

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
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**LEGISLATIVE COUNCIL**

**FIFTY-FOURTH PARLIAMENT**

**FIRST SESSION**

**16 May 2002**

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**Thursday, 16 May 2002**

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

**QUESTIONS WITHOUT NOTICE**

**Port of Melbourne: Westgate terminal**

**Hon. C. A. FURLETTI (Templestowe)** — I refer the Minister for Ports to my inquiries earlier this week with respect to the withdrawal of a number of bidders from the proposed third terminal development. I ask the minister: did any of the short-listed bidders pay the \$250 000 surety demanded by the Melbourne Port Corporation to further advance their interest in the third terminal project?

**Hon. C. C. BROAD (Minister for Ports)** — The answer is no.

*Supplementary question*

**Hon. C. A. FURLETTI (Templestowe)** — I almost did not sit down, and I am impressed by the very prompt answer. Notwithstanding the brevity of the answer, I ask the minister to elucidate because I would like to know when she first became aware that the short-listed bidders had withdrawn from the tender process.

**Hon. C. C. BROAD (Minister for Ports)** — As I have already indicated to the house, the process, which was ongoing for some time, reached natural completion when the Melbourne Port Corporation board advised me of its recommendation. I considered that recommendation and announced it at the earliest opportunity.

*Honourable members interjecting.*

**Hon. C. C. BROAD** — I believe that I have already indicated that the — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! I ask the house not to set the bad example of yesterday but to allow the minister's response to be heard.

**Hon. C. C. BROAD** — I believe I have already indicated that the board advised me late on Friday.

**Fishing: abalone**

**Hon. KAYE DARVENIZA (Melbourne West)** — Will the Minister for Energy and Resources inform the

house of recent actions that the Bracks government has taken to ensure more sustainable management of Victoria's and Australia's abalone resources?

**Hon. C. C. BROAD (Minister for Energy and Resources)** — I thank the honourable member for her question. The Bracks government is well aware of the importance of the abalone industry to Victoria, as I indicated recently when announcing to the house the release of the abalone management plan for this fishery.

Abalone is Victoria's most valuable commercial fishery, with a current annual catch worth more than \$70 million, an established processing industry and an emerging aquaculture sector. Victoria is Australia's second-largest producing state and contributes around 10 per cent of the annual world harvest of this fish. Protection of this valuable fishery is vital to ensure its future, and in order to protect the fishery it is important to be able to estimate the extent of the illegal take.

In August of 2000 the Australian Institute of Criminology was commissioned by the Marine and Freshwater Resources Institute (MAFRI) to undertake research into assessing illegal catches of Australian abalone as part of a project funded by the Fisheries Research and Development Corporation. I am pleased to say that MAFRI and the Australian Institute of Criminology have recently provided their final report. That report has found there is a degree of inconsistency in the type and quality of fisheries offence data reporting, intelligence collation and analysis of fisheries-related crime. As a result, a national assessment of the scale and the impact of theft of the resource is difficult in the extreme.

Intelligence and compliance data holdings were established independently to meet the requirements of fisheries agencies around Australia. They were not really designed in the first instance to provide data for research purposes. Because of this the data has limited value as a source of information for estimating abalone theft.

The Bracks government finds this situation unacceptable at a time when it is turning things around for the abalone fishery, with a new management plan and increased and stronger enforcement as part of our marine parks package to cut down the illegal take. The government believes very strongly that the challenge for the future is to investigate the potential for standardisation of fisheries intelligence and compliance data collection, and management between jurisdictions. We are responding to that challenge.

I am pleased to report to the house that the Bracks government is taking a lead role in meeting these challenges. These matters were discussed at both the Primary Industries Ministerial Council and Natural Resource Management Ministerial Council meetings recently held in Hobart.

I am pleased to advise the house that Victoria sought and achieved agreement among all of the jurisdictions, including the commonwealth, for the Marine and Coastal Committee of the ministerial council to undertake as a priority the investigation of the standardisation of fisheries compliance data collection and management between jurisdictions for consideration at the October ministerial council meeting.

The government believes strongly that there is a need for access to national law enforcement databases, and I am pleased to say that Victoria is leading the investigation of those issues in partnership with other state and federal agencies.

### Port of Melbourne: Westgate terminal

**Hon. BILL FORWOOD** (Templestowe) — My question is also to the Minister for Ports, and at the outset I congratulate her because after three days of questioning on the third terminal issue she has at last come in and been honest and accurate with the house.

*Honourable members interjecting.*

**Hon. BILL FORWOOD** — No, she was; let's be fair. At last we got some honest answers from the minister.

In the Assembly on 17 October 2001 the Premier, in response to a question about this particular issue, said:

We will do what the previous Kennett government failed to do in its last term.

That is, get a third terminal operator. I now invite the minister in her new honest, accurate, answering mode to share with us whether or not that is actually going to happen or whether she has failed.

**Hon. C. C. BROAD** (Minister for Ports) — As I have already indicated, the government believes that it has complied in full with its commitment to facilitate and encourage a third operator for competitive reasons at the port of Melbourne. The government has always made it very clear, even if the opposition is incapable of understanding the point, that a third operator must be sustainable in a commercial sense, and the government has made it very plain that it would not intervene in the process — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! I suggest that both sides of the house allow the minister to finish her answer. The minister, without assistance!

**Hon. C. C. BROAD** — The government has made it plain also that it would not be intervening in the way that the previous Kennett government did for purely political advantage, an intervention which resulted in protracted and expensive legal proceedings, the settlement of which has not been revealed publicly but the effects of which are still being felt in adverse ways at the port of Melbourne.

By contrast, the Bracks government has run a process through the Melbourne Port Corporation — which has complete integrity — which is completely consistent with the undertaking the government gave. I will continue, as I always do, to give accurate answers to the house on whatever questions I am asked about these and any other matters.

### *Supplementary question*

**Hon. BILL FORWOOD** (Templestowe) — It did not take the minister long to get back to her old style, did it?

Dr Whitaker, the chief executive officer of the Melbourne Port Corporation, said in *Lloyds List* on 19 November 2001 that he expected the deal to be signed, sealed and delivered before the end of the financial year — that is, 30 June. Will the minister now confess that she has failed in her commitment to deliver a third terminal operator to Melbourne?

**Hon. C. C. BROAD** (Minister for Ports) — The honourable member can produce as many quotes as he likes; I have always been completely clear that the government's intentions were to strongly encourage a third operator to enter the port of Melbourne in relation to a container terminal. That has always had to stand the test of the market, and the market has — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! Stop the clock. The house is entitled to hear the minister's answer, and I ask that the minister be allowed to complete her answer without assistance from either side of the house.

**Hon. C. C. BROAD** — The market has determined that a third operator is not viable and, unlike the previous Kennett government, this government will not intervene to try and undermine that judgment.

**Teachers: recruitment**

**Hon. E. C. CARBINES** (Geelong) — I refer my question to the Minister for Education Services — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! I want to hear the honourable member's question, and I ask others to keep out!

**Hon. E. C. CARBINES** — Thank you, Mr President. I refer my question to the Minister for Education Services and ask: given that the federal government has not invested any money in tertiary places for teaching in its recent budget, will the minister advise how this will impact on Victoria's teacher recruitment strategy?

**Hon. M. M. GOULD** (Minister for Education Services) — I thank the honourable member for her question. It is extremely disappointing that the recent federal budget shows that the Howard government continues to ignore public education. We need to recruit more teachers, yet the federal education minister refuses to adequately supply places to train the teachers that are needed in Victoria. Not 1 cent has been allocated in this week's budget to address the greater need for teaching places.

This is particularly significant when matched with the actions of this government which made education a priority. It has invested over \$2.75 billion in education, which has included funding for more than 3000 extra teachers and staff. The opposition when it was in government sacked 9000 teachers, closed over 300 schools and totally demoralised the profession, which led to the teacher shortages that we have today.

As I have previously informed the house, the government has put in place a number of initiatives to recruit teachers to Victorian schools. An example of these initiatives include the teacher graduate recruitment program and a number of measures designed to increase the status and professionalism of teachers. However, the lack of federal funding for tertiary places in education just makes the job of restoring the profession and the professional standards of teachers that much harder. Education should be a priority of every government, but it has been totally ignored by the Howard government.

By contrast, I am pleased to say that education is a key priority of this government. It is investing heavily in the future of our education system and working to attract teachers to our schools. We are delivering a brighter future and turning the state around.

**Schools: Nichols Point**

**Hon. B. W. BISHOP** (North Western) — My question is directed to the Minister for Education Services. I am delighted at what she has just said. I am certain it will help my question, and it certainly should help her answer. Given the government's policy on smaller class sizes and school upgrades, can the minister inform the house of when a new school will be built at Nichols Point near Mildura?

**Hon. M. M. GOULD** (Minister for Education Services) — As I have indicated, the government has put into the education system over \$2.75 billion since it came to — —

**Hon. Bill Forwood** — How much?

**Hon. M. M. GOULD** — Over \$2.75 billion. That is in contrast to what the coalition government did when it was in government.

The government is building and upgrading over 110 schools across the state. More than one in three schools will receive capital works and improvements. As I indicated in my answer to a question in this house the other day, planning and the budget allocation for schools are the responsibility of the Minister for Education and Training in another place, and I will refer that question on to her.

*Supplementary question*

**Hon. B. W. BISHOP** (North Western) — Obviously the minister has not answered my question. I have carefully read the minister's response to what her responsibilities are in *Hansard* of 19 March. The minister said she is in charge of building, so she should answer my question.

This process started over three years ago, at least, when I requested a demographic study to be done to ensure that the education system in the Sunraysia would be able to cope with the future growth of the area. On 3 April 2001 I asked the then Minister for Education when a new school would be built. The minister advised me that departmental officers were preparing a submission to acquire land adjacent to the existing school site. I ask the minister where the submission is at this point in time, over 12 months later, and when this project will begin.

**Hon. M. M. GOULD** (Minister for Education Services) — As I indicated, the responsibility for the acquisition and disposal of land is the responsibility of the Minister for Education and Training in another

place. She has responsibility with respect to planning. I am happy to pass that request on to the minister.

### World Masters Games

**Hon. D. G. HADDEN** (Ballarat) — I refer my question to the Minister for Sport and Recreation. With the 2002 World Masters Games due to take place in October this year, what steps has the minister taken to ensure that it fulfils its objective of being yet another world-class major event for Victoria?

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I thank the honourable member for her question. As I have mentioned on a number of occasions in this house, the World Masters Games will be held in Melbourne from 5 to 13 October.

I know some members of the house have made inquiries about fees for entry to the games. I will explain that the entry registration fee for participants in the 2002 World Masters Games is \$165. This cost includes a payment to the international games association, a sports fee, and costs for official functions. The fee for Australian participants is lower than that for international participants. I must say the entry fee is very good value. It allows competitors access to quality sporting competition, entry to all games functions, personal accident insurance, discounted public transport, a registration backpack and other benefits. Funding has enabled the entry fee to be reduced to less than half the entry fee for the previous World Masters Games event held in Portland, USA. The amount is also below the \$175 fee recommended by the previous Liberal government.

I refer to the additional golf fee. I know a few honourable members fancy themselves as masters at golf, if not masters of their own universe. Golfers will have to pay an additional fee of \$220 to cover green fees for competitions at some of Victoria's best private golf courses. They include Royal Melbourne, Portsea, Yarra Yarra and Commonwealth. This is great for promoting tourism and sport in this state. It will give an opportunity to many golfers — I know there are a few who fancy themselves as being okay at a bit of golf — who would not normally be able to afford or have access to such great courses.

If participants wish to take part in an extra sport, an extra fee of \$55 is payable to cover the cost of running that sport, including venue hire, staffing, et cetera.

Participants are invited to bring additional persons to Melbourne to enhance the tourism benefits of the event to Melbourne. Participants are entitled to watch the event free of charge, but may bring additional persons

for an entry fee of \$75. Those people will receive the additional benefits of a games package, reserve seats at the opening ceremony, access to all official games functions, a registration kit, a daily newsletter and discounted public transport.

It is expected that the 2002 World Masters Games will attract somewhere in the order of 16 000 to 20 000 competitors, with an estimated economic impact of the order of \$32 million. The games bring together veterans and masters. No doubt there are a few veterans here who could consider entering some of the events; there has been a degree of interest from some of the veterans, if not the masters, in this house. The ages for those events range from 25 to 90 years of age, with 88 per cent of current registrations of interest having been received from participants aged between 25 and 65 years of age who are on a regular income.

At the end of the day the event will enhance this state, not only as a sporting capital but also in terms of its venues and facilities and the participation and enthusiasm with which it embraces sport — again continuing to grow the whole of the state.

### Freedom of information: Infrastructure

**Hon. D. McL. DAVIS** (East Yarra) — My question to the Minister for Ports concerns a ministerial briefing provided to the minister.

**The PRESIDENT** — Order! The Honourable David Davis might take up his normal position.

**Hon. D. McL. DAVIS** — I will come to the microphone, in fact.

Mr President, I refer to a ministerial briefing of 15 February 2001 to the Minister for Ports concerning the lists stored on the department's Recfind system, which was received in her office on 15 February 2001. The memo is from Don Coulson, the FOI manager of the department. I also refer to an email sent to Robyn McLeod on 19 March. Can the minister provide the house with an assurance that neither she nor her chief of staff, Robyn McLeod, did on any occasion meet with Sue Jaquinot, Lawrie Tooher or Don Coulson to discuss the freedom of information request concerning Recfind?

**Hon. C. C. BROAD** (Minister for Ports) — As I have already indicated to the house, I do not involve myself in these matters. As I have also previously indicated to the house, the honourable member will have his opportunity at the Victorian Civil and Administrative Tribunal (VCAT) to pursue these matters.

To the extent that they are relevant to the matters he is taking up with the Victorian Civil and Administrative Tribunal, he will have the opportunity to pursue it as much as he likes. I reiterate: I do not involve myself in freedom of information (FOI) matters, unlike the previous government, which decimated FOI. This government is very proud of its record in restoring the powers of and strengthening FOI.

The fact that the opposition chooses to put in, as the honourable member opposite has on this occasion, voluminous requests that would require an officer an estimated 10 weeks to plough through but then declines to narrow the request in any way is putting serious strain on the administration of FOI. Nevertheless, our commitment to the strengthened FOI system under this government remains and we will continue to support it.

**The PRESIDENT** — Order! I will hear a supplementary question from the Honourable David Davis from his place.

**Hon. M. A. Birrell** — On a point of order, Mr President, you have chosen where the microphones go in this place. I explained to you beforehand that I regarded this as an inadequate settlement. As a result of that I do not think by your actions you should be criticising Mr Davis for doing something that is a natural outcome of there not being a microphone where he sits. It is quite natural for him to reach over to that microphone, and I do not believe that he should be directed to speak from somewhere where there is no microphone.

**The PRESIDENT** — Order! The position is that the rules of this and any other house, other than the New South Wales Assembly where members have no places, is that members speak from their places. I give members of the front bench some latitude when they wander about the chamber, but in this case the honourable member has a position to speak from.

**Hon. M. A. Birrell** — There is no microphone.

**The PRESIDENT** — What are you saying?

**Hon. D. McL. Davis** — I speak to both microphones; I use either.

**The PRESIDENT** — Where is your position? In the middle?

**Hon. D. McL. Davis** — Yes.

**The PRESIDENT** — Order! I uphold the point of order. Mr Davis can use either microphone.

**Hon. D. McL. Davis** — I should say I am happy not to use the microphone.

**The PRESIDENT** — Order! I have been reminded that I suggested that there be an extra table at the front bench to get over this problem and that certain people in the opposition decided that was not to be done.

**Hon. M. A. Birrell** — On a point of order, Mr President, I do not want to belabour this because I look forward to Mr Davis's supplementary question. However, the reason we do not have the tables is because they do not fit. If Mr President can find a way of fitting in two extra tables, I look forward to his doing that before the house next sits.

*Supplementary question*

**Hon. D. McL. DAVIS** (East Yarra) — My supplementary question to the Minister for Ports concerns a letter I received from the FOI Solutions company and its executive director, Mick Batskos. The letter states:

... please note that should any or all of the individuals named be the subject of witness summonses, the department will be applying to have those summonses struck out on the basis of lack of relevance and/or as an abuse of process and will, if it is successful in doing so, seek costs ...

Who gave the order to Mick Batskos to ensure he try to stop witnesses appearing at the Victorian Civil and Administrative Tribunal hearing? Was it somebody in the minister's department?

**Hon. C. C. BROAD** (Minister for Ports) — I congratulate the honourable member for finally getting out his supplementary question!

In response, I indicate, as I have previously said, that the advice to me is that these matters will be determined by the Victorian Civil and Administrative Tribunal.

**Hon. D. McL. Davis** — On a point of order, Mr President, I asked a very specific question to the minister about a consultant who has been hired by her department to manage a freedom of information request that her department is managing. Who gave the order to Mick Batskos to refuse it?

**The PRESIDENT** — Order! There is no point of order.

**Skilling Small Business for the Future program**

**Hon. G. D. ROMANES** (Melbourne) — In March this year the Minister for Small Business launched the Skilling Small Business for the Future program. Will

the minister inform the house of the progress of this program since its launch?

**Hon. M. R. THOMSON** (Minister for Small Business) — I thank the honourable member for her question. Skilling Small Business for the Future is an innovative approach to providing business skills training to small business by using a range of training providers. Up to \$1 million in grants has been offered under this program to TAFE institutes, adult and community education, and private training providers for business skills training projects costing between \$30 000 and \$100 000.

The Bracks government is committed to providing an environment that will grow small business in Victoria. This is achieved not only through good budgets and the tax package contained in the Building Tomorrow's Businesses Today package but also through providing advice and services to businesses in a manner that is convenient and meets their needs.

During my Listening to Small Business program, one of the most common issues or concerns raised by small businesses was accessing training or being able to get to training courses or business development courses that would meet their needs at a time and in an environment that was suitable to them. On 16 March expressions of interest were invited in advertising for the Skilling Small Business for the Future program. The response was better than expected. More than 60 expressions of interest have been received from right across Victoria, which means those people who may not have been able to access business training before may now be given that opportunity.

The Bracks government will be looking to support innovative projects with flexible options for delivery that will genuinely address identified small business training needs. The Bracks government recognises the importance of small business and the importance it plays in growing the whole of Victoria. That is why we are providing business with the opportunity to do business better and smarter, so that their businesses can grow and we can grow the whole of the state.

It is clear that the Bracks government has a vision to support small business and it knows the opposition has no plan and is divided. The opposition does not care, but the government cares and is looking after small business.

### **Budget: sport funding**

**Hon. I. J. COVER** (Geelong) — I refer the Minister for Sport and Recreation to budget paper 3 at page 310 where table 2.8.1 — output summary — lists sport,

recreation and racing as receiving \$48.4 million in 2002–03. That compares with the 2001–02 budgeted figure of \$57.4 million and a revised figure for the same year of \$65.4 million. On the one hand, the budget figure has a 15.6 per cent cut and the revised figure a 26 per cent slashing. Will the minister please advise the house what programs have been cut to facilitate this serious reduction in sport funding in the budget?

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I welcome the question by the honourable member in relation to the budget papers. While I do not have the documentation immediately in front of me to refer to the technical issues, I can and am happy to tell the honourable member that the differences in expenditure relate to major events. One of the keys in the difference in expenditure is Olympic soccer, which was very successful. I was pleased that the government was able to support the Olympic soccer and its funding in recent years.

I say to the Honourable Ian Cover and opposition members that we have contributed significant resources into sport in this budget year and for the out-budget years. Again, as I reinforced last night, this is probably some of the most significant spending in sport, in sporting development in communities and in sporting infrastructure throughout Victoria, as well as in key major sporting facilities.

I reinforce that this is a tremendous budget for sport. It is tremendous because it brings sport into the future in the lead-up to the Commonwealth Games. There will be development of sport and an enhancement of what we are trying to do in sport to ensure that not only are we well prepared for the 2006 Commonwealth Games but that we lead the sector and continue to lead it and give it direction — as opposed to the previous government that was not prepared to give direction to the sector — when it needs that support, assistance, facilitation and leadership. We are providing the dollars and supporting sport. We are growing the whole of the state, unlike the previous government.

### *Supplementary question*

**Hon. I. J. COVER** (Geelong) — I thank the minister for his answer so far. I know that he is a self-confessed poor, dumb ruckman, and I admit I may be a poor, dumb believer, and I thank him for explaining what he has explained, but he might see fit to get the budget papers and in future provide a better explanation of some of the figures that are listed. Would the minister be so kind as to see that the budget papers spell out these reductions much more clearly,

and will he give an undertaking that there is no cut to sport funding in 2002–03?

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I can say confidently to Mr Cover that we have not cut any funding in any sports area. The difference in those figures relates to events. As I mentioned, the funding contrast is in relation to events and should be read as that. I stand by my comments.

### **Marine safety: commercial vessels**

**Hon. T. C. THEOPHANOUS** (Jika Jika) — I refer my question to the Minister for Ports. Given the Bracks government's emphasis on increased marine safety, can the minister advise the house of what the Bracks government is doing to ensure that all commercial vessels meet national marine safety requirements?

**Hon. C. C. BROAD** (Minister for Ports) — I thank the honourable member for his question. One of the ways in which we can make sure that commercial vessels are safe is through increasing the frequency of surveys. Following a review of commercial vessels safety the Bracks government allocated \$300 000 to increase the number of commercial vessel annual surveys. This is consistent with the Bracks government's commitment to improving marine safety on our waters through this and other related safety measures, such as the highly successful introduction of the recreational boat operator licence.

The Bracks government's boost to funding has enabled Marine Safety Victoria to engage additional marine surveyors, revise survey procedures and progressively cease the previous practice under the Kennett Liberal government of owners of non-passenger-carrying vessels to annually self-assess safety standards.

I am pleased to be able to tell the house that now all commercial vessels are inspected annually by qualified persons to ensure that they meet national safety standards. In line with the Bracks government's commitment to ensuring that regional Victorians can have the same access to services, vessel survey services have also been improved in regional Victoria by the allocation of surveyors to five separate regions state wide. In addition to this, a quality system is being introduced to improve reliability and consistency of survey services throughout the state.

Marine Safety Victoria surveyors also now perform random compliance audits of commercial vessels and provide assistance to the water police in enforcing the Marine Act and regulations. In addition, police officers are being trained in commercial vessel standards to support targeted enforcement strategies and programs.

As a result of this initiative of the Bracks government there are approximately 1700 commercial vessels under survey in Victoria, with approximately 200 new vessels entering the survey each year.

The Bracks government's support for improved commercial vessel standards has been welcomed by the industry, I am pleased to say, and is resulting in greater public and workplace safety. The Bracks government has a commitment to marine safety, and that is turning things around in the commercial boating safety area as well as for recreational vessels.

## **SELECT COMMITTEE ON THE URBAN AND REGIONAL LAND CORPORATION MANAGING DIRECTOR**

### **Second interim report**

**Hon. N. B. LUCAS** (Eumemmerring) presented report, together with appendices and extracts of proceedings and minority report.

**Laid on table.**

**Ordered to be printed.**

**Hon. N. B. LUCAS** (Eumemmerring) — I move:

That the Council take note of the report.

Mr President, this is the second occasion when I have had to report on behalf of the committee to this house that the Reeves committee, to use a shorter phrase, has concerns about activities that have been put before it. The house will recall that I previously reported on behalf of the committee the dissatisfaction of the committee with a number of issues, and those were the intervention of the Attorney-General, the Honourable Rob Hulls, the delay in provision of information, the ministerial breach of summons, the ministerial advisers' breach of summons, the failure to provide transcripts and the pre-emptive ministerial responses.

During the committee's deliberations it decided to write to Telstra seeking information about telephone calls made by Mr Reeves in Brisbane to a number of people, including the Premier, the Treasurer, the Minister for Planning, and the officers of each of those ministers and their departments. We wrote to Telstra seeking information about a very wide-ranging set of dates. Telstra wrote back to us and indicated the cost of its doing this would be in the order of \$1 million. Therefore it was illogical to proceed on that basis and we had to hone the dates and the people. That is what we have been doing to reduce the amount to between \$1000 and \$2000.

Although Telstra had agreed to provide us with this information, it being satisfied with our power to request it by summons, during the course of this procedure and without our knowledge the Speaker of the Legislative Assembly intervened and wrote to Telstra — in the committee's view an extraordinary intervention. Mr Speaker did not communicate with my committee that he intended to do that. He did not indicate to the committee at any stage that he was taking that action or provide it with copies of the communications he sent to Telstra. He did not have the courtesy of providing us with the arguments he was putting to Telstra and, in fact, we found out that this had occurred through Telstra writing to us. That is of great concern.

The committee reports therefore that the Speaker has intervened uninvited in the affairs of the select committee, and it wishes to express its concern to this place in relation to his intervention. The committee was disturbed by the fact that the Speaker took it upon himself to take an action which has resulted now in a fortnight's loss of time in the seeking of information which the committee believes it is entitled to obtain from the Telstra corporation. The committee considers that the Speaker's intervention represents a significant and unprecedented interference in the affairs of one house of Parliament. The Speaker certainly has intervened in the activities of the Legislative Council. Honourable members know that there is a separation of the two houses and that this place goes about its business and has certain rights and duties. Those include, by resolution of this house, the right to summon information, but here we have the Speaker intervening without having the courtesy to let us know.

This is the second time that I have had to report to the house that there has been interference from somebody in the affairs of the committee. In paragraph 15 of its report to the house the committee formally reports this matter to the Legislative Council. It is dissatisfied with what has happened and it seeks the direction of this house on how the committee might proceed to fully discharge its responsibilities given to it by terms of reference adopted by resolution of this chamber.

**Hon. GAVIN JENNINGS (Melbourne)** — The fundamental point that has been made in the minority report to which I draw the attention of the house is that the actions of the committee in going on a monumental fishing expedition in the telecommunications sector was totally unwarranted and has drawn no credit to its deliberations as well as causing some degree of embarrassment to the Parliament. I will indicate for the benefit of the chamber why that has taken place.

When the committee determined to ask Telstra to provide information on the use of telephones the committee did not have a specific advice available to it about either the logistical concerns of the consideration of privacy provisions or indeed a specific analysis of its power to subpoena evidence relating to telephone use of ministers in the Legislative Assembly. In fact, the committee decided it did not even have to worry about those issues and Mr Lucas dismissed them out of hand from the chair at that meeting.

**Hon. G. K. Rich-Phillips** — On a point of order, Mr President, the Honourable Gavin Jennings is discussing actions taken within the committee, and I ask that you rule him out of order.

**The PRESIDENT** — Order! The honourable member is entitled to deal with any matter he feels is important, but he knows he is not entitled to deal with matters arising from the deliberations of the committee. I am not in a position to judge the nature of those particular statements as to what category they come into. I have just received the report.

**An honourable member** — How can we rule on it then?

**The PRESIDENT** — Order! I have not read the report; I have just started to read it now. So the position is that the point made by the honourable member is established. Deliberations of the committee shall not be revealed in this debate unless they are reflected in the report itself.

**Hon. GAVIN JENNINGS** — Thank you for your assistance, Mr President. I direct the attention of the house to paragraphs 2 and 3 of the minority report of the select committee which absolutely covers the issues I have been discussing.

The response from Telstra to this monumental fishing expedition is outlined in paragraph 9 of the minority report. It states:

Telstra estimates that there are in excess of 1000 telephone services relevant to the summonses. To process a request of this magnitude would require considerable human and IT resources and cost Telstra well in excess of \$1 million and take up to six months to complete. It would also significantly impede Telstra's ability to comply with its legal obligations to assist law enforcement and national security organisations.

On the basis of the logistical requirement that the committee had placed on Telstra, its response was 'Most unreasonable request'. It was far broader than required and it was way out of kilter with the intention of the committee through its hearings to discover whether one or two calls had been made between

individuals who had appeared before the select committee and Jim Reeves — something that was well established by evidence on the public record in relation to this matter.

The Speaker clearly wrote to Telstra after receiving a request from the Treasurer to determine the appropriate standing orders and privileges that would apply to this information being sought on behalf of members of the Legislative Assembly. Paragraph 14 of the minority report states that correspondence provided by the Speaker confirms that he wrote to Telstra following a request by the Treasurer to address the issue of privilege.

*Honourable members interjecting.*

**The PRESIDENT** — Order! I am very interested to hear what the honourable member is saying. It is difficult when there is shouting from both sides. I ask that the honourable member be allowed to be heard.

**Hon. GAVIN JENNINGS** — Paragraph 16 of the minority report states:

We are of the view that the committee should formally report to the Legislative Council that its costly telecommunications fishing expedition has caused undue embarrassment to both houses and apologise to the Parliament.

The conclusion states:

It is clear from the Speaker's letter that serious doubt exists as to the power of the committee to intervene in a way which infringes the privilege of members of the Assembly thereby infringing the principle of independence between the two houses. The failure of the Liberal and National party members to seek advice from the Clerk prior to reporting to the Parliament is improper ...

The actions of the Liberal and National Party members in this inquiry have shown that they are not prepared to afford basic rights of privacy or proper process to witnesses or to members of the Legislative Assembly and the actions of the Speaker are therefore justifiable.

In conclusion, I reiterate what I have said in the committee: that we need to ascertain our legal standing and we need to obtain specific advice from the clerks and other sources in terms of validating our referral before seeking this information. At this point the committee has not established its legal right to do so and, on the basis of his obligation, the intervention of the Speaker to protect the rights and privileges of members of the Legislative Assembly is totally justifiable, as was indicated in the minority report. I urge the committee at its next deliberative meeting to reconsider its position and recognise the validity of the actions of the Speaker.

**Hon. R. M. HALLAM** (Western) — There are several features of the interim report of the select committee of the Legislative Council which make it a significant document indeed. The first is that we have once again had the committee commissioned by this house to undertake a specific brief in respect of the selection, appointment and resignation of Jim Reeves as managing director of the Urban and Regional Land Corporation being frustrated.

I know a number of honourable members in this chamber would challenge the appropriateness of the brief, but we have had that debate — that has gone. The instructions issued to the committee by the chamber are clear and unambiguous. It is the nature of the intervention in the committee's operation in this case, which in my view represents an unprecedented and quite critical challenge to the authority of the Parliament and the autonomy of the Legislative Council in particular, which is at issue.

As a member of the committee I regard the reporting of the circumstances encountered not only to be appropriate and warranted, but I consider it is my responsibility to report to the Legislative Council given the grave implications that I believe to be associated with this intervention.

I think the document becomes even more significant given that, as has been noted by the chairman of the select committee, this is the second case of intervention. I remind honourable members of the first interim report, which documented the facts surrounding the deliberate actions of senior ministers in the Bracks government, from the Premier down, to frustrate the operation of the committee.

Beyond that, I suggest to the chamber that it is the source of intervention in this case, to wit the Speaker of the Legislative Assembly, which makes this even more significant. It is clear that the Speaker took it upon himself to challenge the validity of the committee's summons on Telstra seeking access to critical telephone records of key witnesses. In my view that is direct, unwarranted intervention in the affairs of one chamber by the other.

I put the speculation to the chamber — imagine the outcry that would follow if the roles were reversed! Apart from the total lack of courtesy shown to this chamber by the Speaker in another place, given that we had to find out about his intervention from Telstra rather than from him, I invite honourable members to consider the logic of the case provided to the chamber in the Speaker's letter. He bases his case upon the autonomy of the individual houses. That is fair enough.

We would not argue with that, except that he then uses the same argument of autonomy to justify his intervention. That is absolutely bizarre. It would be quaint if it were not so serious — the Speaker of the Legislative Assembly speculating and presuming upon the powers and authority of this chamber without even a cursory note to our Presiding Officer or officials of the chamber, leaving aside the select committee appointed to conduct this brief or indeed the honourable members of this chamber assembled in session.

I say as an aside in response to the Honourable Gavin Jennings that I have absolutely no problem with the select committee's entitlement to seek phone records in respect of the witnesses, particularly given the rulings which prevented some of those witnesses attending the hearings and the others who did attend resorting to the 'I don't recall' defence.

I might also say that Telstra saw no problem with the validity of the summons, but that is not the issue, and nor is the question of what or who it was who persuaded the Speaker to intervene or the circumstances under which he became aware of our request to Telstra. The committee did not advise the Speaker. As a matter of courtesy it advised the ministers, but it did not advise the Speaker because it did not think he had a role in the process.

The bottom line is that what has happened has happened, and the brief to the select committee has been ambushed. It is only proper that the committee report upon that fact and seek the Legislative Council's direction, and that is precisely what the interim report does.

**Motion agreed to.**

## PAPERS

### Laid on table by Clerk:

National Parks Advisory Council — Advice to Minister for Environment and Conservation of the transfer of land from existing parks to create eleven Marine National Parks and the Mushroom Reef Marine Sanctuary.

Parliamentary Committees Act 1968 — Minister's response to recommendations in the Public Accounts and Estimates Committee's Report upon the Review of the Auditor General's Special Report No. 43, Protecting Victoria's Children: The role of the Department of Human Services.

Robinvale District Health Services — Report, 2000–2001.

Rochester and Elmore District Health Service — Report, 2000–2001.

## RACING ACTS (AMENDMENT) BILL

### *Second reading*

**Debate resumed from 15 May; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).**

**Hon. I. J. COVER** (Geelong) — As the Liberal Party spokesman for racing I rise to make a contribution on the Racing Acts (Amendment) Bill. I made doubly sure that I got the title of the bill, the Racing Acts (Amendment) Bill, absolutely spot-on because we know that this week people in the other place have had difficulty with bills that contain the words 'amendment' or 'further amendment' in the title, and we would not want that to occur here. Yesterday when the minister read the second-reading speech he got the correct speech.

The purpose of the bill as outlined in the second-reading speech is, firstly, to allow bookmakers to form bookmaking partnerships subject to approval by the Bookmakers and Bookmakers Clerks Registration Committee, provided all partners are registered bookmakers. It further allows bookmakers to form bookmaking companies, subject again to approval by the Bookmakers and Bookmakers Clerks Registration Committee and provided that all directors and shareholders of the bookmaking companies are registered bookmakers.

The bill also seeks to increase the membership of the Bookmakers and Bookmakers Clerks Registration Committee from seven members to eight members to include a person who has expertise in corporate law or finance. That is a direct consequence of the first two purposes — that in allowing bookmakers to form partnerships or companies there needs to be added expertise on the registration committee, and that will be provided by the person coming on board with relevant experience in corporate law or finance.

The fourth purpose of the bill, as we have heard, is to amend the Victoria Racing Club Act 1871 to remove the \$10 million borrowing limit imposed on the Victoria Racing Club.

As can be seen from my introduction, three of the four purposes of the bill directly affect the bookmaking industry — and I was thinking about what word to use and whether to use the word 'industry'.

**Hon. R. A. Best** — What about fraternity?

**Hon. I. J. COVER** — It is not just an industry. I was almost going to go with 'caper', but it is clearly the

bookmaking fraternity. Not only is that a great word to describe the bookmaking people, but it is a colourful word that reflects the colourful role that bookmakers play, not only in this state but right around Australia.

**Hon. R. A. Best** — It is interesting that we did not have a discussion but we came up with the same word.

**Hon. I. J. COVER** — We did not have a discussion, Mr Best, but we certainly know that the bookmakers form a fraternity. As I say, they are a colourful part of racing in Victoria, and it has been a stated intention of the Minister for Racing to support and encourage the activities of bookmakers and to ensure they remain an integral part of racing in Victoria. That is a position supported by the Liberal Party, and no doubt by the National Party as well.

As my colleague Mr Best knows probably better than I do given his long association with country Victoria, where country racing is such an important part of life: what would country Victoria be without country racing, and, in turn, without bookmakers on those country racetracks? The Liberal Party supports the bookmaking fraternity and its ongoing viability and existence in Victorian racing. It goes without saying, therefore, that the Liberal Party does not oppose the legislation.

