

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE COUNCIL
FIFTY-FIFTH PARLIAMENT
FIRST SESSION**

**5 May 2005
(extract from Book 4)**

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By authority of the Victorian Government Printer

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Drum, Hon. Damian Kevin	North Western	NP	Smith, Mr Robert Frederick	Chelsea	ALP
Eren, Hon. John Hamdi	Geelong	ALP	Somyurek, Mr Adem	Eumemmerring	ALP
Forwood, Hon. Bill	Templestowe	LP	Stoney, Hon. Eadley Graeme	Central Highlands	LP
Gould, Hon. Monica Mary	Doutta Galla	ALP	Strong, Hon. Christopher Arthur	Higinbotham	LP
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Hall, Hon. Peter Ronald	Gippsland	NP	Thomson, Hon. Marsha Rose	Melbourne North	ALP
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Hirsh, Hon. Carolyn Dorothy	Silvan	ALP	Vogels, Hon. John Adrian	Western	LP

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Thursday, 5 May 2005

The PRESIDENT (Hon. M. M. Gould) took the chair at 9.32 a.m. and read the prayer.

RULINGS BY THE CHAIR

Members: women's function

Hon. Bill Forwood — President, I wish to raise a point of order. Yesterday afternoon I raised a matter with you and you invited me to write to you on that matter. It was of some surprise to me, therefore, this morning to read on page 3 of the *Age* that you believed that I had my 'nose out of joint, that's all'. It does seem to me that if you are about to adjudicate on a matter which you invited me to write to you on, it is very odd to say the least for comments to be made in the paper. I suggest to you, President, that a more appropriate response might have been that, 'This is a matter of privilege, and I will deal with it as a matter of privilege', but I seek your guidance on whether or not you believe that in the circumstances you will be able to adjudicate this matter in a fair and frank manner.

Honourable members interjecting.

The PRESIDENT — Order! I hope the honourable member's comments were not reflecting on the Chair. As I indicated yesterday, the member should write to me, and I will respond to the point of order he raised. The report in today's newspaper follows a call from the paper to me. What I said to the reporter is accurately reported in the paper today. Those comments in no way prejudice the issue of the matter of privilege that the member has referred to.

Hon. Philip Davis — On a point of order, President, it had not been my intention to intervene in this matter, but I do not believe it is helpful that in your response to the member who reasonably was following up a matter of privilege you made clearly an implied criticism of him reflecting on the Chair. It is clearly the case that the member has a grievance. He raised a matter of privilege for the Chair to dispense with. The Chair put in place a proper procedure for that to be resolved. However, through circumstances that have arisen between then and now that matter has been discussed by the President in the media.

Honourable members interjecting.

Hon. Philip Davis — The matter of privilege has been discussed by the President in the media. I do not

believe it is helpful for the President to respond to that member in such terms as would imply that she believes he is in fact reflecting on the Chair when what he is seeking to do is to ensure that the privilege matter is dealt with absolutely fairly.

The PRESIDENT — Order! For the clarification of the house, if necessary, in my opening remarks on my previous ruling, before the Leader of the Opposition took a point of order, I referred to the comments made by the honourable member when he used words in his point of order to the effect that he hoped the President's ruling would be fair. They are the comments I take issue with, hoping he was not reflecting on the Chair. I do not have a problem with the rest of his comments, but when someone asks me to rule 'fairly', the honourable member has been here long enough and knows that is not the way you put a position to the Chair. They were the words I wanted him to be cautious of. I hope that addresses the concerns raised by the Leader of the Opposition.

PETITIONS

Hazardous waste: Nowingi

Hon. B. W. BISHOP (North Western) presented petition from certain citizens of Victoria requesting that the Legislative Council abandon the proposal to place a toxic waste facility in the Mildura region (38 signatures).

Laid on table.

Western Port Highway, Lyndhurst: traffic control

Hon. R. H. BOWDEN (South Eastern) presented a petition from certain citizens of Victoria requesting that the Victorian government prevent the installation of traffic lights along the Western Port Highway at Lyndhurst (27 signatures).

Laid on table.

MEMBERS STATEMENTS

Family Business Australia

Hon. B. N. ATKINSON (Koonung) — I wish to commend to the house the Victorian state conference of the Family Business Australia association, whose web site I was just visiting.

Mr Smith — Were you writing for them?

Hon. B. N. ATKINSON — Indeed I was not! Family Business Australia is a very significant organisation in this state. It is the champion of a great many small and medium enterprises which are family businesses and which contribute a great deal to the economy of Victoria. They range from small businesses such as contractors to the trades, which are very often home-based businesses, to organisations like Darrell Lea — in fact, Jason Lea, the managing director of that company, is the head of Family Business Australia — and the Smorgon family. As I said, their contribution to our economy is significant.

Family businesses face particular issues, especially with regard to succession planning and generational change, and the conference the association is holding this week will focus on some of those issues. There was also a luncheon earlier this week on the topic of valuing women, which I was unable to attend because of being here. The contribution of women to small and family businesses is very significant. They are certainly driving small businesses in their providing services to Victorians and building export markets for Australia overseas. I commend to the house the work of Family Business Australia.

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

Australian Football League Players Association: welfare fund

Mr SMITH (Chelsea) — I rise to congratulate the president of the Australian Football League Players Association, Mr Brendan Gale, a fine ex-player of the Richmond Football Club, of which I am a member. I express my personal admiration for his announcement today in the media that his association will establish an ex-Australian Football League (AFL) players welfare fund. The multimillion-dollar fund will recognise the difficulty that some players find themselves in post their careers, particularly players who have their careers cut short through severe injury and the like. This welfare fund will extend to not only financial assistance for these players but also medical and psychological help. This is absolutely consistent with the union movement and any union would be proud to establish a fund along similar lines. Again I congratulate the president of the AFL Players Association, Mr Brendan Gale.

