minister, the government, and the departmental or agency head. The amenability of the minister to giving sacked public servants redundancy payments will depend on whether he has had a Scotch the night before, and the amenability of departmental or agency heads will be determined by whether they have been given the advice they want to hear. Honourable members on the other side might say 'Ooh', but it is true! The same minister had a bottle of Scotch the night before he decided to get rid of 9000 teachers!

We are not making this up; he actually went out there and told people that this is how he puts together laws, gets rid of teachers, and closes down schools. And you wonder why the opposition does not believe the government when it says it wants to protect public servants! How can we believe that when ministers of the Crown are acting in this fashion and putting together legislation which, in the final analysis —

Hon. K. M. Smith — On a point of order, Mr Acting President, it concerns me a little that Mr Nardella is reflecting on one of the ministers in the other chamber. I do not think standing orders allow him to do that, and I would like him to withdraw the large number of things he has just said about the Minister for Education.

Hon. D. A. NARDELLA — What do you want me to withdraw — that he drinks Scotch? All right, I withdraw the statement that the minister drinks Scotch.

Hon. K. M. Smith — I would like him to withdraw anything that reflected on the minister.

Hon. D. A. NARDELLA — On the point of order, Mr Acting President, I was putting to the house that Mr Gude, the Minister for Education, drank Scotch before and while he was putting together legislation as minister responsible for industrial relations, and that is on the public record. It is fact. If Mr Smith wants me to withdraw the fact I will withdraw it, but it is ridiculous to suggest that I withdraw the statement that the minister drank Scotch when he said publicly that he did so when putting together industrial relations legislation.

The ACTING PRESIDENT

(Hon. B. W. Bishop) — Order! There is no point of order, but I urge Mr Nardella to control his enthusiasm and stick closely to the bill so that debate can proceed in an orderly manner.

A Government Member — What a good ruling!

Hon. D. A. NARDELLA — It was a good ruling because he got done again! The fourth point made by the public sector union was that it destroys consistency in treatment of public servants across departments. The opposition supports this principle. The union states that:

By further devolving employment functions, employment conditions will be inconsistent across departments and even within departments.

The government's response through Bill Scales was:

The award and commission of directions will protect core employment conditions for public servants.

That did not answer the proposition because within departments and agencies different employment conditions exist, and certainly the award and commission of directions do not protect conditions.

The fifth point was that the bill:

... opens the way to further casualisation of the service and destroys job security.

All references to types of employment (permanent, fixed term, temporary and casual) have been removed. Instead, agency heads may 'employ as many persons as are required ...

presumably in any manner they see fit. The government response was:

The current types of employment in the Victorian public service will continue.

If they are to continue, why change the act? Why go through this process if the response by the government is that the conditions will continue? If one reads the bill, it is clear that the conditions will change.

The position of the Australian Education Union is important because its case was determined by the High Court and was used as an example for an agency of the government. Clause 35 of the bill provides that there will be no compensation on termination of employment. That is not acceptable in the private sector. Already the government has used the High Court and the AEU decision with regard to the regional veterinary laboratories. Those public servants had no guaranteed right of return, and where they could not be transferred they were deemed to have resigned.

PUBLIC SECTOR MANAGEMENT AND EMPLOYMENT BILL and PUBLIC SECTOR REFORM (MISCELLANEOUS AMENDMENTS) BILL

Wednesday, 20 May 1998

COUNCIL

1239

What is worse, and what honourable members on the other side of the house do not want to understand, is that when somebody is deemed to have resigned because they cannot transfer out, there is no other job for them. These were specialised people within regional veterinary laboratories. They lost their superannuation entitlements. Government members should be extremely concerned about this. While they are concerned about getting their superannuation payouts and pensions these public servants have lost their jobs.

A number of them, deemed to have resigned because they were not transferred, only received the amounts that were paid into their superannuation schemes plus interest. That is the standard the government wants to set through this bill. It does not protect public servants from redundancies, and the government continues to use the case of the Australian Education Union, which went to the High Court, to introduce further changes.

I have a letter from Mr Michael J. Taylor, a departmental head of the Department of Natural Resources and Environment. It is dated 13 May 1998 and concerns the position of the government on section 99 — dispute notification. It says:

It is DNRE's intention to keep the CPSU informed of DNRE's strategy to implement the budget changes and to hold meetings with the CPSU as appropriate. However, the CPSU is not a party principle in DNRE's strategic thinking. The law in this area (refer *Australian Education Union, ex parte Victoria* (1995) — 185 CLR 188) clearly states that decisions as to issues of redundancy are the prerogative of the state government in question. As a third party, the CPSU can never be held accountable for the strategic decisions, successful or otherwise, of DNRE.

That letter makes it clear how redundancies will be treated. Government members have agreed that various positions within the departments should be made redundant. They are saying government departments will make decisions on redundancies as they see fit and without reference to the CPSU. This legislation strengthens their positions.

The sixth point made by the CPSU to the Premier was about the legislation removing entitlements, including the right to long service leave, from the act. The CPSU complained that all reference to long service leave is to be removed from the act. Long service leave will become a condition in agreements and may have implications regarding awards and the making of future enterprise agreements. Public servants have a couple of conditions that set them apart from the private sector and the entitlement to long service leave is an important condition of employment. The government's response to the concern of the CPSU is that its:

... intention is to incorporate this entitlement in the final award on allowable matters currently being developed.

The CPSU correctly opposes that change: it is opposed to a statutory condition being able to be traded, which is what could happen under this legislation.

The seventh point made by the CPSU was that the bills remove any reference to recognition of prior service; that falls into the same category as my point about long service leave. But things will be even worse in this case because a recognition of prior service will not be included in any agreements. Our employees will suffer. The reply from Bill Scales is:

The bill does remove an entitlement that applicants from state, territory or federal public sector jurisdictions may apply to have their prior service in that jurisdiction recognised in the VPS prior recognition scheme.

We could have new entrants to the public service lose their prior entitlements. One certainly would lose if one transferred to a public authority.

The eighth CPSU point was that the bills destroy the concept of a career in the public service. Public servants will no longer be assigned to positions but to bands. That is important because in the public service today, public servants are classified as officers so as to maintain their integrity, their positions and the relationship between independent officers and the public service. The proposed legislation means a public servant will no longer be an officer but will be assigned to a band. The removal of the requirement to advertise vacant positions will erode the concept of a career in the public service.

Another concern is that departmental and agency heads need not advertise vacant positions; no provision is made for internal or external advertising. The concern of the opposition and the public sector union is that the lack of an appropriate provision may lead to cronyism in the public service. The government's reply is:

Ongoing jobs will have to be advertised. Agency heads must certify there is no breach of merit and equity where a vacancy is exempted from advertisement.

That demonstrates there is no requirement to advertise fixed-term appointments, secondment opportunities or other employment opportunities within the public sector.

The ninth point was that the legislation opens the way for nepotism and cronyism in removing the requirement that vacancies must be advertised. By leaving that discretion on whether to advertise to the departmental or agency head, the public service will be further

subjected to nepotism or cronyism. Departmental or agency heads can appoint whoever they wish. Appointments or promotions will not be based on merit, due process or an appropriate procedure; the discretion to appoint or promote will rest with the departmental or agency head. We will end up with a change in the culture of the public service as happens in the United States of America which has no career public service. With a change of government, you change public servants. That already happens in the upper echelons, but this legislation means future employee loyalty will not be with the government or Victorians but with agency heads. You will get on if you suck up to the agency head. If you are able to use your corporate credit card, go down to the local boozer and look after your agency head, you will be all right. The proposed legislation will cause that sort of behaviour. There will be no accountability or basis for promotion or appointment based on the principle of merit.

It is laudable that the legislation talks about merit. A due and independent process would enable a person to say that he or she is better for that position than somebody else, but that principle is found wanting in this legislation. There will be no appointments or promotions based on merit because this legislation — —

Hon. C. A. Furletti — That is what you are saying.

Hon. D. A. NARDELLA — No, that is what the legislation says, Mr Furletti; you do not understand your own legislation! It is an absolute disgrace that government members do not understand the legislation. They have no understanding about merit-based promotions or appointments within the Westminster system and traditional government. All the changes in the past — following the corruption, the land deals, the tightening up of the public sector as a result of the Bland report in the early 1970s, and so on — have flown out the window because government members think they know better. They want their mates and cronies to be appointed to top public service positions. They have absolutely no commitment to an independent, experienced and professional public service or to public servants who look after the interests of Victorians. Government members have zip understanding of this legislation.

The tenth point made by the CPSU was that the legislation purports to place employees on the same footing as those in the private sector. That will not happen.

Hon. K. M. Smith interjected.

Hon. D. A. NARDELLA — Unfortunately, Mr Smith, you're not in the real world. I have expressed the concerns of the CPSU, the union that represents and has a vested interest in looking after public servants. Yet the government's response is to persist with legislation that will not assist public servants to diligently carry out their duties. It will undermine the integrity of the public sector and will not help public servants to maintain their high professional standards. Government members are not committed to the Westminster system. They do not understand the concept of an independent professional public service. It is foreign to them because they deal only with the people they meet in their own environment.

Mr Smith spoke about the real world. In his real world and the real world of other government members you can talk only about how your cronies are getting on, and about greasing palms and looking after your mates.

Interjections from gallery.

The ACTING PRESIDENT

(Hon. G. B. Ashman) — Order! Parliament encourages members of the public to observe what goes on in this place, but it is disorderly for members of the gallery to try to influence or comment on debate. If there is any further disturbance from the public gallery I will have no option but to have it cleared.

Hon. D. A. NARDELLA — That is what government members believe the real world is about — greasing palms and looking after their mates — but that is not what the legislation should be about. I remind the house that, as the budget shows, the government has decided that 600 more public servants will lose their jobs — and those public servants who are left will no longer have the rights that private sector employees have had for a long time.

The opposition will move a number of amendments in the committee stage that go to the minutiae of the bill. The opposition opposes the legislation rigorously. This is bad legislation that takes away the rights and conditions of public servants, including their long service entitlements, and diminishes their ability to continue to provide the excellent service they have always provided. This is the type of legislation Chris Corrigan, Peter Scanlon and Peter Reith wanted to get rid of the MUA. They tried to rip off and destroy the lives of 2000 union members by illegally sacking them. These bills would have suited those grubs down to the ground.

The government will now have the ability to sack its entire work force without the fear of having to deal with an independent judicial or industrial relations process. It can now get rid of departments, agencies and statutory authorities with impunity because it will not be accountable to any of the jurisdictions that the private sector employees and employers are accountable to. That happened with the veterinary laboratories, and it will continue to happen under the Kennett regime. For those reasons, the opposition rigorously opposes the legislation.

Hon. W. A. N. HARTIGAN (Geelong) — Before I deal with the bills in detail, I will respond to the comments made by Mr Pullen. He was inaccurate and off the mark, which is his custom. Mr Pullen referred to what he claimed was the secrecy surrounding the Fibre and Textile Education Centre. For his benefit I will repeat what the Premier put on the record in February 1997. If my memory serves me correctly, the Premier announced that he had accepted a recommendation from the National Fibres Institute Review Committee for the establishment of a textile training facility to enable the textile industry in Victoria and Australia to enjoy greater success in competing against imports and exports and to create employment.

The committee's recommendation, which the Premier accepted and which was publicised in press releases of the day, was that the state invest \$25 million in plant and equipment for the centre and that government subsidise the centre's operations to the tune of \$2.5 million each year for 10 years because the centre would train university and TAFE students essentially free of charge. By and large the \$2.5 million a year subsidy reflects the fact that to keep up with modern standards the centre may need to replace capital equipment more frequently than a commercial entity may need to.

Mr Pullen said the program would run at a \$2.5 million loss, but that is inherent in the program and not the consequence of miscalculation. If people in the education system at any level were to sit down and carry out a fully accounted analysis of its operations and revenues, they would find that it runs at a loss of about \$3 billion a year. That is because public education is provided as a basic service for the children of the state.

I will also correct another gross representation made by Mr Pullen. The consultant firm Arthur Andersen was asked by the state and federal governments to review the business plan put together by the National Fibres Institute Review Committee in support of its proposal.

I am pleased to tell the house that the Arthur Andersen report confirmed that indeed \$25 million of capital investment and an operator subsidy of \$2.5 million a year were required to cover the replacement of equipment.

The government will not make that available because, quite simply, in the preparation of that report the total details, machine by machine, of the machines the government was yet to purchase were made available to Arthur Andersen. Also available, in great detail, were the layouts and facilities to be constructed. It will not surprise members of this house to be told that when making an assessment of this sort one puts a value on things. It seemed to me to be very unwise to tell the public how much money would be spent on equipment before the matter was put out to tender.

I reaffirm that the Arthur Andersen report confirmed the figures I presented to the Premier in November 1996 which he accepted in February 1997.

Hon. D. A. Nardella — You are still not prepared to release them even now.

Hon. W. A. N. HARTIGAN — I should add, to assist Mr Nardella, that the government has not yet put the building out to tender or purchased the equipment.

Hon. D. A. Nardella — After that is completed will you release the report?

Hon. W. A. N. HARTIGAN — It is not for me to answer that question.

Hon. D. A. Nardella — So you are not going to do it!

Hon. W. A. N. HARTIGAN — It is a program that is administered by the Office of Training and Further Education. Mr Nardella should feel free to ask for the data. This was a red herring; it has nothing do with the legislation.

I want to address a couple of other issues before I get to the bill. There has been a great deal of talk both here and, as I see from *Hansard*, in another place about the independence of the public service and the Westminster system. Let me make it clear: there is no reference to independence in any considered study of the Westminster system. The important reference in the Westminster system is to political neutrality; the requirement of a public servant in the Westminster system is to be politically neutral in advising governments. Independence means absolutely nothing in the context of the Westminster system.

The second point I make about the issue of independence raised by the opposition is this: I wonder who is to be independent. The role of government — which nobody disputes — is to govern, and the role of the public service is to advise and administer. It is not the role of the public service to make policy; it is the role of the government to make policy.

The only reason I can suggest for the opposition giving the impression that it is the role of the public sector to make policy is to perhaps shift the blame to the public service for some of the decisions made when the opposition was in government.

Hon. D. A. Nardella — Who raised this issue?

Hon. W. A. N. HARTIGAN — You people! You continually raised the issue of whether the public service made policy decisions. The public service does not make decisions.

Hon. D. A. Nardella — When did I raise that?

Hon. W. A. N. HARTIGAN — It has been raised continually by you and Mr Pullen.

Hon. D. A. Nardella interjected.

Hon. W. A. N. HARTIGAN — You go and read it. I make the point that I can only understand this being raised by speakers in this place and in other places if an attempt had been made here to shift the burden of some of the policy decisions made by the last Labor government onto the public servants. For example, what happened when the public servants responsible were asked to review the privatisation bid for Loy Yang B? What happened when the public service was asked to review the disastrous price agreement on electricity for Alcoa — the one that is costing Victorians \$200 million a year? Do I take it that the Labor Party is blaming the public service, or that they were decisions made by the government of the day that the public service was asked to commend?

I take the view that they were decisions taken by the government of the day. I presume the government was given advice as to how stupid those decisions were, but I do not blame the public service for giving advice that was ignored. It may also be that I am about to be told by members opposite that they did not get advice from the public service but suggested, 'We were stupid'. I have not heard anything about that.

However, I certainly make the point that the public service should not be blamed for disastrous decisions taken by government. I also make the point that under

the present act, which is still in place until the legislation is passed, the really important issue in the administration of this state is not the public service legislation and agreements on public service management, but the government. A state can have the best public service in the world, but when it has dishonest and incompetent people running the government it ends up with disaster, despite the quality of the public service. The idea that in some miraculous fashion having a public service that is independent of the government — which, incidentally, it never is — has some bearing on quality of services is nonsense. However, I suggest that the word 'independent' is here being used in the sense of having authority and controlling the employment of public servants independent of the government. That is what we are talking about here.

Mr Nardella went to great lengths to present the argument of the CPSU as his own. I only have to ask: how independent is the opposition — admittedly not the government — of the CPSU? The answer has to be: not at all. The opposition is in complete agreement — in such agreement that its members did not present their own arguments but the arguments of the CPSU.

Hon. D. T. Walpole — An argument is directed.

Hon. W. A. N. HARTIGAN — In your case you have no option. You have to take somebody else's argument. Your difficulty is reading it. The point I make is that the independence talked about here is the independence of a trade union to operate under separate terms and conditions from those passed by the government.

Hon. D. A. Nardella — You did not listen.

Hon. W. A. N. HARTIGAN — I listened very well. Your problem is that you fail to have an intellectual comprehension of what is going on here. Let me talk about what has happened under the present legislation, which you think is great and should not be replaced. We had a long discussion about a court decision on the AEU which was made under the present legislation as a consequence of the education union moving under commonwealth awards at its initiative and with the support of the Keating government. My understanding of the AEU determination was that the court found that the Federal Court had no power to direct any state as to the terms and conditions of redundancy nor as to the number that might be made redundant, and the argument went along the lines that it was up to the state in administering its budget to determine how many people it needs to work in the

public service. This cannot be a decision made by the Federal Court.

Hon. D. A. Nardella — An additional point — —

Hon. W. A. N. HARTIGAN — You will get to make it at some later time, but not right now. The point is that this decision of the court was brought down under the present legislation. The proposed legislation we are debating today has no influence one way or the other on that decision. It is my understanding that the government's position with respect to redundancy is that it will make the policy as required, and the policy it has in place now is the policy that will apply.

Hon. D. A. Nardella interjected.

Hon. W. A. N. HARTIGAN — Mr Nardella agrees with me that I properly understood the impact of the court decision, so let us get it clear. It was made while the present legislation was in place.

Hon. M. M. Gould — What? No!

Hon. W. A. N. HARTIGAN — We have not passed new legislation.

Hon. N. B. Lucas — The bill is not new.

Hon. W. A. N. HARTIGAN — It is not new. The point I am making is that it is not in any way related to the bill being debated here tonight. Other than the members opposite having a concern about the general principle, I do not know why it was raised.

I move on to what members on this side of the house are trying to do with the proposed legislation. This government has \$16 billion to \$17 billion to spend every year. Everybody knows the government spends money on extremely disparate, almost unrelated activities. There is very little relationship between the policies for the administration of health, education or justice. That is the nature of the beast. The government takes up the services that are not readily available from the private sector, so they are necessarily disparate. The argument, which is fairly recent, is that it is not practical, sensible or relevant to have uniform terms and conditions of employment for a public service spread over so many disparate responsibilities and activities. I understand that members opposite have a concern about the uncertainties that may be generated with respect to the terms and conditions of employment that sometimes tended to be written down previously in great, glorious and limiting detail.

Clause 3 of the Public Sector Management and Employment Bill states:

The objects of this Act are —

- (a) further to enable Victorian public sector employees to be brought under the general industrial framework established by the Workplace Relations Act 1996 of the Commonwealth on a similar footing to employees in the private sector;

Hon. M. M. Gould — The state government argues each time it goes to the commonwealth Industrial Relations Commission that because it is the Crown it does not fall under the Workplace Relations Act!

Interjections from gallery.

The ACTING PRESIDENT

(Hon. G. B. Ashman) — Order! There are many people in the gallery this evening who are interested in observing the proceedings of the house. I have already indicated that there should be no contributions from the gallery. Only a small number of people now are seeking to influence the gallery and they should not seek to deprive others in the gallery of the opportunity of viewing the proceedings. If there is another outburst I will have no option on the third occasion but to clear the gallery.

Hon. W. A. N. HARTIGAN — I understand the interest of the people in the gallery, but clapping and cheering Miss Gould will not influence my views on the subject. Clause 3 continues:

- (b) to promote among public sector employees a spirit of service to the community;
- (c) to emphasise the principles of merit, responsible management, management competence and efficiency within the Victorian public sector;
- (d) to maintain appropriate standards of integrity and conduct for employees in the public sector.

Clause 43 provides that the public employment minister, who is the minister responsible for these issues from time to time, has the function of:

- (a) securing the overall effectiveness and efficiency of the public sector; and
- (b) reviewing management effectiveness and efficiency in the public sector; and
- (c) facilitating continuous improvement in the leadership and management of public sector employees.

That clause lays out clearly the intention and objectives of the government. The government is moving into line with well-established practice in the economy in

general. It makes a great deal of sense to have the management and industrial relations practices conform with the practices in the private sector and to make such provisions as required from time to time with regard to any unique factors that affect employment in the public sector.

People make a grave mistake when they argue that employees in the public sector are for some peculiar reason completely different in their way of thinking, working and reacting to people in the private sector. Frankly, from our government's viewpoint, everything we have done — taking into account accrual accounting — is designed to force the system to be responsive and more transparent and to react more efficiently when delivering goods and services to members of the public, who are its primary responsibility. For example, when we moved to the case-mix system in the public hospital system it was to ensure that the allocation of resources to public hospitals was more efficient, fairer and more transparent. In that way there was the capacity to measure the efficiencies of the various participants in the hospital system, allowing for size and opportunity. We are doing no more than what is sensible in the environment in which we live today.

I am a little older than many members here — probably all — but when I worked in the public service almost 50 years ago, a woman who got married lost her job, there was absolute security of tenure and staff were paid substantially less than people in the private sector. Those who remember Mr Clyde Cameron, a federal employment minister in the Whitlam government, may remember what he said about the commonwealth public sector, 'I aim to make it the leader in terms and conditions of employment in Australia'. He did that but after he lost government he said, 'The worst decision I ever made was to take that action because I have been betrayed, misled and sacrificed as a consequence of an untrammelled explosion of cost and the inefficiency of the commonwealth public service'. Members know that all those terms and conditions have flowed through to this state and every other state.

My experience with public service in Victoria has been uniformly good notwithstanding what my colleague Mr Pullen said. I have had public servants assisting me in the small amount of work I have been doing for the government. They are perfectly prepared to tell me when they think an idea is stupid. Frankly, I would be terrified if they did not because I do not want to feel warm and comfortable when making a decision and then fall flat on my face when a program does not work. I cannot imagine, having spent most of my

working life in private enterprise, why anyone would think that private enterprise, which in fact operates under similar conditions to that, would think there was anything wrong with saying —

Hon. D. A. Nardella interjected.

Hon. W. A. N. HARTIGAN — Because you do not wish to recognise that, Mr Nardella!

Hon. D. A. Nardella — That is not a fact!

Hon. W. A. N. HARTIGAN — Mr Nardella, you do not know anything about the private sector or the public sector. You have never worked in either and you do not have any insight into it. I make the point that the private sector relies heavily on critical analysis and comment to arrive at decisions that are most likely to produce benefits.

Hon. D. A. Nardella — Like Chris Corrigan!

Hon. W. A. N. HARTIGAN — I know that my friend Mr Nardella talks about Chris Corrigan, but I do not know how Chris Corrigan works. I do not know how the MUA works. It is a miracle! I make the point that it is common practice in the private sector for there to be critical analysis, for executives to listen very closely and to set up systems and procedures to ensure that critical analysis takes place.

The private sector uses accrual accounting. It does not use it because it wants to employ lots of accountants but because it is a critical management tool in determining whether a company is on course or whether there are problems that need to be corrected. The whole ethos in the private sector is to have critical analysis going on continually so that it can prepare for and avoid problems.

We are doing no more than is done by the good public servants — like the ones I have worked with — who are perfectly prepared to give honest advice about implementation and practical development. I do not ask or suggest that the people who work in the public sector should make policy decisions. Perhaps that is the experience of the Labor Party, or it may be its intention. It may be unavoidable for the Labor Party, given the quality of the people who are elected to this house, but that is not the intention of the government. We take full responsibility for the policies we have in place and we are perfectly happy with the way they are being implemented. At no time have we been exposed to, required or needed public servants to say, when they disagreed about issues, that it was not a question of whether that person disagreed or not because it was

government policy and it was the person's job to just do it.

That is what political neutrality means and that is the Westminster system. Regardless of one's political views as a public servant one implements the policy decisions of the government of the day. That is the basis, ethos and centre of a good Westminster public sector system. The idea that it in some way revolves around employees organising a trade union and running in opposition to the government of the day is hardly consistent with the best traditions of the Westminster system. We are living in a time of rapid change and we need to be flexible. There is not any way in the world we can have a uniform set of conditions for everybody working in the core public service, given the diverse nature of the functions it performs. It is necessary to ask yourself, given the argument put by Mr Nardella on behalf of the CPSU, whether our legislation will lead to a wholesale abandonment of the public service by its employees because they so demonstrably can do better outside the public sector. That would not worry me in principle because it might demonstrate that there are areas in which we need to increase the remuneration if we are losing people in key areas, as Mr Forwood knows, because I keep arguing with him about our ability to attract people with good financial knowledge.

One of the problems is that the classification system of the present public service limits the government's capacity to pay the sort of money necessary to get the right people. I am not certain that that is a problem for the public service. The opposition has put forward the assessment that when this legislation is passed and when everything is taken into account, including the total remuneration and terms and conditions of employment, public servants will be at a significant disadvantage and there will be a wholesale abandonment of the public service. I do not think that is likely to happen, nor is Mr Nardella's half truth about 300 public servants being made redundant at the DNRE.

Hon. D. A. Nardella — Six hundred.

Hon. W. A. N. HARTIGAN — The truth is that the resources that will be freed up will be applied to hire something like 1000 people in the health system.

Hon. Louise Asher — And education.

Hon. W. A. N. HARTIGAN — The point I am trying to make is that one —

Hon. D. A. Nardella — They are sacking 600 to employ 1000!

Hon. Louise Asher — To direct funds to health and education, where they are needed!

Hon. W. A. N. HARTIGAN — The point I am trying to make is that it is a requirement and responsibility of government to manage taxpayers' funds in a sensible fashion. The government has determined as a matter of public policy to reduce the resources available to DNRE and transfer them to health and education. The principle behind the bills is that transfers of that nature will be made easier. I certainly hope so, because it is the government's intention to conduct business in a way which makes the best use of taxpayers' funds and by hiring the best people. There is no question about these bills promoting nepotism or cronyism on the scale that occurred under the former Labor government. I would deal with that argument if I thought it would add any value to the debate, but it is a red herring. The government wants an efficient, committed public service.

Anybody who thinks the government will include in the conditions of employment a guarantee that a job in the public service is a job for life is living in the 1950s, because it will not. People who say they will are misrepresenting the situation, because it is impossible. The government needs a flexible work force with the capacity to move its resources and skills from time to time, and this legislation provides for that.

I understand the CPSU would like included in the bills a range of agreements to limit the government's ability to match its requirements to the resources available. Firstly, that will not happen and, secondly, the CPSU will have to take it on faith that the conditions of employment which exist today will continue in the future as a matter of practice.

Hon. D. A. Nardella interjected.

Hon. W. A. N. HARTIGAN — This is not only good legislation; it is necessary legislation which brings Victoria into line with the efficient management practices of the private sector. It is important not only for the delivery of services and efficient administration but also because it is a quality process which is more likely to lead to the promotion of those with the most ability. It will bring to the surface those who can contribute most, and will give the government the capacity to focus its efforts where they are most needed.

This legislation supports the government's desire for the most efficient, highest quality and cost-effective public service. It is no more than that. I understand it is a change from historical practice, but it is what must be done if we are to move forward and advance the

general level of activity and protect the jobs of all Victorians.

Mr Nardella spoke about the MUA. I do not want to get involved in that debate, but I will make this observation: to the extent that organisations such as the MUA have a poor productivity and higher than — —

Hon. D. A. Nardella — Rubbish; you don't know what you're talking about!

Hon. W. A. N. HARTIGAN — I note that only to the extent that it is attracting resources away from the community and costing other people their jobs.

Hon. D. A. Nardella — What a load of rubbish!

Hon. W. A. N. HARTIGAN — I understand the difficulty you have with this, Mr Nardella. The first debate Mr Nardella was involved with in this place revolved around his inability to understand the difference between a deficit and a surplus, so I am not surprised he can come to such a conclusion.

I make the point that the facts, which are not disputed by anybody with any commonsense or concern about the future of this country, are that inefficient and wasteful practices which are allowed to soak up public moneys, or anybody's money for that matter, lead to job losses. Nobody disputes that. One of the objectives of this exercise — —

Hon. D. T. Walpole interjected.

Hon. D. A. Nardella — They got rid of the scabs; they were the inefficient ones!

Hon. W. A. N. HARTIGAN — I understand Mr Nardella and Mr Walpole's contributions. I remind Mr Walpole of his one moment of honesty when he admitted on radio that he was a member of The Pledge group. The radio commentator asked, 'What is The Pledge group?', to which he replied, 'The Pledge group is The Pledge group of unions'. He was then asked, 'What is their deal?' He replied, 'Very simple: they are opposed to privatisation under any circumstances at any time for any reason'. I know why you are here, Mr Walpole; there has never been any doubt about it. The unions who put you in here can feel that their sacrifice and the sacrifice of everybody else in your electorate has been fully justified.

This is good legislation which will bring about a more efficient and higher quality public service. I fully support the bill.

Hon. M. M. GOULD (Doutta Galla) — I oppose the two bills being debated concurrently. They will destroy the notion of the Victorian public service as we know it — that is, a public service that serves the entire state and community rather than a segregated service that looks after individual departments.

Under the Westminster system public servants have permanent jobs and are promoted on merit. They are prevented from being intimidated by the government of the day and they are not forced to give incorrect advice to allow the government to get what it wants. This legislation attacks the independence of the public service, destroys the whole concept of a career path within the public service and fundamentally erodes the terms and conditions of more than 25 000 Victorian public servants.

Who are these public servants we are talking about? They are the people who put their lives in danger by fighting bush fires, protect our homes and our families, teach our children and look after our aged and others who need protection. They are the people who look after the Victorian community. This legislation puts the wages and conditions of these public servants under threat.

According to Mr Hartigan the legislation will put the public service on an equal footing with the private sector. However, it takes away one of the major roles of the public service — that is, to serve the people of Victoria without fear or favour. The legislation takes away the independence of public servants; it makes it easier to fire them and replace them with a short-term, casualised work force. Victoria will end up with a system similar to that which operates in America where a new government comes into office and sweeps out all the public servants and whacks in its cronies and those who answer to its whims rather than giving good, sound advice.

Clause 31(1) of the Public Sector Management and Employment Bill sets out a wide range of reasons for which a public servant can be terminated. Under clause 31(1)(i) agency heads can terminate people for any reason: because they do not like the colour of their eyes, they do not like their style of dress, or because he employee's hair is tied back or cut short. The bill erodes the conditions of public servants by removing references to minimum conditions of employment. Mr Hartigan referred to clause 3, the objects of the bill. He said that the purpose of the bill was to enable Victorian public sector employees to be brought under the general industrial framework, but he did not clarify whether it was the general industrial framework under

which the Australian Industrial Relations Commission works.

If a public servant argues a dispute in the AIRC the government says, 'We are the Crown, we do not have to listen to you. We do not have to be bound by the rulings of the Australian Industrial Relations Commission'. The government says, 'We want public servants to be on an equal footing with the private sector', yet when it comes to the conditions that the private sector is entitled to and receives state public servants are not allowed to have those entitlements. Private sector employees are entitled to the general conditions of workplace agreements, which is not what all Victorian private sector employees are entitled to.

Mr Hartigan said the government was going to make them the same, yet under the bill they will not be the same. The government wants a bob each way. It wants to be able to say, 'We will use the private sector when it suits us to drive down conditions, but if it means that we have to negotiate with the workers and we have to ensure that they are given appropriate notice on termination, or if we are required to consult —

Hon. Bill Forwood — They are covered by a federal award.

Hon. M. M. GOULD — They are exempted from the federal award. Haven't you been listening? The government claims under the Crown that it is not required to fulfil those obligations. The argument the government is putting up is, 'We want to put the public service on an equal footing with the private sector', but that does not occur because of a legal precedent and because the government can go to the AIRC and say, 'We are the Crown; we are not required to fulfil the requirements on the notification period in respect of termination of employment. We do not want to negotiate with you on redundancy. Your long service leave is going to be taken out of the act and whacked out there on the side'. If employees are promoted they will have to sign workplace agreements and could be required in negotiations to give away their long service leave entitlements. The only way a public servant will be able to get promotion or obtain secondment will be by signing a workplace agreement; and those agreements are driving down the wages and working conditions of state public servants. That is what the legislation is all about — driving down the conditions of public servants.

The bill removes the obligation to notify vacancies. Department heads are not required to advertise vacancies. Department heads can pick and choose.

They can decide, 'Well, if I advise the rest of the public service that there is a vacancy in my department I could end up with somebody I do not like. I want to pick who I put in here'. The opportunity for state public servants to apply for jobs based on merit will be taken away.