As a matter of interest, recently I was looking at some material put together by the bookmaking reform working party, a joint government–racing industry group which included representatives from Racing Victoria, Harness Racing Victoria, Greyhound Racing Victoria, the Victorian Bookmakers Association and Tabcorp. I was looking at the material the working party put together, and it showed that in Victoria we currently have 172 bookmakers who field on thoroughbred racing, 43 who field on harness racing and 12 who field on greyhound racing.

It can be seen that the greyhound bookmaking fraternity is the lowest in number and most under threat. It is important that it has every opportunity to continue its activities. It may well be that through this legislation allowing the formation of bookmaking partnerships or companies those 12 greyhound racing bookmakers will seize the opportunity, allowing them to maintain, if not improve, their activities and perhaps in due course expand the number of bookmakers fielding in greyhound racing.

Bookmakers have always been an important, colourful and integral part of racing. I have had my own direct association with many of them when visiting racecourses in both Melbourne and country Victoria.

**The PRESIDENT** — Has that been a profitable encounter?

**Hon. I. J. COVER** — Mr President has inquired of me as to whether this has been a profitable encounter. I think, like anyone who has had any experience in this area, I would like to think that I have broken even. That is seen as actually being a win. But I trust that people on the other side of the house are not going to take a point of order and suggest that I am misleading the house with that suggestion about breaking even. It is something you always say to bookmakers. You say to a bookmaker, ‘How did you go today?’, and they say, ‘Oh, yeah, not bad’. That means they have probably had a really good day. Or ‘Oh, it was dreadful today’, which means it was okay.

I once heard Gavin Marantelli, who is president of the Victorian Bookmakers Association, and who I know quite well, tell the story of a bookmaker who was once asked how he had gone on a particular weekend at the spring carnival. The bookmaker replied that he had broken even. Gavin, with tongue in cheek, admonished the bookmaker for suggesting he had broken even. That was transgressing the unwritten code of bookmakers that you never say you broke even, because it is always a constant battle for them, we know, as they head off to various Chinese restaurants around town of a Saturday night, after being — —

**Hon. G. R. CRAIG** — Chinese restaurants?

**Hon. I. J. COVER** — Yes, the bookmaking fraternity is well known to assemble at Chinese restaurants to discuss the affairs of Saturday’s bookmaking activities.

As I said, I have had encounters with them, and in mentioning Gavin Marantelli, it was a source of some delight to me on Cox Plate day last year to actually place a bet with Gavin at Moonee Valley. He is a place bet only bookmaker, and I was delighted when the horse I backed with him ran third and I was able to take some money off him, albeit about \$1.65 given he is only a place bet bookmaker.

Whilst we do not oppose this legislation, there is a degree of uncharted water to be negotiated by the bookmaking fraternity as it seeks to take up the opportunity afforded to it by this legislation. In speaking with Gavin Marantelli, as president of the Victorian Bookmakers Association, he noted the VBA’s support for the legislation and the opportunities it may create for bookmakers, but at the same time he acknowledged that there is an element of ‘suck it and see’ about just how it pans out because the bookmakers

themselves in entering into partnerships will have their own issues to work out about how they may carry out their operation as a partnership.

In a briefing afforded to the honourable member for Polwarth in the other place, the Honourable Ron Best and me, we raised some of the issues about the mechanics of the legislation when it comes into being and then when partnerships or companies are formed. We were grateful to Mark Close from the Office of Racing, and indeed the minister's adviser, that they would see that the minister would take up some of these issues and write to the Bookmakers and Bookmakers Clerks Registration Committee advising that it would be paramount that the introduction of partnerships and companies is monitored closely to see that a number of issues are addressed as these partnerships and companies are formed. We will be interested to see how that pans out. But I am sure if it gives the bookmaking fraternity an opportunity to further its activities to its liking, it is to be welcomed.

As I mentioned, the briefing we had included the honourable member for Polwarth in the other place. I do not know if people are aware of his contribution on this bill in the other place, but he indicated his long-time support and concern for country racing. He has been a member of the Colac Racing Club committee and assisted in a marketing role there over many years, prior to that holding a trainers permit and he has been a trainer and an owner.

I note that the honourable member for Polwarth further demonstrated his concern for country racing in the other place last night during the adjournment debate, following my raising of that matter concerning the Traralgon Racing Club the previous night in our adjournment debate. Clearly there had been some developments in the 24 hours between its being raised on the adjournment by me and being raised last night by the honourable member for Polwarth. Given the concern and support we have for country racing, we will certainly be paying close attention to how things unfold for the Traralgon Racing Club, the people of Traralgon and those interested and involved in racing in Traralgon and throughout Gippsland. Indeed after reviewing the contribution of the honourable member for Polwarth and from conversations I have had with people involved in that area, we will also not only be watching how it unfolds in respect of the Traralgon Racing Club but also how it unfolds in respect of the local council, which has a particular interest in the racing club given that it is situated on council-owned land.

**Hon. R. A. Best** — A very interesting set of circumstances.

**Hon. I. J. COVER** — It is, Mr Best, a very interesting set of circumstances. We will certainly be watching developments with great interest, as I am sure honourable members on both sides of the house are doing right now.

The other aspect of the bill that I want to mention is that these changes to the bookmaking legislation have come about following recommendations of the bookmaking reforms working party. I mentioned the people represented on that working party. There was wide representation and input into this legislation. The work of that working party followed a national competition policy review of racing and betting legislation. Much work has gone into this to help formulate the legislation.

The Bookmakers and Bookmakers Clerks Registration Committee, as I mentioned, will be overseeing the formation of partnerships and companies of bookmakers. That committee currently comprises an independent chairperson and nominees of Victoria Police, Racing Victoria, Harness Racing Victoria, Greyhound Racing Victoria, the Victorian Bookmakers Association and the Australian Services Union. No doubt they are all very fine representatives of their own organisations and very capable people who maintain the utmost integrity and standards of the bookmaking profession. This additional capability will be given to the committee by the expansion of the membership to include a person who has expertise in corporate law and finance. No doubt as bookmaking partnerships and companies are formed, that person with the expertise will be called on to show their wares, as it were, by looking at the partnerships and companies deeds that will be provided as part of the approval process.

The other part of the legislation that I want to touch on briefly is the fourth and final part — that is, the provision to amend the Victoria Racing Club Act to remove the borrowing limit imposed on the VRC.

This dates back to 1871, and now that the Victoria Racing Club has returned to being just a racing club in its own right and is no longer running racing in Victoria given the formation of Racing Victoria Limited, it can go about doing its own activities in an unfettered way when it seeks to borrow for any development it may wish to do at Flemington. The top priority at Flemington is the redevelopment of the track. There may also be opportunities to improve training facilities there, and all those things cost money. It is important

that the VRC does not have borrowing limit restrictions on it.

It is to the VRC's credit that it has been able to do the fabulous grandstand redevelopment over the last few years. It has provided the last two spring carnivals with a great meeting place. It is a great centre for hospitality, entertainment and a great venue all year round, not only for racing activities but for other functions as well. I congratulate the VRC on its redevelopment of that great facility.

In mentioning my own patch of Geelong Province, the Geelong Racing Club has been able to undertake a magnificent grandstand and function room redevelopment, which opened last year and is providing a tremendous addition to the facilities at the club. I have been fortunate enough to enjoy that facility on race day. The room is also let for night functions and I have been able to attend such an occasion. Indeed, the *Geelong Advertiser* presented its sports star awards there in February this year. The Minister for Sport and Recreation is well aware of those awards ceremonies, having attended them at two other venues in the past; in Geelong at the football club and at Buckley's. Sadly, he was not able to join us this year not only to acknowledge the depth of sporting talent in Geelong but also to see first hand the marvellous new facility at the racing club. I am sure in due course he will return and inspect that facility.

The Liberal Party does not oppose the Racing Acts (Amendment) Bill. It wishes not only the legislation well but also those bookmakers who may take up the opportunity to form partnerships and/or companies. The Liberal Party trusts that bookmakers will continue to play a colourful and integral part in Victorian racing. It is important to note that while they will be forming partnerships or companies they will still be individual bookmakers in their own right, so we will not only encounter them in partnership form but also in their individual forms at thoroughbred, harness or greyhound racing venues.

I trust the bill works well for them, for the fraternity and for the racing industry. Should I be given the opportunity to take them on, as it were, I trust that I will have some success as well, as will honourable members on both sides of the house who enjoy the occasional flutter.

**Hon. R. F. SMITH** (Chelsea) — I am pleased to comment on and support the Racing Acts (Amendment) Bill. I start by saying that the Honourable Ian Cover with his droll comments in his

opening remarks has demonstrated that he will always be a lightweight and never make it to group 1!

The bill has two purposes, one of which is to amend the Racing Act and the Lotteries Gaming and Betting Act. The changes will allow bookmakers to form partnerships and restricted companies. They are also consistent with national competition policy and the government's promise to support bookmakers and assist their viability. The opposition and the government are in unison in their support of the industry. It is a very popular, viable, profitable industry. It is almost state-of-the-art by Australian standards and comparable to anything I have heard of in the world. It is a credit to the administrators of the industry and all who participate in it.

The government is keen to assist in any way it can to maintain the current culture of the Victorian racing industry. The bookmakers themselves are an interesting part of that culture. That is almost unique to Australia; it is not consistent around the world.

The second purpose of the bill is to amend the Victoria Racing Club Act to remove the borrowing limit on the VRC. The amendment will streamline the administration of the financial operations of race clubs. These amendments are at the request of the Victoria Racing Club and will allow for a speedy completion of the racing projects at racing headquarters in Flemington.

Bookmakers reforms included in this bill allow bookies to form partnerships or restricted companies subject to approval from their relevant administration committees. By way of advice I suggest that anyone who gets in between a bookie and his bag is asking for trouble — and anyone who gets in between a company of bookies and their bags is in real trouble! The partnerships will allow Victorian bookies to better compete in an ever-changing market. The competition they now face is quite significant and they will need all the flexibility they can muster. This bill will help them in that regard.

The bill requires that strict probity and financial matters are maintained. When we look at the goings-on in other states, particularly New South Wales with a very high-profile bookmaker named Robbie Waterhouse, we would be well advised to have as strict a policy as possible when it comes to maintaining the credibility of this industry as it is vitally important for the average punter to feel that it is fair and open and that they can have a fair crack of the whip.

The bill also ensures that bookies maintain their individuality by requiring them to be registered as

individuals and for all shareholders and directors of said companies to be registered individually. Benefits that will flow from these changes include, but are not restricted to, the seven-day trading on thoroughbred, harness and greyhound meetings.

The bill will also assist bookmakers to compete internationally and interstate with online betting, now quite popular with many people. When you consider the amount of money that is returned to the industry via bookmakers, et cetera, it is vitally important that we maintain our revenue base and not allow significant profits to escape overseas. Betting with offshore bookmakers provides no net benefits to the industry or the state, and the government wishes to address this concern. The changes in this bill have been agreed to by both industry representatives and the government, and we are confident they will address those concerns.

The Bookmakers and Bookmakers Clerks Registration Committee is responsible to ensure that the registered bookmakers and prospective bookmakers meet appropriate standards of probity and competence — that is, that they have enough money in the appropriate fund to cover any disasters that may occur.

The other purpose of the bill is to remove the borrowing restrictions from section 26 of the Victoria Racing Club Act 1871. As the racing club is now a public company, as we have heard from the previous speaker, it is not encumbered in the way it has been and it will need to borrow more than \$10 million to guarantee cash flow and to ensure the upgrade of headquarters, racetracks and other capital works are not hampered by lack of funds.

The previous speaker also mentioned that the significant capital works improvements over the past couple of years have resulted in it being a spectacular venue at which many organisations can meet. It must be said that over the past two years particularly it has attracted record crowds there, particularly for the spring carnival. It is a world-renowned venue. This is good legislation. I commend the bill to the house.

**Hon. R. A. BEST** (North Western) — On behalf of the National Party I advise the house that it will not oppose the Racing Acts (Amendment) Bill. In fact, I almost came to the conclusion that I should recommend to my party that we support it. However, I have some concerns I would like the minister to address and reply to me on so that I can have some comfort that the government is not only acting responsibly but also ensuring the future health and wellbeing of the racing industry.

As we have heard, the purposes of the bill are to allow bookmakers to form bookmaking partnerships subject to the approval of the Bookmakers and Bookmakers Clerks Registration Committee and provided that all the partners are registered bookmakers, and to allow bookmakers to form bookmaking companies, subject to the approval of the Bookmakers and Bookmakers Clerks Registration Committee and provided that all the directors and shareholders of the bookmaking companies are to be registered bookmakers. They are also to increase the membership of the Bookmakers and Bookmakers Clerks Registration Committee from seven to eight members to include a person with expertise in the area of corporate law and finance, and to amend the Victoria Racing Club Act 1871 to remove the \$10 million borrowing limit imposed on the Victoria Racing Club (VRC).

In addressing this legislation I wrote to a number of participants in the racing industry, the police, each of the racing codes, Tabcorp, and other interested bodies to gain their attitude towards the legislation. I am pleased to say that nobody I corresponded with had any difficulties with the legislation.

On 2 May the chief executive of Harness Racing Victoria, Richard King, wrote to me saying:

I wish to advise that Harness Racing Victoria supports the changes as proposed.

The Moonee Valley Racing Club also wrote to me through Mr Paul Brettell, the chief executive, stating:

Moonee Valley Racing Club is fully supportive of the amendment and thanks you for seeking our views on the matter.

I received a letter of 3 May from David Charles, the general manager of government affairs of Tabcorp, who said:

Although Tabcorp does not have any objection to the legislation, we do not exactly welcome the legislation with opened arms.

He went on to say:

During recent discussions with the minister, we have made it clear that we felt the thin balancing line between the interests of the joint venture —

that is, with the TAB —

and bookmakers has been pushed far enough.

I believe the minister agrees that the package has now been complete for bookmakers. Considering the taxation and other advantages they now possess, the bookmaking fraternity must now stand and compete.

Tabcorp notes and supports the aspect of the bill that requires all the directors and shareholders of a bookmaking company to be individually registered bookmakers. This protects the industry at large from major corporations, mostly foreign, that may wish to plunder our racing industry whilst returning little or nothing back to the industry.

That letter raises a number of issues that I would like to refer to. Back in 1994, when the racing industry and the TAB formed a joint venture, the joint venture paid a substantial licence fee for the ability to operate and conduct the TAB. Clearly it has had to pay a substantial investment. One thing which has occurred — which has been identified by this minister, I think acknowledged by Mr Cover and about which I would like to put my views on the record — is the importance of the bookmaking fraternity in the racing industry. It is very much part of the social fabric and the atmosphere provided on race days.

So while the minister has been prepared to very much support the bookmaking fraternity and the way it can participate in the industry, there is a fine line regarding commercial aspects of the payment of licence fees and the role of the TAB and the joint venture within our racing industry.

I like the TAB, but I am conscious that we should be cautious and careful about the way in which we give concessions to those who want to participate in and profit from the Victorian racing product. In previous speeches in this place I have been particularly scathing of overseas companies, particularly one that operates out of Vanuatu — although that has now been sold and those people have established themselves in the Northern Territory — who use the Victorian racing product for profit while returning very little or putting only small benefits back into our racing industry.

It is all very well to take from the racing industry, but the clubs and a whole range of other participants invest an enormous amount in the Victorian racing industry. We all know about the jobs created not only in metropolitan areas but particularly throughout rural areas as part of the Victorian racing industry.

Last time the house debated a racing bill I asked the minister what he would do to restrict punters in Victoria from telephoning and placing bets overseas, because that was a clear removal of funds from the Victorian racing industry. I did not think that was completely appropriate. I noted at the time that it is illegal in New South Wales for people to ring Vanuatu and other countries to place bets on the New South Wales racing product.

I again raised the issue during the briefing I received from Mark Close and Tony White; I asked what the minister was doing. I am still waiting to hear how the enforcement powers in New South Wales have been applied; I am keen to know whether they have been successful or whether very little can be done. I urge the minister to continue his pursuit to limit the way in which overseas operators can use the Victorian racing product to maximise their financial returns while putting very little back into the Victorian racing industry.

Those of us who are keen racing people know that Victoria has three racing codes: thoroughbred, harness and greyhounds. I am not sure whether it is something to be proud of, but I have owned a greyhound. I also had a good trotter that won a number of races at Mooney Valley, and I still participate as an owner in the thoroughbred racing industry.

I enjoy racing. It is one of the social activities that allows me to relax and provides me with the opportunity to contribute to the welfare of the bookmaking industry. I would not suggest that over the years I have reached a financial break-even point, and I think I have assisted bookmakers to upgrade their vehicles and I have probably paid for much of the petrol to get them to the races. However, there have been occasions when horses I have backed have won. It is an enormous thrill for those who own racehorses, and I know some attendant staff of this chamber are involved in owning racehorses. I know of the thrill that is felt when a horse has run well and won.

A very good friend of mine with whom I spent a couple of days last weekend, Rick Killian, is a major country bookmaker. I gave him a copy of the bill and the second-reading speech to get a bookmaker's view on what the legislation proposes. Fortunately for me, Mr Killian was able to advise me on issues I had not considered. He said that as he gets older he finds the demands in attending race meetings around Victoria are increasingly impacting on his lifestyle and his quality of life. He elucidated that one of the things he would like to see as a result of this type of legislation is for him to be able to mentor somebody into the bookmaking industry, thereby relieving himself of so much of the rigour associated with the bookmaking profession. He said he would be able to form a partnership with somebody he could train and thereby lighten his workload. There is an identifiable benefit in ensuring that experienced and capable bookmakers can pass their abilities on to other people and keep the bookmaker very much as part of our racing fabric.

Although we have a number of bookmakers who participate in the racing industry, I believe fewer bookmakers now field at harness racing meetings or at the greyhounds. I am concerned no bookmakers attend a number of greyhound meetings. That is also now the case at harness racing events in the more isolated areas of country Victoria. I know that even at some country racing events you will see very few bookmakers fielding. The old-style rigour of the bookmaking ring is unfortunately disappearing.

I support the introduction of this legislation because the minister has identified clearly, as has the Honourable Ian Cover, that the bookmaking profession is very much part of the racing industry and is something that I would like to see fostered. Those of us who have been to New Zealand know that the racing experience there loses some of its appeal because bookmakers do not field on course; they rely purely on a TAB-related industry.

I am delighted that the borrowing limits for the Victoria Racing Club are to be reviewed. Unquestionably, the Spring Racing Carnival is one of the great events on the Victorian sporting calendar. It is such a success not only as a racing program over those four wonderful days but also it is an event that people want to attend. The introduction of the carnival-type atmosphere that has been so much part of the promotion process in the past 10 or 15 years means more younger people are going to the races. That is healthy and is one of the reasons why the Victorian racing product is so successful.

The Melbourne Racing Club, as it is now known, has its Caulfield Cup carnival, and the Moonee Valley Racing Club holds the Cox Plate meeting. They all assist and promote Victoria's great racing industry.

I place on the record comments about my home club, the Bendigo Jockey Club, of which I am a member. Its Bendigo Cup, which also has a carnival-type atmosphere, is a great day out. All the young kids come to the course. Just as Melbourne has the Spring Racing Carnival, which is a major event during the spring season, other racing clubs throughout country Victoria hold similar carnival-type meetings but on a smaller scale.

A couple of nights ago I was particularly disappointed to hear the Honourable Ian Cover tell the house about the demise of the Traralgon Racing Club. I hope that Racing Victoria is keeping a watchful eye on the performance of all racing clubs throughout country Victoria, because racing is very much part of the social fabric, as are local football clubs and local sporting

bodies. It is with a note of caution that I ensure that those who are controlling the racing industry keep a watchful eye on aspects of the management and performance of racing clubs.

I endorse the amendments in the bill. Victoria has a great racing industry, which is a major contributor to the tourism industry, to the export of horses to New Zealand and the import of horses from that country, and to having horses now competing on a worldwide stage. During the spring carnival horses come from the United Arab Emirates, England and Ireland, indeed from throughout the world, because the product — the way the industry is managed and controlled — is addressed in such a professional manner it creates a level of confidence by the punting community in the racing industry. That is particularly important, because if people lose confidence in the product they are not prepared to gamble with their money. That is one of the areas in which the Victorian racing product stands out; it is the outstanding racing industry in Australia, and it is something we can be proud of.

As the minister would readily admit, governments of the day should assist and help promote the industry. We do not want and should not want to have our hands in it, trying to manage or manipulate the system. The withdrawal of the government from the racing industry over the past 10 or 15 years has been healthy for the industry because it has allowed the industry to concentrate on what it does best — manage racing on behalf of the total racing industry.

I raise one point that I would like the minister to address in his response. It is about the way in which partnerships and companies are formed between bookmakers and what happens where one of those bookmakers is suspended. How does that affect the partnership and what arrangements will be in place regarding the operation of that partnership or new company? We have heard references to Robbie Waterhouse in Sydney. If Robbie Waterhouse were in a partnership with his father, Bill Waterhouse, who was a very prominent bookmaker in his day, what would be the circumstances if Robbie Waterhouse were to be suspended? What impact would it have on Bill Waterhouse, Sr, in conducting the partnership? They are legitimate questions because it is a circumstance where there could be some legal difficulty — problems with corporate law and the operation of a company — given that all of the partners would be directors and bookmakers.

I seek clarification from the minister on that. I do not expect the minister handling the carriage of the bill in this place to respond to that issue, but to pass it on to

the appropriate minister to provide clarification that people within the industry would like to have.

We do not wish to see bookmakers suspended. However some operate in the country where there is a certain betting limit and others operate in the metropolitan area where there is a different limit. While the dollar amounts of those bets will be reduced in coming years there is still a difference between what one can bet over the telephone at a country meeting and what one can bet over the telephone at a metropolitan meeting. Not everybody who rings up to put on a bet with a bookmaker is aware of whether the bookmaker is at a race meeting at Bendigo or fielding in the metropolitan area. Unfortunately for the bookmakers, they are responsible for taking those bets.

I find difficulty with the way in which bookmakers have been asked to behave. They may have to knock back bets from people because instead of fielding as they might normally do in Bendigo they may be fielding in the metropolitan area. The report shows that since 1996–97 in the country a bet had to be the lesser of \$100 or to win \$1000 and as at 1 July 2001 it became the lesser of \$50 or to win \$500. In the metropolitan area it had to be a more substantial bet: until July 2001 it was the lesser of \$150 or to win \$1500 and on 1 July this year it will become the lesser of \$100 or to win \$1000. That raises the question of how bookmakers who field at both country and metropolitan areas will conduct their business. As I have said, as at 1 July this year people who bet in country areas will not have the minimum bet basically, while those betting on the telephone with bookmakers in the metropolitan meetings will have their bets reduced to \$100. There are anomalies, and it will be an issue for the stewards and the Bookmakers and Bookmakers Clerks Registration Committee.

With those few words, and having raised those few questions, I welcome the legislation because it provides an opportunity for the bookmaking profession to remain in business and be part of the fabric of racing. The National Party will not be opposing the bill.

**Hon. R. H. BOWDEN** (South Eastern) — I signify my support for the Racing Acts (Amendment) Bill and the worthwhile aspects that it contains. The racing industry in Victoria is long established, well run and for a long time has been able to operate with good credibility and make a strong contribution to the economy of the both the state and Australia. The contribution the racing industry makes to the state is large. It is reliably recorded that the industry's contribution is more than \$2000 million per annum, and

more than 40 000 people are directly employed in the racing in its several aspects.

When one considers the large-scale financial and economic contribution that racing makes it also brings to mind its splendid contributions in terms of providing a means of relaxation and pleasure, and providing significant publicity for the state through the holding of the Spring Racing Carnival and other such events. One only has to recall the wonderful things that happen in the lead-up to the Melbourne Cup.

I am grateful for the privilege of representing South Eastern Province in this place, because within its borders are the Mornington and Cranbourne racetracks. Those two facilities make a good contribution to the development of racing and to the maintenance of the high standards we are accustomed to. Many training facilities are located at Cranbourne and Mornington, and I am in favour of and strongly support the activities at both those centres in my province.

I was recently able to obtain some statistics to show the breadth, diversity and scope of the racing industry and, according to figures from the Victoria Racing Club (VRC), between 1 August 2001 and 31 July 2002 there were 130 metropolitan race meetings and 415 country race meetings, and between 1 August 2002 and 31 July 2003, 127 metropolitan race meetings and 415 country race meetings are scheduled. The information from the VRC states that the number of horses that ran or were scheduled to run during the 2001–02 season came to 46 479 starters out of a total of 509 meetings, so one can see the diversity and breadth of the contribution and the large number of people involved in the preparation, presentation and all the supporting characteristics that go to make up the racing industry.

I have had the privilege of having a family member — an uncle who passed away several years ago — who was a registered bookmaker for more than 30 years. I can recall with fondness and pleasure the time I spent with him. My uncle took me to race meetings on many occasions, and I enjoyed them. I also saw the pleasure that racing gives, and the complexity, sophistication and art — I will use that word — that bookmakers are able to bring to their activities on the day. It is colourful and exciting, and I think the atmosphere a bookmaker's ring provides is an intangible but very important part of the spirit of racing. I normally have other interests but I enjoy the occasional visit to the racetracks. I do not go often, but I enjoy it when I do and I am mindful of and very supportive of those people who go. Being an Australian is all about enjoying oneself and also making a good and wholesome economic contribution

to our society. For those reasons I am very pleased to be a very strong but quiet supporter of the industry.

The specifics of the bill build on the considerable respect and perception around the world that Australian racing and Victorian racing management in particular is of a high standard. If we consider the people who bring the high-quality horses from overseas to compete in our Spring Racing Carnival as well as the people who come from interstate and overseas, to my mind there is no question about the credentials of the management of Victorian racing. We are regarded around the world as having a credible, high-standard management regime, and this bill will further enhance that opportunity for us to maintain that good reputation. The bill will allow bookmakers to form companies and partnerships, again in the context of having to maintain that caution, probity and good management I referred to earlier.

The bill will provide for the financial operations necessary to be achieved these days to ensure an ongoing contribution to the industry by bookmakers. It is a good move that through this bill we can be sure that the necessary and sensible adjustments are made to bring the industry into the 21<sup>st</sup> century. I like one aspect of the bill in particular amongst the several I have seen, and that is the continuation of the concentration on the individual. Even though, as through this bill, there will be the formation of partnerships and companies, it is entirely proper to continue the focus on the individual. With a positive expectation that the people involved in bookmaking activity will continue to be people of regard and substance who are mindful of their profession, I have no real concerns. It allows proper organisation to take place and the proper corporate and other measures that are needed to be competitive in this modern world, particularly since advances in telecommunications and business practices have meant that some of the benefits of the past, through isolation and geographic diversity, have now been lost.

We have to make sure that we continue to support all the elements of the industry that are worthy of support, and I certainly include bookmakers in that group. We as legislators must ensure that this important economic and social contribution provided to our community is maintained and assisted as best we can. I have spoken at length and indicated my very strong predisposition to be supportive of the bookmaking fraternity for the reasons I have given.

The bill removes a longstanding restriction on the level of borrowings undertaken by the Victoria Racing Club, which is a good thing. I understand the removal will assist the VRC to modernise the Flemington racecourse facilities, which is an excellent goal. Flemington

racecourse receives worldwide exposure during the running of the Melbourne Cup, and anything that we can do to improve racing infrastructure and facilities through the provisions of this bill is a good thing. It is entirely compatible with the current practice, which I strongly support, of having minimal government controls over credible organisations that have a history of responsibility.

In conclusion, I reiterate my strong support for those people in my electorate, principally based around Mornington and Cranbourne, who are vigorous, energetic and constructive in their involvement in the racing industry. I am mindful of the positive and real contribution racing brings to parts of my electorate. I remind honourable members that racing contributes almost \$2 billion every year to the Victorian economy, and a significant percentage of that amount is directly traceable to the constructive and excellent activities of bookmakers. That should be appreciated.

I believe the 40 000 individuals directly employed in the racing industry in Victoria owe their welfare, to some extent, to the professional activities of bookmaking and bookmakers. It is an integrated industry of some size, importance and sophistication, so we should do our best to assist it. With those few comments I indicate that the opposition does not oppose the bill and supports many aspects of it. I also signify my support for the bill.

**Hon. S. M. NGUYEN** (Melbourne West) — I am delighted to support the Racing Acts (Amendment) Bill. It is a very important bill for the racing industry of Victoria and it has many important points. It will allow bookmakers to form bookmaking partnerships subject to the approval by the Bookmakers and Bookmakers Clerks Registration Committee, providing all partners are registered bookmakers; it will allow bookmakers to form bookmaking companies subject to approval by the committee and providing that all directors and shareholders of the company are registered bookmakers; it will increase the membership of the committee from seven to eight members to include a person who has expertise in corporate law or finance; and it will amend the Victoria Racing Club Act 1871 to remove the \$10 million borrowing limit imposed on the Victoria Racing Club.

The racing industry is very important to Victoria. It provides many jobs and brings many millions of dollars to Victoria every year. Many people enjoy the Spring Racing Carnival and other racing events throughout the year. People enjoy horseracing and greyhound racing; not only do they enjoy having a bet, but they enjoy watching the racing. Many overseas guests and tourists

visit Melbourne, especially during the spring racing season to watch the Caulfield Cup, the Melbourne Cup and other special racing events throughout Victoria. People have to book tickets well before those events to gain entry, especially for the Melbourne Cup. About 100 000 people attend on that Tuesday and many other people watch and enjoy the entertainment on that day. There is a significant opportunity for people involved in the racing industry. Not only that, the hotel and motel industry and the restaurant and taxi industries gain significant benefits from the racing industry.

Many countries in Asia, especially Hong Kong and Japan, love horseracing and watch horseracing in our country. I know that China and Vietnam are talking about setting up a racing industry in their countries, and they have asked the industry in this state to provide them with expertise and knowledge to help them start up the industry in those countries.

The government is working with the racing industry by establishing the bookmaking reforms working party, which has representatives from Racing Victoria, Harness Racing Victoria, Greyhound Racing Victoria, the Victorian Bookmakers Association and Tabcorp. The working party aims to improve the industry to expand business opportunities for those involved.

We are also taking about national competition policy. In 1998 the national competition policy review of racing and betting legislation was conducted by the Centre for International Economics. In January 2000 the report was published and in August 2000 the government responded.

I would like to speak about the removal of the \$10 million borrowing restriction applying to the Victoria Racing Club. There is a need to give the club more opportunity to spend money to upgrade and help the club — the \$10 million restriction does not allow the club to do a lot of work. The government would like to abolish the borrowing limit so the club can borrow more to improve the club, for example, the Flemington racecourse will expand its facilities.

I would like to speak about the bookmaking reforms. At present, bookmaking is unlawful under the Racing Act 1958 and the Lotteries Gaming and Betting Act 1966. The legislation does not provide for the conduct of betting by bookmaking partnerships or companies. Clause 11 of the bill inserts new sections 86B and 86C to allow for the approval of partnerships and companies by the Bookmakers and Bookmakers Clerks Registration Committee (BBCRC).

Most of the remaining clauses in parts 2 and 3 of the bill are consequential changes to the Racing Act 1958 and the Lotteries Gaming and Betting Act 1956. Partnerships requiring approval include firms of bookmakers who wish to conduct their betting in the name of a partnership. Bookmaking companies will be restricted to Victorian registered proprietary companies where each director and shareholder is a registered bookmaker.

At the moment, the BBCRC is an independent committee with people who are connected to the racing industry, for example, Victoria Police, Racing Victoria, Harness Racing Victoria, Greyhound Racing Victoria, the Victoria Bookmakers Association and the Australian Services Union. They run the committee at the moment. The bill allows for an extra person who has a corporate and financial background.

The bill will give members of the racing industry, especially bookmakers, more opportunities to do business. The racing industry is an important industry in Victoria. It helps people who bet, and we use the profit to help the Victorian economy and Victorian businesses. I know a lot of people who go to the spring carnival or other horseracing events. They do not go for gambling but for fun or entertainment as somewhere they can take friends or family members for dinner or for family gatherings.

The industry needs more support. The government will support an additional member of the board — a person who understands corporate law and has experience in how to run business better — so we will help the industry to get more business. It is a good idea because the Flemington racecourse will have a chance to upgrade its facilities without the \$10 million borrowing limit.

We understand the state government is spending \$100 million for the Royal Melbourne showgrounds, which is connected to the Flemington racecourse. Flemington racecourse will have an opportunity with the new plans and the new budget that the government is going to provide to improve its facilities and business in the future. I and many other honourable members have the opportunity to go to the Melbourne Cup every year, so we see improvements every time we go there. The Victoria Racing Club had a new building completed not long ago; the facility is great. It is a top-class world standard venue to hold the Melbourne Cup event every year. Many overseas tourists would love to come to Melbourne for this special cup event. Our local businesses receive a lot of business from the spring carnival. I am pleased to support the bill before the house.

**Hon. G. R. CRAIGE** (Central Highlands) — I rise to make a contribution to the Racing Acts (Amendment) Bill today on behalf of the racing industry in country Victoria, but more particularly in a selfish way due to the contribution of and the role the racing industry plays in Seymour and Kilmore.

I recognise that this bill is principally addressing issues in respect of bookmakers and the Victoria Racing Club (VRC), but I also want to place on record the importance of bookmakers in the racing industry, as the Honourables Ron Best and Ian Cover have mentioned. I do not want to leave out a very important group in the racing industry — that is, the bookies clerks — because I believe they also make a significant contribution to the racing industry.

I want to raise two important points in my contribution. One is a confession I wish to make, and the other is the impact of the industry and individuals who make contribution to the industry in my region. I was in my first year of high school in a reasonably large town, Port Lincoln in South Australia, which still has an active racing industry. I was boarding with my uncle, who was the local SP bookie. One of my jobs on a Friday night and Saturday morning was to assist him setting things up for Saturday's activities. I enjoyed that experience enormously. It was one of intrigue but also one where I, as a young 14-year-old lad, learnt a lot about the industry. Uncle Bill and I became involved with a lot of the issues surrounding the racing industry.

I will never forget Friday nights setting up our large pieces of paper, drawing numerous lines and writing in each race. You could see there was a sense of excitement leading to the next day — setting up the card tables in the lounge room and then waiting for the phones to ring. Whenever we were visited by members of the constabulary from Adelaide there were always very quick movements taking place before the first race and we would move to another location. But it all was a part of those days gone by, and I am talking the late 1950s.

**An honourable member** interjected.

**Hon. G. R. CRAIGE** — I remember them well. I guess there is a bit of reflection in this legislation. It is moving on, and I guess that is what it does in facilitating some of the changes in respect of bookmakers. We know that everything moves on, and this bill certainly facilitates some of the changes that have occurred over many years in the racing industry.

Many people are involved in different ways within this industry, whether they be owners, breeders, trainers,

jockeys, strappers, farriers, caterers, bookmakers, bookies clerks, transport operators, all of the employees and the stewards — they have a place of their own in the racing industry. We have different views, and some colourful views may I say, at times about the different stewards. When I lived in Vermont South there was a very notable steward who also lived in Vermont South and who still is heavily involved in the racing industry today. We belonged to the same church and his children went to school with mine. We also had great dialogue about the racing industry.

There are many different people within our community, especially in country Victoria, who contribute in an employment and in an economic sense. I do not think that should ever be discarded. In Kilmore we have some very significant contributors to the industry. One I would like to mention particularly today is Carl O'Dwyer, who is a board member of Harness Racing Victoria. Carl also started a company called O'Dwyer Horseshoes, which is now internationally recognised, and is an exporter of nails and horseshoe products from the state of Victoria. We have Lowdens Saddlery and Invincible Bandages, which are businesses associated with the racing industry.