Portland and District Hospital: management

Hon. D. McL. DAVIS (East Yarra) — I draw the attention of the house to the mismanagement of the

Portland hospital by the Bracks government. This very important hospital in the state's south-west needs the government's support, but instead the government's mismanagement of the hospital is a costly shambles. The community is paying the price for the minister's mismanagement of that hospital. The minister was forced last year to make a paid apology for the damage she did in pushing out the town's sole obstetrician and gynaecologist. We have seen a dispute with doctors there which the minister could not resolve and which needed the intervention of the member for South-West Coast in the other place to help sort it out. What is clear is that the chief executive officer is on sick leave and there is an acting chief executive officer in place. We now discover that despite a \$400 000 deficit at the hospital and thousands of dollars a day being paid to doctors for on-call rates — up to \$180 000 in additional salary costs — the government has driven doctors out of the town by refusing to work properly with them.

I call on the minister to manage the hospital properly. It may be time for the minister to consider carefully a fully fledged accident and emergency section down there, with the reclassification of the hospital to a B-class hospital being one of the matters for consideration. She clearly cannot manage, and the town has suffered.

Budget: Geelong

Hon. J. H. EREN (Geelong) — I have said before in this house that with the election of the Bracks government, Geelong has never had it so good. We saw that again with the budget, which was another bumper budget for the Geelong region. I would like to list some of the ways it was a bumper budget.

The emergency department of Geelong hospital will get \$26.1 million — a \$6 million increase on the government's election promise and taking into account our increasing population. There will be a waiting list blitz — \$30 million on treating 10 000 patients on the state's waiting lists. A 24-hour statewide help line will be established. There will be a 24-hour ambulance service for Ocean Grove and Barwon Heads, including \$1.2 million for land and buildings, 11 full-time paramedics, and two fully equipped ambulances at a cost of \$160 000 each. In Belmont \$880 000 will be spent on the replacement of a government-staffed supported accommodation house for people with disabilities. All schools in the region will be connected to broadband Internet in an \$89 million statewide program.

Specifically for the Geelong region, stage 1 of the Newcomb Secondary College replacement school will be completed at a cost of \$3.3 million; Belmont High School will be modernised at a cost of \$5.2 million; Colac Primary School will receive \$2.4 million; and Grovedale Primary School will receive \$1.1 million. Stage 2 of the replacement of the Barwon Valley School will cost \$3.6 million. The campus upgrade of buildings for trade training at the Gordon Institute of TAFE in East Geelong will take place at a cost of \$9 million. At Matthew Flinders Girls Secondary College there will be a \$1 million refurbishment to the adjacent curriculum resources centre (CRC) facilities. It goes on and on.

I will use my next 90-second statement opportunity to continue with the funding announcements that Geelong has received.

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

Police: restructure

Hon. C. A. STRONG (Higinbotham) — Like many members I read with interest today's newspaper articles about the restructure of Victoria Police and how it intends to deal with major crime. Like all Victorians, and thousands of honest policemen, I hope this restructure is successful. However, one wonders why it has taken so long to get to this point in the face of such obvious and ongoing problems. One further wonders whether if the government had moved quickly to a royal commission, as happened in other states, rather than spending all that time and effort on various convoluted devices to avoid such a royal commission, we would have been in this position a lot earlier.

Most members would realise the very significant risk in carrying out a restructure before one has clearly rooted out corruption — that is, that the corruption will simply move over into the new structure where it will be equally difficult to root out, if not more so. Once again I urge the government to face up to its responsibilities and call a royal commission into police corruption.

Murrindindi: official visitor's guide

Hon. R. G. MITCHELL (Central Highlands) — On 26 April this year I went to the launch of the Murrindindi Regional Tourism Association's handbook, which supplies the names of businesses and tourism operators around the Shire of

Murrindindi. It features a lot of towns, including Alexandra, Eildon, Lake Eildon, Kinglake, Lake Mountain, Marysville, Yea and surrounding areas. I was there with the mayor, Graeme Brown, Cr Peter Beales, Cr Drew Collier and Cr Bill Wall, as well as many of the local tourism operators who had taken time out to be part of the launch of this fantastic booklet. Most of these operators were from the Alexandra area, and they were all members of the Murrindindi Regional Tourism Association. Businesses like theirs survive on tourism because it is such an important part of the economy of their communities. It was good to see that they all get together to encourage visitors to sample all the other businesses in the area and all the great things that Murrindindi has to offer. I wish the Murrindindi Regional Tourism Association the best with the progress of the *2005 Murrindindi Official Visitor's Guide*.

Licola Road, Jamieson: safety

Hon. E. G. STONEY (Central Highlands) — I support the Honourable Robert Mitchell in his support of Murrindindi tourism.

Yesterday's *Mansfield Courier* carries the headline 'Gasping public want road action'. The article states:

Residents of Licola Road, Jamieson say they are gasping for breath due to the incessant dust generated by vehicles on the unsealed road.

...

Frustrated locals want action by VicRoads on the 8 to 9 kilometre stretch running east from Jamieson, which is a key tourist road, providing access to camping sites —

and access right through to Mt Skene —

Resident Brian Kennedy said people living within 100 metres of the road are subjected to a constant exposure of the dust and those close to Jamieson are practically affected.

'Clouds of dust 30 metres high are common and these drift over buildings and the dust settles on rooves and ends up in water tanks', Mr Kennedy said.

...

Mr Kennedy also noted the elements of danger, as there have been accidents involving vehicles colliding with projecting banks, as well as blind corners and parked cars from people attending funerals.

...

Mansfield shire chief executive officer, Gary Gaffney, said it would be up to VicRoads to find the funding to seal it, as the Mansfield Shire Council only has responsibility for 13

kilometres of Licola Road, which is well past the area causing concern.

This is a public safety issue and VicRoads must look at upgrading the road to accommodate the vastly increased use of the road leading out of Jamieson.

Hobsons Bay: Truganina Park

Hon. KAYE DARVENIZA (Melbourne West) — I take this opportunity to congratulate the Hobsons Bay City Council in my electorate for receiving a Victorian coastal award for its conservation and management of Truganina Park in Altona. The award recognises the commitment of the council to see industrial land converted into a recreation parkland for the enjoyment of the whole community.

Truganina Park is one of the largest public parklands directly abutting Port Phillip Bay, and would not have come into being if it were not for the Hobsons Bay City Council working closely in partnership with the community as well as with sponsors, such as the Truganina Explosives and Reserve Preservation Society, Friends of Westona Wetlands and Parks Victoria.

It is a very important award which acknowledges that individuals and groups give their time as well as their effort which ensures that our coastal parkland is well cared for and is developed in a way that the whole community is able to access and enjoy for recreational purposes. I congratulate the Hobsons Bay City Council on receiving this very important award.