Firstly, they will not know jobs are available because department heads will not required to advertise. Secondly, if based on merit public servants believe they are more capable, better qualified or more skilled for a particular job than a person who is initially appointed there will be no opportunity for them to take their complaints to an independent board to argue their case. The whole state public servant ethos of providing a career and enabling people to move forward will be lost because under the legislation there will be no requirement to notify vacancies. Department heads will be able to choose not to advertise. A current working condition enjoyed by public servants will be removed because there will be no opportunity to apply for jobs and no ability to appeal on the basis of merit.

Hon. Bill Forwood interjected.

Hon. M. M. GOULD — The agency head is not required to advertise a vacancy if he or she chooses not to. Public servants are having taken away from them the ability to apply for jobs or to raise grievances about appointments. As a result department heads will pick and choose who they want in their departments and Victorian public servants will lose the opportunity of building careers in the public service.

The bill also allows the government to take a step back from its direct role as the employer of the state public service. It is handing that role to department heads and devolving its responsibilities and powers to employ people to agency heads. By devolving these employment responsibilities the government is taking us back to the situation we had in the 1970s, where department heads could come up with a different set of conditions for the workers in their departments. Employers will now be required to sign Australian workplace agreements, so conditions could differ from one department to another. A variety of different wages and conditions and sets of rules could apply within the state system. There will be no consistency. We will be back to the situation that existed in the 1970s when departments were fragmented — and the Bland inquiry looked at that issue. The bill turns the clock back 24 years to a time when fragmentation of working conditions existed in the state public service.

The bills undermine recruitment and selection procedures, which opens the way for people to say, 'I

like the boss. I will be good to him and in turn he will be good to me'. We are turning the clock back 24 years. The legislation also undermines the ability of staff to appeal on the ground of merit because it takes away their opportunity to go to an independent board to air their grievances if they believe they should have been considered for positions but were not.

The bills destroys the concept of a career path in the public service. They change the way in which public servants will be employed in the system. Instead of being attached to pay bands they will now be attached to particular jobs. If they want to transfer to other departments or other sections because they want promotion or because their jobs go, they will be required to enter into Australian workplace agreements, which will undermine the conditions to which they are now entitled. The government's strong-arm tactics have not been successful in getting public servants to sign AWAs; but now everybody who asks for a transfer, gets a promotion or is moved on secondment will have to sign on the dotted line if he or she wants the job. Public servants are being forced to enter into agreements they do not want. The working conditions of good public servants who want a career in the service are being undermined.

Agency heads can employ and retrench staff as they see fit. The government says it is loosening the purse strings so agency heads can employ people when they want to. But the other side of the coin is that they will be able to dismiss or retrench staff whenever they want to. That leads to the elimination of career paths and the introduction of short-term employment. The public service will be casualised, which will result in the loss of good quality, highly skilled public servants. The process of casualisation will lead to the destruction of job security.

The bills are supposed to put public servants on the same footing as employees in the private sector, but they will not. Mr Hartigan and Mr Forwood agreed that public servants are underpaid — and I am sure public servants would be pleased to hear Mr Hartigan acknowledge that there are insufficient pay bands in the public service. The next time public servants are before the Australian Industrial Relations Commission I am sure they would love to put argument that the chairman of the Public Accounts and Estimates Committee —

Hon. W. A. N. Hartigan — Tha was me.

Hon. M. M. GOULD — But you said Mr Forwood agreed with what you were saying about the number of bands available to public servants.

Hon. Bill Forwood — We offered an argument.

Hon. M. M. GOULD — You were nodding your agreement with what Mr Hartigan was saying. I am sure public servants would dearly love to put that before the AIRC, because what they are saying is right. When you compare wages and salaries in the private sector with those in the Victorian public sector you find that 80 per cent of Australian employers pay their workers more than the Kennett government pays its public servants — and the bills are about reducing their wages and undermining their conditions even further. As I said, the government is not even prepared to treat its workers in the same way as private sector firms treat theirs. It does not negotiate with them, it does not consult with them, and it does not employ them under the same terms and conditions under which the Industrial Relations Commission requires private sector firms to employ their workers.

Before I was elected to Parliament I was a trade union official for 15 years. Every time a company was considering redundancies it would ring up the union. We would organise meetings and sit down and negotiate. If we could not avoid the redundancies — if the place was shutting down or certain sections were closing — together we would work out who would be retrenched and under what conditions, based on their years of service and the skills they had acquired. If a total shutdown was planned, a different process was adopted; but if a partial shutdown was planned, you understood that the company did not want to lose its most highly skilled workers. However, we sat down opposite each other and negotiated our way through all that. That included negotiating the terms of the notification and the amounts of money to be paid out based on years of service, age and qualifications.

The state government says it wants to put itself on the same footing as private sector employers, but it does not sit down to negotiate with the representatives of the workers. Even if it does want to sit down with the workers' representatives, does it sit down with the workers? Again the answer is no. Instead, The Premier, or somebody on his behalf, writes a letter saying he cannot talk to them about that sort of thing because he is too busy or does not have the time. The usual words in the letters sent by Tessa Curtain-McNeil, the appointment secretary, are that the Premier's appointment schedule is heavily committed for the foreseeable future and that he passes on his regrets that he does not have the time to attend a meeting.

Despite being the employer of the state's public servants, the Premier has not been prepared to sit down

and negotiate with them on the changes to their working conditions. As a result, there will be a hearing in the Industrial Relations Commission at 10 o'clock on Friday to try to resolve the impasse. The Victorian public service needs to be able to respond to the tasks that are put before it freely and without prejudice. The legislation means that public servants will now be answerable to the directors — —

Hon. Bill Forwood — The Commissioner for Public Employment.

Hon. M. M. GOULD — No, they will be answerable to the agency heads, who for example, will not be required to advertise if positions become available. Instead, they will be free to pick and choose whom they want to employ — and to terminate their employment when they want to.

The legislation is inappropriate because it undermines the independence of the state public service. It will not put public servants on a similar footing to private sector workers because the government keeps on claiming that it is the Crown and that it therefore does not have the same obligations as private sector employers. In that sense, it is hypocritical. That loss of independence will undermine the quality of the public service. The concept of a career path in the public service will be destroyed because of the government's short-sighted ideological views. The erosion of public servants' terms and conditions will in the medium term have an adverse impact on the quality of the personnel that are attracted to the public service.

The public servants who put their lives on the line during bushfires and who are committed to looking after our aged and our children in protective custody deserve to be treated with respect. They do not deserve to have their terms and conditions eroded. They should not have to fear looking sideways or worry that if they rock up to work and the department head does not like the way they are dressed or how their hair is cut under this bill their employment can be terminated. The bill is outrageous and should be strongly opposed by all members of the house.

Hon. C. J. HOGG (Melbourne North) — I suppose I always wanted to work in the public sector. I was never attracted to working in the private sector, even with the appeal of higher pay and in theory more glamorous conditions. I came from a generation that grew up wanting to make a contribution through working in public institutions. Perhaps it was a post-war dream many of us absorbed, along with a 1950s childhood, that there was something decent about

the public service, because it offered an opportunity to make a contribution and give something back to society. I did not even have the notion in those days that permanency of employment made up for lower pay, because when you are young you do not necessarily think about permanency or superannuation or other matters. I simply knew that I wanted to work in the public sector — and in my case state schools, because that was where I thought the challenge lay. That was where the areas of disadvantage were, and that was where the kids needed most assistance. That was where a whole generation of us wanted to be. Many of us would have shared those aspirations, which had to do with service.

Some time in the late 1970s a disturbing trend appeared — I have never been able to work out whether it was originated by the media or by conservative political commentators, or perhaps even conservative educational commentators — that put a question mark over the value of the entire public sector. In the past 20 years there has been a niggling and constant denigration of the public service and of public institutions.

Hon. Bill Forwood — And of politicians.

Hon. C. J. HOGG — Mr Forwood is absolutely right. The public service commitment a lot of people reflected on and celebrated last night in the contributions made by Mr Baxter and Mr President are often shrugged off by members of the public because members of Parliament are not seen to have a public service role. Every member of this house would deny that assertion and would argue that there is a high component of public service and dedication in the role of a member of Parliament. It is precisely the same degree of dedication and commitment one sees in the public service. Where the public service bashing came from — the denigration of people who work in public schools, in public hospitals and in what was for a while called the bureaucracy, or the administrative side of public service — I do not know.

I came upon it rather late when I had administrative responsibility for a number of departments, and I was absolutely shocked at the uninformed media view of the role of public servants. When I was Minister for Education I was shocked by how difficult it was to get good stories about good public schools and good teachers in good public schools into the suburban press or the daily press. When I was Minister for Community Services I was dumbstruck by the ignorance of the contribution made by public servants who daily put themselves and sometimes their lives and their safety

on the line in child protection and many of the other areas in juvenile justice. I thought those people played an extraordinary part in our community life and that our community could not function without them. I thought that day in and day out we ought to be celebrating the sorts of things those people did and talking them up instead of talking them down. At times I despaired of the apparently unstoppable amount of material in the press and the electronic media that cast such a shadow over the contribution of the public sector.

I realise that the impression that has been given over the past 20 years is that much of the responsiveness, much of the inventiveness, much of the lightness of touch and much of the skill in doing things lies in the private sector, but I did not find it so. In almost eight years of daily working through difficult human service questions with public servants I found that all those things — responsiveness, energy, eagerness, dedication and commitment — lay in abundance in the public sector. The idea of an independent public sector is a hugely significant legacy of our past, and it is a living legacy. Countries across the world have envied the independence, the professionalism and the skills of our public servants. The Westminster system and an independent, professional public service have been Australian hallmarks.

Various members have mentioned the fact that the system as we know it in Australia is not something we want to lose, yet the changes being made to the public sector take us in that direction. Why is it necessary to have this radical legislation, which does away with the public service as we know it and which does away entirely with any real notion of a career in the public service? It seems to me it is just another expression of how difficult life can be for young people these days when the possibility of security of employment seems to be receding all the time.

I spoke to a friend of mine who did emergency teaching towards the end of last year in a disadvantaged area in the south-eastern suburbs. I was horrified to learn that 90 per cent of teachers in the primary school were on contracts. How can one build up a sense in that school of security for kids when that has to be based on the teachers having some security in knowing what is going to happen to them one year and what is going to happen to them the next year? There are lessons from that example in this legislation.

Sitting suspended from 6.30 p.m. until 8.03 p.m.

Hon. C. J. HOGG — I place on the record my gratitude for the excellent service I received as a

minister from the overwhelming number of public servants with whom I have had contact. In the departments of community services, education, health, local government and ethnic affairs, and the Office of Rural Affairs, to name just a few with which I had contact, people worked with a huge commitment and were asked to do more than they were ever paid for. Child protection workers and people working in the juvenile justice and public health areas worked all hours. I mention those fields of work because many people will have thought about those jobs and what they entail. They tend to be jobs that come to public notice. Those public servants worked well beyond the hours they were paid for because the culture within the public sector encouraged that. Far from being the paper shuffling stereotypes that people so often take them to be, I found the servants of the Victorian public to be enthusiastic, able and committed people who had often undertaken further study to improve the skills they had brought to their work. They worked very hard and gave frank advice that I sometimes did not want to hear but I hope always heeded.

When Labor was in government at the state and federal levels it made significant changes to the public service — and changes will always need to be made — but this legislation leaves too few inducements for good people to join the service. Making the public service more like the private sector will do nothing to change it for the better. Sure, there will always be the need for small changes if only to keep the best features ticking over, and there will always be changes caused by the huge explosion of technology that we are now seeing, but changes to make the public sector like the private sector are not productive and seem to be driven by a radical ideology.

In 1991 I was associated with a study run by the Office of Rural Affairs to evaluate the role played by public servants in the rural economy and in rural community life. As one would expect, the consultation process produced all the negative stereotypes about public servants, because all the years of negative media commentary have taken their toll. However, when people in the study realised that the term 'public sector' covered the nurses, the policemen, the protective workers, the agriculture department chaps who gave such friendly advice and the conservation department workers who were invaluable in the community, the study became celebratory in tone.

People realised not only that the public service offered quality information and essential services but that it underpinned the economy of many rural towns. Of course, many public services are performed by people

employed by community groups or non-government agencies, but the administration, servicing and regulating of that activity has been done by public servants.

Equally, the hardest jobs in the community, those involving statutory responsibilities for protection, prosecution, containment and imprisonment, have been done by public servants. The extremely difficult jobs that involve the containment of personal and family liberties have been public sector jobs. The supervising, regulating and administering of government responsibilities need to be done by a cool, impartial, professional public service.

I believe our Westminster model has served this state and this country magnificently. The changes implicit in the legislation are a huge step in the wrong direction. I have great pleasure supporting my colleagues in opposing the measures.

Hon. S. M. NGUYEN (Melbourne West) — I am delighted to contribute to this cognate debate on the Public Sector Management and Employment Bill and the Public Sector Reform (Miscellaneous Amendments) Bill. The legislation essentially removes any residual notion of a Victorian public service by removing the definitions of 'public service office' and 'public service officer'. Departmental and agency heads will have a direct employer-employee relationship under the federal Workplace Relations Act without any significant statutory oversight from the state.

The objective of the legislation is to destroy the notion of the Victorian Public Service as an integrated, indivisible whole. In the Westminster system appointment on merit and permanency are the guards against government stupidity and corruption. The bills open the way for more of both. The legislation attacks the independence of the public service and destroys the concept of a career in the public service. It will fundamentally erode the terms and conditions of more than 25 000 public servants — the people who put out bushfires, protect our homes and families, teach our children and look after the aged and those who are unable to look after themselves.

The Public Sector Management and Employment Bill is selfish and is based on the ideological premise that the public and private sectors should equate and that there is no difference between private and public good. This is radical legislation. It essentially creates individual employment autonomy for eight central departments and some unspecified agencies. Transfer rights, internal dispute settling and redundancy rights

are largely lost for non-executive officers. Although the Commissioner for Public Employment will set directions that may contain some of those rights, those directions will not be binding on departmental and agency heads. Therefore the notion of a public service with rights across the public sector will essentially be gone.

The CPSU's key concerns with the bill are legitimate and include: a loss of independence for the non-executive service through to the summary hiring and firing clauses, particularly clause 31(1)(h) and (i); a loss of conditions, including recognition of prior service, guaranteed long service leave, redundancy and transfer rights; and the elimination of the notion of a career in the public service. Instead, they will have to have loyalty to the firm — that is, the department or agency.

It is significant that none of those matters has been the subject of proper negotiation, as would be the expectation in any large private sector firm. The Kennett government is hypocritical in being happy to deliver unilateral private sector employer-employee regulations and directions.

The proposed arrangements will diminish the likelihood of ministerial advice being provided without fear or favour. The bill will undermine the independence of the public service in a number of ways. The bill will remove the requirement to give notice prior to termination and will make it easier to sack public servants and replace them with short-term political appointees. Clause 31 effectively provides for the summary dismissal of employees — it sets out a wide range of reasons for the termination of employees. Clause 31(1) will effectively allow the agency head to terminate the employment of a non-executive employee for any other reason.

The bill removes reference to the minimum conditions of employment in the Workplace Relations Act. The 1995 High Court decision in *Re AEU and Others* means that employees of the state government can be dismissed with or without notice on the ground of redundancy. The provisions in the Workplace Relations Act covering minimum notice of termination do not apply — in other words, the directions that will replace the current legislation do not provide a minimum period of notice of termination.

The claim that current government policies on redeployment, redundancy and termination will continue rings hollow. The current government policy can be changed at a whim and without consultation.

PUBLIC SECTOR MANAGEMENT AND EMPLOYMENT BILL and PUBLIC SECTOR REFORM (MISCELLANEOUS AMENDMENTS) BILL

1252

COUNCIL

Wednesday, 20 May 1998

Redundancies can continue to be declared — another 600 public servants were made redundant in the last budget — but the government refuses to make a commitment to provide reasonable compensation for termination of employment. The bill removes obligations for notification of vacancies and opens the way for cronyism.

The bill removes the requirement to advertise positions and allows the designated agency head to determine whether to advertise. Clearly, some people in the public service executive will be able to build their own empires by appointing mates and cronies. A person cannot build a career in any organisation in which he or she cannot apply for a job. The removal of the requirement to notify vacancies will mean that people will not be able to appeal against appointments on any basis, including merit, because they will not know about the job.

How can the government guarantee that a system under which appointments will be made without notice will not be abused, when no reasonable appeal mechanism to review such decisions will be in place?

Despite the claims of the government, the bill will not protect merit as the basis of public sector employment. It proposes destroying consistency in the treatment of public servants. The proposal is to devolve employment powers to agency heads. As a result, conditions will become inconsistent across departments and agencies — and even within departments.

The bill creates a new layer of employer — the agency head — who will be able to set individual employment procedures for different agencies. The departmental and agency heads will have a direct employer–employee relationship under the federal Workplace Relations Act without there being any significant state statutory oversight of that relationship.

Different employment conditions will put unnecessary pressures on departments. The bill will take us back to 1974, when fragmentation and inconsistency of employment practices became the subject of a public inquiry. The Bland board of inquiry into the then Victorian Public Service observed at page 146 of volume 1 of its report that:

Employment under the Crown in Victoria is highly fragmented ...

The board of inquiry recognised the reasons for the fragmentation:

Over the years there have been no philosophical framework, no consistency of decisions as to vehicle for the discharge of functions of government.

Fragmentation of the functions of government has many disadvantages ...

The board also made the following observations at page 22 of volume 1 about the consequences of fragmentation:

Fragmentation presents many disadvantages — competition for resources, misuse of resources, inadequate support services, overlapping and problems of communication, to mention but a few.

The conclusion appears on page 151:

The quality of public service depends on recruitment policies, in-service training, external and internal officers are dealt with, and disciplinary services.

The bill will undermine recruitment and selection policies, remove the ability of staff to appeal against appointments on the ground of merit and destroy the notion of a career in the public service. Employees will no longer be attached to a position; they will be attached to an employment band, and therefore will have no attachment to a job.

All references to types of employment — permanent, fixed term, temporary and casual — will be removed. Instead, agency heads will be able to employ as many persons as required and presumably declare those persons redundant if and when they need to. As a result, short terms of employment will be the order of the day. There will be further casualisation of the service and job security will be destroyed.

The government has said its objective is to place public sector employees on a similar footing to employees in the private sector, and it claims that they will have similar rights and salaries. Some 80 per cent of all Australian employers pay their workers more than the Premier pays the people who put out bushfires, protect children, house the homeless and provide a public service to all Victorians.

The bill demonstrates the utter contempt of this government for employees of the state. The government says, 'Let's make the public service more like the private sector', but it is not willing to negotiate with employees in a fair and proper fashion. This government has adopted the approach of Patrick Stevedores to negotiation with employees — that is, none!

The government is not willing to act like a private sector employer. It prefers to hide behind the shield of

the Crown when it wants to avoid the scrutiny of the Australian Industrial Relations Commission on matters relating to unfair dismissal. The public sector should have a different focus from that of the private sector. It must be run efficiently and operate in the public interest. The key objective of the bill is to potentially undermine both.

It needs to be understood that the bill proposes to remove or reduce a wide range of current conditions for non-executive officers. The bill removes the period of notice of termination and the requirement that vacancies be advertised, so that it will be more difficult for employees to move around the public sector. The proposed new procedures will not allow an employee to mount a grievance, even if he or she believes he or she is the best person for the job.

The bill provides for no disciplinary procedures other than those determined to be departmental or agency policy. There could be enormous variations between the disciplinary procedures adopted by various departments and agencies. The bill removes all references to long service leave entitlement, so long service leave becomes open to trade as a condition of a contract. The bill also removes any recognition of prior service for the purposes of long service leave.

In conclusion, the Victorian public service needs to be able to respond appropriately to the tasks that confront it now and those that lie ahead. The provisions of the bill do not allow for that. It is based on an inappropriate ideological supposition that somehow private good and public good are the same. If the bill is passed it will have a number of effects. The independence of the public service will be lost and that will undermine the quality of advice received by government. The notion of developing a career in the public service will be destroyed. Careers will be replaced by short-term political appointments — possibly for mates and cronies. I urge all members to vote against the bill.

Hon. D. T. WALPOLE (Melbourne) — I support the comments of my colleagues on the bills before the house. They are essentially designed to overturn the Westminster tradition of a public service that gives advice without fear or favour, thereby providing a service to the public in a truly independent manner, free of politicisation. The bills seek to change the public service in a dramatic fashion. They move in a direction that no other state or federal government has sought to go.

Hon. Bill Forwood — That is not true!

Hon. D. T. WALPOLE — It is true! Get back to your seat if you want to say anything! The bills open up the prospect of the eventual privatisation of the public service. They propose the removal of many of the checks and balances that have served the public service and the people of Victoria very well for many years. They propose to change the terms and conditions of employment in the public service in an outrageous manner, without any consultation whatsoever. It is typical of this government to take such unilateral decisions without any concern about the impact they may have on members of the Victorian public — in this case, particularly those who are members of the Victorian public service.

The bills arise from the government's ideological belief that governments should not or cannot manage anything, that service to the public is unimportant and that the government should have no responsibility to members of the public service. The government further believes that it is important to instil a culture of fear among members of the public service by removing their sense of security such that they will always have to be on their mettle for fear of losing their jobs. The proposed outcome will be little different from virtual slavery.

Hon. W. R. Baxter — A load of garbage!

Hon. D. T. WALPOLE — I knew that would draw a response. All 23 000 Victorian public servants will effectively lose any hope of future job security. They will be subject to the whim of their departmental or agency head, who may hire and fire at will, requiring little real justification for any decision.

Many public sector workers chose deliberately to seek such a position rather than working in the private sector for any number of valid reasons, including the flexibility to work in a variety of positions across the public sector or simply because providing a service to the public gives them the job satisfaction that is not available in the private sector. Many have sacrificed private sector salaries, which are generally much higher.

The bill will change many of the perceived advantages of working in the public sector, and the government has introduced the proposals without any consultation with those who will be affected by the changes or their representatives. Unfortunately, such behaviour is not uncommon for this government; indeed, it is common practice. Time and again members in this place have debated matters that impact in a negative way on all manner of citizens of Victoria, and that have been

introduced without adequate — and in some cases without any — consultation!

Changes are imposed, like it or not, regardless of the impact on those unfortunates who are imposed upon. What private sector company of any comparable size to the public service would act in this manner? As someone who has dealt with such companies for 20 years, I can tell honourable members that the answer is none, with the possible exception of the likes of Chris Corrigan.

Hon. W. A. N. Hartigan — Did you work for Chris?

Hon. D. T. WALPOLE — No, thank God.

Hon. W. A. N. Hartigan — Then how would you know?

Hon. D. T. WALPOLE — I know enough about him to know that much!

Job satisfaction and the knowledge that one is valued lead to better productivity and service. The bill moves in the opposite direction and is bound to create dissatisfaction.

This legislation is not in the interests of public sector employees nor of the Victorian public. It absolutely compromises the independence of the public service. The bill produces an environment where public service employees will feel insecure and afraid for their jobs. They will be reluctant to give independent advice, particularly where such advice may conflict with departmental policy.

Other aspects of the bill further impact on public sector employees and may cause them to be reluctant to give advice without fear or favour, including on matters such as the devolution of employment powers, the minimisation of procedural powers, the casualisation of employment and the removal of the requirement to notify vacancies, which will severely impact on the flexibility currently available to public sector employees to work across the whole public sector.

The detailed grievance and discipline regulations that have served the public service so well are repealed and replaced by four broad principles. Clause 7 of the Public Sector Management and Employment Bill states:

Agency Heads and public authority Heads must establish employment processes that will ensure that —

(a) employment decisions are based on merit; and

(b) employees are treated fairly and reasonably; and

(c) equal employment opportunity is provided; and

(d) employees have a reasonable avenue of redress against unfair or unreasonable treatment.

That on its own is probably not too bad.

Hon. Bill Forwood — Get that on the record!

Hon. D. T. WALPOLE — But it is not on its own. It is qualified. This, along with the minimum standards to be outlined by the Commissioner for Public Employment, will give nothing more than guidance across the public sector, leading to circumstances where standards will vary from department to department and from agency to agency. This is a totally unsatisfactory situation that can benefit no-one but those making the decisions and their mates and cronies. Further, the bill effectively removes the requirement for a period of notice on termination. Employees may be made redundant with no greater period of notice than one or two weeks, depending on the pay period applying in that area.

Now we come to the issue of long service leave, which is removed as an entitlement. This leave has long been enshrined in the Australian workplace as a right. But under the bill it will be a matter for negotiation under an award or an Australian workplace agreement. It may be required to be traded as a means of securing other conditions. This is a disgraceful situation and one to be condemned by any fair-minded member of our community. Long service leave was always guaranteed under the old Public Service Act and the Public Sector Management Act. This provision is just another ploy by the government to reduce everyone to the lowest common denominator.

Removal of the recognition of prior service is particularly bad in these days of low job security. Presently public sector employees can carry over, provided there has been no payment for them, such things as sick leave and long service leave where there has been a gap in public service of not more than 12 months. The definition of public service is broad by definition, going to such areas as the Australian public service, local government, hospitals, universities, and some defined state and federal authorities. The new measure is a disincentive to public sector employees returning to the public sector and bringing their valuable experience with them.

The bill is a disgrace. It removes the concept of any real career in the public service and opens the way to nepotism and cronyism. It provides fertile ground for

politicisation of the service and destroys the concept of an independent public service free of fear or favour, regardless of the government of the day. It deserves to be consigned to the wastepaper bin or, even better, to the shredder, because it is unlikely that the sheep on the other side will suddenly have a fit of conscience and treat it in the manner it deserves. Those on this side of the house most certainly will.

PUBLIC SECTOR MANAGEMENT AND EMPLOYMENT BILL

Second reading

House divided on motion:

Ayes, 31

Asher, Ms	Furletti, Mr
Ashman, Mr	Hallam, Mr
Atkinson, Mr	Hartigan, Mr
Baxter, Mr	Katsambanis, Mr
Best, Mr	Knowles, Mr
Birrell, Mr	Lucas, Mr
Bishop, Mr (<i>Teller</i>)	Powell, Mrs
Boardman, Mr	Ross, Dr
Bowden, Mr	Smith, Mr
Bridson, Mr (<i>Teller</i>)	Smith, Ms
Cover, Mr	Stoney, Mr
Craige, Mr	Strong, Mr
Davis, Mr D. McL.	Varty, Mrs
Davis, Mr P. R.	Wells, Dr
de Fegely, Mr	Wilding, Mrs
Forwood, Mr	

Noes, 8

Gould, Miss	Nguyen, Mr
Hogg, Mrs	Power, Mr
McLean, Mrs	Pullen, Mr (<i>Teller</i>)
Nardella, Mr	Walpole, Mr (<i>Teller</i>)

Pairs

Hall, Mr	Theophanous, Mr
Luckins, Mrs	Eren, Mr

Motion agreed to.

Read second time.

Ordered to be committed later this day.

PUBLIC SECTOR REFORM (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Motion agreed to by absolute majority.

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

Third reading

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — By leave, I move:

That this bill be now read a third time.

I thank honourable members for their contributions. I will elaborate on a number of issues during the committee stage of the Public Sector Management and Employment Bill.

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

PUBLIC SECTOR MANAGEMENT AND EMPLOYMENT BILL

Committed.

Committee

Clause 1 agreed to.

Clause 2

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — I thank honourable members for their contributions to the second-reading debate. Although the government disagrees with most views presented by Labor Party members, I do not decry them the right to do so because of the considerable degree of attention to this issue; nor do I disagree with many of the fundamental motives outlined by honourable members in having an independent public service, by whatever name it is called, that we should be promoting people on the basis of merit and, more importantly, that we should be encouraging a culture of being engaged in public service.

I know opposition members regard the bill as a threat to many of those virtues or aims; certainly, the government does not see this bill as being intended to create that type of threat. No doubt, the background of a number of concerns of individuals and organisations that have taken an interest in the bill is the fact that there has been a substantial downsizing — that is, legal and apparent — of the public service under the Kennett government. Although the government, firstly, believes that was necessary in the financial circumstances it inherited and, secondly, a natural outcome of having a management strategy based on efficiency which has

driven many of its financial management decisions, it does not believe substantial downsizing of the public service should be taken as a suggestion that it does not respect or wish to offend those who remain in the public service. A large number of people are regarded as critical to the delivery of good government.

The Premier, among others in cabinet, frequently talks about the high quality of our public employees. It is a genuinely felt view about not only those in the senior executive service but also of the newest recruits or people who have what some would regard as limited tasks but whose fulfilment of those tasks is critical to the delivery of government services.

Cabinet ministers of the Kennett government firmly believe in the public service. There is a strong belief, therefore, in the role of public servants. This legislation, through its administration, is not designed to undermine the delivery of services by those who seek to serve their state in the way employees of the Crown do.

I shall deal with a number of questions about the impact of the bill. Firstly, it is argued that the bill will do away with the public service. That argument was presented by a number of honourable members. It is not the case. The public service will remain, and clause 9 makes that clear.

Clause 28 deals with the fact that movement between departments will not affect conditions of employment. There will continue to be, whatever one wants to call it, a public service. That is linked to the issue of whether there will be a single employer of these people. The argument is that there will not and that the government is breaking it up so that the employers will be eight different corporations. That is not a fair or proper reading of the bill. Public servants will be employed by agency heads on behalf of the Crown, as is currently the case, and clause 20 deals with that. They will be employees of the employer — the Crown — and that reflects their stature and the source of their rights, entitlements and obligations.

I do not recall it being widely discussed in this place, but some in the public domain have suggested that as a result of this bill there will no longer be long service leave or that the long service leave of existing public employees will somehow be affected. This is an area in which I have an interest. I stress the fact that existing employees will retain their existing rights to leave of absence and accrued or accruing entitlements to that leave. Clause 3 of schedule 2 of the Public Sector Reform (Miscellaneous Amendments) Bill outlines that right. The entitlements of new employees will be determined by awards and agreements.

The final introductory point concerns the opposition's allegation that public servants can be dismissed at the whim of a department head. I reject the practice, let alone the theory, of a department head of the stature that is expected of department heads, whether they be employed in the commonwealth or the states or perhaps in local government, exercising such a whim. There has to be evidence of a degree of professionalism and personal managerial conduct that I hope would on all occasions eliminate such a person dismissing someone as a quick gesture or on a whim that was not thought through.

Under the new arrangements public servants will still be subject to the unfair dismissal provisions in the Workplace Relations Act and they will be afforded protections equivalent to those afforded to other employees.

Perhaps we are seeing an evolution, a gradual transition, that has not been fairly recognised by some of our critics over a number of years of the public service from state awards to federal awards that was a conscious decision of the unions involved. We can leave to another day a debate on why they reached the conscious decision to move from state to federal awards. The natural consequence is that we look to the laws that regulate federal awards to see whether we should duplicate them now that we know this is a permanent shift, which it is. I do not think anyone has suggested that public servants or others who have gone to federal awards will shift back to state awards.

In the broader scheme of things we saw this environment and for a variety of principled reasons abolished the state industrial relations system and transferred those functions to the federal government, a proposal that in the end was not opposed by the state ALP and was supported by the federal ALP as well as the federal Democrats and had the active support of the Howard government.

The world has changed and the old public service legislation had to be changed to reflect the fact that Victoria is now the only state in Australia that has a single, unitary industrial relations system. It can therefore rely on that federal law to provide many of the protections that would otherwise have to be duplicated in state legislation. I believe those federal protections are real, and the Workplace Relations Act in whatever form it takes in future years will be of direct importance.

I have not encountered a finer group of managers or implementers of government actions than the people I have worked with in my various departments, such as

the Department of Conservation and Natural Resources, the Department of Planning and Development and now the Department of State Development. They are among the finest managers anyone could work with, and I am not referring only to the people on the top floor.

From a personal perspective I reject the implication of some of our critics, who suggest that we do not respect the people with whom we work. I do, I rely on them and I find the way we work best is to give them a considerable degree of freedom and to engage in mutual trust. I hope that concept of mutual trust will answer many of the questions the opposition seeks to place before us when it puts forward extreme examples of behaviour which I do not regard as conscionable and which certainly are not in the mind of this government.

Clause agreed to.

Clause 3

Hon. D. A. NARDELLA (Melbourne North) — Clause 3(a) states:

Further to enable Victorian public sector employees to be brought under the general industrial framework established by the Workplace Relations Act 1996 of the Commonwealth on a similar footing to employees in the private sector.

Will the government accept all responsibilities and jurisdictions of a private sector employer or will that employer continue to enjoy the special privileges of being a state government employer? That refers in the main to a Federal Court case discussed in the second-reading debate.

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — I recognise Mr Nardella's view. In the end we believe, with the exception of redundancy in which case there is separate law, we have the same obligations as one would expect private employers to have. The only distinctions will be where the High Court reaches a conclusion, for example, on what an employee is. I know, for example, that ministerial staff and permanent heads of departments have been distinguished as not being covered. The broad underlying assumption of what we are doing is that we are under the same obligations as an employer in the private sector.