Seymour Racing Club provides 10 thoroughbred racing meetings and Kilmore 14 thoroughbred race meetings and 36 harness racing meetings. I would like to place on record on behalf of Kilmore and the region that Kilmore is the harness racing centre of Victoria. I guess we will have some dispute from other people throughout Victoria, but we see it as being the centre for harness racing in Victoria.

**An honourable member** interjected.

**Hon. G. R. CRAIGE** — There might be other arguments, but let me just say there are many arms of the racing industry. I believe in Kilmore we can claim that we have them all. We have a first-rate facility; we have a lot of worthy contributors to the industry, not only from the local area but also Victoria-wide; we have representatives on racing boards; we have transport companies; we have many owners and breeders. The breeding program in Kilmore is a significant one which contributes Victoria-wide. Therefore I place on record here that we see Kilmore as the harness racing centre of Victoria.

The Kilmore club is also moving, as this legislation is moving. It is moving to accommodate the changes that have occurred in the industry over the years. Kilmore currently conducts two dual meetings per year, a thoroughbred and harness racing meeting held together each year — which is very successful. That is a move

in the right direction. It is to make racing relevant. It is to make sure they can accommodate the changes. This legislation is doing the same thing in different areas.

The Melbourne Cup and the Kilmore Pacing Cup have something in common. Not only do they attract big and excited crowds who have a fun time and enjoy themselves, but they are both genuine handicap events. They are both great events because they attract that enthusiasm. Quite often the results are quite unknown, and that is what genuine handicap events are about. The opposition would say that the Melbourne Cup has something in common with Kilmore because Kilmore runs a genuine handicap event like the Kilmore Pacing Cup!

The first Kilmore Pacing Cup was held 24 years ago, in July 1964, and carried prize money — and I will have to spell it out for the Honourable Cameron Boardman — of £300 plus a £15 trophy.

**Hon. B. C. Boardman** — I know what the exchange rate is!

**Hon. G. R. CRAIGE** — The stake money for the day was around £900. Haven't things changed? Today the prize money is well over \$55 000 for the day. That is a reflection of how racing has moved on.

In conclusion, the legislation has come about through a fairly lengthy process. The opposition has highlighted some of its concerns — and there are concerns. All honourable members would note that we need to be ever-vigilant, especially when legislation changes the face of some of the aspects of an important industry like the racing industry. It is really important that we never lose sight of the economic and employment impact of the racing industry in country Victoria. It is a significant industry and a significant community driver. As the Honourable Ron Best said, it is as significant as a football club or a cricket team. It is a really important industry not only for country Victoria but for all of Victoria and collectively for Australia.

We are a very lucky country in respect to our racing industry. It is something we should hold in high regard when we talk about its benefits to this country. We have a good industry that has grown immensely. It has grown with good leadership.

**An Honourable Member** — World leadership!

**Hon. G. R. CRAIGE** — Yes, world leadership, and governments must recognise that there is genuine leadership in the racing industry in Victoria. Whenever changes are made or a review is done it is essential that

the racing industry be included. The opposition does not oppose the bill.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — By leave, I move:

That this bill be now read a third time.

In doing so I wish to thank the honourable members who spoke for their contributions: the Honourable Bob Smith, the Honourable Sang Nguyen, the Honourable Ian Cover, the Honourable Geoff Craige, the Honourable Ron Best and the Honourable Ron Bowden. I will seek to have the concerns raised by the honourable members addressed by the responsible minister in the other place and have the responses to those issues conveyed to them.

**Motion agreed to.**

**Read third time.**

*Remaining stages*

**Passed remaining stages.**

## NATIONAL CRIME AUTHORITY (STATE PROVISIONS) (AMENDMENT) BILL

*Second reading*

**Debate resumed from 15 May; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).**

**Hon. B. C. BOARDMAN** (Chelsea) — I welcome the opportunity of contributing to the debate. Although the bill does not contain a sunset clause it might as well contain one, because with the historic announcement on 5 April concerning the establishment of the Australian Crime Commission (ACC), which will effectively replace the National Crime Authority (NCA), legislation like this, albeit important for the time being, will cease to exist. Honourable members will probably need to go through some processes at that stage to repeal the National Crime Authority (State Provisions) Act and make necessary arrangements for the provision of the Australian Crime Commission.

That announcement has quite extensive implications for the way this country and this state will approach its crime investigative obligations. When the ACC comes

into being on 31 December, it will primarily be an intelligence-gathering authority that will not have investigative abilities as such. It will have a completely different role to that which the NCA has at the moment. It will have a main intelligence function that will support its overall operations. I will talk about the ACC and its proposal in just a moment.

It was heartening to learn that at the summit on 5 April conducted by all the leaders involved in the fight to take criminal elements out of Australian society they agreed this was undoubtedly the way to go. The summit was chaired by the federal Minister for Justice and Customs and included representatives from all states and territories, primarily the police ministers in those jurisdictions. The summit highlighted the need for a shift in the powers of the Australian Federal Police to enable it to be more effective as a law enforcement agency. For some time there has been some duplication between the roles and responsibilities of the Australian Federal Police versus the NCA as compared with what happens in state law enforcement agencies. It is heartening to know we have a streamlined model that will serve as a more than adequate replacement for what currently exists.

In a media release of 6 April, after the summit was held, Senator Ellison, the Minister for Justice and Customs, stated:

The Australian Federal Police will also now have the power to investigate state and federal territory offences incidental to federal matters under investigation. This is a major step forward for the AFP ...

The reason for that is the confusion that has existed about the jurisdictional limitations and executive powers that exist between commonwealth and state law enforcement bodies.

No case is more relevant than *The Queen v. Hughes*, which questioned the constitutional validity of federal law enforcement agencies to act in a state capacity. That case was predominantly aimed at the powers of the National Crime Authority. It resulted in the introduction of legislation at the federal level and subsequently at the state level to ensure that any questions over the constitutional validity of federal–state investigations were overcome to provide a more effective law enforcement agency and a more effective environment in which to detect and prevent criminal activity. That case has some relevance for the bill. As with the Co-operative Schemes (Administrative Actions) Bill that was passed last year, some minor amendments in this piece of legislation arise from *The Queen v. Hughes*, and therefore it is important that its passage is not stalled.

Another important part of this legislation is the amendment which improves the effectiveness of the NCA. Irrespective of the fact that the NCA will probably be only in operation for another seven and a half months, that period is a vital window of opportunity in the Australian law enforcement arena, and every effort should be made to ensure that the NCA has the ability to carry out its functions and operations without hindrance, that it is operating in the best possible way to deliver on its commitments to the Australian public, and that it is meeting its obligations in investigating and presenting evidence sufficient for prosecutions in criminal matters. But that needs to be seen in the context of what will happen on 31 December.

The communiqué which was released by the leaders summit on fighting criminal elements and which was signed off by all the state and territory representatives states that the Australian Crime Commission:

... will be focused on criminal intelligence collection and the establishment of national intelligence priorities. It will also have access to task force investigative capabilities to give effect to its intelligence functions and to support overall operations.

The ACC will retain the NCA's powerful coercive powers, however it will not be a ninth police force. Instead of duplicating the policing role of other agencies its role will be to complement other agency's activities and allow for a greater focus across the law enforcement community.

I am very encouraged by that comment. It means that where there was some confusion over the jurisdictional implications and limitations of the NCA's role in relation to the federal and state police, the ACC will now primarily be the intelligence-gathering agency. It will have investigative powers in gathering that intelligence and will be subject to quite stringent criteria to enable the adequate dissemination of that intelligence to the appropriate law enforcement body.

This comes on the back of the budget announced on Tuesday in Canberra by the federal Treasurer, Peter Costello. It was a record budget, with the highest ever funding to the Australian Federal Police, highlighting the important delineation of the powers and obligations the Australian Federal Police will now have in providing more responsive law enforcement to the Australian public. That budget announcement has culminated in an extra \$397.8 million going to the AFP over four years. It was an election promise that has been met by the federal government, and it is certainly one of which the Australian public will be quite proud.

In the context of the motion I successfully moved in this chamber yesterday on the inquiry being conducted

by the Drugs and Crime Prevention Committee into the use and abuse of amphetamine-type substances in the Victoria community, which I chair, it should be noted that the federal budget allocates an extra \$4.7 million over four years to expand the national heroin signature program. That is the main investigative task force that has been set up to establish the transnational routes and distribution networks that exist in Australia for the distribution and trafficking of heroin. It is pleasing to note that the terms of reference and investigative capabilities of that task force have been expanded to include cocaine, other coca-based products and amphetamine-type substances.

For the reasons I put forward yesterday in successfully moving my motion, it is very important that the state government follow the federal government's lead and allow specific funding to Victoria Police to investigate manufacturing and trafficking of amphetamine-type substances because their increasing prevalence is quite alarming.

It should also be noted that the federal government ruled out an amalgamation between the Australian Federal Police and the NCA. That was also an election promise. That was confirmed by a report arising from a review of the NCA initiated by the federal justice minister and conducted by former AFP commissioner, Mick Palmer, and Mr Tony Blunn. That review came out with this model: that most of the law enforcement investigative capabilities of the AFP should be strengthened and enhanced and that the NCA should have more of an intelligence-gathering function, resulting in the formation of the Australian Crime Commission on 31 December. This bill is necessary in the interim.

The NCA will still provide an effective tool, both in Victoria and at the national and international levels, and any attempt to streamline that effectiveness and confirm its role and important function to the Victorian community needs to be encouraged. This bill improves that effectiveness by deterring people from obstructing or frustrating the NCA's hearing process — a very unique part of this law enforcement agency. Apart from traditional policing and law enforcement activities, such as investigation, the NCA has the capability to conduct hearings in relation to criminal activities. I will expand on that capability in a moment.

This bill also removes the existing uncertain defence of 'reasonable excuse', which people called before the NCA hearings have used to avoid providing documents, answering questions or attending such hearings, resulting in proceedings often being delayed and stalled through the court system. An important

point to note is that although these hearings are extraneous to the court system they have relevance to the evidence that could subsequently be presented in a court and should in no way be delayed or hampered in effecting a successful investigation of a criminal activity.

The bill contains a number of other amendments. I will not go into them in specific detail because they are varied. It is important to note the amendment that provides the ability for Victoria Police officers who have been seconded to the NCA to apply for search warrants in their own jurisdictions to assist them with their investigations. This goes to the current core business of the NCA and why the ACC, when it is established, will be very different. The core business of the NCA is to conduct investigations into complex organised crime on a national basis, including through the establishment and coordination of multi-agency national task forces; collect and analyse intelligence and share this information among law enforcement agencies; and recommend law policy and administrative reforms. They are quite unique functions and powers.

The NCA has administrative capabilities and can make recommendations to government on policy and legislative changes. Through its special powers it also has the capability to conduct hearings, receive evidence and question people who may be linked to criminal activity in a unique and original environment. It can also investigate crimes through what we would consider traditional law enforcement activities.

To be more specific on the special coercive powers of the hearings, it is interesting to note that the NCA is one of the few bodies that can compel a commonwealth public servant, including a senior bureaucrat or executive, to appear at a hearing and produce documents from their department. Whereas other agencies would be hamstrung, if I can use that description, in having to go through an extended freedom of information and subsequent appeal process, the NCA has the right to subpoena persons, if appropriate, and documents on a case-by-case basis. In addition, currently the NCA can summons a person to give evidence and produce documents not linked to criminal activity. They may not be involved themselves but they may be able to provide information that could assist in investigations. That is appropriate and is a unique function that needs to be honoured and abided by.

Another special power is that the NCA can make application for the delivery of any passport of any person who is subpoenaed to appear before one of its

hearings. That ensures that the person will appear and cannot colloquially escape the country to avoid such a hearing. That is an important function that also needs to be acknowledged.

Its hearings are conducted in a courtroom environment. All parties are represented. The rules of evidence in a normal courtroom jurisdiction apply. The hearings are conducted in private and they are completely confidential. They are important because not only do they have an important intelligence-gathering function but they can also generate an evidence-producing avenue so that once the evidence is established through the hearing process it can be used quite dramatically in a courtroom environment to assist in a successful prosecution of criminals and their activities.

Because of that complexity, special powers and role of the NCA, some of the results the NCA achieves may not be interpreted by the public as being impressive. One needs to interpret its results with a hint of caution because investigations, particularly of the extensiveness, complexity and special nature of the resources required to conduct such investigations conducted by the NCA, usually occupy a lot of time, money and manpower.

Because the NCA may be investigating a series of organised crime in a certain environmental context the results may not be a proliferation of prosecutions of offenders, but they may result in quite substantial gains in breaking the nexus and links between organised crime fraternities throughout Australia to ensure Australia is a more effective and safer place in which to live, work and invest.

In its annual report of 2000–01 the NCA describes its main functions and powers. The report states:

The NCA is entrusted with special powers beyond those given to any police service. Its functions include investigating 'relevant criminal activity' which is defined as involving two or more offenders, substantial planning and investigation, and sophisticated methods and techniques.

That summation gives an apt description of why the NCA is such a specialist body, and why it needs such interesting and appropriate legislation such as this to enhance its operational capabilities.

The NCA has a number of priorities that are listed in the annual report. They are received as terms of reference from the intergovernmental committee on the NCA and the federal parliamentary committee on the NCA. The annual report lists the priorities. The first is:

South-East Asian organised crime ... particularly heroin trafficking — under the Blade task force, and fraud against the commonwealth ... under the Swordfish task force.

Priorities 2, 3 and 4 are shown respectively as:

Established criminal networks ... under the Freshnet task force.

Outlaw motor cycle gangs ... under the Panzer task force.

Italo-Australian organised crime ... under the Cerberus task force.

There are many similarities between a number of those particular task forces and priorities, and they complement each other on an investigative basis.

In its annual report the NCA gives a responsive and sensible description of some of the difficulties it is faced with in a modern criminal environment. The report particularly makes the point:

Traditional law enforcement powers and strategies are unlikely to achieve lasting results.

It is interesting to note that improvements in and capabilities of technology, the breaking down of international barriers, the accessibility to and cost effectiveness of international travel and the improvement in detection techniques create an intriguing criminal environment — one where criminals themselves are able to utilise such opportunities for their profiteering and activities. It is important that law enforcement bodies and the departments that are entrusted with investigating those types of syndicates equally are able to adapt accordingly. In its annual report the NCA further states:

The complex dynamics of modern criminal networks require law enforcement agencies to maintain multifaceted strategies for dealing with them.

Undoubtedly, you need to have cooperation and set protocols for the collation and dissemination of information and intelligence. Without those protocols working in an effective and appropriate manner, the whole situation is jeopardised.

I conclude by stating that I am pleased to read that the NCA annual report contains confirmation of some of the sentiments I made public to the house yesterday in relation to the prevalence of amphetamine-type substances within the Victorian community and how there is quite a distinct and reported potential — it is more than a potential, it is actually going on — where those unscrupulous syndicates and individuals who previously and historically have been involved in heroin distribution and trafficking are now involved in

amphetamine trafficking and distribution, and even in their manufacture.

It is important to note that the terms of reference received by the parliamentary Drugs and Crime Prevention Committee are essential in our trying to deal with that situation.

Overall the opposition supports the bill. The Liberal Party supports the NCA as it stands at the moment, and with the establishment of the Australian Crime Commission at the end of this year the Liberal Party and the opposition will give full support to that organisation; I hope the Bracks government does also.

The NCA is an important cog in the national and transnational approach to law enforcement and investigations of criminal activities. The particular agencies, legislative provisions and special powers that we as legislators give to these organisations must never be understated.

**Debate interrupted pursuant to sessional orders.**

**Sitting suspended 12.59 p.m. until 2.07 p.m.**

## MEMBERS STATEMENTS

### Anzac Day: parking fines

**Hon. ANDREA COOTE** (Monash) — None of us enjoy receiving parking fines, but it is not just anecdotal evidence that points to a huge increase — there are some very harsh realities. In my electorate of Monash Province the City of Stonnington raises in the vicinity of \$12 million from parking fines and the City of Port Phillip in the vicinity of \$11 million.

I was horrified to read in the *Herald Sun* that the City of Stonnington has a bonus system to reward the parking contractors. The annual bonus in 1999–2000 was \$233 632. Bonuses are paid on whether the contractor meets the monthly goals, and the monthly goals in the City of Stonnington are 174 200 fines — a large number of fines. This is all bad enough, but I was astounded to read about what happened on Anzac Day in the *Herald Sun* of 1 May:

I parked where I work in St Kilda Road, but when I came back to my car I saw that others were being booked for illegal parking ...

The parking inspectors apparently appeared at 6.00 a.m., which was when everyone would have been standing at the shrine.

Those people were at the Shrine of Remembrance remembering those who had served our country. This is

scandalous. I call on all councils to review the aggressive parking targets and, in particular, call on the City of Melbourne to cancel all fines issued at the Shrine of Remembrance on the morning of Anzac Day.

### Schools: regional constitutional convention

**Hon. JENNY MIKAKOS** (Jika Jika) — On 3 May I had the pleasure to attend the Regional Constitutional Convention 2002 at Macleod College which had years 10 and 11 students from 13 secondary schools from the north-eastern suburbs participating. I had the opportunity to address students on the issue of the protection of freedom of speech. The contributions of all the speakers and the questions from the students were of a very high standard and the discussion were very thought provoking.

I want to congratulate all the staff and students involved in organising this year's regional constitutional convention. This is the second such convention I have attended, and I think local schools in my electorate are to be commended on encouraging their students to take an active interest in civics. It is very important for young people to have a basic understanding of our democratic institutions and processes, and I commend the local schools for organising this event.

### Shepparton Legacy

**Hon. E. J. POWELL** (North Eastern) — I pay tribute to Shepparton Legacy and the wonderful service it provides to dependents of deceased ex-servicemen and servicewomen. Shepparton Legacy started in 1949 and covers a large area including Shepparton, Mooroopna, Rushworth, Tatura and Colbinabbin. It has 43 members and looks after 500 widows, and 1 widower in Kyabram. It is a wonderful organisation that provides assistance by heating subsidies, loans and assisting with money for people to help in the garden and to do odd jobs around the home. They also assist the children of dependents with education and clothing costs. I recently attended its annual lunch and the presidents' changeover. I congratulate the former president, Barry Arthur, secretary, Peter Preston, and the master of ceremonies for the day, Kevin Sackley, for the wonderful work they do. I also wish the new president, Robert Mathison, and his wife, Helen, every success for the future.

### Cricket: Australian team

**Hon. I. J. COVER** (Geelong) — I place on record my congratulations to the Australian cricket team, which was yesterday acknowledged as the Laureus World Sports Team of the Year in Monte Carlo, after

eclipsing Bayern Munich soccer team, the Los Angeles Lakers basketball team, France's Davis Cup tennis squad and the Ferrari formula one racing car team. Their achievement was based on 2001 results, which include taking the International Cricket Council's inaugural world test championship, extending its record-winning run to 16 test matches, completing a series of wins over the West Indies and regaining the Ashes in England.

Dawn Fraser is the only other Australian winner of that award among a group of winners comprised largely of northern hemisphere sporting champions. Australia had to overcome a major handicap to win the award because the majority of the 42 sporting greats who assessed the five finalists would not have seen cricket played live, let alone have an understanding of the magnitude of Australia's ability to prevail at home and abroad. This is a huge honour for the Australian cricket team, and I echo Captain Steve Waugh's hopes that this will help lift the game's exposure internationally.

Equally importantly, this achievement should inspire our junior cricketers, especially those involved in the Milo Have-a-Go program of the Victorian Cricket Association. This is a 12-week program promoting fun and participation while learning the skills of cricket. It is these types of programs, held throughout Victoria and Australia, that create our future cricketing stars who may one day also become representatives in a world-class cricket team like the one we have today. At the same time I also pay tribute to all those hardworking helpers and volunteers who assist those young cricketers on their pathway to international fame.

#### **State Revenue Office: Ballarat**

**Hon. D. G. HADDEN** (Ballarat) — I pay tribute to the innovative Treasurer, Minister for Innovation, and Minister for State and Regional Development, the Honourable John Brumby, as well as acknowledging the tremendous efforts of the former Commissioner of State Revenue, Dr David Pollard, and the State Revenue Office staff. On 6 March 2002 the new SRO facility was opened at the Ballarat Technology Park at Mount Helen. The completion of Victoria's largest relocation of a government service to a regional area has been a huge success and has resulted in a great boon to Ballarat's regional economy. This state-of-the-art project has employed about 200 people in skilled, long-term jobs and will inject more than \$100 million to the local economy over the next six years. The new SRO provides a revenue collection and information technology facility which is world class. This facility is a model for decentralisation and will be used as a reference site throughout Australia for major

information and communications technology companies. The move of 40 per cent of SRO services from Melbourne to Mount Helen delivers on the Bracks government's commitment to relocate government services to regional Victoria as well as to provide ongoing cost savings to all Victorian taxpayers.

#### **Building industry: royal commission**

**Hon. P. A. KATSAMBANIS** (Monash) — I draw attention to the extraordinary activities of the Construction, Forestry and Mining Engineering Union, as highlighted in the ongoing Royal Commission into the Building and Construction Industry. It is quite clear that the actions of the CFMEU are destroying jobs in Victoria and driving investment and businesses away from Victoria.

*Honourable members interjecting.*

**Hon. P. A. KATSAMBANIS** — The allegations raised in this royal commission — which members of the government obviously do not want to hear about — are of the most serious nature. They go to the heart of demands made on reputable companies in the building industry to pay what amounts to extortion money and protection money in order to operate legitimate businesses in Victoria. The CFMEU is attempting to blackmail legitimate Victoria companies and extort money from them in order to conduct business here. The allegations raised in the royal commission need to be examined closely, particularly given that this union is extorting money from building companies and making significant donations to the Labor Party. That is why honourable members on the other side do not want to hear it. It is quite clear that the industrial process in Victoria is now totally corrupt.

#### **Chiltern Box-Ironbark National Park**

**Hon. W. R. BAXTER** (North Eastern) — I alert the house to the growing unrest in north-eastern Victoria with the prospect of a new and enlarged Chiltern Box-Ironbark National Park being created to incorporate the existing national park but also to expand it quite dramatically. There is a great deal of concern being expressed in the community because the tracks in the existing national park are being closed without any consultation at all, which will hinder fire access as well. There is also the deferring of approval for normal activities, such as horseriding in the unreserved forest areas — in those areas that are yet to be incorporated in the national park if Parliament so decides. It is outrageous that the area is being treated as if it were already a national park when it is not.

There will be a meeting in Chiltern on Sunday of persons who are expressing these concern with a view to forming another branch of the Bush Users Group. This group is gaining great momentum throughout country Victoria as country people begin to realise that they are being locked out of the traditional areas they have used for recreational purposes for so many years. People in the country are beginning to shout loud and long that enough is enough and they need a fair go. I will be attending the meeting in Chiltern on Sunday, and I expect the government will hear the results thereof.

### **Geelong: Dalai Lama visit**

**Hon. E. C. CARBINES** (Geelong) — Next Thursday, Geelong will be honoured by a visit from His Holiness Tenzin Gyatso, the 14th Dalai Lama of Tibet. This visit has provoked much excitement in Geelong, with welcoming flags already in place at the entrance to our city. Events will take place at Skilled Stadium where the Dalai Lama will conduct a special blessing for long life and health and then speak on 'Universal responsibility and a human approach to world peace'. On behalf of the people of Geelong Province, I thank the Dalai Lama in advance of his inspirational visit to Geelong, his first to an Australian regional city, and I wish the day much success.

### **Champions of the Bush**

**Hon. E. G. STONEY** (Central Highlands) — I inform the house of the formation of a new group to promote rural Australia. The group is called the Champions of the Bush and is an organisation comprising companies that operate predominantly in rural Australia.

The chairman of the Champions of the Bush is John Brown, a well-known family winemaker from Milawa. I understand that at this stage about 20 regional companies have formed this group. The objectives of the group include: to instil pride in regional Australia; to elevate and stimulate policy debate on regional issues; to improve the financial and human capital of regional Australia; to influence government policies that affect regional Australia; and to promote economic growth in country Australia.

It is important to note that the first objective and probably the most important is to create some positive thinking not only among the locals in each region but in the cities. It is important to think positively about rural Australia and the advantages it can offer for industry and jobs. I am pleased that they have chosen to call this group after the generic name 'the bush' rather than rural

and regional Australia, which is a mouthful. I favour using the term 'the bush' to describe country Australia. I believe we need to grasp the nettle and be realistic — it is a good term and is a lot easier to say than rural and regional Australia.

### **Manufacturing: ISO awards**

**Hon. G. D. ROMANES** (Melbourne) — I recently attended a luncheon organised by the Institution of Engineers, Australia, at which the Victorian branch of Industrial Supplies Office (ISO) awarded three Victorian-based companies for their important contributions to stimulating local manufacturing by placing contracts in Australia rather than overseas as well as boosting export opportunities.

The family business, Levey Engineering from Nyora in Gippsland, won an ISO replacement award for regional companies for its manufacture of coil insertion tools that are distributed globally. John and Peter Levey employ 22 locals and make a significant contribution to the stability and progress of the town.

Mack Valves Pty Ltd, a Bayswater company, received an ISO award for small-to-medium enterprises for designing and manufacturing locally made valves for the Melbourne City Link tunnels and Sydney's M5 tunnel, beating international competitors, and for its overall efforts in sourcing Australian products for its own inventory.

Siemens Transport Systems was the major company recognised for its local rail manufacturing of the Metro train and Combino train in the upgrade of Melbourne's rail network and for placing over \$100 million worth of contracts directly with local suppliers. I pass on my congratulations and that of the government to all award winners.

### **Traralgon hospital**

**Hon. BILL FORWOOD** (Templestowe) — In the brief time available to me I indicate how outrageous it is that the government has finally admitted that it muscled in with the Construction, Forestry, Mining and Energy Union to prevent contractors from doing their job on the Traralgon hospital. We note that the Premier got it wrong and was forced to withdraw before the royal commission yesterday the comments he had made, and when asked why he had made his comments he said that he was caught on the run. I make the point that the Premier can run, but he sure can't hide!

## NATIONAL CRIME AUTHORITY (STATE PROVISIONS) (AMENDMENT) BILL

### *Second reading*

#### Debate resumed.

**Hon. JENNY MIKAKOS (Jika Jika)** — I rise to make a contribution on behalf of the government on the National Crime Authority (State Provisions) (Amendment) Bill —

**Hon. W. R. Baxter** — On behalf of the government or supporting the bill?

**Hon. JENNY MIKAKOS** — Both, Mr Baxter. As honourable members would be aware, on 5 April this year the various jurisdictions at a Council of Australian Governments meeting discussed the future of the National Crime Authority. There was general agreement that the NCA should be abolished at the end of this year and be replaced by the Australian Crime Commission. The jurisdictions will need to have discussions about how that new organisation will operate and the various powers it will have and, no doubt, will be revisiting this issue some time later this year if such agreement is reached. In the interim, it is necessary to make a number of changes to the state legislation which forms part of the national cooperative schemes that has established the National Crime Authority to take account of a number of changes to the commonwealth act relating to the NCA and a number of legal developments. I will come to those specific changes in a moment.

It is important to reflect on the role of the National Crime Authority as part of this debate. Just a few days ago the National Crime Authority annual report was tabled in this house, and I will refer to that report because it sets out important information about the role of the NCA and its various investigations. On page 11 the report states:

The NCA is entrusted with special powers beyond those given to any police service. Its functions include investigating 'relevant criminal activity' which is defined as involving two or more offenders, substantial planning and organisation, and sophisticated methods and techniques.

The types of offences investigated by the NCA include drug importation, cultivation, manufacture and trafficking and associated money laundering, theft, fraud, tax evasion, bribery, extortion and violence. The NCA does not conduct prosecutions but collects and provides admissible evidence to the appropriate, commonwealth, state or territory prosecuting authority which then decides whether or not to proceed.

Under the NCA act, the agency conducts special investigations, pursuant to references, using its coercive powers in respect of relevant criminal activity. These special

powers, which are similar to those available to a number of other statutory bodies, include the power to require the production of documents and other evidence and to summons a person to appear at a hearing to give evidence under oath. The powers are utilised in a confidential manner to protect not only the integrity of investigations, but also to protect the privacy and safety of people called to give evidence or in relation to whom documents are requested. The NCA regards the exercise of these powers as one of its most important functions.

I put that on the record because it sets the framework for the debate. Honourable members are aware that the NCA was established to look into organised crime in this country. It has extensive powers — powers that go beyond those of most state police forces in this country — and it is for that reason that the NCA needs to exercise those powers responsibly to ensure it continues to maintain the confidence of the Australian public.

I note that there have been various criticisms of the NCA in the past regarding alleged abuses of some of those powers, and I will watch with interest the debate on the negotiations that will occur over the next few months between the various parties at the federal level and also between the various state governments and the federal government as to how the replacement body to the NCA will be formed and the types of powers and functions it will exercise. Suffice to say, I will leave the criticisms of the NCA aside for the time being, given that we will have an opportunity to re-examine those criticisms at a later date when the legislation comes before the Parliament regarding its replacement body. As I indicated by reading from the annual report the major functions and powers of the NCA, it has very wide investigative powers.

It is not a prosecution body; it is an investigative body. For this reason it has a number of powers which allow it to collect admissible evidence which it then provides to prosecuting agencies, and those prosecuting agencies have their own discretion as to whether to commence a prosecution against any particular individual.

In order to perform its functions the National Crime Authority is invested with a number of special coercive powers, including powers to obtain documents and other evidence and the power to summons a person to appear at a hearing to give evidence under oath. The National Crime Authority has been invested with these powers under the commonwealth act, the National Crime Authority Act 1984 and complementary state legislation which in Victoria is the National Crime Authority (State Provisions) Act 1984.

The principal source of the powers of the National Crime Authority is the commonwealth act which

enables the NCA to investigate commonwealth or territory offences, but it also has an ability to investigate state offences with a federal aspect. The way the cooperative scheme works is that the NCA's powers are supplemented by powers contained in the state legislation which gives it power to investigate state offences which have no federal aspects. In this way the national cooperative scheme gives the NCA very broad scope to investigate both state and territory offences.

The bill has come before the house because a number of amendments have been made to the commonwealth act. As a result, there is now a great deal of inconsistency between the commonwealth act and the various complementary state acts. I understand that to date Western Australia and South Australia have already passed similar legislation based on a model state bill drafted by federal parliamentary counsel. It is anticipated that all other states will adopt the model bill in future.

The changes made to the commonwealth act arose as result of the High Court case of *The Queen v. Hughes*, which we have discussed in this Parliament on a number of occasions, which cast doubt on the capacity of a commonwealth authorities such as the NCA to exercise functions and powers under state laws. The High Court suggested that the conferral of such functions or powers had to be supported by an appropriate head of power under the commonwealth constitution. As a result of the ambiguity that followed from that High Court decision a number of changes were made to the commonwealth act. The bill seeks to bring the state legislation up to date and to complement the federal act.

In addition to the Hughes case, another reason for changes to the federal act followed from the commonwealth government response to the third evaluation of the NCA by the federal Parliament's joint committee on the National Crime Authority, which sought to make a number of recommendations to improve its effectiveness.

The bill before the house, as I indicated, has been developed through an intergovernmental committee on the NCA and was drafted, as I said, by the national parliamentary counsel's committee. I anticipate that following passage of this legislation all other jurisdictions will move to adopt similar complementary legislation.

The annual report which I referred to earlier gives an indication of the variety of the membership of the intergovernmental committee. The Victorian government is represented on that committee by the

Minister for Police and Emergency Services and Minister for Corrections in Victoria. The intergovernmental committee is a forum through which various issues and references can be discussed. The ministers from the various jurisdictions can agree to allow the NCA to undertake special investigations utilising its special powers. The commonwealth minister who chairs that committee is the commonwealth Minister for Justice and Customs, Senator Chris Ellison. That federal minister is also able to issue references to the NCA after consulting with the intergovernmental committee.

I turn to the specific provisions of the bill. The bill seeks to make a number of technical changes which may on the face of them appear to be an encroachment on rights and liberties.

I note that the bill got very detailed consideration in the Scrutiny of Acts and Regulations Committee *Alert Digest* No. 4. The committee considered all the technical amendments being made to the state act and appears to give the legislation a clean bill of health, although it does draw the Parliament's attention to the changes being made to the self-incrimination provisions, which I will address a little later on.

In terms of the amendments relating to reasonable excuse, section 18 of the state act currently makes it an offence to fail to comply with a notice to produce documents. Section 19 makes it an offence to fail to attend and answer questions at a hearing. Currently a person can claim as a defence to these offences that he or she had a reasonable excuse for non-compliance. However, there has been some ambiguity as to the meaning of 'reasonable excuse', and NCA investigations have been hindered because of this ambiguity. The bill will make a number of amendments to sections 18 and 19 of the state act. It will remove the defence of reasonable excuse from those provisions.

The way those provisions will now operate it will be clear that an offence under those provisions will only be committed where the refusal or failure to comply with a state act is intentional. This is intended to ensure that the offences will not apply where, for example, a person is unable to comply with a notice to produce a specified document because he or she does not have the relevant documentation in their possession or does not have the power to obtain the documentation.

The bill also seeks to make a number of amendments relating to self-incrimination. It will amend the state act to provide a statutory immunity in relation to the use of self-incriminating material disclosed to the NCA and will remove the derivative use immunity in relation to

self-incriminating material disclosed to the NCA. Currently the operation of the state act in relation to a person who makes a valid claim that the answer to a question or the production of certain documents or things may be incriminating is that the person may be granted an immunity by the Director of Public Prosecutions in relation to the use of that information or information derived from it in subsequent proceedings. The person is then required to answer the question or provide the relevant document or thing to the NCA. In addition to that, where the person has not been given an immunity by the Director of Public Prosecutions the person may seek to claim that they have a reasonable excuse for not providing the information sought by the NCA.

Under the amendments proposed by the bill a person who claims that the answer to a question or the production of a certain document or thing may be incriminating will be required to provide that information to the NCA. However, he or she will have a statutory immunity in relation to the use of that material in later criminal proceedings or proceedings for the imposition of a penalty. This immunity will not extend to the use of evidence derived from information disclosed to the NCA. For example, police will not be precluded from relying on forensic evidence derived from answers to questions a person gives at an NCA hearing.

I note that the Scrutiny of Acts and Regulations Committee referred to this particular provision, and on page 20 of *Alert Digest* No. 4 of 2002. It says:

The committee notes that the current section 19(5) prohibits direct or indirect use of self-incriminating evidence, however the proposed new section 19(5) would permit the derivative use of any evidence from the answer, document or thing against the person.

The committee notes the comments of the minister in the second-reading speech and further notes that the amendments parallel amendments that have been made to the commonwealth act. The committee draws attention to the provision.

My interpretation of that is that the committee is seeking to draw attention to the fact that while this particular provision may appear on the face of it to be an encroachment on an individual's rights and liberties there is a need for national consistency across the various jurisdictions in this area. That is the reason why this change is being made.

The provision seeks to complement a similar amendment that has been made to the commonwealth act. The NCA has put an argument that it is in the public interest that the NCA have full and effective

investigatory powers and that the use of incriminating material derived from evidence given to the NCA outweighs the merits of affording full protection to self-incriminatory material. This is an issue I will be watching with some interest in the context of the establishment of the replacement body to the NCA to see whether any problems arise as a result of this change that may need to be looked at again by the successor body to the NCA.

Another key change being made to the Victorian act relates to the area of legal professional privilege. Currently the Victorian act expressly provides that a legal practitioner is entitled to refuse to provide information at an NCA hearing if to do so would reveal privileged communications and the client has not agreed to the provision of information. However, the state act is silent as to whether a client may refuse to disclose information that has been the subject of a confidential communication with his or her lawyer. This provision has created uncertainty regarding the application of the general principles regarding legal professional privilege under the Victorian legislation. That is, while the legal professional privilege that applies to communications between a client and his or her lawyer is held by the client and can only be waived by the client, the state act is silent as to the application of these principles.