Budget: disability services

Hon. D. K. DRUM (North Western) — The budget recently handed down had a lot to say about putting money into people with disabilities, but there are 5000 people on the disability services waiting list waiting for more or different support packages. This budget will provide for 174 support packages or a 1-in-28 chance of being an extra service. There were 565 episodes of respite which will give a 1-in-9 chance of being able to get into a respite episode. If it is restricted to the 2300 people in urgent priority, then one's chances are a little bit better with a 1-in-13 chance of a support package, or a 1-in-4 chance of getting some respite.

The 'Assisting people with a disability' fact sheet stated that agreement has been reached with the commonwealth government to match state government contributions, and Victoria's share of

that is exactly \$17.4 million, but in the budget the allocation is \$12.3 million. We certainly hope that the budget, which is swimming in money, will not short-change people seeking respite under the commonwealth agreement.

The disability budget continues to be weighted heavily towards residential care, with 51 per cent of the disability budget going to residential care. That leaves 49 per cent for everyone and everything else. Early childhood intervention services are a joke and are totally underfunded. We certainly need this government not only to look at how much money it is spending on disability services but also to look at the outcomes it is not achieving.

Kevin McDermott

Mr PULLEN (Higinbotham) — I rise to pay tribute to a very good friend, Kevin McDermott, who has retired as a cricket umpire from the City of Moorabbin Cricket Association (CMCA) after 25 seasons. Kevin, aged 67, who lives in East Bentleigh umpired 330 games, including two of the top-division Longmuir Shield grand finals during his career.

He pulled up stumps for the final time in the I grade grand final between Hampton United and Neighbours Hampton Central played at Highett West this season.

I have been involved with the CMCA throughout Kevin's time, and he had a magnificent attitude to the game. I have never heard anyone say a bad word about him. Kevin said the funniest thing he saw on the field was when a fieldsman's wig came off while fielding a ball, and he was more concerned about retrieving that than throwing the ball in.

Kevin said the best players he saw were my own club's Con Gorozidis of Brighton Unions, East Sandringham's Kim Pitt and Marty Lyons who has played at a number of clubs in the competition. Both Con and Marty were also former Victorian Football League/Australian Football League footballers.

I wish Kevin a long and happy retirement and have no doubt I will see him around the grounds next cricket season.

Dutch community: celebrations

Hon. J. A. VOGELS (Western) — On 30 April I attended the Dutch celebration of the birthday of Queen Beatrix, Queen of the Netherlands. It was also the 25th anniversary of her accession to the throne.

As I mingled with the 300 or so guests at the royal ball in Wantirna, it was fantastic to see the Dutch migrants, many of whom migrated during the 1950s and 1960s, as I did, celebrating their Dutch heritage with Dutch songs, music, dancing and food.

There are approximately 130 000 Dutchies in Victoria, spread throughout just about every town and district. They have blended into Victoria's life without causing a ripple. The Dutch community loves being Australian: yes — we are proud of our heritage, but we are equally proud of this country.

On 1 May we had a celebration in Federation Square, with Dutch wares and food on display. Orange was the colour of the day. The Lord Mayor of Melbourne, John So, welcomed the thousands who were to visit throughout the day.

I congratulate Ype de Bruin, president of the Dutch Club, and Hans Nieuwland, Consul of the Netherlands, for staging a great weekend which was, no doubt, supported by many volunteers.

Britain: general election

Hon. J. G. HILTON (Western Port) — Today there is an election in the United Kingdom. The Labour Party has campaigned on its management of a strong economy — one of the best performing in Europe — and its preparedness to invest billions of pounds in revitalising run-down health and education services.

The Conservative Party, under the guidance of Lynton Crosby, has run a campaign appealing to those atavistic feelings of xenophobia which exist in the minds of many people. Racism has no place in any election campaign, and the Labour Party deserves to be re-elected on its record, irrespective of the grubby conservative campaign.

I would like to quote from Tuesday's *Guardian* newspaper:

It is too easy sometimes to overlook the real substance of what Labour has achieved in these years. In the first place it has built a stable economic platform — low inflation, sustained growth, low unemployment — which makes everything else possible and which would be at great risk under any other government. Second, it is on the way to winning the argument about the need for public service investment that is the cornerstone of all possibility of real social justice. Having started the work in rebuilding the health service, investing in schools and modestly redistributing, Labour has a powerful case for now going further, exemplified by the plans for early years support for young families. It is the most redistributive of all the main parties, and it deserves support on that count alone.

I would like to wish Tony Blair and the Labour Party every success.

Bridges: Echuca–Moama

Hon. W. A. LOVELL (North Eastern) — After weeks of speculation the Minister for Transport in the other place has finally confirmed that Yorta Yorta elders have rejected the preferred location for the second Murray River crossing between Echuca and Moama.

A second river crossing is a matter of urgency for the communities of Echuca and Moama. More than 20 000 vehicles currently use the only river crossing on a daily basis. An accident on the bridge can cut traffic access between the two centres for hours at a time.

The second river crossing has been a matter of concern to the community for many years. If we go back to the inaugural speech of former member Eddie Hann in September 1973, he refers to the need for a new bridge between Echuca and Moama. He said it was a problem that had existed for many years. But it was not until Sharman Stone was elected as the federal member for Murray in 1996 that this project was to progress, with the federal government in 1998 placing \$15 million in Federation funding on the table for a second river crossing.

Seven years later the state government is still procrastinating, and has failed to come up with a site for the new bridge. Now that we have the Yorta Yorta position confirmed, I urge the state government to act swiftly, to establish a location for a new second river crossing site and to progress this project as a matter of urgency.

STATEMENTS ON REPORTS AND PAPERS

Auditor-General: special reviews and other investigations

Hon. E. G. STONEY (Central Highlands) — It is now clear that forestry contractors, who are still waiting in vain hope for Our Forests Our Future packages, have absolutely no hope of the government fulfilling original promises made at the start of this program.

This report identifies that the department did not do its homework. It reports that there are many more contractors than it first realised, which is quite amazing when one considers that it would have had

the figures for all contractors working in the industry. When you read the report you can see clearly that the initial budget for the contractor packages was gravely inadequate and ran out after 38 of the 175 packages had been paid out. What did the government do? It changed the rules, of course, and said, 'You change the rules if you are not winning'. It only paid a few more out and left nearly 100 contractors stranded. It is despicable that the government raised initial expectations so high and then changed the rules mid-game. This caused anguish because money and businesses were lost.