Hon. D. A. NARDELLA (Melbourne North) — The government will act and take responsibility in the same way as a private sector employer other than for the redundancy aspect that has gone through the High Court?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — Yes, other than anything

that goes through the High Court in the future. I am saying that is the position, and the High Court makes definitions about state employees that do not relate to industrial relations matters but to the issue of coverage; but the answer to the honourable member's question is yes.

Hon. D. A. NARDELLA (Melbourne North) — Firstly, in clause 3(c), what is the definition of merit for the purposes of this legislation? Secondly, why are the definitions of merit to be removed from the act if it is the intention to continue to consider it? Thirdly, in the old regulations equity was a principal element of review; now that there is no reference to equity, can the government explain why?

Hon. BILL FORWOOD (Templestowe) — Let me have a stab at this. Clause 39 gives scope for directions that can be promulgated by the Commissioner for Public Employment, and they are binding directions. Draft directions have been prepared to date. I refer Mr Nardella to the draft direction on selection on merit first, which goes through what merit actually is. Again, I remind honourable members that this is a binding direction — it must be followed under clause 39(3). In the directions on merit the minimum standards are set out, but it goes on under 'Scope' to say:

Selection decisions made on merit must take into account the extent to which each applicant has:

the skills, knowledge, experience, past performance and other personal qualities relevant to the work

My recollection is that that is very similar to the wording in section 24 of the existing Public Sector Management Act, which I unfortunately left on the table. It then goes on further to say under 'Scope':

demonstrated good conduct appropriate to public sector employment;

potential for further development in the organisation.

The directions then talk about applying the standard in public service agencies and go through a number of dot points including the ones I mentioned in the debate by interjection, that the policy and processes:

must ensure all vacancies for executive and ongoing employment are advertised

So the issue of merit is well covered in the binding directions of the Commissioner for Public Employment. Not only are these binding, but the second-reading speech points out they cannot be changed without being brought before the Parliament. In addition they must be reported on in the annual report by the Commissioner for Public Employment.

The issue of diversity and equity is also covered in the directions. Groups declared disadvantaged by the commissioner for the purpose of employment without advertisement include Aboriginal people, Torres Strait Islanders, people with disabilities and people from non-English-speaking backgrounds. So while there is no specific definition of equity, there is genuine commitment to the principle of equity.

Hon. D. A. NARDELLA (Melbourne North) — What is the definition of ‘integrity’?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — Our advice is that the definition of ‘integrity’ is whatever is regarded as the dictionary definition — that is, the ordinary meaning of the word. If there is a doubt about that it will be the court that will put an ordinary meaning on it.

Clause agreed to; clause 4 agreed to.

Clause 5

Hon. D. A. NARDELLA (Melbourne North) — Clause 5(1) refers to public authorities. Will the minister inform the committee whether this includes organisations established by statute such as the Melbourne Cricket Club?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — I understand the Melbourne Cricket Club was not created by statute, although I believe the Melbourne Cricket Ground Trust is, but I am happy to be corrected on that. The answer is that any body created and established by statute is covered. I do not know whether the MCC is one of those, but if a body is created and established by statute it is considered an authority.

Hon. D. A. NARDELLA (Melbourne North) — In clause 5(2) would it not be better to have the legislation declare what are public authorities rather than what are not? What is the government’s intention in wording it in that way?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — This is a precautionary measure. If government authorities are defined there is always a doubt about whether it is an exhaustive list. The advice was to have a catch-all provision with exclusions rather than to try to get an exhaustive list, which I believe is practical.

Clause agreed to; clause 6 agreed to.

Clause 7

Hon. D. A. NARDELLA (Melbourne North) — I have a number of questions on clause 7. Will the minister outline what the definitions of ‘fairly and reasonably’ in clause 7(b) are? Against what benchmark does one compare fairly and reasonably?

Hon. BILL FORWOOD (Templestowe) — The directions I talked about earlier go to the issue of fairness. My advice is that they deal with the minimum standards and scope and the application of those standards. I refer in particular to the directions on the review of personal grievances, which go into some detail about the system that will come into operation when people believe there is some doubt about their having been treated fairly and reasonably. The aim is to encourage the conciliation of grievances rather than conflict while providing avenues to review perceived unfair or unreasonable treatment. Deficiencies in policy or practice identified through the review process are deemed to prevent grievances of the same nature. Therefore, we believe the system will treat people fairly and reasonably — but if that does not happen, the directions will come into play.

Under the heading ‘Minimum Standards’, the directions include:

1. Policy and processes to review grievances are documented, fair, applied consistently and accessible to all employees.
2. Informal processes to resolve grievances are exhausted before formal processes are used.
3. Employees may lodge a grievance on any action within the organisation that directly affects them on the grounds that it is unfair or unreasonable ...

That also includes the refusal or failure to take action. That covers it pretty well. The principle is expanded on in the directions, as is the case with merit, which we discussed before.

Hon. D. A. NARDELLA (Melbourne North) — What is the definition of ‘equal employment opportunity’, and what is behind the government’s not including it in the definitions clause? I suggest its inclusion would have avoided uncertainty.

Hon. BILL FORWOOD (Templestowe) — I touched on that briefly when the committee was talking about equity. Direction no. 2 talks about managing and valuing diversity:

Managing and valuing diversity strategies give effect to the principle of equal employment opportunity (EEO). EEO is based on the merit principle —

again I remind honourable members that these are binding directions that must be followed —

and aims to achieve a public sector work force that reflects the diversity of the Victorian community. Managing and valuing diversity strategies should encompass action that enables groups who face barriers in employment to compete on merit and practices that enhance the productivity of all employees.

According to the draft copy I have, the minimum standards that will apply include the following:

1. Diversity and EEO strategies are developed as part of the business planning cycle and are accessible to all employees.
2. Workforce plans must take into account opportunities for increasing the participation of designated EEO groups ...

I went through that in responding to a previous question from the honourable member.

3. Diversity and EEO impacts of workplace change are assessed prior to implementation.

Some effort has gone into structuring the directions so that they reflect the underlying principle in clause 7(c) about equal opportunity being provided.

Hon. D. A. NARDELLA (Melbourne North) — Will there be programs relating to positive discrimination? Secondly, clause 7(d) states that the employment processes must ensure that:

... employees have a reasonable avenue of redress against unfair or unreasonable treatment.

For the purposes of the act, what is an unreasonable avenue?

Hon. BILL FORWOOD (Templestowe) — The answer to the first question is yes.

Under the heading 'Implementation' the directions say:

Heads of departments and administrative officers are responsible for the implementation and observance of the principles and directions in their agency. Agency heads should:

introduce awareness-raising and learning activities that support implementation of the principles;

develop guidelines that support the principles ...

report on the applications ...

The commissioner encourages the adoption of policies and practices that contribute to excellence and innovation in public sector management.

They include:

may allow agency heads to exempt vacancies from advertisement where they certify there is no breach of merit and equity;

may allow agency heads to employ without advertisement members of disadvantaged groups designated by the commissioner.

There is a system of positive discrimination to ensure that the groups designated under the managing and valuing diversity section of the directions have an opportunity to be selected for employment.

Hon. D. A. NARDELLA (Melbourne North) — Further to that, can I have an explanation of 'reasonable avenue' for the purposes of the act?

Hon. BILL FORWOOD (Templestowe) — On a case-by-case basis.

Hon. M. M. GOULD (Doutta Galla) — In relation to what would be a reasonable avenue, will the minister indicate how the Australian Industrial Relations Commission could be a reasonable avenue for the hearing of a case that was scheduled to be heard, for example, on Friday at 10.00 o'clock? I pose the example of a case in relation to the union and its members and ask whether the government would accept that that would be a reasonable avenue to progress an issue that was of concern?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — I think we might be overlapping laws here, because if the matter were before the commission we would be bound by the actions of the commission in any event. One of the realities of the federal industrial relations system of which we are now an integral part is that we have to accept the outcomes of that system because they are binding on us in law. Unless there is some contradictory overriding legislation, and there is not in this case, we would be bound by the outcome.

Hon. M. M. GOULD (Doutta Galla) — I am not sure whether the minister picked up on some of the arguments the opposition was putting during the second-reading debate. There was a concern with the government withdrawing from the commission and claiming that because it was the Crown it was not obliged to be bound by the decision of the commission. I would like that clarified. Is the minister saying the government would be bound by an AIRC decision?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — If we were before the AIRC and it made a decision, we would be bound by it.

Clause agreed to.

Clause 8

Hon. D. A. NARDELLA (Melbourne North) —

Will the minister explain under what circumstances an indemnity under clause 8(2) will be granted? The opposition is interested in the government's intention. As a hypothetical example, will the government make the Board of Studies an employer?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — You are still talking about the indemnity issue under clause 8(2)?

Hon. D. A. Nardella — Yes.

Hon. M. A. BIRRELL — The idea is to ensure that we do not exclude the right to give an indemnity under clause 8(2). It is a protective clause so that an indemnity can be granted to a public sector employee in respect of liability which would otherwise fall on that employee as an individual and which would be quite improper.

The principle of what indemnity should be granted continues to be based on a cabinet decision as to whether indemnity should be provided. I understand that continues the existing practice. This clause has no hidden intent, other than to protect the right to provide indemnity so that public servants are not subject to some kind of legal action against them when the state should step in.

Hon. D. A. Nardella — Thank you.

Clause agreed to; clauses 9 and 10 agreed to.

Clause 11

Hon. D. A. NARDELLA (Melbourne North) — Under what circumstances is it envisaged that an administrative office will be created? There are currently eight departments. Is it possible that they could be broken up into various administrative offices? The opposition is interested to know how that would affect the mega-department strategy.

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — The government is committed to the multi-minister department approach it introduced in 1992. It is not intending to break up those eight departments. I understand there are four administrative offices — the Office of the Chief Parliamentary Counsel, the Office of the Victorian Government Solicitor, the Office of the Governor and the Environment Protection Authority. They are all offices within a larger structure, their distinct natures stand out. I understand there are no plans or intentions to break down the eight government departments.

Clause agreed to; clauses 12 to 14 agreed to.

Clause 15

Hon. B. T. PULLEN (Melbourne) — The clause deals with an agency head's duty to act independently in employment matters. Although section 14 of the Public Sector Management Act is similar, it is more specific. It says that:

... in matters relating to the appointment, promotion, assignment, demotion, discipline, transfer, retrenchment or termination of employment of officers and employees of his or her Department, the appropriate Department head is not subject to direction but must act independently.

I ask the minister to clarify whether this is simply a drafting change to make the clause all encompassing so it can be reasonably expected to address all the specific cases that were previously mentioned under the heading, or has there been a change?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — I can advise that the clause is a plain English expression of the old clause as drafted by parliamentary counsel. If the honourable member is suggesting there has been an intention to change its meaning, the government would disagree. The aim is that the current clause be the same as the old one. It is just a case of a different use of English.

Hon. B. T. PULLEN (Melbourne) — Taking the case I referred to earlier, where there was a direction in the budget not just about financial matters but about the numbers of people involved, does the clause mean that that would now be under the independent direction of the officer concerned?

Hon. M. A. Birrell — Clause 15(2), is it?

Hon. B. T. PULLEN — Yes.

Hon. BILL FORWOOD (Templestowe) — The issue goes, firstly, to the relationship between the minister and the agency head and, secondly, to the relationship between the agency head and the management of that agency. In a theoretical sense, if it were possible to find the amount of savings so that it did not need to be done, it would not be done. That degree of flexibility exists. The clause needs to be interpreted in a practical sense. Certainly, as the clause says, the intention is to have the employment powers relate to the agency heads' management and staff. I do not think the minister would come along and say, 'Sack the staff'.

Hon. B. T. PULLEN (Melbourne) — I will clarify that. You clearly understand the point of distinction I am making. It is one thing for the government to say to a permanent head, 'You now have these resources to do

this task'. The permanent head may decide that this is the way it can be done and it may require a change in staff, in which case the provision applies and the permanent head can do it and should do it independently. But if it is a specific direction that X number of staff should be removed because it is another government policy to reduce staff that would seem to me to be cutting across this provision and would be in conflict.

Hon. Bill Forwood — It would be in conflict.

Clause agreed to; clauses 16 to 19 agreed to.

Clause 20

Hon. D. A. NARDELLA (Melbourne North) — The clause outlines some broad powers. Will the government commit to abiding by all decisions of the Australian Industrial Relations Commission covering any award or order of the commission relating to the subject heading of these powers?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — The government consciously transferred a whole raft of functions from the state to the commonwealth in late 1996. It transferred certain functions and its aim, when those functions were transferred, was that they would be conducted under federal law; they would be implemented, where relevant, by the Australian Industrial Relations Commission. The answer to the question is that the AIRC understands those powers and the government will be subject to the outcome of the AIRC: it will be bound by and have to implement its decision.

Hon. M. M. GOULD (Doutta Galla) — In relation to the powers that were transferred to the federal system, a number of powers were still retained by the state system; and it is a question of whether those issues of consultation are retained within the state system. What happens when those issues come up? Will the government say they are within our jurisdiction so we are not going before the AIRC? We say that is outside the commission's jurisdiction.

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — I understand the issue. There are very few matters not referred to the commonwealth. One matter that was not made redundant was the disciplining of police and the ability to deal with a crook cop. There are exceptions. There is a sweeping transfer under which we are bound by those limited exceptions, which was part of that debate in 1996, where obviously those matters would not go before the AIRC. Therefore, it is not a matter of

whether we would be bound by the commission; they would not be before that tribunal, they would be here, but there is a very small number of them. That is not affected, as I understand, it by this legislation, because that is a matter of what powers the state gave up and transferred to the commonwealth. It is not matter of public service employment.

Hon. M. M. GOULD (Doutta Galla) — The concern is that because the powers were retained, the provision relates to redundancy. Under the Australian Industrial Relations Commission ruling the employer — that is, the government — would be required to consult with its employees, but because redundancy does not fall under the AIRC the government is not required to consult because it is outside its jurisdiction. As there is a hearing before the commission next Friday I ask: will the government claim that this is outside the AIRC's jurisdiction and therefore not appear but run that argument and not be bound by any decision, so that it then has the equal standing of what private companies would be required to do? In other words: is the government bound by an Australian Industrial Relations Commission ruling to consult with its employees?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — I am not up with issues before the Industrial Relations Commission, other than whether the government consults on these measures. The government's strong argument is that it has consulted on the bills. Whether the input has been agreed according to the terms of those with whom it has consulted is a matter of debate and argument before the commission.

The legal response to the issue raised by Miss Gould is that the government is bound by the outcome of the commission hearing where it is exercising its powers either under commonwealth law or as a result of the transfer of state powers to the commonwealth. Frankly, I do not think that is affected by this measure in any way. In 1996 the government consciously did not transfer a small number of powers.

Clause agreed to; clauses 21 and 22 agreed to.

Clause 23

Hon. D. A. NARDELLA (Melbourne North) — Clause 23(4) refers to the performance criteria of the Assistant Commissioner of Police relating to management matters only. Why is the assistant commissioner excluded from certain performance criteria?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — The bottom line is that the police are different. It would be improper for the government to measure the performance of the Assistant Commissioner of Police on his policing function as against his management function. No-one would want the government passing judgment on how much he should be paid, the nature of his employment, actions in the field, or who he decided to prosecute or not prosecute. The government would want to pass judgment on him on matters such as budgets, and so on. Senior police are different employers. The government singled out police in an unusual manner — in a constitutional shift of powers. The government should have the power to sack police in certain circumstances that will not apply to other employees. Police have a field function, and the executive should not pass judgment on that function.

Hon. D. A. NARDELLA (Melbourne North) — Clause 23(6) states:

However, the term of a contract of employment may not be increased beyond 5 years.

Why is that restriction in the bill?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — I presume it is so there will not be an indefinite contract period. It is a practical measure; otherwise the contract could go on for 99 years.

Hon. BILL FORWOOD (Templestowe) — The provision goes back to earlier legislation, which also refers to a contract of employment of five years.

Hon. B. T. PULLEN (Melbourne) — I heard the answer given by the minister on clause 23(4) concerning the Assistant Commissioner of Police, but would not the same principle apply to the chairman of the Environment Protection Authority and its policing function? Surely the government would not want to tell the chairman on a particular policing issue involving a polluter that his performance would be linked with that issue. Why shouldn't the chairman of the EPA have a similar discretion?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — The government has always, with a series of acts, distinguished the police as being unusual in the exercise of their functions. No-one else would be regarded as fitting into that unique category of having the discretionary capacity to exercise a criminal prosecution function. That is why it is considered desirable to eliminate the role of the executive to oversee the ability to apply the Crimes Act.

They are a class of their own. If it were broader than that — and I understand Mr Pullen's concern, given his background as a former minister who dealt with the chairman of the EPA — there would probably be thousands of employees who would have a discretionary right over penalty functions under statutes.

The police clearly have a capacity in the most important act of all, that is, the Crimes Act, and that is why they are singled out, rather than others who also have prosecution functions that can lead to penalties being imposed.

Hon. B. T. PULLEN (Melbourne) — The minister has also had experience managing the EPA. I accept the point he made about the separation of the performance criteria and the freedom that accrues to the assistant commissioner to make that decision. However, there is a very strong argument for someone in a position such as the chairman of the EPA not to have his or her performance measured where he or she chooses to prosecute a particular form of polluter against another because of the value the government places on one area in the community as against another. Improper pressure could be applied in the same way as the minister is indicating the government is aware of not applying improper pressure on the police. I ask the minister to indicate that the matter will be considered in future.

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — I think I can give an undertaking that that would not occur because it would be improper to pass judgment on the professional competence of the head of the EPA because of his or her independent discretion on prosecutorial matters as against the conduct of his or her functions according to the statute under which that person is engaged. I am happy to pass on Mr Pullen's concerns about that matter.

Clause agreed to.

Clause 24

Hon. D. A. NARDELLA (Melbourne North) — Clause 24(1) states that an employee:

... becomes eligible to be an executive because of the employment in which he or she is then employed ...

Does the government intend to extend the numbers of executive employees and include non-executives employees in VPS band 5?

Hon. BILL FORWOOD (Templestowe) — I refer honourable members to clause 29, under division 7 — Designated Employment, which allows the Governor in

Council to designate bodies and employees and provides for offers of employment by designated bodies to designated employees.

Clause 24(1) relates to designated employees and will kick in if an organisation is designated under clause 29. I am advised it is identical to the provisions of section 65(5)(b) on page 47 of the existing Public Sector Management Act, dealing with performance pay. Do you want me to deal with that now?

Hon. D. A. Nardella — Yes.

Hon. BILL FORWOOD — The existing section 65(5)(b) provides:

... in the case of a senior executive officer, ceases to be entitled to any performance-related payments provided for under the terms and conditions applicable ...

That is a direct lift of the performance clause, which I think Mr Nardella was about to raise in his next comment, but it applies only to employees of declared authorities.

Hon. D. A. NARDELLA (Melbourne North) — Thank you for that. What contract does the government have to implement clause 24(4), which may cause a person to miss out on performance-based payments, and certainly after three months will cause a person to miss out on such payments? Clause 24(4) states:

However, a person continuing as mentioned in sub-section (3) ceases to be entitled to any performance-related incentive payments.

Hon. BILL FORWOOD (Templestowe) — The point I was trying to make earlier was that they will have a choice. When they are designated they have the choice of entering into a contract; if they do not want to do that, they stay on their own terms and conditions. However, as with section 65(5)(b) of the existing act, the performance payments will cease; so the clause from the existing act has just been picked up and transferred into the new bill.

Hon. D. A. Nardella — What is the reasoning behind the payments ceasing in those instances?

Hon. BILL FORWOOD — It is consistency with the existing practice.

Hon. D. A. Nardella — Is there another reason why it has been put in?

Hon. BILL FORWOOD — No, just consistency with the existing practice.

Hon. M. M. GOULD (Doutta Galla) — I return to the response Mr Forwood gave to the question asked about clause 24(1) — that is, does the government intend to extend the number of executive employees? Mr Forwood said that that kicks in after the provisions of clause 29 are met. Clause 29 seems to relate to privatisation, not to the question asked. I am just a little confused by the response.

Hon. BILL FORWOOD (Templestowe) — My apologies. Clause 24(1) applies only to Part 7 — Declared Authorities, not Division 7 — Designated Employment. It is described on page 5 of the explanatory memorandum.

Clause agreed to.

Clause 25

Hon. D. A. NARDELLA (Melbourne North) — What consultation mechanisms will be available for employees faced with transfer?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — Firstly, any employee has to be in a circumstance where he or she is given procedural fairness in the way he or she is dealt with, and redress will be available through the grievance procedures of the directions, which will, as we have discussed previously, be binding. The whole nature of procedural fairness is self-evident, but it means there has to be fairness at each step of the process that the employee will encounter, and there is a draft direction on grievances to that effect.

Clause agreed to; clauses 26 and 27 agreed to.

Clause 28

Hon. D. A. NARDELLA (Melbourne North) — I ask the minister whether continuity of employment will include recognition of prior service for the purposes of long service leave. Will that be recognised should the employee be compulsorily transferred or transfer on his or her own initiative to a public authority? Further, why does the government make it compulsory to sign an Australian workplace agreement if transfer can easily be achieved by these provisions?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — Firstly, the terms of an employee's agreement when he or she transfers to a new job will transfer with the person to the new position. The Australian workplace agreement is a requirement in that it will outline the terms and conditions of the new employee. What the government seeks to apply to those new employees has been set

down and the provisions have been outlined. If an employee moves from one position to another, the agreement he or she has and the requirements of that agreement will transfer with that person.

Clause agreed to.

Clause 29

Hon. D. A. NARDELLA (Melbourne North) — If an employee refuses a job offer with the new body, the employee may have his or her employment terminated. It does not say what manner of termination that will involve. The previous act merely stated that the employee would be deemed to have resigned. Will the current act be as severe as the previous act or does it leave this to the agency head's discretion?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — I take Mr Nardella back to section 81A of the current act, which is an almost identical provision. The clause has clear and strong powers, and reflects the old act. Mr Nardella asks whether the provision will be as severe: that is a rarely used part of the act but the new provision is equivalent to the old one.

Hon. M. M. GOULD (Doutta Galla) — In an attempt to clarify the concern of the opposition about this clause, will compensation for a public servant be paid if he or she refuses a job with a designated employer? Will he or she be paid compensation if he or she is terminated?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — My advice is there is no change in the basic provision or the policy in relation to the way this bill operates compared with the previous section 81.

Clause agreed to; clause 30 agreed to.

Clause 31

Hon. D. A. NARDELLA (Melbourne North) — Will the minister explain the definition of 'serious misconduct' in subclause (d)?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — I advance on my previous suggestion that the ordinary meaning and the dictionary meaning would be used, but this has been discussed at length in a number of industrial relations or labour law cases. We would see that as following the ordinary meaning as a result of the labour law case.

Hon. M. M. GOULD — Precedents that have been set?

Hon. M. A. BIRRELL — Yes.

Hon. D. A. NARDELLA (Melbourne North) — How is 'inefficient or incompetent' defined for the purposes of clause 31(e)? The regulations prescribe a set of procedures for discipline: is that strong enough for the government to deal with the disciplinary procedures?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — The ordinary meaning of the word is determined by looking at a dictionary or, more importantly, the ordinary meaning of the word after looking at a dictionary. We do not agree that the directions are vague. They are reasonable in all the circumstances and the directions are fairly written.

Hon. D. A. NARDELLA (Melbourne North) — In what circumstances and how is it envisaged clause 31(i) will be used?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — The provision will be subject to the unfair dismissal provisions of the federal Workplace Relations Act when a matter is constitutionally before the commission. It may be a broad provision but I stress that it will be subject to the unfair dismissal powers under the commonwealth law.

Clause agreed to.

Clause 32

Hon. D. A. NARDELLA (Melbourne North) — In what circumstances is it envisaged that clause 32(1) will be used?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — It would be used rarely. Clause 32(1) allows an agency head to terminate the employment of an executive. Obviously that will be uncommon, and in the career life of an agency head may perhaps never be used. It will be subject to the Workplace Relations Act and the unfair dismissal provisions that are part of that act.

Clause agreed to.

Clause 33

Hon. D. A. NARDELLA (Melbourne North) — How is 'comparable' in clause 33(2) defined for the purposes of the act? In the past it has included redundancy packages and superannuation. Will the government, through the Australian Industrial Relations Commission, grant the jurisdiction that is applicable in the private sector?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — Once again, it will be given the ordinary meaning given to it by the commonly available dictionary and perhaps its ordinary daily usage. In the past it has included superannuation and will continue to do so. It does not refer to redundancy packages.

Clause agreed to; clause 34 agreed to.

Clause 35

Hon. D. A. NARDELLA (Melbourne North) — Will the Victorian government guarantee the continued existence of targeted separation packages and voluntary redundancy packages where employees are declared surplus?

Hon. BILL FORWOOD (Templestowe) — Guarantee is a strong word. My understanding is that there is no indication that the government has changed or intends to change its current policy on separation or redundancy packages.

Hon. B. T. PULLEN (Melbourne) — If one reads clause 35 in conjunction with clauses 25 and 28 concerning relocation and transfer, questions arise in a particular case about which I have become aware and which is now in the process of being dealt with. It concerns the Keith Turnbull Research Institute where people will no longer be required because the institute is to be disbanded. People are being invited to consider moving to other locations, such as Rutherglen. If it does not suit them to make that choice there may be no other positions for them. Previously some provision or offer would have been made of separation or voluntary redundancy packages. If the government does not continue the previous practice it has an easy way to reduce costs by getting rid of people because it could make an offer that is not palatable and then on the basis of their refusal say that the people are no longer required and then offer them no compensation.

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — It is important to reflect on the government's practice, in that it has offered either voluntary redundancies or targeted separation packages. The tens of thousands of public servants who have left the public service have done so on that basis. If there were a hidden agenda it would have been apparent from 1992. Packages have been offered and, as Mr Forwood said, it is not the government's intention to change that practice of offering packages in similar circumstances.

Hon. B. T. PULLEN (Melbourne) — I make one last point because I think it gives a concrete example of the case I mentioned. In this case the change occurred

not because the organisation involved did not consider the work in addressing the problem of the eradication of weeds to be valuable, but because of budget pressure. That was one of the actions available to the senior executive officer. It therefore does not follow that the senior executive officer would have at his or her — in this case his — disposal the funds for the package. Unless funds are actually provided by Treasury or as part of the budget it may not be an option open to officers in taking decisions.

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — I cannot address the individual case of the KTRI but I can say that the way the government has operated is that when it has foreseen redundancies it has also foreseen the need to make payouts in clear circumstances. I cannot think of a circumstance where it has made a broad decision on the need for redundancies without also making a broad decision about funding the redundancies that occurred.

Clause agreed to; clause 36 agreed to.

Clause 37

Hon. D. A. NARDELLA (Melbourne North) — I will refer to this clause and foreshadow that I will also be dealing with clause 39. Will the government direct the Commissioner for Public Employment to negotiate the directions with the Community and Public Sector Union?

The CHAIRMAN — Order! I suggest that we do the clauses one at a time. We will deal with clause 37.

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — I am with Mr Nardella on this one. Perhaps I can foreshadow some comments on clause 39. The government does not have the power to direct the Commissioner for Public Employment. Clause 38 of the Public Sector Management and Employment Bill provides that the Commissioner for Public Employment must act independently and therefore it would be inappropriate for the government to direct the commissioner.

If I can foreshadow my comments on clause 39(2), the exemptions are a matter for the commissioner and not for the government. That will be left to the independent commissioner.

Clause agreed to; clause 38 agreed to.

Clause 39

Hon. D. A. NARDELLA (Melbourne North) — What exemptions are envisaged by the government under clause 39(2)?

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — I take up the comments I foreshadowed in that the exemptions will be a matter for the independent commissioner alone. They will not be a matter for the government.

Clause agreed to; clauses 40 to 57 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — I move:

That this bill be now read a third time.

I thank all honourable members for their contributions.

House divided on motion:

Ayes, 31

Asher, Ms	Furletti, Mr
Ashman, Mr	Hallam, Mr
Atkinson, Mr	Hartigan, Mr
Baxter, Mr	Katsambanis, Mr (<i>Teller</i>)
Best, Mr	Knowles, Mr
Birrell, Mr	Lucas, Mr
Bishop, Mr	Powell, Mrs
Boardman, Mr	Ross, Dr
Bowden, Mr	Smith, Mr
Brideson, Mr	Smith, Ms (<i>Teller</i>)
Cover, Mr	Stoney, Mr
Craige, Mr	Strong, Mr
Davis, Mr D. McL.	Varty, Mrs
Davis, Mr P. R.	Wells, Dr
de Fegely, Mr	Wilding, Mrs
Forwood, Mr	

Noes, 8

Gould, Miss	Nguyen, Mr (<i>Teller</i>)
Hogg, Mrs	Power, Mr
McLean, Mrs	Pullen, Mr
Nardella, Mr (<i>Teller</i>)	Walpole, Mr

Pairs

Hall, Mr	Theophanous, Mr
Luckins, Mrs	Eren, Mr

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

ROYAL ASSENT

Message read advising royal assent to:

Appropriation (1998/99) Act

Appropriation (Parliament 1998/99) Act

PAPERS

Laid on table by Clerk:

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 24/1998.

A Statutory Rule under the Corrections Act 1986 — No. 52.

QUESTIONS ON NOTICE

Answers

Hon. R. I. KNOWLES (Minister for Health) (*By leave*) — I have answers to the following questions on notice: 6–10, 96, 97, 169, 172, 198, 199, 523, 597, 611, 612, 629, 657, 658, 681, 683, 685, 693, 721, 735, 737, 743–48, 759–62, 767, 769, 781, 793, 798, 811, 817, 908, 912, 939, 947–51, 953, 1244.

BUSINESS OF THE HOUSE

Adjournment

Hon. R. I. KNOWLES (Minister for Health) — I move:

That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each honourable member.

The PRESIDENT — Order! I draw to the attention of the house the imminent retirement of two longstanding members of the parliamentary staff. The first is Maggie Sutherland. Maggie has been employed at Hansard since April 1976 and was appointed as assistant chief reporter in April 1993. Hansard has an enviable reputation for producing a quality product and Parliament is well served by the team of which Maggie has been an integral part for so many years. Maggie's previous background includes secretarial positions in legal firms, advertising and radio.

Maggie's retirement from the permanent staff will enable her to spend more time with her mother and enjoy a carefree lifestyle at Ballina on the northern coast of New South Wales. She will be available to work at Parliament on a casual basis during sessional periods. During her 22 years of service Maggie has made a great contribution to Hansard and Parliament, and she will be missed in that capacity. We wish her well.

Honourable Members — Hear, hear!

The PRESIDENT — Order! The second pending departure is Mary Hart. We do not often hear Mary's surname, and she is known to some as Irish Mary. Mary has been serving in the refreshment rooms for some 19 years. She is known for her cheerfulness, efficiency and professionalism — and for the way she has looked after the interests of members. She has been known to give a bit of advice to members at times, including that they should not be eating such and such a food. Mary will be sorely missed. She is a cheerful soul who has given great professional and friendly service to all of us over a long period. We wish her well.

Honourable Members — Hear, hear!

Hon. R. I. KNOWLES (Minister for Health) — On behalf of all honourable members I wish to endorse the President's best wishes to Maggie and Mary on their retirements from this place. Those of us who have been here for approximately the same length of time as Maggie has been a Hansard reporter have observed her competency and have enjoyed sharing very pleasurable times with her. Many of us have been reprimanded by Mary, as well as being well served by her. We hope they both enjoy retirement. We look forward to welcoming Maggie back as a casual staff member. I understand Mary is going to Ireland and we wish her well. We look forward to hearing about her experiences when she returns to these shores.

Motion agreed to.

GOVERNOR'S SPEECH

Address-in-reply

The PRESIDENT — Order! Tomorrow morning the address-in-reply to the Governor's speech on the opening of Parliament will be presented to the Governor. I invite as many honourable members as are available to assemble on the front steps at 9 a.m. Cars will be made available.

ADJOURNMENT

Hon. R. I. KNOWLES (Minister for Health) — I move:

That the house do now adjourn.

Spastic Society: funding

Hon. C. J. HOGG (Melbourne North) — I ask the Minister for Health to raise with the Minister for Youth and Community Services in another place the cutbacks the Spastic Society of Victoria has been forced to make

to its operations. Without going into any management questions, I believe greater thought has to be given to funding services for people with multiple disabilities. There are no simple funding formulae that adequately encompass the needs of people with several disabilities who may need different sorts of attention at different times. Some of the funding shortfall at the Spastic Society has undoubtedly been caused by the high resource needs of people with multiple disabilities. I ask the minister to ask his colleague to consider the issue in future discussions with the Spastic Society on funding matters.