In order to overcome these problems the bill is seeking to amend the Victorian legislation to make it clear that the provisions in section 19(3) will allow a lawyer to refuse to provide information and that this will not affect the law relating to legal professional privilege.

The bill is also seeking to remove from the state act the defence of legal duty that is currently available to a legal practitioner in relation to offences concerning the disclosure of information about summonses and notices issued by the NCA. Presently a member of the NCA who issues a summons or a notice to produce documents can include in it a notice prohibiting disclosure of information about the summons or notice if disclosure of that information may prejudice a person's safety or reputation, the fair trial of a person charged with an offence or the effectiveness of the NCA investigation. It is an offence under section 18B of the Victorian legislation to contravene such a notice.

Currently a legal practitioner who discloses the existence of a summons or notice to produce documentation contrary to a prohibition on such disclosure can claim as a defence that the disclosure is for the purpose of complying with the legal duty of disclosure arising from the lawyer's professional relationship with their client. However, there has been

some ambiguity as to the meaning of a legal duty. Given the significant interest that a prohibition against disclosure is intended to protect, it is considered desirable to remove this uncertainty and the anomalous provision. The removal of the defence will not affect the law relating to legal professional privilege.

In this context section 18B will specifically allow a person to disclose information about a summons or notice to a legal practitioner for the purpose of obtaining legal advice or representation.

Another key provision in the bill seeks to increase the penalties for a number of offences. These offences relate to a failure to comply with a notice to produce documents to the National Crime Authority, a failure to attend a NCA hearing or to answer questions or produce documents or things when required by summons, and offences relating to contempt of the NCA. The bill makes significant increases in the penalties for these offences. The maximum penalties will be increased to level 6 imprisonment, which is a maximum of five years or 200 penalty units, which is \$20 000. While the proposed penalties may depart from the penalty scale contained in part 10 of the Sentencing Act, they are consistent with the penalties contained in the model state bill which will be adopted by all other jurisdictions and which will be equivalent to the offence provisions contained in the commonwealth act.

Given the nature of the offences investigated by the NCA, which on many occasions relate to drug trafficking, it is important that there are significant penalties to ensure that alleged drug traffickers are not able to obstruct an NCA investigation by failing to attend a hearing or produce documentation, for example. It is important that the offence provisions are commensurate with the nature of the offences investigated by the NCA.

Another key feature of the bill relates to amendments to the search warrant provisions. The proposed amendments will enable members of the staff of the NCA who are members of the Victoria Police to apply for search warrants under the state act. Page 113 of the NCA's annual report, which I mentioned earlier, indicates that as at 30 June 2001, 29 Victorian police officers were seconded to the NCA. Members of the Victoria Police are seconded to the NCA to assist that body in investigating offences which relate to the Victorian jurisdiction. Currently, seconded police members are able to access general search and seizure warrant powers available under the Crimes Act and to apply for search warrants under the commonwealth act. While the Victorian legislation has an equivalent search warrant provision to the commonwealth act, presently

only members of the NCA can apply for a warrant under the state act. It is proposed to amend the Victorian legislation to enable a member of staff of the NCA who is also a member of the Victoria Police, to apply for a warrant under the Victorian NCA legislation. Obviously this will enable seconded staff to exercise their functions on a par with the powers and functions of other permanent NCA staff.

The bill also seeks to extend the class of persons who can issue search warrants under the state act. Currently both state and federal court judges can issue search warrants under the commonwealth act. However, search warrants can only be issued under the state act by judges of a state court. It is proposed to amend the state act to also allow federal court judges to issue search warrants.

Another change contained in the bill relates to the use of reasonable force when executing search warrants. The present legislation provides for the use of force in the execution of the relevant warrant.

Another proposed change relates to the number of members who can conduct hearings. The bill amends the act to enable the appointment of persons as hearing officers to conduct hearings on behalf of the NCA. These amendments will increase the NCA's investigative capacity under the act and will complement related amendments to the commonwealth legislation.

The bill also makes amendments to the act to remove any doubt about the power of the authority to allow persons to be present at a hearing. At present the act provides for NCA hearings to be held in private and empowers the NCA to give directions as to who may be present during a hearing. However, there has been doubt about whether these provisions enable the NCA to allow persons other than a witness or a witness's legal practitioner to be present during a hearing. The proposed amendments will remove this uncertainty by requiring the NCA to inform a witness if a person other than a member of the NCA or its staff is to be present while the witness is giving evidence, and to give the witness an opportunity to comment on that person's presence.

The final change that I wish to comment on relates to the removal of a number of redundant provisions in the act which contain a reference to a police power to interview. The equivalent commonwealth provisions were the subject of judicial criticism as they appear to assume that police officers derive a power to interview from their capacity as police officers, when the term 'power to interview' has no recognised legal meaning.

For this reason the equivalent commonwealth provisions were removed. The bill seeks to bring the state legislation into line with the changes made to the federal act.

In conclusion, can I say that the bill seeks to make a number of technical amendments relating to the powers of the National Crime Authority. They will assist the NCA to conduct its investigations in a more efficient and effective way.

I have indicated some concerns about the changes to the self-incrimination provisions that were highlighted in the report of the Scrutiny of Acts and Regulations Committee. I hope those changes do not prove to be problematic. I will take a keen interest in the discussions that will occur across the various jurisdictions about the replacement body to the NCA. I certainly hope that at a national level we end up with a body that is a very effective investigator of organised crime in this country.

On the whole the NCA has led to some very important investigations and successful prosecutions to date, as is indicated in its annual report. I certainly hope the changes that will be made to the Victorian legislation as part of the national cooperative scheme will enhance the NCA's ability to successfully tackle organised crime in this country. I commend the bill to the house.

**Hon. P. R. HALL** (Gippsland) — I am pleased to indicate to the house that the National Party will support this bill.

I start my contribution in a way I would prefer not to — that is, by drawing the chamber's attention to an obvious inaccuracy in the second-reading speech. I refer particularly to paragraph 5, where it says:

To address these anomalies, the intergovernmental committee on the National Crime Authority, on which I am Victoria's representative ...

The speech was delivered by the Minister for Sport and Recreation, who I am sure would not claim to be a member of that intergovernmental committee on the National Crime Authority. There is an obvious mistake there.

To the minister's credit, when I heard from the speaker in my room his reading of the speech I noticed he stumbled over the word 'I', and I wondered whether that should be said. This might be a small matter, but to the National Party a fact that is incorrect in a second-reading speech needs to be corrected in some way or other. We are not expecting the speech to be expunged or anything like that — and the Clerk may be

able to advise on this — but a personal explanation or something to that effect may correct the record.

To help in assisting with correcting the record I checked the National Crime Authority (NCA) annual report for the composition of the Intergovernmental Committee on the National Crime Authority and found that Victoria's representative was the Honourable André Haermeyer, the Minister for Police and Emergency Services, whom I think is still the current member. That small matter needs to be attended to, and the National Party requests that the minister attend to it before the conclusion of this debate.

**Hon. J. M. Madden** — I am happy to do so. You are the only one who picked it up.

**Hon. P. R. HALL** — You should thank me for it; otherwise, you would have been on another committee.

That being said, I move on to talk about the National Crime Authority (State Provisions) (Amendment) Bill. The bill has a clear purpose — to amend the National Crime Authority (State Provisions) Act 1984 so that it more closely reflects the Commonwealth National Crime Authority Act 1984 and for other purposes. As has been said by previous speakers, this is legislation virtually to ensure there is national uniformity across Australia in legislation relating to the National Crime Authority.

The National Crime Authority has served Australia very well since its establishment in 1984. It is a significant authority, but in the chairman's own words in the foreword to its 2000–01 annual report the National Crime Authority is described as:

... a small organisation with a monumental task.

The foreword goes on to say:

The NCA's primary role is to counter complex organised crime on a national basis. Not surprisingly, progression towards the reality of the global village with its attendant advances in technology and communications, has created new opportunities for those engaged in criminal as well as honest business.

It then talks about the main focus of activity of the National Crime Authority, and says:

Nothing is more obvious in this regard than the incidence of drug trafficking. The past decade has seen a continuing increase in this scourge, with magnitude of profits so great as to defy understanding. Those at the top of the criminal enterprises who manage this activity are sophisticated and cunning. They recognise no borders, national or international. They seize opportunities in accordance with sophisticated risk assessments, where profits from a receptive market are an ever-present attraction. They use technology, as well as expert

legal, financial and other advice and assistance, to ply their trade.

I say, 'Well done!' to Mr Gary Crooke, the chairman of the National Crime Authority, for that statement. I feel it is a perfectly accurate representation of the thoughts of the vast majority of Australians. Drug trafficking is a scourge on our community, and we applaud the efforts of the authority in undertaking its work to tackle this serious problem, particularly as it operates on a fairly restricted budget of just under \$52 million in the last financial year. It does not get a great deal of money.

The authority is a small organisation consisting of just the chairman and two members. Mr Gary Crooke is the chairman and Marshall Irwin and James Bennett are the two members. According to the annual report, as well as those three gentlemen who comprise the authority, within the organisation is a total of just 395 staff — 245 public service staff, 128 seconded police officers and a few others. It is not a very big organisation, but as Mr Crooke said, it has a momentous task to undertake.

External scrutiny of the actions of the National Crime Authority is undertaken by a parliamentary joint committee comprising federal members of Parliament from each Australian state. I note my National Party colleague Senator Julian McGauran is a member of that committee. I know that his work as an external scrutiniser of the National Crime Authority is important and valuable for both the public and the authority. The National Crime Authority is not a big organisation, but it is a very important one in fighting national and international crime.

A significant decision was taken at the 5 April meeting of the leaders summit on terrorism and transnational crime. In a press release dated 6 April the federal Minister for Justice and Customs, Senator Chris Ellison, announced that:

The National Crime Authority will be replaced with an Australian Crime Authority (ACC) by 31 December. The ACC will build upon the important features of the NCA whilst removing the current barriers to its effectiveness such as the complicated reference system ...

He went on to further elaborate on some of the decisions taken at the summit. Anything that can assist the National Crime Authority in its endeavours will certainly be supported by the National Party and, I am sure, by the Parliament of Victoria.

I want to make a few brief comments on some of the changes that will be made by this bill. I do not wish to canvass them in detail, as the two earlier speakers in the debate have looked closely at the changes. However, I will highlight a couple of the more significant changes.

The first is the fact that the bill removes reasonable excuse as a defence for failure to comply with a notice to produce documents or failure to attend and answer questions at hearings of the NCA.

In its briefing the National Party was informed that the defence of reasonable excuse has been abused to the extent it has delayed hearings and has given the opportunity for legal argument to delay the work that the NCA needs to undertake. On balance, this is a sensible provision. The National Party is certainly pleased to support it.

One of the other important provisions in the bill is the removal of the derivative use immunity. I was not sure what it meant, but the explanation given to me was that when a witness makes a statement during their giving evidence before the NCA it is possible that the contents of that statement may provide, in layman's language, a lead for other police officers to pursue in any prosecutions of, for example, related crimes. It is important to note that the second-reading speech makes it clear:

... a person's self-incriminatory admissions themselves will not be able to be used against a person in later proceedings.

That is important. Certainly the removal of the derivative use immunity provisions will help police officers across the state and territories fight crime in their jurisdictions.

Another major provision of the bill is the significant increase in penalties for a whole range of matters. The maximum penalties for failing to produce documents or things when required to do so, failing to attend a hearing or failing to answer questions will be increased from six months jail and a \$1000 fine to five years jail and a \$20 000 fine. The increases may be large, but they are justifiable increases given the seriousness of some of the crimes the NCA would be investigating. Also, the maximum penalty for obstructing or hindering the NCA will be increased from six months jail and a \$2000 fine to five years jail and a \$20 000 fine. A similar penalty will be imposed on those found to be bribing or injuring a witness and/or preventing a witness from attending a hearing. That will attract the same maximum penalty of five years' jail and/or a \$20 000 fine.

I refer to a couple of other significant changes. The first concerns classes of persons who can apply for search warrants. That will be expanded to include a member of staff of the NCA who is also a member of Victoria Police. The bill will also provide for the appointment of hearing officers to conduct hearings on behalf of the NCA. The National Party believes they are sensible arrangements, particularly given, as I said earlier, that

the NCA consists of only three people as such — one chairman and two members. Consequently the delegations of some of the search warrant authority and enabling people to conduct hearings on behalf of the authority are important and necessary delegations for the efficient operation of the NCA.

As I said earlier, the issues contained in the bill have been well canvassed by the previous two speakers. I will not go into further detail but simply indicate that the National Party is prepared to support the bill.

**Hon. ANDREW BRIDSON** (Waverley) — I also support the National Crime Authority (State Provisions) (Amendment) Bill. I compliment the Honourable Peter Hall for his astute investigatory powers in picking up the minor error in the second-reading speech. I am sure that will be rectified before the debate concludes. I assure Mr Hall that the NCA or the proposed Australian Crime Commission will probably have him high on its list of people who may help it in some way!

The National Crime Authority (State Provisions) Act 1984 was first introduced as complementary legislation to the commonwealth National Crime Authority Act 1984, and it is underpinned by legislation in all states and territories. That allows the NCA to operate within each state and territory.

Other contributors to the debate on the bill have talked about the role of the NCA and why it was set up. There is no need for me to further canvass that. Previous honourable members referred to the NCA's annual report for 2000–01. Each quoted from the NCA chairman's foreword. Fortunately for me they have not used the quotation I was going to use, but I was going to use the ones they all used. The section of the foreword that caught my attention was a powerful statement from the chairman. It states:

Shortly stated, organised crime merits being treated on the same plane as threats to national security. One clear indicator of this is the well-grounded link between major, lucrative organised crime and terrorism.

I recommend that all honourable members of both chambers read the chairman's foreword. It will give them a deeper understanding of the reasons why the NCA exists and how it sets about its enormous task of combating well-organised international crime.

The nature of international crime was driven home to me when I was chairman of the Drugs and Crime Prevention Committee of the previous Parliament. I had no idea of the extent to which international criminals had infiltrated Australian society. It was comforting for

me to know we had an authority in the NCA with the powers to carry out the role it is required to play.

Other honourable members have mentioned the powers of the NCA. They include areas such as drug importation, theft, fraud, tax evasion, bribery, extortion and violence. One of the methods that the NCA employs to combat those areas is to set up task forces. I am not sure whether the Honourable Cameron Boardman earlier listed all those task forces, but I will do so.

In its annual report the NCA has listed its five or six task forces that are now in operation. They are: South-East Asian organised crime, known as the Blade task force; fraud against the commonwealth, known as the Swordfish task force; established criminal networks, known as the Freshnet task force; outlaw motor cycle gangs, known as Panzer; and Italo-Australian organised crime, known as the Cerberus task force.

It is interesting to read the outcomes of each task force. I will place on the record some of the outcomes as they relate to Victoria. In relation to the Blade task force the annual report states that at least four members of a heroin trafficking gang, including one of the principal targets, were arrested in Melbourne following seizure of a block of heroin. It was believed that the group was involved in setting up a line of supply from Sydney but was apprehended in the early stages of its operations. In a separate case a further nine people were arrested and approximately 7 kilograms of heroin, \$101 000 cash and mixing and recompression equipment were seized as a result of a joint operation between the NCA and Victoria Police. Further examples have been outlined in the report.

The Swordfish task force carries out work concerning fraud against the commonwealth. It is interesting to read of the massive amounts of money that people attempt to defraud the commonwealth of. A couple of outcomes mentioned on page 44 of the annual report include:

As a result of an ATO audit of book publishing, video production and a timber plantation scheme, tax assessments of more than \$21 million were issued. Additional investigations conducted by the NCA into defrauding the commonwealth resulted in further tax assessments of approximately \$4.5 million.

That shows the extent and size of crime, and the Australian public should be grateful for the work the NCA and its officers perform.

The National Crime Authority (State Provisions) Act 1984 is complementary to the commonwealth legislation. That makes it subject to amendment should

the commonwealth amend its legislation. That is the reason why the bill is being debated in this place today. We have heard from previous speakers that the National Crime Authority Act 1984 was recently amended following the High Court decision in *The Queen v. Hughes*, and there is no need for me to canvass that.

The other trigger for the amendments of the commonwealth act was due to the federal government's response to the third review of the NCA by the parliamentary joint committee on the NCA, and again there is no need for me to go over that. The Victorian Parliament recently enacted amendments, which were prompted by *The Queen v. Hughes* decision, bringing it into line with the Co-operative Schemes (Administrative Actions) Act 2001. Therefore the amendments relevant to this bill essentially refer to the increased effectiveness of the operative and administrative side of NCA investigations that are relevant to Victoria.

Principally the amendments deal with removing elements of the system which hamper investigations conducted by the NCA. Clause 12 includes measures to ensure individuals are not able to obstruct or frustrate the NCA's hearing process. The means by which this is achieved is by removing the current defence of 'reasonable excuse' for witnesses before NCA hearings.

By way of explanation, 'reasonable excuse' is an unclear defence used by witnesses to avoid attending or providing documents for the hearing process, although there are provisions made for individuals who cannot legitimately provide such documents. The bill also removes the current derivative use immunity from the act so that the NCA can now obtain evidence from hearings where self-incriminating primary evidence is given for use at a later trial. This particular amendment provides the NCA with an improved investigative function that is better able to obtain evidence and subsequently obtain convictions. The arguments made in favour of affording full protection of self-incriminatory material is ultimately outweighed by the potential positive outcomes of such an amendment.

Increased penalties due to non-compliance are also another extremely important feature of the bill and hopefully will ensure the success of the features I have previously mentioned. Failing to attend a hearing or answer questions will attract a penalty increase from six months jail and a \$1000 fine to a maximum five years jail and a \$20 000 fine. Under the old regime, and with the massive amounts of money that is used by professional criminals, the penalties were a

laughing-stock, and the proposed fines I hope will make criminals realise that crime does not pay. Bribing a witness or injuring or preventing a witness from attending a hearing will attract the maximum penalties I have outlined.

A further amendment in the bill will increase the effectiveness of the operation of NCA investigations dealing with the current requirement that only full-time employees of the NCA may apply for search warrants. The amendment makes provisions for Victorian police officers seconded by the NCA able to apply for search warrants. Furthermore, search warrants will, with this amendment, be issued by both federal and Victorian court judges. This again contributes to the administrative effectiveness of NCA investigations. Hearing officers will be appointed to conduct hearings on behalf of the NCA. People appointed to such positions must have five years or more legal experience in contrast to the current situation whereby only NCA members can conduct hearings. This is another amendment that will improve the NCA's investigative capacity.

Clarification is also made in an amendment in reference to legal professional privilege as it applies to providing evidence at a hearing — that is, a legal practitioner is not compelled to provide incriminatory evidence against a client but is obligated to provide the name of their client.

That essentially completes a quick resume of the bill that has been presented today.

The opposition consulted the Victoria Police Association and received correspondence dated 13 May in which Paul Mullett, secretary of the association, states:

We appreciate that you have sought our views on this bill and we have perused the provisions. We cannot find any provision that will unnecessarily inhibit the ability of our members to undertake their tasks.

I place on record the opposition's appreciation of the briefing the shadow Minister for Police and Emergency Services, the honourable member for Wantirna in the other place, and I received a couple of weeks ago. He and I are not legal experts by a long shot.

**Hon. N. B. Lucas** — You're bush lawyers!

**Hon. ANDREW BRIDSON** — We are not even bush lawyers, Mr Lucas. This relatively complex legislation was adequately explained by the three people who briefed us: Rob McDonald, the minister's chief of staff; and Sarah Stokes and Neil Robertson from the department. We certainly thank them for the

time and effort they put into explaining the situation to both of us. It is probably rare these days that all three parties support legislation. This is important legislation, and I wish the bill a speedy passage and trust that its enactment will make Victoria and Australia a much safer and better place for us to live.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — By leave, I move:

That this bill be now read a third time.

In so doing, I thank the Honourables Jenny Mikakos, Cameron Boardman, Peter Hall and Andrew Brideson for their contributions. In relation to a matter raised by the Honourable Peter Hall about a line in the fifth paragraph of the second-reading speech, he is correct there was an error in the speech. I put on the record that it should not read that I am Victoria's representative, because that relates to the minister in the other chamber. No doubt that has been pursued, through the relevant minister's office. I thank the Honourable Peter Hall for bringing it to the attention of the house.

**Motion agreed to.**

**Read third time.**

*Remaining stages*

**Passed remaining stages.**

## ABSENCE OF MEMBER

**Hon. BILL FORWOOD** (Templestowe) — I move, by leave:

That the Honourable J. W. G. Ross be granted leave of absence until the end of June 2002 on account of ill health.

**Hon. BILL FORWOOD** (Templestowe) — Honourable members will understand that Dr Ross has not been well. I spoke to him today and he is concentrating on efforts to get back his health. It would be best if he does not attend the remainder of this sitting. The Leader of the Government knows that he has been unable to be with us much this sitting. This motion formalises the situation. I know I speak on behalf of all honourable members when I say that they wish him the very best in his fight.

**Honourable Members** — Hear, hear!

**Hon. M. M. GOULD** (Minister for Education Services) (*By leave*) — On behalf of the government I accept the explanation of the Leader of the Opposition. The government extends its good wishes to Dr Ross and hopes his powers of concentration are sufficient. We hope he makes a speedy recovery and we wish him all the best.

**Hon. P. R. HALL** (Gippsland) (*By leave*) — I extend the best wishes of the National Party to the Honourable John Ross. Health is the most important thing anybody can have in this world and should come before everything else. John has leave with our blessing, and we trust that his recovery is a swift one.

**Motion agreed to.**

## FISHERIES (FURTHER AMENDMENT) BILL

**Committed.**

*Committee*

**Clauses 1 to 4 agreed to.**

**Clause 5**

**Hon. P. R. HALL** (Gippsland) — I wish to ask a couple of questions about clause 5. Clause 5 is headed 'Permit for indigenous cultural activities'. Essentially the clause allows permits to be issued by the Secretary of the Department of Natural Resources and Environment to allow the recreational taking of fish beyond the normal recreational limits for a specified indigenous cultural ceremony or event. Can the minister give us an example of what a specified indigenous cultural ceremony or event might be?

**Hon. C. C. BROAD** (Minister for Energy and Resources) — In response can I indicate that it is a little difficult, with the best will in the world, to respond to that because there are no applications before me which have been signalled in terms of what this clause might relate to. It is my understanding that currently because there is no specific permit available for this type of event that it is dealt with in effect through the existing recreational allowances. It is also clear that in the many categories of general permit currently provided for in the act this purpose does not fit with the existing provisions, so the government's intention is that any applications — and I stress that they are hypothetical at this point — would be dealt with on a case-by-case basis. No applications would be considered until guidelines are in place, and it is the government's intention that guidelines will be developed in an open

and transparent way that will include consultation with the peak bodies representing recreational and commercial fishing as well as indigenous groups and any other interested stakeholders.

At this point it is not possible for me to be specific in giving an example of a particular event. There has been some indication that there may be events which, for example, are held by the Framlingham community which may seek to take advantage of this permit provision in the future, but there are no definite examples that I am able to give now.

**Hon. P. R. HALL** (Gippsland) — I thank the minister for her answer. To use the minister's own words, we are talking about a hypothetical case and there may be a relevant case in the future. What has prompted the government to put forward this amendment?

**Hon. C. C. BROAD** (Minister for Energy and Resources) — My advice is that in the wide-ranging consultations leading up to this bill being brought before the Parliament the suggestion was made — this was not a proposal initiated by me — during consultations that it is desirable that the purpose of general permits being issued is explicit and transparent, and that it would provide a form of monitoring that is currently not possible because any activities are not being separately identified at the present time.

**Hon. P. R. HALL** (Gippsland) — As is stated in the second-reading speech, guidelines will be developed to assist the secretary of the department in assessing applications. We believe it is appropriate that guidelines be set to assist in the assessment of those applications, but we have been informed that they will be internal guidelines and will not have any public exposure. I ask the minister to confirm whether it is still the intention for those guidelines to be developed purely internally or, alternatively, I invite her to give consideration to some external exposure and outside input into the development of those guidelines.

**Hon. C. C. BROAD** (Minister for Energy and Resources) — I can confirm, as I indicated earlier, that the guidelines are being developed and will continue to be developed in consultation with stakeholder groups, including the recreational and commercial peak bodies in addition to indigenous groups. There will be the opportunity for stakeholder groups to have input into the development of these guidelines.

**Clause agreed to; clause 6 agreed to.**

#### **Clause 7**

**Hon. P. R. HALL** (Gippsland) — Clause 7 relates to the creation of subzones and the potential to allocate quotas within subzones. I am not sure how this will work, and I seek an explanation from the minister. For example, currently a quota is set across a total zone. If subzones are created I seek advice as to how that total quota will be allocated towards particular subzones within the total zone.

**Hon. C. C. BROAD** (Minister for Energy and Resources) — Perhaps I can commence by saying that the honourable member will be aware that the existing zones are extremely large, hence the intention to provide for subzones within areas that are extremely large. Perhaps the easiest way to explain how these might be implemented would be to refer in the first instance to the abalone fishery management plan, which was recently approved after a great deal of collaborative development with stakeholders, including the abalone industry. That plan describes new arrangements and makes recommendations for implementing those arrangements.

Among other provisions in the plan in regard to the management of fishing zones and boundaries the plan recognises there are localised instances where fishing effort is not consistent with the distribution of, in this case, abalone stocks, and that includes both underexploitation in certain areas and overexploitation in others. The plan recommends that the preferred option for achieving an optimal spread of fishing effort at the local level will be to set a total allowable catch for a subzone of a quota-managed fishery, and that quota would then be allocated to persons licensed to take abalone from that fishery.

Perhaps I can also refer honourable members to the contribution by the honourable member for Gippsland East in the other place, who perhaps has more detailed knowledge of some of these matters than I claim to have in terms of direct experience. In his contribution in the other place he gave a number of illustrations of the need for subzones in quota fisheries. He referred, as others have done, to areas such as Port Phillip Bay, which is in the central zone, which can come under increasing pressure, and said that that could adversely affect the sustainability of that subzone. In that instance, he was not referring to abalone but to a range of fish.

I also add to that that it is my understanding that members of the rock lobster industry have made preliminary approaches about making subzones in that industry. It would be the government's intention to deal with those approaches in the context of developing a

management plan for the rock lobster fishery over the next 12 months.

The mechanism, if you like, is that the location and boundaries of any subzone would be described when a quota order is made for a subzone and consultation would be conducted with affected licence-holders prior to that to ensure the location of any new subzone was well understood prior to its implementation.

**Hon. P. R. HALL** (Gippsland) — I need to understand the practicalities of that. I understand from the minister's comments and the bill that the total allowable catch (TAC) for a subzone will be set. I accept that, and we are not arguing about the need or the desirability of having subzones. However, say a licence-holder had a quota for 20 tonnes, could it be that the way the quota order was worded would be such that the 20 tonnes had to be taken elsewhere in the zone other than a specific subzone or would it specifically say that 10 tonnes could be taken from one subzone, 5 tonnes from another and 5 tonnes from a third subzone as an allowable catch? I want to have a better understanding how the total quota relates to subzones.

**Hon. C. C. BROAD** (Minister for Energy and Resources) — The intention is that there should be considerable flexibility for individual licence-holders so that the TAC which is set for the subzone may also indicate in relation to licence-holders for the total zone that they can obtain a certain percentage of their quota from that subzone, and of course once the TAC for that subzone has been taken the remainder of any quota held by a licence-holder for the total zone would have to be taken from other areas.

**Hon. P. R. HALL** (Gippsland) — Will that place any restrictions on the transferability of quota — for example, if a licence-holder was able to take 5 per cent or 10 per cent of his quota from that particular subzone, would that 10 per cent quota still be transferable?

**Hon. C. C. BROAD** (Minister for Energy and Resources) — In general terms the answer is no. However, I have been advised that in the context of developing the quota order, which is in the overall context of the management plan, some rules may be developed. They would be the subject of consultation and the objective of the rules would be to prevent the aggregation of all of a subzone to a particular licence-holder. The intention of developing those rules would be to provide for equity considerations.

**Hon. P. R. HALL** (Gippsland) — I am happy with that as long as those rules are developed in conjunction with the industry, which it has been done to date. There

may be some sense in having only one or two licence-holders in a subzone if that is an easier way to ensure that the total allowable catch for that subzone is not breached. There needs to be flexibility in the development of those rules.

**Hon. PHILIP DAVIS** (Gippsland) — I want to reiterate a point I made in the second-reading debate and to draw the minister out in committee. Firstly, I wish to make a statement to which I do not expect the minister will respond. However, I see fishery managers catching up with farmers. This is pretty agricultural — subdividing your farm into a number of paddocks, that is the way I see it. It is a matter of matching utilisation with productivity. If it is sensible as a management tool to introduce an additional mechanism for maximising or optimising the management of each particular area of resource yield from each fishery under quota management I do not have any difficulty in supporting the principle. I think all the farmers in the house would recognise the sense of that.

However, as a further observation, I make a point which I invite the minister to respond to. Is it not more than a little coincidental that as a consequence of the implementation of quota management in the rock lobster fishery, and as a consequence of the impact of marine parks — legislation for which is about to be read a second time in the Legislative Assembly — that the issue for us is that we will have additional pressure on the two quota-managed fisheries, abalone and rock lobster, because of the exclusion from particular and productive areas of Victoria's coasts? As a result of the introduction of marine parks there will be increased pressure on the residual fishery — that is, the same number of fishermen will be trying to sustain a viable living and will increase the pressure on the remaining fisheries, and that in itself will require additional management tools. That is what this provision of the bill is about.

It is a matter of fact I believe that the reason the minister has brought this legislation to the chamber is as a direct consequence of other decisions that have been made in relation to fisheries management — namely, rock lobster quotas and marine parks legislation. While I support the provision, I invite the minister to comment, if she will, about the coincidence of this provision being introduced into the Parliament at this time.

**Hon. C. C. BROAD** (Minister for Energy and Resources) — In response, I do not accept the inferences which the honourable member is seeking to draw in relation to the timing of the bill. I hesitate to single out particular interests. However, it would be

unreasonable for me not to acknowledge that there are interests particularly associated with the abalone fishery who have been considering these matters for quite some time, certainly prior to my tenure as the responsible minister. That is evidenced in a number of ways. Just one example is that currently commercial abalone licence-holders are participating in voluntary arrangements to restrict the take of abalone from Port Phillip until these provisions can be put in place, hopefully following the passage of this bill. That demonstrates that interested parties are looking to the future and for some time have been anticipating pressures, whether in Port Phillip or from the market, such as the demand for smaller fish. In addition, I also acknowledge the forward thinking of Fisheries Victoria in its ongoing discussions with industry. These provisions have been developed and thought about quite carefully in advance of the other matters which are about to come before this place.

**Clause agreed to; clauses 8 to 10 agreed to.**

#### Clause 11

**Hon. P. R. HALL** (Gippsland) — I had to scream out for a bit of help on clause 11 during the second-reading debate because I found it a difficult clause to completely understand. I am going to suggest what I think it means and seek confirmation from the minister as I go along.

First of all, a fisheries reserve, as I understand it — and I thank the minister's adviser for the briefing note on fisheries reserves — is an area that is set aside by order in council for a specific purpose to help identify what the use for that particular marine water might be. I suppose the most clear example is an area that is suitable for aquaculture, for example, and a range of other matters. So it is a specific area enabling a specific activity or a protective-type activity to occur in that particular area. Is that right to start with?

**Hon. C. C. BROAD** (Minister for Energy and Resources) — Yes.

**Hon. P. R. HALL** (Gippsland) — As I go along, if I interpret the briefing note correctly, it says we cannot have a fisheries reserve in an area that is already classified as some other type of reserve. In anticipation that all Victorian waters are going to be reserved as coastal water reserves, we need this amendment so we can still have fisheries reserves within coastal water reserves. Is that essentially right?

**Hon. C. C. BROAD** (Minister for Energy and Resources) — In response I indicate that the honourable member should not have any concerns

about having some difficulty with this. I can recall asking a lot of questions about it myself.

To add to the statements that have already been made on this clause, my understanding is that currently there are only very small areas which are subject to the Crown Land (Reserves) Act, and therefore the conflict between that act and the capacity to put in place fisheries reserves has really not been an issue. However, with the adoption by the government of the recommendation coming out of the Environment Conservation Council's report, because of the current wording of the act, potentially this would provide a difficulty in relation to the capacity to declare fisheries reserves in the future. Therefore, it is the government's intention through this clause to avoid that situation arising by removing this reference in the act, in effect providing that fisheries reserves cannot exist in areas declared under the Crown Land (Reserves) Act. It is to provide for the maximum flexibility in the future in relation to the declaration of fisheries reserves, which can be put in place in order to meet a whole range of objectives currently provided for under the act.

**Hon. P. R. HALL** (Gippsland) — In a nutshell, what this will mean is that you can still have a fisheries reserve in a coastal waters reserve?

**Hon. C. C. BROAD** (Minister for Energy and Resources) — There is lots of nodding; and on the record that is yes — confirmation.

**Clause agreed to.**

#### Clause 12

**Hon. P. R. HALL** (Gippsland) — I also have a couple of questions about clause 12. Clause 12 changes the wording relating to the composition of the Fisheries Co-Management Council by substituting 'indigenous fishing uses' for 'traditional fishing uses'. I recognise that the second-reading speech says this was done because in the past the interpretation of traditional fishing uses has been indigenous fishing uses. The concern I expressed in the second-reading debate was the change of this term may exclude other ethnic communities which may also practise traditional uses. I ask the minister to comment upon whether it restricts people from other ethnic backgrounds that employ fishing uses from being specific members of the Fisheries Co-Management Council.

**Hon. C. C. BROAD** (Minister for Energy and Resources) — In response I confirm that the intention of the government here is simply to ensure that the act says what it means and means what it says. My understanding is that the intention of the government of

the day, and indeed the practice since this was put into place, is that traditional fishing uses has in fact meant indigenous fishing uses, and this change simply makes explicit what has been the interpretation.

In relation to the other considerations that the honourable member drew attention to, my view is that the provisions in relation to membership of the Fisheries Co-Management Council certainly enable those interests to be recognised in terms of the expertise which I would certainly seek to have included on the Fisheries Co-Management Council. So there is most certainly not an intention to exclude members who have between them, as the act says, experience and knowledge in relation to other areas, but to simply be very clear about what that particular reference is intended to refer to.

**Hon. P. R. HALL** (Gippsland) — What level of support was there for this particular change in the consultation that was undertaken on this bill?

**Hon. C. C. BROAD** (Minister for Energy and Resources) — I am not sure that I could quantify that, but it is certainly my understanding that in the consultations there has been support once it has been explained what the intent of this change is. It is certainly accepted from the peak bodies that this change reflects existing interpretations and practice.

**Clause agreed to; clauses 13 to 31 agreed to.**

**Reported to house without amendment.**

**Reported adopted.**

*Third reading*

**Hon. C. C. BROAD** (Minister for Energy and Resources) — I move:

That this bill be now read a third time.

In doing so, I thank honourable members for their contributions to the debate.

**Motion agreed to.**

**Read third time.**

*Remaining stages*

**Passed remaining stages.**

## HOUSE CONTRACTS GUARANTEE (HIH FURTHER AMENDMENT) BILL

*Adoption of report*

**Debate resumed from 16 April; motion of  
Hon. M. M. GOULD (Minister for Education Services).**

**Hon. M. M. GOULD** (Minister for Education Services) — I move:

That the report be now adopted.

**Hon. BILL FORWOOD** (Templestowe) — I move:

That debate be adjourned until next day of meeting.

