PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

Tuesday, 19 July 2005

(extract from Book 8)

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By authority of the Victorian Government Printer

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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TUESDAY, 19 JULY 2005

Tuesday, 19 July 2005

The PRESIDENT (Hon. M. M. Gould) took the chair at 2.03 p.m. and read the prayer.

TERRORISM: LONDON BOMBINGS

The PRESIDENT — Order! Recently Victorians, together with all the people of the world, have been struck by the horror of the London terrorist bombings. This house sends its condolences to the families and to the loved ones of those who were lost and our best wishes to those who are recovering from this act of evil and cruelty.

In memory of the departed, I ask all members to stand in silence for 1 minute.

Honourable members stood in their places.

ROYAL ASSENT

Message read advising royal assent to:

21 June

Accident Compensation (Amendment) Act
Appropriation (2005/2006) Act
Appropriation (Parliament 2005/2006) Act
City of Melbourne (Amendment) Act
Courts Legislation (Miscellaneous Amendments) Act
Dangerous Goods and Equipment (Public Safety) Acts (Amendment) Act
Emergency Services Superannuation (Amendment) Act
Energy Legislation (Miscellaneous Amendments) Act
Sex Offenders Registration (Amendment) Act

28 June

National Parks (Alpine National Park Grazing) Act
State Taxation Acts (General Amendment) Act.

QUESTIONS WITHOUT NOTICE

Electricity: Hazelwood power station

Hon. BILL FORWOOD (Templestowe) — I direct my question without notice to the Minister for Energy Industries and Resources. The panel report on the environment effects statement (EES) for the proposed Hazelwood coalmine expansion was received by the government on 1 March. Given that it will take some time to move the Morwell River and the Strzelecki Highway, given the project is already 12 months or so behind schedule, and given that if the project does not start soon Hazelwood will not have the coal to continue to operate at full capacity, can the minister advise when the government will make a decision on the EES?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — I thank the member for his question and for his interest in the Hazelwood power station and in this area. It is not my responsibility to comment in relation to the environment effects statement processes, which are of course not conducted by my portfolio at all. My role in relation to this is the negotiations, which are separate to the EES and involve the question of the proposal, or the request, from Hazelwood power station and International Power for additional coal to be added to their current mining licence for the west field.

The addition of coal under a mining licence does come under my responsibility. It is therefore appropriate that I continue discussions with Hazelwood and with International Power in relation to the issues that have been raised by me in my consideration of the granting of the additional coal that has been requested. Those issues go to the same questions that were raised during the original brown coal tender a number of years ago and are issues about the introduction of new technologies, the reduction in greenhouse gases and so forth. We have indicated to International Power that the government is willing to consider the provision of new coal as part of a package, if you like, and negotiations are occurring in relation to that.

Already we have made a significant concession in relation to negotiations on new coal, as Mr Forwood would be aware — that is, in reaching the targets under the brown coal tender we are prepared to spread that out over the projected life of the plant. Negotiations are continuing around those issues. Obviously they are at a critical point at the moment, and I do not wish to make any secret of that. That is the situation. We are at the pointy end or the final stages, and we are considering a range of issues in relation to a proposed agreement between the government and Hazelwood, which would deal with the issues that I am concerned about in relation to the provision of the additional coal. On the one hand these are questions of ensuring that Hazelwood continues to operate, because we are concerned that it continue to operate and provide cheap power to the state, but on the other hand that it also provides some significant reduction in the projected

greenhouse gases that would emanate from the station in exchange for the government providing it with additional coal.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his answer. Will the government be therefore making two decisions: one decision on the environment effects statement and the shifting of the river and the Strzelecki Highway so it can get to its existing coal; and a separate and second decision in relation to the capacity for new coal under the minister's department?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — As I said to the member, the environment effects statement process is not my decision. However, Mr Forwood would be aware that the panel report both referred to the issues relating to the moving of the road and the river and reported on negotiations between me and International Power in relation to the deed. The panel report indicated that that was an appropriate way for the government to deal with this issue. So there are two sets of issues, but obviously the two issues are connected to each other.

Local government: elections

Hon. KAYE DARVENIZA (Melbourne West) — My question is to the Minister for Local Government, Ms Broad. I ask the minister to outline to the house how the Bracks government is governing for all Victorians with its continued reforms to local government elections to strengthen democracy in Victoria.

Honourable members interjecting.

Ms BROAD (Minister for Local Government) — I thank the member for her question, and for the response from those opposite. The Bracks government is governing for all Victorians by listening to what they have to say and taking their views into account. Unlike the last Liberal government, the Bracks government does listen to the views of people, including people in local government. It is also continuing to strengthen democracy in local government.

The Bracks government's Local Government (Democratic Reform) Act set the agenda for greater democracy in Victorian local government by introducing important and long overdue reforms to local government elections, including independent reviews of council electoral structures, proportional representation and a process to align all council elections to a common date and cycle.

Draft regulations released over a month ago for public consultation continued the process of implementing the government's agenda to strengthen local democracy. Important provisions ensuring proper disclosure of candidate campaign donations, provisions for silent voting in council elections, improved procedures for computer counting of votes and provisions to support the preparation of more accurate electoral rolls have been supported and will proceed as part of the final regulations.

There has been a great deal of discussion about elements of the draft regulations that sought to address a number of problems associated with postal voting. These problems have been raised in country and regional Victoria as well as in Melbourne by MPs on both sides of this house, by individuals, by councils and by commentators. The Bracks government has listened to what people in local government and the community have said in response to those draft regulations, we have taken their views into account, and we have acted. The final regulations will now require candidate statements published by the electoral commission to carry a disclaimer to make it clear to voters that statements are not endorsed by the returning officer, and candidates will be required to make a declaration about the accuracy of their statements to the returning officer.

I will also be including provision for candidates' preference recommendations to be retained in postal voting material. The proposal to remove candidates' preferences was intended to address the issue of dummy candidates. But clearly there is not sufficient support for those provisions to continue. A number of responses to the draft regulations have argued that a return to attendance voting would provide a remedy for some of these problems which have been caused by postal voting. I note that the opposition spokesperson for local government has also made this observation.

It is a very interesting observation given that it was the last Liberal government that introduced postal voting for local government elections. I have advised councils and the peak local government bodies that I support discussion of these issues; in fact I welcome it, and I look forward to a debate about the issues of the merits of postal voting and attendance voting in local government elections. In the meantime the Bracks government will continue to support the implementation of proper democratic principles for the conduct of local government elections in Victoria as part of its commitment to governing for all Victorians.

WorkCover: workplace access

Hon. BILL FORWOOD (Templestowe) — I direct my question without notice to John Lenders, Minister for WorkCover and the TAC. I refer to section 80 of the Occupational Health and Safety Act which enables the minister to limit the number of persons who may hold entry permits as authorised representatives. Has the minister decided what is the appropriate number of unionists to have this right of entry? What criteria did he use in making his decision?

Mr LENDERS (Minister for WorkCover and the TAC) — I welcome Mr Forwood's question on the issue of authorised representatives of registered employee organisations — often called ARREOs — which is a feature of the new Occupational Health and Safety Act. As we may recall from the three days of debate on the new act in this place last year, one provision of that act is that the minister has the capacity to put a quota on ARREOs if need be. It takes us right to the very point of why we have the Occupational Health and Safety Act, why an office of ARREOs was created. That was fundamentally so that we could build on the safety record in workplaces in this state by not just having the existing elected occupational health and safety representatives, the new deputy occupational health and safety representatives and the WorkSafe inspectors but also the ARREOs as another layer of people checking for safety in workplaces.

A lot of anxiety and concern was raised by some, not the least of whom was Mr Forwood and his colleagues opposite, that somehow or other by the creation of ARREOs we would have a wave of union officials sweeping across the state and disrupting every workplace known to humanity, that somehow or other they would use this vehicle to do things they should not be doing.

The act certainly gives the minister the power to put a quota on this area, but I would have thought that any minister, before exercising any such power, would first see how the registrations were going; see how the enrolment of ARREOs was going and see what advice there might be from the Victorian WorkCover Authority. I would have thought that the minister would want first and foremost to see what actually happened on 1 July when this new legislation came into place and whether the doomsday fears and naysaying from Mr Forwood and those opposite on this issue actually came to fruition.

To my knowledge — and it could stand refreshing, because it is probably a couple of days old — 1 July passed some weeks ago; and the last time I heard about the outcome it was apparent that there has not been a ripple of fear throughout workplaces in the state. We have not had hundreds of union thugs descend on workplaces and disrupt the universe as we know it. In fact a modest number of ARREOs have been licensed by the Magistrates Court and given the authority to go into these workplaces under the very strict conditions set by the Occupational Health and Safety Act. To my knowledge, there has not been a wave of complaints; in fact, I do not think there has even been a single formal complaint. I think there has been the odd phone call or two and inquiry, but I would be happy to stand corrected on that.

WorkSafe set up an apparatus to deal with some of the concerns raised by Mr Forwood. There would be genuine concerns if this thing does not work, but I can assure the house that come 1 July those people licensed as ARREOs had the correct focus. Their job is to assist with the process of making workplaces safer so we can bring down the last year's statistic of 29 deaths and 30 000 injuries in Victorian workplaces and bring about a culture and regime that will result in safer workplaces.

I would have expected quite a number of queries, given the anxiety that was around and being fanned by those opposite; 1 July came and there were undoubtedly some queries. On whether they were formal complaints or not I stand to be corrected — Mr Forwood may have one for me — but certainly the main objective of the act, which is to make workplaces safer and ensure a good regime is in place, has been achieved; and this makes Victoria a better place to raise a family.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — In the interests of certainty in the workplace will the minister advise the people of Victoria how many unionists from each union have been authorised to enter workplaces throughout the state?

Mr LENDERS (Minister for WorkCover and the TAC) — I am happy to take that question from Mr Forwood on notice. However, if he is concerned about the issue of certainty I would have thought that Victorian employers would be far more interested in how the Occupational Health and Safety Act was working. If there were issues of abuse by ARREOs, that would be something on which you would obviously want a level of certainty and clarity, as well as the procedures to deal with them.

The issue of certainty in numbers is not of particular relevance out there — the issue is whether the act is being applied, whether the powers of ARREOs are

being abused, and whether the powers of ARREOs and the newly elected deputy occupational health and safety representatives are enhancing safety in Victorian workplaces to bring down those statistics.

The answer to all of those questions is positive. They are enhancing the safety of workplaces. This is a great reform that will make safer workplaces as we govern for all Victoria, making it a better place in which to bring up a family.

WorkCover: third-party compensation

Hon. J. G. HILTON (Western Port) — My question is to the Minister for WorkCover and the TAC. Can the minister advise the house how the Victorian WorkCover Authority's commitment to improving the way third-party recoveries are handled demonstrates that the Bracks government is governing for all Victorians?

Mr LENDERS (Minister for WorkCover and the TAC) — I welcome Mr Hilton's question. It is a great day in the Legislative Council when we have two questions in a row on the issue of WorkCover. It is a great Victorian institution that is a legacy of the Cain Labor government. It has been put in place to make Victoria a better, safer place for workers to work. It is a regime that deals with the injuries of workers in a sound financial way that it is not an onerous burden on employers.

Mr Hilton specifically asked the question about third-party recoveries under WorkCover, and I would be churlish not to note that Mr Hall raised a similar question regarding a couple of constituents of his the last time we were sitting in this place. The issue that Mr Hilton raised is an issue about balance in these areas and about what is being done with third-party recoveries to give confidence to the people in the community generally that this is a reasonable approach, that it is something that is necessary for the WorkCover scheme and that the balance is correct.

Third-party recoveries are an incredibly important part of any regime. Let us understand what a third-party recovery is. If a worker is injured in the workplace and that worker then claims compensation from the Victorian WorkCover Authority (VWA), the authority can claim back from a third party which is in one way or the other liable some of the money it has expended. We know that in Victoria about 95 per cent of third-party recoveries involve a person being injured on a clearly defined work site controlled by another party, such as in areas involving outsourcing and some of the labour hire cases. I do not think any in this debate wish to address this in a transparent sense, but there are some people jumping on this bandwagon who just do not like third-party recovery generally and who are hiding behind another veneer on this issue — I am not saying that anyone in this place is.

The issue also comes into the remaining 5 per cent of areas. One example involved the Krupjack family in the Latrobe Valley. A worker who went onto a site to care for some very disabled people in a household was bitten by a dog and suffered some fairly horrendous medical consequences. A big issue was who was actually liable. First and foremost, as I advised Mr Hall and the rest of the house the last time the matter was raised, the Victorian WorkCover Authority is not proceeding against the family. It is trying to seek some redress from its insurance, but it is not proceeding against that family and has given the family that assurance. The VWA chief executive officer and I have made it quite clear that the VWA did not handle it sensitively, and we do not want that to happen again. Let us be unashamed to put that on the record.

However, arising further from that, the people in these categories obviously need guidance on how they can safely operate in these areas. I am pleased to advise the house that next week the Victorian WorkCover Authority will be distributing a Victorian home care industry occupational health and safety guide on some of the reasonable precautions that can be made in these areas. This guide is the consequence of a lot of work done over a long period of time by the Municipal Association of Victoria, carers groups, the Department of Human Services and a range of others to add some clarity in this area.

There are a number of balances that need to be brought into place, but first and foremost we need to deal sensitively with the remaining 5 per cent of people in this category of third-party recoveries, and the VWA is moving down that path. We need guidelines in this place so the VWA and the rest of us know how to deal with it. Only senior people in the VWA will deal with it. Fundamentally we need a system that looks after injured people responsibly and in a way that is beneficial for all Victorians. We govern for the whole state, and we want to make this a better place to bring up a family.

Consumer affairs: food labelling

Hon. P. R. HALL (Gippsland) — My question today is directed to the Honourable Marsha Thomson, the Minister for Consumer Affairs. I simply ask the minister this question: what is the Victorian

government's policy on country-of-origin labelling for consumable goods?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — The Premier has made it clear in media reports today of his support for country-of-origin declarations, and there is federal legislation in place in relation to that. The issue is important for all Victorians and other Australians, because we would like to be able to make choices about whether we are purchasing Australian goods or overseas goods with a sense of confidence. Consumer Affairs Victoria has responsibility for ensuring the accuracy of labelling, and if there are any incidences of labelling of goods or products being inaccurate or misleading, Consumer Affairs Victoria can act. I am sure that most Victorians and other Australians when evaluating goods produced, manufactured or sold in Australia would like to be able to assess whether they are Australian.

We would like to see the federal government take action to ensure that that level of confidence can be there. Consumer Affairs Victoria will continue to act to ensure that the labelling of goods and products that people buy is in fact accurate, and in any instances where that is not the case Consumer Affairs Victoria will act.

Supplementary question

Hon. P. R. HALL (Gippsland) — I therefore ask the minister: as she has indicated Consumer Affairs Victoria has a role in the accuracy of the labelling of goods, does it have a definition of 'product of Australia'?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — As the member will be aware, the issue of what constitutes 'product of Australia' and what percentages are taken into account when determining what is a product of Australia has been an item of discussion on the national agenda for some time. These are important national debates to be had. It is important that people understand that there are set standards in place, and we would urge the federal government to talk with the agencies to ensure that those discussions are being had, and that the federal government is following up on the need to ensure that we can have confidence in relation to produce of Australia and what it may mean.

Occupational health and safety: workplace accidents

Hon. R. G. MITCHELL (Central Highlands) — My question is to the Minister for Energy Industries and Resources. Can the minister report to the house the circumstances surrounding the tragic death of a worker at a quarry in Donnybrook last week and what action the government intends to take in regard to this matter?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — I thank the honourable member for this important question. Let me first of all indicate to the house that it is with great regret that I report to the house the tragic death of Mr Jason Bux, a 38 -year-old maintenance contractor from Craigieburn, at the Barro Group Mountain View Quarry at Donnybrook on Melbourne's northern fringe on Friday, 15 July 2005. In my ministerial capacity I take these incidents to be of the absolute and utmost importance. In my judgment they not only require reporting to the house but also require fully investigation and action to be taken.

At approximately 10:45 a.m. on Friday Jason was fatally injured when the fixed-jaw liner of a primary crusher fell on him when he was carrying out maintenance work.

Hon. B. N. Atkinson — On a point of order, President, I seek your clarification on the minister pursuing the answer to this particular question given that the coroner is likely to undertake an investigation of this matter and provide findings. I would have thought the status of the Coroners Court would mean the minister needs to be very careful in the answer he gives to this question.

Hon. T. C. THEOPHANOUS — On the point of order, President, I find it extraordinary that the member would take a point of order in relation to this issue in the way that he has, but I am happy to report to the house that I believe in regard to these incidents that, where they fall under the responsibility of government, I as a minister certainly have a responsibility to ensure that everything can be done so that this type of incident does not occur again.

President, I am not intending as part of my response to Mr Mitchell's question to go into the detail of apportioning blame in relation to this issue. I merely wish to report to the house what actions my department intends to take in relation to its own investigations into this matter in ensuring that safety is adhered to in the workplace.

The PRESIDENT — Order! I do not uphold the point of order, but the comments that were made with respect to the question, as I understand it, are that this matter may lead to the Coroners Court. It is not a question of sub judice at this point in time, but the

minister should be cognisant of the rules of the house in that matter. I will allow the minister to continue his answer in respect to the question put to him in the house.

Hon. T. C. THEOPHANOUS — Perhaps it is appropriate for me to begin by first of all on behalf of the government offering my sincerest condolences to Jason's family, including his wife and young child, and to his many friends, both in the workplace and out of the workplace. The Department of Primary Industries — —

Hon. J. H. Eren — On a point of order, President, I noticed through that debate that the clock was continuing.

The PRESIDENT — Order! Please stop the clock while I give my ruling on this. The question of stopping the clock is one that I have been considering, and I have not yet got to the position of making a ruling on it or of advising the house on whether there are certain times or occasions on which the clock will be stopped and what those occasions will be. The general principle at the moment is that the clock will continue to count down unless the Chair indicates that the clock should be stopped if it is believed that points of order are being used to eat up someone's time unnecessarily.

I have to say when account is taken of the 4 minutes allocated during question time, a point of order, which seemed to be reasonable when it was raised by the honourable member, the minister's response and then my ruling on it have consumed the minister's time so that the minister now has only 26 seconds for the remainder of his answer.

Hon. Bill Forwood — On the point of order, President, I think that the house has the capacity to grant leave to the minister to give a proper answer to the question, and with the Leader of the Government I would so move that he should be given 4 minutes.

The PRESIDENT — Order! On that basis we will set the clock back 4 minutes, and the minister will continue his response to the question from Mr Mitchell.

Hon. T. C. THEOPHANOUS — I thank the opposition and Mr Forwood for providing that additional time. I probably will not need the full time but I do want to make some points in relation to this very serious matter.

The Department of Primary Industries received notification from the company of this incident and promptly sent two inspectors to the Donnybrook site. The inspectors also received assistance from the Victoria Police and the Victorian WorkCover Authority. It is my understanding that the coroner also attended at the incident and that his investigations are also ongoing, as are the investigations of my department.

Can I assure the house that this incident will be thoroughly investigated from the point of view of my department in terms of safety questions, and that every measure will be taken to ensure that such incidents do not occur in the future. This government is committed to ensuring that the highest safety standards are met at all mines and quarries throughout Victoria and I, as minister, as I have indicated to the house, put this as the highest of priorities to ensure that these things do not occur.

The reason that I think it is appropriate to highlight these things in the house is that when an accident of this sort occurs in an area like mining it affects the entire mining community, and it is appropriate at the time to put the view of the government and what it intends to do to ensure that these things do not happen. On the whole the record of safety in the mining and quarrying industry in this state is in fact a good one when compared to other mining activities in other states and across the world. However, I am sure that industry workers and regulators all believe that more can be done and more can always be done to ensure that what is inherently a dangerous industry does not have these kinds of incidents that clearly affect not only the people who work there but also impact on their families.

Everyone who sees a loved one go to work is entitled to expect that loved one will come home from work safely. It is our responsibility as a government and as regulators to try to ensure that we do everything possible to ensure that that is the case. The Bracks government is committed to ensuring this very high standard is met. It is part of the newly introduced Occupational Health and Safety Act which has been mentioned by the minister responsible for that act.

Obviously delegation from my department under that act occurs in relation to safety in mines, and we are very pleased with the changes that have been brought in, which will also add to safety and ensure it is improved in future.

Again I pass on my condolences to the family of the worker concerned, and I assure the house that everything will be done to investigate this incident and to make sure that this kind of incident does not occur in future.

Local government: elections

Hon. J. A. VOGELS (Western) — I direct my question without notice to Ms Broad, the Minister for Local Government. It appears that the minister's proposal to gag council candidates has been dumped due to the enormous backlash from local government, the media and the general public. The minister claims these proposals were intended to combat dummy candidates in council elections, where the rest of the population saw it as an attack on freedom of speech. Does the minister now support a return to attendance voting at local government elections, as compared to the postal ballot system, to combat dummy candidates? And this time will the minister consult before she makes any decision?