Eastern Freeway: noise controls

Hon. PAT POWER (Jika Jika) — Earlier today over tea and lamingtons our great and revered leader examined the following question and gave me permission to ask it of the Minister for Roads and Ports. As our great and revered leader knows, the question refers to the erection of noise barriers on the Eastern Freeway between the Chandler Highway bridge and Bulleen Road.

Hon. G. R. CRAIG — Barry has written you letters, hasn't he?

Hon. PAT POWER — No, this is a different matter. I have received correspondence from a number of residents who live in and around Kellett Grove. They are concerned about the noise problems they face as a result of living close to the freeway. They ask for a night-time noise policy because that is the time at which they are most affected. As they say in their correspondence to our great and revered leader and me:

Road usage has enormously increased and far surpassed the projected usage ...

There has been a significant change of traffic pattern over the entire 24-hour period.

Heavy vehicle usage ... as well as motor bikes and emergency vehicles [have] increased dramatically over the entire 24-hour period.

On behalf of the residents of the Kellett Grove area, I ask the Minister for Roads and Ports to give due consideration to their case for noise abatement measures, especially at night.

Asthma

Hon. D. McL. DAVIS (East Yarra) — I direct to the attention of the Minister for Health a significant community health issue — namely, asthma. It affects 10 to 20 per cent of Victorian children and remains a common cause of paediatric hospital admissions. There is also a high prevalence of asthma among adults. As

the 1992 national campaign made clear, asthma is costly for Victorians and Australians. As shown in the article written by Mike South in the *Medical Journal of Australia*, the government's management of the effects of asthma has been effective, especially at the public hospital level. I understand the Victorian government has formed a ministerial asthma working party, which has recommended a series of public health measures to control asthma and achieve better public health outcomes.

Asthma is a significant disease for a number of reasons. I understand the government is focusing on particular areas. I ask the minister to explain the initiatives the government has taken to address this significant public health issue, especially in the eastern area of Melbourne.

Royal Exhibition Building

Hon. S. M. NGUYEN (Melbourne West) — On 17 March during the adjournment debate I raised with the Minister for Industry, Science and Technology the Royal Exhibition Building. Page 130 of *Hansard* states:

In February of this year the National Trust wrote to members of this house about their concerns over the design of the new state museum. The members objected to the effects that the blade structure would have on the dome of the Royal Exhibition Building. This building is one of the most outstanding examples of Victorian architecture in Melbourne, and the blade should be removed from the design for the new museum.

Does the Premier support the National Trust in obtaining World Heritage listing for the Royal Exhibition Building and, if so, when will he call on the federal government to have it listed?

It is more than two months since the question was raised on the adjournment debate. Did the Minister for Industry, Science and Technology bring this question to the attention of the Premier as Minister for the Arts; if so, why is it taking the Premier's office so long to respond?

National Union of Students

Hon. P. A. KATSAMBANIS (Monash) — I raise a serious matter for the attention of the Minister for Finance, as the representative in this house of the Treasurer, about the potential abuse and evasion of the payment of payroll tax in Victoria by the National Union of Students. The National Union of Students is a body incorporated under the Associations Incorporation Act of the Australian Capital Territory. However, it conducts its business from premises in Melbourne. It appears that throughout the 1990s for a number of years its payroll was at such a level that it was liable for

payroll tax. That was acknowledged by the union and by its general secretary as late as this year. However, it appears no payroll tax was paid during that time.

In ordinary circumstances it would be easy to dismiss that non-payment as an oversight, but given that earlier this year the Registrar-General of the Australian Capital Territory discovered that since its incorporation in 1991 the NUS had failed to lodge any annual returns as it is required to do at law and has flagrantly disregarded many notices from the Registrar-General, and given that the ACT Attorney-General has acted to deregister the union from its incorporated status, it is important that the Treasurer investigate whether the union's non-payment of payroll tax in the period from 1991 to today was a deliberate action to avoid its obligations at law.

I call on the Treasurer to investigate the matter and to ensure that if there was a deliberate attempt to evade the payment of payroll tax the people responsible are made to pay the arrears as well as any penalties, and if they are liable for any prosecution that they are so prosecuted.

Responses

Hon. M. A. BIRRELL (Minister for Industry, Science and Technology) — Mr Nguyen raised with me in my capacity as the representative of the Minister for the Arts the magnificent Royal Exhibition Building in Carlton Gardens and the future plans for that outstanding building. I am more than happy to raise the matter with the Premier.

Hon. R. I. KNOWLES (Minister for Health) — Mrs Hogg raised with me the issue of services provided by the Spastic Society of Victoria and her concern about newspaper reports. She said that the society has reduced service delivery. I will refer the matter to my colleague the Minister for Youth and Community Services in another place. However, I understand the society is trying to ensure that it can structure its services in a manner consistent with its income. I will obtain more detail and report back to Mrs Hogg later.

Mr David Davis raised with me initiatives taken to get a more comprehensive approach for asthma sufferers. A number of projects are funded by the government to develop a more strategic approach, and I am happy to acknowledge the support of both Mr Davis and the government in ensuring a more comprehensive response is taken. Much can be done to better respond to those who suffer from asthma, and the government is interested in developing a more strategic response.

ADJOURNMENT

Wednesday, 20 May 1998

COUNCIL

1269

Hon. R. M. HALLAM (Minister for Finance) — Mr Katsambanis raised with me the potential evasion of payroll tax by the National Union of Students; and he raised the issue with some flair. I will refer the matter to my colleague the Treasurer and seek his comments on it.

Hon. G. R. CRAIGE (Minister for Roads and Ports) — Mr Power raised with me an issue relating to noise on the Eastern Freeway that affects residents in the Kellett Road area, particularly at night. I assure Mr Power and the residents that the government will monitor the issue. I understand there are particular

issues at night that concern residents. The government will make sure the amenity people expect will continue in the future. An implication of the increasing vehicle use of the freeway, particularly emergency vehicles, is that the road system is efficient in getting people from point A to point B. As always a balance must be struck, but I assure Mr Power and the residents that the government will do everything in its power to make sure the government lives up to the standards and conditions set for noise abatement.

Motion agreed to.

House adjourned 10.33 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, 19 May 1998

Health: taxes, charges and fees

- 39. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Health: In relation to all departments and agencies within the Minister's portfolio, which taxes, charges and fees have increased since 30 March 1996.

ANSWER:

The Health portfolio revenue collections fall under two headings:

1. Revenue (taxes, fees and charges) paid to the Consolidated Fund.

- (a) Regulatory fees and fines (taxation).

These fees relate to various licences or permits which are renewable on an annual or biennial basis.

- (b) Fees and charges.

Fees and charges are levied by the Department in accordance with the Treasury Guidelines and relate mainly to accommodation charges.

2. Revenue (mainly patient fees) raised and retained by agencies.

Significant revenues are retained by agencies, for example hospitals and ambulance services, and are an integral part of the budget arrangements for these agencies. The Department, through its agencies, prescribes fees for private, compensable, nursing home type and nursing home patients, dental charges, day hospital/day centre charges, domiciliary care fees and miscellaneous recoveries. Agency revenue also includes grants paid by other State Government departments, the Commonwealth Government and by other States for the provision of services under various arrangements.

Health agencies also manage and collect revenue in respect of business units including cafeterias, diagnostic services, laundry and other services. Ambulance services derive revenue from subscriber and transport fees.

The time and resources required to provide a comprehensive list of all fees and charges raised by all agencies could not be justified.

The department annually reviews all fees and charges and approves increases within guidelines. For example private patient fees in public hospitals are indexed annually. Charges for residential services are generally linked to pensions and are adjusted in line with pensioner indexation.

Health: parliamentary secretary expenses

- 41. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Health: In relation to all Parliamentary Secretaries within the Minister's portfolio, what are the expenses of the office of each such Secretary since 30 March 1996, including — (i) domestic and international travel; (ii) air charter travel; (iii)

QUESTIONS ON NOTICE

1272

COUNCIL

Tuesday, 19 May 1998

travel allowance and incidental travel expenses; (iv) car hire; (v) credit card expenses; (vi) office salaries and wages; (vii) accommodation expenses; and (viii) entertainment and alcohol expenses.

ANSWER:

The Office of the Parliamentary Secretary for the Minister for Health had the following expenses:

- (i) \$1,580.20
- (ii) Nil
- (iii) \$454.00
- (iv) Nil
- (v) Nil
- (vi) All salary and wages for the Parliamentary Secretary and staff are paid from Parliament of Victoria.
- (vii) The Parliamentary Secretary and staff occupy an office in the Ministerial suite at 555 Collins Street, Melbourne.
- (viii) Nil

Health: taxes, charges and fees

- 134. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Health: In relation to each department and agency within the Minister's portfolio, what taxes, charges and fees have been adjusted since 30 March 1996, indicating all details of the level of the tax, charge or fee as at 30 March 1996, the amount of the increase(s) and/or decrease(s), and the current level.

ANSWER:

The information requested has been provided in the response to Legislative Council question no. 39.

Health: asset sales

- 135. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Health: In relation to each department and agency within the Minister's portfolio, what asset sales have taken place since 30 March 1996, indicating — (i) the sale price; (ii) the buyer of the asset; (iii) whether there was a tender process; and (iv) the valuation of the asset prior to sale.

ANSWER:

The Honourable M. Gould is referred to the attached extract from the Department of Human Services Property Disposal Program which outlines what asset sales have taken place within my portfolio. It should be noted that the properties in question were either sold through public auction or through private treaty. Specific purchaser details have been withheld due to commercial confidentiality.

DEPARTMENT OF HUMAN SERVICES

PROPERTY DISPOSAL PROGRAM

30 March 1996 to 28 February 1998

STREET NAME	SUBURB/TOWN	FACILITY NAME / TYPE	SALE PRICE
MINISTER FOR HEALTH			\$'s
Albert Road	Beechworth	Mayday Hills	750,000
Dingle Road	Beechworth	Mayday Hills	2,000

QUESTIONS ON NOTICE

Tuesday, 19 May 1998

COUNCIL

1273

STREET NAME	SUBURB/TOWN	FACILITY NAME / TYPE	SALE PRICE
Albert Road	Beechworth	Mayday Hills (Craig Hse)	210,000
Glenhuntly/Jasmine Sts	Elsternwick	Former CMHC	887,000
A'Beckett Road	Bunyip	Shelley Hospital	120,000
Wood Street	East Preston	Old Pleasant	87,000
		View A&D	
Wood Street	East Preston	Old Pleasant	500
		View A&D	
Wood Street	East Preston	Old Pleasant	118,000
		View A&D	
Wood Street	East Preston	Old Pleasant	119,000
		View A&D	
Byng Avenue	Heatherton	Staff Residence	77,000
Byng Avenue	Heatherton	Staff Residence	86,000
Kingston Road	Heatherton	Staff Residence	88,400
Kingston Road	Heatherton	Staff Residence	106,700
Kingston Road	Heatherton	Staff Residence	91,000
Adamson Street	Heidelberg	Psych Rehab	238,000
		Dwelling	
Lt Lonsdale Street	Melbourne (City)	Old Peter	3,686,250
		MacCallum Hosp	
Park Street	Parkville	Staff Residence	317,000

Health: capital works

231.-308.

THE HON. M. M. GOULD ---- To ask the Honourable the Minister for Health: In respect of each department, agency and authority within his administration, what are the details of the capital works projects (including the cost of each project) undertaken in 1995-96 and 1996-97 in the local government area *.

ANSWER:

The department's capital works information management system holds capital project information by departmental region only, not local authority area (LGA). Therefore, the LGA information requested cannot be provided.

[*Note: Question nos 231 to 308 are the same except that they refer to different municipalities]

*231	Alpine Shire Council	*246	Shire of Corangamite
*232	Rural City of Ararat	*247	City of Darebin
*233	City of Ballarat	*248	Delatite Shire Council
*234	City of Banyule	*249	East Gippsland Shire Council
*235	Bass Coast Shire Council	*250	Frankston City Council
*236	Baw Baw Shire Council	*251	Gannawarra Shire
*237	City of Bayside	*252	City of Glen Eira
*238	City of Boroondara	*253	Glenelg Shire Council
*239	City of Brimbank	*254	Golden Plains Shire Council
*240	Buloke Shire	*255	City of Greater Bendigo
*241	Campaspe Shire Council	*256	City of Greater Dandenong
*242	Cardinia Shire Council	*257	City of Greater Geelong
*243	City of Casey	*258	City of Greater Shepparton
*244	Central Goldfields Shire	*259	Hepburn Shire
*245	Shire of Colac-Otway	*260	Hindmarsh Shire

QUESTIONS ON NOTICE

1274

COUNCIL

Tuesday, 19 May 1998

*261	City of Hobsons Bay	*285	Murrindindi Shire Council
*262	Horsham Rural City	*286	Nillumbik Shire Council
*263	City of Hume	*287	Northern Grampians Shire
*264	Indigo Shire Council	*288	City of Port Phillip
*265	City of Kingston	*289	Shire of Pyrenees
*266	City of Knox	*290	Borough of Queenscliff
*267	La Trobe Shire Council	*291	South Gippsland Shire Council
*268	Loddon Shire	*292	Shire of Southern Grampians
*269	Macedon Ranges Shire	*293	City of Stonnington
*270	City of Manningham	*294	Strathbogie Shire Council
*271	City of Maribymong	*295	Surf Coast Shire
*272	Maroondah City Council	*296	Swan Hill Rural City Council
*273	City of Melbourne	*297	Towong Shire Council
*274	Shire of Melton	*298	Wangaratta Rural City Council
*275	Mildura Rural City	*299	Warrnambool City Council
*276	Mitchell Shire Council	*300	Wellington Shire Council
*277	Moir Shire Council	*301	West Wimmera Shire
*278	City of Monash	*302	City of Whitehorse
*279	City of Moonee Valley	*303	City of Whittlesea
*280	Shire of Moorabool	*304	Wodonga Rural City Council
*281	City of Moreland	*305	City of Wyndham
*282	Shire of Mornington Peninsula	*306	City of Yarra
*283	Mount Alexander Shire	*307	Shire of Yarra Ranges
*284	Moyne Shire	*308	Yarriambiack Shire

Health: staff

494. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health: What are the details of staff employed by the Department of Human Services for each year from 1992–93 to 1996–97, including full breakdowns by— (i) classification (including details of reclassification where appropriate); (ii) gender; and (iii) years of service.

ANSWER:

The staffing levels, expressed in Equivalent Full Time (EFT) terms include only staff directly employed by the Department.

1. Staffing levels (EFT) by Major Classification

			Financial Year		
Major Classification	92–93	93–94	94–95	95–96	96–97
Administrative Officers	3733	3713	2693	914	-
Child, Adolescent & Family Welfare Officers*	-	-	-	-	1565
Facility Services Officers	961	810	813	303	204
Health & Community Services Workers*	-	-	-	311	510
Housing Services Officers*	-	-	462	469	518
Intellectual Disability Services Officers	2751	2756	2803	2914	3011
Medical Officers	136	120	113	24	-
Nurses	2891	2616	2372	1109	618
Psychiatric Services Officers	148	133	136	21	15
Psychologist	168	168	165	83	-
Social Workers	908	985	1007	813	-
Therapists	207	201	197	66	-

QUESTIONS ON NOTICE

Tuesday, 19 May 1998

COUNCIL

1275

			Financial Year		
Major Classification	92-93	93-94	94-95	95-96	96-97
Victorian Public Service Officers*	-	-	588	2313	3274
Youth & Child Care Workers	623	600	591	542	-
Other various groups	1484	1232	1170	727	267
Total	14010	13334	13110	10609	9982

* broadbanded classifications.

Note:

From the 1994/5 financial year new broadbanded classifications were introduced in the Victorian Public Service to promote mobility and flexibility in staff deployment. For example, the Victorian Public Service Officers category includes the former classifications of Administrative Officers, Legal Officers and Computer Systems Officers. For comparative purposes, where possible, figures have been consolidated into the new classifications and in some cases estimated.

From the 1995/6 financial year when the Department was formed, the workforce profiles include staff of the former:

Department of Health and Community Services;

Office of Housing, (which was previously located in the then Department of Planning and Development);

Office of Youth Affairs (from the then Department of Business & Employment).

For the financial years 1992/93, 1993/94, and 1994/95 workforce profiles for the Office of Housing and the Office of Youth Affairs are not available and have been estimated based on 1995/96 data.

The data for 1995/96 reflects the transfer of over 2,000 EFT to Public Hospitals as a result of the mainstreaming of the majority of the Mental Health Services by the Department.

2. Staffing levels (EFT) by Gender

Financial Year	Total EFT	Male EFT	Female EFT
1992-3	14010	5468	8542
1993-4	13334	5049	8285
1994-5	13110	4930	8180
1995-6	10609	3830	6779
1996-7	9982	3596	6386

3. Years of Service (frequency distribution table)

Financial Year	< 1 year	< 3 years	< 5 years	< 7 years	< 10 years	10 years or more	Total %
1992-3	10.8	19.5	21.5	14.5	14.2	19.5	100
1993-4	12.7	19.6	16.8	16.7	15.2	19.0	100
1994-5	15.0	17.6	13.5	17.7	15.7	20.5	100
1995-6	14.1	19.7	14.2	13.0	17.6	21.4	100
1996-7	11.8	21.0	12.9	11.5	19.5	23.3	100

Note:

The *years of service (within Department)* table is based on staff paid in the last pay period of each financial year and is expressed in row percentage terms.

Health: acute health capital works

496. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health: What are the details of capital works expenditure, including both allocated and actual expenditure, from 1992–93 to 1996–97 for the acute health program.

ANSWER:

Details of capital works programs for the Department of Human Services are contained in the relevant budget papers, economic statements and also in information kits prepared by the department.

Health: ambulance services capital works

497. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health: What are the details of capital works expenditure, including both allocated and actual expenditure, from 1992–93 to 1996–97 for the ambulance services program.

ANSWER:

Please refer to the response given for Legislative Council question No. 496.

Health: aged care capital works

498. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health: What are the details of capital works expenditure, including both allocated and actual expenditure, from 1992–93 to 1996–97 for the aged care services program.

ANSWER:

Please refer to the response given for Legislative Council question No. 496.

Health: community health services capital works

500. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health: What are the details of capital works expenditure, including both allocated and actual expenditure, from 1992–93 to 1996–97 for the community health services program.

ANSWER:

Please refer to the response given for Legislative Council question No. 496.

Health: drug treatment services capital works

501. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health: What are the details of capital works expenditure, including both allocated and actual expenditure, from 1992–93 to 1996–97 for the drug treatment services program.

ANSWER:

Please refer to the response given for Legislative Council question No. 496.

Health: mental health services capital works

502. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health: What are the details of capital works expenditure, including both allocated and actual expenditure, from 1992–93 to 1996–97 for the mental health services program.

ANSWER:

Please refer to the response given for Legislative Council question No. 496.

Health: public health services capital works

503. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health: What are the details of capital works expenditure, including both allocated and actual expenditure, from 1992–93 to 1996–97 for the public health services program.

ANSWER:

Please refer to the response given for Legislative Council question No. 496.

Health: disability services capital works

504. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health: What are the details of capital works expenditure, including both allocated and actual expenditure, from 1992–93 to 1996–97 for the disability services program.

ANSWER:

Please refer to the response given for Legislative Council question No. 496.

Health: youth and family services capital works

505. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health: What are the details of capital works expenditure, including both allocated and actual expenditure, from 1992–93 to 1996–97 for the youth and family services program.

ANSWER:

Please refer to the response given for Legislative Council question No. 496.

Health: Aboriginal services capital works

506. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health: What are the details of capital works expenditure, including both allocated and actual expenditure, from 1992–93 to 1996–97 for the Aboriginal services program.

ANSWER:

Please refer to the response given for Legislative Council question No. 496.

Health: public housing capital works

507. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health: What are the details of capital works expenditure, including both allocated and actual expenditure, from 1992–93 to 1996–97 for the public housing program.

ANSWER:

Please refer to the response given for Legislative Council question No. 496.

Health: land and building sales

508. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health: What are the details of land and building sales, including value of sales, by the Department of Human Services/Department of Health and Community Services from 1992–93 to date.

ANSWER:

Full details of the land and building sales, including the value of sales, in accordance with your request, are listed in the attached document.

DEPARTMENT OF HUMAN SERVICES

PROPERTY DISPOSAL PROGRAM

STREET NAME	SUBURB /TOWN	FACILITY NAME/TYPE	SALE PRICE \$'s
1992/1993 Sales			
Albert Road	Beechworth	Mayday Hills	90,000
Albert Road	Beechworth	Mayday Hills	54,000
Albert Road	Beechworth	Mayday Hills	90,000
Albert Road	Beechworth	Mayday Hills	130,000
Kingston Road	Cheltenham	Heatherton	560,000
Cleeland Street	Dandenong		410,000
Jells Road	Glen Waverley	F.G.H.	190,000
Laurel Street	St Albans	vacant land	900,000
1993/1994 Sales			
Finn Street	Bendigo	Sandhurst IDS TC	393,000
Finn Street	Bendigo	Sandhurst IDS TC	85,000
Nicholson / Princes Street	Carlton	Carlton Site	864,000
Para Road	Greensborough	CRU 199	165,000
Manningham Road	Lower Templestowe		880,000
Ross Street	Malmsbury	Malmsbury YTC	14,900
Ross Street	Malmsbury	Malmsbury YTC	17,000
Ross Street	Malmsbury	Malmsbury YTC	18,800
Ross Street	Malmsbury	Malmsbury YTC	18,700
Swanston / Lonsdale	Melbourne (City)		12,500
Whitehorse Road	Mitcham		196,000
Springvale Road	Nunawading	Nunawading Y.R.C.	1,694,000
Back Beach Road	Portsea		445,000
St Kilda Road	South Melbourne		12,987,000

QUESTIONS ON NOTICE

Tuesday, 19 May 1998

COUNCIL

1279

STREET NAME	SUBURB /TOWN	FACILITY NAME/TYPE	SALE PRICE \$'s
1994/1995 Sales			
Sturt Street	Ballarat		300,000
Plenty Road	Bundoora	Larundel	880,000
Pearcedale/Coleraine Rds	Broadmeadows	Broadmeadows CHC	654,000
Sarona Street	Dandenong	CRU 22	110,000
Raynor Street	Footscray	Psych Clinic	75,000
Glenferrie Road	Hawthorn		421,000
Ross Street	Malmsbury	Malmsbury YTC	17,000
Glenferrie Road	Malvern	Malvern Clinic	0
Buckley Street	Morwell		56,000
Weels / Dodds	South Melbourne	Old Prince Henry's Hosp	4,511,000
Weels / Dodds	South Melbourne	Old Prince Henry's Hosp	3,611,000
Weels / Dodds	South Melbourne	Old Prince Henry's Hosp	4,432,000
Smith Street	Warragul		205,000
1995/1996 Sales			
Crundale Street	Ashwood	CRU 197	127,000
Nicholson Street	Carlton North	Comm House 1&2/CRU198	384,500
Ross Street	Malmsbury	Malmsbury YTC	18,000
Ross Street	Malmsbury	Malmsbury YTC	22,000
Cardinia Rd/Princes Hwy			3,800,000
1996/1997 Sales			
Albert Road	Beechworth	Mayday Hills	750,000
Albert Road	Beechworth	Mayday Hills (Craig Hse)	210,000
Glenhuntly/ Jasmine Sts	Elsternwick	Former CMHC	887,000
Plenty Road	Bundoora	Janefield T.C.	10,500,000
Gwynne Street	Richmond	CRU 123	165,000
Bridport Street	Albert Park		490,000
Balmoral Drive	Parkdale	FGH 31	142,000
Wood Street	East Preston	Old Pleasant View A&D	87,000
Wood Street	East Preston	Old Pleasant View A&D	118,000
Wood Street	East Preston	Old Pleasant View A&D	119,000
Watsons Road	Diggers Rest	Langi Kal Kal Farm	412,000
1997 / 1998 Sales (To February 1998)			
Dingle Road	Beechworth	Staff Residence	2,000
A'Beckett Road	Bunyip	Shelley Hospital	120,000
Thomas Street	Dandenong	Regional Office	4,450,000
Wood Street	East Preston	Old Pleasant View A&D	500
Byng Avenue	Heatherton	Staff Residence	77,000

QUESTIONS ON NOTICE

1280

COUNCIL

Tuesday, 19 May 1998

STREET NAME	SUBURB /TOWN	FACILITY NAME/TYPE	SALE PRICE \$'s
Byng Avenue	Heatherton	Staff Residence	86,000
Kingston Road	Heatherton	Staff Residence	88,400
Kingston Road	Heatherton	Staff Residence	106,700
Kingston Road	Heatherton	Staff Residence	91,000
Adamson Street	Heidelberg	Psych Rehab Dwelling	238,000
Mons Parade	Noble Park	Vacant land	115,000
Lt Lonsdale Street	Melbourne (City)	Old Peter MacCallum Hospital	3,686,250
Park Street	Parkville	Staff Residence	317,000
Rangeview Drive	Traralgon	CRU 260	114,500

Health: public hospital and nursing home closures

510. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health: Will the Minister provide a full list of public hospitals and nursing homes which have been closed since October 1992.

ANSWER:

- 21 September 1992 *Victoria Police Hospital* ceases to operate as a public hospital.
- 1 April 1993 *Eildon Hospital* amalgamated with *Upper Goulburn Community Health Service* Incorporated to form ***Darlingford Nursing Home***.
- 1 September 1993 *Koroit & District Memorial Hospital* changes role to a Nursing Home
- 31 October 1993 *Elmore Hospital* and *Rochester and District War Memorial Hospital* amalgamated to form ***Rochester and Elmore District Health Service*** and inpatient services ceased to be provided at Elmore.
- December 1993 *Macarthur Hospital* changed its role to primary care service.
- 4 January 1994 *Werribee District Hospital* closed following the opening of Mercy Public Hospitals Incorporated, Werribee Campus.
- 1 June 1994 *Clunes Hospital (F11)* changed its role to primary care service.
- 30 June 1994 *Moreland Hall Alcoholism & Drug Treatment Centre (Y30)* ceased its reporting of public acute inpatient services. The agency was recognised under the 1988 Medicare Agreement even though it was registered as a private hospital. It was not recognised under the 1993 Medicare Agreement. Consequently its bed numbers and activity have generally been reported with public rather than private hospitals during the life of the 1988 Medicare Agreement. It closed with legal effect from 1 July 1994 and its last quarterly return was for the June 1994 quarter.
- 1 November 1994 *Winchelsea and District Hospital* and *Beeac and District Hospital* amalgamated with Leigh Community Health Centre Inc to form ***Hesse Rural Health Service*** and ceased acute services at Beeac.
- 1 November 1994 *Terang and District (Norah Cosgrove) Community Hospital* and *Mortlake District Hospital* amalgamated to form ***Terang & Mortlake Health Service*** and inpatient services ceased to be provided at Mortlake.
- 1 January 1995 *Camperdown District Hospital* and *Lismore and District Hospital* amalgamated with Lismore Derrinallum Nursing Home Society Incorporated to form ***The Corangamite Regional Hospital Services*** and inpatient services ceased to be provided at Lismore.

QUESTIONS ON NOTICE

Tuesday, 19 May 1998

COUNCIL

1281

- 1 March 1996 *Waranga Memorial Hospital* amalgamated with *Goulburn Valley Base Hospital*. New agency retained the name of ***Goulburn Valley Base Hospital***.
- June 1996 *Fairfield Hospital* closed.
- 31 October 1996 *Mordialloc Cheltenham Community Hospital*, a campus of Southern Health Care Network, closed. Site of hospital to be used for the delivery of primary care services.
- 28 November 1996 *Altona Hospital*, a campus of the Western Health Care Network, closed. Site of hospital under review for future community use.
- 4 December 1996 *Burwood & District Community Hospital*, a campus of Inner & Eastern Health Care Network, closed.
- 1 January 1997 *Colac Community Health Services and Birregurra and District Community Hospital* amalgamated. The new agency retained the name of ***Colac Community Health Services*** and inpatient services ceased being provided at Birregurra.
- 2 February 1998 *Preston & Northcote Community Hospital*, a campus of the North Western Health Care Network, ceased to exist and services now provided at the new Northern Hospital.

Health: nursing home beds

- 591. THE HON. C. J. HOGG** — To ask the Honourable the Minister for Health: In relation to the Government's plan to remove "top up" funding from 1 July 1998 for nursing home beds at — (i) the Maryborough Hospital (part of Maryborough District Health Service); (ii) the Dunolly Hospital (part of Maryborough District Health Service); (iii) the Maldon Hospital; (iv) the Mt Alexander Hospital (Castlemaine); and (v) the Bendigo Health Care Group:
- (a) What is the amount of such funding for the 1997–98 financial year.
 - (b) What impact does the Minister expect the loss of funds in 1998–99 will have on each hospital.
 - (c) What effect will the budget cut have on the nursing home residents at each hospital.

ANSWER:

- (a) The Maryborough District Health Service will receive approximately \$156,000 in Standard Aggregated Module (SAM) "top up" funding which will be used across its Maryborough and Dunolly Campuses in the 1997–98 financial year, the Maldon Hospital approximately \$50,900, the Mt Alexander Hospital approximately \$286,500 and the Bendigo Health Care Group approximately \$811,800.
- (b) The government has no plans to remove SAM "top up" funding from these Hospitals in 1998–99. Consequently, the level of funding received by the hospital from this source will remain unchanged.
- (c) This government has no intention of compromising the standard of care received by public nursing home residents in this state.

Finance: Workcover advertising

- 598. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Finance: In relation to the Victorian Workcover Authority, what are the details of all advertising contracts or consultancies for the period 1 April to 30 June 1996 and for the financial year 1996–97, indicating — (i) the name of the company contracted to perform the advertising work; (ii) the value of the consultancy or contract; (iii) the nature of the consultancy or contract; (iv) the duration of the contract or consultancy; and (v) whether tenders were called.

ANSWER:

- (i) Baellen communications Pty Ltd.
- (ii) 1 April — 30 August 1996 — \$8,180 per calendar month and from 1 September — \$8,700 per calendar month.
- (iii) To provide administrative advertising services to assist in the production and placement of advertising campaigns.
- (iv) Initial contract period — 8 August 1994 until 31 August 1996.

The current contract period is 2 September 1996 — 1 September 1999.

- (v) Yes.

(Figures do not include advertising production costs which are quoted individually per electronic advertisement while print advertisements are produced in-house)

Roads and Ports: Melbourne Port Authority advertising

- 601. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Roads and Ports: In relation to the Melbourne Port Authority, what are the details of all advertising contracts or consultancies for the period 1 April to 30 June 1996 and for the financial year 1996–97, indicating — (i) the name of the company contracted to perform the advertising work; (ii) the value of the consultancy or contract; (iii) the nature of the consultancy or contract; (iv) the duration of the contract or consultancy; and (v) whether tenders were called.

ANSWER:

I am unable to provide a response as this does not fall within my portfolio responsibilities.

Finance: Victorian Workcover Authority salaries

- 602. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Finance: In relation to the Victorian Workcover Authority for the period 1 April to 30 June 1996 and for the financial year 1996–97, what did the Authority spend on — (i) executive salaries; (ii) travel; (iii) consultancies; (iv) administration salaries; and (v) its internal media or public relations unit.

ANSWER:

- (i) The details of executive salaries are published in the respective annual reports of the Victorian Workcover Authority.
- (ii) Travel

April to June 1996	\$30,949
July '96 to June '97	\$401,214
- (iii) The details of consultancies are published in the respective annual reports of the Victorian Workcover Authority.
- (iv) Administration salaries

April to June 1996	\$2,978,379
July '96 to June '97	\$25,275,240
- (v) The information requested has been substantially provided in the response to Question No. 144 which was tabled in the Legislative Council on 22 April 1998.

Roads and Ports: Melbourne Port Authority salaries

606. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports: In relation to the Melbourne Port Authority for the period 1 April to 30 June 1996 and for the financial year 1996–97, what did the Authority spend on — (i) executive salaries; (ii) travel; (iii) consultancies; (iv) administration salaries; and (v) its internal media or public relations unit.

ANSWER:

I am unable to provide a response as this does not fall within my portfolio responsibilities.

Roads and Ports: electorate road funding

613. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports: In respect of the 1996–97 financial year what was the total amount of road funding allocated to each State electorate.

ANSWER:

Vicroads financial management system does not directly record all road funding by electorate.

The information has not been provided as the costs to assemble and verify the information cannot be justified.

Roads and Ports: municipal road funding

614. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports: In respect of the 1996–97 financial year what was the total amount of road funding allocated to each local government area.

ANSWER:

Vicroads financial management system does not directly record all road funding by municipality.

The information has not been provided as the costs to assemble and verify the information cannot be justified.

Roads and Ports: Roads Corporation

634. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports: What was the level of staff and budget allocated to the Roads Corporation (Vicroads) in 1997.