The executive summary identifies that after all this happened quite a number of people wrote to the Auditor-General with concerns about the management of the cap, particularly the prioritising process. The Auditor-General found the program attracted hundreds of potential applicants, and many more than anticipated. The report says that to assist all eligible applicants, funding would have to be found well in excess of the initial and revised funding estimates. The report goes on to talk about 38 eligible applicants being assessed as high priority, which is quite questionable. I do not believe there was enough intellectual rigour applied to assess the highest priority. Anecdotal evidence has proven conclusively that those with the highest priority did not receive the first money, and the report points out that the money was exhausted.

The crunch of the whole thing is this point:

The initial guidelines did not mention the prioritisation process and therefore contributed to the expectation that all eligible applicants would receive assistance. While additional funding was subsequently made available, it was insufficient to assist all remaining applicants. Program guidelines and priority criteria were amended that effectively limited eligibility for assistance to applicants from specific areas. Following assessment on this revised basis, 25 of the remaining applicants received assistance. The remainder still interested in receiving assistance were deemed ineligible —

I repeat that they were deemed ineligible, the rules were changed halfway through —

or advised that your applications would not be considered further.

The report goes on to say that a number of lessons were learned and that they should be applied to any future assistance programs. However, the main lesson was that:

...potential applicants are fully informed of all aspects of the program, particularly where not all eligible applicants will receive assistance ...

At the start it was implied that everybody who was eligible would get assistance, and I do not think this report helps those devastated families and those who lost their businesses.

What this clinical and quite professional Auditor-General's report does not identify is the personal anguish that this Bracks government bungle has caused. There are nearly 100 families who have lost thousands and thousands of dollars, and many of them have lost their businesses and their money. They have lost all this because of strongly implied government promises. I have had contractors come to me in tears. I have seen their wives in tears as they told me their stories. They told me that they carefully read the guidelines and paid enormous amounts of money to accountants and lawyers to make sure that they observed those guidelines. I read some of their submissions, and they had completely conformed to the original guidelines. The government changed those guidelines, however, leaving them high and dry and very, very bitter. There were also sawmills that tried to do the right thing by value adding instead of taking a package, but they could not get the logs. The supply of logs to them was cut off, and they too have gone broke without any compensation at all. This is a black mark against a bad government, and quite frankly, its actions will not be forgotten.

Box Hill Institute of TAFE: report 2004

Hon. H. E. BUCKINGHAM (Koonung) — I would like to comment on the Box Hill Institute of TAFE annual report. The institute was the winner in Victoria of the large training provider of the year award in 2004, and at a national level it was acknowledged as one of the best four TAFEs in the country. In 2003 in this house we passed legislation allowing TAFEs to offer degrees. Box Hill is offering three graduate degree courses in applied music, biotechnology, innovation and information and communications technology networking. These are vocationally focused degrees, and Box Hill is the first TAFE in Australia to offer degrees in these areas.

Anyone who drives along Elgar Road in Box Hill will be aware of the enormous development that has taken place. The new campus building is very modern and I like it. However, I have to place on record that I do not like the new bridge that connects the two buildings across Elgar Road. It is clad in aluminium and plastic, which I just do not think is very attractive. Over \$19.5 million has been invested in this new infrastructure, coming from a mixture of government capital grants and the institute's own

reserves. In 2004, the annual report tells us that Box Hill Institute of TAFE had a total of 37 150 enrolments with an operating result of \$5.7 million.

More importantly for me as a former careers practitioner who used to recommend Box Hill and its courses to my students, the student satisfaction survey completed in October 2004 showed that 80 per cent of students would recommend Box Hill institute as a place to study. More importantly perhaps in this climate where skilled workers are so highly sought after, students believe that learning undertaken at Box Hill would make them more employable. Box Hill TAFE has strong international links with like-minded educational institutes such as Southern Alberta Institute of Technology in Canada and Kirkwood Community College in the USA. These links allow both staff and students to undertake exchanges to enrich their educational experiences.

As a prior educator I do not believe that student outcomes are the only thing or indeed the most important indicator of success of an educational institute. Indeed success should be measured by the breadth of courses offered, satisfaction levels of both students and staff and educational opportunities available such as work experience and international exchanges, to name but a few. However, having said that, student outcomes are important. Box Hill institute participates in the Australian National Training Authority TAFE student outcomes survey. In 2004 Box Hill graduates exceeded the state and national average in almost all the key survey areas with 96 per cent of Box Hill graduates working or in further studies, compared to a national average of 82 per cent. Of these, 23 per cent were employed in their first full-time position and 32 per cent had made a significant change of occupation as a result of the training they had received. Box Hill is a great TAFE. I am very familiar with the courses offered and have personal and favourable feedback from students who have attended.

As a former councillor in the City of Whitehorse I attended the graduation ceremonies in both the music and arts faculties and can attest to the incredibly high standard of the students work and the dedication of the staff. I congratulate the chief executive officer, John Maddock, and his deputy, Darrell Cain, and all the dedicated staff at Box Hill for the world-class education they continue to offer, the innovative teaching, the breadth of courses on offer and the educational opportunities available at Box Hill Institute of TAFE.

Public Accounts and Estimates Committee: budget outcomes 2003–04

Hon. ANDREA COOTE (Monash) — I would like to speak on the Public Accounts and Estimates Committee report on the 2003–04 budget outcomes. At the outset let me say it is a great disappointment to me that obviously the Minister for the Arts in another place did not bother to look at this report because she has not included any of these recommendations in the budget this year. In fact, the budget this year shows an appalling lack of recognition of the arts in this state.

Under 13.3.2, which is headed ‘Museums Board of Victoria — financial sustainability of operating activities’, is a shocking indictment of the government’s attitude towards an extraordinary set of organisations of which our museums constitute. The accumulated losses at 30 June 2004 totalled a massive \$42.3 million. This is an enormous amount of money. I give full credit to the director of the museum, Patrick Green, with whom I met recently, and his excellent staff for trying to address this issue. In the 2005–06 budget the government has only given \$6.1 million over three years to try to alleviate this. More importantly, as a fundamental issue the government refuses to fund depreciation which makes debt recovery for this organisation almost impossible.