**House divided on motion:**

*Ayes, 24*

Atkinson, Mr	Davis, Mr P. R.
Baxter, Mr	Forwood, Mr
Best, Mr	Furletti, Mr
Birrell, Mr	Hall, Mr
Bishop, Mr	Hallam, Mr
Boardman, Mr	Katsambanis, Mr
Bowden, Mr	Lucas, Mr
Brideson, Mr ( <i>Teller</i> )	Powell, Mrs
Coote, Mrs	Rich-Phillips, Mr
Cover, Mr	Smith, Mr K. M.
Craige, Mr	Stoney, Mr ( <i>Teller</i> )
Davis, Mr D. McL.	Strong, Mr

*Noes, 11*

Broad, Ms	Madden, Mr
Carbines, Mrs	Mikakos, Ms ( <i>Teller</i> )
Darveniza, Ms	Nguyen, Mr
Gould, Ms	Romanes, Ms
Hadden, Ms ( <i>Teller</i> )	Smith, Mr R. F.
Jennings, Mr	

*Pairs*

Ross, Dr	Theophanous, Mr
Smith, Ms W. I.	Thomson, Ms
Luckins, Ms	McQuilten, Mr

**Motion agreed to and debate adjourned until next day.**

## LOCAL GOVERNMENT (UPDATE) BILL

*Second reading*

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I move:

That this bill be now read a second time.

This bill aims to improve the system of local government and to improve the public accountability of local government in particular.

Councils exist to provide good local government for their areas. They are elected by the voters of their municipalities and they collect rates from property owners to finance services and activities.

Local communities have a right to expect a high level of accountability from their councils, both for the decisions they make and for the way they use public resources.

This bill establishes public accountability as an essential requirement for local government. It does this through changes to electoral provisions to improve democracy and through changes to other provisions to ensure transparency and accountability in council decision making and reporting.

The bill also proposes changes to the Constitution Act to better formalise the place of local government within the Australian system of government. This will also recognise the democratic basis of local government.

The proposed changes represent the results of a careful analysis of local government legislation issues and an extensive public consultation process.

I will now outline some of the main features of the bill.

### **Electoral representation reviews**

The conduct of fully democratic elections is a cornerstone of any modern system of government. The bill proposes to correct a number of failings in the current act.

The existing requirements for the review of electoral structures are seriously deficient. At present the electoral boundaries for local councils are reviewed by the councils themselves and, where councils are unsubdivided, reviews are only conducted at the discretion of councils.

At other levels of government these types of reviews are conducted at arm's length from the elected body to ensure independence and probity. Considerable concern was expressed in public submissions about the current system.

It is proposed that, in future, independent electoral representation reviews be conducted for every council on a six-yearly basis and that the reviews consider both the electoral structure and the location of electoral boundaries. Every council will be required to appoint an electoral commission to conduct its representation review.

### **Proportional representation**

There have been many complaints about the system for counting votes in Victorian local government elections. With the exception of the City of Melbourne, all councils use the exhaustive preferential voting system where councillors are elected at large, or where councillors are elected to represent multimember wards.

The exhaustive preferential system is a winner-take-all system that has the capacity to yield highly unrepresentative election results. It was abandoned for use in the Australian Senate in 1949 following highly skewed outcomes which, on two occasions, resulted in one party winning every Senate seat.

Within local government, the undesirable effects of this system have become more evident with larger, amalgamated municipalities. The most common electoral distortion has been the disfranchisement of rural voters in municipalities that are dominated electorally by one or more regional centres.

Public submissions, particularly from country areas, strongly favoured the introduction of proportional representation for local government elections.

The bill proposes that proportional representation be used as the standard counting system for local government elections. An exception to this will be possible if requested by a council, but only if the council has conducted a public consultation on the matter.

### **Election campaign donations**

Council decisions can have a significant bearing on the financial and other circumstances of particular people. Given the stakes involved it is not inconceivable that such people may donate generously to the election campaigns of candidates for council elections. Public transparency in regard to such donations is essential.

The bill proposes that all candidates complete a campaign donation return within 60 days of the election. These donation returns must provide details of all donations valued at \$200 or more.

### **Enrolment entitlements**

Under the existing legislation, councils are required to automatically enrol people who occupy rateable property for non-residential purposes. However, this is impractical because councils do not have ready access to information about these occupiers. As a result, very few are actually enrolled.

This touches on the basis of democratic electoral systems, which require that people with a stake in their government not only have a legal right to vote but they can exercise their rights without administrative impediments.

It is therefore proposed that the process for enrolment of non-resident occupiers be by application and that the council be required to publicly advertise people's enrolment rights before the rolls close.

An additional related difficulty for councils is that they have no practical way of determining if a person that has previously applied to be enrolled is still eligible. In theory the legislation requires electors to notify their council if their entitlement details change, but this does not occur in practice. As a result, council rolls are frequently inaccurate.

It is therefore proposed that, where people are enrolled by application, their enrolment will be valid for the term of the council only and will need to be renewed for the next election. To ensure these people are not disadvantaged, councils will be required to notify them in writing before the next election of their right to re-enrol and provide them with an enrolment form.

It is expected that these measures will significantly improve the accuracy of council's rolls and will maximise opportunities for eligible people to enrol.

### **The place of local government**

While the main objective of this bill is to enhance the accountability of local government, this needs to be balanced by a recognition of the important role councils play in providing good government for their communities.

People in local government, especially councillors, take on tasks that are often thankless and demanding. As a community, we often fail to give these people the appreciation they deserve.

It is proposed that the Constitution Act be amended to formalise the place of local government as a distinct and essential level of government and that councils are democratically elected and accountable to their constituents.

It is also proposed to amend the Local Government Act to include a preamble that describes the place of local government in the Australian system of government and a charter that more clearly describes the purposes and functions of councils.

These amendments will not change the actual functions and powers of councils, but they will provide greater clarity.

It is also intended that the criteria under which a council can be suspended should be more clearly set out. The bill proposes that councils be able to be suspended where there has been a serious failure to provide good government or when a council has acted unlawfully in a serious respect. To ensure that suspensions are not done lightly, it will also be a requirement that consideration be given to steps taken by a council to address and remedy the failure.

### **Conduct of councillors**

While we recognise the contribution made by people in public life, the community also expects a certain standard of behaviour from its elected councillors. Councillors have control of significant public resources and make decisions on behalf of their communities.

This bill proposes to include certain rules of conduct for councillors and members of council committees. These rules have always been implicit requirements of people in public office and it is desirable that they be made explicit. Doing so provides councillors with clearer guidance and enables the community to be more confident that their elected representatives are acting with due probity.

The rules of conduct include:

- acting honestly;
- exercising reasonable care and diligence;
- not making improper use of a position; and
- not making improper use of information.

The bill also proposes that all councils be required to adopt codes of conduct that include the rules of conduct as well as including procedures to resolve disputes between councillors and procedures for implementing conflict of interest requirements.

### **Conflict of interest**

The provisions of the Local Government Act are generally acknowledged as being inadequate in regard to conflicts of interest. While the act addresses pecuniary interests, it makes no provision for other interests. In fact the current provisions appear to compel a councillor to vote when they have an interest in a matter that is non-pecuniary.

This bill introduces significant improvements in regard to conflicts of interest. It will require councillors and members of council committees to declare all interests in matters being considered by the council or committee.

Where these interests are pecuniary in nature, or where the person considers that their interest may be in conflict with their public duty, they must declare a conflict of interest and refrain from voting.

The effect of these provisions will be to provide a public surety of openness where councillors have interests relevant to matters under consideration. They will also ensure that councillors are not bound to vote where they have a conflict of interest.

### **Conduct for council staff**

A closely related matter is the conduct of council employees. The bill proposes that the principles of conduct that currently apply to public sector employees under the Public Sector Management and Employment Act should be included in the Local Government Act to apply to council staff.

These principles will require council officers to:

- act impartially;
- act with integrity and avoid conflicts of interest;
- accept accountability for results; and
- provide responsive service.

### **Financial management principles**

Major improvements included in this bill relate to the financial management of councils.

The bill will replace some ineffective and out-of-date regulatory provisions with a requirement that councils comply with principles of sound financial management similar to those that apply to public sector bodies under the Financial Management Act.

These principles include:

- prudent management of financial risks in regard to debts, assets and liabilities;
- rating policies that provide reasonable stability in the level of the rate burden;
- having regard to the financial effects on future generations of council decisions; and

providing full, accurate and timely disclosure of financial information.

Councils will also be required to establish and maintain budgeting and reporting frameworks that are consistent with these principles.

The bill will also establish a system of financial reporting for local government that will ensure that consistent reporting frameworks are used in all council plans, budgets and annual reports. This will enable ready comparison of projected resource use with actual outcomes.

In line with this, it will be required that, where there is a material variation between a budget and an actual outcome, the variation will be fully explained in the council's annual report.

The revised system for financial reporting will be complemented by revised agreements between the state government and councils regarding national competition policy. The state government shares its commonwealth NCP payments with councils, although it is not required to do so. Councils will continue to receive these payments subject to compliance with the revised NCP agreements.

The bill also includes improved processes for local government entrepreneurial activities. It will require councils to consider a formal risk assessment before approving any new venture. This will be subject to ministerial guidelines.

Where previously all entrepreneurial activities, including very minor matters, had to be approved by the minister and the Treasurer, the level of approval will now depend on the scale of the proposed activity. Ministerial approval will be required where total risk exposure exceeds \$500 000 or 5 per cent of a council's rates, and approval of both the minister and the Treasurer must be obtained when the total risk exposure exceeds \$5 million.

### **Accountability framework**

Council plans, budgets and annual reports are important public documents. The amendments proposed in this bill will increase public input to the development of council plans and ensure that the activities and performance of councils are more open to public scrutiny.

The current provision for corporate plans is confusing and is to be replaced by a requirement that a council adopt a new council plan after each general election. These council plans will be developed in consultation

with the community and will specify the objectives, strategies, resources and performance indicators for the council for the next three years.

Budget documents are to be substantially upgraded to include standard financial statements on an accrual basis to support financial viability but also to include a description of the activities that are being funded in the budget. This will significantly improve the transparency of councils' budget funding.

Budgets will also list targets and measures for the key strategic activities that the council will undertake in the budget year. These will then be reported against in a performance statement that will be audited by the Auditor-General and published in the council's annual report.

### Rate capping

The previous government used rate capping as a way to limit the ability of councils to raise revenue after amalgamations. This proved to be a very arbitrary and clumsy measure and has been widely rejected by the community.

The bill proposes to remove indiscriminate rate capping from the act. The ability to limit the rates of an individual council will be retained, however, as a reserve power.

### Conclusion

In addition to the matters I have described, the bill will make a number of other amendments to the act. The full impact of all these changes will make local government significantly more democratic, more transparent, more accountable and more effective.

I commend the bill to the house.

**Hon. W. R. Baxter** — On a point of order, Mr President, I protest at the quality of the second-reading speech notes circulated by the minister which he has just read. When being presented with formal documents such as second-reading speeches the house is entitled to accuracy in terms of fact, grammar and proofreading.

There is a glaring error in this second-reading speech as to when the Senate introduced proportional representation — it was 1949, not 1959 as the second-reading speech states. The circulated speech contains substantial typographical and grammatical errors, which indicates the speech has not been proofread. The house should send a message to all

ministers that it expects to have documents presented to the house that have been well prepared and checked.

**The PRESIDENT** — Order! I will take that on board as an observation.

**Hon. R. M. Hallam** — A supported observation?

**The PRESIDENT** — Obviously.

**Hon. N. B. Lucas** — On the point of order, Mr President, if it turns out that there is incorrect information in the second-reading speech or if there are errors in the bill, what procedures should the house or the minister follow to have that corrected?

**The PRESIDENT** — Order! The house has had situations where the second-reading speeches produced in the Legislative Assembly have not been amended to reflect the changes made by the Legislative Assembly. Clearly in those cases the government has recognised its obligations to provide a substitute. In this case, where there are shown to be errors, I believe the relevant minister at the earliest possible opportunity should make a statement to the house providing the corrections to the house before the debate proceeds.

**Hon. N. B. Lucas** — On a further point of order, Mr President, is there any mechanism for the house to formally request that this second-reading speech be considered and that the alterations be presented to the house?

**The PRESIDENT** — Order! The question before the Chair is that the bill be read a second time. That is where imperfections in a bill, whether it is the proposals in the bill, the way that bill is expressed or drafted and all associated documentation will be subject to examination by the house. I would have thought that the responsible minister, having now been put on notice that there could be difficulties with the second-reading speech given to the Minister for Sport and Recreation to read in this house on his behalf, would get one of his officers, if not himself, to quickly check the quality of the document and instruct the minister representing him in this place accordingly.

**Hon. J. M. MADDEN** — Mr President, in relation to the issue Mr Baxter is referring to — the inaccuracy or typographical error in relation to the date in the second-reading speech — I am happy to source whether that is incorrect, and if it is incorrect, as indicated by the honourable member, I will be happy to address that in the appropriate manner when the time arises.

**Hon. N. B. Lucas** — On a further point of order, Mr President, is it possible for the house to require this information to be sought and that the house not accept this second-reading speech until it is happy and confident that a correct and appropriate second-reading speech has been introduced. Do we have to accept a shoddy or incorrect piece of work?

**The PRESIDENT** — Order! I suppose it is a matter of degree. Where we have had second-reading speeches that are patently wrong or incorrect to a significant degree we have required them to be replaced. As there are one or two corrections to be made in this case — one about the date and perhaps other issues — the minister has undertaken to have those matters examined, no doubt by his colleague in another place, and to come back to us with an appropriate report. Is the minister happy about that?

**Hon. J. M. MADDEN** — Yes.

**Debate adjourned on motion of Hon. N. B. LUCAS (Eumemmerring).**

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I move:

That the debate be adjourned until Wednesday, 29 May.

**Hon. N. B. LUCAS** (Eumemmerring) — I move:

That the words ‘Wednesday, 29 May’ be omitted with the view of inserting in place thereof ‘Thursday, 27 June’.

In support of my amendment, I indicate that for time immemorial, and certainly during my 30 years in local government, if a bill of this magnitude came before the Parliament — in this case we are looking at a bill of 116 pages in relation to local government — the protocol was during the time of the Honourables Alan Hunt, Caroline Hogg, Maureen Lyster and Roger Hallam that it would be held over to the autumn or spring sitting, depending on when the bill was first introduced. That would only have occurred where it was a significantly large bill, so it may not have been necessary to have mentioned all of those former ministers. The whole idea was that the bill would then be circulated among the then 211 municipal councils, now 78, and the local government industry would look at the bill and its details.

I accept that the principles of this bill have been circulated, but the detail has not. It has not been until today that we have been able to look at the details of the bill. In the past, local council people have come up with all sorts of potential or current problems with proposed legislation where things would not work or could not

happen and it had been necessary to amend the bills. That has certainly occurred from time to time.

If debate on this bill is adjourned until 29 May, the house will have only 13 days before the government forces it to be debated; 13 days is obviously not sufficient time for honourable members to circulate the bill, obtain comments and go to the professional associations in the local government area to find out what they think of it.

Another point is important. When I was talking with the Minister for Local Government last night he said, ‘It’s our intention to defer the bill to the spring sitting’. That same advice was given to the shadow minister, the honourable member for Prahran in the other place, today. On that basis why should the Legislative Council cut itself out of having a proper debate based on comments from the local government industry? We would be doing that if we allow the bill to be deferred to 29 May. I ask the house to support the amendment and agree to the longer adjournment date.

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

*Ayes, 11*

Broad, Ms	Madden, Mr
Carbines, Mrs	Romanes, Ms ( <i>Teller</i> )
Darveniza, Ms	Smith, Mr R. F. ( <i>Teller</i> )
Gould, Ms	Theophanous, Mr
Hadden, Ms	Thomson, Ms
Jennings, Mr	

*Noes, 24*

Atkinson, Mr	Davis, Mr P. R.
Baxter, Mr ( <i>Teller</i> )	Forwood, Mr
Best, Mr	Furletti, Mr
Birrell, Mr	Hall, Mr
Bishop, Mr	Hallam, Mr
Boardman, Mr	Katsambanis, Mr ( <i>Teller</i> )
Bowden, Mr	Lucas, Mr
Brideson, Mr	Powell, Mrs
Coote, Mrs	Rich-Phillips, Mr
Cover, Mr	Smith, Mr K. M.
Craige, Mr	Stoney, Mr
Davis, Mr D. McL.	Strong, Mr

*Pairs*

McQuilten, Mr	Ross, Dr
Mikakos, Ms	Smith, Ms
Nguyen, Mr	Luckins, Ms

**Amendment agreed to.**

**Amended motion agreed to and debate adjourned until Thursday, 27 June.**

## CRIMES (WORKPLACE DEATHS AND SERIOUS INJURIES) BILL

### *Second reading*

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I move:

That this bill be now read a second time.

One of the Bracks government's highest priorities is improving workplace health and safety in Victoria. This legislation is an important part of the government's strategy to turn around attitudes to workplace safety.

When the Occupational Health and Safety Act was introduced in 1985, one of its key aims was to educate employers about their obligations to provide workplaces and work systems that are as safe as practicable. That goal has been pursued ever since. Sadly, however, avoidable workplace deaths and serious injuries are still all too common in Victoria. It is clear that the existing law needs strengthening.

The Bracks government's election policy on occupational health and safety committed the government to a comprehensive strategy that included:

increasing the number of health and safety inspectors;

improving the effectiveness of the Occupational Health and Safety Act by increasing the penalties for failing to provide and maintain a safe workplace; and

introducing new criminal offences to effectively deal with workplace deaths.

The government has already increased the number of health and safety inspectors by more than 70, to approximately 235. This bill delivers on the rest of the government's election commitment and will send a strong signal that the government is serious about workplace safety. This legislation brings workplace health and safety into the 21st century.

Victorians want — and deserve — workplaces that are safe and productive. Victorian families have a right to expect that when they see their loved ones off to work each morning they will return home safely each night.

Improving health and safety is a sound investment for business — accidents are expensive in terms of much more than merely short-term direct costs. Of course, most Victorian businesses already act responsibly and provide safe workplaces and systems of work. Those businesses that already observe their obligations under health and safety legislation have nothing to fear from

this bill. Instead, this bill is designed to catch those rogue operators who think that they can get away with, or do not care whether, they are running an unsafe workplace.

### **Workplace safety**

Reducing the incidence of workplace deaths, injuries and disease requires dedication and coordination by organisations and individuals across government, employers and employees. No-one pretends that we can remove every conceivable risk from all workplaces any more than we could completely remove risk from other aspects of life. But we can all work together to do much more to identify potential workplace risks and remove or minimise them.

As with the actions taken to reduce the road toll, a concerted effort will need to be maintained and strengthened over the years ahead to ensure that the gains are enduring and increasing.

The government's coordinated approach to improving workplace health and safety includes:

providing advice to employers and employees about improving workplace equipment, layout and practices to eliminate or reduce health and safety risks;

ongoing education and training of employers and employees in workplace safety;

increasing resources for inspection of workplaces to identify health and safety risks and seek to secure compliance with health and safety obligations; and

ensuring that adequate offences and penalties are in place for those who persist in requiring or allowing employees to undertake unacceptable workplace risks.

The government uses a wide variety of approaches to improve workplace safety. The Worksafe division of the Victorian Workcover Authority conducts extensive media campaigns to carry vital messages concerning workplace health and safety to all Victorians. These campaigns reinforce on-the-ground initiatives targeted at particular workplace safety issues. Increasing the number of field staff has increased Worksafe's ability to educate and advise employers and employees about their occupational health and safety risks and responsibilities and secure compliance with health and safety obligations. Improvement notices and prohibition notices are used to require employers to act to prevent workers from being injured.

However, when education, advice and compliance activity fail to produce safe workplaces, enforcement is necessary. For criminal enforcement to work, we must ensure that there is a comprehensive range of health and safety offences. With the passage of this bill, Victoria will have that range.

Fortunately, it is only the most evasive or irresponsible employers that require the imposition of penalties. For those corporations that do require the imposition of penalties, the occupational health and safety legislation is available. This legislation works effectively for most health and safety breaches. Penalties apply when a person is exposed to the risk of injury or death, regardless of whether anyone is actually injured.

However, enforcement penalties need to be strong enough to act as an effective deterrent on even the largest and most resourceful corporations if they fail to meet acceptable health and safety standards. With the amendments made by this bill such offences will work much more effectively. I will outline these amendments later.

Sometimes it is necessary to invoke the full force of the criminal law where a corporation's grossly negligent conduct leads to death or serious injury. The existence of such offences is intended to deter people from committing the offences in the first place, and then to punish any rogue operators who fail to observe their responsibilities in such an unconscionable manner. Offences are therefore required which focus on the culpability of the corporation and the harm caused by the corporation.

### **The existing law is inadequate**

The full force of the law as it currently exists has been sought to be used in three contested prosecutions of corporations in Victoria for manslaughter and negligently causing serious injury. This is possible because a corporation can be liable for such offences under the common law. However, on each occasion the corporation was acquitted.

One corporation pleaded guilty to manslaughter. This is the only case in Australia in which a corporation has been convicted of manslaughter. However, that corporation was in liquidation. Consequently, the conviction and penalty were ineffective.

The main limitations of the common law are that it requires the identification of one person who is the directing mind and will of the corporation. That person in effect must commit the offence. If the person has committed the offence and is the directing mind and

will of the corporation, then the corporation may be guilty of the offence.

Recent cases in Australia and England suggest that more effective tests may eventually be developed under the common law. However, it is important that liability is set in the legislation rather than developed by cases; this will enable industries to be clear about any potential criminal liability.

### **The new offences of corporate manslaughter and negligently causing serious injury**

This bill will enable a corporation to be prosecuted effectively if its gross negligence results in death or serious injury of an employee or worker. This is not a new liability for corporations. What this bill will do is enable such prosecutions to be brought more effectively.

There are many similarities between the existing liability of corporations under the common law for manslaughter and the new corporate manslaughter offence contained in this bill. To be liable for either offence, the corporation must:

- owe a duty of care to the person injured or killed;
- have failed to act as a reasonable corporation would have acted in all of the circumstances; and
- have been grossly negligent — that is, its conduct must have involved such a great falling short of the standard of care that a reasonable corporation would exercise in the circumstances, and such a high risk of death or really serious injury, that the conduct merits criminal punishment.

The prosecution must prove all elements of the offence beyond reasonable doubt.

The differences between the common law and the new offences stem from the fact that the corporation will be treated as an organisation. In an organisation, more than one person may be involved in making decisions and carrying out those decisions. It is the collective or organisational nature of corporate activity that will be included more appropriately in the new test by providing that:

- when determining whether a corporation killed a person, the conduct of an employee, agent or senior officer acting within the scope of their actual employment must be attributed to the corporation; and

in determining whether the corporation has been grossly negligent, the conduct of the corporation as a whole must be considered.

A definition of 'serious injury' has also been adopted from the model criminal code, to determine whether a particular injury is a serious injury. This is relevant to the offence of negligently causing serious injury.

### **Level playing field for small business**

At the moment it is very difficult to prosecute large corporations but less difficult to prosecute small business due to the fact that it requires the identification of one controlling mind and will of the corporation. It is easier to find one controlling mind and will in small corporations compared with large corporations. In large corporations it can be difficult to find one controlling mind and will because many people are often involved in a decision and no single senior officer is responsible.

Under this legislation large corporations will be placed on the same footing as small business, levelling the playing field. The new offences enable all of a corporation's conduct to be considered to determine if it has been grossly negligent.

The offences are based in part on recommendations from the model criminal code committee concerning the need to make corporations liable under the criminal law. Those recommendations have been followed by the commonwealth and have formed part of the commonwealth criminal law since 15 December 2001. Victoria is leading the way with new offences which will make Victorian workplaces safer.

### **Application to the public sector**

The bill will apply across the entire Victorian public sector.

The bill will deem government bodies (for example, government departments) to be corporations. By deeming government bodies to be corporations, it will be possible to prosecute these bodies directly. This will ensure that departments and other bodies, like private sector corporations, will be held accountable for deaths and serious injuries caused by their gross negligence. Further, ministers and other senior officers of government bodies will be treated in equivalent ways to senior officers of private sector corporations.

The following bodies in the Victorian public sector will be deemed to be corporations:

all government agencies (departments) and offices (for example, Victoria Police) under sections 4 and

16(1) of the Public Sector Management and Employment Act;

the Parliament;

all Victorian courts (the Supreme Court, the County Court, the Magistrates' Court and the Children's Court); and

the Victorian Civil and Administrative Tribunal.

Any of these deemed corporations could then be prosecuted if an employee or worker of that body is killed or seriously injured. Where part of a department operates through a corporations sole (for example, an incorporated secretary) it would not also be possible to prosecute the corporation sole in such cases. The corporation sole's conduct would be part of the departmental corporation's overall conduct.

The Crown's statutory corporations will also be covered. Statutory corporations will be liable where their gross negligence has killed or seriously injured an employee or worker. There may be rare cases where Crown bodies will not be deemed corporations or statutory corporations. To ensure that the public sector coverage is complete, in these cases the Crown itself will be the defendant if an employee or worker of such a body is killed or seriously injured.

Some public sector employees may work for a government body, but are technically employed by another public sector body, for example the Crown. Where necessary, these employees will also be deemed to be employees of the relevant government body. For example, people who work for the Department of Justice but are employed by the Crown will be deemed to be employees of the deemed Department of Justice corporation (but not other deemed corporations).

The bill demonstrates this government's continuing commitment to the rule of law in Victoria and ensures that the bill applies equally to criminal conduct in both public and private sector workplaces. The Victorian government expects no more, and no less, of private sector corporations than it expects of itself.

### **Who is a worker?**

This bill is aimed specifically at requiring corporations to provide a safe workplace and safe system of work so far as is practicable. The offences under the bill apply not only to employees of the corporation but to other people who are seriously injured or killed when providing services to the corporation. This will ensure that the bill operates in relation to a range of different business structures. For instance, where a corporation's

conduct leads to the death of a person employed by a subcontractor hired by the body corporate, the bill ensures that the new offence applies to such victims.

Negligence offences, both at common law and under this bill, apply where the corporation owes a duty of care to the victim, and this government recognises the special obligations that a corporate employer owes to its work force to provide a safe workplace and safe system of work so far as is practicable. The application of this bill specifically recognises the importance of those obligations.

The existing common-law offences will of course continue to apply where the person injured or killed is owed a duty of care by the corporation but is not connected with the corporation by virtue of providing services to the corporation.

### **What is gross negligence?**

In a civil case concerning negligence, a court decides whether on the balance of probabilities a person was negligent. These criminal offences are quite different. As indicated earlier, the prosecution must prove beyond reasonable doubt that the corporation was grossly negligent. Therefore, unlike a civil matter, with the new offences:

- the standard of proof is higher (negligence must be proved beyond reasonable doubt, rather than on the balance of probabilities); and

- the degree of negligence required is gross negligence, that is, criminal negligence, rather than negligence.

The offence is described in such a manner as to utilise the common law's approach to determining gross negligence. Basing criminal liability on negligence is not a new concept — it has been in existence for hundreds of years. It is a test that is currently used in Victoria for offences such as manslaughter, negligently causing serious injury, and culpable driving. It is a test that has been endorsed by the High Court and by the Model Criminal Code Committee when reviewing the operation of criminal laws in Australia.

It is a test that contains the necessary degree of flexibility to work fairly and effectively in the wide range of situations in which the offences contained in this bill could potentially operate. For instance, it can work in a building site where there may be a lack of safety equipment, a lack of training, and a lack of supervision.

The test enables evidence to be given concerning what a reasonable corporation would do in providing safety for its work force. It can also apply in emergency situations where the court would consider the context in which decisions were made including factors such as that an emergency service may not be in control of the workplace (for example where fighting a fire), but has some control over work systems.

Further, the context in which decisions are made is extremely important in determining what a reasonable corporation would do. There is an enormous difference between:

- making quick decisions (out of necessity) based on minimal information where the objective is to save lives (for example, when fighting a fire); and

- making long-term decisions in the boardroom (for example, not to purchase safety equipment and not to hire appropriately qualified staff).

A number of examples of negligence are contained in the bill. For instance, a corporation may be negligent if it:

- failed to adequately manage or supervise its work force;

- failed to convey safety information to its work force; and

- failed to remedy a dangerous situation that a senior officer knows about (for example, where an inspector has issued a prohibition notice on a workplace and this is ignored by a senior manager).

In each of these examples of negligence, if the negligence is found to be gross, the corporation may be guilty of manslaughter or negligently causing serious injury.

### **Managing risk**

As in the Occupational Health and Safety Act, these new criminal offences are not based on the notion that corporations must guarantee safety. The degree of risk to health and safety will differ according to the nature of the corporation's undertaking (for example, there is a substantial difference between working in a retail shop and fighting fires). The Occupational Health and Safety Act deals with the issue of managing risk by requiring a corporation to provide a workplace that is safe 'as far as is practicable'. Under the new criminal offences, a corporation's conduct will be assessed by reference to what a reasonable corporation in such circumstances would have done.

Sometimes a corporation will engage an independent contractor to assist. Hiring an independent contractor does not absolve a corporation from all responsibility. It is important to contrast two situations in this context. A corporation may hire a recognised expert in a field to assist it in developing a project. Despite the expertise of the person engaged by the corporation, that person is grossly negligent and their conduct leads to the death of an employee. The question that arises in this context is whether the corporation was grossly negligent.

The relevant question is then what a reasonable corporation would have done in such circumstances. The negligence of the person engaged cannot be attributed to the corporation under the bill.

This situation can be contrasted with the situation where a corporation engages a person and does not check whether the person is suitably qualified (and in fact, the person is not). If in this situation the person also raises issues concerning safety matters and the corporation decides to ignore these issues, the corporation's conduct concerning the person engaged may be considered in determining whether the corporation has been grossly negligent.

Consequently, the offences have been carefully constructed so as to ensure that the liability of a corporation is direct rather than vicarious. Whilst vicarious liability of a corporation is important in the context of civil liability, vicarious liability should not be used as a basis for determining liability for serious criminal offences.

### Penalties

The possibility of a financial impact and adverse publicity are, sadly, great motivators for ensuring that workplace practices are safe. This bill will introduce substantial new maximum penalties of:

\$5 million for a corporation found guilty of manslaughter; and

\$2 million for a corporation found guilty of negligently causing serious injury.

Substantial maximum penalties are necessary because some corporations have enormous resources. To deter or punish such a corporation, these maximum penalties are necessary. However, I emphasise that these are maximum penalties.

The bill specifically provides that the courts must impose a fine proportional to the size of the body corporate and identifies a number of factors that a court must take into account. This requirement applies not

only to the new offences of corporate manslaughter and negligently causing serious injury, but also to the health and safety offences for corporations. The overall objective is to impose a sufficiently serious penalty when sentencing a corporation that has committed a very serious offence.

Sometimes it will be more effective to impose another sanction in place of a fine. Most corporations rely on their reputation and good name to operate effectively. Most businesses strive to be good corporate citizens. If a corporation is guilty of manslaughter, the most effective sanction may be to require the corporation to take action to inform others that it has not in fact been acting as a good corporate citizen.

The courts will be able to require a corporation to take action to publicise the offence, the death or serious injury or other consequences arising from the offence, and any penalty imposed by the court. Such penalties can have much greater effect in influencing a corporation to improve its behaviour than even the largest fine would have.

### Senior officer offences

The government also wants senior company officers to take safe work practices seriously. Despite existing criminal offences of manslaughter and negligently causing serious injury, it can be difficult to sheet home liability where an individual officer risks his or her workers' lives. Currently a company may be convicted of an offence but then go into liquidation, leaving nobody accountable. This bill extends liability to those responsible for the management and operation of the corporation where, and only where, the corporation has been proved liable of an offence.

Health and safety legislation currently applies to officers of a corporation where the corporation has committed an offence with the consent, connivance or wilful neglect of an officer. Whilst existing legal liabilities are important, this bill creates new offences for senior officers of corporations when the corporation has committed manslaughter or negligently caused serious injury, and which target the particular level of extreme behaviour that the government is committed to eliminating.

### When can these offences be invoked?

A senior officer may only be convicted of the new offence if it is proved beyond reasonable doubt that the corporation was guilty of the offence of manslaughter or negligently causing serious injury under this bill. Normally, the corporation and a senior officer will be tried together. In this situation, the jury could only find

the senior officer guilty if it first decided that the corporation was guilty.

However if, for instance, a corporation has gone into liquidation, there may not be any point in actually prosecuting the corporation. The bill provides that at the trial of a senior officer, if a jury is satisfied that the corporation was guilty, it may then determine whether the senior officer was guilty. This is an important step in ensuring the accountability of key individual people.

### **Who is a senior officer?**

The bill provides that a senior officer is a person who is an officer under the Corporations Act 2001 of the commonwealth. This will include directors and secretaries of the corporation. It also includes a person who:

makes, or participates in making, decisions that affect the whole or a substantial part of the business of the corporation; and

has the capacity to significantly affect the corporation's financial standing.

This bill limits that definition by providing that it only applies to a senior officer who holds their position for a fee, gain or reward or the expectation of a fee, gain or reward. The government recognises the indispensable contribution made by those who volunteer by giving their time to assist in senior positions in charitable or other community sector corporations (for example, volunteers on a school council or hospital board). It is appropriate that they be exempted from these offences.

The government believes that ministers and other senior officers in the public sector should be held accountable to the same standards as senior officers in the private sector. As the bill will apply across the public sector, the definition of 'senior officer' expressly includes:

ministers;

heads of agencies (eg secretaries of departments);

heads of offices (eg the Chief Commissioner of Police); and

chief executive officers.

The definition of senior officer has also been amended in other ways. While the concept of 'business' is appropriate for private sector corporations, it does not cover the range of government activities undertaken by public sector bodies.

The definition of senior officer has been expanded to include an officer who makes, or participates in making, decisions that affect the whole, or a substantial part of the functions or activities of a corporation (deemed or otherwise).

### **When is a senior officer liable?**

If the prosecution proves beyond reasonable doubt that the corporation is guilty of manslaughter, a senior officer of the corporation may be guilty of the new offence if the prosecution proves beyond reasonable doubt that the senior officer:

was organisationally responsible for at least part of the corporation's conduct concerning the commission of the offence by the corporation; and

substantially contributed to the commission of the offence by the corporation by performing or failing to perform his or her organisational responsibilities; and

knew that as a consequence of their conduct, there was a substantial risk that the corporation would engage in conduct that involved a high risk of death or really serious injury to an employee; and

was not justified in allowing that substantial risk to exist having regard to the circumstances known to him or her.

In determining whether a senior officer was organisationally responsible, the bill provides that the court may have regard to matters such as the extent to which the senior officer was in a position to make or influence decisions concerning the corporation's conduct, and the degree to which the person participated in making decisions in managing the corporation. These factors recognise the fact that not all senior officers are responsible for all of the activities undertaken by a corporation.

Sometimes a person may wear two or more hats in the one organisation. Whilst being a senior officer, a person may also at times operate in a different capacity, such as an operational capacity, where the person is not a senior officer for that role. In those circumstances, in determining the person's liability as a senior officer, the bill provides that consideration must be given to the person's conduct in their role as a senior officer. Their conduct in any other capacity is not relevant to the determination of a senior officer's liability.

The bill also requires that a senior officer must actually know that there is a substantial risk of death or serious injury to an employee. Like other serious criminal

offences, it is important that the senior officer's liability be based on what the senior officer actually knows.

The offence is one of recklessness on the part of the senior officer. Where the senior officer knew of the risk and that it was not justifiable to proceed in the circumstances, it is appropriate that the senior officer be liable.