Ms BROAD (Minister for Local Government) — I am not sure that the member heard my response to an earlier question in question time today when I dealt with these matters. I think he has revealed that some members on the other side are not very quick on their feet when it comes to adjusting their question time strategy. But I am very willing to reiterate some of my responses earlier in question time today for the benefit of the opposition, which does not seem to have understood them.

There was consultation with the peak bodies prior to the release of the draft regulations and, as I promised at the time I met with them, I had further consultations with them after the one-month public comment period had been completed. Everything in those draft regulations was a response to issues raised by the community; by members of Parliament, including members on the other side of the house; by commentators; and by councils in both rural and regional Victoria as well as in metropolitan Melbourne.

This government, which does listen to what the community has to say in response to its proposals, has acted accordingly. As a result those draft regulations have been changed to take into account the response from the community and from local government — as I always indicated the government would do after it had heard responses from the community.

There are some very disappointed councils as a result of the changes the government has made, but the government's view is that local government is an independent tier of government in its own right — something this government has moved to recognise in the state's constitution, unlike the previous government, which trampled all over the rights of people in local government — and accordingly our view is that it is only appropriate to proceed with measures to do with local government elections which have genuine support from people in local government. That is why we have listened, and we have acted in accordance with the responses that have been received.

In relation to the question of attendance voting and postal voting, noting that the problems attached to postal voting have been raised by many people right across the community and noting that postal voting is still a relatively new feature of local government elections, introduced by the former Liberal government, I have agreed to consider the views of the local government peak bodies, and I welcome all views on this subject. I look forward to a debate about the many issues around postal voting and attendance voting in local government elections. I think it is a very timely debate to have, some 10 years after the former Liberal government introduced postal voting into local government elections.

I think it does deserve a very close examination as we move to 2008 when we will see all councils across Victoria going to election on the same date as a result of the reforms of this government. That will enormously increase the standing of local government.

Supplementary question

Hon. J. A. VOGELS (Western) — I thank the minister for her answer. She said that she respects local government, but during the two-month caretaker period councillors will be treated as children. They will not be trusted to make media statements or officiate at council functions. Their names will have to be removed from council web sites, and they will not be able to make decisions on things that will cost more than $100 000. For two months before a council election the councils will basically be defunct and council operations will grind to a halt. After this latest backdown, will the government remove the legislation that effectively gags sitting councillors during the two-month caretaker period?

Hon. Bill Forwood — No!

Ms BROAD (Minister for Local Government) — Yes, President. The short answer, in response to the Honourable Bill Forwood, is indeed no, but by way of explanation the reforms the government has brought in through the Local Government (Democratic Reform) Act are very important reforms to improve democracy in local government. This government believes it is important that similar standards be applied to local government elections as apply to state and federal elections. Caretaker periods have long been accepted as a matter of standard practice in federal and state

elections. Their being brought into place for local government elections is long overdue. This government believes this is an important reform. I will continue to work with the local government sector — —

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

Consumer affairs: advisory services

Ms CARBINES (Geelong) — My question is to the Minister for Consumer Affairs. On 1 July the Bracks government commenced the direct delivery of consumer affairs advisory services. Can the minister advise how this will lead to better services for all Victorians?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I thank the member for her question. As of 1 July there is a consumer affairs advisory service in Geelong. I would like to take this opportunity to thank Mr Scheffer for the work he did on behalf of Minister Lenders, the then Minister for Consumer Affairs, in conducting a review into the provision of consumer affairs services across this state.

A number of questions were asked of my predecessor in relation to the establishment of consumer affairs advisory services in the state. I am pleased to be able to say that 1 July saw the establishment of a regional network to provide consumer and tenancy advisory services for all Victorians. Victorians will now have access to that first-hand advice. They will have access to offices in Ballarat, Geelong, Bendigo and Morwell, and there will be suboffices in Warrnambool, Hamilton and Mildura. This adds to the office in Wangaratta that was opened by Mr Lenders nine months ago. If the initial figures from Wangaratta are correct and are replicated across the state, we will see Victorians utilising these services in great numbers.

We are not only providing these services in those cities and towns, there will also be extensive mobile services from those offices going out to smaller towns and centres to ensure that people have access to on-the-ground consumer and tenancy advice. Those towns will be visited weekly or fortnightly, or monthly for some of the very small rural communities. These will not be the only services available. There is the web site for information and the 1300 line for those who want access via the telephone at the cost of a local call.

Last week I had the pleasure of opening the Ballarat office. There were a large number of people present to welcome the service to Ballarat — a highly visible service, I might add. I am pleased to be able to tell the house that one of the officers could not be present at the opening because she was in Horsham conducting the first of the mobile services — seeing consumers and delivering services into Horsham. The Ballarat office will be providing services into not only Horsham but also Avoca, Bacchus Marsh, Ballan, Daylesford, Edenhope, Meredith, Nhill, Rokewood, St Arnaud and Warracknabeal. There will be plenty of services and access points available to consumers.

It is important that these services offer face-to-face support. It is important that all Victorians have access to Consumer Affairs Victoria. We are governing for all Victorians, and we are giving them first-class services.

Commonwealth Games: compensation

Hon. B. N. ATKINSON (Koonung) — I wish to address my question to the Honourable Justin Madden, the Minister for Commonwealth Games. Could the minister advise when the sports associations running hockey, basketball, netball, swimming, cricket and other sports in Commonwealth Games venues, which will be forced to vacate their facilities for up to eight or nine weeks in the lead-up to and during the Commonwealth Games, will receive compensation? By what process will the level of compensation payable to each sport be assessed?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the member's question, but I have made this clear quite often in relation to sports located in many of the venues where the Commonwealth Games will take place. They are predominantly located in either the Melbourne Sports and Aquatic Centre or the State Netball and Hockey Centre, but there are some land users in and around other precincts. I understand one is close to the Commonwealth Games village and the other groups are probably located in and around the Albert Park precinct. There are a number of venues in those locations where sporting groups will be impacted on by the Commonwealth Games, but we are very conscious and mindful of the need to minimise that impact. Let me reinforce that from the very beginning.

While the Honourable Bruce Atkinson might suggest that it will be eight or nine weeks, we are setting about minimising that so it is as reduced an amount of time as is practicably possible. The games will run for two weeks, and there may be a week either side, so it could be about a month. We are working conscientiously to minimise that impact. We will have to work with the venue operators and Melbourne 2006 to ensure that we get the games into those venues with as little impact as possible on all those users. We have worked with the venue operators and they are working with each of

those sporting groups. The Melbourne Sports and Aquatic Centre is working with its client base — all those sporting groups which use the facility. The State Netball and Hockey Centre is operated by the State Sports Centre Trust, and it is being worked with and is working through these issues.

We are very conscious and mindful of the issues. However, let me just state quite firmly that it is anticipated that there will be no compensation for any of these groups — just as there is no compensation from the state government for any other group. Let me put that on record first of all. Mr Atkinson should not scaremonger out there and build expectations that people are entitled to something when they are not. The investment the state is making in the Commonwealth Games and the investment this government is making in the Victorian economy will ensure that all these businesses and all these sports which are organised through the games will get significant benefit post the games.

What is important, though, President — and Mr Atkinson should be mindful of this — is that if there is to be any compensation at all for any of these groups, it is to be managed with the venue operators; they are the ones who, if there are any conditions or arrangements, will be doing the negotiating. It will not be done directly with the state government of Victoria but with the venue operators — that is, the State Netball Hockey Centre through the State Sports Centre Trust, the Melbourne Sports and Aquatic Centre or the Melbourne Cricket Club through the Melbourne Cricket Ground Trust. The venue operators have the responsibility for negotiating with their stakeholders any arrangements in relation to the Commonwealth Games. We are very happy to work with those groups. We are very happy to work with the venue operators to make sure we not only maximise the benefit of the games but also minimise any impact on those sports or any businesses.

I reinforce that this government has a record that is second to none when it comes to facilitating, encouraging and leading sporting groups in the community and investing in those groups, and we will continue to do that not only in the lead-up to the Commonwealth Games but during and on the back of those games to make sure we get the best legacy practically possible for all these sports in the delivery of the Commonwealth Games.

Supplementary question

Hon. B. N. ATKINSON (Koonung) — According to Auditor-General reports the minister has already budgeted for compensation for the Australian Football League, Cricket Victoria and the Melbourne Cricket Club for the disruption to sporting fixtures for football and cricket during the Commonwealth Games period. Why has the minister refused to consider compensation issues for smaller sports displaced from venues by the Commonwealth Games, to allow them to confirm alternative arrangements for their sports fixtures and events?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the member's question again and say that the only organisation that has anything that might even be considered as compensation is the Australian Football League (AFL), and I will point out why that is the case — —

Hon. B. N. Atkinson interjected.

Hon. J. M. MADDEN — If Mr Atkinson would like to listen, he might hear an answer that he might understand. The only compensation that has been agreed to in any shape or form is with the AFL and that has been done as part of the entire equation or arrangement with the AFL because it is contributing $150 million to the Melbourne Cricket Ground redevelopment. Let me just say to Mr Atkinson that that $150 million contribution from the AFL was negotiated by this government through this minister. This government was able to bring the AFL to the table with $150 million that saw that MCG redevelopment started — and it will be completed — probably more than anything that the Kennett — —

Honourable members interjecting.

The PRESIDENT — Order!

Stolen Generations Organisation: establishment

Ms ROMANES (Melbourne) — My question is to the Minister for Aboriginal Affairs. The commitment to establish the Stolen Generations Organisation was a key part of the Bracks government's response to the *Bringing Them Home* report. Can the minister advise the house of recent developments in establishing the Stolen Generations Organisation?

Mr GAVIN JENNINGS (Minister for Aboriginal Affairs) — I thank the member for her question and her ongoing commitment to human rights issues globally and particularly in relation to the wellbeing of Aboriginal people in the state of Victoria. The Stolen Generations Organisation, which was established in this year's Bracks government budget, continues a number

of recognitions by the Victorian government and the Victorian Parliament.

In the year since the publication of the report on the inquiry into the stolen generations which culminated in the Human Rights and Equal Opportunity Commission report in 1997 tabled in the commonwealth Parliament and known as the *Bringing Them Home* report, I take the opportunity to mention the importance of that report in terms of the healing process embarked upon by this nation in the name of reconciliation and the important role played by Sir Ronald Wilson, who passed away in Western Australia over the weekend, just one month short of his 83rd birthday.

Sir Ronald was a wonderful Australian who played a significant role as president of the Human Rights and Equal Opportunity Commission. He sat on the High Court bench; he was a pilot in World War II. He played a major role in the development of the appropriate response to the issues dealt with by the stolen generations and co-authored a report with Mick Dodson that has been seen as a very important piece of work. He maintained that all jurisdictions across Australia are charged with the responsibility of rising up and responding to the 54 recommendations contained within that report. I am very pleased to say that in Victoria there is a tripartite record of recognition of this issue, and that when the Kennett government was in office, both houses of this Parliament made an apology to members of the stolen generations.

During its life the Bracks government has recognised through various actions — the creation of the Koori records task force, the information services about family reunification and a number of other initiatives — the importance of that work, culminating in the creation of Australia's first Stolen Generations Organisation. It is led by members of the stolen generations in partnership with other important members of the community who can bring expertise such as philanthropic and legal expertise and who can help build bridges with the service system required for members of the stolen generations to make reconnections with their families, to retrace their loved ones who may have been lost to them over the decades and to deal with the healing process that might be involved in the reunification of those families.

The government is keenly committed to ensuring that top-quality care is provided to members of the stolen generations into the future, and that there is a maximising of the potential for family reunification. The organisation will play an ongoing role in the education of our general community about the importance of this issue and hopefully enhance the commitment of all within our community to reconciliation.

It is appropriate that as we take that organisation forward we have recently introduced a board whose members include Lisa Bellear, Mick Edwards, Syd Jackson, Merryn Edwards, Lance James, Muriel Bamblett, Daphne Milward, David Parsons, Jim Kennan and Ann Byrne, with Lyn Austin agreeing to play the role of patron of that organisation. They will continue the fine work of people such as Sir Ronald Wilson and Mick Dodson.

I take this opportunity to pass on my condolences and best wishes to the family of Sir Ronald Wilson on the tragic passing of this fantastic Australian.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 1694, 4077, 4285, 4380, 4461, 4588, 4596, 4631, 4787, 4788, 4790, 4791, 4794, 4798, 4831, 4879, 4885–89, 4891, 4896, 4897.

MEMBERS STATEMENTS

Member for Central Highlands Province: *Bashing the Bush*

Hon. ANDREA COOTE (Monash) — This is an ode, courtesy of Pat O'Connor, to Graeme Stoney, who is retiring:

Banjo wrote of stockmen, so fearless, bold and brave.
If he knew what was going on up there at Bogong now, he'd roll over in his grave.
Thwaites and Bracks have done something now I'm sure they will regret.
For men from Snowy River haven't finished yet.
The high country cattlemen have been told that they must go.
They've been dealt a fearful blow by Bracks and Thwaites and Co.
Bracks has blocked the tracks and Thwaites has slammed the gates.
We must support the cattlemen, they are our Aussie mates.
We'll see movement down at Spring Street, I'm sure they'll feel the pain.
The true blue Aussie bush folk won't vote for them again.
The time has now come for us to set the pace.
And Bracks's Labor government will lose its final race.
I am quite sure they'll rue the day
When we got behind the cattlemen and had the final say.
So let's all get together and shout out very loud.
Let us rid our state of this useless Labor Party crowd.

Tertiary education and training: student unions

Ms MIKAKOS (Jika Jika) — I want to place on record my strong condemnation of the federal government's voluntary student unionism legislation. It is an example of the arrogant and dangerous ideological bent of the Howard government. As a result the education and welfare of students at La Trobe University, in my electorate, will suffer. Like the attacks on student unions under the Kennett government, this proposed legislation is simply payback for students daring to criticise the Howard-Costello agenda. It is also payback for the electoral humiliation faced by senior Liberals decades ago when they contested student union elections.

Voluntary student unionism will destroy or severely diminish a range of essential services at universities. At La Trobe University the Students Representative Council (SRC) and services union receive the majority of their funding from the university's general services fee, overseen by an annual university review, ensuring that all funds are spent in the best interests of students. Without this fee, La Trobe students now risk losing the following services: child-care service; computing rooms; counselling and careers advice; legal service; medical and dental services; sporting facilities; student employment service; student theatre and arts; and support for international and mature-aged students.

Membership of the La Trobe student union and SRC are voluntary. Only 10 universities include membership of a student organisation as a requirement of enrolment and none are in Victoria. Without a general services fee La Trobe University will see a shortfall in funding of $5.8 million, which will see the retrenchment of up to 300 full and part-time employees.

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

Sustainability and Environment: web site

Hon. W. A. LOVELL (North Eastern) — A section of the Department of Sustainability and Environment's web site contains statements that are inappropriate, offensive and demeaning to women, and I wish to draw this to the attention of the Minister for Women's Affairs and the Minister for Environment, both in the other place.

The offensive section is within the Sustainables household challenge under the heading 'Who are the Sustainables?', where there is a description given of each member of the Sustainable family. Several women have contacted me to complain about the offensive and demeaning description of Lemony Sustainable that reads:

> Like her name, Lemony is bright, effervescent and at times a bit tart, but only in her sense of humour and her wardrobe!
>
> She has a powerful optimism for life which she spreads like a good smell, and can most often be seen spreading it on her morning, afternoon and evening power walks around town.
>
> In high heels or low heels, Lemony prefers to walk than using the car.
>
> Not only is she doing her little bit for the layer upon layer of greenhouse, she is also keeping her derrière looking more like a ciabatta than a Bakers Delight country loaf.

Regardless of whether these comments have been made about a real person or a fictitious character, comparing a female's derrière to a loaf of bread, or to refer to a female as a bit of a tart, is completely inappropriate and unacceptable. I call on both ministers to ensure that the offensive description of Lemony is removed immediately and replaced with a more appropriate statement that reflects — —

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

Amy Gillett

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I quote from the *cyclingnews* web site:

> Australian rider Amy Gillett has died after she and five other riders from the Australian women's team were hit by a car during a training ride in Germany on Monday … The other riders involved are Katie Brown, Lorian Graham, Kate Nichols, Alexis Rhodes and Louise Yaxley.

This is a great tragedy. Our thoughts are with their families and friends.

I understand Amy was from Buninyong, and those close to her and her family will be grief stricken. The Australian Institute of Sport, the Victorian Institute of Sport and the cycling fraternity will be in shock. We love our sportspeople and we love our sport. Whilst we may not know them personally, we feel a great affinity with them because of the characteristics they embody and exemplify. We collectively feel a personal loss at a tragedy of this kind. Our hearts go out to those who are grieving at this time. We wish the others in the team a swift and safe recovery.

Harness racing: country meetings

Hon. DAVID KOCH (Western) — The seven harness racing clubs that lost their TAB meetings met the Minister for Racing in the other place at St Arnaud on Friday, 8 July, to discuss the return of racing at their

tracks. The minister expressed disapproval in the way Harness Racing Victoria introduced its V3 document and left little doubt he is not pleased with the current governance model of HRV. He proposes to put a more industry-based model in place, similar to that of thoroughbred racing, and also indicated funding availability to clubs for upgrading their tracks to an industry standard so that racing could resume in 2006. A sticking point at the meeting was reaching a consensus with what HRV recognised as the industry standard that must be met before racing could resume. HRV's public statements reveal an agenda at variance to that of the minister, ignoring his endeavour to negotiate an outcome that could see racing return to these tracks. HRV has freely expressed it is not interested in community obligation or the importance of maintaining rural economies. While the clubs believe the minister has their interests at heart, he now must act quickly to regain racing at these venues. Meanwhile, the minister remains a hostage to and at odds with his own statutory body. It is critical he regains his authority so these principally volunteer clubs can race again at their tracks.

Family violence court: establishment

Ms ARGONDIZZO (Templestowe) — I take this opportunity to congratulate the Attorney-General, Rob Hulls, in the other place on the introduction of the first family violence court in Victoria. On 5 July I had the pleasure of being present at the launch, together with Ms Mikakos and many other interested parties, at the Heidelberg courts.

The court will provide added on-site support services for families who have experienced violence in their homes. Women and children are generally the groups in our community more likely to experience family violence. It is important for the victims of family violence to feel safe in reporting the crime and it is also important that the system does not cause confusion, isolation and intimidation to the victims.

The introduction of this new system will mean a group of professionals such as police, prosecutors, defence lawyers, magistrates and support agencies will undergo intensive education and training to assist victims in family violence cases with issues such as the physical, psychological, financial and social effects of family violence.

Family violence affects one in five women across all socioeconomic, geographic, cultural and religious groups. The family violence court division of the Magistrates Court will operate out of Heidelberg and Ballarat for a two-year trial period. Again, my congratulations to the Attorney-General for tackling an important issue in our community.

Consumer affairs: food labelling

Hon. J. A. VOGELS (Western) — I wish to give my support to the Tasmanian farmers who were on the steps of Parliament House yesterday protesting against retailers replacing Australian-grown food with cheap imports. These farmers will travel 2100 kilometres over four weeks on eight tractors to highlight the fact that Australia's food labelling laws need to be reviewed. We have all seen imported products display the words 'Australian product' on the packaging even though the contents were imported — the package container was Australian, but the ingredients were imported. It is false advertising, and tougher labelling laws are required. Australian products should be clearly visible, and their signage should be clearly visible and accurate. I am sure many consumers would be happy to buy Australian.

Australian farmers produce clean and green products with strict codes of practice regarding pesticides, herbicides, chemicals et cetera. Advertisements on television lead us to believe that only one in three apples, oranges, pears, peas or whatever are not rejected. I wonder whether the same standards apply for imported fruit and veggies: of course they do not!

Fast-food outlets are marketing themselves as selling healthier food these days because, they claim, this is what people want. I agree with them. The best way to ensure that healthier food is served to the customer is for these outlets to use Australian-grown produce, because that is the healthy alternative.

Victorian Farmers Federation: annual conference

Hon. W. R. BAXTER (North Eastern) — Last Tuesday and Wednesday I had the pleasure of attending the 26th annual conference of the Victorian Farmers Federation (VFF), and a very successful event it was. I commend the outgoing president, Paul Weller, for his three years of outstanding leadership of the organisation, and also congratulate the incoming president, Simon Ramsay. I am sure he will be a very effective representative of farmers. However, I want to express my dismay and disgust that not one member of the Labor Party and the government of Victoria attended the official opening of the VFF conference.

There are more than 70 ALP members in this Parliament. They talk about representing rural and regional Victoria and about the fact that they allegedly

listen. Why is it, then, that they could not bring themselves to send even one person to the VFF annual conference opening to hear debate on the wide-ranging issues that were on the agenda? I can understand that at times ministers cannot attend every event, although I would have thought it should have been number 1 on the calendar for the Minister for Agriculture in the other place. If he could not be there, surely he could have designated his parliamentary secretary, but no-one was there — not a backbencher, absolutely no-one.