The report states:

... the committee believes that the annual reports and financial statements of art agencies should clearly outline policies for the funding of depreciation expenses and its financial consequences.

As I said, sadly this was not recognised in this year’s budget. The committee’s recommendation, which again was absolutely ignored by the minister, states:

The Department of Premier and Cabinet ensure that the annual reports and financial statements of its agencies disclose financial policies for funding depreciation and provide an explanation about the impact of these arrangements on financial performance and asset replacement needs.

However, things are bad not only at the museum but also at the National Gallery of Victoria. Let me remind the chamber about the gallery. We have seen the blockbuster exhibition of the impressionists, we are about to see the Dutch masters — I encourage people in this chamber to go and see them because I feel they will be excellent — and it has recently been announced that we will have a Picasso exhibition next year.

We welcome all of these exhibitions, but it is important to understand that none of them would come to this state unless they were significantly underwritten by the federal government. They have to be significantly insured, and it would simply not happen if it were not for the enormous indemnity that the federal government puts into these types of exhibitions.

Again the Minister for the Arts has ignored the recommendation of the Public Accounts and Estimates Committee. The report states:

In 2003–04, NGV incurred an operating loss of \$8.8 million before fundraising revenue was taken into account, compared to surpluses generated over the past three years.

This is an indictment. The budget for this year, 2005–06, is only going to be \$1.1 million in operating support. This should be of major concern to all Victorians and people who care about the National Gallery of Victoria.

We should remember that the gallery was recognised as a prime organisation and cultural facility by the Kennett government, who initiated its revamping. Victorians are proud of the building. The building is going nowhere unless we have the exhibitions and collections that need to be reflected in what is housed in the gallery. It is all very well to have the building, but this government must recognise that we need to have collections, programs and education that go with this excellent facility. A significant amount of money has to be put in.

This Minister for the Arts was not good enough as Minister for Planning — she was sacked as Minister for Planning — and the arts community wonder why on earth she was not sacked from her position as Minister for the Arts as well. If she was not good enough for planning, why is she good enough for the arts?

Going back to the report, the committee also recommends:

The Department of Premier and Cabinet, in conjunction with National Gallery of Victoria, develop a financial strategy to ensure the financial sustainability of NGV's operating activities and focus on revenue-raising opportunities, cost containment and productivity improvements.

I certainly hope the minister will reread these recommendations, put on her roller skates and get things fixed.

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

Melbourne University Private: report 2004

Hon. J. G. HILTON (Western Port) — I would like to make a brief statement on the Melbourne University Private annual report 2004.

Most honourable members are probably aware that Melbourne University Private was established in July 1998 by means of a ministerial order of the then Minister for Tertiary Education and Training, the Honourable Phil Honeywood in the other house. The order enabled the university to operate for an initial five-year period, which expired in July 2003. At the end of that period the university had to apply to the new minister, the Honourable Lynne Kosky in the other place, for a renewal of the order.

As a prerequisite for the renewal of the order Melbourne University had to make the case that it satisfied the nationally agreed principles of the national protocols for higher education approval processes approved in 2000 by the Ministerial Council on Education, Employment, Training and Youth Affairs. The order was granted in July 2003 and Melbourne University Private is now able to operate for a further five years.

By order of the minister, Melbourne University Private must meet certain performance and output benchmarks established in the ministerial order. The benchmarks include, inter alia, proportional employment of full-time academic staff, proportional research output of all full-time academic staff and the maintenance of majority public ownership through the equity stake held by Melbourne University. It is very pleasing, on reading the annual report as tabled in Parliament, to see that the university has met or surpassed all the requirements set out in the ministerial order and was ahead on the budget figures for 2004 in terms of its financial performance.

The ministerial order also requires Melbourne University Private to provide evidence of at least one peer-reviewed and externally published research output each year by an equivalent full-time staff member. Melbourne University Private achieved an equivalent of 1.98 papers published by an equivalent full-time staff member, which compares very favourably against research productivity of other Australian universities.

Another requirement of the ministerial order is to increase the percentage of enrolments in higher

education award courses. Melbourne University Private was able to achieve nearly 39 per cent of its total enrolments in postgraduate award courses in 2004, which is a significant increase from the 23 per cent achieved in 2003. The university also continued its growth in other areas, increasing the number of research-active academic staff employed, creating new award programs, graduating its first masters level students and taking on its first doctoral students.

Besides meeting those academic targets, it is also important that the university meet its financial responsibilities. The university has developed a five-year strategic plan, which again is in response to the ministerial order. The university is presently beating its budget. It is currently investing in building research and other capacities pursuant to the ministerial order under which the university operates. The plans for 2005 include gaining inclusion as a listed provider under the Higher Education Support Act 2003 in order to enable academic staff and students to receive commonwealth grants and other assistance, conducting a review of the potential benefits of introducing new shareholders and preparing for the 2006 Australian universities quality assurance award, the satisfactory completion of which is again a condition of the ministerial order

I am pleased to finish this contribution by quoting from the chief executive officer, Mr David Lloyd, who said:

Our 2004 results overwhelmingly show that our trial years are over and our impression has been carved into the higher education landscape. 2005 is set to be another successful year for us.

I congratulate the university on its very successful operations in 2004 and wish it every success in 2005.

V/Line Passenger Corporation: report 2003–04

Hon. R. H. BOWDEN (South Eastern) — I would like to make my contribution today regarding the 2003–04 annual report of the V/Line Passenger Corporation. The report has been presented to Parliament as a record of the important activities of V/Line, which has a long-established place in the transportation needs of the state and which, under its administration, provides a whole variety of services required by a great number of diversified communities. It is a quality report, presented in an easy-to-read form. I recognise that and show appreciation for the way the data is able to be reviewed.