ANSWER:

Please refer to the 1996–97 annual report of the Roads Corporation.

Roads and Ports: Marine Board of Victoria

635. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports: What was the level of staff and budget allocated to the Marine Board of Victoria in 1997.

ANSWER:

Please refer to the 1996–97 annual report of the Marine Board.

Premier: Melbourne capital works programs

637. THE HON. M. M. GOULD — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Premier): What were the capital works projects for the Department of Premier and

Cabinet in 1995–96, 1996–97 and 1997–98, respectively, in the local government area of the City of Melbourne.

ANSWER:

Details concerning the capital works projects for the Department of Premier and Cabinet in 1995–96, 1996–97 and 1997–98 can be found in Budget Information Paper No.1 'Public Sector Capital Works' for each of the respective financial years.

Roads and Ports: *Victorian Boating Guide*

638. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports: In respect of the free publication *Victorian Boating Guide (Marine Board)* for 1997 — (i) how many copies were distributed; and (ii) what was the budget allocated for the preparation, printing and distribution of the publication.

ANSWER:

- (i) 95,000
- (ii) \$15,500.00

Roads and Ports: *Motor Bulletin*

639. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports: In respect of the free publication *Motor Bulletin (Weekly) (Road Corporation)* for 1997 — (i) how many copies were distributed; and (ii) what was the budget allocated for the preparation, printing and distribution of the publication.

ANSWER:

- (i) Vicroads publishes a twice weekly Roadworks Bulletin, formally known as the Motoring Bulletin. Approximately 400 copies are distributed to the transport industry, the media and emergency services.
- (ii) The annual cost to prepare, print and distribute the Roadworks Bulletin is approximately \$30,000.

Roads and Ports: *World Class Taxis for Victoria*

640. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports: In respect of the free publication *World Class Taxis for Victoria* for 1997 — (i) how many copies were distributed; and (ii) what was the budget allocated for the preparation, printing and distribution of the publication.

ANSWER:

It is estimated that not more than 200 copies of the free publication *World Class Taxis for Victoria* were distributed in 1997.

The free publication *World Class Taxis for Victoria* was not reprinted in 1997 and, therefore, there was no budget allocation for this publication.

Roads and Ports: taxi licences

641. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports: How many vehicles were licensed by the Victorian Taxi Directorate to operate as a taxi for 1997 within the — (i) City of Greater Geelong; (ii) City of Greater Bendigo; (iii) City of Ballarat; (iv) City of Warrnambool; (v) Rural City of Mildura; and (vi) La Trobe Shire.

QUESTIONS ON NOTICE

Tuesday, 19 May 1998

COUNCIL

1285

ANSWER:

In 1997, there were:

- (i) 124
- (ii) 43
- (iii) 54
- (iv) 18
- (v) 18
- (vi) 37

Roads and Ports: caravans

643. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports: How many new caravans were registered in 1997.

ANSWER:

Two thousand two hundred and fifty one (2,251).

Roads and Ports: B-double trailers

644. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports: How many new trucks approved to haul B-double trailers were registered in 1997.

ANSWER:

Three hundred and fifty three (353).

Roads and Ports: trucks

645. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports: How many new trucks were registered in 1997.

ANSWER:

Seven thousand nine hundred and five (7,905).

Roads and Ports: motor cars

646. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports: How many new motor cars were registered in 1997.

ANSWER:

The number of new sedan motor cars registered in 1997 was 172, 029.

Roads and Ports: licences

647. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports: In 1997 how many persons in each licence category were — (i) suspended; and (ii) disqualified.

QUESTIONS ON NOTICE

1286

COUNCIL

Tuesday, 19 May 1998

ANSWER:

SUSPENDED/CANCELLED/DISQUALIFIED BY LICENCE CATEGORY FULL/PROBATIONARY				
	MOTOR CAR		MOTOR CYCLE	
Year	Suspended	Cancelled	Suspended	Cancelled
1997	28,822	14,099	3,051	1,232
PERMITS				
	MOTOR CAR		MOTOR CYCLE	
Year	Suspended	Cancelled	Suspended	Cancelled
1997	362	1,148	444	1,459

Note 1. If a motor car licence is cancelled or suspended then any heavy vehicle category associated with this licence is also cancelled or suspended.

Note 2. A person whose licence is suspended is disqualified from driving for the period of the suspension. A person whose licence is cancelled by a court is disqualified from driving for a period specified by the court, or if no period is specified for three months.

Roads and Ports: licences

648. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports: How many persons were granted licences in each category in 1997.

ANSWER:

FULL/PROBATIONARY/PERMIT LICENCE CATEGORIES					
MOTOR CAR					
Year	Full		Probationary		Permit
1997	28,682		123,383		82,333
MOTOR CYCLE					
Year	Full		Probationary		Permit
1997	9,351		3,962		13,987
HEAVY VEHICLE LICENCE CATEGORIES (BUS & TRUCK)					
Year	Light Rigid	Medium Rigid	Heavy Rigid	Heavy Combination	Multi Combination
1997	1,380	3,202	3,725	1,123	942

Note 1. Some car licences also include a heavy vehicle and/or a motor cycle licence category and so may appear more than once in the above figures. This occurs when an interstate licence holder, who holds more than one category of licence, converts this licence to a Victorian licence.

Note 2. Probationary licences are normally issued for a period of three years and automatically convert to a full licence when the probationary period ends. Probationary licences converting to a full licence are not included in the number of full licences issued.

Roads and Ports: taxi licences

650. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports: How many persons had their licence to drive a taxi withdrawn by the Victorian Taxi Directorate in 1997 following — (i) complaints by a passenger not resulting in charges being made; (ii) complaints by a passenger resulting in charges being made; and (iii) convictions arising from a complaint by a passenger.

ANSWER:

- (i) 32
- (ii) Nil
- (iii) Nil

Roads and Ports: taxi licences

651. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports: How many persons had their licence to drive a taxi withdrawn by the Victorian Taxi Directorate in 1997 as a result of probity concerns.

ANSWER:

In 1997, as a result of probity concerns:
 40 persons had their taxidriver's certificates revoked; and
 17 persons had their taxidriver's certificates suspended.

Planning and Local Government: Building Advisory Council

662. THE HON. M. M. GOULD — To ask the Honourable the Minister for Finance (for the Honourable the Minister for Planning and Local Government): In relation to the Building Advisory Council — (i) who are the current members; (ii) who appointed the members and when; (iii) what is the term of each member's appointment; and (iv) what remuneration or fees are received by each Council member in relation to Council duties.

ANSWER:

The answer supplied by the Minister for Planning and Local Government is:

Members of the Building Advisory Council are appointed by the Minister for Planning and Local Government.

Fees are set at \$280 per day for the Chairperson and at \$245 per day for members. Members who are paid employees of nominating industry bodies do not receive remuneration.

Member	Appointed From	Appointed To	Remunerated
Max J Croxford	1.4.97	31.3.2000	No
Tony Cutchcliffe	1.4.97	31.3.2000	No
Peter Clarke	1.4.97	31.3.2000	No
Carolyn Lloyd	1.4.97	31.3.2000	No
Bryan Miller	1.4.97	31.3.2000	Yes
Brian Welch	1.4.97	31.3.2000	No

Roads and Ports: Roads Corporation Advisory Board

663. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports: In relation to the Roads Corporation Advisory Board — (i) who are the members, when were they appointed and what are the terms of each appointment; (ii) what remuneration or fees are paid to Board members for attending Board meetings; (iii) what is the industry background of each member.

ANSWER:

In accordance with Sections 30(4)(b) and 30(8) of the Transport Act 1983, the members of the Roads Corporation Advisory Board as appointed on 18 July 1997 are:

For the period from 1 July 1997 until 30 June 1999 (both dates inclusive)

Appointee	Remuneration*	Industry Background
Ian Bird	\$122 per full day meeting or \$61 per half day meeting	Dairy
Susan Lightbody	Nil	Roads Corporation
Jeffrey Moran	Nil	Roads Corporation
David Harris	Nil	Roads Corporation
Bill Noonan	\$122 per full day meeting or \$61 per half day meeting	Transport
Gary Bradd	\$122 per full day meeting or \$61 per half day meeting	Taxis
Harry Gooden	\$122 per full day meeting or \$61 per half day meeting	Transport
Maurice Sharkey	\$122 per full day meeting or \$61 per half day meeting	Local Government
Alan Robert Johnson	Nil	Victoria Police
Jim Hinton	\$122 per full day meeting or \$61 per half day meeting	Agriculture
Colin Jordan	Nil	Chief Executive, Roads Corporation

Appointee	Remuneration*	Industry Background
------------------	----------------------	----------------------------

For the period from 1 July 1997 until 30 June 1998 (both dates inclusive).

Roger Banks	\$122 per full day meeting or \$61 per half day meeting	Transport
-------------	--	-----------

Note: * Each member is entitled to travelling and other personal expenses in accordance with the rates that apply within the Victorian Public Service in respect of duties as a member of the board.

The chief executive of the corporation is the chairman of the advisory board.

Aged Care: advertising

677. THE HON. M. M. GOULD — To ask the Honourable the Minister for Aged Care: In respect of each department, agency and authority within his administration, what are the details of all advertising campaigns for the 1996–97 financial year, indicating — (i) the purpose and total costs of each campaign; and (ii) the total advertising budget in his ministerial portfolio for that year.

ANSWER:

A number of community awareness campaigns have been conducted to promote specific issues critical to the effective delivery of human services. We do not advertise, but run promotional campaigns as a component of the broader communication strategy.

- (i) Seniors Citizens Week to promote the means of obtaining program booklets and specific events of the Week. The total cost of the campaign was \$29,600.
- (ii) In the 1996–97 financial year there was no central budget for advertising. Each Division is responsible for its own program expenditure on advertising contracts and consultancies.

Roads and Ports: advertising

679. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports: In respect of each department, agency and authority within his administration, what are the details of all advertising campaigns for the 1996–97 financial year, indicating the — (i) purpose and total cost of each campaign; and (ii) total advertising budget in his ministerial portfolio for that year.

ANSWER:

Refer to the answer to question No. 821.

Transport: advertising

687. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports (for the Honourable the Minister for Transport): In respect of each department, agency and authority within his administration, what are the details of all advertising campaigns for the 1996–97 financial year, indicating the — (i) purpose and total costs of each campaign; and (ii) total advertising budget in his ministerial portfolio for that year.

ANSWER:

Refer to the answer to question No. 820

Finance: ministerial expenses

716. THE HON. M. M. GOULD — To ask the Honourable the Minister for Finance: From December 1996 to 30 June 1997 what are the details of expenses of the office of the Minister, including — (i) staff salaries and on-costs; (ii) the number of Ministerial staff (including driver); (iii) other Ministerial office operating (recurrent) expenses; (iv) the Minister's and/or his office's international flights and what were their destinations; (v) the Minister's and/or his office's domestic flights; (vi) the Minister's and/or his office's charter flights; (vii) travel-related expenses; (viii) entertainment expenses; and (ix) alcohol expenses.

ANSWER:

- (i) As at 1/12/96 there were 7 staff including a driver. (Driver engaged on a contract basis only).

QUESTIONS ON NOTICE

1290

COUNCIL

Tuesday, 19 May 1998

- (ii) As this question is substantially similar and encompasses the same period of time to question 55 tabled in the Legislative Council on 12/5/98, the time and resources required to provide further details cannot be justified in this instance.

Aged Care: media research

- 717. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Aged Care: In respect of each department, agency and authority within his administration, what are the details of all media research and public opinion polling conducted in 1996–97, including — (i) the title of each poll or item of research; (ii) the date approved and the duration of the contract; (iii) the cost of the contract; (iv) the personnel or company conducting the project; (v) whether it was put to tender; (vi) recommendations made; and (vii) any actions taken by the Department, agency, authority or Minister.

ANSWER:

There was no media research or public opinion polling conducted in 1996–97 in respect of my portfolio.

Health: media research

- 718. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Health: In respect of each department, agency and authority within his administration, what are the details of all media research and public opinion polling conducted in 1996–97, including — (i) the title of each poll or item of research; (ii) the date approved and the duration of the contract; (iii) the cost of the contract; (iv) the personnel or company conducting the project; (v) whether it was put to tender; (vi) recommendations made; and (vii) any actions taken by the Department, agency, authority or Minister.

ANSWER:

There was no media research or public opinion polling conducted in 1996–97 in respect of my portfolio.

Health: ministerial expenses

- 719. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Health: From 2 March 1997 to 30 June 1997, what are the details of expenses of the office of the Minister.

ANSWER:

Until 1 July 1997, the Department of Human Services in common with most other Victorian Government Departments, kept its financial records on a monthly cash basis. Therefore, this response reflects payments charged to the Minister's Office cost centre during the period 1 March 1997 to 30 June 1997 and includes payment for expenditure incurred during earlier periods. Indirect expenses, eg Workcover, the employer's superannuation contributions and payroll tax, have been estimated.

Minister's Office — Expenses 1 March 1997 to 30 June 1997	\$
Salaries	121,276
Operating expenses	48,359
Indirect expenses	19,120
Total	188,755

Finance: pecuniary interest declaration

722. THE HON. M. M. GOULD — To ask the Honourable the Minister for Finance: Have all ministerial officers either currently or formerly employed by the Minister signed a pecuniary interest declaration; if so, on what date was the declaration signed and on what date did the employee commence employment.

ANSWER:

The information provided is from the date of my appointment as Minister for Finance. All ministerial officers employed have signed a declaration of pecuniary interests.

Health: residential allowances

725. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health: What amount has been paid in residential allowances to the Minister for the period 2 March 1997 to 30 June 1997.

ANSWER:

Pursuant to regulation 6 of the Parliamentary Allowances Regulations 1992, I am eligible for a residential allowance, and received an allowance in accordance with those regulations.

Youth and Community Services: annual reports

729. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health (for the Honourable the Minister for Youth and Community Services): In respect of each department, agency and authority within his administration, what was the total cost of annual reports for the 1995–96 and 1996–97 financial years.

ANSWER:

The responsibilities of the portfolio of Youth and Community Services are undertaken by the Department of Human Services.

The response to the question is contained within the answer to Legislative Council question No 786, autumn session 1998.

Planning and Local Government: annual reports

730. THE HON. M. M. GOULD — To ask the Honourable the Minister for Finance (for the Honourable the Minister for Planning and Local Government): In respect of each department, agency and authority within his administration, what was the total cost of annual reports for the 1995–96 and 1996–97 financial years.

ANSWER:

The answer supplied by the Minister for

Planning and Local Government:

Department of Infrastructure	1995/96	\$ 19,885
	1996/97	\$ 35,600
Architects Registration Board	1995/96	\$ 918
	1996/97	\$ 839
Building Control Commission	1995/96	\$20,297
	1996/97	\$18,369

QUESTIONS ON NOTICE

1292

COUNCIL

Tuesday, 19 May 1998

Docklands Authority	1995/96	\$ 74,566
	1996/97	\$155,085

The annual report of the Docklands Authority is one of the most valuable and credible ways of reaching and communicating the progress and opportunities to the private sector. The primary target audience of the 1996/97 Annual Report is the private sector, developers, investors, prospective end users and tenants. The content, design and size of the mailing list for distribution of the Annual Report was substantially increased and tailored to maximise the effectiveness of the report to the primary target audience. It provides well presented and readable information for other audiences such as Government and the general public.

Melbourne City Link Authority	1995/96	\$48,738
	1996/97	\$38,481
Plumbing Industry Board	1995/96	\$6,120
	1996/97	\$2,980
Urban Land Corporation	1995/96	\$ 55,563
	1996/97	\$ 80,012

Aged Care: annual reports

733. THE HON. M. M. GOULD — To ask the Honourable the Minister for Aged Care: In respect of each department, agency and authority within his administration, what was the total cost of annual reports for the 1995–96 and 1996–97 financial years.

ANSWER:

The responsibilities of the portfolio of Aged Care are undertaken by the Department of Human Services.

The response to the question is contained within the answer to Legislative Council question No 786, autumn session 1998.

Housing: annual reports

734. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health (for the Honourable the Minister for Housing): In respect of each department, agency and authority within her administration, what was the total cost of annual reports for the 1995–96 and 1996–97 financial years.

ANSWER:

The responsibilities of the portfolio of Housing are undertaken by the Department of Human Services.

The response to the question is contained within the answer to Legislative Council question No 786, autumn session 1998.

Aged Care: advertising

736. THE HON. M. M. GOULD — To ask the Honourable the Minister for Aged Care: In respect of each department, agency and authority within his administration, what was the total advertising budget for the 1995–96 and 1996–97 financial years.

ANSWER:

A number of community awareness campaigns have been conducted to promote specific issues critical to the effective delivery of human services. We do not advertise, but run promotional campaigns as a component of the broader communication strategy.

QUESTIONS ON NOTICE

Tuesday, 19 May 1998

COUNCIL

1293

The total promotional budget for the 1995–96 financial year was \$14,000 for promotional materials on access to Senior Citizens Week activities; \$60,835 for promoting the Seniors Card Program to remind older people to renew their cards and \$2,400 to the *Fifty Plus* newspaper to outline new programs and initiatives the Aged Care Division offers older Victorians.

The total for the 1996–97 financial year was \$29,600. These costs were for promotional materials on access to Senior Citizens Week activities.

Finance: consultancies

738. THE HON. M. M. GOULD — To ask the Honourable the Minister for Finance: What is the total value of fees paid in the 1995–96 and 1996–97 financial years to either Arthur Andersen and Andersen Consulting, Coopers and Lybrand, Price Waterhouse, KPMG or Deloitte, Haskins and Sells for work undertaken with the Victorian Workcover Authority, Local Authorities Superannuation Fund and the State Superannuation Fund.

ANSWER:

Victorian Workcover Authority

1995–96	\$
Arthur Andersen	841,631.00
Coopers & Lybrand	8,100.00
Deloitte, Haskins & Sells	71,245.00
Price Waterhouse	241,072.00
KPMG	281,718.00
1996–97	\$
Arthur Andersen	669,134.00
Coopers & Lybrand	11,533.00
Deloitte, Haskins & Sells	18,150.00
Price Waterhouse	39,910.00
KPMG	262,912.00

Local Authorities Superannuation

1995–96	\$
Arthur Andersen	Nil
Coopers & Lybrand	98,670.00
Deloitte, Haskins & Sells	Nil
Price Waterhouse	Nil
KPMG	Nil
1996–97	\$
Arthur Andersen	900.00
Coopers & Lybrand	65,679.00
Deloitte, Haskins & Sells	Nil
Price Waterhouse	Nil
KPMG	Nil

QUESTIONS ON NOTICE

1294

COUNCIL

Tuesday, 19 May 1998

State Superannuation Board

1995-96	\$
Arthur Andersen	Nil
Coopers & Lybrand	6,260.00
Deloitte, Haskins & Sells	17,015.00
Price Waterhouse	98,840.00
KPMG	174,000.00
1996-97	\$
Arthur Andersen	15,000.00
Coopers & Lybrand	18,860.00
Deloitte, Haskins & Sells	15,300.00
Price Waterhouse	127,110.00
KPMG	166,347.00

Gaming: poker machines

755. THE HON. M. M. GOULD — To ask the Honourable the Minister for Gaming: For each local government area in Victoria what is the number of poker machines and the amount of revenue to the Government from poker machines for the March Quarter 1997, June Quarter 1997, September Quarter 1997 and December Quarter 1997.

ANSWER:

Pursuant to section 127 of the *Gaming and Betting Act* 1994 and section 139 of the *Gaming Machine Control Act* 1991, quarterly revenue figures for Government revenue are not made available.

The number of poker machines in Victoria for the March quarter 1997, June quarter 1997, September quarter 1997 and December quarter 1997 is indicated in the attached table.

LICENSED ELECTRONIC GAMING MACHINES BY LOCAL GOVERNMENT AREA

Local Government Area	March Quarter 1997	June Quarter 1997	September Quarter 1997	December Quarter 1997.
Alpine Shine	79	77	77	77
Bass Coast Shire	242	234	237	252
Borough of Queenscliffe	35	35	35	35
City of Ballarat	601	594	610	636
City of Banyule	594	594	619	620
City of Bayside	398	366	313	318
City of Boroondara	276	276	276	266
City of Brimbank	721	722	722	740
City of Casey	670	675	672	717
City of Darebin	937	1037	1052	1044
City of Frankston	541	541	539	544
City of Glen Eira	694	699	630	644
City of Greater Bendigo	470	479	485	485
City of Greater Dandenong	1024	1129	1170	1170
City of Greater Geelong	1311	1310	1320	1360
City of Greater Shepparton	300	300	310	307
City of Hobsons Bay	445	455	452	514

QUESTIONS ON NOTICE

Tuesday, 19 May 1998

COUNCIL

1295

Local Government Area	March Quarter 1997	June Quarter 1997	September Quarter 1997	December Quarter 1997.
City of Hume	618	653	661	679
City of Kingston	919	916	933	938
City of Knox	842	837	835	844
City of Manningham	538	538	538	538
City of Maribymong	757	757	797	807
City of Maroondah	391	391	471	477
City of Melbourne	1231	1196	1161	1161
City of Monash	889	924	924	964
City of Moonee Valley	767	850	918	851
City of Moorabool	60	60	60	60
City of Moreland	808	808	791	796
City of Port Phillip	369	389	424	427
City of Stonnington	391	391	391	391
City of Warrnabool	291	280	280	280
City of Whitehorse	619	619	619	611
City of Whittlesea	575	575	575	575
City of Wyndham	501	505	505	505
City of Yarra	446	454	454	454
Golden Plains Shire	Nil	Nil	Nil	Nil
Rural City of Ararat	83	83	83	86
Rural City of Horsham	130	140	140	140
Rural City of Mildura	218	224	233	249
Rural City of Swan Hill	92	92	102	102
Rural City of Wangaratta	93	99	124	124
Rural City of Wodonga	147	142	142	142
Shire of Baw Baw	140	140	140	140
Shire of Buloke	Nil	Nil	Nil	Nil
Shire of Campaspe	100	100	105	110
Shire of Cardinia	161	166	166	172
Shire of Central Goldfields	109	109	109	109
Shire of Colac-Otway	133	133	130	125
Shire of Corangamite	49	49	49	49
Shire of Delatite	131	136	136	136
Shire of East Gippsland	336	336	328	351
Shire of Gannawarra	Nil	Nil	Nil	Nil
Shire of Glenelg	133	121	121	121
Shire of Hepburn	87	80	80	80
Shire of Hindmarsh	Nil	Nil	Nil	Nil
Shire of Indigo	Nil	Nil	Nil	Nil
Shire of La Trobe	660	673	684	656
Shire of Loddon	Nil	Nil	Nil	Nil
Shire of Macedon Ranges	75	75	75	75
Shire of Melton	192	195	195	195
Shire of Mitchell	92	92	92	142
Shire of Moira	Nil	25	25	25
Shire of Mornington Peninsula	796	784	781	803
Shire of Mount Alexander	30	30	30	30
Shire of Nillumbik	65	147	147	147
Shire of Northern Grampians	83	88	88	88

QUESTIONS ON NOTICE

1296

COUNCIL

Tuesday, 19 May 1998

Local Government Area	March Quarter 1997	June Quarter 1997	September Quarter 1997	December Quarter 1997.
Shire of Pyrenees	Nil	Nil	Nil	Nil
Shire of South Gippsland	142	142	144	148
Shire of Southern Grampians	104	99	99	99
Shire of Strathbogie	30	30	30	30
Shire of Towong	20	20	20	20
Shire of Wellington	279	309	304	339
Shire of West Wimmera	Nil	Nil	Nil	Nil
Shire of Yarra Ranges	299	302	302	313
Shire of Yarriambiack	Nil	Nil	Nil	Nil
Surf Coast Shire	123	115	115	117

Tourism: annual reports

780. THE HON. M. M. GOULD — To ask the Honourable the Minister for Tourism: In respect of each department, agency and authority within her administration, what was the total cost of annual reports for the 1995–96 and 1996–97 financial years.

ANSWER:

My advice is as listed below:

Year	Tourism Victoria	Australian Grand Prix Corporation
1995–96	\$16,087	\$7,478
1996–97	\$18,005	\$6,850

Health: annual reports

786. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health: In respect of each department, agency and authority within his administration, what was the total cost of annual reports for the 1995–96 and 1996–97 financial years.

ANSWER:

The preparation of the Department of Human Service's annual report requires significant effort across all Divisions of the Department of Human Services over many months.

The time and resources required to undertake the activity based costing analysis which would be required to identify the total cost of the Annual Report could not be justified; however, the direct costs involved are:

	1995/96 \$000	1996/97 \$000
Printing	35.7	42.6
Design and Electronic Publishing *	0.0	9.4

*In 1995/96 the design and layout for the annual report was done within the department

The time and resources required to determine the cost of annual reports to agencies and authorities within the Department's administration could not be justified.

Roads and Ports: annual reports

792. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports: In respect of each department, agency and authority within his administration, what was the total cost of annual reports for the 1995–96 and 1996–97 financial years.

ANSWER:

The total cost of Vicroads' annual report was as follows:

1995–96	\$38,067
1996–97	\$59,483

Finance: annual reports

794. THE HON. M. M. GOULD — To ask the Honourable the Minister for Finance: In respect of each department, agency and authority within his administration, what was the total cost of annual reports for the 1995–96 and 1996–97 financial years.

ANSWER:

Department of Treasury and Finance

1995–96	\$26,473.00
1996–97	\$35,320.00

Office of the Regulator-General

1995–96	\$32,803.00
1996–97	\$30,828.00

Victorian Workcover Authority *

1995–96	\$49,966.50
1996–97	\$51,265.00

* The Victorian Workcover Authority and the former Health and Safety Organisation merged on 2 July 1996. The answer for 1996/97 represents expenditure for the merged organisation.

Tourism: advertising

796. THE HON. M. M. GOULD — To ask the Honourable the Minister for Tourism: In respect of each department, agency and authority within her administration, what was the total advertising budget for the 1995–96 and 1996–97 financial years.

ANSWER:

The honourable member's question is broad and embraces advertising for a range of different purposes. The time and resources required to fully reply to this question cannot be justified.

Tourism: advertising

797. THE HON. M. M. GOULD — To ask the Honourable the Minister for Tourism: In respect of each department, agency and authority within her administration, will she provide details of advertising

QUESTIONS ON NOTICE

1298

COUNCIL

Tuesday, 19 May 1998

campaigns over \$10,000 conducted during the 1995–96 and 1996–97 financial years, indicating the purpose and cost of each campaign.

ANSWER:

Release of this detailed information would provide Victoria's competitors with commercially sensitive information, the release of which could jeopardise the essential work of the Australian Grand Prix Corporation and Tourism Victoria.

In broad terms, I am advised that the response is:

TOURISM VICTORIA

Year	Total cost
1995–96	\$3,300,000
1995–96	\$1,300,000
1996–97	\$3,700,000
1996–97	\$900,000

AUSTRALIAN GRAND PRIX CORPORATION

Year	Total cost
1995–96	\$1,419,837
1996–97	\$1,686,363

Transport: advertising

799. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports (for the Honourable the Minister for Transport): In respect of each department, agency and authority within his administration, will he provide details of advertising campaigns over \$10,000 conducted during the 1995–96 and 1996–97 financial years, indicating the purpose and cost of each campaign.

ANSWER:

Refer to the answer to question no. 820.

Gaming: Victorian Casino and Gaming Authority

800. THE HON. M. M. GOULD — To ask the Honourable the Minister for Gaming: What were the dates of all meetings of the Victorian Casino and Gaming Authority, including the details of members' attendances at each of those meetings for the 1995–96 and 1996–97 financial years.

ANSWER:

Details of meetings are provided in the annual report. I refer the honourable member to page 49 for 1995–96 and to page 71 for 1996–97.

Tourism: Australian Grand Prix

801. THE HON. M. M. GOULD — To ask the Honourable the Minister for Tourism: In respect of the Melbourne Grand Prix advertising campaigns:

- (a) What are the details to date of all campaigns over \$10,000, indicating the purpose and cost of each campaign.

What was the total advertising budget for the 1995–96 and 1996–97 financial years.

QUESTIONS ON NOTICE

Tuesday, 19 May 1998

COUNCIL

1299

ANSWER:

Refer to my answer to question 797.

Planning and Local Government: staff

805. THE HON. M. M. GOULD — To ask the Honourable the Minister for Finance (for the Honourable the Minister for Planning and Local Government): In respect of each department, agency and authority within his administration, will he provide details relating to staffing levels for the 1995–96 and 1996–97 financial years.

ANSWER:

The answer supplied by the Minister for Planning and Local Government is: Please refer to the annual reports for 1995–96 and 1996–97 of the Department of Infrastructure and its associated agencies.

Small Business: staff

807. THE HON. M. M. GOULD — To ask the Honourable the Minister for Small Business: In respect of each department, agency and authority within her administration, what are the details relating to staffing levels for the 1995–96 and 1996–97 financial years.

ANSWER:

In relation to each agency now under my administration, staffing levels were as follows :

Total Staff (*1)

30 June 1996

Small business portfolio staff	
(Department of State Development)	62.9
Liquor Licensing Commission	59.2

30 June 1997

Small business portfolio staff	
(Department of State Development)	61.8
Liquor Licensing Commission	58.2

*1 Staff, in full-time equivalents, on payroll as at 30 June each year, excluding statutory appointees.

Health: staff

808. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health: In respect of each department, agency and authority within his administration, what are the details relating to staffing levels for the 1995–96 and 1996–97 financial years.

ANSWER:

The staffing levels expressed in Equivalent Full Time (EFT) terms, include Departmental employees and staff in public hospitals and other health agencies, eg community health centres, ambulance services, from whom the Department purchases services.

Departmental staff provide services to all areas of the department and cannot be directly allocated to individual Ministers.

QUESTIONS ON NOTICE

1300

COUNCIL

Tuesday, 19 May 1998

<u>Financial Year*</u>	<u>Departmental Staff (EFT)</u>	<u>External Agency Staff (EFT)</u>	<u>Total Staff (EFT)</u>
1995/96	10,609	51,817	62,426
1996/97	9,982	51,854	61,836

* As at 30 June in each year.

Services are also purchased from a number of non-government agencies, however, as these agencies are not included under the Public Sector classification by the Public Service Commissioner the Department does not monitor staffing levels. These agencies receive funding from many sources and therefore it would be inappropriate to include them in Public Sector statistics.

Housing: staff

810. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health (for the Honourable the Minister for Housing): In respect of each department, agency and authority within her administration, what are the details relating to staffing levels for the 1995–96 and 1996–97 financial years.

ANSWER:

The portfolio of the Minister for Housing is administered through the Department of Human Services.

Departmental staff are not grouped by ministerial responsibility. Total departmental staffing levels are included in the reply to Legislative Council question no. 808, autumn session 1998.

Tourism: staff

814. THE HON. M. M. GOULD — To ask the Honourable the Minister for Tourism: In respect of each department, agency and authority within her administration, what are the details relating to staffing levels for the 1995–96 and 1996–97 financial years.

ANSWER:

My advice is:

Year	Tourism Victoria	Australian Grand Prix Corporation
1995–96	120	38
1996–97	113	39

Finance: advertising

818. THE HON. M. M. GOULD — To ask the Honourable the Minister for Finance: In respect of each department, agency and authority within his administration what are the details of all advertising campaigns for the 1995–96 and 1996–97 financial years, indicating — (i) the purpose and total costs of each campaign; and (ii) the total advertising budget in his ministerial portfolio.

ANSWER:

Department of Treasury and Finance

1995–96	Nil
1996–97	Nil

QUESTIONS ON NOTICE

Tuesday, 19 May 1998

COUNCIL

1301

Office of the Regulator-General

1995-96	\$133,359	—	to promote public awareness of the metropolitan water industry customer charter and contract.
1996-97	\$199,500	—	to promote the awareness and understanding of electricity customer charters.

Victorian Workcover Authority

1995-96	\$2.44m	—	return to work campaign for injured workers.
	\$4.24m	—	prevention campaign "Safety — think it, talk it, work it".
1996-97	\$2.31m	—	return to work campaign for injured workers.
	\$4.49m	—	prevention campaign "Safety — think it, talk it, work it".

Former Health and Safety Organisation

1995-96	\$291,881	—	to educate clients and promote the creation of the new plant regulations and the opportunity for the self-management of duties.
	\$18,273	—	to inform the community about the explosives amnesty campaign.
	\$128,780	—	to raise the awareness of health and safety issues and to encourage people to contact HSO for information.

Transport: advertising

820. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports (for the Honourable the Minister for Transport): In respect of each department, agency and authority within his administration, what are the details of all advertising campaigns for the 1995-96 and 1996-97 financial years indicating — (i) the purpose and total costs of each campaign; and (ii) the total advertising budget in his ministerial portfolio.