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

Terrorism: London bombings

Ms CARBINES (Geelong) — Today I wish to publicly express my deep regret at the loss of life, the injuries and the devastation as a result of the bombings that took place in London this month. Like most, I watched the live coverage on TV with an increasing sense of disquiet and concern, turning to numb shock as the awful reality of the deliberate carnage was revealed.

It seemed to me incomprehensible that innocent people of all nationalities and all faiths who were going about their own business or were on their way to work or school, who were shopping or enjoying holidays in vibrant, multicultural, tolerant London, should be the targets of such an indiscriminate attack.

I pay tribute to the British emergency services, which responded immediately to the unfolding threat in such a coordinated, professional and calm manner, caring for the wounded and ensuring the safety of the wider population. The subsequent work of the British police in identifying those responsible was swift and determined, and it deserves commendation.

I wish to pay my respects to the families and friends of all the victims of this senseless attack, many of whom will never recover from the physical and psychological trauma forced into their lives.

Taiwan Trade Mission

Hon. R. H. BOWDEN (South Eastern) — Yesterday I had the pleasure of attending the official opening of the Taiwan Trade Mission to Australia, which was in Melbourne. I would like to congratulate the organisers of that impressive trade mission from Taiwan to Victoria. The trade links between Victoria and Taiwan have expanded significantly over the years and there is a great pool of goodwill at an official level and also at a commercial level for an expansion of those important trade links. There were 36 significant companies from Taiwan visiting Melbourne yesterday at this impressive trade mission. I was absolutely delighted to see that this was taken so seriously and supported by a vice-minister from the Ministry of Economic Affairs in Taiwan as well as Mr Jack Cheng, the director-general of the Taipei Economic and Cultural Office.

This important trade mission was organised by the Ministry of Economic Affairs in Taiwan and was supported by the Board of Foreign Trade of the Ministry of Economic Affairs and the Taiwan External Trade Development Council. I was also pleased to see the Victorian government was represented by Tim Holding, the former Minister for Manufacturing and Export, who spoke in a supportive way on this important occasion. I would like to congratulate all concerned and wish everyone all the very best in development of those economic links.

Medical research: achievements

Ms ROMANES (Melbourne) — Recent events continue to consolidate Victoria's position as Australia's leading biomedical research and development location and to vindicate the Bracks government's strategy to invest over $400 million in the Bio 21 project and precinct. Melbourne University's magnificent Bio 21 molecular science and biotechnology institute building opened in June in Parkville with considerable financial assistance from the Bracks government and support from Atlantic Philanthropies and the commonwealth government. It brings researchers together from across disciplines ranging from medicine and dentistry to nanotechnology and engineering. Also an extensive complex of visitors' laboratories facilitates access to state-of-the-art technology and encourages collaboration. A business incubator provides accommodation on site so discoveries and inventions can be transferred into commercial outcomes.

A further achievement in Parkville happened last week when six scientists from the Walter and Eliza Hall Institute and two scientists from the University of Melbourne were awarded major international research grants from the US-based Howard Hughes Medical Institute for malaria, T-cell and human pathogen research. A stunning outcome! Forty-two scientists from 20 countries received awards, with Australia scoring most of any country, and all eight of them going to scientists in Melbourne. Congratulations to those eight scientists.

HM Prison Langi Kal Kal: management

Hon. RICHARD DALLA-RIVA (East Yarra) — I rise to raise a significant concern about one of our prisons in Victoria, the Langi Kal Kal prison based in the Western region of Victoria. This prison had a meeting of its prison officers on 13 July. They passed a motion expressing major concerns about the operation of the jail and condemning the management practices of that prison, and in particular those of the general manager. They expressed a no-confidence vote in the way that the prison is being run.

This prison controls and holds around 110 prisoners. This is not a situation where we can allow the Minister for Corrections in the other place to continue to sit in his luxurious office in Melbourne and have a prison potentially enter into a meltdown situation. This has gone beyond the situation of just purely management practices. There are significant concerns occurring within the Langi Kal Kal prison. It is about time the minister got out of his office in Melbourne and started to actually address some of the serious concerns that have been raised, not only to me — —

Mr Lenders interjected.

Hon. RICHARD DALLA-RIVA — If the minister had been listening and if he had understood, I would not have had so many prison officers ringing me with their concerns. I am not going to scaremonger, but this is a prison in Victoria that is at significant risk of — —

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

Terrorism: London bombings

Hon. H. E. BUCKINGHAM (Koonung) — At 8.50 a.m. on the morning of 7 July my husband and I were evacuated from Kings Cross Tube station. We later discovered that it was because the train 3 minutes behind had been bombed by terrorists. This was the site of the worst loss of life of the four bombings that took place on this day. Forensic scientists and emergency services personnel are still working at this site under horrendous conditions. I would like to take this opportunity to pay homage to the work of the police and all emergency service workers and medical personnel. Their quick, efficient responses on this day undoubtedly saved lives. The death toll from this atrocity stands at 56. Undoubtedly as the gruesome work is completed at Kings Cross the number will sadly rise.

In the days following the bombings I read with extreme sadness the stories of families and friends searching for missing loved ones. I walked past the floral memorial at Kings Cross station and the site of the bus bombing at Tavistock Square. I used the Tube early on Friday morning. It was extremely quiet for 10 o'clock in the morning. In fact London was very quiet and somewhat eerie.

The British people are very resilient. They are not cowed by these abhorrent acts. Acts of terrorism are evil and never ever justified. I salute the response of the British government, the police, Prime Minister Tony Blair, whose response from Gleneagles was memorable and stirring. Most of all I salute the British public, who in the face of much-publicised continuing threats choose to get on with their lives with resilience and stoicism. I express my condolences to all those affected by this heinous crime.

Terrorism: London bombings

Hon. J. G. HILTON (Western Port) — I would like to join my colleagues Ms Carbines and Ms Buckingham in making a brief comment on the London bombings. I would first of all like to send my deepest sympathies to all those who have been affected. Both my wife and electorate officer were in the UK at the time of the bombings. Fortunately neither was involved.

The UK is no stranger to terrorism. I was living in Birmingham at the time of the Birmingham pub bombings when 21 innocent people were killed and the Irish Republican Army came very close to killing Margaret Thatcher and half her cabinet in the early 1980s. The resilience of the British population was evident then as it is now. Terrorism is an unavoidable fact of our present lives; it can happen to anybody, anytime, anywhere. In more recent times we have had the Turkish bombing and of course the Iraqi bombings which have killed over 100 people. We were told at the time of the invasion of Iraq that that invasion was part of the war on terrorism. If that is the case, that part of the war on terrorism has been an absolute failure and we need a new strategy.

Marie Wallace

Hon. C. D. HIRSH (Silvan) — Today I pay tribute to Marie Wallace, OAM, JP, who passed away peacefully on the evening of Sunday, 17 July. Marie was a much-loved figure throughout the city of Knox, particularly in Bayswater, for many years. She will be greatly missed by her many friends throughout Knox and also by local organisations with which she was involved, a couple of examples being the Knox

opportunity shop in Bayswater and the Bayswater football club — they will miss her.

Marie's involvement in the community went well beyond Bayswater. She served as a councillor with the City of Knox for 24 years, including three terms as mayor. She was the inaugural Honorary Freeman of the City of Knox. Her interest and activity in the community was unflagging throughout the years, but this involvement never took away from her love for and commitment to her family and her dedication to their wellbeing. She suffered the grief of losing one of her six children, Angela, to whom she devoted great care. On the other hand she gained enormous joy and pleasure from her 12 — I think it is up to 12 — grandchildren as well as the rest of her extended family.

I extend my deepest sympathy to all members of Marie's family, in particular her children, Anne-Marie, Anthony, Amanda, Alison and Andrea and their partners and children. I will miss her.

PETITION

Police: schools program

Hon. W. A. LOVELL (North Eastern) presented petition from certain citizens of Victoria requesting that the state government reinstate the police schools involvement program to build a secure environment for the children of Victoria (152 signatures).

Laid on table.

NATIONAL CLASSIFICATION CODE

Films and computer games

For Hon. J. M. MADDEN (Minister for Sport and Recreation), Mr Lenders, by leave, presented copy of revised code, 19 July 2005.

Laid on table.

ECONOMIC DEVELOPMENT COMMITTEE

Labour hire

Hon. B. N. ATKINSON (Koonung) presented final report, including appendices, together with minutes of evidence.

Laid on table.

Ordered that report be printed.

Hon. B. N. ATKINSON (Koonung) — I move:

That the Council take note of the report.

This is the second report associated with this inquiry into labour hire that has been presented to the Parliament. An interim report was previously tabled in the house, and this report represents the final report arising from this particular inquiry.

Three members of this house were involved in the inquiry — they were the honourables Ron Bowden, Noel Pullen and me. The committee was chaired by Tony Robinson, the member for Mitcham in the other place, and other committee members were the members for Lowan, Morwell and Mount Waverley in the other place — Hugh Delahunty, Brendan Jenkins and Maxine Morand respectively.

The committee was assisted in the preparation of the report by Dr Russell Solomon, the committee's executive officer; and Kirsten Hewitt, its research officer. The committee coopted Frances Essaber, an editor who is probably well known to many members of the Parliament for the work she does on various reports. Andrea Agosta, office manager for the Economic Development Committee, also played a key role in the preparation of this report.

The inquiry extended over quite a number of months and took a great many submissions from industry associations, unions and other stakeholders and interested parties. Whilst there may well have been an opportunity for this report to come out with some fairly draconian measures, in the view of one or other of those parties, in fact the report represents a very balanced position and probably goes to the very core of the value of our all-party parliamentary committee system in terms of examining issues outside a partisan party position, being able to establish the merits of a particular issue and obtaining appropriate responses from a public policy point of view.

I draw the attention of members who are interested in the committee's findings to a number of key recommendations. These certainly include recommendation 2.1 that the federal government ought to commission a new Australian workplace industrial relations survey as a matter of urgency. Also, recommendation 4.1 was that the Victorian WorkCover Authority commission ongoing research to examine occupational health and safety in the labour hire industry.

Both of those recommendations are very important in the context that the committee found it difficult to quantify some of the issues with which it was dealing in the course of this inquiry. In other words, some of the data available to the committee was outdated in terms of our being able to establish exactly what the trends were in the workplace at this stage and what were the requirements of public policy responses to some of the issues that were raised in submissions.

The committee also recommended that the Victorian WorkCover Authority should establish, in conjunction with the labour hire industry, a process by which we address return-to-work paths for injured workers. It was certainly established as part of the recommendations that there ought to be a continuation of responsibility for injured workers on behalf of both host employers and labour hire companies.

In other words, neither one party nor the other should bear full responsibility; both have an ongoing responsibility to injured workers. In that context there was certainly a recognition that the rehabilitation and return to work of injured workers was also a responsibility that both should have to address.

This report contains a recommendation to introduce a registration system for labour hire companies. I must say that I have some concerns about registration. I am vigorously opposed to red tape and have concerns about bureaucratic processes that cost a lot of time and have heavy compliance responsibilities on small businesses. However, most of the submissions that came before the committee recommended that there ought to be a registration system, and the committee has come out in favour of a fairly light registration system that would be incorporated within the purview of the Victorian WorkCover Authority and paid for as a charge on the industry. In the circumstances and certainly given the submissions and representations that were made to us, this particular recommendation is worth proceeding with at this point as a matter of public policy. We have recommended that it be reviewed after a two-year period to make sure that it works as expected. We are certainly very mindful of the fact that companies that do not obtain registration under this system ought to face a penalty to ensure the health and safety of workers.

Motion agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 8

Ms ARGONDIZZO (Templestowe) presented *Alert Digest* No. 8 of 2005, including appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Asset Confiscation Operations — Report to the Attorney-General, 2003–04.

Auditor-General — Annual Plan, 2005–06.

Auditor-General — Report on Managing stormwater flooding risks in Melbourne, July 2005.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(iii) in relation to Statutory Rule No. 24/2005.

National Parks Act 1975 — Advice of National Parks Advisory Council to Minister on several proposed excisions from existing parks.

Office of Policy Integrity — Review of the Victoria Police Witness Protection Program, July 2005.

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

Ballarat Planning Scheme — Amendment C83.

Baw Baw Planning Scheme — Amendment C10 (Part 2)(i).

Bayside Planning Scheme — Amendment C41.

Central Goldfields Planning Scheme — Amendment C7.

Colac Otway Planning Scheme — Amendment C44.

East Gippsland Planning Scheme — Amendments C31 and C43.

Glen Eira Planning Scheme — Amendments C38, C41 and C43.

Glenelg Planning Scheme — Amendments C21 and C22.

Greater Geelong Planning Scheme — Amendment C112.

Hepburn Planning Scheme — Amendments C29 and C32.

Horsham Planning Scheme — Amendment C23.

Indigo Planning Scheme — Amendment C26.

Kingston Planning Scheme — Amendment C48.

Maroondah Planning Scheme — Amendment C30.

Moorabool Planning Scheme — Amendment C32.

Mornington Peninsula Planning Scheme — Amendments C64 and C73 Part 1.

Moyne Planning Scheme — Amendment C19.

Northern Grampians Planning Scheme — Amendment C12.

Stonnington Planning Scheme — Amendment C39.

Surf Coast Planning Scheme — Amendments C16, C23 and C24.

Swan Hill Planning Scheme — Amendments C12 and C18.

Warrnambool Planning Scheme — Amendment C41.

Whittlesea Planning Scheme — Amendments C50 and C66.

Yarra Planning Scheme — Amendments C66.

Yarra Ranges Planning Scheme — Amendment C44.

Yarriambiack Planning Scheme — Amendment C5.

Statutory Rules under the following Acts of Parliament —

Architects Act 1991 — No. 53.

Audit Act 1994 — No. 65.

Building Act 1993 — Nos. 51 and 57.

Cemeteries Act 1958 — No. 75.

Cemeteries and Crematoria Act 2003 — No. 76.

Commonwealth Games Arrangements Act 2001 — No. 84.

Crimes (Family Violence) Act 1987 — No. 54.

Electricity Safety Act 1998 — No. 74.

Gambling Regulation Act 2003 — Nos. 60 and 61.

Liquor Control Reform Act 1998 — No. 55.

Magistrates' Court Act 1989 — No. 59.

Major Crime (Investigative Powers) Act 2004 — No. 73.

Marine Act 1988 — No. 82.

Meat Industry Act 1993 — No. 49.

Occupational Health and Safety Act 2004 — No. 64.

Petroleum (Submerged Lands) Act 1982 — No. 80.

Pharmacy Practice Act 2004 — No. 50.

Police Regulation Act 1958 — No. 72.

Prevention of Cruelty to Animals Act 1986 — No. 70.

Private Agents Act 1966 — No. 78.

Private Security Act 2004 — No. 77.

Public Administration Act 2004 — No. 52.

Road Management Act 2004 — Nos. 62 and 63.

Road Safety Act 1986 — Transport Act 1983 — No. 68.

State Owned Enterprises Act 1992 — No. 85.

Subordinate Legislation Act 1994 — No. 58.

Surveillance Devices Act 1999 — No. 83.

Surveying Act 2004 — No. 56.

Terrorism (Community Protection) Act 2003 — No. 79.

Transport Act 1983 — Nos. 66, 67, 69 and 81.

Whistleblowers Protection Act 2001 — No. 71.

Subordinate Legislation Act 1994 —

Ministers' exception certificate under section 8(4) in respect of Statutory Rule Nos. 57, 59 and 82.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 48, 50 to 55, 71 to 73, 75, and 81 to 83.

Proclamations of the Governor in Council fixing an operative date in respect of the following Act:

Children and Young Persons (Miscellaneous Amendments) Act 2005 — Section 45 — 30 June 2005 *(S120, 28 June 2005)*.

Emergency Services Telecommunications Authority Act 2004 — Section 45 — 1 July 2005 *(Gazette No. G23, 9 June 2005)*.

Gambling Regulation (Further Amendment) Act 2004 — Section 39(6); Sections 4(3), 4(4), 16, 17, 18, 19, 20, 25, 32, 37(2), 37(4), 37(6), 39(1), 39(2), 39(3), 39(4), 39(5) and the remaining provisions of Part 3 — 25 June 2005 *(Gazette No. G25, 23 June 2005)*.

Melbourne (Flinders Street Land) Act 2003 — 29 June 2005 *(S120, 28 June 2005)*.

National Electricity (Victoria) Act 2005 — 1 July 2005 *(S120, 28 June 2005)*.

Sustainable Forests (Timber) Act 2004 — Section 100(2) comes in to operation on 31 August 2005 *(Gazette No. G28, 14 July 2005)*.

BUSINESS OF THE HOUSE

Sessional orders

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

That sessional orders 5 and 17(c) be suspended to the extent necessary to enable general business to take precedence of all other business for 3 hours following members statements on Wednesday, 20 July 2005 and for 60 minutes to be allocated for statements on reports and papers on Thursday, 21 July 2005.

Motion agreed to.

HEALTH LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Ordered that second-reading speech be incorporated for Mr GAVIN JENNINGS (Minister for Aged Care) on motion of Hon. M. R. Thomson.

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This bill contains a series of amendments to the following acts —

the Mental Health Act 1986;

the Health Services Act 1988;

the Cemeteries and Crematoria Act 2003;

part 5C of the Building Act 1993 —

and the legislation regulating the registration of health practitioners, namely —

the Chinese Medicine Registration Act 2000;

the Chiropractors Registration Act 1996;

the Dental Practice Act 1999;

the Nurses Act 1993;

the Medical Practice Act 1994;

the Optometrists Registration Act 1976;

the Osteopaths Registration Act 1996;

the Physiotherapists Registration Act 1998;

the Podiatrists Registration Act 1997; and

the Psychologists Registration Act 2000.

The Veterinary Practice Act 1997 is also amended along with the other registration acts.

The key provisions in the bill are intended to ensure the efficacy of recent legislative changes to the Mental Health Act and to the regulation of cemeteries and crematoria under new legislation due to come into effect on 1 July 2005.

The amendments to the Health Services Act and to the health practitioner registration legislation will improve the administration of those acts and enhance the functionality of health practitioner registration boards. They will thus contribute to the provision of high-quality, efficient and accessible health services.

Part 1 of the bill contains the purpose and commencement provisions.

Part 2 of the bill amends the Cemeteries and Crematoria Act 2003.

That 2003 act contains provisions regarding cemetery trust fees. The bill amends those provisions to allow the Secretary of the Department of Human Services to declare some cemetery fees exempt from the universal CPI increase currently provided for under the act. This will allow more flexibility in the administration of cemetery trust fees and will allow fees to be adjusted over a period of time, should that be considered appropriate in some cases.

The bill amends the requirement for the payment of a prescribed fee on application for approval for interment outside a public cemetery to allow for the situation if no fee is prescribed.

The bill also amends the provisions in the act allowing for the interment or cremation free of charge by a cemetery trust of a deceased person whose relatives or friends are unable to provide for the interment or cremation. The amendment clarifies that a coroner can make orders for such interments or cremations. The current wording would require the coroner to sit as a Magistrates Court in order to make such an order. As this is not considered appropriate, the amendment removes this restriction.

The bill adds a requirement that an application for an exhumation licence must be accompanied by specified documentation identical to the documentation already required when making an application to inter bodily remains. The intention is to enable the Secretary of the Department of Human Services to have before her sufficient information to consider the interests of all affected parties before issuing such a licence.

In addition, the bill creates an offence for knowingly making a false statement for the purpose of obtaining an exhumation licence, to reflect the seriousness of inappropriately disturbing bodily remains.

Part 3 of the bill makes some housekeeping amendments to the Health Services Act 1988, to improve the administration of that act.

In particular, the bill will amend the Health Services Act as it relates to the composition of Health Purchasing Victoria.

The current statutory provisions reflect the recommendations of the final report of the procurement reference group. That group was established in 2000 to advise the government on the best way of implementing joint purchasing arrangements in public health services and hospitals.

That group recommended that HPV should:

mainly comprise current public hospital staff, to ensure that HPV has up-to-date knowledge of issues in health purchasing and clinical knowledge;

include public hospital chief executive officers, to ensure appropriate communication with, and feedback from, senior hospital administrators;

have an appropriate mix of members from rural and metropolitan hospitals, to ensure the purchasing needs and perspectives of both rural and metropolitan hospitals are properly taken into account; and

include nominees of the secretaries of the departments of Human Services and Treasury and Finance to ensure that HPV has knowledge and understanding of hospital financing and wider government procurement policies and processes.

However, experience with the operation of the current statutory provisions has shown that they are somewhat inflexible. By establishing very specific criteria for appointments, the act may operate to preclude the appointment of applicants or retention of members with impressive credentials and valuable skills and knowledge. For example, at present, when hospital appointees change their jobs, the act may make them ineligible to retain their positions on HPV, even if they have proven to be highly effective contributors.

The proposed amendments in this bill are designed to ensure that the government of the day has the capacity to appoint and retain the best available candidates.