I have some observations to make about the operations of V/Line as detailed in the report and express some concerns. The report indicates that the much-needed renovations at Spencer Street railway station are under way, which is good. They are long overdue because for a long time the facilities at Spencer Street have required substantial renovation and improvement. It has been somewhat of an embarrassment for people to come to our fine city after long journeys by rail to that railway station. It is still expected that when completed that redevelopment project, with its stresses — as difficult as those financial pressures, engineering and other matters are — will be a very good addition to the resources and infrastructure of the state

I suggest that one or two aspects of V/Line's performance should make it mindful of some critical aspects to which it needs to pay attention. I speak specifically about timetabling. I believe a great deal of improvement can be made to V/Line's timetabling. It is my opinion that there are opportunities for V/Line to substantially improve the reliability of its arrival and departure times, and that its timetabling focus is not very good at present. I will mention that aspect in more detail shortly.

I refer honourable members to a chart on page 15 of the report where customer satisfaction versus targets is tracked. It is interesting to note that both V/Line trains and coaches appear to be at around the 80 per cent satisfaction mark. I suggest that it is unsatisfactory for an organisation that carries 6.9 million passengers per annum, with its responsibility to serve the community, as V/Line has, to register a satisfaction rating of only 80 per cent. I suggest there would be community uproar if a petrol company which supplied petrol throughout Victoria registered only an 80 per cent satisfaction rate. Also, a bread manufacturer that supplied bread to the community but was registering only an 80 per cent rating in meeting safety and satisfaction needs of the community would be out of business in a hurry. I believe the focus of V/Line is not good.

There has been concern about the lack of rail line infrastructure, and I am particularly worried about the lack of improvements at rail crossings. Of course that must be a combination of the government, V/Line and VicRoads working together on that strategic issue, but I do not see any commitment by V/Line to try to work towards the elimination of unnecessary crossings.

The other thing I would like to mention in conclusion is that commuters from Drouin are not happy. One

particular constituent of mine is very upset about the lack of performance in relation to arrival times.

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

Holmesglen Institute of TAFE: report 2004

Mr SCHEFFER (Monash) — The 2004 Holmesglen TAFE annual report presents a comprehensive picture of a dynamic and growing educational organisation.

The report states that the institute has continually expanded its course profile to meet the requirements of industry, its students and the wider community and that partnerships with industry bodies is an important part of the programs offered. As well Holmesglen has regularly upgraded its facilities and established new ones to meet the demands of industry and to cater for emerging technologies.

Holmesglen Institute of TAFE was established in 1982 at Chadstone and conducted its first class for carpentry and joinery apprentices in that year. Today Holmesglen's educational program incorporates all levels of TAFE education.

During the course of its 23 years existence Holmesglen has expanded from the Chadstone campus to the site of the former Victorian state schools nursery in Waverley and to the South Road campus in Moorabbin. Holmesglen for a time occupied the site of the former Oakleigh Technical School.

The institute operates a number of teaching centres, including applied technology; building industry training; business services; design, arts and science; health, human and community services; language programs in the international centre; and horticulture, hospitality, tourism and recreation.

The report provides detailed and informative sections on each of these areas of learning that focus on the needs of students, alliances and partnerships with industry, business, local government, other educational institutions and community organisations. The sections also give some attention to the professional development of the teaching staff and student success, as well as the growth and expansion of teaching and learning initiatives.

Holmesglen has also distinguished itself for its success in entrepreneurial activities. The report notes that in 2004 the institute achieved outstanding results with its fee-for-service activities and business units

that have an entrepreneurial focus. In this connection the report also gives an account of the work and success of the Holmesglen employment service that provides services to long-term unemployed people, to give them the skills and confidence to take their place in the work force. Other enterprise programs include Holmesglen Safety which provides occupational health and safety, environmental and quality training and consultancy to industry.

In relation to students, the report indicates that only 9 per cent are full time, which clearly means that 91 per cent are part time. There was a decrease in enrolments in 2004; 58 per cent of students are male and 42 per cent, female. The largest group of students was aged 20 to 24 and their number increased by 2.5 per cent, while the number in the age group 30 to 39 decreased by 5 per cent. Unfortunately, as far as I can discover the report gives no explanation of why some of these changes should be occurring.

The report provides a comprehensive account of staff employment issues, giving consideration to occupational health and safety, the Freedom of Information Act, the Whistleblowers Protection Act, industrial relations, and employment and conduct principles. There are also useful sections on the institute's environmental performance, the administrative support it provides and the very wide range of student services. This is a useful and comprehensive report on an important educational institute within Monash Province. I congratulate the council, the academic and administrative staff, the students and the community for their contribution to the fine work of Holmesglen TAFE.

Auditor-General: special reviews and other investigations

Hon. J. A. VOGELS (Western) — I would like to comment on the Auditor-General's report entitled *Results of Special Reviews and Other Investigations, May 2005*.

The issue I want to comment on is the review of Warrnambool City Council financial management practice. This report sets out the results in response to 15 allegations concerning the 13-year period 1992–2004.

I am pleased to see that the Auditor-General's investigation found that the majority of the allegations could not be substantiated. In the 5 minutes that I have available to me I intend to dwell on only three allegations where the Auditor-General has some concerns.

The first one is noncompliance with section 186 of the Local Government Act, which says that purchases of \$100 000 or more have to be tendered out or need to be tendered out or go to public tender. I believe it is common practice for most councils to tender through the MAPS Group for goods and services, thereby in their belief exempting themselves from this section of the act. I therefore fully support the Auditor-General's final recommendation and call on the minister to ensure that the act is adhered to or for section 186 to be scrapped altogether. One of the recommendations from the Auditor-General was that processes should be strengthened to ensure that all council purchases comply with the requirements of the Local Government Act 1989 and its own procurement policies and that all documentation supporting council purchases is adequately completed and kept.

In the other one he talks about council viability and expresses some concerns over the longer term sustainability of Warrnambool City Council to meet its current operating costs from current revenue sources and to adequately maintain the asset base. The Auditor-General reported to Parliament on this issue on 9 December last year.

Thirty-three councils this year reported they had deficits. He says that was of concern to him as it is of concern to most of the councils. What concerns me is that with a state budget now exceeding \$30 billion, local councils are left to administer, maintain and renew \$38 billion worth of infrastructure on behalf of the state with no hope of real funding increases except for slugging ratepayers — in other words, talk is cheap.

We need to ensure that councils remain viable and that they get a fair share of the pie. That is what the Auditor-General said. He said that last year 33 councils had deficits and were going backwards, and that is not sustainable.