ANSWER:

The Department of Infrastructure and agencies within the Transport portfolio regularly advertise including advertisements for public information, job vacancies, inviting tenders, exhibition of planning scheme amendments and invitations to make submissions on reviews. Information relating to expenditure on that ad hoc advertising has not been supplied as the costs required to assemble and verify the information cannot be justified.

Details of specific advertising campaigns for the year 1995-96 and 1996-97 are:

- (i) Information relating to the 1995-96 year is included in the response to Question No. 1049 tabled on 8 April 1997.

In 1996-97 Leeds Media were contracted to develop an advertising campaign to raise awareness of the NightRider Service. The contract was valued at \$50,000 for space and creative and was for a 12 week period and was funded by NightRider operators under contract to the Department of Infrastructure.

- (ii) The information is not available in the form requested and the costs required to assemble and verify the information cannot be justified.

Roads and Ports: advertising

- 821. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Roads and Ports: In respect of each department, agency and authority within his administration, what are the details of all advertising campaigns for the 1995–96 and 1996–97 financial years indicating — (i) the purpose and total costs of each campaign; and (ii) the total advertising budget in his ministerial portfolio.

ANSWER:

The Department of Infrastructure and Agencies within the Roads and Ports portfolio regularly advertise including advertisements for public information, job vacancies, inviting tenders, exhibition of planning scheme amendments and invitations to make submissions on reviews. Information relating to expenditure on that ad hoc advertising has not been supplied as the costs required to assemble and verify the information cannot be justified.

Details of specific advertising campaigns for the year 1995–96 and 1996–97 are:

Vicroads

- (i) Information relating to the 1995–96 year is included in the response to question no. 1031 tabled on 8 April 1997.

Vicroads undertook no advertising campaigns during the 1996–97 financial year.

- (ii) The information is not available in the form requested and the costs required to assemble and verify the information cannot be justified.

Marine Board

- (i) Information relating to the 1995–96 year is included in the response to question no. 1031 tabled on 8 April 1997.

During 1996–97 a campaign for the promotion of regulatory changes relating to the operation of Personal Water Craft was undertaken on radio and in the print media at a total cost of \$ 20,955.

- (ii) The information is not available in the form requested and the costs required to assemble and verify the information cannot be justified.

Housing: ministerial expenses

- 918. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Health (for the Honourable the Minister for Housing): What are the details of expenses of the office of the Minister from 2 March to 30 June 1997.

ANSWER:

The Minister for Housing is also the Minister responsible for Aboriginal Affairs. As with other Ministers with a second portfolio, the Minister maintains only one Ministerial Office which covers both portfolios. Therefore, this response relates to the Office of the Minister for Housing and Aboriginal Affairs.

Until 1 July 1997, the Department of Human Services in common with most other Victorian Government Departments, kept its financial records on a monthly cash basis. Therefore, this response reflects payments charged to the Minister's Office cost centre during the period 1 March 1997 to 30 June 1997 and includes payments for expenditure incurred during earlier periods.

Included in the salaries and operating expenses paid between 1 March 1997 and 30 June 1997 are costs incurred from the purchase of the services of a Ministerial Transport Officer from the Department of Premier and Cabinet during the period 11 June 1996 to 1 March 1997.

QUESTIONS ON NOTICE

Tuesday, 19 May 1998

COUNCIL

1303

Indirect expenses, eg Workcover, the employer's superannuation contributions, payroll tax, have been estimated.

Minister's Office — Expenses 1 March 1997 to 30 June 1997	\$
Salaries	95,356
Operating expenses	46,404
Indirect expenses	16,447
Total	158,207

Youth and Community Services: ministerial expenses

919. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health (for the Honourable the Minister for Youth and Community Services): What are the details of expenses of the office of the Minister from 2 March to 30 June 1997.

ANSWER:

Until 1 July 1997, the Department of Human Services in common with most other Victorian Government Departments, kept its financial records on a monthly cash basis. Therefore, this response reflects payments charged to the Minister's Office cost centre during the period 1 March 1997 to 30 June 1997 and includes payments for expenditure incurred during earlier periods. Indirect expenses, eg Workcover, the employer's superannuation contributions and payroll tax have been estimated.

Minister's Office — Expenses 1 March 1997 to 30 June 1997	\$
Salaries	69,541
Operating expenses	23,350
Indirect expenses	14,681
Total	107,572

Aboriginal Affairs: staff

922. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health (for the Honourable the Minister responsible for Aboriginal Affairs): In respect of each department, agency and authority within her administration, what are the details relating to staffing levels for the years 1995–96 and 1996–97.

ANSWER:

The portfolio of the Minister responsible for Aboriginal Affairs is administered through the Department of Human Services.

Departmental staff are not grouped by ministerial responsibility. Total departmental staffing levels are included in the reply to Legislative Council question No 808, autumn session 1998.

Tourism: media research

923. THE HON. M. M. GOULD — To ask the Honourable the Minister for Tourism: In respect of each department, agency and authority within her administration, what are the details of all media research and public opinion polling conducted from March 1996 to 30 June 1997, indicating — (i) the title of each poll or item of research; (ii) the date approved and the duration of the contract; (iii) the cost; (iv) the personnel or

company conducting the project; (v) whether it was put to tender; (vi) the recommendations made; and (vii) any actions taken by the department, agency, authority or Minister.

ANSWER:

The Australian Grand Prix Corporation and Tourism Victoria annual reports provide details of consultancy services.

Premier: *PROACTIVE*

945. THE HON. M. M. GOULD — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Premier): What are the details of all issues of *PROACTIVE* produced since 1 April 1996, indicating — (i) how many issues were produced; (ii) the date for each issue; (iii) details of distribution, including numbers and cost; (iv) the number printed; (v) the cost of production; (vi) by whom it was printed; and (vii) whether tenders were called.

ANSWER:

I am informed that: The publication *PROACTIVE* is produced by the Public Records Office. I do not have responsibility for the Public Records Office in my portfolio as Premier. It is, therefore, appropriate for the Honourable Member to refer her question to me in my capacity as the Honourable the Minister for the Arts.

Aboriginal Affairs: ministerial expenses

956. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health (for the Honourable the Minister responsible for Aboriginal Affairs): What are the details of expenses of the office of the Minister from 2 March to 30 June 1997.

ANSWER:

The response to this question has been provided in Legislative Council question no. 918.

Health: Bendigo Health Care Group

1202. THE HON. C. J. HOGG — To ask the Honourable the Minister for Health: In relation to the exodus of senior management staff at the Bendigo Health Care Group during the last six months:

- (a) Is the Minister concerned, or was he at any time concerned at the number of senior staff leaving.
- (b) What steps need to be taken to stabilise the management of the group.
- (c) What measures are being taken to improve — (i) the management; and (ii) staff morale at the group.

ANSWER:

- (a) I have every confidence that the Board of Directors of the Bendigo Health Care Group is managing the organisation appropriately. There have been four senior staff leave the organisation since Mr Peter McGregor's departure on 11 November 1997. Two of the four positions were made redundant when restructures were undertaken in both Psychiatric Services and Human Resources. The other two staff members left voluntarily to pursue career opportunities. It is not unusual in an organisation of this size to have changes to the staffing complement over a five year period.
- (b) The new Chief Executive Officer, Ms Kathy Byrne has now been appointed to the Bendigo Health Care Group and I am indeed confident that she will provide the staff with a stable environment within which to work. There has also been a psychiatrist appointed to the Bendigo Health Care Group which will assist them to address the issues which they have in the Psychiatric Services Division.

- (c) The Board of Directors will manage the policy and strategic issues for the Bendigo Health Care Group. Ms Byrne will operationalise that policy and address issues relating to staff.

Health: legal affairs unit

1235. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health:

- (a) What is the number of staff and cost of the Legal Affairs Unit or units in the Department of Human Services.
- (b) What contracts with outside lawyers were entered into in the 1995–96 and 1996–97 financial years for legal services giving in each case — (i) the person/firm; (ii) the date; (iii) the contract sum; (iv) the amount paid; and (v) a brief summary of the work.

ANSWER:

- (a) The department has a central legal unit known as the Legislation and Legal Services Branch located within the Portfolio Services Division. The total number of staff employed within the Branch, as at 1 May 1998, was 30. The allocation for salaries in the 1997/98 financial year was \$1,416,210.00, it is expected that these moneys will be fully expended without any over expenditure. As well as staff salaries there was allocated a further \$141,621.00 to cover operating costs such as staff training, library purchases, stationery etc. Once again it is expected that these moneys will be fully expended without any over expenditure.
- (b) On 17 October 1994 contracts were signed, following a public tender, with a number of external law firms. The contracts covered the provision of legal services to the Department for a period of three years. Those contracts were extended for a further six months and expired on 16 February 1998. The contracted firms formed a panel from which legal services could be acquired at will.

Firms on the panel were:

Eales & MacKenzie, Solicitors
 Hunt & Hunt, Solicitors
 Garland Hawthorn Brahe, Solicitors
 Mallesons Stephen Jaques, Solicitors
 Russell Kennedy, Solicitors
 Brian Ward & Partners, Solicitors
 Wisewoulds, Solicitors
 Francis Abourizk Lightowlers, Solicitors

In addition, over the same period, the Department purchased legal services from the Victorian Government Solicitors Office under the terms of a memorandum of understanding.

The costs of legal services purchased during the period of the contract were:

17/10/94 to 30/06/95	\$1,132,801.12
01/07/95 to 30/06/96	\$1,879,641.32
01/07/96 to 30/06/97	\$2,133,887.19
01/07/97 to 16/02/98	\$1,512,110.18
Total	\$6,658,439.81

A wide range of legal work was done. Major areas of legal services provided externally were

Advice: Commercial, statutory and general

Litigation: Common law claims, administrative law matters, industrial and employment law disputes, coronial inquests, child abduction cases

QUESTIONS ON NOTICE

Wednesday, 20 May 1998

COUNCIL

1307

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, 20 May 1998

Health: Intergraph contract

6. **THE HON. M. M. GOULD** — To ask the Honourable the Minister for Health: Did the then Minister for Health receive a memorandum in November 1993 from a senior Health Department official, Ms Jennifer Williams, and the Department Secretary, Dr John Paterson, on the awarding of the Metropolitan Ambulance Service vehicle tracking and dispatch system tender to Intergraph; if so — (i) did the Minister undertake any action in regard to the content of the memorandum; and (ii) was there any other correspondence between the department and/or the MAS and the Minister covering the awarding of the tender.

ANSWER:

The response to this question is contained within the answer to Legislative Council question No. 7 autumn session 1998.

Health: Intergraph contract

7. **THE HON. M. M. GOULD** — To ask the Honourable the Minister for Health: In relation to the Intergraph contract:
- (a) On what grounds was Griffiths Consulting able to boost its payments from an initial \$45,000 to \$1.5 million.
 - (b) When was the Minister or former Minister made aware that Intergraph had substantially expanded its payments.

ANSWER:

As the honourable member is aware, I believe these matters are the subject of a police inquiry and it would be inappropriate for me to respond while the inquiry continues.

Health: Intergraph contract

8. **THE HON. M. M. GOULD** — To ask the Honourable the Minister for Health: Did Metropolitan Ambulance Service personnel visit Intergraph sites after the signing of the MAS dispatch system contract in 1994 and, if so — (i) who went on the visit; (ii) what was the itinerary; (iii) did Intergraph pay for the trip; (iv) who in MAS approved the trip; and (v) why was the trip made after the signing of the contract.

ANSWER:

The response to this question is contained within the answer to Legislative Council question No. 7, autumn session 1998.

QUESTIONS ON NOTICE

1308

COUNCIL

Wednesday, 20 May 1998

Health: Intergraph contract

9. **THE HON. M. M. GOULD** — To ask the Honourable the Minister for Health: Was the initial Intergraph contract with the Metropolitan Ambulance Service exempted on the approval of the Minister; if not, who gave this approval.

ANSWER:

The response to this question is contained within the answer to Legislative Council question No. 7, autumn session 1998.

Health: Intergraph contract

10. **THE HON. M. M. GOULD** — To ask the Honourable the Minister for Health: Was Mr Grant Griffiths' business history examined before the Bureau of Emergency Services Telecommunications made its recommendation in relation to his appointment as consultant; if not, why, and, if so, was the then Minister advised of his business history.

ANSWER:

Your question should be referred to the Honourable Bill McGrath, Minister for Police and Emergency Services, as he is the minister responsible for BEST.

Premier: market research

14. **THE HON. M. M. GOULD** — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Premier): In relation to all departments and agencies within the Premier's portfolio, what are the details of all polling and/or market research undertaken since 30 March 1996.

ANSWER:

I am informed that: Polling and market research for the department is undertaken by consultants. Details concerning the engagement of consultants can be found in the department's 1995–96 annual report.

Agriculture and Resources: taxes, charges and fees

25. **THE HON. M. M. GOULD** — To ask the Honourable the Minister for Roads and Ports (for the Honourable the Minister for Agriculture and Resources): In relation to all departments and agencies within the Minister's portfolio, which taxes, charges and fees have increased since 30 March 1996.

ANSWER:

I refer the honourable member to my response to question on notice no. 126.

Conservation and Land Management: ministerial expenses

96. **THE HON. M. M. GOULD** — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Minister for Conservation and Land Management): In relation to the 1996–97 financial year, what expenses were incurred by the Minister or the Minister's Office, indicating the amounts expended on — (i) credit card expenditure; (ii) alcohol; (iii) entertainment; (iv) travel allowance and incidental expenses; (v) domestic travel; (vi) international travel; (vii) charter travel; (viii) office salaries; (ix) accommodation expenses; (x) car hire; and (xi) general office expenses.

QUESTIONS ON NOTICE

Wednesday, 20 May 1998

COUNCIL

1309

ANSWER:

I am informed that:

ITEM	DESCRIPTION	1996/97
(i)	Credit card expenditure <i>(This includes expenditure also accounted for in items (iv) and (xi))</i>	\$7,737.56
(ii)	Alcohol expenses	\$43.05
(iii)	Entertainment	nil
(iv) & (ix)	Travel allowance and incidental expenses <i>(Incidental expenses and accommodation expenses are combined in one accounting code)</i>	\$6,487.25
(v)	Domestic travel	\$12,757.80
(vi)	International travel	Nil
(vii)	Charter travel	\$21,690.79
(viii)	Office salaries	\$320,783.00
(ix)	Accommodation expenses <i>(see (iv) above)</i>	see note
(x)	Car hire	\$3,873.45
(xi)	General office expenses	\$58,738.49

Conservation and Land Management: taxes, charges and fees

97. **THE HON. M. M. GOULD** — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Minister for Conservation and Land Management): In relation to all departments and agencies within the Minister's portfolio, which taxes, charges and fees have increased since 30 March 1996.

ANSWER:

I refer the honourable member to my response to question on notice no. 169.

Agriculture and Resources: taxes, charges and fees

126. **THE HON. M. M. GOULD** — To ask the Honourable the Minister for Roads and Ports (for the Honourable the Minister for Agriculture and Resources): In relation to each department and agency within the Minister's portfolio, what taxes, charges and fees have been adjusted since 30 March 1996, indicating all details of the level of the tax, charge or fee as at 30 March 1996, the amount of the increase(s) and/or decrease(s), and the current level.

ANSWER:

I am informed that:

Consolidated records of the large number of taxes, charges and fees administered by the Department of Natural Resources and Environment, which supports both the Agriculture and Natural Resources and Conservation and Land Management portfolios, are not readily available. The time and resources required to assemble the requested information cannot be justified. Details which are readily available for agencies within the Agriculture and Resources portfolio of adjustments to taxes, charges and fees since 30 March 1996 are listed below:

Melbourne Market Authority

Tax, Charge or Fee	Adjustment	Current Level
Wholesaler Stores		
Type A Store	+ \$11	\$866 per month
Type B Store	+ \$6	\$365 per month
Storage Stand	+ \$1	\$51 per day

QUESTIONS ON NOTICE

1310

COUNCIL

Wednesday, 20 May 1998

Tax, Charge or Fee	Adjustment	Current Level
Grower Stands (Fruit & Vegetables)		
Mon–Wed–Fri	+ \$7	\$418 per quarter
Tue–Thur	+ \$5	\$278 per quarter
Carrier Agents (in addition)	no change	\$25 per day
Casual Stands	+ \$1	\$36 per day
Grower Stands (Flower Traders)		
Mon–Wed–Fri	+ \$5	\$278 per quarter
Tue–Thur	+ \$5	\$278 per quarter
Sat	+ \$5	\$278 per quarter
Six day stand	+ \$16	\$2016 per quarter
Coolroom	+ \$6	\$756 per quarter
Rear Open Door (& parking space)	+ \$4	\$504 per quarter
Casual Stands (Mon–Wed–Fri)	- \$10	\$30 per day
Casual Stands (Tue–Thur–Sat)	+ \$30	\$70 per day
Parking Fees		
Fruit & Vegetable Retailers reserved under cover truck bays	No change	\$390 per quarter
Flower Centre reserved truck bay	New facility	\$300 per quarter
All Market Users		
— Reserved open semi trailer bays	No change	\$525 per quarter
— Reserved open truck bays	No change	\$270 per quarter
— Unreserved open car (van) bays	No change	\$130 per quarter
— Employee car park	No change	\$105 per quarter
— Casual daily parking		\$10 per day
Country Transport Parking		
— Reserved under cover semi trailer	No change	\$420 per quarter/day
— Reserved under cover other vehicle	No change	\$210 per quarter/day
— Reserved open semi trailer	No change	\$210 per quarter/day
— Reserved open other vehicle	No change	\$105 per quarter/day
— Casual daily under cover semi trailer	No change	\$50 per day
— Casual daily under cover other vehicles	No change	\$25 per day
— Casual daily open semi trailer	No change	\$30 per day
— Casual daily open other vehicle	No change	\$15 per day
Other		
— Early Buyers Pass	No change	\$500 per quarter
— All users storage cage (C1)	+ \$7	\$394 per month
— All users storage cage (C2)	+ \$11	\$627 per month
— All users mobile equipment forklift trucks	+ \$4	\$218 per quarter
— All users mobile equipment motor scooters	+ \$2	\$109 per quarter

Victorian Dairy Industry Authority

Tax, Charge or Fee	Adjustment	Current Level
Margins charged to processors	- 0.14 cents per litre	1.01 cents per litre
Licence Fees		
Dairy Farm (Cow)	No change	1–100 \$45 101–150 \$65 151–200 \$85 201–250 \$105 251–300 \$125 301–350 \$145 351–400 \$165 >400 \$185
Dairy Farm (Goat/Sheep)	No change	<150 \$25 >150 \$45

QUESTIONS ON NOTICE

Wednesday, 20 May 1998

COUNCIL

1311

Tax, Charge or Fee	Adjustment	Current Level
Milk Distributor	No change	< 1 million ltr \$50 > 1 million ltr \$100
Factory	No change	<10 million ltr \$10 > 10 million ltr \$200
Milk Carrier	No change	Per Tanker \$10 (maximum \$100)
Milk Processor	No change	Per Licence \$200

Agriculture and Resources: public relations and marketing

- 129. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Roads and Ports (for the Honourable the Minister for Agriculture and Resources): In relation to each department or agency within the Minister's portfolio, what are the details of all persons and costs associated with public relations, media relations or marketing, as defined in the Auditor General's special report No. 39, Marketing Government Services, indicating — (i) how many persons are involved in marketing government services (including those involved in media or public relations) in each department or agency; (ii) the total cost, including salaries, for the provision of such marketing services for the period since 30 March 1996 to date; and (iii) the budget for the provision of such services for the year 1997–98.

ANSWER:

I am informed that: The time and resources required for my department and each portfolio agency to collate all the requested information cannot be justified.

Conservation and Land Management: taxes, charges and fees

- 169. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Minister for Conservation and Land Management): In relation to each department and agency within the Minister's portfolio, what taxes, charges and fees have been adjusted since 30 March 1996, indicating all details of the level of the tax, charge or fee as at 30 March 1996, the amount of the increase(s) and/or decrease(s), and the current level.

ANSWER:

I am informed that: Consolidated records of the large number of taxes, charges and fees administered by the Department of Natural Resources and Environment, which supports both the Conservation and Land Management and Agriculture and Natural Resources portfolios, and the agencies within the Conservation and Land Management portfolio, are not readily available. The information requested cannot be provided because the costs of compiling, verifying and ensuring accuracy of the data cannot be justified.

Conservation and Land Management: public relations and marketing

- 172. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Minister for Conservation and Land Management): In relation to each department or agency within the Minister's portfolio, what are the details of all persons and costs associated with public relations, media relations or marketing, as defined in the Auditor General's special report No. 39, Marketing Government Services, indicating — (i) how many persons are involved in marketing government services (including those involved in media or public relations) in each department or agency; (ii) the total cost, including salaries, for the provision of such marketing services for the period since 30 March 1996 to date; and (iii) the budget for the provision of such services for the year 1997–98.

ANSWER:

I am informed that: The time and resources required for my department and each portfolio agency to collate all the requested information cannot be justified.

Aged Care: nursing homes

198. THE HON. M. M. GOULD — To ask the Honourable the Minister for Aged Care: In relation to each nursing home owned, operated or controlled by the state government, are the services provided by this facility being considered for privatisation in whole or part; and in the event that the facility is under consideration for privatisation in whole or in part, precisely which services are being considered for privatisation.

ANSWER:

Hospitals have been asked to nominate whether they wish to offer their general purpose nursing home beds for transfer to the private and voluntary sectors. The services for tender are those nursing, personal care, and accommodation services which are funded by the Commonwealth Aged Residential Care Program. The hospitals may choose, when appropriate, to offer for sale or lease the building in which these services are provided.

Factors influencing the hospitals decisions as to whether to tender the aged residential care services (more commonly known as Nursing Home or Hostel services), are related to the quality of the building in which the services are provided and the potential capital cost to improve or replace that building, the recurrent cost of providing the service, or a combination of these. Hospitals make their decision as to whether or not to tender the Commonwealth funded aged residential services to private and voluntary sector operation on the basis of the following sources of information:

- Commonwealth Certification scores which assessed building fabric against Commonwealth building standards
- DHS Aged Care Fabric Survey 1995 which highlighted those general purpose nursing homes with buildings which require significant capital upgrades
- Design Guidelines Consultancy 1997
- DHS Hostel (low care) Audit
- Commonwealth benchmarks and ABS population data
- Network capital priorities
- Government policy considerations regarding core and non core business
- Hospital privatisation projects.

Transfer of State sector general purpose nursing home beds to the private and voluntary will result in an increase in the proportion of Victorian nursing home beds in purpose-built nursing homes in the private and voluntary sectors. The new facilities will provide home-like nursing services within local communities. The long term benefits will be to older people who need nursing home care and to the State which will be able to direct State funds into specialised aged health and community care services.

Aged Care: nursing homes

199. THE HON. M. M. GOULD — To ask the Honourable the Minister for Aged Care: What are the names of each nursing home owned, operated or controlled by the state government which are to be privatised.

ANSWER:

The tendering of nursing homes operated by the State Government is being conducted in a series of stages.

Stage 1 commenced in 1995, based on the East Gippsland Geriatric Centre in Bairnsdale in which 120 nursing home beds were accommodated in sub-standard buildings. The project served as a pilot to determine the basis on which further aged residential services could be tendered to the private and voluntary sector. The project resulted in the construction in 1997 of two new nursing homes: a 60 bed facility in Bairnsdale and a 40 bed facility in Paynesville. These services are owned and operated by Croft Healthcare Group.

In October 1996 the Stage 2 project commenced. It has resulted in the transfer of:

180 general purpose nursing home beds from North West Hospital, Parkville, 70 general purpose nursing home beds from Mildura Base Hospital and 45 general purpose nursing home beds from Warrnambool Base Hospital to Moran Health Care Group. New buildings will be commissioned in the latter half of 1998.

60 general purpose nursing home beds from La Trobe, Moe nursing home facility to Croft Health Care Group. The transfer of the business and staff at La Trobe, Moe facility to Croft was completed on 19 December 1997. A new building for residents and staff, constructed by Croft, will be completed by June 1998.

30 general purpose nursing home beds from La Trobe, St Hilary's, Morwell to Baptist Aged Care Services. The transfer of St Hilary's land, buildings, business and staff was completed in October 1997.

Services to be involved in Stage 3 are currently under consideration. These services will be offered through public advertisement later this year.

Conservation and Land Management: Crown land use

523. THE HON. M. M. GOULD — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Minister for Conservation and Land Management):(a) What sports and recreation users are using Crown land for the year 1997-98.(b) What rental charges have been set by the Department for each of these users.

ANSWER:

I am advised that:

- (a) The question refers to "users" which is a very wide term and would include both formal and informal arrangements. There are 3,836 Crown land reserves which are used for recreation purposes including National and State parks, Reserves and unreserved land throughout Victoria. Sports and recreation users of Crown land comprise a vast range of sporting clubs and associations, Church and community groups including Shire Councils, scouts and girl guides.

The information to answer the Honourable Member's question in more detail would be voluminous for formal arrangements, and the Department of Natural Resources and Environment does not keep records of informal arrangements, recreation users on Crown land administered by municipalities, or recreational activity on reserved Crown land which is administered by committees of management to manage those reserves.

- (b) Rental details for the use of Crown land are treated as "commercial in confidence" by the Department of Natural Resources and Environment.

There are over 870 licences and leases related to recreational use of Crown land throughout Victoria. Charges range from nominal fees for tenants whose use of land provides a general community benefit and whose primary source of revenue is member subscriptions, grants, or fund raising activities of a non-commercial

QUESTIONS ON NOTICE

1314

COUNCIL

Wednesday, 20 May 1998

nature, to market rentals assessed by valuation for commercial and exclusive users and tenants who derive an income from the cash sale of goods and services.

Conservation and Land Management: coastal program funding

597. THE HON. M. M. GOULD — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Minister for Conservation and Land Management): Will the Minister provide a list of all organisations which received funding under the Coast Action/Coastcare program for 1997–98, indicating the nature of each project, how much was requested and how much was granted.

ANSWER:

I am informed that the following project details are correct as of 22 April 1998.

ORGANISATION	NATURE OF PROJECT	FUNDING REQUESTED	FUNDING APPROVED
1st Beaumaris Sea Scouts	Beaumaris foreshore revegetation	\$2,190.00	\$1,940.00
Aireys Inlet Foreshore Committee of Management	Cliff walk and beach access enhancement (continuing program)	\$7,570.00	\$7,570.00
Angair Inc.	Distribution and habitat of rufous bristlebird and swamp antechinus	\$9,400.00	\$9,400.00
Anglesea Tourism and Traders Inc.	Anglesea clean up the river	\$20,000.00	\$20,000.00
Apollo Bay Wildlife Support Group	Marine wildlife awareness and education	\$3,000.00	\$3,000.00
Australian Marine Conservation Society Inc.	Point Roadknight marine snorkel trail	\$7,500.00	\$6,500.00
Balcombe Estuary Rehabilitation Group Inc	Projects involving improved amenity, cleanup, protection and monitoring of water quality	\$11,400.00	\$12,500.00
Bayside Friends of Native Wildlife	Reducing disturbance of coastal fauna	\$6,593.00	\$5,943.00
Bemm River Progress and Improvement Association Inc.	Bemm River pontoon carpark reinstatement and revegetation	\$2,779.00	\$2,779.00
Bird Observers Club	Management of shearwaters and habitat on French Island	\$20,000.00	\$16,475.00
Blairgowrie Foreshore Reserve Committee of Management Inc.	Blairgowrie Yacht Squadron walkway revegetation	\$5,435.00	\$4,255.00
Bluff Boardriders Club	Rebuilding: Red Bluff Beach — lookout stand, beach viewing stand, information sign, post and rail fencing	\$5,476.00	\$3,976.00
Cape Paterson Progress Association Inc.	Conservation of the Cape Paterson heathlands	\$4,514.50	\$3,362.00
Centre for Regional Development, Deakin University	Consultative monitoring and management for Middle Island	\$20,000.00	\$13,000.00
Coast Action Group — Wye River and Separation Creek	Weed eradication	\$2,750.00	\$5,000.00
Coronet Bay Reserves Committee of Management/Corinella Foreshore Reserves Committee Inc.	Corinella/Coronet Bay walking track and foreshore rejuvenation/revegetation	\$9,900.00	\$10,300.00

QUESTIONS ON NOTICE

Wednesday, 20 May 1998

COUNCIL

1315

ORGANISATION	NATURE OF PROJECT	FUNDING REQUESTED	FUNDING APPROVED
Crib Point and Stony Point Public Parks and Foreshore Reserve Committee of Management Inc.	Woolley's Beach Reserve coastcare	\$17,000.00	\$3,000.00
East Gippsland Arts and Recreation Access Group Inc.	Disability/aged access to coastal recreation at Lake Bunga	\$2,875.00	\$2,857.00
East Gippsland Shire Council	Eagle Point to Paynesville lakeside awareness trail	\$15,000.00	\$2,000.00
FOLKLAW Inc.	Promenade reserve Somers dune restoration, revegetation and information walk	\$2,305.00	\$2,000.00
Footscray Vietnamese Community	Cultural coast coordinator to undertake promotional and educational projects	\$27,500.00	\$22,500.00
Framlingham Aboriginal Trust	Deen Maar estuarine habitat restoration and protection	\$41,525.00	\$21,000.00
Franklin River Landcare Group Inc.	Nooramunga-Corner Inlet water monitoring	\$12,620.00	\$12,620.00
Frankston Beach Association	Rehabilitate and control pedestrian movement over degraded dune system	\$6,000.00	\$6,000.00
Frankston High School	Encourage local foreshore residents to plant native species in gardens	\$1,200.00	\$1,200.00
Friends of Edwards Point Reserve Inc.	Edwards Point floristic vegetation survey and weed identification	\$5,750.00	\$4,050.00
Friends of Metung	Restoration of beach and environs, Lake King, Metung	\$7,750.00	\$7,750.00
Friends of Mud Island Inc.	Mud Islands — nature vegetation restoration, monitoring and maintenance	\$4,520.00	\$4,520.00
Friends of Nyerimiland Inc.	Gippsland Lakes interpretation display at Nyerimilang Heritage Park	\$18,175.00	\$16,500.00
Friends of Silverleaves Foreshore	Banksia woodland and shoreline restoration within Silverleaves foreshore reserve	\$8,330.00	\$6,830.00
Friends of the Bay of Islands Inc.	Flaxmans Hill West site protection	\$1,050.00	\$2,000.00
Friends of the Bay of Islands Inc.	Halladale (Boneys) Point erosion control	\$2,250.00	\$2,250.00
Friends of The Bluff Inc.	Barwon Heads Bluff management strategy	\$4,850.00	\$4,850.00
Friends of the Brighton Dunes and Brighton Foreshore Preservation Association Inc.	Brighton dunes conservation and vegetation regeneration	\$2,500.00	\$2,500.00
Friends of the Glades	Inverloch foreshore — The Glades improvement	\$3,040.00	\$2,040.00
Friends of the Great South West Walk	Conservation of Cape Bridgewater track area	\$15,592.00	\$15,592.00
Friends of the Great South West Walk	Shelly Beach access	\$16,208.00	\$16,208.00
Friends of the Otway National Park	Johanna camping area facilities upgrade	\$20,000.00	\$10,000.00
Friends of Tower Hill	Basin carpark improvements — Killarny	\$1,470.00	\$1,470.00
Friends of Westona Wetlands	Enhancement of coastal linkage to Truganina Swamp	\$2,680.00	\$2,680.00