The bill will enable the Governor in Council to appoint between 8 and 12 people with skills, knowledge or experience relevant to the functions of HPV. For the reasons outlined by the procurement reference group, it is considered vital to have a current metropolitan and a regional or rural hospital chief executive officer on HPV. It is also considered important to retain nominees of the secretaries of the departments of Treasury and Finance and Human Services on HPV. Therefore, these requirements will be retained in the act. The bill will potentially enable an increase in the maximum number of members of HPV from 10 to 12 people. This will enable the appointment of up to two additional people if there is a particularly strong field of candidates and this is considered desirable.

The bill will also amend the Health Services Act to:

ensure that the board members of a public health service do not become ineligible to remain on the board until they have served nine consecutive years on that board (the equivalent of three consecutive three-year terms);

resolve a current problem for public hospitals and health services relating to the timing of their annual meetings under the Health Services Act 1988. Under that act, a public hospital or health service is required to submit its annual report at its annual meeting, which must be held on or before 31 October each year. It is appropriate that public hospital annual reports be tabled in Parliament before they are publicly released at public hospital annual meetings. However, under the Financial Management Act 1994, annual reports may be tabled in Parliament after 31 October —

to remedy this problem, the bill amends the Health Services Act to extend the date by which public hospitals and health services must hold their annual meetings from 31 October to 31 December each year, unless the secretary, in writing, approves a later date. This amendment is designed to allow sufficient time for public hospitals and health services to hold their annual meetings after their annual reports have been tabled in Parliament as required under the Financial Management Act — and

avoid unnecessary duplication in the preparation of accountability instruments under the act, by clarifying that where matters are to be covered in an annual statement of priorities for a public health service, any health service agreement that may also apply to that service need not address those same matters.

Part 4 of the bill amends the Mental Health Act 1986.

The intention of the amendments is to remove undesirable restrictions on the location at which a registered medical practitioner, or a mental health practitioner, can make an involuntary treatment order. The amended act will allow both types of practitioner to make an order in the community and the hospital setting. It will also enable practitioners, in consultation with the authorised psychiatrist, to release persons subject to involuntary treatment orders into the community pending their statutory review.

The bill amends the act to allow for members of a multidisciplinary treating team other than the authorised psychiatrist to discuss a patient's treatment plan with the patient.

These amendments will allow for flexibility and a better use of resources.

The bill also amends the act to allow security patients to be granted up to a maximum of seven days special leave for medical treatment.

Currently the act provides that security patients (who have been transferred from prison requiring mental health treatment or are found guilty of an offence and ordered to be detained in a mental health service) can only be granted special leave from a mental health service for a maximum of 24 hours. The amendment will bring security patients in line with forensic patients under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 which allows a maximum of seven days special leave for medical treatment.

Special leave is often used to provide specialised medical treatment that is not available at the mental health service. Difficulties arise when the medical treatment cannot be completed within 24 hours, and multiple leave applications must be made to cover the period of treatment. This is considered onerous and unnecessary. This amendment will streamline paperwork by reducing the number of applications required to be made.

Part 5 of the bill contains amendments to the health practitioner registration acts referred to earlier.

There are currently 11 health practitioner registration acts regulating 15 health professions in Victoria. Only the Pharmacy Practice Act 2004 contains the up-to-date model provisions.

Broad structural reform to the current scheme of regulation for health practitioners is currently under consideration. A discussion paper has been released and 116 submissions received, including comments from registration boards operating under the existing legislation. The department has released an options paper and is conducting further

consultation with stakeholders before proposals for reform are finalised.

Stakeholders have indicated through the consultation process that there is strong support for introducing these reforms as soon as practicable. These amendments will provide consistency in health practitioner legislation without compromising the broader structural reforms under consideration.

The bill makes identical amendments to 10 health practitioner registration acts to provide consistent powers across the acts in relation to the identified areas.

The amendments in the bill allow boards to appoint persons to formal and informal hearing panels from a list of persons approved by the Governor in Council, rather than having to seek approval each time a panel is constituted.

They allow that, with ministerial consent, board members (including the president and deputy president) may continue to hold office, if required, for a period not exceeding three months beyond the date of expiration of their term of appointment.

The amendments allow the boards to grant specific registration to an applicant to meet an identified need for a practitioner.

The amendments allow boards to lift, vary or revoke the conditions on a practitioner's registration with agreement from the practitioner without returning to a hearing.

The bill contains amendments allowing boards to issue guidelines about minimum terms and conditions of professional indemnity insurance for registered practitioners, and require that insurance as a condition of the grant or renewal of registration, and other consequential amendments. As registered practitioners who are employees of public sector health care agencies are covered by state insurance provided by the Victorian Managed Insurance Authority, it is anticipated that any guidelines will focus on appropriate insurance cover for private practitioners to ensure that their patients or clients are protected in the event of a claim.

The bill contains amendments to the Chinese Medicine Practice Act 2000 to reflect amendments to health practitioner registration acts referred to in that act.

In part 6 of the bill two of these amendments are made also to the Veterinary Practice Act 1997, which is modelled on health practitioner registration acts. The first is the amendment allowing a board to lift, vary or revoke the conditions on a practitioner's registration with agreement from the practitioner without returning to a hearing. The other is the amendment allowing that, with ministerial consent, board members (including the president and deputy president) may continue to hold office for a period not exceeding three months beyond the date of expiration of their term of appointment.

Part 6 of the bill also makes some miscellaneous amendments to other legislation.

Section 75JB(b) of the Building Act contains a cross-reference to section 229 of the Building Act. An amendment to section 229 was passed in 2004, but the cross-reference in section 75JB(b) was not amended, and it retains wording that is no longer used in section 229.

The amendment in this bill corrects the reference in section 75JB(b) and provides for powers under section 75JB(b) that are more consistent with the general powers that were inserted into section 229 of the Building Act in 2004.

This bill also updates a department name used in the Health Act 1958 from 'Natural Resources' to 'Sustainability'.

I commend the bill to the house.

Debate adjourned for Hon. D. McL. DAVIS (East Yarra) on motion of Hon. Andrea Coote.

Debate adjourned until next day.

ELECTORAL LEGISLATION (FURTHER AMENDMENT) BILL

Second reading

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

Hon. W. R. BAXTER (North Eastern) — The Nationals are opposing this legislation. It is a bill that is dressed up simply as a housekeeping measure and therefore innocuous — that is what the government would have you believe. Indeed I acknowledge there are some useful changes included in the bill. But at the end of the day it really and truly has an obnoxious intent, and that is why The Nationals are opposing it.

This legislation is yet another chapter in this government's very, very long book of attempts to stifle smaller parties, to stifle the voice of Independents, and to make it much more difficult indeed for other than the major parties in our political system here in Victoria to survive and to thrive.

Hon. P. R. Hall — Looking after their own interests.

Hon. W. R. BAXTER — Yes, Mr Hall, they are definitely looking after their own interests. One only has to have a look around at some of the changes this government has made and trumpeted as being in the interests of democracy and giving a chance for smaller parties and indeed Independents to be represented in this house.

In that vein one can look at a topical subject: the proposed changes that come into effect from the next election in 2006 in regard to this chamber. We saw the Constitutional Commission of Victoria set up by the government bring in a number of proposals. Which one did the government accept? Despite the Premier going

out, time and again, saying that he was interested in making this chamber much more representative, he and his government chose the proposal of eight regions, each electing five representatives, to be the one that is most likely to consolidate the Labor Party in this chamber. And yet he has the gall to be going around and saying that he is giving the scope for Independents to come into this place.

If you come up with a scheme that sets the quota at 16.67 per cent, I say you are not being serious. If that is your claim and you set the quota that high, who can believe that you are in fact genuine? I certainly do not believe this Premier is genuine in wishing to see Independents represented in this chamber. This bill is yet another example of the big bad Labor Party trying to stamp on any opposition and trample on the competition that it might meet along the way. As I say, it sits very oddly indeed with the rhetoric of this government that it is open, accountable and transparent and that it is enhancing democracy, because so many of the things it has done since it has been in office are in fact the direct opposite of enhancing democracy.

One has only to look at the sessional orders the government has introduced into this place and the time limits it has imposed on members in this place to know that it is not about enhancing democracy at all. It is about turning the Parliament into a sausage factory: you feed it in one end and you get it out the other end as quickly as you can, and you leave the least possible opportunity for anyone who has another view to express that view.

I find it very strange indeed that the Premier can go around the state, as he does so often, and be on the airwaves, spouting this nonsense about enhancing democracy when in fact he has been in charge of a government that is doing the exact opposite. I often think if George Orwell were alive today, he would certainly see that his predictions in *Animal Farm* have come to pass absolutely in this Labor government of Victoria.

Have a look at the Premier, for instance, in a couple of the comments he made last week when the Electoral Boundaries Commission announced the draft boundaries for the new regions for the upper house. Without commenting on the merit of those suggestions, except to say that I do have some concerns that they do not exactly match the requirements in section 9 of the Electoral Boundaries Commission Act, what did the Premier have to say about it? Did he deal with the boundaries at all? Did he deal with the process? Did he discuss the issue at hand? No, he did not. We had him quoted in the *Shepparton News* on the Friday, the very next day, saying that for the first time in 150 years we will have fair electoral boundaries in the Legislative Council. Let us think about the logic of that for a moment.

The current boundaries that we work on in this place, the provinces, are comprised of four contiguous Legislative Assembly districts. So if you follow the Premier's logic that the boundaries in this place are currently unfair, it follows as a matter of logic that the boundaries in the other place are unfair. Is that what the Premier is contending?

Hon. P. R. Hall — Sounds like his logic.

Hon. W. R. BAXTER — That is exactly the logic of the Premier. There is no indication he is intending to change the boundaries in the other place or that he thinks they should be changed, yet the spin he puts out around Victoria is that somehow the boundaries in this place are unfair. I say that if they are unfair here, they are unfair in the other place as well, because they are identical boundaries. What else did this Premier have to say about the announcement by the Electoral Boundaries Commission?

Again, the Premier did not address the issue at hand as to where the boundaries are proposed to be drawn. He said, 'We have got rid of the rort of eight-year terms', that is what he said. His parrot over here on the back bench says, 'Hear, hear!'. Putting aside the fact that no-one in this place yet has ever had an eight-year term, what does he mean about the rort of eight-year terms? Why do we not have a look at who was responsible for members in this place to potentially serve an eight-year term? It was none other than the Premier's own party — the Labor Party in Victoria — which amended the constitution of this state to provide for a fixed four-year term in the other place and for members of this place to serve two terms of the other place. It is an absolute disgrace that we have a Premier of this state who is so willing and ready to so often get on 3AW and come up to the *Shepparton News* and elsewhere and spin these stories, which are simply untrue, to the people of Victoria. They are absolutely untrue and it does the Premier no credit whatsoever that he is prepared to do that.

Looking at the bill itself, we need to acknowledge, as I did at the beginning, that it does have some worthy provisions. The Nationals would certainly be prepared to accept these changes if they were brought in separately to this bill today, because it makes it clear that any offer to profit under the Crown ceases when the person is elected to Parliament. We have all had our difficulties with those provisions over the years. I well

remember legislation earlier on had to be brought in to rescue a former member of this house, Mr Landeryou, and a former member of the other place, the then member for Benambra, Mr Lieberman, because they had inadvertently fallen foul of the office-of-profit provisions.

The legislation will entitle persons aged over 70 to register as general postal voters. That is a change that has a deal of merit. It will abolish the current list of eight reasons to obtain a postal vote and simply require a declaration that the voter is unable to attend a voting centre. That is an acknowledgment that the current list of eight reasons has become a bit outdated and a bit unnecessary. You are either available to vote on voting day or you are not. It does not really seem necessary that you have to conjure up a reason beyond that.

The legislation will simplify the how-to-vote registration process by the electoral commissioner. How-to-vote registration came in as a consequence of the actions of a former secretary of the Labor Party at the famous Nunawading by-election which we all remember. We have got how-to-vote card registration as a result of foul play by the Labor Party, yet again another example of its desire to muddy the waters in terms of democracy rather than enhancing them, as it so frequently claims. But I do not have any objection to the registration of how-to-vote cards and I certainly welcome any moves which will simplify the process to have them registered, bearing in mind the time pressure that everyone is under at that particular point in the election cycle, not only candidates but the electoral commission itself.

Another amendment included in the bill makes it clear that all candidates for the Legislative Council in a particular list will be entitled to the return of their deposit if the total first preference votes for the team is more than 4 per cent, and that is clearly a useful clarification in light of the fact that we are going to proportional representation and teams of candidates will be running together.

The election manager will be authorised to temporarily suspend voting in specified circumstances, and it is sad that the example I have got here in my notes is a bomb threat. What we have seen in London in the last few days of course is nothing that we might experience here on election day — hopefully nothing like that — but we have to make provision for that sort of activity. The bill specifies that a tied vote in the final vacancy in the Legislative Council region of five to be elected will be determined by lot. One would hope that that does not need to be exercised on many occasions but clearly it is a good idea to have a provision in the legislation to enable such a circumstance to be dealt with and it makes similar provisions for local government elections. I will come back to the local government elections in a moment.

Let me deal more fully with what I have styled the obnoxious provisions in this bill. The provisions have been designed by the Labor Party, or the Labor government, to make it more difficult for smaller political groupings in our community to establish and moreover to survive. It will require the parties to seek re-registration at a specific time during the life of each Parliament. Now the house will be aware that currently the legislation provides for the registration of political parties. That was again an enactment of a Parliament some years ago to try to overcome some problems that were being seen at the time with all sorts of parties or alleged parties springing up willy-nilly and perhaps misleading the electors, so registration of parties in principle is quite a good idea. But I fail to see why we need specific provisions in the Electoral Act to require the parties to go through the process of re-registration during the life of each Parliament. More particularly I find it very strange indeed that the bill before the house makes it so difficult for that re-registration process to proceed in a proper manner, because it gives a very narrow window of opportunity for a political party to seek registration. I see no reason why that is necessary. I see no reason why we need a compulsory re-registration in the life of each Parliament.

Section 52 of the Electoral Act already provides for the electoral commission, if it so chooses, to inquire into a registered political party to establish whether or not it still meets all the criteria for registration — that is, 500 financial members et cetera. In fact the Victorian Electoral Commission is at this very moment undertaking under section 52 that process in regard to The Nationals because many members of The Nationals around the countryside have received a letter from the electoral commissioner in the last fortnight or so asking them to certify that they are indeed financial members of the party.

Again, I do not object to it; that provision is in the bill. I am sure that is the section the electoral commissioner is using at the moment. I am sure the electoral commissioner is not pre-empting Parliament and going off on this excursion on the basis of what is in the bill before the house; I do not think that for one moment. I think what he is doing is using section 52 — that power is there and it is being exercised. I think that is perfectly adequate. Why do we need to go further? Why do we need to put small parties through the hassle, the expense and the trauma of having to go through this very expensive re-registration process in the life of each

Parliament? And I say expensive because now a $5000 fee has to be lodged when you seek re-registration — and that fee, like a lot of actions of this government, is indexed and so will be jacked up on 1 July every year.

Hon. Richard Dalla-Riva — Where does it go?

Hon. W. R. BAXTER — Where does it go, Mr Dalla-Riva? A good question. Presumably now it is not $5000; as there was a rise on the first of this month it will now be $5000 and something. I have to make a confession that the increase from $50 to $5000 was in fact enacted after the last time we had electoral legislation before the house. It was in one of the schedules to that bill and I missed it; if I had found it I would have been protesting loudly at the time. I admit that I did not do my homework sufficiently well on the last occasion. Be that as it may, the $5000 is now in the law, and that is a huge impost for a small organisation to meet. For what? What is the purpose of it? What advantage will it provide when, as I say, section 52 already provides a mechanism for if there is any doubt as to whether or not a particular registered party still meets the criteria?

I think it is just another attempt by big Labor to stamp out the little guy. That is what it is on about, and it is dressing it up here to make it look as if it is all above board. I say that it is simply not above board. The fact that it gives only the two-month window of opportunity for the re-registration process to proceed is again, I think, an attempt to hinder and to thwart. I do not know whether the electoral commissioner will write to all parties and give them forewarning of the two-month period each time it clicks around. I expect he will. I hope he will, because I think it is a bit much to expect some of the small parties to have a fully fledged administrative structure by which they would automatically be aware of this anyway.

The second obnoxious part that I do not like about the bill goes to the number of signatures required on the nomination form of an Independent candidate. The current Electoral Act says it is six both for the Assembly and for the Council. The bill introduced into the other place proposed there be 50. What happened in the other place? The Independents over there, to their credit, made representations to the government that that was too onerous a provision, and the government introduced amendments in the other place to leave it as six. But they did nothing about the Council; the requirement for here remains at 50 signatures. I say: why the discrepancy? Why the difference? If it was good enough for the goose, it is good enough for the gander. If it was going to accept the representations of the members for Gippsland East and for Mildura in another place, why did the government not follow through and make the same provision for the Legislative Council? I know why: because it knows how difficult it will be for an Independent — time wise and otherwise — to get 50 electors signing their nomination form. It is not just a matter of marching up to 50 people in the street and asking them to sign; you have to check that the signers are properly registered on the electoral roll. It is quite a task, and this is an obstruction being put in the way of people offering themselves to stand for Parliament as Independents.

Now I am not in favour of Independents being in the Parliament by any means, but I want to give people in a vibrant democracy every chance to offer themselves for election if they so choose, and for the people to make a decision. The last thing I want to see are impediments put in the way that in the end simply advantage the big political organisations over the rest. I think that as a matter of principle The Nationals are quite right in opposing this legislation. There does not seem any advantage in it; it just seems to place obstacles and hurdles in the way of people who might have an intention or desire to stand for Parliament — to catch them out and to make it as difficult as possible. I think the house ought to reject the bill on that basis alone.

Let me turn to the local government elections and the recent imbroglio that we heard a bit about in question time today, because this bill also refers to elections in the local government sphere. Today we heard the minister announce somewhat of a backdown by the government. I do not criticise the government for backing down on an issue. What I do criticise the government for, though, is for not consulting properly in the first place and for trying to impose restrictions on local government and on local government elections without adequate consultation.

We know there was absolutely inadequate consultation on this issue. I have here a document from the Victorian Local Government Association (VLGA), which says:

> … several significant new provisions have crept in without any discussion with councils or peak bodies …

Further on it says:

> No sector consultation has taken place. No consultation has taken place with councils, councillors or peak bodies …
>
> The regulations seriously undermine democratic principles in the name of trying to deal with 'dummy candidates'.

The VLGA goes on to say:

> … these issues are essentially about democratic representation and safeguarding community confidence that principles should be the key drivers for our understanding of

> democratic processes. Communities need to be brought into discussions about electoral processes and democratic representation. It is the height of arrogance for one level of government to be tinkering with fundamental principles regarding the conduct of elections for another tier of government while claiming to have restored local democracy.

That paragraph from the VLGA is such a condemnation of this minister and this government. In question time today this Minister for Local Government stood in her place and talked about consultation and alleged that a previous government rode roughshod over local government, when her own hands are soiled by this document. Yes, it went out for consultation on some regulations which were going to sunset prior to the next scheduled elections, but it ought to be criticised for leaving it so late. Who is minding the shop if no-one woke up to the fact that those regulations were about to expire? So it rushed out a regulatory impact statement (RIS) with a return date of 7 July, and it did a modest amount of consultation on the issues that were being rolled over, but then it whipped in these other crazy ideas.

One crazy idea was not to allow candidates to comment on council policies in their statements that the Victorian Electoral Commission (VEC) sends out to electors. How on earth are the electors to make an informed judgment if the candidates cannot express their opinions in at least the one document that most electors would have the chance to peruse if they so choose before they make a decision about whom to vote for? What a joke it was to say, 'Well, we are not going to allow you to include your preference distribution in the documents that go out from the VEC'.

I thought we were here to help people. I did not think we were here to make it as difficult as possible for the average citizen out there — many of whom do not take the day-to day interest in the political system that we do — or that we are here to leave them in the lurch or in the dark. I thought we were here to give them maximum information so that they could make an informed judgment — but apparently not according to this government. It wants to exclude people from having the maximum amount of information.

Although we saw a commendable backflip from the Minister for Local Government today, the government went out before it realised how hot it was going to get in the kitchen and was defending its stand. I refer to a letter written by the Minister for Sport and Recreation as the Acting Minister for Local Government, as published in the *Wangaratt*a *Chronicle* of 8 July.

Hon. P. R. Hall interjected.

Hon. W. R. BAXTER — Mr Hall, I could say from some experience to the minister, if he were here, that it is very risky to be putting your name as an acting minister to things that you do not know too much about — because it often comes back to bite you. His letter states:

> I would like to clarify some misapprehension over a number of issues regarding proposed council electoral regulations.
>
> The regulations will give effect to important electoral reforms introduced by the Local Government (Democratic Reform) Act 2003 and are part of an ongoing process to strength democracy in Victorian councils.

Hon. P. R. Hall — Destroy or strengthen democracy?