Inadequate management and reporting of the 2002–03 Fun 4 Kids festival was another issue the Auditor-General picked up. The international festival is a major annual activity in Warrnambool that has been held in the June–July school holiday period for the past six years. From the Auditor-General's report it would appear that this festival has continually run at a loss and has cost ratepayers approximately \$200 000 a year, and it is predicted that it will require financial support well into the future. Clearly Warrnambool City Council needs to determine whether the net benefit to the Warrnambool community is worth the money being outlaid. We in

Melbourne all understand that although the Australian Formula One Grand Prix and the Commonwealth Games cost taxpayers millions of dollars the net benefit to Victoria through spending by visitors, participants and so on outweighs the cost. This needs to be determined by the Warrnambool community in conjunction with the council. If the local community understands that it is costing \$100 000 a year of their rates to run this festival and they are happy to pay that money because of the net benefits from people visiting Warrnambool, so be it, but Warrnambool City Council must clearly let the ratepayers know that it is costing them money.

O the whole the Auditor-General's report is an excellent report, and the minister should take note of the review of the Warrnambool City Council's management practices.

Auditor-General: special reviews and other investigations

Ms ROMANES (Melbourne) — I am pleased to have the opportunity to make some comments on the Auditor-General's report on results of special reviews and other investigations. It contains material on a number of interesting reviews, and I have chosen to look closely at the review of the implementation of the telecommunications purchasing and management strategy (TPAMS). TPAMS was launched by the Bracks government in July 2002 as part of the government's e-government vision called Putting People at the Centre. I have always thought that TPAMS, like a lot of acronyms, sounded a bit mysterious and futuristic. In fact, it is futuristic in that it is a framework for the whole-of-government procurement and management of telecommunications services well into the future. It consists of four projects that address different areas of telecommunications services which aim to improve the accessibility to and quality of services and reduce their cost across the public sector.

Members of this Parliament know that we have had difficulty enough with our own IT and telecommunication issues but if one starts to think about telecommunication services right across the public sector, one knows we are looking at a very complex project that the government has taken on. It is therefore very pleasing to look at the outcomes of the assessment by the Auditor-General and to see that he reached a number of positive conclusions. The Auditor-General makes the point that overall TPAMS has been effectively planned and managed, that it is still on track to meet the June 2006 deadline and be within budget despite a few minor revisions

of budget and minor delays, that the governance and management of the project by the Department of Infrastructure and its chief technology officer are robust, and that the contract procurement process has been assessed by the Auditor-General as fair, as following due process and as being in compliance with the Victorian Government Purchasing Board guidelines.

The Auditor-General makes the point that it is expected benefits and cost savings in the order of \$73 million will be achieved over five years. The Auditor-General also makes the point that there are early indicators from those involved that not only will lower telecommunication prices be achieved through negotiation but regional areas may have enhanced telecommunications access. The way the Auditor-General phrases that is in a way coy, because obviously he may have known a little about what was going to happen. I am pleased it is out in the open and in the budget papers this week that the TPAMS project has made possible the rollout of new, high-speed fibre optic broadband to government schools across the state. Under a \$89 million initiative every school will be connected, which will make the Victorian government education system a world leader. Every school will be upgraded to the same standard, thereby removing any inequalities between regional and metropolitan schools in access to bandwidth and increased capacity in the future. This very important initiative is made possible under the government's telecommunications purchasing and management strategy.

I congratulate the Minister for Information and Communication Technology, Ms Thomson, on the excellent work she has done in leading this project and delivering for not only schools in Victoria —

Hon. Kaye Darveniza — Acting President, I direct your attention to the state of the house.

Quorum formed.

Ms ROMANES — I was in the process of congratulating the Minister for Information and Communication Technology, Ms Thomson, on the TPAMS project and the favourable comments on it of the Auditor-General.

Auditor-General: special reviews and other investigations

Hon. P. R. HALL (Gippsland) — Members of the house must have known I was going to speak because they rushed back knowing that Ms Romanes

was only 15 seconds from concluding her contribution.

I want to make some comments on the Auditor-General's report on the results of special reviews and other investigations, which was tabled in the house this week. I particularly want to look at the administration of the contractor assistance program as reported on by the Auditor-General. It gives me no pleasure doing this because the contractor assistance program is part of a larger program of the Bracks government called Our Forest Our Future. What a sorry saga that has been. It started off as an \$80 million program with the intention of reducing sawlog availability in Victoria by 30 per cent, supposedly to bring it back to a sustainable level, but what we have seen from the program is a reduction in sawlog availability in Victorian forests by well in excess of 40 per cent in some regions, including in the order of 50 per cent in some parts of the regions I represent.

Part of Our Forest Our Future, particularly under the contractor assistance program, provided that people who were employed in the timber industry and who lost their jobs because of these sawlog licences being bought back by government, or people who earned at least 50 per cent of their income directly from the timber industry, would be compensated. Some cast-iron promises were made by the Bracks government when it launched the Our Forests, Our Future program with respect to those programs being available. Those promises have never materialised. There is a multitude of people in the timber industry who have been left without a job, without compensation and whose livelihoods have been thrown into absolute turmoil.

I turn to the first page of the audit conclusion, section 9.1. The Auditor-General states that there were 175 applicants under the contractors assistance program, and in the first round 38 eligible applicants were assessed as a high priority and in fact received compensation. Those 38 out of 175 applicants exhausted all the funds the government made available for this program. I will get to those figures in a minute. Some applicants withdrew but 119 applications were left on hold. The 119 applicants had met all the eligibility criteria stipulated by the government, yet because the money had run out there was no further assistance. The Auditor-General goes on to give more details about that. He said the government — this sneaky government — got around this because in December 2003 it changed the guidelines. At page 182 the Auditor-General stated:

Following that report in 2003, DSE amended the eligibility guidelines for assistance.

Further down the page:

...they were initially eligible for assistance under the November 2002 program guidelines yet ineligible when DSE imposed priority criteria in December 2003.

So if you have not got the money — in the way this sneaky government does it — you simply change the rules. Shift the goalposts so these poor people are left without any compensation or hope of rebuilding or restoring their livelihoods. And so it is that despite the fact that the government made available an extra \$8 million under the contractor assistance program, of those 119 applicants only an additional 25 received compensation. The rest, the 94 others, were simply hung out to dry. That is appalling.