QUESTIONS ON NOTICE

1316

COUNCIL

Wednesday, 20 May 1998

ORGANISATION	NATURE OF PROJECT	FUNDING REQUESTED	FUNDING APPROVED
Geelong Revegetation Organisation/City of Geelong	Limeburners Bay/Hovells Creek Reserve management plan	\$8,500.00	\$8,500.00
Golden-Paradise Beach Residents & Ratepayers Association Inc.	Protect and rehabilitate beach areas at Golden Beach	\$2,420.00	\$2,420.00
Greening Australia Victoria	Coast Action Environmental Weed Management handbook	\$13,715.00	\$13,715.00
Inner Western Migrant Resource Centre	Coastal issues awareness program for non English speaking community groups	\$19,800.00	\$19,800.00
Inverloch Residents and Ratepayers Association	Screw Creek Townsend Bluff estuary walk (Screw Creek extension)	\$8,290.99	\$8,290.00
Jan Juc Coast Action	Jan Juc surf coast walk — continued 98	\$38,330.00	\$7,685.00
Kirrae Whurrong Community Inc.	Point Franklin/Crayfish Bay site protection works	\$20,000.00	\$20,000.00
Lakes Entrance Primary School	Cunningham Arm education and revegetation	\$8,620.00	\$8,620.00
Lang Lang Coast Action	Erosion control and seagrass protection study on Westemport Bay	\$1,817.00	\$1,000.00
Little Tern Taskforce	Shorebird breeding habitat Lake Tyers estuary	\$13,250.00	\$13,250.00
Lorne Foreshore Committee of Management Inc.	North Lorne weed eradication and revegetation	\$9,620.00	\$9,620.00
Mallacoota Coast Action Group	Cools Inlet — foreshore area protection	\$5,730.00	\$5,730.00
Marine and Freshwater Resources Institute Volunteers	Sand dune revegetation (Winter 1997) undertaken by students in conjunction with local management agencies	\$15,920.00	\$15,920.00
Marine Education Society of Australasia	A.B. Sea Marine Studies Guide (Prep-Yr12) — revision and reprint	\$20,300.00	\$16,000.
Marine Education Society of Australasia	Victorian coastal and marine schools project for teacher training	\$16,120.00	\$11,500.00
McCrae Homestead Coastal Group Inc.	Coburn Creek, McCrae foreshore revegetation and weed removal	\$937.50	\$937.50
McCrae Homestead Coastal Group Inc.	Landscape and concept plan — McCrae foreshore — lighthouse to Anthony's Nose	\$5,800.00	\$5,800.00
McLoughlins Beach Progress Association Inc.	McLoughlins Beach strategy plan	\$4,000.00	\$4,000.00
Merricks Beach Foreshore Committee	Interpretive signage for Merricks Beach foreshore reserve	\$4,691.00	\$4,225.00
Mirimbiak Nations Aboriginal Corporation	Koorie liaison officer to promote effective protection, management and interpretation of coastal Aboriginal cultural sites of significance	\$38,000.00	\$35,500.00
NARRA	Newlands Arm Foreshore Nature path	\$10,518.00	\$10,518.00
Natural Resources Conservation League	Arbor Week — Cherry Lake (Altona) schools community planting	\$2,400.00	\$1,400.00
Nelson Reserves Committee of Management	Access tracks for handicapped persons — Estuary and Ocean Beaches	\$4,420.00	\$4,420.00
Newhaven Coastal Action Group	Newhaven foreshore restoration stage 2	\$10,620.00	\$4,620.00
Nowa Nowa Ratepayers and Progress Association	Nowa Nowa wetlands reclamation	\$2,000.00	\$2,000.00

QUESTIONS ON NOTICE

Wednesday, 20 May 1998

COUNCIL

1317

ORGANISATION	NATURE OF PROJECT	FUNDING REQUESTED	FUNDING APPROVED
Phillip Island Conservation Society Inc.	Red Rocks foreshore revegetation	\$3,600.00	\$3,600.00
Point Leo Coastal Action Group	Revegetation of the Bobbanaring Wetlands	\$5,607.25	\$5,607.25
Port Campbell National Park Consultative Group	Loch Ard precinct environment protection	\$19,995.00	\$19,995.00
Port Fairy Coast Action Group	Redefining carpark and revegetating Battery Hill reserve	\$4,165.00	\$2,965.00
Port Franklin Public Purposes and Foreshore Committee of Management Inc.	Beautification of Franklin Park at Port Franklin	\$5,500.00	\$4,300.00
Port Phillip Conservation Council Inc.	Regular photographic monitoring of Port Phillip Bay coastline	\$1,800.00	\$1,800.00
Portland Field Naturalists' Club Inc.	Hooded plover monitoring in far south west Victoria	\$5,700.00	\$5,700.00
Portland Rotary Club	Norm Wade Drive upgrade including access for disabled people	\$9,097.00	\$7,597.00
Raymond Island Landcare Group	Comprehensive foreshore development, McMillan Straits, Raymond Island	\$7,620.00	\$7,620.00
Roadknight Coast Action	Point Roadknight dunes and cliffs stabilization	\$8,800.00	\$1,900.00
Rotary Club of Orbost/Snowy River Boat Club	Marlo jetty/foreshore enhancement	\$7,745.00	\$7,745.00
Shoreham Foreshore Reserve Committee of Management	Cliff rehabilitation	\$10,500.00	\$2,000.00
Somers Foreshore Committee of Management Inc.	Flora and fauna survey and development of management plan	\$14,660.00	\$13,460.00
Springvale Indochinese Mutual Assistance Association Inc.	Indochinese coastal awareness and care project	\$6,800.00	\$4,600.00
Surfing Victoria	Coast education and Adopt a Beach through surfschools	\$21,100.00	\$16,200.00
Surfrider Foundation Victoria	Community restoration and protection of Point Impossible	\$17,682.00	\$12,582.00
Swan Bay Integrated Catchment Management Committee	Swan Bay integrated catchment management program	\$25,800.00	\$25,800.00
Toora and District Progress Association Inc.	Toora birdhide and educational viewing site	\$8,000.00	\$4,000.00
Tooradin Coast Action Group	Marine environment protection signs	\$2,260.00	\$2,260.00
Venus Bay Coastal Action Group	Coastal nursery at the Environmental Recycling Centre to provide indigenous plants for revegetation	\$11,987.00	\$1,500.00
Victorian Aboriginal Youth Sport and Recreation	Victorian Koorie coastal photographic competition	\$8,500.00	\$8,500.00
Victorian Wader Study Group Inc.	Fox control in Nooramunga Marine and Coastal Park (year 2)	\$13,320.00	\$13,320.00
Victorian Wader Study Group Inc.	Pied oystercatcher breeding population census, Comer Inlet, part II	\$2,275.00	\$2,275.00
Waratah Bay Ratepayers and Progress Association Inc.	Waratah Bay dune rehabilitation	\$5,889.00	\$5,889.00

QUESTIONS ON NOTICE

1318

COUNCIL

Wednesday, 20 May 1998

ORGANISATION	NATURE OF PROJECT	FUNDING REQUESTED	FUNDING APPROVED
Warmambool City Landcare Group Inc.	Pickering Point and adjoining coastal wetlands conservation	\$23,400.00	\$6,400.00
Waterwatch — West Gippsland CMA	Wetland monitoring — Lake Wellington zone	\$2,000.00	\$2,000.00
Wathaurong Aboriginal Cooperative	Wathaurong aboriginal schools curriculum development	\$23,200.00	\$5,000.00
Werribee River Association	Planning and development of Grahams Land, Werribee South	\$20,085.00	\$5,250.00
West Forum	Western Beach Geelong rehabilitation and placemaking	\$9,950.00	\$1,500.00
Yanakie Coast Action	Access boardwalk to Shallow Inlet in Wilsons Promontory National Park	\$2,780.00	\$2,780.00

Conservation and Land Management: Parks Victoria tender

- 611. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Minister for Conservation and Land Management): Would the Minister provide a list of all services offered for tender by Parks Victoria.

ANSWER:

I am informed that the following services have been offered for tender by Parks Victoria since its establishment on 12 December 1996:

- Cleaning of toilets, barbecues, picnic shelters and administration facilities at Maribymong Valley Park, Dandenong Valley Park and Yarra Bend Park.
- General maintenance including cleaning, maintenance and minor repairs to park infrastructure at the Thomson and Tarago Reservoir Parks, Yarra Bend Park and Albert Park
- Horticultural services to Yarra Valley Park
- Golf course maintenance at Yarra Bend Park
- Grass cutting at Yarra Bend Park
- Weed control at Yarra Bend Park
- Dredging of Patterson River
- Security services at Werribee Park
- Installation of 'Novell' on the IT network
- Visitor monitoring of the metropolitan parks
- Provision of internal audit services
- Provision of banking services
- Provision of fleet management services
- Provision of insurance and risk management services
- Installation of a records management system
- Provision of recruitment services
- Risk assessment of elevated structures in National Parks
- Accessibility audit

Conservation and Land Management: Crown land operational sites

- 612. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Minister for Conservation and Land Management): In relation to the Government requirement that local municipalities lease or buy all Crown lands which are classified as 'operational sites', will the Minister list — (i) the categories of use which are recognised as local government operational sites, indicating any additions or deletions to these categories during the last three years; (ii) for each municipality, how many sites have been leased, sold or vacated, the value of each site leased or vacated or the price of sites

QUESTIONS ON NOTICE

Wednesday, 20 May 1998

COUNCIL

1319

purchased, and the category of use for each site; and (iii) the total amount of money received by the State Government from -- (i) sales; and (ii) leases to local government.

ANSWER:

Information that is readily available is provided below.

- (i) Categories of use of Crown land which have been recognised as local government operational sites for the last three years are:
- Municipal depots
 - Rubbish depots and tips
 - Waste transfer stations
 - Municipal pounds and saleyards
 - Carparks that stand alone
 - Caravan parks that stand alone and that have no public land value
 - Aerodromes
 - Plantations
 - Municipal offices other than the principal office.
- (ii) The information to answer this section of the Honourable Member's question in detail would be voluminous; however, a summary of implementation follows:
- Forty four sites have been purchased or are being considered for purchase by municipalities.
- Ninety eight sites have been leased or licensed or are being considered for lease or licence.
- Seventy six sites have been identified as being surplus to local government needs and have been vacated or will be vacated in the near future.
- (iii) Revenue received:
- The total money received from sales is \$1,898,500.
- The annual rental received from leases and licences is \$85,419.

Conservation and Land Management: Victorian Plantations Corporation staff

629. **THE HON. M. M. GOULD** — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Minister for Conservation and Land Management): In relation to the Victorian Plantations' Corporation — (i) what are the names of each plantation; (ii) where is its location; (iii) what is its size; and (iv) how many effective full time (EFT) staff does each employ.

ANSWER:

I am informed that: This is not a portfolio responsibility of the Minister for Conservation and Land Management.

Roads and Ports: Vicroads registration and licensing offices

633. **THE HON. M. M. GOULD** — To ask the Honourable the Minister for Roads and Ports: What was the location, staff levels and budget allocation for each Vicroads Registration and Licensing Offices in 1997.

ANSWER:

VICROADS R & L OFFICES (Sub-offices and Municipal Agencies not included)		
Office & Location	Staffing level 1997-98 (equivalent full time)	Expected expenditure 1997-98 (\$ 000)
Bairnsdale	6.4	540
Leongatha	4.6	354
Morwell	14.2	958

QUESTIONS ON NOTICE

1320

COUNCIL

Wednesday, 20 May 1998

VICROADS R & L OFFICES (Sub-offices and Municipal Agencies not included)		
Office & Location	Staffing level 1997-98 (equivalent full time)	Expected expenditure 1997-98 (\$ 000)
Sale	4.8	389
Warragul	5.8	467
Benalla	2.4	241
Shepparton	13.6	872
Wodonga	10.2	699
Wangaratta	6.5	584
Geelong	22.4	1,772
Warrnambool	8.2	651
Hamilton	3	265
Portland	2.7	278
Burwood East	46.3	2,998
Blackburn*	2.4	229
Camberwell	11.7	699
Dandenong	31.4	1,941
Oakleigh South	30.3	1,647
Dromana	4	211
Frankston	18.2	1,460
Ballarat	15.5	1,093
Horsham	6.7	532
Ararat	2.5	185
Mildura	8.8	629
Greensborough	23.5	1,349
Carlton	38.1	2,204
Broadmeadows	24.9	1,514
Braybrook/Sunshine#	28.4	1,746
Werribee	12.4	758
Bendigo	15.3	1,306
Seymour	4.6	355
Kyneton	2.2	163
Echuca	3.3	238
Swan Hill	4.1	354

* Note office closed August 1997.

New office at Sunshine-Braybrook closed December 1997.

Roads and Ports: chairperson remuneration

642. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports: What remuneration and expenses were paid in 1997 to the — (i) Chief Executive, Roads Corporation; (ii) Chairperson, Roads Corporation Board; (iii) General Manager, Roads and Ports; (iv) President, Marine Board of Victoria; (v) Chairperson, Street Lighting Committee; (vi) Chairperson, State Boating Council; (vii) Chairperson, Truck Operations Committee; and (viii) Chairperson, Victorian Road Freight Advisory Council.

ANSWER:

(i) Salary package \$166,000 p.a. Total expenses \$16,662.05.

(ii) Under Section 30 (6) of the Transport Act 1993, the Chief Executive of the Roads Corporation is the Chairperson of this Board and receives no additional remuneration for these duties.

QUESTIONS ON NOTICE

Wednesday, 20 May 1998

COUNCIL

1321

(iii) This position no longer exists.

(iv) There is now no position of President of the Marine Board of Victoria. In 1996 a new position of Chairman, Marine Board of Victoria was established. In 1996/97 he was paid the following:

Remuneration	\$19,931.60
Expenses	\$2,263.50

(v) Nil.

(vi) Nil.

(vii) Nil.

(viii) Nil.

Housing: Direct Tenure Public Rental program

657. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health (for the Honourable the Minister for Housing): In relation to the Direct Tenure Public Rental Program of the Office of Housing as at 1 July 1997 — (i) what has been the schedule of rents; (ii) how many households were covered by the program; and (iii) what was the average level of rental rebate.

ANSWER:

(a) The market rent for each property is established by the Valuer General and under the terms of the Commonwealth State Housing Agreement reviewed annually.

As at 1 July 1997 approximately 88% of tenants were paying rebated rent based on household income, the remaining 12% were paying full market rent.

Rebated rents were calculated at 20% to 25% of assessable household income. Tenants were required to pay the lower of rebated or market rent.

The following table details the Total Market Rent as set by the Valuer General, the Total Rent Rebate/ Subsidy allowance and the Rent Collectable by the Office of Housing.

	1/7/97
Schedule of Rents	\$ Millions
Total Rent	348.0
Total Rent Rebate /Subsidy	154.5
Rent Collectable	193.5

(b) The number of households covered by the Direct Tenure Rental Housing Program is detailed in the following table.

	1/7/97
Number of Tenancies/Households	60,883

(c) The Average level of Rental Rebate/Subsidy per tenancy/household is detailed in the following table.

QUESTIONS ON NOTICE

1322

COUNCIL

Wednesday, 20 May 1998

	1/7/97
Average Level of Rebate/Subsidy Per Tenancy/Household	\$2,538

Health: public hospital staff

658. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health: How many staff were working in the public hospital system in 1996–97, as — (i) medical staff; (ii) nursing staff; (iii) allied health staff; (iv) catering staff; (v) cleaning and maintenance staff; (vi) administrative staff; and (vii) social workers.

ANSWER:

This question has been substantially answered in my response to your Question 808 which gave a figure of 51,854 EFT for external agency staff of my administration as at 30 June 1997. This number mainly comprises staff of public hospitals providing acute care, aged care, mental health and community/allied health services.

EFT

Acute and Aged Care Services	43,504
Mental Health Services	4,033
School Dental Service (outsourced August 1996)	214

The time and resources required to provide a further breakdown cannot be justified at this time.

Roads and Ports: Marine Board

672. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports: In relation to the Marine Board of Victoria — (i) what was the budget of the Board for 1996–97; (ii) what is the projected budget for 1997–98; (iii) how often did the Board meet in 1996–97; (iv) what was the record of attendance of each member at Board meetings; and (v) has each Board member signed a pecuniary interest declaration.

ANSWER:

Please refer to the annual report of the marine Board of Victoria for 1996/97.

Roads and Ports: Melbourne Port Corporation

673. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports: In relation to the Melbourne Port Corporation — (i) what was the budget of the Board for 1996–97; (ii) what is the projected budget for 1997–98; (iii) how often did the Board meet in 1996–97; (iv) what was the record of attendance of each member at Board meetings; and (v) has each Board member signed a pecuniary interest declaration.

ANSWER:

I am unable to provide a response as this does not fall within my portfolio responsibilities.

Roads and Ports: taxi licences

676. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports: In relation to the Victorian Taxi Directorate, how many licence plates have been issued between 1 January 1997 to 31 December 1997, and to whom.

QUESTIONS ON NOTICE

Wednesday, 20 May 1998

COUNCIL

1323

ANSWER:

In 1997, the Victorian Taxi Directorate issued 19 taxi-cab licences. Listed below are the names in which the licences were issued and the locality of taxi operation.

R Edwards	Rushworth
J McLean	Camperdown
KT & W O'Keefe	Korumburra
M Brack	Timboon
ZM & VJ Zielinski	Winchelsea
242 nd P & C Nominees Pty Ltd	Sunbury (2 licences issued)
R & S Wilkinson	Corryong
B Westgarth	Yarrawonga
J McLean	Apollo Bay
P & C Jepson	Churchill
P & R Dunbabin	Rochester
R & G Armstrong Pty Ltd	Euroa
West Gippsland Taxis Pty Ltd	Warragul
RA & EB Evans	Cowes
Murrell Enterprises Pty Ltd	Torquay
Murrell Enterprises Pty Ltd	Ocean Grove
Murrell Enterprises Pty Ltd	Drysdale

Arts: advertising

680. THE HON. M. M. GOULD — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Minister for the Arts): In respect of each department, agency and authority within his administration, what are the details of all advertising campaigns for the 1996–97 financial year, indicating the — (i) purpose and total costs of each campaign; and (ii) total advertising budget in his ministerial portfolio for that year.

ANSWER:

I am informed that: The honourable member's question is broad and embraces advertising for a range of different purposes across the portfolio. The time and resources required to fully reply to this question cannot be justified.

Conservation and Land Management: advertising

681. THE HON. M. M. GOULD — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Minister for Conservation and Land Management): In respect of each department, agency and authority within her administration, what are the details of all advertising campaigns for the 1996–97 financial year, indicating the — (i) purpose and total costs of each campaign; and (ii) total advertising budget in her ministerial portfolio for that year.

ANSWER:

I am informed that:

Details which are readily available of the cost and purpose of advertising campaigns for the 1996–97 financial year undertaken by the Department and agencies and authorities within the portfolio are listed below. The time and resources required to provide further information cannot be justified.

Information about the total advertising budget within the Conservation and Land Management portfolio is not able to be provided because not all agencies and authorities have a specific allocation for advertising which is distinct from their other operations.

QUESTIONS ON NOTICE

1324

COUNCIL

Wednesday, 20 May 1998

Department/Agency/Authority	Purpose	Cost
Department of Natural Resources & Environment	— Science Awards - print campaign calling for applicants	\$8,000
	— Agricultural Industries - promotion of the Ag & Food Initiative	\$5,000
	— Promotion of Farm Chemical Users Course	\$2,000
	— Weeds print and radio campaign to raise awareness and seek grant applicants	\$61,300
	— Fire radio campaign to raise farmer awareness	\$12,120
	— World Environment Day campaign to raise community awareness	\$4,500
	— Rabbit Buster campaign to promote rabbit control and seek grant applicants	\$2,200
	— Good Neighbour campaign to promote the program and seek grant applicants	\$32,787
Alpine Resorts Commission	— Promotion of the alpine areas in the summer and Victorian skiing in the winter	\$500,000
	— Promotion of the Lake Mountain Resort	\$9,600
Environment Conservation Council	To advise the release of reports and recommendations as required under the <i>Land Conservation Council Act 1970</i> :	
	— Marine and Coastal Special Investigation - draft final recommendations	\$3,767
	— Historic Places South Western Area - descriptive report	\$232
	— Historic Places South Western Area - proposed recommendations	\$5,124
	— Historic Places South Western Area - final recommendations	\$437
Environment Protection Authority	— Ride to Work Day in partnership with Bicycle Victoria to raise public awareness about air quality	\$2,000
	— Beachwatch - community information program advising the public about water quality at Port Phillip Bay beaches	\$52,047
	— Litter campaign - annual community education program alerting the public to the problems caused by littering and the fines for offending	\$113,504
	— Annual autumn air quality campaign - community education program designed to raise public awareness of air quality issues	\$146,159
Parks Victoria	— Great Summer Ideas Campaign to create awareness of the new Parks Information line and highlight the range of outdoor destinations throughout Victoria	\$80,000
	— Camping feature to increase awareness of and visitation to Parks Victoria camping sites	\$8,063
	— Wilson's Promontory National Park Herald Sun liftout to create greater understanding of the management plan	\$62,572
	— 3AK Great Outdoors to promote Victoria's parks and the activities and events taking place there	\$6,100
Royal Botanic Gardens	— Promotion of the Royal Botanic Gardens' events, opening times and facilities	\$11,802
Zoological Parks & Gardens Board	Advertising is directed at:	\$432,412
	— Increasing awareness of events and activities within the Zoo, eg school holiday programmes, Twilight Jazz concerts	

QUESTIONS ON NOTICE

Wednesday, 20 May 1998

COUNCIL

1325

	— Maintaining awareness of the Zoo as a family recreational experience — Creating awareness and visitation intention with in-bound tourism operators and independent travellers	
--	---	--

Youth and Community Services: advertising

683. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health (for the Honourable the Minister for Youth and Community Services): In respect of each department, agency and authority within his administration, what are the details of all advertising campaigns for the 1996–97 financial year, indicating the — (i) purpose and total costs of each campaign; and (ii) total advertising budget in his ministerial portfolio for that year.

ANSWER:

The response to the question is contained within the answer to Legislative Council question No. 798, autumn session 1998.

Planning and Local Government: advertising

684. THE HON. M. M. GOULD — To ask the Honourable the Minister for Finance (for the Honourable the Minister for Planning and Local Government): In respect of each department, agency and authority within his administration, what are the details of all advertising campaigns for the 1996–97 financial year, indicating the — (i) purpose and total costs of each campaign; and (ii) total advertising budget in his ministerial portfolio for that year.

ANSWER:

Refer to the answer to question no. 823.

Treasurer: advertising

685. THE HON. M. M. GOULD — To ask the Honourable the Minister for Finance (for the Honourable the Treasurer): In respect of each department, agency and authority within his administration, what are the details of all advertising campaigns for the 1996–97 financial year, indicating the — (i) purpose and total costs of each campaign; and (ii) total advertising budget in his ministerial portfolio for that year.

ANSWER:

The answer supplied by the Treasurer is: For response to this question, I refer the honourable member to question no. 817.

Roads and Ports: ministerial staff

690. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports:

- What was the number and cost of staff working in his office for the 1996–97 financial year.
- What was the number of staff working in a public relations capacity under his control, indicating — (i) the total operating budget; and (ii) the total promotional budget.
- What contracts have been entered into in the 1996–97 financial year for public relations and/or communication strategies with outside consultants or persons, giving — (i) the person/company contracted; (ii) the date of contract; (iii) the contract sum; (iv) the amount paid; and (v) a brief summary of work done.

ANSWER:

- (a) Number of staff: 4
Cost of staff: \$196,487
- (b) Nil
- (c) Nil

Conservation and Land Management: Central Highlands Region Water Authority

- 693. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Minister for Conservation and Land Management): In relation to the Central Highlands Region Water Authority — (i) who are the current members of the Authority; (ii) what is each member's current level of remuneration; (iii) what consultants were engaged during 1996–97 and what was the purpose of each consultancy; and (iv) what was the value of each consultancy.

ANSWER:

I am informed that: This is not a portfolio responsibility of the Minister for Conservation and Land Management.

Agriculture and Resources: Kiewa–Murray Water

- 701. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Roads and Ports (for the Honourable the Minister for Agriculture and Resources): In relation to Kiewa–Murray Water — (i) who are the current members; (ii) what is each member's current level of remuneration; (iii) what consultants were engaged during 1996–97 and what was the purpose of each consultancy; and (iv) what was the value of each consultancy.

ANSWER:

I am informed that: The Kiewa–Murray Water Authority has been disbanded.

Agriculture and Resources: Ovens Region Water Authority

- 706. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Roads and Ports (for the Honourable the Minister for Agriculture and Resources): In relation to the Ovens Region Water Authority — (i) who are the current members of the Authority; (ii) what is each member's current level of remuneration; (iii) what consultants were engaged during 1996–97 and what was the purpose of each consultancy; and (iv) what was the value of each consultancy.

ANSWER:

I am informed that: The Ovens Region Water Authority has been disbanded.

Roads and Ports: media research

- 713. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Roads and Ports: In respect of each department, agency and authority within his administration, what are the details of all media research and public opinion polling conducted in 1996–97, indicating — (i) the title of each poll or item of research; (ii) the date approved and the duration of the contract; (iii) the cost; (iv) the personnel or company conducting the project; and (v) whether tenders were called.

ANSWER:

Refer to answers to questions on notice (7 October to 11 December 1997) Page 1787 for the answer to question no. 2514.

[Hansard Reference: Legislative Council, Vol. 437, 9 December 1997, page 1787]

Roads and Ports: media research

714. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports: In respect of each department, agency and authority within his administration, what are the details of all media research and public opinion polling conducted in 1996–97, including — (i) the title of each poll or item of research; (ii) the date approved and the duration of the contract; (iii) the cost; (iv) the personnel or company conducting the project; (v) whether the contract was put to tender; (vi) recommendations made; and (vii) any actions taken by the department, agency, authority or Minister.

ANSWER:

Refer to answers to questions on notice (7 October to 11 December 1997) Page 1787 for the answer to question no. 2514.

[Hansard Reference: Legislative Council, Vol. 437, 9 December 1997, page 1787]

Planning and Local Government: advertising

720. THE HON. M. M. GOULD — To ask the Honourable the Minister for Finance (for the Honourable the Minister for Planning and Local Government): In respect of each department, agency and authority within his administration, what are the details of all advertising campaigns for each of the 1995–96 and 1996–97 financial years, indicating — (i) the purpose and total cost of each campaign; and (ii) the total advertising budget in his ministerial portfolio for the 1995–96 and 1996–97 financial years.

ANSWER:

The answer supplied by the Minister for Planning and Local Government is: Refer to the answer to question no 823.

Finance: residential allowances

721. THE HON. M. M. GOULD — To ask the Honourable the Minister for Finance: What amount has been paid in residential allowances to the Minister from 14 November 1996 to 30 June 1997.

ANSWER:

\$11,744.96.

Youth and Community Services: advertising

735. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health (for the Honourable the Minister for Youth and Community Services): In respect of each department, agency and authority within his administration, what was the total advertising budget for the 1995–96 and 1996–97 financial years.

ANSWER:

The response to the question is contained within the answer to Legislative Council question No. 798, autumn session 1998.

Youth and Community Services: residential allowance

- 737. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Health (for the Honourable the Minister for Youth and Community Services): What amount was paid in residential allowances to the Minister from 30 March 1996 to 30 June 1997.

ANSWER:

Pursuant to Regulation 6 of the Parliamentary Allowances Regulations 1992, the Minister for Youth and Community Services is eligible for a residential allowance, and has received an allowance in accordance with those regulations.

Treasurer: Energy Projects Division

- 743. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Finance (for the Honourable the Treasurer): Will the Treasurer provide a breakdown of the administrative and service provision costs (including wages and salaries, superannuation, capital charge and other departmental costs) of the Energy Projects Division within the Department of Treasury and Finance for each of the 1993–94, 1994–95, 1995–96, 1996–97 financial years and an estimate for the 1997–98 and 1998–99 financial years.

ANSWER:

The answer supplied by the Treasurer is : Output group costs for strategic policy advice, privatisation and reform services are detailed in Budget Paper No. 3.

Treasurer: Water Reform Unit

- 744. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Finance (for the Honourable the Treasurer): Will the Treasurer provide a breakdown of the administrative and service provision costs (including wages and salaries, superannuation, capital charge and other departmental costs) associated with the Water Reform Unit in the Privatisation and Industry Reform Division of the Department of Treasury and Finance for each of the 1992–93, 1993–94, 1994–95, 1995–96 and 1996–97 financial years and an estimate for the 1997–98 and 1998–99 financial years.

ANSWER:

The answer supplied by the Treasurer is: Output group costs for strategic policy advice, privatisation and reform services are detailed in budget paper no. 3.

Treasurer: Transport Reform Unit

- 745. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Finance (for the Honourable the Treasurer): Will the Treasurer provide a breakdown of the administrative and service provision costs (including wages and salaries, superannuation, capital charge and other departmental costs) associated with the Transport Reform Unit in the Privatisation and Industry Reform Division of the Department of Treasury and Finance for each of the 1992–93, 1993–94, 1994–95, 1995–96 and 1996–97 financial years and an estimate for the 1997–98 and 1998–99 financial years.

ANSWER:

The answer supplied by the Treasurer is: Output group costs for strategic policy advice, privatisation and reform services are detailed in budget paper no. 3.

Treasurer: Port Reform Unit

- 746. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Finance (for the Honourable the Treasurer): Will the Treasurer provide a breakdown of the administrative and service provision costs (including wages and salaries, superannuation, capital charge and other departmental costs) associated with the Port Reform Unit in the Privatisation and Industry Reform Division of the Department of Treasury and Finance for each of the 1992–93, 1993–94, 1994–95, 1995–96 and 1996–97 financial years and an estimate for the 1997–98 and 1998–99 financial years.

ANSWER:

The answer supplied by the Treasurer is: Output group costs for strategic policy advice, privatisation and reform services are detailed in budget paper no. 3.

Treasurer: Project and Outsourcing Development Unit

- 747. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Finance (for the Honourable the Treasurer): Will the Treasurer provide a breakdown of the administrative and service provision costs (including wages and salaries, superannuation, capital charge and other departmental costs) associated with the Project and Outsourcing Development Unit in the Privatisation and Industry Reform Division of the Department of Treasury and Finance for each of the 1992–93, 1993–94, 1994–95, 1995–96 and 1996–97 financial years and an estimate for the 1997–98 and 1998–99 financial years.

ANSWER:

The answer supplied by the Treasurer is: Output group costs for strategic policy advice, privatisation and reform services are detailed in budget paper no. 3.

Conservation and Land Management: Land Titles Office

- 748. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Roads and Ports (for the Honourable the Minister for Conservation and Land Management): In relation to the Land Titles Office what is the number of titles converted to an electronic form in each of the 1993–94, 1994–95, 1995–96 and 1996–97 financial years.

ANSWER:

I am informed that: In 1993–94, approximately existing 80,000 titles were converted to an electronic form through a structured conversion program. The number of new titles created electronically in the financial years 1994–95 to 1996–97 ranges from about 52,500 to 42,000.

Multimedia: Multimedia 21

- 759. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Minister for Multimedia): In relation to the Multimedia Development Fund or Multimedia 21 — (i) what was the total amount of grants made for the 1996–97 financial year; (ii) how many grants have been made; (iii) who have been the recipients of the grants; and (iv) what amount was given to each successful applicant.

ANSWER:

The answer supplied by the Minister for Multimedia is: The honourable member should refer to the 1996/97 Cinemedia annual report.

Multimedia: online government services

760. THE HON. M. M. GOULD — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Minister for Multimedia): In relation to the Government's target for Government services to be available online by 2001 — (i) what was the cost of this project in the 1996–97 financial year and the projected cost for the 1998–99 financial year; and (ii) what was the name and value of all consultancies related to this project in the 1996–97 financial year.

ANSWER:

The answer supplied by the Minister for Multimedia is:

- (i) The Government Online 2001 target is made up of multiple inter-related projects across Government departments. It is not a single project and the target will be achieved by progressively adding electronic options to service delivery mechanisms where these options do not already exist.

Examples of Government services currently offered online are:

- electronic lodgement of court documents from solicitors' offices;
- access to the land titles register for online searching by banks, solicitors, accountants etc;
- access to business names register for online searching;
- interactive voice response services in Vicroads and the Department of Justice;
- information services on the Internet via a consolidated home page for Government (www.vic.gov.au). All Victorian Government Internet information publishing is linked to this single access point;
- online access to Hansard via the Internet;
- access to up-to-date planning information via CD-ROMS;
- maxi kiosks, Internet and Interactive Voice Response services;
- Business Channel (www.business.channel.vic.gov.au); and
- Land Channel (www.land.vic.gov.au).

Each individual Department and Agency would need to be asked in order to establish costs of these projects. This would require an inordinate amount of time and resources which are not available.

- (ii) Each individual Department and Agency would need to be asked in order to establish the name and value of all consultancies related to the Government Online 2001 project. This would require an inordinate amount of time and resources which are not available.

Multimedia: IT&T policy committee

761. THE HON. M. M. GOULD — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Minister for Multimedia): In relation to the IT&T Policy Committee — (i) who was on the Committee as at 1 January 1998; (ii) what was the total budget of this Committee in the 1996–97 financial year; and (iii) what is the projected budget of this Committee for the 1997–98 financial year.