Hon. W. R. BAXTER — No, it says:

> … strengthen democracy in Victorian councils.

How does that sit with what we heard from the minister today? When did she go down the road to Damascus and decide that what the government was doing was destroying, Mr Hall, not strengthening democracy. Minister Madden goes on to say:

> The act was subject to a long and comprehensive consultation process including special briefings of stakeholders, councils and community representatives. Peak bodies were briefed on the draft regulations ahead of the period of public comment.

That is true as far as it goes. Yes, they were acting on the regulations that were being rolled over but as I have just read out from the Victorian Local Governance Association (VLGA) document, they were not taken into the tent on these new radical proposals that I have just outlined, so again government spin is coming in. The average citizen reading this letter might be led to believe that everything is above board. Clearly, it is not.

Then, on Sunday, 17 July — only two days ago — the Minister for Local Government issued a press release headed 'Consultation strengthens local government democracy'. The spin doctors have been at it again! The Premier's influence extends across the government, because that is what he does. What a misleading headline! The first paragraph says:

> The state government will add requirements for a disclaimer on candidate statements in local government elections that indicate the views are that of the candidate and not the authority running the election, the Minister for Local Government, Candy Broad, announced today.

I am not a journalist but I have written a few press releases in my day, and I have attended a few sessions run by journalists on how to write press releases — but this one would score 1 out of 10, because anyone reading that first paragraph would say, 'What on earth

is she on about? It makes no sense at all'. I do not believe that is because of any carelessness amongst the spin doctors opposite; I say it was absolutely by design. This press release was to announce a backdown and the government wanted to hide the fact that it was backing down. It would have earned a lot more credibility if it had come out and said, 'Yes, we have listened. We acknowledge there is widespread unease in the community about these proposals, and we are therefore not going to proceed with them'.

Hon. B. N. Atkinson — And especially in its electorate offices.

Hon. W. R. BAXTER — There is no doubt about the electorate offices, Mr Atkinson, because as we know that is where the Labor candidates are incubated.

Hon. R. G. Mitchell interjected.

Hon. W. R. BAXTER — We did not see Mr Mitchell at the Victorian Farmers Federation conference either. He claims to represent rural Victoria in the Labor Party, but he could not even bring himself to go to the VFF conference despite the fact that it lasted for 48 hours. All he wants to do is insult the farmers of this country by alleging that they were drinking in Collins Street.

The fact that the minister has put out such a peculiar press release is absolute evidence that she got this very wrong indeed. These decisions, actions and proposals were designed to impede opposition to Labor Party candidates and to Labor-run councils — many of whom have a heck of a lot to answer for if one simply reads the newspapers, particularly out in the north and north-west parts of the metropolitan area, where one can see the ratepayers money being squandered unmercifully. I think this proposal was simply designed to make it much more difficult for more Independent-minded candidates to highlight those deficiencies of the councils.

The government has been caught out. It knew it could not sustain these proposals, and it has given them up but I say that the government would have heaped much more credit on its head if it had been honest about it instead of trying to hide it in this very peculiar press release.

The government stands absolutely condemned for what it has attempted in terms of local government elections, and it stands condemned for what it is trying to achieve albeit by subterfuge in this bill to make it much more difficult for Independents and minor parties to get a foot in the door in terms of parliamentary representation in the state of Victoria. The bill ought to be rejected.

Ms MIKAKOS (Jika Jika) — It is a pleasure to rise today to speak in support of this important Electoral Legislation (Further Amendment) Bill. Victorian voters understand the importance of voting and the responsibilities that go with it, and they understand that fair and free elections are the measure of the strength of our democracy.

We in Victoria are fortunate that there is strong public confidence in our voting system. However, voters expect that from time to time there will be improvements to that system. The bill seeks to make improvements to voting procedures, registration processes for political parties, nomination criteria and other administrative amendments. The changes contained in the bill are sensible and practical amendments that are needed to ensure the electoral process in Victoria remains fair, accessible and efficient. It is important to remember that many of the amendments in the bill were proposed by the Victorian Electoral Commission whilst others are being introduced to improve voting and electoral procedures.

I want to quickly run through some of the key provisions in the bill, which makes a number of amendments to the Electoral Act. One amendment relates to permitting electors 70 years of age and over to apply to become general postal voters. This is an important amendment. We are all aware of the evolving demographics of our own electorates, and anything that makes it easier for senior Victorians to participate in elections must be supported. I am sure many of us would have heard stories that demonstrate the length that some of our older constituents will go to in order to cast their votes. I remember many cases of people coming along to polling booths in taxis, with relatives, in wheelchairs, with walking-sticks and walking frames — they were making a great deal of effort to exercise their democratic rights, and I commend them for those efforts — —

Hon. Andrea Coote — In aged care facilities!

Ms MIKAKOS — And in aged care facilities, that is right. The amendments also permit early and postal voting by electors who make a declaration that they are unable to attend a voting centre on election day. The bill will also expand the definition of 'registered officer' of a political party to include 'deputy registered officer' to enable the deputy registered officer to perform functions usually performed by a registered officer if that registered officer is unavailable. The bill also simplifies the process for registration of how-to-vote cards by requiring registered political parties to register all their how-to-vote cards with the

Victorian Electoral Commission rather than with election managers.

The bill establishes a procedure for the correction of errors in registered how-to-vote cards and allows alterations to be made to registered how-to-vote cards no later than noon on the fifth working day before the election. The electoral commission's decisions in relation to these alterations to registered how-to-vote cards will be reviewable in the same way as decisions on the initial registration of how-to-vote cards. The bill provides that the commission must refuse to register a corrected version of a how-to-vote card if the commission is satisfied that the card is likely to mislead or deceive an elector in casting their vote or is likely to encourage informal voting, or if the card contains offensive or obscene material. These provisions are likely to prevent many potential abuses of the provisions permitting correction of registered how-to-vote cards.

The bill also permits the temporary suspension of voting at election day voting centres, so that in situations where voting is interrupted for a short time — for example, in the event of a false fire alarm — it can be resumed later in the day. This provision will ensure that voting does not cease for the remainder of the voting day and that voters are not unduly inconvenienced by having to go in search of another polling booth.

The bill improves the administration of the return of candidates' nomination deposits; it exempts nomination deposits from being paid into the consolidated fund until after deposits have been refunded; and it repeals spent provisions in the Electoral Act.

Lastly, the amendments to the Electoral Act will require registered political parties to re-register every four years with the cycle to run mid-term and include the process for re-registration. I note that The Nationals have indicated their opposition to this provision. Their view is that this will disadvantage smaller parties. However, it is important that members note the Victorian Electoral Commission can currently review the registration of a political party from time to time. Like Mr Baxter, I am also aware of some of my ALP local branch members who have recently received correspondence from the commission; they, too, have been asked to certify their membership of the ALP.

As part of the review the commission can require a party to provide it with up-to-date information and documents, including a list of names and addresses of at least 500 members. The bill requires the information to be provided to the commission within two months rather than the current 30 days, so it will make it easier for smaller parties to comply. I think these provisions are important if we cast our minds back only a few years ago to what happened with the One Nation party, when it failed to provide proper information to the electoral authorities.

The bill also seeks to amend the Constitution Act 1975 in that it clarifies the nomination and eligibility requirements for Crown office-of-profit holders. These office-holders will not be required to resign from office prior to nominating as a candidate in a state election, but upon their election will no longer hold that office or place of profit. I understand that as a result there will be no change to local government councillors being able to stand for election to state Parliament as they are not considered to be Crown office-of-profit holders.

The bill also makes consequential amendments to the Constitution (Parliamentary Reform) Act 2003 to simplify the registration of how-to-vote cards and to increase the number of nominations required for the nomination of an Independent candidate for election from the current 6 to 50. The bill also specifies that the process for determining a final vacancy in the Legislative Council will be that in the event of a tie for the final vacancy, the result will be determined by lot by the election manager. This provision is further replicated through a similar amendment to the Local Government Act in respect of a tied vote in local government elections.

I want to spend a little time discussing the new requirement that Independent candidates for election to the Legislative Council provide 50 signatures on each nomination form. I note at the outset that the current nomination requirement to have six signatures for election as an Independent to the Legislative Assembly will continue to apply. There was considerable debate in the other place regarding this issue and about the impact it would have on Independent candidates. I must say I was quite bemused by the level of concern raised about the most recent Independent member in this place. No doubt it is greatly reassuring to that honourable member to know that members opposite have her best interests at heart and are so concerned about her re-election prospects.

However, in respect of the specific clause, from the dissolution of Parliament in 2006 the size of the Legislative Council regions in Victoria will be greatly increased. As I am sure all members are acutely aware at this point in time, each region will be 11 times the size of a Legislative Assembly district and will have approximately 440 000 potential voters, so it is reasonable to require that greater support be shown to

Independent candidates seeking election for a region than would be required for a district.

In its report on the inquiry into the conduct of the 1996 federal election the commonwealth Parliament's Joint Standing Committee on Electoral Matters recommended that the number of signatures required for support of nomination by a candidate not endorsed by a registered political party be increased from 6 to 50. The basis for that recommendation was that a candidate who is unable to attract 50 signatures within a division at the commonwealth level, let alone within an entire state or territory in the case of the for the Senate, would have no hope of election. The joint standing committee recommended that potential candidates should be asked to demonstrate at least that modest level of support when preparing their nominations.

We believe that given the requirement that registered political parties must have a membership base of at least 500 members, it is not unreasonable to require demonstration of support by 50 eligible electors for Independent candidates seeking election to the Legislative Council. If they cannot garner even 50 supporters to sign each nomination form, what hope do they have of getting elected? This provision is not about hobbling Independent candidates; it is about placing the onus on an Independent candidate to demonstrate that they are not a one-song record, that they are up to the challenge of working hard to garner support and maintain that support over a four-year period, and that they represent a broad cross-section of Victorians.

Before I conclude my remarks I want to make a few comments about compulsory voting — an issue addressed by the Honourable Chris Strong in his contribution. I put on record that I agree with the Honourable Chris Strong in this respect — and he might be shocked at that! I, too, strongly support the retention of our compulsory voting system. I note that there have been some comments at the federal level about this issue, and that the Prime Minister has ruled out any change to the system at a federal level. I hope that he keeps to his word; we certainly know he has not done that in respect of other issues.

It is important that the Prime Minister takes on board the very strong support amongst Australian voters for the retention of compulsory voting. I refer members to an Australian election study conducted in 2004 by the Australian National University, Queensland University and the Queensland Institute of Technology; it found that 74.1 per cent of those surveyed supported compulsory voting. By contrast, only 27.2 per cent were in favour of people voting only if they wanted to vote. A poll conducted by the market research company Ipsos-Mackay came up with similar results — that is, 74 per cent favoured compulsory voting.

Our system of compulsory voting has delivered stable and accountable government for over a century. Most importantly, it has done so in a manner which has provided unquestioned legitimacy to the government of the day, irrespective of who that government might be. We must never find ourselves in a situation similar to that which occurred in the US presidential elections of 2000, where questions remained for many years as to the legitimacy of the election results in a small number of states such as Florida. If the self-titled world's greatest democracy can only encourage 57 per cent of the eligible voters to elect its President, what does that truly say about democracy and electoral process in that country?

Well over 90 per cent of eligible Australians voted at the last election, which we should be extremely proud of. We have a system that works well. Voters have confidence in it and we must work to maintain that system for the good of our democracy.

I note that the Attorney-General in the other place has recently put out a discussion paper encouraging the Victorian public to engage in discussion about human rights. I strongly welcome that. In particular that discussion paper poses issues to do with the right to vote. I think it is important that Victorians become aware that we do not actually have a right to vote as such and no constitutional guarantees at either a state or federal level. That needs to be addressed. Section 41 of the Australian constitution only provides a right to vote in federal elections if an adult person has the right to vote in state elections under state laws. In fact a person would need to be 123 years old today to actually have a constitutional right to vote. It is clear that this needs urgent attention.

In conclusion, this is a fair and appropriate bill which deserves support from every member of this place. We are lucky to have an independent, fair and impartial electoral system, but we must look at finetuning this electoral system at every opportunity to ensure that the Victorian public can maintain confidence in it. This bill strengthens democracy in Victoria.

I know The Nationals are still wracked with nerves, given the release of the draft boundaries a week ago and obviously the impact that would have on their representation in this chamber, but I urge them to take up the interests of all Victorians and support this bill.

Hon. RICHARD DALLA-RIVA (East Yarra) — I am pleased to have the opportunity to make a contribution to debate on the Electoral Legislation (Further Amendment) Bill. Ms Mikakos talked about a political party that is wracked with uncertainty, but those on the other side are certainly also going to be wracked with intense anxiety as they come under the new regional boundaries. They will be in a very awkward position as a number of their people will be at a disadvantage.

This government also talks about the freedom of democracy and speech — it continually spins out such wonderful rhetoric to the marketplace. They see the people and the voters as a marketplace, as vehicles for building their own political apparatchiki and castles around the entire area. This bill extends the erosion of democracy and the rights of Victorians to have a freedom of speech and proper representation in Parliament. This bill will be the downfall of this government. I should put on record that we will not be opposing this bill although there is a raft of issues that we have some concerns with.

The bill amends the Electoral Act 2002 — another attack on our constitution; the Constitution Act 1975 — the government could not get it right the first time; the so-called Constitutional (Parliamentary Reform) Act 2003; and the government is launching another attack on local government through its amendment of the Local Government Act 1989.

In the context of the Honourable Bill Baxter's contribution about spin and rhetoric, I will read from the purpose clause of the bill, which talks about amending the various acts I have referred to. It says, in part:

> … to improve the operation of the electoral system in Victoria.

I read that a couple of times and thought, 'This is magnificent spin within a bill of Parliament'. The spin doctors just have to put it into an act of Parliament. People who are doing doctorates in marketing should study the Victorian government and the methodology of its marketing spin. It is not only in the billions it spends on blatant advertising across all its departments, but we could also look at the micro areas where the spin-speak and the Bracks-speak come in.

When this government loses office it will be renowned as a government that has done absolutely nothing for Victoria other than to again drive us into the red. It will be renowned as a government of spin and of failing to deliver for all Victorians in a democratic way. This bill again reflects how the government is going about that and I thought it important to make that reference in the context of where we are heading.

Part 2 of the bill relates to changes to the Electoral Act. There have been discussions on all sides about its being appropriate for persons aged 70 or more to be able to enrol as general postal voters. In his contribution the Honourable Chris Strong discussed the merits or otherwise that we might see if we had a system that allowed for the discretion of voters. I understand, however, that Ms Mikakos expressed some concerns during her contribution about people who have difficulty in attending polling booths, so there is some merit on both sides in relation to the argument. On balance this is an appropriate change to the act that will allow people to make an informed decision when they reach that particular age.

I also take up the earlier interjection from the Honourable Andrea Coote that 70 years of age is perhaps too young. That is probably true when you consider the way society is moving; the average age is probably a bit higher than it was. I do not think there was any rational review undertaken resulting in the age of 70 being picked; I assume it was just a figure picked out of the air.

We have heard contributions from both sides of the house in respect of clause 5 in part 2 of the bill which inserts new sections 58A to 58D relating to the re-registration of registered political parties. In respect of re-registration the Honourable Bill Baxter asked why we have to pay $5000. What is the red-tape, bureaucratic reason for this? Of the 25 000 extra public servants employed by this government there will probably need to be a group of 100 who will now be employed to undertake this particular task. I am concerned about where the registration fee will go. I would say on balance — and I could probably take a bet on this — that it will go into consolidated revenue, but I might be old fashioned. It might be a view I share just with myself, but I think a few million other people in Victoria may also share my view.

I have looked at the explanatory memorandum to the bill and I would like some clarification from the government because I think it is a bit raw. I have said before that it is always an indication that the government is trying to hide something when the explanatory memorandum is scant in detail.

With respect to re-registration of a registered political party, proposed new section 58D on page 5 of the bill says:

(1) If the Commission determines that a registered political party that has applied for re-registration may be re-registered, the Commission must —

and it goes through a series of steps that are required before it may be registered. I am concerned about subsection (2) of the same proposed new section which says:

(2) If the Commission determines that a registered political party that has applied for re-registration should not be re-registered, the Commission must give the political party written notice that its application has been refused, setting out the reasons for the refusal.

I have gone through the bill to try to find what it is that the commission determines. There is nothing in the bill that actually sets out the basis on which a commission determines that a political party should not be re-registered. I know government members would like to have a single political party system in this state. They would like to get rid of the Liberal Party, The Nationals, the Independents and the Greens. While they are at it they might rebadge it the Communist Party, but that is another discussion for another day. The question is: what are the determinations the commission makes? In other words we could have a situation, which I am not suggesting is happening now but which could occur down the track, because we know the Labor Party is very good at putting its mates into particular organisations; it is all mates and spin. I get confused some days with which is which.

Hon. Andrea Coote — The Melbourne Cricket Club.

Hon. RICHARD DALLA-RIVA — The MCC; I will be honest: Will Fowles ran for East Yarra and the outcome was that he failed to get in there as well, so I am sure he would be a pretty average contributor to the MCC. What happens if the commission determines down the track that it does not want to re-register the Liberal Party?

Hon. R. G. Mitchell — It would be a very wise decision.

Hon. RICHARD DALLA-RIVA — I take up Mr Mitchell's interjection that it would be a very wise decision. He just confirmed exactly what I am saying: this is a government controlled by members who want a single-party system. They do not want to have other political parties involved because they would get in the way of their one-party system. The problem is that there is nothing in the bill — —

Hon. J. M. Madden interjected.

Hon. RICHARD DALLA-RIVA — The minister is asking me to speak to the bill. I am doing that. I look forward to the minister's contribution because there is nothing outlined in the bill in respect of proposed new section 58D to determine what would make a commission re-register a political party. Victorians ought to be very scared of legislation that places that on the public record.

With respect to clause 7 of the bill, which deals with how-to-vote cards, this subject is discussed in more detail in clause 18, which I will refer to later.

Hon. B. N. Atkinson — The Batchelor amendment.

Hon. RICHARD DALLA-RIVA — We will get to the Batchelor amendment later. Part 3 of the bill deals with the Constitution Act 1975. How many times has this government attacked the constitution of Victoria? How many times has it got its fingers into the constitution of this great state? Why does it continue to touch the poor old constitution? It is because it does not like it and is trying to build in its methodology of control and overarching. This clause has nothing to do with what is right for the good of Victoria. You could call this the Hastings electorate clause because, as we know, at the last election the member for Hastings in the other place was investigated in relation to her eligibility.

Hon. B. N. Atkinson — It is all Rosy now.

Hon. RICHARD DALLA-RIVA — As the Honourable Bruce Atkinson says, it is all Rosy now though, and we are looking forward in a Rosy sort of way. That is what this is about.

The other question that was brought up in debate is how many people there are working for the Crown who are employed in ministerial or electorate offices and vying for a seat in Parliament. That is what it is about. As has been said before, electorate offices of the Labor party are breeding grounds for future MPs within the Labor Party. We know that; it is an irrefutable fact. As we are finding out more recently, they are also the breeding grounds for local government. The electorate officers slime and slither around the electorates to find every conceivable hole they can in local councils and in terms of seats. They slither around finding out where they are going. That is what part 3 is about if we break it down. It is about putting their Labor mates into positions that allow them to control it. It is about control; it is about their belief that they know best. Well done, to you all!

Part 4 is in relation to the Constitution (Parliamentary Reform) Act 2003. Again, this was put up to provide that 50 persons must sign nominations, but again they

fell over to the so-called Independents in the other place. They make it more difficult for the true Independents in this place — those who are prepared to stand up to the Labor Party as Independents. I note with some concern that the government purports to have democracy as part of its mantra, but we have heard the previous speaker, Jenny Mikakos, talking with a level of glee about the difficulties one Independent member is going to face in terms of getting the signatures of 50 persons. This is about obstruction. I believe the honourable Independent member will be moving an amendment, and we look forward to that coming on in due course.

I touched on clause 18 briefly in relation to clause 7. This again lacks clarity. It does not clarify my view, and the explanatory memorandum is again very light on. It does not provide clarification in terms of the how-to-vote cards, such as whether you can have how-to-vote cards that combine Legislative Assembly and Legislative Council members. There is no clarity on that. I look forward to the government giving some direction on that. If you go through the bill, you see it is not clear. I would like it to be clearer. It demonstrates the rush with this bill. There are spelling mistakes on page 3, and there are others that I have picked up in the bill. That again demonstrates the sloppy management of the bill. We will not oppose this bill, but I will feel sorry for all Victorians as it passes.

Hon. R. G. MITCHELL (Central Highlands) — I rise to speak in support of the Electorate Legislation (Further Amendment) Bill. The bill will improve the voting procedures and registration processes for parties, the nomination criteria and other amendments.

This bill provides that voters who are over the age of 70 can apply to the Victorian Electoral Commission to enrol as general postal voters. We are aware that Australia has an ageing population, and because of this many people over the age of 70 find it very difficult to get to polling places to vote on election day. With this bill we are assisting the communities of people who experience difficulty in getting to voting centres to exercise their right to vote. The bill allows for early and postal voting for those who will be unable to attend voting centres during the voting hours on election day. What this does is modernise the voting procedures in Victoria to make it easier for all to cast their votes.