These criteria have been carefully developed to ensure that they appropriately target those senior officers who have behaved reprehensibly and who could have acted differently. The offences do not apply to people who have no power to change a dangerous situation, even if they know it exists. In this way, the offences appropriately make accountable those people who are in a position to make a difference about safety issues, and who choose to disregard them.

The proposed maximum penalties for these new offences are:

five years and/or \$180 000 where a corporation has committed manslaughter; and

two years and/or \$120 000 where the corporation has negligently caused serious injury.

### **Health and safety amendments**

Occupational health and safety legislation covers all persons and all workplaces — all employers (from small family businesses to large corporations); all self-employed persons; all employees; and all who design, manufacture, import or supply certain materials for workplaces. This legislation requires all these parties to be actively engaged in eliminating or reducing workplace health and safety risks and encouraging safer work practices.

This bill will substantially increase the maximum fines that can be imposed for health and safety offences so that they will be the highest in Australia. For example, the maximum fine for a corporation guilty of an indictable offence will increase from \$250 000 to either \$600 000 or \$750 000, depending on the nature of the offence; while the maximum fine for an individual will increase from \$50 000 to either \$120 000 or \$150 000.

Fines for offences against the Dangerous Goods Act will be increased by upgrading these offences to indictable, removing an anomaly in which these serious offences were previously classed as summary offences (which meant that they were dealt with in a Magistrates Court and attracted much lower penalties). In addition, the bill will enable the courts to impose a maximum of 12 months imprisonment for failing to provide a

working environment that is safe and without risks to health. The bill also adjusts some provisions to make them consistent with penalties for the new offence of industrial manslaughter, and with modern penal practices.

The bill makes a small number of additional changes to the health and safety legislation:

first, it amends the privilege against self-incrimination so that it applies only to individuals and not to corporations, in line with common law;

second, it changes the basis on which an employer can be held liable for discriminating against an employee (that is, the employee's health and safety activities or the employee's intention to make a claim for workers compensation under the Accident Compensation Act 1985). It will now be sufficient to prove that the employee's health and safety or claim activity was a substantial reason for the employer's discriminating, rather than that it was the only reason.

### **Conclusion**

It is not anticipated that there will be many corporations that will be prosecuted for corporate manslaughter. The government hopes that there will not be any need to prosecute any corporations. However, for those corporations that blatantly flout their obligations to their work force, it is essential that the full force of the law be able to be brought to bear. This bill will enable that to occur.

These offences will make employers more accountable for the safety of their work force, not more vulnerable to liabilities. It is expected that the new range of penalties will provide a strong additional incentive, for those employers who need additional incentives, to comply with health and safety obligations, and so will contribute significantly towards making Victorian workplaces healthier, safer and more productive.

Safe workplaces benefit employers and employees alike. For employers, workplace injuries affect production time and costs, as well as keeping Workcover premiums high. A poor reputation for workplace health and safety can seriously affect, as it should, an employer's reputation with employees, including potential future employees, and with customers and potential customers.

However, it is the impact of injuries on workers, their fellow employees, their families and their friends that is this government's main concern. Injuries affect not

only a worker's ability to support his or her family but his or her self-esteem and family relationships.

For these reasons, punishing corporate offenders is vital, but it is not enough. As I have said, this government is committed to education campaigns and the promotion of workplace safety across the board. These new laws are part of a comprehensive strategy to educate the public and the work force about the importance of workplace safety. Worksafe will help all employers to meet their safety obligations.

Education, information, inspection, and the deterrents provided by criminal sanction are all measures that are aimed at providing safer, fairer and more confident Victorian workplaces. These are the workplaces that Victorians expect and deserve in the 21st century.

I commend the bill to the house.

**Debate adjourned on motion of  
Hon. P. A. KATSAMBANIS (Monash).**

**Debate adjourned until next day.**

## STATE TAXATION LEGISLATION (FURTHER AMENDMENT) BILL

### *Introduction and first reading*

**Received from Assembly.**

**Read first time for Hon. C. C. BROAD (Minister for Energy and Resources) on motion of Hon. M. M. Gould.**

### BUDGET PAPERS, 2002–03

**Debate resumed from 14 May; motion of  
Hon. C. C. BROAD (Minister for Energy and Resources):**

That the Council take note of the budget papers 2002–03.

**Hon. R. H. BOWDEN (South Eastern)** — I rise to make my contribution on the state budget. Fundamentally I will cover two key themes. One is the overview of the budget as presented to Parliament last week, with some specific comments relevant to South Eastern Province, of which I have the privilege of being one of the representatives.

In the last few days I have searched for words to describe this budget. It can be described as a high-taxing, big-spending budget, and there is not much in it for the average person in Victoria. It is based on some fundamentals which, after considerable thought, I have concluded are quite unsound. Those fundamentals include high taxes, the reliance on windfall taxes, and

strangely enough, I think for the very first time, a formalisation of a high degree of dependency on fines. I will come to that later.

We are also seeing in the swings of the broad spectrum economic pendulums that are relevant to Western economies, of which Australia is quite typical, a sea change on the interest rate regime. As a community and as an economy we have had the benefit for some considerable time of low interest rates. Even that underlying strength and platform of the economy is starting to change. We have already seen the first of what could be several movements towards higher interest rates. In addition, we are again seeing that the state government has got it wrong — we are starting to see the first notable upward movement in unemployment. The core fundamentals that the state government has relied on to develop the budget are unsound, and I will expand on that.

I turn to comments made on 8 May in the *Herald Sun*. A headline on page 1 states 'Big spend'. Briefly the article states in part that the state government:

... also made an unashamed pitch to suburban voters with a \$2.5 billion infrastructure agenda —

I do not think that is there —

with a heavy bias on roads, rails, buses and trams in key electorates.

But here is the interesting thing. The article then goes on to say:

Despite another tax boom for the government, there will be no relief for ordinary workers.

I repeat: the article states that there will be no relief for ordinary workers! That is quite outrageous. It supports my contention that this is a high-taxing, big-spending government.

As further proof of its high-dependency economic approach, which the government should rethink — although the budget is out, so it does not have that ability — on 23 April, ahead of the budget, the opposition published a press release in the name of its leader, Dr Napthine. The press release detailed 10 key areas of concern. I will briefly go through them.

Firstly, police fines have progressed from 1996–97 when they were at \$91.5 million to 2001–02 when they reached \$206.1 million — more than double. Secondly, municipal rate revenue has increased from \$1330 million in 1998–99 to \$1543 million in 2000–01. That is an increase of \$213 million, or 16 per cent, much ahead of any consumer price index (CPI) tracking. Thirdly, public transport fares increased 7 per

cent over the year to the December quarter 2001, but this compares poorly to a rise of only 3.8 per cent in New South Wales and in Queensland and 4.1 per cent nationally over the same period. We came in at 7 per cent, and that is not good.

Land tax — this is great — has increased from \$369 million in 1998–99 to \$525 million in 2000–01 — an increase of \$156 million, or 42 per cent. Insurance taxes are up; they are expected to increase from \$532 million in 1998–99 to \$721 million in 2001–02 — a rise of \$189 million, or 36 per cent. Motor vehicle taxes are up; in the period 1998–99 to 2001–02 they have gone up 11.4 per cent — a huge increase. Stamp duty on land transfers and conveyancing is also up. Stamp duties on conveyancing are forecast to increase from \$1006 million in 1998–99 to \$1.8 billion in 2001–02 — a 79 per cent increase in just three years. I re-emphasise that these figures were published by the opposition on 23 April, well ahead of the presentation of the budget.

Workcover premium revenue is forecast to increase from \$1.185 billion in 1998–99 to an expected \$1.591 billion in 2000–01 — a rise of \$406 million, or 34 per cent. Payroll tax is forecast to rise from \$2131.9 million in 1998–99 to \$2602.4 million in 2001–02, a rise of \$475.3 million, or 22 per cent, under the Bracks government. Gambling taxes in Victoria have increased from \$1443.2 million in 1998–99 to a forecast \$1778.6 million in 2001–02. This represents an increase of \$335.4 million, or 23 per cent.

The Bracks government is hooked on gambling revenue. I return to where I started — its dependency on high taxes, dependency on windfall taxes, dependency — an overdependency, really — on fines, which is a really strange approach, and vulnerability to and non-appreciation of what is just around the corner. The opposition suggests that this is a B grade budget from a B grade government with a B grade approach and a B grade understanding of the underlying economics.

**Hon. N. B. Lucas** — The Monash Freeway.

**Hon. R. H. BOWDEN** — Mr Lucas has suggested I talk about the inadequacy of and the need for upgrading the Monash Freeway. I will come to that later; that is an excellent suggestion.

Returning to the high-taxing approach, it should be understood that since the arrival of the Bracks government Victorian families are paying \$1500 more per year in taxes. Between late 1999 and now, the average family in Victoria is paying \$1500 a year more

for the privilege of living here with the Bracks government. I do not think that is reasonable.

Upon the presentation of the budget on 7 May the opposition conducted an analysis. I will summarise the analysis published by the opposition, based on the data provided. It says that in the budget land tax is calculated to increase by 66 per cent, insurance taxes are up 49 per cent, motor vehicle taxes are up 17.4 per cent, payroll tax is up 27.1 per cent, police fines are up 240 per cent, and gambling taxes are up 31 per cent. This is an analysis of what has occurred in the time frame of when the Bracks government was first elected through to the announcement of the budget last week. Those increases are way ahead of CPI and any other economic indicator it would be relevant to track them against. Under the Bracks government Victorian families are paying \$1500 per family per annum more than they did at the conclusion of the previous government.

I will briefly touch on unemployment. Rural unemployment is a great concern. The South Eastern Province encompasses the Mornington Peninsula, Cranbourne, out through Korumburra and through to Wonthaggi, Phillip Island, Inverloch and beyond. We are sensitive to any changes with rural unemployment. We are also concerned that we get investment and secure positions and secure jobs in what is often a very difficult area to provide them in. According to a Australian Bureau of Statistics report put out in February 2002, we have lost 5600 extra jobs. That is very much of concern.

I have looked at the 2002–03 Victorian budget overview provided with the budget package for highlights. On page 12 it states:

A budget for all Victorians — key highlights.

Not one thing is highlighted in the South Eastern Province. In fact, it does not even exist here, and it is a large province of almost 5000 square kilometres, not including its extensive waterways.

I can find nothing of consequence on pages 12 and 13 that relates to South Eastern Province. That is not only an insult to the 149 000 constituents of my province but it is also hard to understand how the government could miss 149 000 electors when it thinks about key highlights. Neither the budget of last year nor this year includes any mention of the province. Obviously the government is unaware of the needs of South Eastern Province. I will shortly turn to some of the needs of the electorate.

I will spend a couple of minutes looking at growth. On 14 January last the *Age* carried a supplement headed

‘The only way is up, says survey’. It examines the key areas by region in Victoria. It says that in the Gippsland area the best tip for economic progress is dairying, and that is detailed in many other areas. I cannot find in that survey, despite the opportunities available and the wonderful activities that occur in South Eastern Province, much cause for comfort. I am not being critical of the *Age* article, but it does not indicate whether the government is conscious or aware of, or planning for significant economic activity in that area.

I will be quite specific about some of the concerns of people in South Eastern Province and the things that worry me. The budget has failed to address several fundamental requirements of the electorate. I begin with roads. As I said earlier, South Eastern Province is bordered by the lower house electorates of Dromana, Mornington, Cranbourne and Gippsland West. The several items that require attention, focus, support and close government planning include roads.

The Western Port Highway between Cranbourne and Frankston roads south towards Hastings needs to be duplicated. There is no point in arguing. If you look at the mix of traffic and the high level of incoming population — the suburban-type growth in the area — the Western Port Highway for that stretch must be duplicated, but there is no mention of it in the budget, nor is there any government understanding of that need. I have mentioned this issue at least two or three times in this place, but I have no cause for optimism in the responses — should I say, the lack of response! — I have received from the government.

I can only assume the government does not care about the tens of thousands of people, the huge amount of industry at Hastings, the massive growth and the commuter and industrial traffic that uses this dangerous section of single-lane road daily. The government does not care!

The Monash Freeway is not in South Eastern Province, but tens of thousands of my constituents daily depend on its safety and reliability and access to and from that freeway. I can say from personal experience, as my colleague the Honourable Neil Lucas said the other day, that the freeway needs attention — and it needs attention now!

We need an extra lane built between Lyndhurst and at least Warrigal Road. So far as I know, the government has no plans for that. What does the government tell the tens of thousands of people who sit in their cars and wait in vain for the traffic to flow? It does not care! Nowhere in the budget is there a mention of improvement, assistance or planning for the road. The

government has no concern for the tens of thousands of constituents in my electorate or the electorate of the Honourable Neil Lucas about the conditions, the lack of safety or the clogging of the Monash Freeway between Lyndhurst and Warrigal Road. It is unacceptable.

The government has no understanding of the priorities of the people in the south-eastern sector of the state; otherwise it would have the bulldozers out there today building that extra lane. The money is available and there is space between the existing freeway lanes for the additional lane to be constructed. But it comes down purely to a lack of political will. The government does not want to look after the road and it does not care about the users of the Monash Freeway. It does not listen to the state’s constituents.

The duplication of the Bass Coast–Phillip Island road is slipping behind what was a lengthy program. At least the previous Kennett government had an understandable program, which was scheduled and the duplication was proceeding. According to my reading of the road funding programs, there is nothing in this week’s budget that gives any hope to my constituents along the Bass Coast area near Phillip Island that any further improvements will be made. The government is telling my constituents it does not care; it is not interested in building better roads.

On the subject of better roads, I shall talk about surfacing. It is one thing to say, ‘Capital for roads is hard to come by’, but it is another story when you consider that it is a mandatory requirement on any state government to understand the need to invest in completely resurfacing roads. A year or so ago, on an Australia Day weekend, a major road tragedy occurred near Koo Wee Rup when five people lost their lives in a terrible accident. It is genuinely believed that that terrible accident was caused by, among other factors, the road surface. The road was improved very quickly after that dreadful accident. However, South Eastern Province has many kilometres of road on which drivers travel at high speeds. I am talking about roads on the Mornington Peninsula and around the Gippsland West electorate. Many surfaces are unacceptable. There has been no road surfacing done in certain areas where it should have been done.

I will give one example that I have previously raised in this place. The road surface of the highway from the intersection where the Western Port Highway meets the Frankston–Flinders Road at Hastings is terrible for several kilometres in each direction because there has been no reinvestment by the Bracks government in road surfacing or safety measures. There has been no understanding, recognition or even a willingness to

listen to the information provided by honourable members such as me. I get the feeling I am forecasting, unfortunately, further tragedy on that road. It is not possible to stint on maintenance, whether it be on a motor car, an engine, an aircraft or a road. Essential maintenance must be done.

When I drive the many tens of thousands of kilometres a year across my large electorate I pay attention to the road surfaces because not only is it important to my constituents but it is important to me because of the travel I am required to do. In place after place and area after area there has been next to no maintenance — or very little, at least — on the road surfaces on the major highways. I know of areas where maintenance is long overdue. In the next few months and for the rest of the sitting I will detail those areas and make sure the government is clear about what is required.

I turn to tourism. I could not find in the budget a focused, targeted understanding of the need for the investment of marketing dollars that I believe should be spent in organising a contribution to marketing the key tourism assets in the South Eastern Province. We have two distinct and well-understood key assets: one is the Mornington Peninsula, which has wineries, beaches and the beautiful scenery; the other is the traditional and valuable contribution that Phillip Island makes to our tourism assets in the state.

It is no secret that hundreds of thousands of interstate and overseas visitors come to Victoria to see the penguins at Phillip Island. Over recent times further refinement and good management of the Phillip Island nature park has taken place by the people managing the area, but I am still unhappy — I have been since the election of the Bracks government — at the lack of understanding of the need to put focused marketing dollars into tourism promotion at Phillip Island and on the Mornington Peninsula. Some honest, small and complicated programs have been developed, but there has not been a simple, focused direct marketing of either Phillip Island or the Mornington Peninsula. I certainly cannot find funding for that important aspect in the budget documents that were presented last week.

I turn to hospitals and medical services. The public hospitals on the Mornington Peninsula are based in two areas: one is the Frankston Hospital, a key regional hospital; the other is at Rosebud. The Frankston Hospital is a facility I am well acquainted with because I first arrived to live in the Frankston area in 1979 and have lived in the area since. When I first arrived I lived in the Frankston South area, and since 1984 I have been living at Somerville. Year in, year out under governments of different persuasions the hospital has

been under constant development, and hundreds of millions of dollars have been poured into it. What I am about to say is not a criticism of individuals or the management but of the end result. I am convinced that the place still looks like a bomb site. It is a 20-odd-year-old bomb site so far as I am concerned, and the emergency services at the hospital need to be completely revisited and analysed. The staff are competent and do wonderful work under very difficult circumstances. I am extremely grateful for the sincere hard work of the medical staff, particularly in the emergency area.

Some weeks ago I went to the hospital and was unhappy to find, through no fault of the staff, that the average waiting time in the emergency section at night can be several hours. In the Frankston area the only facility available after 9 o'clock or 10 o'clock at night or in the early hours of the morning appears to be the Frankston Hospital's emergency facility, and it is not unusual, despite wonderful efforts by the staff, for people to have to wait for several hours. That is not good enough!

The state government has made many statements such as — 'I can remember the Frankston East by-election — 'We will fix the Frankston Hospital', and do this and that. As recently as three or four weeks ago when I was at the hospital at 1 o'clock in the morning the average wait was 2½ to 3 hours. That is not good enough! When I looked over the constant investment in the Frankston bomb site of hundreds of millions of dollars I realised consumers and taxpayers have had rotten value for their money. It is not good enough, and I want the state government to understand that as an honourable member I am concerned about it. I am not interested in being told by the government that the Frankston Hospital is a good facility with great service when if you turn up at 1 o'clock in the morning you are told, 'You will have to wait 2½ to 3 hours'. That is not good service.

The *Hospital Services Report* for the December quarter of 2001 shows that on 31 December 2000 there were 38 urgent cases and on 31 December 2001 there were 58 urgent cases. Semi-urgent cases have risen from 1952 on 31 December 2000 to 2145 on 31 December 2001. Despite the propaganda of the government, despite the money it has poured into the place, despite the promises that were made and despite all the work that has been going on, according to the information published by the government the number of patients going through that place indicates no real progress.

Honourable members might wonder why I am sounding off about the Frankston Hospital. I repeat: I

am not being critical of the management and staff; I am praising them because they are very good. It is the output of the facility that worries me. I would be worth while closely analysing the whole track record of the last few years of the hospital. I am concerned about it because up to half of the entire workload of cases handled by the hospital would be constituents from South Eastern Province. Of the hundreds of thousands of people who depend on that important medical facility, maybe half of that entire population are constituents of mine. I would like to be satisfied, but I am not.

I turn to schools. Some details have been provided on modest investments in South Eastern Province for schools. I waited for it and was right — there is no money that I can find. None is listed and none is obvious for the much-needed Somerville secondary college. The community of Somerville sends each school day approximately 900 students to secondary colleges outside the area. They are bussed in and bussed out at huge expense and inconvenience. This is of no surprise. I have raised this matter on two or three occasions; it is a well-known issue in the area. The government does not care for the school population of Somerville or the parents in the region. There are 900 students a day being bussed in and bussed out, and the government is not listening. There should be money in the budget for the Somerville secondary college. The need is there and the government should understand its responsibilities.

I have spoken at length about the need to resurface and maintain major traffic roads. I re-emphasise my disappointment that nothing of note has yet been accomplished at the Baxter–Tooradin and Fultons roads intersection near the Baxter railway station. I have mentioned this twice before in the Parliament. There is a misunderstanding somewhere in the system of what safety is. I am saying that intersection is totally unsafe. It is a blockage; it is a worry and, quite frankly, I will have to keep hammering this one. The first fatality there is going to be a big one. I hope it does not happen, I really do; I would be really upset should we have a fatality there, but it is inevitable.

That intersection near the Baxter Hotel and close to the Baxter railway station is extremely dangerous. It really is a problem. The police do a wonderful job in the electorate. I know many of them, and they are hardworking professionals. The police could benefit from extra staffing, as they can everywhere, and with the extra population growth and high demands in maintaining a very good social environment we do need more police in the Hastings, Mornington and Cranbourne areas as well. I suggest that when police

planning is looked at even the provision of extra vehicles would be very helpful.

I am concerned about the impact of marine parks, and I will mention that in more detail at the appropriate time when the bill comes to this house. However, I am concerned about the welfare of the commercial fishing fraternity, and I want to ensure that access is maintained for recreational fishers in the areas encompassed by the borders of South Eastern Province. There is no way that the electorate will sit still for the exclusion of sensible access by the recreational fishing fraternity, and commercial fishers need access for their proper catches and maintenance of their lifestyle and business. In summary, I do not believe the state government has thought through what is needed.

**Hon. C. A. Furletti** interjected.

**Hon. R. H. BOWDEN** — So I can conclude again? I am in the summary at the moment.

**Hon. N. B. Lucas** — Upgrade the Monash Freeway!

**Hon. R. H. BOWDEN** — To sum up, I am disappointed, on behalf of my constituents, about the lack of focused attention to the obvious, restated and communicated needs of South Eastern Province. I have detailed in this Parliament on several occasions the requirements on specific aspects of roads, including, as Mr Lucas has reminded me again, the need to upgrade the Monash Freeway. I have spent considerable time talking about schools and the need to invest in them, particularly the Somerville secondary college which is needed now. We have had very little relief and investment in roads; we need tax relief on stamp duty and from taxes on insurances and re-insurances, and quite frankly the \$50 per annum impost and cost on motorcycles is outrageous and we are going to take that off. We will take that off in the future — absolutely. It is outrageous to charge motorcyclists \$50 in addition to all the other costs they pay.

So \$1500 per annum for each family has been the price the Victorian community is paying for the Bracks state government. That is \$1500 a year more than they were paying when we became the opposition. I do not believe that this high-taxing, big-spending government is really focused on providing the essentials that have to be provided. I know — in the extreme conclusion I am about to make —

**Hon. C. A. Furletti** interjected.

**Hon. R. H. BOWDEN** — My last conclusion, thank you, Mr Furletti. My last conclusion is that my constituents are disappointed.

**Debate adjourned on motion of Hon. S. M. NGUYEN (Melbourne West).**

**Debate adjourned until next day.**

## BUSINESS OF THE HOUSE

### Adjournment

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I move:

That the Council, at its rising, adjourn until Tuesday, 28 May.

**Motion agreed to.**

## ADJOURNMENT

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I move:

That the house do now adjourn.

### Foxes: control

**Hon. E. G. STONEY** (Central Highlands) — I raise a matter for the Minister for Environment and Conservation in the other place. I have had representations from a fox shooter in my electorate, Mr Andrew Jacotine. Mr Jacotine shoots foxes about six nights a week and he hopes to shoot up to 1000 this season, which I think honourable members will agree is a considerable number. He sells the fox pelts overseas for \$13 each. Victorian pelts are sought after overseas because the cool climate here produces a nice fur. The nub of this is that the skimmers are required to leave the tail on the pelt to get that \$13 to \$15. But the problem is that the government bounty of \$10 is on the tail.

Mr Jacotine asks whether the ears or nose of the fox could be produced rather than the tail. I point out that there are probably 30 000 to 40 000 fox pelt exports each year, which is quite considerable. I ask the minister to change the requirements of the bounty so the tail can stay on and so there is a greater incentive for fox users to go out and shoot foxes, sell the pelts and get the bounty.

### Western Melbourne Regional Economic Development Organisation

**Hon. S. M. NGUYEN** (Melbourne West) — I direct to the attention of the Minister for State and Regional Development through the Minister for Sport and Recreation the extremely slow processing of a funding submission made to the federal Department of Transport and Regional Services under the regional

assistance program. The submission by the Western Melbourne Regional Economic Development Organisation, or WREDO, for \$77 000 for the establishment of a research and development network based on the Werribee technical precinct was made in August last year, and the department has yet to make a decision.

The department's dragging of its feet has meant that this project, which will lead to potential job growth, is being stalled. I ask the Minister for State and Regional Development to raise this matter with the federal minister.

### Ministers: adjournment responses

**Hon. ANDREW BRIDESON** (Waverley) — I raise for the attention of the Minister for Sport and Recreation the method ministers use to respond to adjournment matters. As we all know, the adjournment debate is important for honourable members so they can raise matters concerning constituents. As we talk among each other, it appears that many honourable members have not received responses to the matters they have been raised during the adjournment debate. Often the responses we get are up to three months after an issue has been raised and, in some instances, up to 12 months or more. This is not only embarrassing to us as members but more embarrassing to ministers who, for whatever reason, are not responding.

I ask the minister what procedures he personally adopts when issues are raised with him. I know it is easy for the minister when the matter raised concerns his portfolio and he can respond, but what happens when a minister is not in the house or an issue is raised with a minister in another place? Do ministers or the government have any policy or forms of accountability to ensure responses are made in a reasonable time?

### Western Highway: Anthonys Cutting upgrade

**Hon. D. G. HADDEN** (Ballarat) — I raise a matter for the attention of the Minister for Transport in the other place. The Bracks government's third budget which was handed down on 7 May again delivered on the upgrading of Victoria's road and rail transport system with infrastructure investment of \$1.3 billion. This government is committed to improving the safety and efficiency of the road network, including \$7.8 million over four years for 27 new and improved regional bus services.

Had the house risen last night and had I headed home towards Ballarat I would most probably have been caught in a traffic jam on the Western Highway around

Bacchus Marsh for a few hours on a well-documented dangerous section of the highway. Over the past 10 years there have been 55 casualty crashes and 1 fatality. The last significant works were done in about 1989–90 when the concrete median barriers were erected.

At approximately 7.20 p.m. last night when it was dark and raining, a fuel tanker jackknifed and collided with the concrete road barriers on Anthonys Cutting over the Djerriwarrah Creek. This closed the highway, and police and emergency services were called to remove the tanker. A backhoe was needed to reposition the concrete barriers. Blue metal had to be spread over the road surface to soak up the spilled diesel fuel before the highway could be reopened around 9.45 p.m.

I ask the minister to make urgent representation to his federal counterpart, the Honourable John Anderson, the federal Minister for Transport and Regional Services, to seriously commit to the urgent upgrade of Anthonys Cutting on the Western Highway.

### **Burke Road North–Lower Heidelberg Road: safety**

**Hon. C. A. FURLETTI** (Templestowe) — I raise an issue for the Minister for Energy and Resources who represents the Minister for Transport in another place. Honourable members would be aware from previous occasions when the issue of black spot road funding has been raised that the government has underspent more than \$20 million of black spot funding allocated to address numerous dangerous sites around the state of Victoria.

A number of submissions made by Banyule City Council within Templestowe Province, which I have the privilege to represent, were rejected or not considered, notwithstanding the dangerous nature of the roads and the meritorious aspects of the submissions made by the council.

Recently it has been brought to my attention that the intersection of Burke Road North and Lower Heidelberg Road in East Ivanhoe, which I use regularly, presents a very serious problem for local residents. There are a number of schools in the immediate vicinity of the intersection and there is a substantial roundabout where the two roads join. It is close to East Ivanhoe shopping village, a precinct which many honourable members would know and which has a very localised and parochial aspect about it. The four-lane roadway is extremely dangerous to cross. Young children who attend the nearby local school and elderly residents who live within the immediate vicinity

find it very difficult to cross the road at that point to get to the shops and facilities in the area.

I ask the Minister for Sport and Recreation to pass on to the Minister for Transport the urgency of the situation and request that the minister, as soon as possible, raise the matter with Vicroads with a view to conducting a survey and inspection with the prospect of attributing funds to rectify and facilitate the crossing of the area with pedestrian crossings, lights or whatever is necessary to facilitate matters for the constituents of Templestowe Province who live in the immediate vicinity.

### **Community services: carer assistance**

**Hon. R. H. BOWDEN** (South Eastern) — I ask the Minister for Sport and Recreation to direct to the attention of the Minister for Community Services in the other place an issue concerning a constituent. My constituent came to see me a few days ago greatly upset, and for reasons of confidentiality I will provide the name of the constituent to the minister, but honourable members will understand the need for confidentiality as I explain the issue.

My constituent's husband suffered a massive stroke on 3 September last year, and between hospital care and rehabilitation was not able to return home until 10 January. Since that time her husband has required constant care and significant attention. It is very difficult for this lady to provide that care for her husband.

She made an application under the aids and equipment program, a state government program, that provides devices and assistance to people who have these problems. The difficulty is that her husband returned home on 10 January, but the indications are that they will not have the bathroom renovations and wheelchair provided until November this year due to some funding problem. The lady is required to sponge her husband every day. He is unable to use the bath and cannot access the bathroom. It is a very difficult position. The lady has back and knee problems of her own. She asked me to see if I can assist with the maintenance of the dignity of this gentleman.

I ask the minister as a priority to urgently see whether something can be done for this family due to the physical constraints and genuine hardship that have been imposed on them. In the interest of providing this much-needed assistance at this time and also to help this family, I ask this to be done urgently.

**Local government: boundary review**

**Hon. P. A. KATSAMBANIS** (Monash) — I raise an important issue with the Minister for Sport and Recreation which I ask him to pass on to the Minister for Local Government in the other place relating to the interdepartmental committee the minister has appointed to determine new municipal boundaries in the inner urban area.

The minister invited the cities of Melbourne, Port Phillip and Maribyrnong to participate in this interdepartmental committee, but interestingly the City of Melbourne has refused to sit on the committee, and in what I find to be an almost bizarre situation, has claimed that the result is a foregone conclusion.

In an article appearing in the *Emerald Hill Times* of 8 May, Cr Kevin Chamberlin from the City of Melbourne claimed that the inquiry had been called simply as an attempt to carve up the municipality of Melbourne to boost Labor's support in the coming state election. This is a claim from a councillor who is a long-time member of the Australian Labor Party. Cr Chamberlain is quoted as saying:

The minister (Bob Cameron) is not going through the proper process. Instead he is engaging in a political fix in Port Phillip for the benefit of the state seat of Albert Park and he is trying to (financially) bail out Maribyrnong.

These are extraordinary allegations. It is interesting to see internal Labor strife being played out in newspapers but, more importantly, these are allegations that go to the heart of the propriety of the government.

The Minister for Local Government has called for this interdepartmental committee and, as I said, it is extraordinary that one of the parties invited to participate and one of the key stakeholders in the carve-up of new municipal boundaries is refusing to sit on the committee at all. The minister is now caught between a rock and a hard place, but he has to act. I call on the minister to explain why he undertook to call an interdepartmental committee if the decision was already a political fix, as is claimed in the article.

Furthermore, given the concerns that have been raised, I call on the minister to elevate this inquiry into a public inquiry that will report publicly so that any change made to the municipal boundaries affecting the cities of Melbourne, Maribyrnong and Port Phillip is seen to be a decision made in a clear and transparent manner and is not a political fix, as has been claimed by Cr Chamberlain and others in this article, including unnamed members of the Australian Labor Party.

**Waverley Park**

**Hon. N. B. LUCAS** (Eumemmerring) — I raise with the Minister for Sport and Recreation a matter in relation to the Waverley Park football ground. On 13 September, just prior to the election, the minister wrote a letter which said:

Waverley is ... the place of my run — two bounces and a goal against the Crows, a football memory I will never forget.

I have not forgotten that the minister was part of a promise to the people of the south-east to retain football at Waverley.

**An honourable member** interjected.

**Hon. N. B. LUCAS** — AFL football at Waverley — absolutely! This letter, which was circulated widely in the community, went on to say over the minister's signature:

Labor will fight to save Waverley and make it better. Keep it for you and your kids. Keep it for football.

Only Steve Bracks and Labor are prepared to stand up for Waverley. Only Labor has a plan to save Waverley and make it a first-rate sporting complex with improved public transport and parking.

PS — Remember this Saturday — a vote for Labor is a vote for Waverley!

Two and a half years down the track the City of Monash has a planning issue before it to carve up the wing, demolish the outer, pull down some of the grandstand and get rid of the car park. What will happen to it? Not football! It will be houses, condominiums and commercial activity, and there will be a little piece of the park left. And what about the heritage side of the grandstand? Just a piece of it will be left for posterity.

The minister has failed. When I have raised it with him in the past he has said it was all our fault. He said, 'The Kennett government did nothing about it. You did not care'. It was the minister's promise to keep it! It was not our promise to keep it but the Labor government's dodgy promise. It said, 'We will keep Waverley. A vote for us is a vote for keeping Waverley'.

The minister failed. I am still trying to get him to say he failed. The whole of the community in the south-east knows he failed, but he has not admitted it. I want the minister to admit that he has failed. We did not promise to keep Waverley Park there. The minister promised to keep it there, so he cannot blame us. I want to hear the minister tonight not blaming us but saying that he failed to deliver the promise. When will the minister have the

courage and mental fortitude to finally admit that he has failed?

### **Kew Residential Services**

**Hon. D. McL. DAVIS** (East Yarra) — I raise for the attention of the Premier and the Minister for Community Services in the other place a matter that relates to Kew Residential Services. It is an issue I have raised in this house on a number of occasions, but I am yet to receive a satisfactory response. On 16 April I raised the issue of Kew Residential Services in this place for the attention of the Premier, and I have still not received a response.

I have the following concerns: the redevelopment of Kew Residential Services is a project that the Liberal Party strongly supports — I support it, and I know that other local members, including the Honourable Mark Birrell and the honourable member for Kew in the other place, Andrew McIntosh, also support it — to provide a better future and better accommodation for the residents. At the same time, the redevelopment of the site needs to be done in a way that is sensitive and that will maximise the use of that important public space by the local community. The public space there is very large, and the redevelopment is currently the largest in the City of Boroondara.

The council is very keen to ensure that there is adequate public open space. I am very keen to ensure that there is adequate public open space, as I know are many of the residents in and around the area and more widely in the City of Boroondara. We are keen to see that the redevelopment is done sensitively in terms of vegetation and also that its management is consistent with the management of other important public open space in and around the area, some of which is contiguous to the site, including Studley Park and other neighbouring parkland. It is important that this redevelopment is done properly.

An article on page 3 of this week's *Progress Press* reports that the government announced through the state budget the provision of \$25 million for the redevelopment of Kew Residential Services. Again, that is an allocation that the Liberal opposition supports, but sufficient consultation has not occurred. Nobody has seen the plans for the redevelopment. The article contains the clear statement:

Overall, 84 residences on and off the site will be built.

How does the government know this? The site has not been sold. No plan for the on-site redevelopment has been made.

I believe the government has a secret plan for the redevelopment of Kew Residential Services, and I believe it is very far advanced in its planning. I do not believe the government has sufficiently involved the local members of Parliament and I do not believe it has sufficiently involved local communities. I do not believe traffic issues and issues of public open space have been addressed. I ask for a proper reply from the Premier and the minister as swiftly as possible.

### **Soldiers Road, Beaconsfield: safety**

**Hon. G. K. RICH-PHILLIPS** (Eumemmerring) — I ask the Minister for Sport and Recreation to refer a matter to the attention of the Minister for Transport in the other place. Honourable members may recall that back in April I raised in this house two issues relating to Soldiers Road in Beaconsfield: one issue relating to speeding on Soldiers Road and the other issue relating to the lack of sound and visual barriers along the freeway through Beaconsfield.

I raised those issues following representations from BICRAG — Beaconsfield in Casey Residents Action Group — which has been very active on these issues. I expected in due course a response from the Minister for Transport taking up the matters I had raised with him, so I was very surprised to learn that rather than responding to me in the usual way as we expect from a minister, the minister thought he would get political.