ANSWER:

The answer supplied by the Minister for Multimedia is:

QUESTIONS ON NOTICE

Wednesday, 20 May 1998

COUNCIL

1331

(i)

Mr Robert Crompton	Executive Director	Multimedia Victoria
Mr Ian Webb	Director, Information & Communication Technologies	Multimedia Victoria
Mr Allan Stewart	Director, Corporate Administration	Department of Natural Resources & Environment
Mr John Charleson	Assistant Public Service Commissioner	Office of the Public Service Commissioner
Mr Neil Wyatt	Assistant Director, Telecommunications	Multimedia Victoria
Mr Greg Hyams	First Assistant Secretary, Office of State Administration	Department of Premier & Cabinet
Mr Blair McRae	Executive Director, Business Services & Marketing	Department of State Development
Mr Frank Peck	Deputy Secretary, Strategic Planning & Administrative Services	Department of Education
Mr Derek Whitehead	Deputy State Librarian	State Library of Victoria
Mr Ron Paice	Deputy Secretary, Financial Management Division	Department of Treasury & Finance
Mr Lance Wallace	Director, Corporate Resources	Department of Human Services
Ms Sue Jaquinot	Deputy Secretary, Organisational Development & Corporate Support	Department of Infrastructure
Mr Ken Latta	Executive Director, Corporate Services	Victoria Police
Ms Elizabeth O'Keefe	Executive Director, Land Management & Resource Information	Department of Natural Resources & Environment
Mr Neil Taylor	Executive Director, Strategic Management	Department of Treasury & Finance

(ii) Nil

(iii) Nil

Multimedia: Vicnet

762. THE HON. M. M. GOULD — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Minister for Multimedia):

- What is the cost per year of maintaining Vicnet.
- How many people are employed in maintaining Vicnet.
- What were the usage figures in 1996–97 and what are the projected figures for 1997–98.

ANSWER:

The answer supplied by the Minister for Multimedia is:

- Vicnet funding for 1996–97 was as follows:

	(\$)
Community Support Fund	190,000
Trading Revenue	879,136

Total

1,069,136

(b) 21 full time staff employed directly by VICNET

(c) For 1996–97 usage figures, refer to the State Library of Victoria Annual Report 1996–97.

The projected usage rate for 1997–98 is 40,000,000 hits.

Youth and Community Services: media research

767. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health (for the Honourable the Minister for Youth and Community Services): What are the details of all media research and public opinion polling for the 1996–97 financial year, including — (i) the title of each poll or item of research; (ii) the date approved and duration of contract; (iii) the cost of these contracts; (iv) the personnel or company conducting the project; (v) whether it was put to tender; (vi) recommendations made; and (vii) any actions taken by the department or Minister.

ANSWER:

There was no media Research or public opinion polling conducted in 1996–97 in respect of the Minister for Youth and Community Services portfolio.

Education: Learning and Assessment Project

768. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health (for the Honourable the Minister for Education): In relation to the Learning and Assessment Project, what was the total cost of the Program for the 1995–96 and 1996–97 financial years, indicating — (i) the total advertising and public relations cost; (ii) the specific cost to operate the LAP Hotline unit, the number of staff employed and the number of phone calls received; (iii) the cost of all radio advertising promoting the LAP; (iv) the cost of newspaper advertisements and inserts; (v) the number of promotional booklets printed, their cost, and the number distributed; and (vi) the cost of opinion polling research on the LAP.

ANSWER:

I am informed as follows:

The total cost for the 1995–96 financial year for the LAP was \$2,398,803 including \$622,000 for payment for services for the completion of the 1995 LAP contract. The total cost for the 1996–97 financial year for the LAP was \$2,064,542 including \$390,000 for payment of services for completion of the 1996 LAP.

(i) Nil

(ii) The hotline was a freecall line. \$1488 was paid for usage in 1996–97 and \$1200 was paid in 1995–1996. Labour costs for 1996–97 were approximately \$4010 and labour costs for the 1995–96 period were similar.

In 1996–97 one person was employed to staff the LAP hotline for a period of six weeks and other Board staff assisted when necessary. In the 1995–96 period many calls were handled directly by the LAP contractors and these were not recorded

In the testing period, 964 calls were received on administrative matters including changes to school enrolments, requests to vary the dates of the assessments, arrangements for deliveries and collections of materials and requests for special materials such as braille and large print. There were 284 calls seeking general information including calls from parents, teachers and the general public. In the 1995–96 period many calls were handled directly by the LAP contractors.

(iii) Nil

QUESTIONS ON NOTICE

Wednesday, 20 May 1998

COUNCIL

1333

(iv) Nil

(v) Nil

(vi) Nil

Treasurer: advertising

769. THE HON. M. M. GOULD — To ask the Honourable the Minister for Finance (for the Honourable the Treasurer): In respect of each department, agency and authority within the Treasurer's administration, what are the details of all advertising campaigns for the 1995–96 and 1996–97 financial years, indicating — (i) the purpose and total costs of each campaign; and (ii) the total advertising budget in his ministerial portfolio for these financial years.

ANSWER:

The answer supplied by the Treasurer is: For response to this question, I refer the honourable member to question no 817.

Education: Classrooms of the Future program

775. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health (for the Honourable the Minister for Education): In relation to the promotion of the Classrooms of the Future program — (i) what was the total cost of the Program in 1996–97; (ii) what was the cost of advertising, publications and public relations; (iii) what was the cost of all radio advertising; (iv) what was the specific cost of operating the hotline, the number of staff working, and the number of calls received; and (v) what was the cost of promotional packaged information printed and distributed.

ANSWER:

I am informed as follows:

For 1996–97:

(i) nil

(ii) nil

(iii) nil

(iv) There is no specific hotline promoting Classrooms of the Future.

(v) nil

Transport: annual reports

781. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports (for the Honourable the Minister for Transport): In respect of each department, agency and authority within his administration, what was the total cost of annual reports for the 1995–96 and 1996–97 financial years.

ANSWER:

The cost of annual reports for the 1995–96 and 1996–97 financial years for the Public Transport Corporation was:

(a) For 1995–96 the cost was \$42,610;

(b) For 1996–97 the cost was \$40,160.

Conservation and Land Management: annual reports

- 793. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Minister for Conservation and Land Management): In respect of each department, agency and authority within her administration, what was the total cost of annual reports for the 1995–96 and 1996–97 financial years.

ANSWER:

I am informed as follows:

Department/Agency/Authority	Cost 1995–96	Cost 1996–97
Department of Natural Resources and Environment	\$85,718.00	\$60,000.00
Alpine Resorts Commission	\$22,080.00	\$30,210.00
Environment Conservation Council	\$1,545.00	\$1,895.00
Environment Protection Authority	\$29,749.40	\$27,718.00
Parks Victoria	Not applicable	\$16,984.00
Royal Botanic Gardens	\$21,490.00	\$33,470.00
Trust for Nature (Victoria)	Not available	\$6,270.00
Zoological Parks & Gardens Board	\$26,573.00	\$25,795.00

Youth and Community Services: advertising

- 798. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Health (for the Honourable the Minister for Youth and Community Services): In respect of each department, agency and authority within his administration, will he provide details of advertising campaigns over \$10,000 conducted during the 1995–96 and 1996–97 financial years, indicating the purpose and cost of each campaign.

ANSWER:

A number of community awareness campaigns have been conducted to promote specific issues critical to the effective delivery of human services. We do not advertise, but run promotional campaigns as a component of the broader communication strategy.

1. The only campaigns relating to Youth and Community Services conducted during the 1995–96 financial year were:

Information campaigns were conducted with paid advertising, including the \$54,080 Never Shake a Baby campaign to raise community awareness about the dangers of shaking babies

The Problem Gambling Community Education campaign, aiming to increase community awareness of problem gambling and the number of people seeking assistance, cost \$1,307,500 in 1995–96

An information campaign to notify the community (including a variety of non-English speaking communities) about the availability of State concessions cost \$33,431

A campaign informing people of an innovative service delivery for children with a disability and their families ran across Victorian press at cost of \$31,680

2. In 1996–97 financial year there was no central budget for advertising. Each Division was responsible for its own program expenditure on advertising contracts and consultancies.

FreeZA — Guaranteed drug and alcohol free music events financially supported by the Department. The total cost was \$197,273.

Promotional material, expanded range of information, increased number of community languages, additional posters, translated community services announcements for radio, English spoken community services announcements for radio, a launch of concessions information packages. Total cost \$50,000.

Conservation and Land Management: staff

811. THE HON. M. M. GOULD — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Minister for Conservation and Land Management): In respect of each department, agency and authority within her administration, what are the details relating to staffing levels for the 1995–96 and 1996–97 financial years.

ANSWER:

I am informed that:

The Department of Natural Resources and Environment supports both the Conservation and Land Management and Agriculture and Resources portfolios. Details of staffing levels for the 1995–96 and 1996–97 financial years for the Department and agencies and authorities within the Catchment and Land Management portfolio are listed below:

Entity	1995/96	1996/97
Department of Natural Resources and Environment	5,323.49 FTE*	5,052.58 FTE
Alpine Reports Commission (staffing levels increase significantly during the snow season)	65 to 187	67 to 187
Environment Conservation Council	10.6 FTE	10 FTE
Environment Protection Authority	303	330
** Committees of Management for Crown Land	not available	not available
Parks Victoria	not applicable	875
Royal Botanic Gardens	136	129
Trust for Nature (Victoria)	12.6 FTE	7.2 FTE
Zoological Parks & Gardens Board	252	276

* FTE = Full Time Equivalent position

** As there are approximately 4,000 Committees of Management the time and resources required to provide figures for these Committees cannot be justified

Treasurer: advertising

817. THE HON. M. M. GOULD — To ask the Honourable the Minister for Finance (for the Honourable the Treasurer): In respect of each department, agency and authority within his administration what are the details of all advertising campaigns for the 1995–96 and 1996–97 financial years, indicating — (i) the purpose and total costs of each campaign; and (ii) the total advertising budget in his ministerial portfolio.

ANSWER:

The answer supplied by the Treasurer is :

Department of Treasury and Finance

1995–96	Nil
1996–97	Nil

Office of the Chief Electrical Inspector

1995–96	\$825,311.00 — Comprehensive public awareness campaign aimed at educating industry and the community regarding the safe use of electricity.
---------	---

QUESTIONS ON NOTICE

1336

COUNCIL

Wednesday, 20 May 1998

1996–97 \$829,907.00 — Comprehensive public awareness campaign aimed at educating industry and the community regarding the safe use of electricity.

Treasury Corporation of Victoria

1995–96 \$307,126.54 — Advertising retail bond issue.
1996–97 \$ 43,980.78 — Strategic positioning of TCV and internet site.

Victorian Funds Management Corporation

1995–96 Nil
1996–97 Nil

Rural Finance Corporation of Victoria

1995–96 \$203,331.00 — Promotion of drought assistance.
1996–97 \$106,827.00 — Promotion of drought assistance.

State Trustees Ltd

1995–96 \$100,298.00 — To promote the range of State Trustees services.
1996–97 \$386,046.00 — Promote the range of State Trustees services and launch subsidiary company STL Financial Services Ltd.

State Revenue Office

1995–96 Nil
1996–97 Nil

Transport Accident Commission

1995–96 \$17.3m Drink-driving, speeding, fatigue and youth & inexperience campaigns.
1996–97 \$18.1m Drink-driving, speeding, fatigue and youth & inexperience campaigns.

Planning and Local Government: advertising

823. THE HON. M. M. GOULD — To ask the Honourable the Minister for Finance (for the Honourable the Minister for Planning and Local Government): In respect of each department, agency and authority within his administration, what are the details of all advertising campaigns for the 1995–96 and 1996–97 financial years, indicating — (i) the purpose and total costs of each campaign; and (ii) the total advertising budget in his ministerial portfolio.

ANSWER:

The answer supplied by the Minister for Planning and Local Government is:

The Department of Infrastructure and Agencies within the Planning and Local Government portfolio regularly advertise including advertisements for public information, job vacancies, inviting tenders, exhibition of planning scheme amendments and invitations to make submissions on reviews. Information relating to expenditure on that ad hoc advertising has not been supplied as the costs required to assemble and verify the information cannot be justified.

Details of specific advertising campaigns for the year financial years 1995–96 and 1996–97 are:

Department of Infrastructure

(i) Information relating to the financial year 1995–96 year is included in the response to Question No. 1044 tabled on 9 April 1997.

QUESTIONS ON NOTICE

Wednesday, 20 May 1998

COUNCIL

1337

The Department of Infrastructure did not undertake any advertising campaigns during the 1996–97 financial year.

- (ii) The information is not available in the form requested and the costs required to assemble and verify the information cannot be justified.

Architects Registration Board

- (i) Information relating to the 1995–96 financial year is included in the response to Question No. 1044 tabled on 9 April 1997.

The Architects Registration Board did not undertake any advertising campaigns during the 1996–97 financial year.

- (ii) The information is not available in the form requested and the costs required to assemble and verify the information cannot be justified.

Building Control Commission

- (i) Information relating to the 1995–96 financial year is included in the response to Question No. 1044 tabled on 9 April 1997.
- (ii) The Building Control Commission undertook various advertising at a cost of \$338,407 including advertising in the press and television media for information campaigns on the advantages of using a registered builder and Kidsafe swimming pool safety fencing.
- (iii) The information is not available in the form requested and the costs required to assemble and verify the information cannot be justified.

Docklands Authority

- (i) Information relating to the 1995–96 financial year is included in the response to Question No. 1044 tabled on 9 April 1997.

During the 1996–97 financial year the Docklands Authority undertook various advertising in the press and magazine media to market and promote Melbourne Docklands to developers, financiers, investors, tenants, end users and the general public at a total cost of \$345,353.

- (ii) The information is not available in the form requested and the costs required to assemble and verify the information cannot be justified.

Plumbing Industry Board

- (i) Information relating to the 1995–96 financial year is included in the response to Question No. 1044 tabled on 9 April 1997.

During the 1996–97 financial year the Plumbing Industry Board undertook various advertising in print media and radio, and printed and distributed information relating to the introduction of the self-certification scheme, the Certificate of Compliance, and Insurance, to Licensed Plumbers and to promote consumer awareness at a total cost of \$205,382.

- (ii) The information is not available in the form requested and the costs required to assemble and verify the information cannot be justified.

Urban Land Corporation

- (i) Information relating to the 1995–96 financial year is included in the response to Question No. 1044 tabled on 9 April 1997.

During the 1996–97 financial year the Urban Land Corporation undertook various advertising in the print, radio and television media relating to the sale of Urban Land Corporation land at a total cost of \$1,260,000.

- (ii) The information is not available in the form requested and the costs required to assemble and verify the information cannot be justified.

Education: ministerial expenses

- 825. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Health (for the Honourable the Minister for Education): What are the details of expenses of the office of the Minister from 2 March to 30 June 1997.

ANSWER:

I am informed as follows: Total expenditure for the Minister's office was \$205,755 from 2 March to 30 June 1997. Expenditure consisted of salary payments, salary on-costs including payroll tax and Workcover, operating expenses including travel and personal expenses, office requisites and equipment, motor vehicle expenses and other miscellaneous expenses.

Arts: publications

- 908. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Minister for the Arts): In respect of the publications *Victoria the State for the Arts 21* and *Arts 21 News*, what are the details of all issues produced, indicating — (i) how many issues were produced; (ii) the date of each issue; (iii) details of distribution, including numbers and cost; (iv) the numbers printed; (v) the cost of production; (vi) by whom it was printed; and (vii) whether tenders were called.

ANSWER:

- (i) *Arts 21: Victoria the Victorian Government's strategy for the Arts into the twenty-first century* was produced in 1994 and reprinted in 1997. Twelve editions of the *Arts 21* newsletter have been produced.
- (ii) Since March 1996, the *Arts 21* newsletter has been published on a quarterly basis.
- (iii) Approximately 3000 copies of the *Arts 21* newsletter are mailed to individuals, government and private sector organisations; the cost of postage being \$3,750. A further 1500 copies are distributed to airports, and regional and metropolitan hotels, theatres and information centres at a cost of \$350. The remainder are delivered to specific 'arts points' around Melbourne and Victoria to be picked up by interested patrons; the cost of which is nil.
- (iv) Three thousand copies of *Arts 21: Victoria the Victorian Government's strategy for the Arts into the twenty-first century* were printed in 1997. The print run for the *Arts 21* newsletter in April 1996 was 3000. However, due to demand, this was increased to 5000 in September 1996 and 8000 in June 1997.
- (v) The 1997 reprint cost for *Arts 21: Victoria the Victorian Government's strategy for the Arts into the twenty-first century* was \$8,260. Currently, the cost of production for the *Arts 21* newsletter is approximately \$18,800.
- (vi) The printer of the 1997 reprint of *Arts 21: Victoria the Victorian Government's strategy for the Arts into the twenty-first century* was Complete Print Management. The name of the current printer of the *Arts 21* newsletter is Manark Printing P/L.

(vii) Printing for each publication was requisitioned in accordance with the Victorian Government Purchasing Board's Supply Policy and Guidelines. Tenders were not required.

Treasurer: restructure publications

912. THE HON. M. M. GOULD — To ask the Honourable the Minister for Finance (for the Honourable the Treasurer): In relation to the restructure of the electricity, gas and water industries, what are the details of all publications produced for the 1995–96 and 1996–97 financial years, including — (i) how many issues were produced; (ii) the date of each issue; (iii) details of distribution, including numbers and cost; (iv) the numbers printed; (v) cost of production; (vi) by whom it was printed; and (vii) whether tenders were called.

ANSWER:

The answer supplied by the Treasurer is: A list of publications produced is published in the respective annual reports of the Department of Treasury and Finance.

Police and Emergency Services: staff

921. THE HON. M. M. GOULD — To ask the Honourable the Minister for Roads and Ports (for the Honourable the Minister for Police and Emergency Services): In respect of each department, agency and authority within his administration, what are the details relating to staffing levels for the years 1995–96 and 1996–97.

ANSWER:

I am informed that the information available in response to the Honourable Member's question is: This information is contained in the Department of Justice annual reports which are publicly available. The time to circulate portfolio agencies to provide information in response to the question cannot be justified; however the honourable member may also wish to consult the agencies' annual reports

Education: NFF use of satellite television network

925. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health (for the Honourable the Minister for Education): In relation to the approval given to the National Farmers Federation's use of the Department of Education's satellite television network on Wednesday, 25 March 1998 — (i) who approved the use of the Department's facilities; (ii) what conditions or guidelines were placed on the approval; (iii) have any more uses been applied for or approved; and (iv) what fees were paid.

ANSWER:

I am informed as follows:

- (i) The Secretary of Education approved the use of the Department's facilities (SOFNet).
- (ii) The Victorian Farmers Federation (VFF) were required to submit a SOFNet 'Program Concept Brief', a program running sheet and details of their on-camera representatives and guests for the Secretary's approval.
- (iii) The VFF has applied for one more production/transmission in 1998. The departments of Justice and Human Services, Small Business Victoria and GOWRIE-RAP have all used SOFNet. Approval of all of these programs is dependent upon receipt of the appropriate paper work.
- (iv) The release of the information would breach commercial confidentiality.

Education: conveyancing allowances

926. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health (for the Honourable the Minister for Education): In regard to conveyancing allowances — (i) how much has been spent in each of

the past five financial years on the allowance; (ii) what are the eligibility guidelines for this allowance; and (iii) what changes have been made to these guidelines over this period.

ANSWER:

I am informed as follows:

- (i) 1992/93 — \$5,737,000
1993/94 — \$8,400,000
1994/95 — \$10,722,000
1995/96 — \$11,964,000
1996/97 — \$12,245,000

- (ii) To be eligible to receive a conveyance allowance, a student must be attending the nearest government primary or secondary school, or the nearest non government primary or secondary school of the appropriate denomination as required. In all cases the student must reside at least 4.8 kilometres from the nearest appropriate school. An exception can be made by the General Manager (Schools) of the relevant region because zoning practices or lack of accommodation preclude attendance at the nearest appropriate school, or where the required course of study is not available at the nearest school in years 11 and 12.

- (iii) The basic eligibility requirements have not altered for many years.

Education: publication of class sizes

927. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health (for the Honourable the Minister for Education): What was the total amount paid by the Government to publish a complete list of primary school class size figures in the *Herald Sun* and the *Age*.

ANSWER:

I am informed as follows: No additional cost to the department over and above normal supplements.

Education: Keys to Life literacy program

930. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health (for the Honourable the Minister for Education): In respect of the \$52 million allocated to the Keys to Life literacy program, what is the detailed breakdown of the expenditure in terms of allocation in 1997–98 to — (i) professional development; (ii) allocations per school in School Global Budgets; (iii) publications; (iv) information kits; (v) advertising; and (vi) research.

ANSWER:

I am informed as follows:

The estimated detailed breakdown for 1997–98 is as follows:

- (i) Professional Development \$3.4 million
- (ii) School Global Budget \$48 million

It is not possible to provide a per school allocation as Keys to Life funds are built into a number of components of the School Global Budget, some of which are allocated on a straight per student basis, others of which are allocated on the basis of identified educational need.

- (iii & iv) Publications including information kits \$0.6 million
- (v) Advertising nil

QUESTIONS ON NOTICE

Wednesday, 20 May 1998

COUNCIL

1341

(vi) Research

nil

Education: Futures for Young Adults program

932. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health (for the Honourable the Minister for Education): In respect of the abolition of 18+ Transition programs in special schools in favour of the Futures for Young Adults Program, prior to the implementation of the FFYA, what was the age breakdown of the 1270 students involved in the first transfer of students out of government schools into the FFYA program in 1997.

ANSWER:

I am informed as follows: Of the initial cohort of FFYA students with recorded birth dates, the age breakdown is as follows:

No. of Students	Age (in 1996)
1	35
1	34
1	31
1	29
1	28
12	27
13	26
22	25
25	24
45	23
65	22
127	21
179	20
270	19
409	18

Education: LOTE teachers

934. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health (for the Honourable the Minister for Education): How many qualified LOTE teachers are currently employed in government schools.

ANSWER:

I am informed as follows: The latest figures available relating to numbers of qualified LOTE teachers employed in government schools are taken from the last annual LOTE Survey, conducted in July 1997. This data indicates that there are 940 qualified language teachers in government secondary schools and 560 qualified language teachers in government primary schools.

Conservation and Land Management: Parks Victoria grants

939. THE HON. M. M. GOULD — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Minister for Conservation and Land Management): In respect of grants for 1996–97 and 1997–98 to community groups from Parks Victoria — (i) what organisations were funded, what were their projects and what amount was funded; and (ii) what organisations applied unsuccessfully for funds, what were their projects and what funds were requested.

ANSWER:

I am informed that: Publicly available information about grants made to community groups is available from Parks Victoria.

Education: *Victorian School Education: The Facts*

940. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health (for the Honourable the Minister for Education): In respect of the publication *Victorian School Education: The Facts* — (i) what were the production and printing costs of the publication, indicating the number printed and the number distributed; and (ii) what is the specific cost to operate the Education Line, indicating the number of staff working and their cost, and the number of calls received.

ANSWER:

I am informed as follows:

- (i) \$75,840 — 1,050,000 copies printed and distributed.
- (ii) The Education Line is staffed by two personnel at an annual cost of \$93,200. The average annual amount of calls received is approximately 17,000.

Education: Information Line

942. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health (for the Honourable the Minister for Education): What is the specific cost to operate the Information Line, indicating the number of staff working and their cost, and the number of calls received.

ANSWER:

I am informed as follows: The answer to this question has been incorporated within the response to Legislative Council question 940, a copy of which is attached.

[Hansard Reference: 20 May 1998]

Conservation and Land Management: *Centenary Chronicle*

947. THE HON. M. M. GOULD — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Minister for Conservation and Land Management): What are the details of all issues of *Centenary Chronicle* produced by Parks Victoria since 1 April 1996, indicating — (i) how many issues were produced; (ii) the date for each issue; (iii) details of distribution, including numbers and cost; (iv) the number printed; (v) the cost of production; (vi) by whom it was printed; and (vii) whether tenders were called.

ANSWER:

I am informed that the answer is:

- (i) One issue.
- (ii) Issue covered period from February to December 1998.
- (iii) Inserted into Alpine Times mid-January 1998 at a cost of \$1,100, given out at park entrance stations, distributed by parks staff to Information Centres, motels and other tourist establishments.
- (iv) 70,000 copies.
- (v) \$9,178.49.
- (vi) Canweb in Canberra.
- (vii) Tenders were called.

Conservation and Land Management: *The Mirror*

948. THE HON. M. M. GOULD — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Minister for Conservation and Land Management): What are the details of all issues of *The Mirror* produced by Parks Victoria since 1 April 1996, indicating — (i) how many issues were produced; (ii) the date for each issue; (iii) details of distribution, including numbers and cost; (iv) the number printed; (v) the cost of production; (vi) by whom it was printed; and (vii) whether tenders were called.

ANSWER:

I am informed that the answer is:

- (i) One issue.
- (ii) 22 December 1997.
- (iii) Distributed as a four-page wrap around the Foster Mirror, and upon request.
- (iv) Foster Mirror distribution plus 40,000 extra copies.
- (v) \$17,070.
- (vi) Fine Print Australia Ltd.
- (vii) No tenders were called as Fine Print Australia is a preferred supplier.

Conservation and Land Management: *Canopy*

949. THE HON. M. M. GOULD — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Minister for Conservation and Land Management): What are the details of all issues of *Canopy* produced by Parks Victoria since 1 April 1996, indicating — (i) how many issues were produced; (ii) the date for each issue; (iii) details of distribution, including numbers and cost; (iv) the number printed; (v) the cost of production; (vi) by whom it was printed; and (vii) whether tenders were called.

ANSWER:

I am informed that the answer is:

- (i) Three issues.
- (ii) November/December 1997, January/February 1998, April/May 1998.
- (iii) Copies are distributed to key stakeholders including representatives of friends groups and other members of the community who have demonstrated an interest in park management, parliamentarians, members of conservation groups, commercial tour operators, visitors to outlets such as the Information Victoria Centre, the DNRE Information Centre, the Parks Victoria Information Centre, and upon request.
- (iv) 5,000 first two print runs, 6,000 last print run.
- (v) Total cost of the three issues is \$24,058.11.
- (vi) Fine Print Australia Ltd.
- (vii) Tenders were called.

Conservation and Land Management: *Victorian Landcare*

950. THE HON. M. M. GOULD — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Minister for Conservation and Land Management): What are the details of all issues of *Victorian Landcare* produced since 1 April 1996, indicating — (i) how many issues were produced; (ii) the date for each issue; (iii) details of distribution, including numbers and cost; (iv) the number printed; (v) the cost of production; (vi) by whom it was printed; and (vii) whether tenders were called.

ANSWER:

I am informed that: *Victorian Landcare* is not a Parks Victoria production.

Multimedia: *Converge*

951. THE HON. M. M. GOULD — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Minister for Multimedia): What are the details of all issues of *Converge* produced since 1 April 1996, indicating — (i) how many issues were produced; (ii) the date for each issue; (iii) details of distribution, including numbers and cost; (iv) the number printed; (v) the cost of production; (vi) by whom it was printed; and (vii) whether tenders were called.

ANSWER:

The answer supplied by the Minister for Multimedia is:

(i) Two

(ii) December 1997
March 1998

(iii) 5,000 copies of each volume have been distributed to organisations including:

- Victorian Government Business offices
- all Victorian Members of Parliament
- media outlets
- Departmental Secretaries
- Company and industry contacts
- relevant industry associations
- the Premier's Task Force in Communications and Multimedia
- Multimedia Victoria's mailing list
- Information Victoria
- Victorian libraries
- secondary schools, universities and TAFEs

at a distribution cost of \$4,383.43

(iv) 5,000

(v) estimated cost of production is \$37,000 for four issues

(vi) Print Graphics

(vii) Written quotations were sought rather than tenders as the project's estimated value was above \$5,000 but below \$50,000.

Conservation and Land Management: EPA autumn air campaign

953. THE HON. M. M. GOULD — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Minister for Conservation and Land Management): In relation to the recent Environment Protection Authority Autumn Air Campaign featured in the *Herald Sun* on 24 March 1998:

- (a) What is the projected cost including advertising and public relations for the campaign.
- (b) What is the cost of advertisements in the daily, suburban and rural press.
- (c) What is the total cost of operating information hotlines, indicating the total number of staff employed and total staff costs.

ANSWER:

I am informed that:

QUESTIONS ON NOTICE

Wednesday, 20 May 1998

COUNCIL

1345

- (a) The projected cost of the campaign is \$145,200.
- (b) The cost of advertisements is \$44,900.
- (c) Nil — no hotlines.

Premier: firearm advertisements

- 954. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Premier): In relation to the recent firearms advertisements titled 'Proposed Amendments to the Victorian Firearms Act', what are the details of — (i) cost of advertisements; (ii) the dates advertisements were placed; (iii) the media outlets in which they were placed; and (vi) to whom the contract was awarded and whether tenders were called.

ANSWER:

I am informed that: This question should be referred to the Honourable the Minister for Police and Emergency Services, who has portfolio responsibility for this matter.

Education: advertising

- 1231. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Health (for the Honourable the Minister for Education): What was the cost of the Education 98 Advertising Feature by the Department of Education printed in the *Herald-Sun* and the *Age* of 28 April 1998 and in all suburban and country newspapers.

ANSWER:

I am informed as follows: No additional cost the Department of Education over and above normal supplements.

Conservation and Land Management: consultancies

- 1244. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Industry, Science and Technology (for the Honourable the Minister for Conservation and Land Management): In respect of each department, agency and authority within her administration, for the period 24 November 1995 to 30 June 1997, what are the details of each consultancy commissioned, indicating — (i) the date; (ii) the cost; (iii) the purpose; (iv) the name and address of the consultant; (v) the recommendations made; (vi) the action taken in response to any recommendations; and (vii) whether tenders were called.

ANSWER:

The answer as provided by the Department of Natural Resources and Environment is:

The details of consultancies in excess of \$100,000 are published in the respective annual reports of the relevant departments and agencies.

Finance: consultancies

- 1246. THE HON. M. M. GOULD** — To ask the Honourable the Minister for Finance: In respect of each department, agency and authority within his administration, for the period 24 November 1995 to 30 June 1997, what are the details of each consultancy commissioned, indicating — (i) the date; (ii) the cost; (iii) the purpose; (iv) the name and address of the consultant; (v) the recommendations made; (vi) the action taken in response to any recommendations; and (vii) whether tenders were called.

ANSWER:

The details of consultancies in excess of \$100,000 are published in the respective annual reports of the departments and agencies.

Gaming: consultancies

1247. THE HON. M. M. GOULD — To ask the Honourable the Minister for Gaming: In respect of each department, agency and authority within his administration, for the period 24 November 1995 to 30 June 1997, what are the details of each consultancy commissioned, indicating — (i) the date; (ii) the cost; (iii) the purpose; (iv) the name and address of the consultant; (v) the recommendations made; (vi) the action taken in response to any recommendations; and (vii) whether tenders were called.

ANSWER:

The details of consultancies in excess of \$100,000 are published in the respective annual reports of the Victorian Casino and Gaming Authority.

Treasurer: consultancies

1249. THE HON. M. M. GOULD — To ask the Honourable the Minister for Finance (for the Honourable the Treasurer): In respect of each department, agency and authority within his administration, for the period 24 November 1995 to 30 June 1997, what are the details of each consultancy commissioned, indicating — (i) the date; (ii) the cost; (iii) the purpose; (iv) the name and address of the consultant; (v) the recommendations made; (vi) the action taken in response to any recommendations; and (vii) whether tenders were called.

ANSWER:

The answer supplied by the Treasurer is : Given the breadth of the member's question and the amount of detail required to provide a full response, it is considered that the time and resources required to provide an answer cannot be justified. A list of consultancies commissioned may be obtained from the Annual reports of the department and its agencies.

Planning and Local Government: consultancies

1250. THE HON. M. M. GOULD — To ask the Honourable the Minister for Finance (for the Honourable the Minister for Planning and Local Government): In respect of each department, agency and authority within his administration, for the period 24 November 1995 to 30 June 1997, what are the details of each consultancy commissioned, indicating — (i) the date; (ii) the cost; (iii) the purpose; (iv) the name and address of the consultant; (v) the recommendations made; (vi) the action taken in response to any recommendations; and (vii) whether tenders were called.

ANSWER:

The answer supplied by the Minister for Planning and Local Government is: The details of consultancies in excess of \$100,000 are published in the respective annual reports of the relevant department and agencies.

Tertiary Education and Training: consultancies

1261. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health (for the Honourable the Minister for Tertiary Education and Training): In respect of each department, agency and authority within his administration, for the period 24 November 1995 to 30 June 1997, what are the details of each consultancy commissioned, indicating — (i) the date; (ii) the cost; (iii) the purpose; (iv) the name and

address of the consultant; (v) the recommendations made; (vi) the action taken in response to any recommendations; and (vii) whether tenders were called.

ANSWER:

I am informed as follows: The details of consultancies in excess of \$100,000 are published in the respective annual reports of the relevant departments and agencies.

Education: South-east metropolitan capital works

1267. THE HON. M. M. GOULD — To ask the Honourable the Minister for Health (for the Honourable the Minister for Education): What are the details of every commitment or undertaking made for capital works in the south-east metropolitan area for the 1997–98 financial year.

ANSWER:

I am informed as follows: The South-East Metropolitan Region of the Department of Education ceased to exist in January 1997.