The bill also makes some appropriate improvements to the registration process of political parties. It increases the number of signatures required for an Independent to run in the Legislative Council from 6 to 50 and is in line with the current practice of the commonwealth.

In my very brief contribution I want to take up some points that Mr Baxter brought up. Those who were listening to Mr Baxter's contribution noticed that for the first 8 minutes he whinged and complained about not getting eight-year terms. Making them accountable to every voter at each election is something that scares The Nationals. This is the party that professes to be the high moral keeper in this place. While there is a lot of rhetoric and garbage about a number of issues we know that when it comes to morality on election matters their hands are dirty; in fact they are probably dirtier than anyone's in this place.

Hon. W. R. Baxter — Give us an example!

Hon. R. G. MITCHELL — I thank Mr Baxter: I have a fantastic example here. I have a letter addressed to all supporters of the Vic Nats Gippsland team from the Honourable Peter Hall. In the letter Mr Hall admits on paper that they actively support Independents running and giving them preferences and also running dummy candidates who are not genuinely trying to represent the people but are there to stack up the numbers to try and help a flailing party that is falling behind because its relevance to Victoria has gone. That was shown at the Victorian Farmers Federation (VFF) conference.

There are a few examples in the letter. It talks about how Ian Needham ran in Narracan. I am a bit concerned about the letter claiming that Ian Needham gets red toenails at beauty salons! But that is a different matter. I will quote the letter. It says:

> We actively sought Independents to run and give us preferences.

This is further proof of what goes on. They talk about morality, they talk about rhetoric, but there is nothing to it.

We also noted The Nationals, particularly Mr Baxter with his remarks, attacking the Independents in the lower house. They complain that they made amendments in the lower house — to the government's credit, it listened to the amendments, and they were taken on board — but that, as Mr Baxter said, the government failed to follow it up and do it for the Legislative Council. I ask Mr Baxter: if it is such a concern to The Nationals, why did not he or his colleagues do it? Why is he so lazy and incompetent that he cannot do it himself? The fact that they did not do it confirms that his party is a collection of whingers without any work ethics. Mr Baxter contends that because I did not attend the VFF conference I cannot represent the bush. While Mr Baxter was in Collins Street enjoying the free feeds, the free drinks and the

blah, blah of the very few farmers I was in a parliamentary committee looking into farm safety — something that he should take on board given he has done nothing about that in his 35 years of cushion warming. The next day he was up in Yea, Shepparton and Woodend trying to be the perfect example of someone running around representing electorates, like I am here to do.

We also heard Mr Dalla-Riva. Once again he provides the proof that the Liberal Party has a distaste for police, nurses and teachers. His attack on public servants is further proof that if ever Victoria makes the mistake of letting them into power, they will slash police numbers, they will cut nurse numbers and they will get rid of teachers. Is it any wonder that they are at their lowest ebb and continue to go down.

Our government is committed to the protection and integrity of the electoral system. It is giving everyone who is eligible an opportunity to vote. This government is committed to Victoria's electoral system, and I commend this bill to the house.

Hon. B. N. ATKINSON (Koonung) — As has been indicated, the Liberal Party will not oppose this particular legislation, but we do have reservations about the legislation. Apart from anything else, we have reservations about the way it has come to this house. It is another example of the government's incessant meddling with the political process to try to achieve the outcomes that are to its own advantage without having any proper consideration for the democratic principles of this state and this Parliament and the proper processes of this Parliament.

This legislation presumably represents the whims of the Attorney-General in the other house, Rob Hulls, and the Labor Party's penchant for experimentation in the political processes to, as I said, try to achieve the outcomes that are desirable for it in terms of representation in this place rather than outcomes that are in the best interests of Victorians.

This has been a very protracted debate. The Honourable Chris Strong spoke to this much earlier in the piece. In a process on that occasion the government then decided to defer further debate on the legislation whilst it pursued its business program on other pieces of legislation. Indeed we will see it again this week, where Mr Viney, a member in this place, is to bring about a quite extraordinary motion in government time to revisit an issue that has already been canvassed in opposition business, simply to filibuster, simply to fill in time.

This government has been unable to manage its business program and its legislative program in this place. As a result this legislation, which could well have had a less protracted passage through this house, comes to us on this occasion some considerable weeks after the major position of the opposition was put to the house. Therefore it was I think important that the Honourable Richard Dalla-Riva reiterated what the Liberal Party's opposition was, and I wish to take that a little further again today.

It is interesting to note that on many occasions the government is quick to the rhetoric. The Honourable Richard Dalla-Riva spoke of this government as being a government of very little substance, but rather of spin. I think there is quite a lot of truth to that. This is a government that simply quotes slogans. It gets someone to invent clever slogans and constantly quotes those slogans in the expectation that people will believe something if you say it often enough. As we see time and again so many of these slogans are simply hollow. In fact there is no substance to those slogans. Whilst the government continues to have all of its members sing from a hymn sheet in terms of comments that they ought to make there is absolutely no commitment to any of those things.

Perhaps there is no more hollow rhetoric in this place from this government than its supposed commitment to democracy. This is a party that said when it was in opposition in 1999 that it was committed to open and transparent government. Indeed this is a government that has been anything but that. This is a government that has constantly used the FOI system to frustrate scrutiny. This is a government that has tried to avoid the scrutiny of parliamentary committees. This is a government that in fact has put gags on speeches in this house. This is a government that has made sure that members in this house are less able to represent their constituents than at any other time in the history of this house by reducing the number of items they can raise in this house in the adjournment debate or in question time. This is a government that has made cutbacks to staffing levels. This is a government that has introduced government business programs to guillotine legislation and to pass legislation without proper scrutiny of this house, for the first time in its history.

This is a government that suggested it would have honesty and transparency in the answering of questions that were put to ministers, and yet we have ministers who fail to turn up at the adjournment debates, when in the history of the house ministers have always been at adjournment debates. This is a government where the ministers refuse to answer directly simple questions that are put to them but rather they prefer to dance around

and give clever, smart answers that try to ensure the government avoids the proper scrutiny of this place.

This is a government that fails to provide reports to members of Parliament, who do not seek those reports in their own right but on behalf of their constituents, so they can be better informed and so they can inform their constituents so they can have proper scrutiny of this government. Yet while the rhetoric is there about this government being open and accountable and committed to democracy, it is anything but. There is no more hollow claim than that which is made by this government in terms of democracy.

The Honourable Bill Baxter pointed out the issue concerning local government. I do not propose to dwell on that. I think he covered that matter adequately. But I point out that it is certainly my view that we should probably return to attendance voting in local government, just to put some honesty and integrity back into that system. I must say that personally I am attracted to first-past-the-post voting in local government as well because I believe that is the way to get rid of dummy candidates. You do not stand for election if there is absolutely no point in your standing for election because you do not have a quota of preferences to refer to somebody else, and therefore you put some integrity back into the system.

There is no doubt that local government elections have been severely diminished and tarnished by the actions of many people in developing dummy candidates, running mates in elections who have absolutely no intention of being elected but indeed are just there to actually damage the democratic process rather than to support it.

It is interesting that this government again, whilst it has talked about the importance of democracy, has conducted reviews of local government boundaries. Despite the fact that many local government authorities have resisted and have argued and put very logical and effective cases against boundary reviews, the government has overridden those and proceeded with boundary reviews that it thinks might be to the advantage of Labor candidates.

It is interesting for me to observe the Whitehorse City Council. If its members put as much time into considering some of the planning applications before the council as they put into considering their own re-election we would be a lot better off in that particular community. I notice that recently another office block development in the area of Blackburn has had to go through to the Victorian Civil and Administrative Tribunal because the council has failed to make a determination on its position on that particular town planning application. The same thing happened with that 15-storey office block in Mitcham, when the council failed to reach a determination and the matter went to VCAT.

This council spends an extraordinary amount of time deciding what electoral system it might have that will advantage the mates in that council rather than getting on with the business of providing good governance to the City of Whitehorse. I am very concerned about this government's incessant meddling with elections, both in terms of local government and certainly in terms of state government. It would have been much better for this government to actually consider the prospect of having perhaps a substantive review of electoral processes, perhaps by an all-party parliamentary committee or an independent review, to consider what we might do in terms of going forward with some electoral reforms rather than going on the whims of the Attorney-General.

Just as other members have indicated their concern, I am also concerned a little about why 'registration process' is defined as it is in this legislation. It may well be that the government has decided this is a method of dealing with sham political parties, those organisations that seem to come up from time to time, the intent of which seems to be more to damage the political process than to really add anything constructive, participate in the processes constructively or add to the public debate.

It occurs to me that instead of having the process that has been put in this bill, which imposes a financial penalty on parties in terms of having to constantly re-register, perhaps we could have a system that recognises that if parties have already achieved a certain level of representation in this Parliament they are clearly bona fide parties, and they might well have to register on one occasion over the electoral period rather than having to keep registering every year. I think there are better and less cumbersome processes that might well have been considered that would still protect the integrity of the system.

I am in favour of the office-of-profit provisions in this legislation. Personally I do not see a problem in that. I have been concerned for some time about the fact that many people have found it very difficult to stand for public office because of professions that they are involved in. In some cases they believe they are putting their careers at risk by trying to seek public office and then having to go back and hoping their job will still be available to them.

One of the areas that I think ought to have been clarified as part of this process, because I am not convinced at this point that it has been properly clarified, is the issue of somebody who is involved as a local government councillor at the time they are elected to Parliament. There has been quite a bit of conjecture and debate as to whether or not they are holding dual offices, and an office of profit under the Crown when they are elected members of local councils. Yet in the past we have certainly had a number of members who have continued to the expiration of their term as a councillor whilst they have been members of Parliament. That is a matter that we might well have clarified in legislation, and it might well have been addressed very competently had this been part of a more substantive and comprehensive review rather than something done at the whim of the Attorney-General.

I certainly am aware, going into this next election, that the changes made to the Legislative Council are very significant and sweeping. They are going to cause a great deal of confusion, and I am not sure in that context that the changes which are brought about in this legislation have effectively taken all of those into account and have considered them properly. From my perspective there is an inconsistency in the number of voters that one needs to secure a nomination to become a member of the Legislative Council going forward as distinct from being a candidate for the Legislative Assembly. I certainly find that there is some discrepancy in terms of the way in which those candidates will be able to participate in elections under this bill.

I support the fact that older Victorians ought to have the opportunity to register as general postal voters and that in fact there ought to be an opportunity to make sure that everybody does get a chance to exercise their vote in circumstances where they may not be able to attend a polling station on polling day. But I certainly do not fancy a circumstance where in fact people start to make a welter of pre-poll voting simply because it is seen as an easy way of doing it. It occurs to me that this may well be an area where the integrity of the voting is lost because of the circumstances in which some people may well seek to exploit the provisions of this legislation. I think it might well have been prudent to have had a much more thorough examination of this particular legislative change, apart from anything else in the bill.

I also indicate that the registration of how-to-vote cards is an important part of the integrity of the process. I am very mindful, as are a number of members in this place — particularly the Honourable Bill Baxter and the Honourable Graeme Stoney — of the days of the Nunawading Province by-election and the behaviour of the now Minister for Transport in the other place, Peter Batchelor, in putting out false and misleading how-to-vote cards in an effort to sway the voters of Nunawading Province. I think we are very concerned about the integrity of this process; indeed, the Batchelor incident effectively led to the registration of how-to-vote cards.

The provisions that are made here are largely administrative but certainly they are matters that we ought to take due account of going forward because they go very much to the heart of the integrity of our elections. Many of us have seen guerrilla marketing by certain candidates at different elections, where they have produced how-to-vote cards that are not properly registered or that vary from the cards that have been properly registered with the electoral commission. We need to make sure that voters are not misled at elections; that they have an opportunity of making a fair and reasonable decision; and that wherever possible — particularly bearing in mind the sweeping changes that will occur to the Legislative Council — those people who are exercising a vote are fully informed and are not confused by the processes of the voting, as distinct from the policies that they might be presented with by various candidates.

As I have said, the Liberal Party will not oppose this bill, but we could have done so much better had this been the subject of a more thorough examination by an independent review or by an all-party parliamentary committee rather than something done at the whim of the Attorney-General.

Ms ROMANES (Melbourne) — I welcome the opportunity to make some comments on the Electoral Legislation (Further Amendment) Bill. The bill contains a number of sensible amendments, which, as members of all parties have outlined, will go some way to adding to the effectiveness and efficiency of the way the electoral system is conducted. Certainly some elements of the bill are contentious, but overall there is considerable broad agreement amongst members here today on what is proposed in this bill.

As a result of the passage of the bill section 24 of the Electoral Act 2002 will be amended to include electors who have attained 70 years of age in the categories of people eligible to apply to the Victorian Electoral Commission (VEC) to be regarded as general postal voters. That is a great improvement on the categories that were designated as those that people had to belong to in order to qualify for a postal vote in the past. We are all well aware that voting is important to many seniors in our community. I am aware that many of

them, like my parents, proudly make their way to the polling booth on election day and are very pleased to take part in the democratic processes of electing members of Parliament and members of their local council. However, many older people have problems walking any distance or have other ailments that make it very difficult for them, and that actually can engender great anxiety for many of them. To provide that they can apply to generally have a postal vote automatically in the future will be of great comfort to many of them.

Section 44(2) of the Electoral Act will be amended to provide that a reference in the Electoral Act to the registered officer of a registered political party includes a reference to the deputy registered officer. This means that the deputy registered officer in the future will be able to perform the functions of the registered officer when that person is not available. Although part of the act has made that possible in the past, it will mean that that delegation extends to the full range of activities that are performed by registered officers of registered political parties.

The process for re-registration of registered political parties was discussed at some length by some members. I am aware that currently there are particular triggers that stimulate a review by the VEC of the registration of a political party, but this provision in the bill inserts a mandatory requirement to re-register mid-cycle between elections. This is put forward by the government to provide not only a check on what happens in the election period, when there is a qualification requiring the obtaining of a certain number of first preferences which would otherwise to a trigger a review, but also an additional safeguard to ensure that registered political parties meet the criteria for registration between elections. We have enshrined in the bill the requirement that this process should happen mid-cycle.

Given that we are moving to a four-year fixed-term election cycle, a very clear window of opportunity is designated — that is, the middle two months between election cycles — and it is very clear to all political parties when that will happen. Therefore, I do not agree with what Mr Baxter said about this being too short a period. Political parties will know for two years in advance that that period will be coming up and will have the opportunity within the two-month time frame to get their final documentation together to make sure that they complete that process within that two months.

The advent of a new voting system for the Legislative Council at the next state election of proportional representation and eight electorates of five members means that there will likely be an increased number of candidates vying for those positions. In this country we have experience of the way the Senate voting system operates, and we know that sometimes there are some very unmanageable Senate voting papers. There is an issue about striking a balance between our democratic system and the encouragement of participation, and a proliferation of candidates which may make the system unworkable. Therefore it is intended, through the provision in the bill, to require Independent candidates to meet the same requirements that are in place at the commonwealth level and to require a minimum of 50 signatories prior to nomination.

There has been a lot of discussion in the house today about the pros and cons of that requirement in the bill. It does raise the bar; it does lift the threshold. It means that an Independent will need more than a group of friends around the dinner table on a Saturday night to sign the nomination form. But in the voting system we have in this state I am sure the people of Victoria would like to know that those who are putting themselves forward as candidates are likely to achieve at least a modest level of support for their efforts and their capacity as candidates with potential to represent the community at this state level of Parliament. So I do not think it is too burdensome a task to expect an Independent candidate to go around and find 50 signatories for a nomination form if that same candidate is looking to go to 500 000 voters in that electorate just a few weeks later to contest the election.

The bill streamlines the registration of how-to-vote cards. It makes sure that the system is simplified, with cards from political parties going directly to the Victorian Electoral Commission, but provides that Independents and groups may still lodge their cards with any election manager for registration by the VEC. A small window of opportunity is offered for correcting any errors in a registered how-to-vote card before the cards are published. There are other provisions that provide for a more efficient system for the VEC of administering the collection from and the return of deposits to candidates. I am sure that will be very helpful to the VEC and will save a lot of time and trouble.

One of the important changes made by part 3 of the bill to the Constitution Act 1975 is the clarification of the position of candidates who hold an office of profit under the Crown. Having been one of those people and having stood for election to this Parliament while holding an office under the Crown — I was an investigation officer with the commonwealth Ombudsman at the time I nominated for Parliament — I see this as a very sensible and useful improvement on the situation that is currently in place. I recall that I had

to have my resignation ready in advance with the commonwealth Ombudsman, to be activated the moment the writs were issued. So I had a period when I was a candidate but was not employed, on the understanding that if I was unsuccessful in my candidature for the Legislative Council I would get my job back.

I am sure that with a lot of people there is some degree of uncertainty about going through a process like that when they hold an office under the Crown or are employed by a state or commonwealth department, and that that uncertainty becomes quite a barrier for them. So it is very heartening to see amendments to sections 49 and 61, which will mean that no-one will be disqualified from standing for election to state Parliament by reason only of holding an office of profit under the Crown or by reason of being a public servant of Victoria or the commonwealth, and that the election of that person will automatically terminate his or her tenure of the office in question. So that legal issue, which we have seen cause difficulty for others in the past, will not arise in the future.

There are a few other important changes, such as those relating to a procedure for resolving a tie for the final vacancy and to making it possible for all those who declare that they are not able to attend a polling booth on the day of an election to cast a pre-poll or a postal vote. Those measures are popular. They are growing, and they need some further scrutiny to ensure that they are consistent with the administration and organisation of elections in the most democratic way possible. They have certainly become a growing feature of our electoral system, so to make them available for those who choose to take that option at this point in time is a useful way forward. With those words I commend the bill to the house and wish it a speedy passage.

Mr SCHEFFER (Monash) — This bill makes a number of adjustments to four acts that have bearing on the Victorian electoral system: the Electoral Act, the Constitution Act, the Constitution (Parliamentary Reform) Act and the Local Government Act. Previous speakers on this side have welcomed the amendments to the Electoral Act, particularly those amendments that have a bearing on voters over the age of 70 years who in future will automatically be able to become general postal voters.

Monash Province contains part of the City of Glen Eira which is one of the oldest electorates in Victoria. I know that this amendment is therefore especially relevant. Many older voters face significant difficulty in accessing polling booths in person. This amendment will give them the peace of mind of knowing that as registered postal voters they can still exercise their democratic rights like other citizens and that they will still have the right to choose their representatives.

The Electoral Act is also being amended to clarify the registration of political parties with the Victorian Electoral Commission. In the present parliamentary term registered political parties need to re-register by 30 June 2006 but in following terms they will be required to re-register much earlier. They will be given a two-month window to re-register between September and October in the second year of the term. Where a party fails to meet this requirement, it will need to wait six months before it can apply for re-registration — that is, until April of the third year of the term. In addition, political parties will be prevented from either registering or re-registering during the election period between when the writs are issued and when they are returned.

The electoral commission will now also be required to publish the date of the re-registration of an already registered political party in the register of political parties, and publish the fact of the party's re-registration in the *Government Gazette*. On the other hand, where the commission resolves not to re-register a party it must provide its reasons in writing to the party in question and the party can then appeal that decision to the Victorian Civil and Administrative Tribunal (VCAT). I believe these measures give much greater transparency to the re-registration process.

An important amendment relates to the provisions regarding the registration of how-to-vote cards. Individuals or registered political parties may lodge how-to-vote cards with the election manager immediately or directly with the electoral commission after the close of nominations, but they must be lodged at least six working days before election day. The election manager must register the how-to-vote card with the Victorian Electoral Commission. It must decide by the following morning whether to approve the how-to-vote card and must let the individual or political party know of its decision. I believe these clarifications will improve transparency and clarify the obligations of candidates and political parties as well as those of the election manager and the electoral commission and avoid confusion during the heat of an election campaign.

Section 79 of the Electoral Act sets out the factors the commission must take careful account of in deciding whether or not to approve a how-to-vote card. These include clear identification of the body distributing the card as well as ensuring that the graphics shown on the card, including logos and emblems, are of a certain size

so as to be clearly visible to the voter. The how-to-vote card must also clearly show the numbered preference order of the candidates as well as other prescribed details. Importantly, the commission is required to refuse registration where the card can reasonably be said to mislead or deceive or to induce a voter to deface the ballot paper. Authorised individuals representing candidates have a day to correct any errors in their how-to-vote cards and the commission in turn has a further day to accept or reject the amendment and inform the applicant accordingly.

Clause 7 of the bill sets out the commission's obligations to ensure that all candidates are treated in exactly the same way. These include the process of registration, the number of copies to be lodged and procedures for review of the commission's decision by VCAT. The exacting detail of the provisions is critical to the fairness of our voting system and plays an essential role in maintaining the confidence that voters have in elections in this country. The debacle the world witnessed in Florida in the 2000 US elections would be impossible in Australia and other older democracies. It occurred because of a lack of detail and prescription in US state electoral law.