So rather than coming back to me with a response, he went to the Labor candidate for Narre Warren South — one Cr Dale Wilson — and suggested some ideas to Cr Wilson about what he could do with these issues in Beaconsfield. It was arranged that Cr Wilson would take up this issue with the community group members and go out and see them. Because Cr Wilson may have his limitations — —

**Hon. N. B. Lucas** interjected.

**Hon. G. K. RICH-PHILLIPS** — And he is not a councillor with that council; Mr Lucas is correct. He is a councillor in Dandenong rather than Casey. Cr Wilson was to go out to this community group along with a ministerial adviser from the Minister for Transport's office — one Lisa Higgins, who I understand is a staffer in the minister's office — to make some sort of announcement, or so the community group was led to believe.

I was very surprised therefore to receive a copy of a fax from the community group. It was a fax addressed to Dale Wilson/Lisa Higgins. I will read it:

We the committee of BICRAG are very disappointed in the lack of courtesy extended to our committee regarding the failure to communicate your non-attendance at our committee meeting held this evening. This, after being advised of your attendance.

We, the undersigned, are very disappointed in both your commitment and absence of communication.

Your response would be appreciated.

So the ministerial adviser and the Labor candidate gave an undertaking that they would go out and meet this community group after I had raised the issue in Parliament. The minister tried to circumvent the local member, give a plug to the candidate and send his ministerial adviser out to make an announcement to the community group. Yet when it appeared they obviously could not make the announcement, they failed to turn up. The candidate failed to turn up; the ministerial adviser failed to turn up.

I ask that in future when the minister undertakes to send his adviser to meet a community group, they actually show up.

### **Electricity: Basslink**

**Hon. PHILIP DAVIS** (Gippsland) — It was my intention to raise a matter this evening with the Minister for Energy and Resources, but again I note that she is delinquent in her ministerial responsibilities by abandoning the chamber during the adjournment debate. I think it is a reflection generally on the performance of the ministers in this house that they are not assiduous in the discharge of their duties to the Parliament and do not treat the Parliament with the respect it deserves.

But having said that, I will raise the matter which perhaps the only minister who is present, the Minister for Sport and Recreation, will pass on to the Minister for Energy and Resources, because it is pertinent that this is passed on to her forthwith as it is a matter that will be attended to tomorrow. That is the matter of the invitation which I have offered to the Minister for Energy and Resources on prior occasions in this house to come and inspect the route of the Basslink proposal in Gippsland — to inspect the connection between Loy Yang and McGaurans Beach where the proponent, National Grid International, proposes to bring the subsea cable on shore and to then run across the coastal plain and through the Merrimans Creek valley on pylons and visually desecrate one of the most picturesque areas of regional Victoria.

Citizens of Gippsland are outraged by this proposal and by the disregard that this government shows for this

matter. I have to say that this is the third, and I guess final occasion, on which I will extend this invitation to the Minister for Energy and Resources because at 9.30 in the morning the shadow minister for natural resources and energy, the Honourable Carlo Furletti, will be joining me.

**An honourable member** interjected.

**Hon. PHILIP DAVIS** — Where is he? He is actually preparing for the visit in the morning. He is undertaking research on the matter at this time. That is where he is.

The Minister for Energy and Resources has failed to accept the invitation that has been proffered to her in writing and personally. Not only that, she has refused to accept any deputations or respond to any correspondence from any of the people who are affected by this project.

I ask the Minister for Sport and Recreation to invite the minister to join us at 9.30 tomorrow at Gormandale to commence this investigation.

### **Traralgon Racing Club**

**Hon. I. J. COVER** (Geelong) — My adjournment matter this evening is for the Minister for Racing, and I ask for this matter to be referred to him by the Minister for Sport and Recreation who is with us this evening. It concerns the Traralgon Racing Club and matters surrounding its future. The matter has been well canvassed in the press in the last couple of days and in both houses of Parliament. Among the issues that have been raised is that financial difficulties have been contributing to the racing club's problems.

Two nights ago, I asked the minister to advise me what action he was taking in response to the news that the club would fold later this year. I am taking this opportunity tonight to discover if he has commenced his response to me, either personally or through people in his office. Might the minister also investigate as part of his response to me, or as a separate response, whether it is true that the racing club's difficulties have been exacerbated by the Latrobe council's refusal to grant a planning permit for the racing club to develop a gaming facility, which would have helped it to diversify its operations and revenue streams and thus to be in a position to address its financial needs?

### **Frankston: Premier's comments**

**Hon. B. C. BOARDMAN** (Chelsea) — One of the avenues available to honourable members upon the motion that the house do now adjourn is to make a

complaint. Tonight I want to do that regarding some quite misguided comments that the Premier himself made, as reported on the front page of the *Frankston Journal* the week after the community cabinet was in Frankston. This was under the title of ‘The New St Kilda?’. The article states that:

Frankston will be a vibrant inner city suburb such as St Kilda under Victorian Premier Steve Bracks’ view for the future.

I need to point out that Frankston is 46 kilometres from Melbourne’s central business district: how does that make it an inner city suburb? I am confused on that point. It goes on to quote the Premier as having said:

‘Frankston is a very unique area because it has the bay at its doorstep and it will have a good mix of businesses coming in through the \$100 million shopping centre redevelopment.

What he did not mention is that that shopping centre redevelopment nearly did not go ahead because of the quite obviously corrupt activities of certain members of the Labor Party that nearly stifled that whole project, to the detriment not only of the community of Frankston but also to the community at large.

The article quotes the Premier going on to say:

‘With some sensible planning, Frankston will become even more like those inner suburbs like St Kilda and Port Melbourne with more cafes and apartment-style living near the railway station.’.

Well, I am sure that everyone who has a couple of hundred thousand dollars to spare is going to line up in droves to buy an apartment near Frankston railway station! They are going to come out of the palm trees that Ian Maxfield lives in to line up for those!

What is even more disturbing is that, just like the rest of this government, Mr Bracks is demonstrating his complete ignorance of Frankston. He is probably taking his advice from his electorate officer, Alistair Harkness, who works in a full-time capacity for Mr Bracks’s Williamstown electorate and moonlights as a supposed Australian Labor Party candidate for Frankston. If this is some of the rubbish that Mr Harkness and the Premier are going to throw out during the election campaign for this marginal seat, then no doubt this seat will be held comfortably by the Liberal Party.

Undoubtedly, it is not in the interests of Frankston to have those opportunistic and misguided sentiments expressed. What Frankston needs is leadership, and it needs it delivered in a manner that is systematic and reactive to what the public down there actually want. For too many years, the Labor Party has stuffed up that town, and it is about time the Premier and his

colleagues stayed out of it and let the people on the ground decide exactly what is needed.

I ask the Premier to outline further details of this grandiose idea.

### **Fishing: abalone**

**Hon. K. M. SMITH** (South Eastern) — I would like to raise a matter for the Minister for Energy and Resources, but of course she would not be in the chamber at this time. I think a decision has been made in her department in complete ignorance of the problems that have been caused by the directions that have been given to recreational abalone divers, or divers who go and collect abalone.

As honourable members would understand, recreational divers can take up to 10 abalone per day, and that is fine. But to ensure that recreational divers are not mistaken for poachers — because they could collect 10 a day over a period of time — they have to get a knife and cut the abalone in half, and this makes the abalone very distinctive. Obviously the person in the minister’s office thought that it does not matter if you cut the abalone in half because people will still be able to eat it when they get home.

The problem is that the abalone bleed, and when they are cut through there is no way of avoiding the faeces that spreads through the meat. It is a problem because it ruins the meat altogether and puts an unpleasant taste throughout the abalone. It is causing great difficulty to the people who just — —

**Hon. E. C. Carbines** — Thanks for warning us!

**Hon. K. M. SMITH** — Excuse me, this is a very important issue, particularly for the recreational divers who like to go out and collect their abalone.

The minister should give some consideration to other ways of marking the abalone without cutting them. One would think that the brains trusts that she has probably got in her office — if they are not all Labor Party apparatchiks — would think of marking the abalone meat with some sort of paint or dye, as they do on lamb, beef and so forth in our abattoirs, that does not affect the flavour of the meat and still gives the people who have made the effort to go out and collect the abalone an opportunity to enjoy it without the unpleasant taste.

It is a simple thing and the minister should look at it and do something about it.

### Wilson's Promontory National Park

**Hon. ANDREA COOTE** (Monash) — My question tonight is to the Minister for Environment and Conservation in another place and is to do with Wilson's Promontory. I would like to put on record the excellent work that former conservation and environment ministers did with regard to Wilson's Promontory, namely the Honourable Mark Birrell and the Honourable Marie Tehan. I am pleased to see the result of the work they did. I know they cared very much for Wilson's Promontory, as indeed do all Victorians.

I am pleased to see that it has been incorporated into a marine park: that is a good thing for all of us. Under the previous government boardwalks were put in place which give access to very special parts of Wilson's Promontory and protect the undergrowth. They enable people to go to remote places in the park that they would not normally be able to go to.

Every year people go to Wilson's Promontory to stay. They pitch their tents and have a happy Christmas and summer with their families. Some people also go there at Easter.

My question to the minister is: will she give details of how the ballot for the summer and Easter camping conditions is conducted in the Wilson's Promontory camping ground?

### Responses

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — The Honourable Graeme Stoney raised an issue about fox shooting, and I will refer it to the Minister for Environment and Conservation in another place.

The Honourable Sang Nguyen raised the issue of regional assistance programs, and I will raise it with the Minister for State and Regional Development in the other place.

In relation to the issue raised by the Honourable Andrew Brideson regarding the matters raised on the adjournment debate and the associated responses, no doubt departments, depending on the complexity of the issue, may have to refer matters through to various offices within those respective departments, depending on the scale and magnitude of each department. But should the honourable member feel that a response has not been received in an appropriate time, no doubt he will have the opportunity of raising it again through the process of the adjournment debate to bring it to the attention of the respective ministers, not only in this

chamber but also for those ministers to bring it to the attention of ministers in the other chamber.

I will refer the question by the Honourable Dianne Hadden regarding Anthonys Cutting and federal road funding to the Minister for Transport in the other place.

The Honourable Carlo Furletti raised the issue of black spot funding and an associated application of that funding. I will refer that matter to the Minister for Transport in the other place.

The Honourable Ron Bowden raised the matter of a constituent who had suffered a massive stroke and required constant care and a program to assist the individual and the carer through the aids and equipment program. I will refer that matter to the Minister for Community Services in the other place.

The Honourable Peter Katsambanis raised the matter of an inter-local government working party. I will raise it with the Minister for Local Government in the other place.

The Honourable Neil Lucas raised the issue of Waverley Park. I am pleased to hear that the honourable member still has an interest in Waverley Park because, as I have reminded him on many occasions, while he is very vocal in opposition, was he as vocal as that when in government? I am interested in that. Was he as vocal in the party room, as I have asked him on a number of occasions? I suspect that in that party room there was a fair degree of acquiescence, particularly from the Honourable Neil Lucas, about Waverley Park. I do not recall, in the lead-up to the election, Mr Lucas declaring anything about Waverley Park.

While we were prepared to fight for Waverley Park — and continue to fight for it — we know that had the opposition come to government instead of the Bracks Labor government, it would have undertaken the process with a nod and a wink and had the facility demolished. We were prepared to fight for Waverley Park and prepared to facilitate a positive outcome.

I remind opposition members of that outcome. What we now have is quite a substantial community facility with an AFL presence: Hawthorn Football Club will be located there as a training base. Mr Lucas was never able to attract anyone to Waverley Park — no AFL presence — nor was he vocal on that issue.

*Honourable members interjecting.*

**Hon. J. M. MADDEN** — We have been able to deliver — maybe not in full, but certainly we delivered

more than you were ever prepared to deliver. I reinforce to Mr Lucas that he is as basal — it is spelt b-a-s-a-l, in case he wants to look it up — in opposition as he was in government.

The Honourable David Davis raised a matter concerning Kew Residential Services, and I will refer it to the Minister for Community Services in the other place.

In relation to the matter raised by the Honourable Gordon Rich-Phillips of Soldiers Road in Beaconsfield, I will refer the issue to the Minister for Transport in the other place.

In relation to the Basslink proposal issue raised by the Honourable Philip Davis, I will refer that to the Minister for Energy and Resources.

In relation to the issue raised by the Honourable Ian Cover regarding the Traralgon Racing Club, I will refer that to the Minister for Racing in the other place.

In relation to the issue raised by the Honourable Cameron Boardman for the Premier regarding the difference between Frankston and St Kilda, I know they are significantly different, but I also appreciate that the Honourable Cameron Boardman had difficulty determining the difference in the lead-up to the previous election, given his address at the time!

The Honourable Ken Smith raised insightful remarks about the taste of abalone. Unfortunately I have never had the good fortune to taste it, but I will be aware of how not to taste it in various forms, and will refer the matter to the Minister for Environment and Conservation in the other place.

The Honourable Andrea Coote raised the issue of the Wilsons Promontory ballot system. I will refer the matter to the Minister for Environment and Conservation in the other place.

**Motion agreed to.**

**House adjourned 6.38 p.m. until Tuesday, 28 May.**



**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, 14 May 2002**

**Post compulsory education, training and employment: ministerial staff**

**2195. THE HON. B. N. ATKINSON** — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): How many resignations, transfers and leave of absences have there been to the ministerial staff since September 1999 and January 2000, respectively.

**ANSWER:**

I am informed as follows:

All staff working in my office on those dates were employed by the Premier. Therefore, there were no Ministerial staff employed by me working in my office.

**Major projects and tourism: Melbourne Sports and Aquatic Centre**

**2451. THE HON. P. R. DAVIS** — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Major Projects and Tourism): In relation to the Government's advertisement calling for expressions of interest to provide architectural services for the Melbourne Sports and Aquatic Centre (Stage 2):

- (a) What process does the government intend to establish for the selection of architectural services.
- (b) What are the names of those on the selection panel.
- (c) Will the government appoint an independent person to the selection panel.

**ANSWER:**

I am informed that:

- (a) The Government established a two stage tender process for the tender to provide architectural services to the Melbourne Sports and Aquatic Centre Stage 2 Project. The first stage of the tender process involved a public call for Expression of Interest (EOI) submissions from interested and appropriately qualified architectural firms to which thirteen firms responded. Following assessment of the EOI submissions by the nominated Selection Panel, an assessment report including a recommended short-list of firms was forwarded to the Project Control Group (PCG members are Ross Kennedy — Executive Director Sport and Recreation Victoria, Simon Weatherill — CEO State Sport Centres Trust and Ian Hatfield — Deputy Director Major Projects Victoria), established for providing high level oversight and control of the Project, for review and acceptance. The Selection Panel's report and recommendation was accepted, and as a result six firms were short-listed. The second stage of the tender process involved inviting the short-listed firms to respond to a more detailed Brief (Request for Tender) that amongst other things sought a fee proposal. The Selection Panel undertook interviews with all six short-listed firms, and following detailed evaluation of the submissions completed its assessment report including a recommendation for appointment of an architect. This assessment report/recommendation was then considered by the PCG. Upon agreement of the report and recommendation by the PCG, a brief was prepared from Major Projects Victoria to the Secretary, Department of State and

Regional Development recommending approval of the architectural firm to provide the architectural services to the MSAC Stage 2 project. This has now been completed and Peddle Thorp is the successful firm.

- (b) The Selection Panel comprised Max Walker, representing the State Sport Centres Trust, Brian Mott, representing Sport and Recreation Victoria, and Stuart Thompson, representing Major Projects Victoria.
- (c) It was not considered necessary to appoint any additional persons to the Selection Panel on the basis that the independent Probity Auditor appointed to this Project “Ernst & Young” has been directly involved in the process and recently completed its report on this tender process certifying that probity had been maintained in accordance with the Government’s requirements.

**Transport: fast rail project**

**2685. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What is the fare structure for the regional fast rail projects.

**ANSWER:**

Rail fares are currently determined by the Office of the Director of Public Transport under the existing franchise agreements put in place by the previous Government. Fares can only be increased by CPI.

Currently there is no fare structure for the Regional Fast Rail Project.

**State and regional development: regional joint action groups**

**2732. THE HON. BILL FORWOOD** — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for State and Regional Development): Further to the answer to Question No. 2333, given in this House on 20 November 2001, regarding the Regional Joint Action Group funding:

- (a) What four groups received funding under this program in 2000–01.
- (b) What funding allocation did each of these four groups receive.

**ANSWER:**

I am informed as follows:

The four groups that received funding under the Regional Joint Action Group Program in 2000–2001 were: Mildura Murray Outback Tourism Inc (\$8,400); East Gippsland Shire (\$9,000); Ballarat and District Vignerons Association Inc (\$8,700) and Bendigo Regional Institute of TAFE (\$6,500).

**Environment and conversation: catchment management authorities**

**2738. THE HON. G. K. RICH-PHILLIPS** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): In relation to funds transferred from the Department of Natural Resources and Environment to the state’s catchment management authorities:

- (a) What were the individual amounts transferred to each catchment management authority at the end of the financial period 1999–2000; and for what purpose or program were the individual sums transferred.
- (b) What were the individual amounts transferred to each catchment management authority at the end of the financial period 2000–01; and for what purpose or program were the individual sums transferred.

**ANSWER:**

I am informed that:

(a) and (b)

State Government grants funding is provided to each Catchment Management Authority (CMA) through quarterly grants payments and these are made at the beginning of each quarter. There were no amounts transferred to the CMAs at the end of the financial periods in question.

**Environment and conservation: Lake Bolac — serrated tussock**

**2762. THE HON. ANDREA COOTE** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation):

- (a) When did Parks Victoria become aware that serrated tussock was in the vicinity of Lake Bolac.
- (b) What did the agency do on becoming aware of the problem.
- (c) Did the agency notify the neighbouring properties of a problem with serrated tussock; if so, when.
- (d) Did the agency notify any other Federal, State or Local agency of a problem with the serrated tussock; if so, when.

**ANSWER:**

I am informed that:

- (a) Parks Victoria became aware that there was serrated tussock in the vicinity of Lake Bolac in December 2000.
- (b) Parks Victoria was provided with advice by the Department of Natural Resources and Environment on how best to manage the problem in association with protection of natural values and water quality and commenced an initial control program in mid-November 2001. A Property Management Plan was developed for Lake Bolac in December 2001 involving Parks Victoria, the Department and the Lake Bolac Committee of Management (Rural City of Ararat).
- (c) Parks Victoria did not notify any neighbouring properties of the presence of serrated tussock on the understanding that this would be undertaken by the Department.
- (d) Parks Victoria did not notify any other federal, state or local government agency of the problem.

**Environment and conservation: Lake Bolac — serrated tussock**

**2763. THE HON. ANDREA COOTE** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): Did any Government agency notify any other Federal, State or Local Government agency regarding the problem of serrated tussock in the vicinity of Lake Bolac.

**ANSWER:**

I am informed that:

The Department of Natural Resources and Environment, Parks Victoria and the Lake Bolac Committee of Management (Rural City of Ararat) are the agencies concerned with the control of the infestation and no other State or Local Government agency has been notified.

As weed control is a State responsibility no Federal agency has been notified.

**Environment and conservation: Lake Bolac — serrated tussock**

**2764. THE HON. ANDREA COOTE** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): Is the Minister aware of any action taken by any State or Local Government agency regarding the problem of serrated tussock in the vicinity of Lake Bolac.

**ANSWER:**

I am informed that:

The Department of Natural Resources and Environment, Parks Victoria and the Lake Bolac Committee of Management (Rural City of Ararat) are the only agencies concerned with the control of the infestation.

Parks Victoria implemented a control program.

A Property Management Plan was developed for Lake Bolac in December 2001 involving Parks Victoria, the Department and the Lake Bolac Committee of Management.

No further infestations have been recorded.

**Transport: TAC — black spot program**

**2769. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): How much has been spent in each Victorian local government municipality under the Transport Accident Commission's Accident black spot program since its inception.

**ANSWER:**

The committed expenditure for each project in each Victorian local government municipality is listed in the Government's *arrive alive!* web site at [www.arrivealive.vic.gov.au](http://www.arrivealive.vic.gov.au).

**Transport: Tow Truck Directorate**

**2770. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport):

In relation to the Tow Truck Directorate:

- (a) How many penalties have been issued regarding slow service on an annual basis since 1994.
- (b) How many penalties have been issued regarding overcharging on an annual basis since 1994.
- (c) How many penalties have been issued regarding the tow truck industry generally on an annual basis since 1994.
- (d) What is the total annual financial or any other penalties (e.g. suspension of licenses) issued regarding illegal drivers on an annual basis since 1994.
- (e) What is the total annual financial or any other penalties (e.g. suspension of licenses) issued regarding rude behaviour on an annual basis since 1994.
- (f) What is the total annual financial or any other penalties (e.g. suspension of licenses) issued by the Victorian Tow Truck Directorate regarding the tow truck industry generally since 1994.

**ANSWER:**

The total number and financial amount of the penalties issued by the Victorian Tow Truck Directorate (VTTD) relating to the tow truck industry is provided in the attached #spreadsheet.

The penalties listed in the attachment are those that were levied by the VTTD. In addition further penalties arising through court proceedings occur but these are not included in the table. VTTD would not necessarily become aware of each of these instances.

Please note that data relating to tow truck industry penalties was not collected prior to November 1995.

# [See attachment next page]

**Transport: rail freight**

**2772. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What is the percentage of freight transported by rail for each year since 1985.

**ANSWER:**

Historically, freight data has not been systematically recorded and reliable information in the form requested is not available for the majority of the period in question.

**Transport: rail freight**

**2773. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What is the current percentage of rail freight and will the Government's objective of 30 per cent rail freight be achieved in this Parliamentary term.

**ANSWER:**

The objective referred to is in fact the Bracks Government's "*Growing Victoria Together*" policy initiative that sets a port related rail freight mode share target of 30 percent to be achieved by 2010.

Based on 1996 data, the percentage of port related freight moved by rail was approximately 10 percent in that year. Preliminary survey data indicates that the rail mode share has increased to approximately 15 percent in 2000/01.

A range of initiatives undertaken by the Bracks Government will assist continued progress towards this objective.

## Tow Truck Industry Penalties issued by the Victorian Tow Truck Directorate between 1996 and 2001

	Offence Code	Description	Penalty amount \$	1996 Penalties	1996 \$ Total	1997 Penalties	1997 \$ Total	1998 Penalties	1998 \$ Total	1999 Penalties	1999 \$ Total	2000 Penalties	2000 \$ Total	2001 Penalties	2001 \$ Total
	0525	Causing undue obstruction	60		0		0	1	60		0		0		0
	0530	Leave vehicle on footpath	60	1	60		0		0		0		0		0
	0538	Within 9 metres of intersection	100		0		0		0	1	100		0		0
	0550	Contrary to signs associated with area	60		0		0	4	240		0		0		0
	0714	Stopped in a no parking area	20		0		0		0	1	20		0		0
	1908	Use unsafe large vehicle – does not comply with Standards	325		0		0		0		0	1	325		0
	2001	Exceeding Speed Limit (15–30km)	165		0	3	495	1	165		0		0		0
	2002	Exceeding Speed Limit (0–15km)	105		0		0	2	210	1	105		0		0
S	2005	Exceeding Speed Limit (40km)	300		0		0		0	1	300		0		0
S	2007	Exceeding Speed Limit (50km)	360		0		0		0		0		0	1	360
	2024	Fail to stop/remain stationary at level crossing	165		0		0	1	165		0		0		0
	2038	Fail to stay within lane markings	105		0	1	105		0		0		0		0
	2039	Diverge when unsafe	135	1	135		0		0		0		0		0
	2078	Use hand held communication equipment while driving	135	3	405	3	405	1	135	4	540		0		0
	2091	Driver – fail to wear seat belt	135	1	135	3	405		0		0		0		0
	2092	Passenger – fail to wear seat belt	135		0		0		0		0	1	135		0
	2101	Fail to obey traffic control signal	165		0	1	165	2	330	1	165		0		0
	2106	Unlicensed driving – fail to renew	250		0		0		0	1	250	1	250		0

## Tow Truck Industry Penalties issued by the Victorian Tow Truck Directorate between 1996 and 2001

Offence Code	Description	Penalty amount \$	1996 Penalties	1996 \$ Total	1997 Penalties	1997 \$ Total	1998 Penalties	1998 \$ Total	1999 Penalties	1999 \$ Total	2000 Penalties	2000 \$ Total	2001 Penalties	2001 \$ Total
2107	Unlicensed driving (use in circumstances other than those referred to in 2105 & 2106)	500		0		0		0	2	1,000	2	1,000		0
2108	Fail to produce licence, learner permit or DC	50	1	50		0		0		0		0		0
2113	Unlicensed driving	110		0	1	110		0		0		0		0
2118	Number plate penalty	110	1	110		0	1	110		0		0		0
2119	Registration label not fixed	50	1	50		0		0	1	50	2	100		0
2120	Fail to return number plates	50		0	1	50		0		0		0		0
2124	Own or use unregistered motor cycle or trailer	110		0		0	1	110		0		0		0
2125	Own or use unregistered motor vehicle with 2 axles	500		0		0	2	1,000		0	1	500	2	1,000
2141	Driving unlawfully in bus/tram/bicycle/truck lane	75		0	1	75		0		0		0		0
2142	Use/permit/cause use of motor vehicle when prohibited by notice	135		0	1	135		0		0		0		0
2143	Use vehicle that does not comply	165	4	660	13	2,145	11	1,815	27	4,455	15	2,475	5	825
2145	Remove unroadworthy label without authority	165		0	1	165		0		0		0		0
2408	Absent from taxi-cab	50		0		0	1	50		0		0		0
2409	Fail to wear uniform	50		0		0	1	50		0		0		0
2412	Smoke in taxi-cab	200		0		0	3	600		0		0		0
2501	Fail to obey turn prohibition or requirement sign	105		0		0	1	105	1	105		0		0
2502	Fail to obey one way or do not enter sign	165		0		0	1	165		0		0		0
4400	Tow truck operate flashing light other than at breakdown or accident scene	165	4	660	3	495	3	495	3	495		0		0

## Tow Truck Industry Penalties issued by the Victorian Tow Truck Directorate between 1996 and 2001

Offence Code	Description	Penalty amount \$	1996 Penalties	1996 \$ Total	1997 Penalties	1997 \$ Total	1998 Penalties	1998 \$ Total	1999 Penalties	1999 \$ Total	2000 Penalties	2000 \$ Total	2001 Penalties	2001 \$ Total
4401	Fail to notify licensing authority of change of address	105		0	3	315		0		0		0		0
4402	Authority to Tow book not carried	165	12	1,980	2	330	2	330		0	2	330		0
4403	Fail to enter all particulars on Authority to Tow form	165	34	5,610	27	4,455	14	2,310	14	2,310	5	825	2	330
4404	Fail to hand completed Authority to tow duplicate to signatory	165	8	1,320		0	4	660	3	495	1	165		0
4405	Tow truck not fitted with a flashing or rotating light or lights	165	5	825	1	165		0		0		0		0
4406	Tow truck not fitted with broom , shovel or rubbish receptacle	165	12	1,980	5	825	1	165	2	330		0		0
4407	Tow truck not equipped with fire extinguisher	165	6	990	7	1,155	2	330	3	495		0		0
4409	Fail to keep Authority to Tow forms	165		0		0		0	1	165		0	1	165
4410	Fail to maintain a record of tow trucks drivers	165	4	660	1	165		0	1	165		0		0
4411	Fail to attend accident within 30 minutes	165	7	1,155	6	990	12	1,980	14	2,310	3	495		0
4412	Tow Truck driver at accident scene unlawfully attending, towing or attempting to tow damaged motor vehicle	2,000	18	36,000	4	8,000	5	10,000	6	12,000	2	4,000	4	8,000
4413	Owner of tow truck whose driver at accident scene unlawfully attends, tows or attempts to tow damaged motor vehicle	700	6	4,200	8	5,600	5	3,500	6	4,200	4	2,800	2	1,400
4414	Touting or Soliciting	2,000	11	22,000	4	8,000	2	4,000	2	4,000	1	2,000	1	2,000
4415	Fail to produce records on demand	165	4	660	1	165	2	330	6	990	2	330		0

## Tow Truck Industry Penalties issued by the Victorian Tow Truck Directorate between 1996 and 2001

Offence Code	Description	Penalty amount \$	1996 Penalties	1996 \$ Total	1997 Penalties	1997 \$ Total	1998 Penalties	1998 \$ Total	1999 Penalties	1999 \$ Total	2000 Penalties	2000 \$ Total	2001 Penalties	2001 \$ Total
4416	Drive or travel in tow truck not being the holder of Driver Authority	2,000	5	10,000		0	4	8,000	2	4,000	1	2,000	2	4,000
4417	Fail to carry or produce Driver Authority on demand	500	11	5,500	6	3,000	5	2,500	9	4,500		0		0
4418	Permit person to drive or travel in tow truck not being an Authority holder	2,000	13	26,000	4	8,000	7	14,000	2	4,000	1	2,000	2	4,000
4419	Unlicensed tow truck	2,000	2	4,000		0		0	3	6,000		0	3	6,000
4421	Name & address, tare & gross or depot number not displayed on tow truck	165	39	6,435	11	1,815	5	825	4	660		0		0
4422	Fail to tow damaged motor vehicle on request	500		0	3	1,500		0	1	500		0		0
4423	Tow motor vehicle to place other than specified in Authority to Tow form	300	2	600		0		0	2	600	1	300	1	300
4424	Tow truck driver failing to clean roadway	165	8	1,320	10	1,650	3	495	1	165		0		0
4425	Attend accident scene outside controlled area without authorisation	300	1	300		0		0		0		0		0
4426	Fail to produce tow truck for inspection	165	5	825	1	165	1	165		0		0		0
4428	Fail to operate tow truck from authorised depot	500	3	1,500	1	500		0	1	500		0		0
<b>TOTAL \$ AMOUNT FOR EACH YEAR FROM 1996-2001</b>			<b>233</b>	<b>136,125</b>	<b>137</b>	<b>51,545</b>	<b>111</b>	<b>55,395</b>	<b>127</b>	<b>55,970</b>	<b>46</b>	<b>20,030</b>	<b>26</b>	<b>28,380</b>

S Suspensions

**Transport: Public Transport Corporation revenue**

**2774. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What is the annual revenue collected by the Public Transport Corporation (including its predecessors and successors) since 1985.

**ANSWER:**

The annual revenue collected by the Public Transport Corporation (including its predecessors and successors) since 1985 is available from the following reports:

- Metropolitan Transit Authority Annual Reports 1984/85 to 1987/1988.
- The Met Annual Report 1988/1989.
- State Transport Authority Annual Reports 1984/85 to 1988/89.
- Annual Reports of the Public Transport Corporation 1989/1990 to 2000/2001.

**Transport: fast rail links to regional centres report**

**2775. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What was the total cost of the ‘Fast Rail Links to Regional Centres Feasibility Studies: Final Report’ published in September 2000.

**ANSWER:**

The total payments to contractors for preparation of the report on the feasibility of fast rail links to regional centres was \$268,123.

**Transport: road accidents**

**2776. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport):

What is the breakdown of the total number of accidents on Victorian roads and their location on Federal, State, local or private roads since 1985.

**ANSWER:**

The total number of accidents on Victorian roads from 1987 – 2001 is as follows:

Road Classification	No. of Accidents
Federal Roads	10,473
State Roads	140,671
Local Roads	126,052
Private Roads	320
<b>Total</b>	<b>277,516</b>

Note that accident data was not collected by road classification in 1985 and 1986. The total number of accidents was 18,952 and 20,427 in 1985 and 1986 respectively.

**Transport: road deaths**

**2777. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): Of all road deaths since 1985, how many were alcohol related.

**ANSWER:**

The answer provided by the Honourable the Minister for Transport is:

The total number of alcohol-related road deaths on Victorian roads from 1987 – 2001 is 2682.

Data on alcohol-related deaths was not collected in 1985 and 1986. The total number of deaths was 683 and 669 in 1985 and 1986 respectively.

**Transport: residential streets — speeding fines**

**2778. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): In relation to residential streets:

- (a) How many people have been booked monthly for speeding since the introduction of 50 km/h speed limits.
- (b) What revenue from fines has been raised monthly for speeding since the introduction of 50 km/h speed limits.
- (c) How many warning notices have been issued monthly for speeding above 50km/h since the introduction of 50 km/h speed limits.
- (d) How many people have been detected for speeding but have had their fines withdrawn since the introduction of 50 km/h speed limits.

**ANSWER:**

This question does not fall within my portfolio responsibility and would be more appropriately answered by the Minister for Police and Emergency Services.

**Transport: Narre Warren railway crossing**

**2780. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): In relation to the Narre Warren railway crossing:

- (a) What plans are being implemented.
- (b) What is the cost of proposed works.
- (c) When will the proposed works be completed.
- (d) Who will fund the proposed works.

**ANSWER:**

Pre-construction planning to resolve the most appropriate scope of the project, including significant public consultation, was undertaken in 2000/2001. The planning and subsequent land acquisition have been completed at a cost of \$1.5 million.

Construction of the project, estimated to cost \$20 million, is being considered by the State Government for inclusion in a future program.

Work is expected to be completed within 18 months of construction commencing.

**Transport: Chapel Street, South Yarra — air rights**

**2781. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): In relation to ‘air rights’ in Chapel Street, South Yarra:

- (a) What was the cost of the redevelopment.
- (b) How much of the total cost of the redevelopment was funded by the State.

**ANSWER:**

- (a) The cost of the redevelopment was approximately \$8 million.
- (b) The State did not fund any of the development.

**Transport: Elsternwick railway station — air rights**

**2782. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What is the budgeted cost of the redevelopment of the ‘air rights’ and other associated redevelopment works at Elsternwick Railway Station.

**ANSWER:**

The cost of the development at Elsternwick Railway Station is approximately \$15 million.

**Transport: Elsternwick railway station redevelopment**

**2783. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): How much of the total cost of the Elsternwick Railway Station redevelopment was funded by the State.

**ANSWER:**

None of the redevelopment was funded by the State.

**Transport: Camberwell railway station — air rights**

**2784. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): In relation to the ‘air rights’ in Burke Road at Camberwell Railway Station:

- (a) What is the status of the redevelopment.
- (b) What works are anticipated in the redevelopment.
- (c) What is the estimated cost of the redevelopment of the ‘air rights’ and other associated redevelopment works.
- (d) How much of the estimated costs for the redevelopment will be funded by the State.

**ANSWER:**

- (a) The preferred developer will be announced shortly.
- (b) The development comprises retail and commercial with integrated transport linkages.

- (c) The development is anticipated to cost approximately \$20 million. However, the design is still in the conceptual stage.
- (d) The State will not fund any of the works at Camberwell Station.

**Transport: Dorcas Street, South Melbourne — air rights**

**2785. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): In relation to the ‘air rights’ at Dorcas Street, South Melbourne:

- (a) What is the status of the redevelopment.
- (b) What works are anticipated in the redevelopment.
- (c) What is the estimated cost of the redevelopment of the ‘air rights’ and other associated redevelopment works.
- (d) How much of the estimated costs for the redevelopment will be funded by the State.

**ANSWER:**

- (a) The proposal to develop air rights at Dorcas Street is currently under review by the preferred developer in light of planning and heritage restrictions.
- (b) As above, the proposal is under review.
- (c) As above, the proposal is under review.
- (d) As above, the proposal is under review.

**Transport: Metrol building, Federation Square**

**2786. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What is the status of the Metrol Building alongside Federation Square.

**ANSWER:**

The Metrol Building alongside Federation Square was demolished two years ago in 2000.

**Transport: level crossing upgrades — funding**

**2790. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): How much has been spent on level crossing upgrades annually since 1980.

**ANSWER:**

VicRoads advised that the following amounts have been spent on level crossing upgrades in the years:

1994/95	\$0.526M
1995/96	\$0.900M
1996/97	\$0.587M
1997/98	\$3.347M
1998/99	\$2.999M

1999/00	\$2.654M
2000/01	\$3.414M
2001/02	\$3.605M (forecast)

The information for the years prior to 1994/95 is not readily available, and will require a substantial amount of time and expense to access.

**Transport: rail — daily validation figures**

**2791. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What are the annual average daily validation figures since 1996 for the following railway lines — (i) Lilydale; (ii) Belgrave; (iii) Alamein; (iv) Epping; (v) Sandringham; (vi) Frankston; (vii) Williamstown; (viii) St Albans/Sydenham; (ix) Melton; (x) Werribee; (xi) Broadmeadows; (xii) Upfield; (xiii) Hurstbridge; (xiv) Glen Waverley; (xv) Pakenham; (xvi) Cranbourne; and (xvii) Stony Point.

**ANSWER:**

Information for the years 1996–1998 is incomplete as the ticketing system, which required validation of tickets, was progressively rolled out during this period and was not fully operational until December 1998.

OneLink validation data subsequently recorded from 1999 onwards is progressively archived and its recovery would require OneLink to allocate significant time and resources to retrieve.

**Transport: tram — daily validation figures**

**2792. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What are the average daily validation figures for the following tram lines since 1996 — (i) Airport West (59); (ii) West Maribyrnong (57); (iii) Footscray (82); (iv) West Coburg (55); (v) North Coburg (19); (vi) East Coburg (1) (vii) West Preston (11); (viii) Bundoora (86); (ix) East Brunswick (96); (x) North Balwyn (48); (xi) Mont Albert (109); (xii) Wattle Park (70); (xiii) East Burwood (75); (xiv) Camberwell (72); (xv) Kew (69); (xvi) North Richmond to St Kilda Beach (79); (xvii) North Richmond to Prahran (78); (xviii) East Melbourne (34); (xix) Preston (112); (xx) Toorak (8); (xxi) Glen Iris (6); (xxii) Malvern (5); (xxiii) East Malvern (3); (xxiv) Carnegie (67); (xxv) East Brighton (64); (xxvi) St Kilda Beach to Melbourne University (16); and (xxvii) South Melbourne to St Kilda Beach (12).

**ANSWER:**

Information for the years 1996–1998 is incomplete as the ticketing system, which required validation of tickets, was progressively rolled out during this period and was not fully operational until December 1998.

The OneLink validation data subsequently recorded from 1999 onwards is progressively archived and its recovery would require OneLink to allocate significant time and resources to retrieve.

**Transport: bus — subsidy for rural and regional**

**2795. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What is the annual government subsidy of rural and regional buses since 1980.

**ANSWER:**

The annual government subsidy of rural and regional buses since 1980 is as follows:

<b>Rural &amp; Regional Bus</b>	<b>Subsidy</b>
<b>Years</b>	<b>\$m</b>
1994/95	16.8
1995/96	17.5
1996/97	19.6
1997/98	17.9
1998/99	18.0
1999/00	23.5
2000/01	24.4

Notes:

1. Information regarding rural and regional buses is available from 1994/95. Bus contracted services were managed by the Public Transport Corporation and the Department of Transport in the years prior to June 1995 and considerable resources would be required to search for archived material to be able to provide information prior to 1994/95.

**Transport: school buses — government subsidy**

**2796. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What is the annual government subsidy of school buses since 1980.

**ANSWER:**

The annual government subsidy for school buses since the year 1994/95 is set out below:

<b>School Bus Services</b>	<b>Subsidy</b>
<b>Years</b>	<b>\$m</b>
1994/95	82.60
1995/96	87.89
1996/97	92.57
1997/98	95.03
1998/99	101.40
1999/00	106.50
2000/01	116.20

Notes:

School bus services were managed by the Public Transport Corporation and Department of Education prior to 1994/95. Considerable resources would be required to search for archived material to be able to provide information prior to 1994/95.

**Transport: Nightrider bus — annual subsidy**

**2799. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What is the annual subsidy provided to the following Nightrider bus

services since 1996 — (i) Croydon; (ii) Lilydale; (iii) Eltham; (iv) Epping; (v) Craigieburn; (vi) Sunbury; (vii) St Albans; (viii) Melton; and (ix) Werribee.

**ANSWER:**

The annual government subsidy for individual Nightrider bus routes is subject to a confidentiality clause under the arrangement with the respective bus operator and the Department of Infrastructure and cannot be provided. However, the annual subsidy allocation for the entire Nightrider network is available for the period since 1996 and is as follows.

<b>Nightrider Bus Services</b>	<b>Subsidy \$</b>
<b>Years</b>	
1996/97	415,735
1997/98	425,003
1998/99	417,965
1999/00	435,961
2000/01	450,645

**Transport: revenue in zones 3, 2 and 1**

**2800. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What is the annual revenue collected in Zones 3, 2 and 1 in each year since 1996.

**ANSWER:**

	<b>1999</b>	<b>2000</b>	<b>2001</b>
	<b>29/08/99–31/12/99</b>	<b>1/1/2000–31/12/2000</b>	<b>1/1/2001–31/12/2001</b>
<b>Zone 1</b>	\$ 44,407,348.89	\$ 141,718,625.15	\$ 154,891,076.60
<b>Zone 2</b>	\$ 5,846,743.44	\$ 17,796,958.68	\$ 19,313,895.42
<b>Zone 3</b>	\$ 3,493,841.41	\$ 10,359,354.14	\$ 11,231,988.71
<b>Other</b>	\$ 34,060,458.43	\$ 120,311,070.65	\$ 129,859,005.76
<b>Total:</b>	\$ 87,808,392.17	\$ 290,186,008.62	\$ 315,295,966.49

The revenue allocated to each Zone has been calculated according to the ticket Zone. Where tickets are valid in more than one Zone, the revenue has been allocated to the “Other” category.

Information regarding revenue collected by Zone prior to franchising is not available.

**Transport: revenue — metropolitan and rural taxis**

**2801. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What is the annual revenue collected on Melbourne metropolitan and rural taxi services in each year since 1996.

**ANSWER:**

The Victorian Taxi Directorate (VTD) has the responsibility for regulating the taxi industry however the VTD does not collect or hold information concerning revenue collected on Melbourne metropolitan taxi services.

**Transport: metropolitan and rural taxi passenger numbers**

**2802. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What are the annual passenger numbers on Melbourne metropolitan and rural taxi services since 1996.

**ANSWER:**

The Victorian Taxi Directorate has the responsibility for regulating the taxi industry however the VTD does not collect or hold information concerning the total number of passengers using Melbourne metropolitan and rural taxi services.

**Transport: Public Transport Corporation**

**2803. THE HON. G. B. ASHMAN** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): When will the Public Transport Corporation be wound up.

**ANSWER:**

The Public Transport Corporation (PTC) is currently being wound down and will be abolished by June 30, 2003, in accordance with an amendment to the Transport Act 1983.

**Transport: Victorian Tow Truck Directorate — complaints**

**2810. THE HON. G. B. ASHMAN** — To ask the Honourable Minister for Energy and Resources (for the Honourable the Minister for Transport): In each year since 1994:

- (a) How many complaints have been reported to the Victorian Tow Truck Directorate regarding unlicensed drivers.
- (b) How many complaints have been reported to the Directorate regarding rude behaviour.
- (c) How many complaints have been reported to the Directorate regarding poor clean-up standards.
- (d) How many complaints have been reported to the Directorate regarding slow service.
- (e) How many complaints have been reported to the Directorate regarding overcharging.
- (f) How many complaints has the Directorate received regarding the tow truck industry generally.
- (g) How many penalties have been issued by the Directorate regarding unlicensed drivers.
- (h) How many penalties have been issued by the Directorate regarding rude behaviour.
- (i) How many penalties have been issued by the Directorate regarding poor clean up standards.

**ANSWER:**

(a), (b), (c), (d), (e) and (f)

The number of complaints that have been reported to the Victorian Tow Truck Directory in each year regarding each category noted are:

Year	Total
1996	157
1997	115

Year	Total
1998	111
1999	116
2000	104
2001	103

**NOTE:**

- A reliable complaints register was not in place before the 1995/6 financial year.
- Categorisation of complaints into the categories requested for each year is a manual task and would require considerable clerical effort to extract from the database. However, for 2001, the following analysis is provided:

Illegal tow truck drivers	34
Tow Truck Driver behaviour/conduct	19
Slow service	5
Assault	2
Overcharging	30
Fail to correctly complete documentation	3
Breach condition of tow truck licence	2
Refuse to tow	3
General complaints *	5
<b>TOTAL</b>	<b>103</b>

\* General includes complaints regarding a range of matters other than those above; e.g. tow to other than specified, driving offences, one truck — two tows, offer consideration for work (spotter's fees)

(g), (h) and (i)

The total number of penalties issued by the Victorian Tow Truck Directorate (VTTD) relating to the tow truck industry is provided in the attached #spreadsheet.

The penalties listed in the attachment are those that were levied by the VTTD. In addition further penalties arising through court proceedings occur but these are not included in the table. VTTD would not necessarily become aware of each of these instances.

Please note that data relating to tow truck industry penalties was not collected prior to November 1995

# [See attachment next page]

## Tow Truck Industry Penalties issued by the Victorian Tow Truck Directorate between 1996 and 2001

	Offence Code	Description	Penalty amount \$	1996 Penalties	1996 \$ Total	1997 Penalties	1997 \$ Total	1998 Penalties	1998 \$ Total	1999 Penalties	1999 \$ Total	2000 Penalties	2000 \$ Total	2001 Penalties	2001 \$ Total
	0525	Causing undue obstruction	60		0		0	1	60		0		0		0
	0530	Leave vehicle on footpath	60	1	60		0		0		0		0		0
	0538	Within 9 metres of intersection	100		0		0		0	1	100		0		0
	0550	Contrary to signs associated with area	60		0		0	4	240		0		0		0
	0714	Stopped in a no parking area	20		0		0		0	1	20		0		0
	1908	Use unsafe large vehicle – does not comply with Standards	325		0		0		0		0	1	325		0
	2001	Exceeding Speed Limit (15–30km)	165		0	3	495	1	165		0		0		0
	2002	Exceeding Speed Limit (0–15km)	105		0		0	2	210	1	105		0		0
S	2005	Exceeding Speed Limit (40km)	300		0		0		0	1	300		0		0
S	2007	Exceeding Speed Limit (50km)	360		0		0		0		0		0	1	360
	2024	Fail to stop/remain stationary at level crossing	165		0		0	1	165		0		0		0
	2038	Fail to stay within lane markings	105		0	1	105		0		0		0		0
	2039	Diverge when unsafe	135	1	135		0		0		0		0		0
	2078	Use hand held communication equipment while driving	135	3	405	3	405	1	135	4	540		0		0
	2091	Driver – fail to wear seat belt	135	1	135	3	405		0		0		0		0
	2092	Passenger – fail to wear seat belt	135		0		0		0		0	1	135		0
	2101	Fail to obey traffic control signal	165		0	1	165	2	330	1	165		0		0
	2106	Unlicensed driving – fail to renew	250		0		0		0	1	250	1	250		0

## Tow Truck Industry Penalties issued by the Victorian Tow Truck Directorate between 1996 and 2001

Offence Code	Description	Penalty amount \$	1996 Penalties	1996 \$ Total	1997 Penalties	1997 \$ Total	1998 Penalties	1998 \$ Total	1999 Penalties	1999 \$ Total	2000 Penalties	2000 \$ Total	2001 Penalties	2001 \$ Total
2107	Unlicensed driving (use in circumstances other than those referred to in 2105 & 2106)	500		0		0		0	2	1,000	2	1,000		0
2108	Fail to produce licence, learner permit or DC	50	1	50		0		0		0		0		0
2113	Unlicensed driving	110		0	1	110		0		0		0		0
2118	Number plate penalty	110	1	110		0	1	110		0		0		0
2119	Registration label not fixed	50	1	50		0		0	1	50	2	100		0
2120	Fail to return number plates	50		0	1	50		0		0		0		0
2124	Own or use unregistered motor cycle or trailer	110		0		0	1	110		0		0		0
2125	Own or use unregistered motor vehicle with 2 axles	500		0		0	2	1,000		0	1	500	2	1,000
2141	Driving unlawfully in bus/tram/bicycle/truck lane	75		0	1	75		0		0		0		0
2142	Use/permit/cause use of motor vehicle when prohibited by notice	135		0	1	135		0		0		0		0
2143	Use vehicle that does not comply	165	4	660	13	2,145	11	1,815	27	4,455	15	2,475	5	825
2145	Remove unroadworthy label without authority	165		0	1	165		0		0		0		0
2408	Absent from taxi-cab	50		0		0	1	50		0		0		0
2409	Fail to wear uniform	50		0		0	1	50		0		0		0
2412	Smoke in taxi-cab	200		0		0	3	600		0		0		0
2501	Fail to obey turn prohibition or requirement sign	105		0		0	1	105	1	105		0		0
2502	Fail to obey one way or do not enter sign	165		0		0	1	165		0		0		0
4400	Tow truck operate flashing light other than at breakdown or accident scene	165	4	660	3	495	3	495	3	495		0		0

## Tow Truck Industry Penalties issued by the Victorian Tow Truck Directorate between 1996 and 2001

Offence Code	Description	Penalty amount \$	1996 Penalties	1996 \$ Total	1997 Penalties	1997 \$ Total	1998 Penalties	1998 \$ Total	1999 Penalties	1999 \$ Total	2000 Penalties	2000 \$ Total	2001 Penalties	2001 \$ Total
4401	Fail to notify licensing authority of change of address	105		0	3	315		0		0		0		0
4402	Authority to Tow book not carried	165	12	1,980	2	330	2	330		0	2	330		0
4403	Fail to enter all particulars on Authority to Tow form	165	34	5,610	27	4,455	14	2,310	14	2,310	5	825	2	330
4404	Fail to hand completed Authority to tow duplicate to signatory	165	8	1,320		0	4	660	3	495	1	165		0
4405	Tow truck not fitted with a flashing or rotating light or lights	165	5	825	1	165		0		0		0		0
4406	Tow truck not fitted with broom , shovel or rubbish receptacle	165	12	1,980	5	825	1	165	2	330		0		0
4407	Tow truck not equipped with fire extinguisher	165	6	990	7	1,155	2	330	3	495		0		0
4409	Fail to keep Authority to Tow forms	165		0		0		0	1	165		0	1	165
4410	Fail to maintain a record of tow trucks drivers	165	4	660	1	165		0	1	165		0		0
4411	Fail to attend accident within 30 minutes	165	7	1,155	6	990	12	1,980	14	2,310	3	495		0
4412	Tow Truck driver at accident scene unlawfully attending, towing or attempting to tow damaged motor vehicle	2,000	18	36,000	4	8,000	5	10,000	6	12,000	2	4,000	4	8,000
4413	Owner of tow truck whose driver at accident scene unlawfully attends, tows or attempts to tow damaged motor vehicle	700	6	4,200	8	5,600	5	3,500	6	4,200	4	2,800	2	1,400
4414	Touting or Soliciting	2,000	11	22,000	4	8,000	2	4,000	2	4,000	1	2,000	1	2,000
4415	Fail to produce records on demand	165	4	660	1	165	2	330	6	990	2	330		0

## Tow Truck Industry Penalties issued by the Victorian Tow Truck Directorate between 1996 and 2001

Offence Code	Description	Penalty amount \$	1996 Penalties	1996 \$ Total	1997 Penalties	1997 \$ Total	1998 Penalties	1998 \$ Total	1999 Penalties	1999 \$ Total	2000 Penalties	2000 \$ Total	2001 Penalties	2001 \$ Total
4416	Drive or travel in tow truck not being the holder of Driver Authority	2,000	5	10,000		0	4	8,000	2	4,000	1	2,000	2	4,000
4417	Fail to carry or produce Driver Authority on demand	500	11	5,500	6	3,000	5	2,500	9	4,500		0		0
4418	Permit person to drive or travel in tow truck not being an Authority holder	2,000	13	26,000	4	8,000	7	14,000	2	4,000	1	2,000	2	4,000
4419	Unlicensed tow truck	2,000	2	4,000		0		0	3	6,000		0	3	6,000
4421	Name & address, tare & gross or depot number not displayed on tow truck	165	39	6,435	11	1,815	5	825	4	660		0		0
4422	Fail to tow damaged motor vehicle on request	500		0	3	1,500		0	1	500		0		0
4423	Tow motor vehicle to place other than specified in Authority to Tow form	300	2	600		0		0	2	600	1	300	1	300
4424	Tow truck driver failing to clean roadway	165	8	1,320	10	1,650	3	495	1	165		0		0
4425	Attend accident scene outside controlled area without authorisation	300	1	300		0		0		0		0		0
4426	Fail to produce tow truck for inspection	165	5	825	1	165	1	165		0		0		0
4428	Fail to operate tow truck from authorised depot	500	3	1,500	1	500		0	1	500		0		0
<b>TOTAL \$ AMOUNT FOR EACH YEAR FROM 1996-2001</b>			<b>233</b>	<b>136,125</b>	<b>137</b>	<b>51,545</b>	<b>111</b>	<b>55,395</b>	<b>127</b>	<b>55,970</b>	<b>46</b>	<b>20,030</b>	<b>26</b>	<b>28,380</b>

S Suspensions

**Environment and conservation: Port Phillip Bay bicycle path**

**2824. THE HON. ANDREA COOTE** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): In relation to the partial completion of the bike path around Port Phillip Bay initiated by the former government:

- (a) How many kilometres of the path in each municipality around the bay have been completed.
- (b) How many kilometres in each municipality remain to be completed.
- (c) What is the dollar value of the bike path works already undertaken.
- (d) What is the dollar value of the work outstanding in each municipality.

**ANSWER:**

I am informed that:

(a) The following distances of Bay Trail have been completed within each municipality:

Mornington Peninsula Shire Council	11 km
Frankston City Council	10 km
Kingston City Council	12.5 km
Bayside City Council	14 km
Port Phillip City Council	10.3 km
Melbourne City Council	3 km
Hobsons Bay City Council	17.5 km
Wyndham City Council	7 km
City of Greater Geelong	60 km
VicRoads (Princes Fwy)	26 km
Borough of Queenscliff	4.5 km

(b) The following distances remain to be completed for the Bay Trail:

Mornington Peninsula Shire Council	53 km
Frankston City Council	8 km
Kingston City Council	0.5 km
Bayside City Council	3 km
Port Phillip City Council	0.7 km
Melbourne City Council	0 km
Hobsons Bay City Council	1.5 km
Wyndham City Council	25 km
City of Greater Geelong	0 km
VicRoads (Princes Fwy)	0 km
Borough of Queenscliff	0 km

(c) Since 1997, \$8,546,675.00 has been spent on the Bay Trail through the Parks Victoria Grants Program.

(d) Dollar values for the outstanding sections of Bay Trail cannot be estimated as detailed planning has not been completed for all alignments. Cost estimates can vary markedly depending on the terrain, construction technique and other issues that are dealt with during the detailed planning stage.

**State and regional development: Food and Hotel Asia 2002, Singapore**

**2881. THE HON. E. G. STONEY** — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for State and Regional Development): What process was undertaken to choose the companies listed on the media release, '*Victorian Companies Converge on Asia*', of 31 March 2002, to represent Victoria at Food and Hotel Asia 2002 in Singapore.

**ANSWER:**

I am informed as follows:

The process used to choose the companies to attend Food and Hotel Asia 2002 in Singapore was as follows:

1. The Department of Innovation, Industry and Regional Development advertised regionally, and its officers also directly contacted companies known to them to be interested in export. A series of 'export-ready' seminars was held in seven regional areas throughout the State to promote and educate food producers and processors about the Trade Fairs and Missions planned for 2001/2002.
2. All interested and eligible businesses were accommodated in their request for participation, but to qualify they had to:
  - Achieve a threshold level of 'export readiness,' and be prepared to explore their potential in the export markets of Asia.
  - Attend preparation/training sessions on export marketing run by the Department.
  - Pass a standard financial merit check by the Department.

**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, 15 May 2002**

**Premier: statutory authorities staff — government credit cards**

**2526. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier): What are the names of all staff working in or for statutory authorities operating within the Premier's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I am informed that:

There were no statutory authority staff who have held Government credit cards as at 30 June 2000 and 30 June 2001 working within my portfolio responsibility.

**Health: statutory authorities staff — government credit cards**

**2527. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What are the names of all staff working in or for statutory authorities operating within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

The provision of the information requested would require an inordinate amount of time and resources which are not available. The Honourable Member may wish to specify in a new question those statutory authorities with which he has a particular interest.

The names of individuals will not be provided as this is deemed to be an unreasonable disclosure of personal affairs.

**Energy and resources: statutory authorities staff — government credit cards**

**2529. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Energy and Resources: What are the names of all staff working in or for statutory authorities operating within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I am informed that

The provision and verification of information covering all agencies within the Energy and Resources portfolio would involve an unreasonable diversion of Departmental resources. Should you wish to specify a particular statutory authority I will endeavour to provide a response.

**Ports: statutory authorities staff — government credit cards**

**2530. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Ports: What are the names of all staff working in or for statutory authorities operating within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I am advised that only one staff member working for the former Marine Board of Victoria (now Marine Safety Victoria) held a government credit card at 30<sup>th</sup> June 2000 and 30<sup>th</sup> June 2001, respectively.

I am further advised that as at 30 June 2000 and 30 June 2001, both the Melbourne Port Corporation and the Victorian Channels Authority had no employees holding government credit cards.

**Sport and recreation: statutory authorities staff — government credit cards**

**2531. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Sport and Recreation: What are the names of all staff working in or for statutory authorities operating within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I am informed as follows:

No staff working in or for statutory authorities operating within my portfolio area held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**Youth affairs: statutory authorities staff — government credit cards**

**2532. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Youth Affairs: What are the names of all staff working in or for statutory authorities operating within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I am informed as follows:

No Statutory Authorities exist within the Youth Affairs portfolio.

**Small business: statutory authorities staff — government credit cards**

**2533. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Small Business: What are the names of all staff working in or for statutory authorities operating within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I am informed as follows:

No staff working in or for statutory authorities operating within my portfolio area held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**Multicultural affairs: statutory authorities staff — government credit cards**

**2538. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Multicultural Affairs): What are the names of all staff working in or for statutory authorities operating within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I am informed that:

The following statutory authority position within my portfolio responsibility has been identified as holding a Government credit card:

As at 30 June 2000: Chairperson, Victorian Multicultural Commission.

As at 30 June 2001: Chairperson, Victorian Multicultural Commission.

**State and regional development: statutory authorities staff — government credit cards**

**2540. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): What are the names of all staff working in or for statutory authorities operating within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I am informed as follows:

No staff working in or for statutory authorities operating within my portfolio area held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**Agriculture: statutory authorities staff — government credit cards**

**2542. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture): What are the names of all staff working in or for statutory authorities operating within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I am informed that:

The provision and verification of information covering all agencies within the Agriculture portfolio would involve an unreasonable diversion of Departmental resources. Should you wish to specify a particular statutory authority I will endeavour to provide a response.

**Local government: statutory authorities staff — government credit cards**

**2544. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Local Government): What are the names of all staff working in or for statutory authorities operating within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

In respect of statutory authorities working within the Minister's portfolio area, no statutory authority staff members have credit cards.

**Manufacturing industry: statutory authorities staff — government credit cards**

**2550. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Manufacturing Industry): What are the names of all staff working in or for statutory authorities operating within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I am informed as follows:

There are no statutory authorities operating within my portfolio area.

**Racing: statutory authorities staff — government credit cards**

**2551. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Racing): What are the names of all staff working in or for statutory authorities operating within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I am informed as follows:

The position titles of holders of Government credit cards were:

*Harness Racing Victoria*

30 June 2000

Race Stewards (Ten positions)

30 June 2001

Race Stewards (Ten positions)

**Attorney-General: statutory authorities staff — government credit cards**

**2554. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Small Business (for the Honourable the Attorney-General): What are the names of all staff working in or for statutory authorities operating within the Attorney-General's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I am informed that the number of statutory authorities within my portfolio is such that to answer the question would involve an unreasonable diversion of departmental resources. If the Honourable Member wishes to indicate those statutory authorities he has a particular interest in, I will reconsider the question.

**Community services: statutory authorities staff — government credit cards**

**2556. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services): What are the names of all staff working in or for statutory authorities operating within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

As at 30 June 2000 there was one staff member in the Community Services portfolio working for a Statutory Authority. The Statutory Authority was the IDRP (Intellectual DisAbility Review Panel). The staff member was an Administrative Support Officer. The name of the staff member cannot be provided, as this is an unreasonable disclosure of personal affairs.

As at 30 June 2001 there were two staff members in the Community Services portfolio working for a Statutory Authority. The Statutory Authority was the IDRP (Intellectual DisAbility Review Panel). One staff member was Administrative Support Officer and the other a Project Officer. Names of the staff members cannot be provided, as this is an unreasonable disclosure of personal affairs.

**Housing: statutory authorities staff — government credit cards**

**2557. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing): What are the names of all staff working in or for statutory authorities operating within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

The only Statutory Authority within the Office of Housing is the Director of Housing. Within this Statutory Authority fourteen staff held government credit cards as at 30 June 2000 and sixteen staff held government credit cards as at 30 June 2001.

Names of the staff members cannot be provided, as this is an unreasonable disclosure of personal affairs.

**Aged care: statutory authorities staff — government credit cards**

**2558. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Aged Care): What are the names of all staff working in or for statutory authorities operating within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

There were no staff working in or for statutory authorities operating within my portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**State and regional development, minister assisting: statutory authorities staff — government credit cards**

**2561. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister Assisting the Minister for State and Regional Development: What are the names of all staff working in or for statutory authorities operating within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I am informed as follows:

I am responding on behalf of the former Minister Assisting the Minister for State and Regional Development. No staff working in or for statutory authorities operating within my portfolio area held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**Health, minister assisting: statutory authorities staff — government credit cards**

**2563. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister Assisting the Minister for Health): What are the names of all staff working in or for statutory authorities operating within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

On behalf of the former Minister assisting the Minister for Health, I advise that the provision of the information requested would require an inordinate amount of time and resources which are not available. The Honourable Member may wish to specify in a new question those statutory authorities with which he has a particular interest.

The names of individuals will not be provided as this is deemed to be an unreasonable disclosure of personal affairs.

**Multicultural affairs, minister assisting: statutory authorities staff — government credit cards**

**2564. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister Assisting the Minister for Multicultural Affairs): What are the names of all staff working in or for statutory authorities operating within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I am informed that:

The following statutory authority position within my portfolio responsibility has been identified as holding a Government credit card:

As at 30 June 2000: Chairperson, Victorian Multicultural Commission.

As at 30 June 2001: Chairperson, Victorian Multicultural Commission.

**Premier: ministerial or departmental staff — government credit cards**

**2566. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier): What are the names of all ministerial and departmental staff working and/or employed within the Premier's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I am informed that:

No Ministerial staff members hold Government credit cards.

I direct the Honourable Member to previous information on Departmental credit cards provided to an opposition MP by the Department of Premier and Cabinet on 21 December 2001 under FOI.

**Health: ministerial or departmental staff — government credit cards**

**2567. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What are the names of all ministerial and departmental staff working and/or employed within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I advise that no Ministerial staff members have Government credit cards.

I direct the Honourable Member to previous information on Departmental credit cards provided to an opposition MP by the Department of Human Services on 28 December 2001 under Freedom of Information.

**Energy and resources: ministerial or departmental staff — government credit cards**

**2569. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Energy and Resources: What are the names of all ministerial and departmental staff working and/or employed within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I am informed that

No Ministerial staff members have Government credit cards.

I direct the Honourable Member to previous information on Departmental credit cards provided to an opposition MP by the Department of Natural Resources and Environment on 26th March 2002 under FOI.

**Ports: ministerial or departmental staff — government credit cards**

**2570. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Ports: What are the names of all ministerial and departmental staff working and/or employed within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

In respect of Ministerial office staff, no Ministerial staff members have Government Credit Cards.

In relation to Departmental staff within the Minister's portfolio area the information was previously provided to an Opposition MP by DOI on 18 March 2002 under FOI.

**Sport and recreation: ministerial or departmental staff — government credit cards**

**2571. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Sport and Recreation: What are the names of all ministerial and departmental staff working and/or employed within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I am informed as follows:

No Ministerial staff members have Government Credit Cards. In relation to Departmental staff, I direct the Honourable Member to previous information on Departmental credit cards provided to an opposition MP by the Department of State and Regional Development on 10 January 2002 and the Department of Innovation, Industry and Regional Development on 14 March 2002 under FOI.

**Youth affairs: ministerial or departmental staff — government credit cards**

**2572. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Youth Affairs: What are the names of all ministerial and departmental staff working and/or employed within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I am informed as follows:

No Ministerial staff members hold Government credit cards.

I direct the Honourable Member to previous information on Departmental credit cards provided to an Opposition MP by the Department of Education and Training on 8 March 2002 under FOI.

**Small business: ministerial or departmental staff — government credit cards**

**2573. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Small Business: What are the names of all ministerial and departmental staff working and/or employed within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I am informed as follows:

No Ministerial staff members have Government Credit Cards. In relation to Departmental staff, I direct the Honourable Member to previous information on Departmental credit cards provided to an opposition MP by the Department of State and Regional Development on 10 January 2002 and the Department of Innovation, Industry and Regional Development on 14 March 2002 under FOI.

**Multicultural affairs: ministerial or departmental staff — government credit cards**

**2578. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Multicultural Affairs): What are the names of all ministerial and departmental staff working and/or employed within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I am informed that:

No Ministerial staff members hold Government credit cards.

I direct the Honourable Member to previous information on Departmental credit cards provided to an opposition MP by the Department of Premier and Cabinet on 21 December 2001 under FOI.

**State and regional development: ministerial or departmental staff — government credit cards**

**2580. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): What are the names of all ministerial and

departmental staff working and/or employed within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I am informed as follows:

No Ministerial staff members have Government Credit Cards. In relation to Departmental staff, I direct the Honourable Member to previous information on Departmental credit cards provided to an opposition MP by the Department of State and Regional Development on 10 January 2002 and the Department of Innovation, Industry and Regional Development on 14 March 2002 under FOI.

**Agriculture: ministerial or departmental staff — government credit cards**

**2582. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture): What are the names of all ministerial and departmental staff working and/or employed within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I am informed that:

No Ministerial staff members have Government credit cards.

I direct the Honourable Member to previous information on Departmental credit cards provided to an opposition MP by the Department of Natural Resources and Environment on 26th March 2002 under FOI.

**Local government: ministerial or departmental staff — government credit cards**

**2584. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Local Government): What are the names of all ministerial and departmental staff working and/or employed within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

In respect of Ministerial office staff, no Ministerial staff members have Government Credit Cards.

In relation to Departmental staff within the Minister's portfolio area the information was previously provided to an Opposition Member of Parliament by the Department of Infrastructure on 18 March 2002 under FOI.

**Manufacturing industry: ministerial or departmental staff — government credit cards**

**2590. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Manufacturing Industry): What are the names of all ministerial and departmental staff working and/or employed within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I am informed as follows:

No Ministerial staff members have Government Credit Cards. In relation to Departmental staff, I direct the Honourable Member to previous information on Departmental credit cards provided to an opposition MP by the

Department of State and Regional Development on 10 January 2002 and the Department of Innovation, Industry and Regional Development on 14 March 2002 under FOI.

**Racing: ministerial or departmental staff — government credit cards**

**2591. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Racing): What are the names of all ministerial and departmental staff working and/or employed within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I am informed as follows:

No Ministerial staff members have Government Credit Cards. In relation to Departmental staff, I direct the Honourable Member to previous information on Departmental credit cards provided to an opposition MP by the Department of State and Regional Development on 10 January 2002 and the Department of Innovation, Industry and Regional Development on 14 March 2002 under FOI.

**Attorney-General: ministerial or departmental staff — government credit cards**

**2594. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Small Business (for the Honourable the Attorney-General): What are the names of all ministerial and departmental staff working and/or employed within the Attorney-General's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

No Ministerial staff members have Government credit cards.

I direct the Honourable Member to previous information on Departmental credit cards provided to an opposition MP by the Department of Justice on 20 December 2001 under FOI.

**Community services: ministerial or departmental staff — government credit cards**

**2596. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services): What are the names of all ministerial and departmental staff working and/or employed within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I advise that no Ministerial staff members have Government credit cards.

I direct the Honourable Member to previous information on Departmental credit cards provided to an opposition MP by the Department of Human Services on 28 December 2001 under Freedom of Information.

**Housing: ministerial or departmental staff — government credit cards**

**2597. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing): What are the names of all ministerial and departmental staff working and/or employed within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I advise that no Ministerial staff members have Government credit cards.

I direct the Honourable Member to previous information on Departmental credit cards provided to an opposition MP by the Department of Human Services on 28 December 2001 under Freedom of Information.

**Aged care: ministerial or departmental staff — government credit cards**

**2598. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Aged Care): What are the names of all ministerial and departmental staff working and/or employed within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I advise that no Ministerial staff members have Government credit cards.

I direct the Honourable Member to previous information on Departmental credit cards provided to an opposition MP by the Department of Human Services on 28 December 2001 under Freedom of Information.

**State and regional development, minister assisting: ministerial or departmental staff — government credit cards**

**2601. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister Assisting the Minister for State and Regional Development: What are the names of all ministerial and departmental staff working and/or employed within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I am informed as follows:

As a result of recent Ministerial portfolio changes, I am responding on behalf of the former Minister Assisting the Minister for State and Regional Development.

No Ministerial staff members have Government Credit Cards. In relation to Departmental staff, I direct the Honourable Member to previous information on Departmental credit cards provided to an opposition MP by the Department of State and Regional Development on 10 January 2002 and the Department of Innovation, Industry and Regional Development on 14 March 2002 under FOI.

**Health, minister assisting: ministerial or departmental staff — government credit cards**

**2603. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister Assisting the Minister for Health): What are the names of all ministerial and departmental staff working and/or employed within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

On behalf of the former Minister assisting the Minister for Health, I advise that no Ministerial staff members have Government credit cards.

I direct the Honourable Member to previous information on Departmental credit cards provided to an opposition MP by the Department of Human Services on 28 December 2001 under Freedom of Information.

**Multicultural affairs, minister assisting: ministerial or departmental staff — government credit cards**

**2604. THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister Assisting the Minister for Multicultural Affairs): What are the names of all ministerial and departmental staff working and/or employed within the Minister's portfolio area who held government credit cards as at 30 June 2000 and 30 June 2001, respectively.

**ANSWER:**

I am informed that:

No Ministerial staff members hold Government credit cards.

I direct the Honourable Member to previous information on Departmental credit cards provided to an opposition MP by the Department of Premier and Cabinet on 21 December 2001 under FOI.

**Information and communication technology: e-commerce advocates**

**2752. THE HON. W. I. SMITH** — To ask the Honourable the Minister for Information and Communication Technology: In relation to the E-Commerce Advocates:

- (a) What is the total budget.
- (b) What resources have been allocated.
- (c) How many advocates are employed.
- (d) What criteria will be used to evaluate the program.

**ANSWER:**

I am informed as follows:

- (a) The Government has established a team of E-commerce Advocates to provide one-on-one and group support to Victorian businesses according to their stage of e-commerce adoption. The E-commerce Advocates Program is part of the Government's e-commerce strategy – *Victoria's E-commerce Advantage*. The Government announced in April 2001 that up to \$10 million had been allocated to this strategy.
- (b) Resources allocated to the E-commerce Advocates Program are drawn from those allocated to the Innovation and Policy Output Group in the 2001–02 Budget Estimates.
- (c) The Department of Innovation, Industry and Regional Development has trained a total of 47 Advocates to enable them to incorporate e-commerce advice into the services that they currently provide to businesses.
- (d) Criteria to evaluate the Program are yet to be finalised but are likely to include the level and type of assistance provided by Advocates to Victorian SMEs.