The substitution of a new section 98 into the principal act relating to early and postal voting is also important to many Jewish electors living in Monash Province whose Sabbath falls on Saturday — voting day. The new section enables people who are unable to come to a voting centre during the voting time to apply for approval to cast their vote at a voting centre at another time or to cast a postal vote. As I said, many members of the Orthodox Jewish community are in this position. This provision strengthens democracy by increasing procedural flexibility to accommodate a diversity of needs.

The bill increases the number of signatures required on an Independent candidate's nomination form to 6 for the Assembly and 50 for the Council. There is always the question of how reasonable such measures are but it seems to me that an individual nominating for election to public office should be required to meet certain conditions that demonstrate that the decision is not mere whimsy. This measure requires a potential candidate to speak to a small number of electors prior to lodging a nomination form.

There are other amendments to the Electoral Act that relate to the counting of votes and the resolution in the event of a tie, and to the conditions under which deposits will be returned to candidates.

The Constitution Act contains provisions that prevent public servants and many others who 'hold profit under the Crown' from sitting in the Victorian Parliament — their election would be deemed to be null and void. The amendment made by this bill provides that such individuals may now stand for election without first relinquishing their positions but upon election they are required to resign from their position or relinquish any profit derived from a position they may hold. Up until now it has been demanded of such individuals that they resign from their position upon their nomination. As Ms Romanes outlined in her contribution, some have been able to make arrangements to return to their positions if they are unsuccessful and special arrangements have been made to ensure that benefits and entitlements are not lost. Standing for public office is something that democracy should encourage, not penalise. The new provisions will strengthen democracy by removing an obstacle for citizens thinking about nominating while at the same time protecting the public interest by ensuring that members of Parliament do not face a conflict of interest.

The amendments contained in this bill go to clarifying a range of electoral matters and will strengthen democracy in Victoria. I commend it to the house.

Hon. H. E. BUCKINGHAM (Koonung) — I rise to make a contribution to the Electoral Legislation (Further Amendment) Bill. It makes improvements to voting procedures, registration processes for political parties, nomination criteria and other administrative and technical amendments. The purpose of this bill is to amend the Electoral Act 2002, the Constitution Act 1975, the Constitution (Parliamentary Reform) Act 2003 and the Local Government Act 1989 to improve the operation of the electoral system in Victoria. This legislation is about simplifying the electoral process by which people exercise their vote either at polling booths or through postal or early voting. Any mechanism that improves access to voting is by its nature good.

The bill changes the criteria for general postal voters. Voters are presently eligible to make an application for a postal vote if they live more than 20 kilometres from the nearest polling booth, if they are ill or infirm, if they are a carer of someone who is seriously ill or infirm, if they are imprisoned, if they are a silent voter or if on religious grounds they are unable to attend a polling place. The first amendment in the bill provides that all people who are 70 years of age or older can make application to become a general postal voter if they choose — it is the voter's choice. The bill abolishes the list of eight reasons for obtaining a postal vote I cited previously and simplifies the process by requiring a declaration that the voter is unable to attend a voting

centre. This is, by its nature, also a sensible amendment. With the implementation of this bill Victoria's 442 000 people aged over 70 will be able to vote from their homes with postal votes. I emphasise once again that if they choose they will be able to register as general postal voters in next year's state election.

Independent candidates will need 50 signatures on their nomination forms to stand for the Legislative Council and 6 for the Legislative Assembly. Originally the bill required 50 people to sign a nomination form for an Independent candidate seeking election to either house of Parliament. However, following a house amendment in the other place, this bill will now require that that applies only to people seeking election to this place — the Legislative Council. This is in keeping with the report from the commonwealth Parliament's Joint Standing Committee on Electoral Matters, which held an inquiry into the number of signatures required to support the nomination of a candidate; at the commonwealth level the number was increased from 6 to 50. Given what will be the size of each of the new Legislative Council provinces — about half a million electors each — after the next election, 50 signatures is representative of that number of electors.

The bill also simplifies the general requirements for early and postal voting. Any person who can declare that they are unable to attend a voting centre on election day during designated times of voting will be able to apply to vote early or by post and unlike some of the members on the other side, I do not have any problems with this. It also is a sensible amendment. Because of changed working hours and other circumstances, people need to be able to vote at different times.

The bill also sets out a new process for the registration of how-to-vote cards. This is a good initiative. In the past there has been confusion because of the separate provisions for the supply and inspection of registered how-to-vote cards depending on whether the cards were registered by an election manager or by the Victorian Electoral Commission (VEC). With the introduction of proportional representation in this house at the next election there is an even greater need for a simple, one-stop registration procedure for how-to-vote cards.

Another change made by the bill is the clarification of eligibility requirements for people holding an office of profit under the Crown. State and commonwealth Crown holders of office or place of profit will not be required to resign from office prior to nominating as a candidate in a state election, but upon their election will cease to hold that office or place of profit. I find this amendment a good one because I personally faced difficulties when I stood as a federal candidate when I was a councillor, so clarification at a state level for one's standing for Parliament is good.

Finally, the bill also clarifies the method for determining final vacancies relating to the resolution of a tie in the Legislative Council or in local government election counts. If there are only two continuing candidates for the final vacancy, all surpluses from the elected candidates must be transferred and all preferences from excluded candidates must be distributed before the candidate with the larger number of votes is elected; or if there is a tie, the result will be decided by lot.

The government is absolutely committed to protecting the integrity of the electoral system by making it more understandable and easy to access for everyone. As a councillor in the City of Whitehorse, I supported amendments to electoral boundaries and the introduction of postal voting for council elections as I believed this improved access to voting enhanced the electoral process. This bill further modernises the Victorian electoral system and strengthens voters' rights, thus enhancing the democratic process. I commend the bill to the house.

Ms HADDEN (Ballarat) — At the outset I indicate that I am opposing the bill for a number of reasons, which I think are pretty obvious. It probably should have been called the Electoral Legislation (Further Amendment to Get Rid of Dianne Hadden) Bill had the Attorney-General been as honest, open, transparent and accountable as he keeps telling us ad nauseam — but he certainly does not act that out.

I have heard the platitudes from government members trotting out their prepared speeches from the hymn sheets. They are pretty pathetic. Most of them have been here since 1999; the new lot since 2002. I would have thought that by now they could at least have read the bill and prepared their own speeches, but it is obvious that they are not capable of doing even that.

This bill is not sensible; it is not fair; it is not appropriate; it is not in the interests of democracy, and it does not strengthen democracy — at least, not 'democracy' in the way I understand the meaning of the word in a dictionary. From my listening to the Premier on the radio in recent days, his version is somewhat different to how 'democracy' is defined by the dictionary.

This bill will work against the election of Independent members of Parliament in the proposed three massively huge country regions as proposed by the Electoral Boundaries Commission. The proposal by the

Constitution Commission of Victoria report in 2002 was that those massive regions would be preferred but its recommendation came with a number of qualifications in that the commission then said that its inclination was towards a lower rather than a higher election quota for the upper house to better provide for diversity of representation.

Any quota above the approximately 16.67 per cent required for models 3 and 4 — and my region, the Western Victoria one, will become model 3 — would exclude diversity of representation. Any quota below 12 per cent would allow for the election of candidates who represented interests which were not truly reflected in the community. The Constitution Commission went on to say that it is more important that governments are kept under scrutiny in the upper house and elected as in the Senate where a broader spread of opinion is achieved by a proportional representation voting system, thus ensuring fair consideration of a greater variety of views without endangering the stability of the government.

There has to be an appropriate quota. The 16.67 per cent is in fact the highest quota in Australia. The Senate's quota is 14.3 per cent; South Australia's upper house quota is 8.3 per cent; the New South Wales upper house quota is 4.5 per cent; and Western Australia with its two-tiered system has 12.5 per cent for 7-member regions and 16.7 per cent for 5-member regions. So members can see that Victoria's 16.67 per cent is at the very highest that was ever envisaged and warned about by the Constitution Commission in its report. I have very real concerns for country Victorians at the next election and beyond, that what this legislation will do and what the electoral boundaries rejigging will do is entrench the two major parties. That is a fear expressed to me almost daily by constituents in my electorate.

It is all very well for government members to wax lyrical about their electorates, but most of them are in city electorates. Goodness me, look at the government members! How many of them are country members of Parliament? I can probably count about two. They have no committed interest in country Victoria; they do not know what it is like to have to travel to a polling booth, to live and pay for food in the country, and pay for water at $1 a kilolitre, as it is in my region, and have stage 3 or stage 9 water restrictions. Most of these government MPs on your right, Acting President, and on my left have simply no idea. They are clueless. Country people, wide and far, are saying, 'Enough is enough'.

As I said, my fear is that the Electoral Boundaries Commission's massive country electorates will swallow up Independent representation, and I will probably come back here after the next election and say, 'I told you so'. Country people will not be able to travel to their local MP's office. You will get a conglomeration of Labor Party and perhaps Liberal Party candidates from around Melton and Lara in my electorate; those who live at Edenhope or Nelson or Portland or Murrayville will be whistling Dixie to see an upper house member. It is not fair at all, but this is what the Labor Party envisaged when it went down this path about four or five years ago.

Coming back to the bill, the explanatory memorandum says it is about amending the Electoral Act, the Constitution Act, the Constitution (Parliamentary Reform) Act and the Local Government Act to improve the operation of the electoral system in Victoria. I say it is not going to do that; it simply will not do it unless you are a city MP and a member of one of the two major political parties in this state.

I have some grave concerns about the second-reading speech. We have yet another instance of the Attorney-General misleading the house and the Parliament, saying one thing and then introducing something quite different by way of house amendment. The Scrutiny of Acts and Regulations Committee dealt with the first bill introduced into the Parliament back in April 2005, and it spoke about the proposal to amend section 69(3)B of the Electoral Act to increase from 6 to 50 the number of signatures required on the nomination form for an Independent candidate. As we know SARC is here to scrutinise bills and see that they do not infringe unduly on our rights and freedoms. Had the Attorney-General and the government left the bill as they submitted it to the other place it would not have been an issue, but unfortunately for the two Independents in the other house, the member for Gippsland East and the member for Mildura — and I have read their contributions and empathise with them — it will be difficult to get 50 signatories and to make sure that you do not just, as I think I heard Ms Romanes say, sit around the meal table and gather 50 signatures. For the record, I advise Ms Romanes that is not how country people operate. The signatories have to be registered on the electoral roll for a start, and this is going to be quite a feat.

Ms Romanes interjected.

Ms HADDEN — I sat here and listened to you, Ms Romanes. It was platitudes from a city MP.

There are rules for one and rules for others. It would have been an impost on Mr Savage and Mr Ingram in the other place to have gathered 50 signatures, so the

house amendment was made by the Attorney-General and the Premier to make them feel better and make it easier for them. I do not have an issue with that. However, the upper house was treated very differently. I was not asked. I was not approached by the Attorney-General or the Premier and asked for my view.

An honourable member interjected.

Ms HADDEN — No, they want to make it as hard as possible for country Victorians to be independently represented in this house. The whole idea of the Constitution (Parliamentary Reform) Act was to make it easier for independent representation in this house, to truly represent all Victorians, and not to have a Labor Party MP at Melton who is going to represent someone over at Nelson, because they simply will not do it. I know they will not do it, and the people in country Victoria know they will not do it.

Section 166 of the commonwealth Electoral Act 1918 provides that not less than 50 persons entitled to vote in an election must sign the nomination form for both a member of the House of Representatives and a member the Senate. I seek leave to incorporate that section into *Hansard.*

Leave granted; see page 1736.

Ms HADDEN — I want everyone who reads *Hansard* to fully understand that the Attorney-General did mislead the Parliament in his second-reading speech, that this government proposes different rules for Independents in this state now compared with what is required by the federal legislation. I suppose I could say I really do not give a hoot whether the government wants 50 or 5000 signatures, and I am quite sure and satisfied I could get every one of them, but that is not the point. It is about equality and fairness and principle that the number of nominations required for an Independent candidate be exactly the same for this place as for the other place. It is clear that the two Independent members in the other place were not keen to have the requirement for 50 signatures, so if it was not good enough for them to have 50 signatures but 6, then it is equally not good enough for me or anyone else who wants to run as an Independent in this place to be under the same terms and conditions. But of course that is not what the part-time Attorney-General of this state has in mind.

As I said, I oppose the legislation. It is very important that democracy is democracy for country Victorians, not just for those members and constituents who live in city seats. That seems to be a stark difference now, more than ever since the 2002 election. This government is out of touch with country Victoria. It has lost its empathy with country Victoria; it does not care about country Victoria; and it is complacent to the point of arrogance about country Victorians. It was appalling that there was no representation by the Bracks Labor government at the Victorian Farmers Federation conference. What a slight on country Victorians! Members of the government ought to hang their heads in shame; in fact they ought to send a letter of apology. The Premier ought to take the lead and apologise for his inadequate Minister for Agriculture.

There are some other matters which I wish to examine at short length in the committee stage, during which I will move an amendment. I oppose the bill.

House divided on motion:

Ayes, 35

Argondizzo, Ms	Lovell, Ms
Atkinson, Mr	McQuilten, Mr
Bowden, Mr (*Teller)*	Madden, Mr
Brideson, Mr	Mikakos, Ms
Broad, Ms	Mitchell, Mr
Buckingham, Ms (*Teller*)	Nguyen, Mr
Carbines, Ms	Olexander, Mr
Coote, Mrs	Pullen, Mr
Dalla-Riva, Mr	Rich-Phillips, Mr
Darveniza, Ms	Romanes, Ms
Davis, Mr D. McL.	Scheffer, Mr
Davis, Mr P. R.	Somyurek, Mr
Eren, Mr	Stoney, Mr
Forwood, Mr	Theophanous, Mr
Hilton, Mr	Thomson, Ms
Hirsh, Ms	Viney, Mr
Jennings, Mr	Vogels, Mr
Koch, Mr	

Noes, 4

Baxter, Mr (*Teller*)	Hadden, Ms (*Teller*)
Drum, Mr	Hall, Mr

Pair

Lenders, Mr	Bishop, Mr

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 16 agreed to.

Clause 17

Ms HADDEN (Ballarat) — I move:

Clause 17, line 17, omit "6" and insert "50".

My amendment is put on the basis that it is in accord with the bill that was introduced in the other place by the Attorney-General a couple of months ago. The number of nominees required, under that bill, to sign a candidate's nomination form was 50. That number was required for candidates running for an upper house seat as well as those for a lower house seat at the next state election. That would have been consistent, as the Attorney-General said in his second-reading speech, with section 166 of the Commonwealth Electoral Act 1918 which requires the number of signatures for an Independent candidate running in both the Senate and House of Representatives to have a nomination form in an appropriate form be signed by not less than 50 persons entitled to vote at the election.

As the Attorney-General said in his second-reading speech, that bill then provided that the number of signatories required to an Independent candidate's nomination form be increased from 6 to 50. That would bring Victoria into line with current practice in the commonwealth. Indeed, it did at that point but then an amendment, instigated by the two Independent members there, was moved in the lower house. They said it would be too difficult to obtain 50 signatories to a nomination form, and they wanted the required number changed from 50 to 6. That was done by way of agreement to their amendment.

This means that an Independent member running for the lower house has a distinct advantage over an Independent member running for the upper house. If the same impost on one's time is a complaint by an Independent candidate for the lower house, then that same argument is applicable to an Independent candidate running for the upper house. Clearly, the second-reading speech in this house did not explain why those amendments were different in the two houses. It does not bring it into line with the current practice in the commonwealth that requires 50 signatures on a nomination form for an Independent candidate for either the House of Representatives or the Senate. That should apply in this bill in the interests of consistency, fairness and democracy and so that all candidates are treated equally.

Honourable members interjecting.

Ms HADDEN — I am having some difficulty here with laughter from the government benches.

The CHAIR — Order! Ms Hadden, to continue.

Ms HADDEN — No adequate explanation was given in the second-reading speech when it was incorporated in this place as to why the Attorney-General changed the magic number of nomination signatories for the two Independent members in the lower house, thereby making it quite difficult for an upper house Independent candidate. This is quite apart from the fact that their electorates are going to be huge next time — something like 100 000 square kilometres for the three rural seats with a population of 500 000 to 1 million in each. It is not as simple as just getting 50 signatures or 6 signatures — the signatories must be people who are eligible to vote and enrolled on the electoral roll.

That is the difficulty and that is the finite matter that needs to be kept in mind. It is not a matter of a candidate standing in Bridge Mall in Ballarat and picking up 50 signatures. That is not the way it is done. But it will certainly discourage Independent candidates from running for election to the upper house if they have to conform to obtaining 50 signatories, whereas the Independent members in the lower house can just whip in their nominations with the blink of an eye — that is, just 6 signatories to each nomination form.

This bill is not fair. It is not just, equitable or democratic for people who want to run for Parliament but not be a nominee of a major party. I expect there will be quite a number of Independent candidates at the next election, and they should be treated fairly and equally by the two houses.

The original bill proposed a fair situation, with each candidate in each house requiring 50 signatures in their nomination form. Now, because the two Independent members in the other place apparently explained to the Premier and the Attorney-General that it would be difficult for them to run around and get 50 signatories during an election period, the Attorney-General agreed to slip it back to 6 signatures for them. Let us slip it back to six for the upper house, too. No, I am proposing that we have consistency, as the second-reading speech stated. The legislation should be consistent with section 166 of the commonwealth legislation with respect to elections. The number of signatories required to a nomination form should remain at 50 for Independent candidates for both the upper and lower houses.

My question to the minister is: what reasons has the government given — or is it going to give — for this discrepancy between the two houses in the number of nominations required for an Independent candidate?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I thank the member for her contribution and acknowledge the point of her request.

I think it is fairly well understood that there was an allowance made for the members in the other chamber

in relation to reducing the number from 50 to 6, but it was also recognised that given that in the upper house the regions will be substantially bigger and they will include approximately 10 seats — —

Hon. B. N. Atkinson interjected.

Hon. J. M. MADDEN — Exactly — 11. I was working on averages, Mr Atkinson. I was working backwards from the averages.

Hon. B. N. Atkinson interjected.

Hon. J. M. MADDEN — The average is per nomination or per signature per seat. It is in the order — in general terms again — of about 4.5 per seat. It was thought, given that the regions are substantially bigger, it would be appropriate to still rely on 50 as the number necessary be able to nominate.

Ms HADDEN (Ballarat) — I thank the minister, but the problem is that the Attorney-General in the other house said in his second-reading speech that he wanted to keep consistency with the commonwealth legislation and that this will bring Victoria in line with the current practice in the commonwealth. It states:

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

It would have done that except for the house amendments. I ask the minister for the reasoning behind making the required number of signatories for the two houses different. It will not bring this state in line with the commonwealth as the second-reading speech states.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I understand the amendments were made in the Legislative Assembly after the second-reading speech. Those amendments were accepted in the Legislative Assembly, hence the bill comes to this chamber in that form. Whilst that may in some way alter the original form of the bill, no doubt it was deemed appropriate for it to be in that form because, as I mentioned before in my previous answer, the regions are bigger and those seeking nomination should be required to seek a greater number of signatures in order to obtain that nomination.

Hon. B. N. ATKINSON (Koonung) — I wonder what the rationale is. Is it just because they are bigger? I fail to understand what the rationale behind that is. Are members required to get more signatures on the basis that they need to get a greater geographic spread of supporters? Or is it because the government is trying to make it harder to stand for the upper house? Or is it because the government believes the cost of standing for the upper house is not a sufficient disincentive to keep dummy candidates from running for upper house seats? What is the rationale, and whose rationale is it that has delivered this inconsistency?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I refer to the two answers I have given previously. The regions are bigger, and it was deemed to be acceptable to maintain the difference given the difference in the size of the regions in relation to the Legislative Council and the Legislative Assembly electorates. Hence that is the form in which the bill was delivered to this chamber, and it has been left that way accordingly.

Hon. B. N. ATKINSON (Koonung) — That was deemed to be appropriate and acceptable according to whom?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I think it is fairly straightforward. If it has come in that form from the Legislative Assembly, it shows that accommodating the amendments was the determination of the Legislative Assembly at the time the bill passed through the chamber. Sometimes amendments are accepted and sometimes they are not accepted. That is way the process works. That is the call of the Attorney-General in the other place and the executive. No doubt that was deemed to be acceptable, hence the bill passed through the chamber in that form.

Hon. B. N. ATKINSON (Koonung) — Am I to understand that the Attorney-General has decided that the inconsistency is okay and that it meets an obligation of the government with the roster system that has been adopted for Independents in the lower house to ensure their continued support of the general thrust of government legislation? Is that the accommodation?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I cannot speak in relation to any discussion around any accommodation and whether that was the case or not. All I can say is that the bill has presented itself to this chamber in this form. It was accepted by the Legislative Assembly, it was obviously accepted by the government, and it was voted for with the support of the Independents in the other chamber. It has come to this chamber in that form, and that is why we are having the debate presently.

Hon. B. N. ATKINSON (Koonung) — I am very pleased with that answer. As I understand it from the minister's answer, there may well have been an accommodation to ensure the ongoing support of the Independents for the government's policy.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I prefer members of the chamber to not put words into my mouth. I have made my statements, and I do not accept that they reflect the statements of Mr Atkinson.

Ms HADDEN (Ballarat) — Apart from the consultation with the two Independent members in the lower house, the members for Gippsland and Mildura, what other consultation did the government undertake in relation to this change which puts Victoria out of line with the current practice in the commonwealth?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am informed there was not a great deal of consultation in relation to any amendments other than in the form that took shape in the Legislative Assembly at the time. Those amendments were moved, accepted and accommodated in the Legislative Assembly.

Hon. W. R. BAXTER (North Eastern) — I have to advise the committee that The Nationals will be opposing Ms Hadden's amendment. That might be a disappointment to Ms Hadden, and to some extent she might feel that I misled her in the corridors by advising her that I would be supporting the amendment, but at the time I misapprehended her intent.

I understood her desire to retain the consistency between the two houses as to the number of signatures required on the nomination form, but I was under the impression that her intention to maintain consistency was with the existing act, where it is six for both houses. I have now discovered that the effect of her amendment in fact achieves consistency, but at the higher level of 50. Honourable members who heard my second-reading contribution will be aware that I pinned a large amount of my logic on the fact that I believed going to 50 was impinging upon the ability of Independents to offer themselves for election. So on that basis I advise the committee that my colleagues and I will be opposing this amendment.

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

Ayes, 24

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

Noes, 14

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

Pair

Smith, Mr	Strong, Mr

Amendment negatived.

Clause agreed to; clauses 18 to 21 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

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

That the bill be now read a third time.

In doing so I thank members for their respective contributions.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

ENERGY SAFE VICTORIA BILL

Introduction and first reading

Received from Assembly.

Read first time for Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) on motion of Mr Lenders.

ADJOURNMENT

Mr LENDERS (Minister for Finance) — I move:

That the house do now adjourn.

Bridges: Echuca–Moama

Hon. W. A. LOVELL (North Eastern) — I wish to raise a matter with the Minister for Transport in the other place regarding the Echuca–Moama bridge and the current stalemate that has prevented the construction of the bridge on the preferred western option.

As the minister is well aware, a second river crossing has been desperately needed by the Echuca-Moama community for many years. In fact the community has been actively lobbying for a second river crossing since the 1960s and Eddie Hann, the former member for Rodney in the other place, mentioned it as a priority for the electorate in his inaugural speech in 1973.

The current river crossing at Echuca–Moama was built prior to federation in 1879 and is the oldest remaining crossing on the Murray River. The bridge was built prior to the invention of motor vehicles in the days of the horse and cart and certainly at the time it was constructed no-one would have envisaged that in 2005 the same bridge would still be servicing the Echuca-Moama community, carrying up to 20 000 vehicles per day including B-doubles and milk tankers, the size and weight of which would not have even been dreamt about in 1879.

Construction of the second bridge should have begun years ago. It is ridiculous that a community the size of Echuca-Moama should be without a second river crossing. Currently when accidents occur on the bridge traffic can be backed up through the centre of Echuca and Moama for several kilometres. The local community is concerned that if a medical emergency occurs in Moama at a time when the bridge is impassable, the trip to reach the hospital in Echuca would involve a lengthy detour to cross the Murray River at either Barmah in the east or Barham in the west. The western option has been agreed upon as the preferred location by both the Campaspe shire and the Murray shire but it has unfortunately come to a standstill because one of the local indigenous groups, the Yorta Yorta, have identified the site as being of cultural heritage.

Recently Mr John Atkinson, an elder of the Bangerang Nation, who, together with the Yorta Yorta, are the traditional owners of much of the land along the Murray River, inspected the site of the western option. Mr John Atkinson, an official inspector under the commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act and also chair of the north-east Regional Cultural Heritage Program, is of the opinion that there are few indigenous artefacts to be found in the western option site and believes that the artefacts that do exist could be adequately preserved whilst still allowing for the construction of the bridge. The Moama local Aboriginal Land Council has also given the green light to the construction on the western option site.

The action I seek is for the minister to immediately convene a meeting of all key stakeholders including all local indigenous groups, particularly the Yorta Yorta, the Bangerang and the Moama local Aboriginal Land Council to further discuss options for the construction of the bridge on the western option whilst adequately preserving any artefacts that have been identified on the site.

Mitcham–Frankston project: EastLink

Mr VINEY (Chelsea) — I raise a matter for the attention of the Minister for Transport in the other place. The action I am seeking is for the minister to write to Frankston real estate agent Michael Crowder, congratulating him for his stunning change of heart on the EastLink project. I refer the minister to an article on the front page of the *Frankston Standard Leader* of 4 July, headed — —

Hon. B. N. Atkinson — On a point of order, President, as I understand it, the member's request is that the minister write a letter. The member has gone on to discuss the fact that a private citizen happens to have had a change of position on a public issue and the member is asking the minister to write a letter to congratulate that person on changing their opinion. I would suggest to you, President, that that does not fall within your guidelines for a matter raised in the adjournment debate.

The PRESIDENT — Order! On the proposal that the honourable member has raised in his adjournment matter, I agree with the opposition member's point of order. Unless the member changes his request in line with my guidance put out some time ago, I will have no option but to rule his matter out of order. The member has a minute or so to go and I give him the opportunity to rephrase.

Mr VINEY — I draw the minister's attention to the fact that Mr Crowder has acknowledged the significant benefits that are coming to Frankston and in particular the Carrum Downs area through the investment into the EastLink project. I refer to the newspaper's front page article, where Mr Crowder is quoted as having said:

> 'The reality is that infrastructure is very important to industrialists …

'Obviously, the tollway coming through is making a big difference …

The person concerned is vice-president of the Frankston Chamber of Commerce and led the protest — —

Hon. B. N. Atkinson — On a point of order, President, this member knows better. This member constantly rises to his feet raising points of order against other members and yet he is deliberately flouting your ruling on what an adjournment item ought to be.

The PRESIDENT — Order! I uphold the member's point of order. The member for Chelsea Province has got 11 seconds or I will rule his matter out.

Mr VINEY — The action I seek is for the minister to investigate the significant increase in land values that are coming through from — —

The PRESIDENT — Order! The member's time has expired. The minister does not need to respond to that request as it does not fulfil the guideline requirements.

Liquor: Dartmoor licence

Hon. DAVID KOCH (Western) — I raise a very serious matter for the Minister for Consumer Affairs concerning her failure in responding to requests to review an application for a packaged liquor licence.

My constituent, Mrs Pamela Millard, a well-respected businesswoman and committed community person, lodged an application on 14 February 2005 to sell packaged liquor from her general store in Dartmoor. On 12 April 2005 Mrs Millard received a response from the office of the Director of Liquor Licensing stating that the minister is not satisfied that the above application meets the criteria of section 22(2) of the Liquor Control Reform Act, claiming that there are adequate existing facilities for the supply of liquor within the area. This rejection came as a complete surprise and shock to Mrs Millard and the local Dartmoor community. As a result, on 28 April I wrote to the minister on behalf of Mrs Millard seeking a review of the minister's decision. To date I have not had the courtesy of a response from the minister.

Mrs Millard's application was made only on the grounds that there are not adequate existing facilities for locals or tourists to buy packaged liquor in Dartmoor during normal business hours. It is well known locally that the licensed Dartmoor Hotel opens for limited hours at the discretion of the licensee. I am reliably informed, and have experienced these opening hours personally, that rarely is the hotel open before midafternoon and that it closes later in the evening, principally to service the local timber mill work force.

With Dartmoor being the principal gateway to the Glenelg River and national park many visitors, including fishermen, recreational users and tourists, as well as locals, frequently stop at the Dartmoor general store trying to buy packaged liquor due to the hotel not being open for business. As a result, those wanting to buy liquor must travel the extra 51 kilometres west to Mount Gambier in South Australia, where it is acknowledged that Victoria loses its tourism dollars.

No objections were received against Mrs Millard's application, not even from the licensee of the Dartmoor Hotel. Mrs Millard enjoys total support from the local community and the Glenelg Shire Council in her application for a packaged liquor licence at the Dartmoor general store.

Again this demonstrates the failure of the government's principal position of supporting the economies of small rural communities.

My request to the minister is: when is it likely that she will respond to the earlier requests to reconsider her decision in relation to Mrs Millard's application for a packaged liquor licence at the Dartmoor store?

Health: taxation

Hon. D. McL. DAVIS (East Yarra) — I raise a matter for the attention of the Minister for Health in the other place. It concerns input costs and taxation on the health industry and the health care sector.

We know that Labor has massively increased costs on small business of all types since it has been in power. Since 1999 there has been an increase in the size of the budget — from $19 billion to more than $31 billion. That is the tax take or the spending in round figures. We also know that there have been massive increases across almost every area of taxation, whether it be land tax or stamp duty. There have also been massive increases in police fines and in a whole series of areas.

My point is that all of these costs feed into the costs for small business, particularly those small businesses in the health sector — the doctors, the dentists, the pharmacists, the podiatrists and the physiotherapists, the whole series of professional groups. Even those who are not registered, I have to add, will be hit by the taxation increases that have been put forward by this government. The increases in land tax in particular hit many of those small practices that own a shop or small facility. These land tax increases are fuelling health costs in Victoria.

At the time of the Medicare agreement negotiations the minister complained bitterly about the increase in costs in the health sector and claimed that there was a growth of 8 per cent — 7.9 per cent I think was her actual figure — that was making the sector very difficult to run. In fact this government has fuelled those costs by feeding the costs into the health sector, and that can only force up costs in the health sector. So every time somebody goes to their physiotherapist or their dentist they should understand that many of the costs have been generated by the Premier, Steve Bracks; the Treasurer, John Brumby; and the Minister for Finance sitting over there who has had a key role in fuelling and pushing up costs across these small business sectors.

I note that the federal government has tried to deal with the financial problems of the health care system through a subsidy for private health insurance, and further through increased payments through the complex Medicare system and also directly to GPs through after-hours fee increases and through the safety net system. Strengthening Medicare is a very important innovation that is being undermined by this state government.

I seek from the minister an indication of whether she was consulted on these changes and what she intends to do with her colleagues. Will she intervene? Will she lobby? Will she intervene with her colleagues on behalf of the health care sector?

Spencer Street station: disabled access

Hon. P. R. HALL (Gippsland) — Tonight I raise a matter for the attention of the Minister for Transport. It concerns an urgent matter of disability access at the Spencer Street station — or is it the Southern Cross now? I am not quite sure what the name is.

Mr Lenders — 'Spencer Street', until it is open.

Hon. P. R. HALL — Spencer Street until it is open; thank you. The matter has been raised by Mr John Hardie of Narre Warren, who wrote to me on 3 July. I know he has written to a few of my other colleagues in the National Party; perhaps he has written to other members of Parliament as well.

Mr Hardie is a vision-impaired person who uses a seeing-eye dog to go to work in the city each day. He told a story about leaving work one evening he left work to catch his Pakenham line train and finding that the lift to take him down to the platform was out of order. He asked an attendant whether there were some stairs that he could access. He was told that there were no stairs that he could access, and that he would be required to take an escalator down to the platform. He cannot use an escalator because of the risk to his seeing-eye dog; it is not practical or safe for an animal like a seeing-eye dog to use a moving escalator. So he missed his train that night because of the fact that he could not get down to the platform. He also told the story of a week or so later when the lifts were again out of order and he was required to access the station from the Bourke Street end.

As a result of receiving this letter I went down to Spencer Street station this morning to see exactly what the problem was. I agree that there are platforms that cannot be accessed from the Collins Street end of that station unless by using the lift or the escalator — there are no stairs whatsoever. The only stair access I could find to some platforms was off the Bourke Street bridge end that goes across to the Telstra Dome. They are the only steps.

As Mr Hardie pointed out in his letter to me, in the case of an emergency, if the power went off or there were a form of accident or something, people would be required to get out of that place as quickly as possible. Without steps the many people with disabilities simply could not manage even a closed down escalator. They would not be able to take a wheelchair or, in his case, a seeing-eye dog up those escalators. He also made the point that he wonders if the fact that there are no stairs contravenes occupational health and safety regulations in respect to a new building.

I can see for myself, and I support what Mr Hardie suggested to me, that steps do need to be provided at the Collins Street end of Spencer Street station. There is still a large amount of construction going on there. It is not too late, and I ask the minister to urgently look at this matter to see if some steps can be provided.

Melbourne: car park levy

Hon. B. N. ATKINSON (Koonung) — I wish to raise a matter with the Treasurer in another place. I seek his review of the car park levy that has been imposed on Melbourne's city car parks. I am most concerned about the impact of that levy on small businesses and people who are undertaking business activities within the city of Melbourne.

It has been raised with me by a number of industry groups that contractors — such as airconditioning contractors, maintenance workers and people involved in the construction industry — and indeed many people who come into the city to transact business are now facing an additional impost with this levy. It all adds to the costs of running small businesses, and those

involved in construction or maintenance activities that require them to have tools and so forth do not have an election of taking public transport.

This car park levy was introduced in the true style of this government — with limited consultation. Just days before the levy was announced the Premier knew nothing about its introduction — and I guess I am not surprised that he did not know much about it because he does not seem to know much about anything if you listen to him on radio 3AW each morning. Just days before its introduction was announced the Melbourne City Council and the Lord Mayor of Melbourne knew nothing about it. It is a punitive cost and it is likely to be a cost that will drive more businesses out of the city.

Some years ago Coles-Myer moved its entire head office operation out of the city to Tooronga purely and simply on the basis of the high cost of car parking for that organisation. A number of other major corporations are also looking at suburban locations on the basis of car parking costs. Shell is a significant corporate that has moved outside; Fosters is another company that has moved out to the suburbs. This is a real problem for the Melbourne City Council. I believe the Treasurer ought to reconsider this levy. It was an ill-advised and ill-considered levy. It is punitive on businesses and is all about revenue raising and not in the least about trying to achieve any sort of adequate transport solutions for the city of Melbourne.

Pest plants and animals: control

Hon. W. R. BAXTER (North Eastern) — I wish to raise a matter for the attention of the Minister for Environment in another place. I request that the minister review and overturn a decision of his department in association with the Department of Primary Industries to remove pests and weeds officers from certain locations in regional Victoria. I understand that at least 13 officer positions are being declared redundant, and in fact the number may be higher than that.

I particularly want to express my dismay and concern with the removal of the pests and weeds officer from Nathalia because, as Mr Lenders may well know, the Nathalia area is one of considerable environmental and ecological significance. Much of the private land in the Nathalia district borders on Crown land, including the Barmah Forest and the Barmah State Park, and many of the infestations that are detected in the district originate on Crown land. As well there is the Lower Goulburn floodplain in the locality, which, after every major flood — we have not had one for a while but one is just around the corner I am sure — regularly introduces new weeds to the district. I have a letter from Lanie Pearce who is the local area plan implementation coordinator who says:

> Pest and weed control only works when there is an authorised person with skills and knowledge available locally. Land-holders need support for both economical and environmental reasons. Campaigns and programs need someone to run them. It is very short-sighted to assume that 'local people' will run them.

These are the telling words:

> They have neither the time, expertise nor authority to perform the duties of an enforcement officer.

It is those last words which I think are significant. The locals are not in any way able to enforce the law. They need a pest and weeds control officer within the locality to continue the very good work that is being done. I refer to an advertisement in the *Border Mail* on Saturday in which the North East Catchment Management Authority details that it is undertaking a noxious weeds review. I certainly commend that review to determine if the current list is up to date and adequate or whether there are weeds that should be added or, hopefully, removed if we are controlling them. This seems absolutely at odds with the government's action in removing the very people who have to implement the results of this review, so I make a plea to the minister that he have a good look at this issue. I understand the matter has been submitted to review because perhaps decisions were taken without the minister being entirely aware of the implications. I do not criticise him for that — I ask him to have another look at it.

Responses

Mr LENDERS (Minister for Finance) — Ms Lovell raised an issue for the Minister for Transport in the other place regarding the Echuca–Moama bridge, and I will certainly refer that to the minister.

Mr Koch raised an issue for the Minister for Consumer Affairs regarding a packaged liquor licence, and I will refer that to her.

Mr David Davis raised an issue for the Minister for Health in the other place regarding costs in the health care system. I will refer that to the minister.

Mr Hall raised an issue for the Minister for Transport in the other place regarding Spencer Street station and disability access. I will refer that to the minister for his attention.

Mr Atkinson raised an issue for the Treasurer regarding a review of the car park levy. I will certainly refer that to him.

Mr Baxter raised an issue for the Minister for Environment in the other place regarding field officers in pest and weed areas for the minister's attention. I will certainly refer that to the minister for his attention.

Motion agreed to.

House adjourned at 6.42 p.m.

COMMONWEALTH ELECTORAL ACT 1918
–SECT 166
Mode of nomination

(1) Subject to subsections (1A), (1B) and (1C), a nomination may be in Form C, CA, CB, CC, D or DA in the Schedule, as the case requires, and shall:

(a) set out the name, place of residence and occupation of the candidate or each candidate; and

(b) be signed by:

(i) not less than 50 persons entitled to vote at the election for which the candidate is, or the candidates are, nominated; or

(ii) the registered officer of the registered political party by which the candidate has, or the candidates have, been endorsed for that election.

(1A) Where:

(a) a candidate in a Senate election is:

(i) a Senator; or

(ii) in the case of an election following a dissolution of the Senate, a person who was, immediately before the dissolution, a Senator; and

(b) the candidate's name is, under subsection 99(4), enrolled on the Roll for any Subdivision of a Division of the State or Territory that he or she represents or represented;

the candidate may set out in his or her nomination the address recorded in that enrolment rather than his or her place of residence.

(1B) Where:

(a) a candidate in an election for the House of Representatives was, immediately before the dissolution or expiration of the House of Representatives that preceded the election, a member of the House of Representatives; and

(b) the candidate's name is, under subsection 99(4), enrolled on the Roll for any Subdivision of the Division that he or she represented;

the candidate may set out in his or her nomination the address recorded in that enrolment rather than his or her place of residence.

(1C) A nomination form need only be signed by at least one other person entitled to vote at the election (the ***new election***) for which the candidate is, or the candidates are, nominated if the candidate or each candidate:

(a) is a sitting independent in relation to the new election; and

(b) is not endorsed by a registered political party in the new election at the close of nominations.

(1D) For the purposes of subsection (1C), a candidate for election to the Senate for a State or Territory is a ***sitting independent*** for the new election if:

(a) the candidate was elected as a Senator for that State or Territory in an election (the ***previous election***); and

(b) the candidate was not endorsed by a registered political party in the previous election; and

(c) the candidate continues to be a Senator for that State or Territory as a result of the previous election until:

(i) the writ for the new election is issued; or

(ii) if the writ for the new election is issued in relation to a dissolution of the Senate— that dissolution of the Senate.

(1E) For the purposes of subsection (1C), a candidate for election to the House of Representatives for a Division (the ***seat being contested***) is a ***sitting independent*** for the new election if:

(a) the candidate was elected as a member of the House of Representatives in an election (the ***previous election***) for a particular Division (the ***existing seat***); and

(b) the candidate was not endorsed by a registered political party in the previous election; and

(c) the candidate continues to be a member of the House of Representatives for the existing seat as a result of the previous election until:

(i) the writ for the new election is issued; or

(ii) if the writ for the new election is issued in relation to a dissolution of the House of Representatives— that dissolution of the House of Representatives; and

(d) the existing seat is either the same as, or has territory in common with, the seat being contested.

(2) A nomination may name a candidate only by specifying:

(a) the surname and the Christian or given name, or one or more of the Christian or given names, under which the candidate is enrolled; or

(b) in a case where the candidate is not enrolled— a surname and the Christian or given name, or one or more of the Christian or given names, under which the candidate is entitled to be enrolled.

(3) For the purposes of subsection (2), a Christian or given name may be specified by specifying:

(a) an initial standing for that name; or

(b) a commonly accepted variation of that name (including an abbreviation or truncation of that name or an alternative form of that name).

(4) A nomination shall include a statement of the form in which the candidate's name or candidates' names, as the case may be, is or are to be printed on the ballot-papers for the election.

(5) Where:

(a) persons to be nominated as candidates in a Senate election wish to have their names grouped in the ballot-papers; and

(b) those persons have been endorsed for that election by different registered political parties;

the nominations of the candidates may be combined in such manner as the Electoral Commission approves.

(6) Nothing in this Act is to be taken as requiring a person:

(a) who is a candidate or the nominator of a candidate; and

(b) whose address is not shown on the Roll because of section 104;

to set out his or her address on a nomination paper.

(7) A candidate who does not set out his or her address on a nomination form must provide the Divisional Returning Officer or Australian Electoral Officer, as the case may be, with an address for correspondence.