It is also appalling that in the government's initial estimates it allocated \$3 million to cover the contractor assistance program — \$3 million! — yet the report identifies at page 191 that the Department of Sustainability and Environment told the Auditor-General that:

... the cost of assisting all 119 applications on hold after completion of round one would be around \$39 million.

How can this government get it so wrong? It allocated only \$3 million for this program when the actual cost is going to be in excess of \$40 million. The government could not conceivably have got it that wrong. It knew it would not be able to compensate all those people, yet it led them up the garden path and left them with nothing. People in my East Gippsland constituency qualify for this program but have not received compensation. Some have packed up and left the region; some have gone out of business; some are still searching and struggling on. They have been treated appallingly.

This government claims it creates jobs, but it never talks about the jobs that are lost.

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

Gordon Institute of TAFE: report 2004

Ms CARBINES (Geelong) — Thank you, Deputy President.

Hon. W. R. Baxter — Are you going to respond to that as parliamentary secretary?

Ms CARBINES — I am very pleased to speak this morning about a very important institution in my

electorate, Mr Baxter, the Gordon Institute of TAFE which is a fine tertiary institution in the City of Greater Geelong. We are in fact very well served in Geelong by our educational institutions. We have excellent state schools, fine independent schools, Deakin University which is leading the way across the state, and we have the Gordon Institute of TAFE.

The Gordon Institute of TAFE is Geelong's oldest institution. In fact it is 118 years old, so for 118 years the Gordon has been serving Geelong's students and community extremely well indeed. It is a very dynamic organisation led by its chief executive officer, Ms Martha Kinsman. The Gordon at Geelong is now spread across six campuses, one of them in the wider region of Colac. As Victoria's largest TAFE institute it has eight teaching schools and two interstate offices. I am pleased that part of the institute operates at Barwon prison, offering great courses to the prisoners. I have been out there and seen the good work done by the Gordon at Barwon prison to make sure that offenders serving their time have the opportunity to use it profitably in learning and gaining accreditation through courses.

The Gordon has 23 000 students and some 500 staff. It offers 220 nationally accredited courses and 200 specialist courses. With the Bracks government's important legislation dealing with TAFE institutes, the Gordon can now offer a degree course — the bachelor of arts in visual arts. I know the Gordon was thrilled by the Bracks government's initiative to allow TAFE institutes to offer degree courses.

The Bracks government is extremely proud to support TAFE institutions across our state. It has not only provided them with emotional support by thanking them for their work and the contribution they make, but it has also put its money where its mouth is and is financially supporting TAFE colleges to an incredible degree. I know the Gordon TAFE in Geelong has benefited enormously through the Bracks government's investment in infrastructure for the Gordon. In its first term it invested \$16 million to upgrade the Fenwick Street campus, or what is known as the city campus, in Geelong, and just this week the Treasurer, John Brumby, announced a further \$9 million to go to the Gordon TAFE in Geelong to expand its campus in East Geelong. This is a very important addition to the Gordon Institute of TAFE.

We have had an issue at the East Geelong campus. It is the site of the former James Harrison Secondary College, which merged with Newcomb Secondary College, and the institute wanted to expand its site

there. The Barwon Valley School, which is a state specialist school, also wanted to relocate to that site, but through our fantastic education department officers in Geelong we sorted out a new site. The school will co-locate with Belmont High School. This week the government announced \$5 million for Belmont High School to upgrade its facilities and over \$3 million for stage 2 of the redevelopment of the Barwon Valley School. This is a win-win for all the schools and institutions in Geelong.

We are very proud to support the Gordon Institute of TAFE. It is a dynamic education institution in Geelong. I have some links with it through my former role as a secondary school teacher. I taught vocational education and training courses that had a component delivered through the institute. I have been pleased to be associated with it. I congratulate Martha Kinsman, the staff and team she leads, the council of the Gordon Institute of TAFE and the fantastic students enrolled there. I wish the college —

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

Chisholm Institute of TAFE: report 2004

Hon. G. K. RICH-PHILLIPS

(Eumemmerring) — I desire to make a statement on the 2004 annual report of the Chisholm Institute of TAFE. The institute is the single largest provider of vocational education and training in my electorate, particularly through its Dandenong and Berwick campuses, which have 13 000 and 2600 students respectively. My electorate is also served by the smaller but nonetheless significant Cranbourne and Noble Park campuses.

In early 2002 I was briefed by then incoming chief executive, Virginia Simmons, on the circumstances surrounding the institute. At that stage it was in dire financial circumstances. It had recurrent operating deficits, overstaffing, low productivity and falling student enrolments, and significant administrative problems needed to be turned around. I am delighted to see that the 2004 annual report records that the Chisholm Institute of TAFE is now back on track due to the work of the council and executive. The report records that in 2004 the bulk of students came from the fee-for-service sector rather than enrolling in courses directly funded by government. The institute has used its initiative to develop a direct customer base rather than relying on government revenue. It has also exceeded the majority of the performance targets set for 2004. I particularly note

the financial result. In the 2004 year it recorded an operating surplus of \$4.3 million, up from just \$300 000 in the previous year, for funded operations — that is, those for which it received a government subsidy. For its total operations, which includes government-funded and fee-for-service operations, its operating surplus for 2004 was \$7.4 million, up from a loss in the previous year of \$360 000. Following the previous four years of work, 2004 was the year in which we saw the turnaround.

Other significant achievements of the institute include a substantial reduction in the working capital deficit of roughly \$3 million and greatly improved productivity. Staff delivery of student contact hours per teaching staff member has increased from 12 400 hours to 13 900 hours, which is a dramatic increase in the level of teaching output per staff member. The proportion of staff who are teaching staff has increased from 62 per cent to 65 per cent, so the organisation is clearly a much leaner operation than it had been. I would expect to see that trend continue with the reduction of administrative staff and a preference for teaching staff.

As part of the reform program Chisholm Institute of TAFE has in place a plan to reduce the number of staff. For this year its target was a reduction of 64 equivalent full-time staff and it actually achieved separations of just under 76 staff, which has had a dramatic impact on the bottom line of employment costs. Fee-for-service revenues this year are also greatly exceeded by \$600 000 in the budget, which indicates that the self-generated sector of Chisholm is performing very strongly. I am also keen to report that on a cash-flow basis the institution is performing very strongly with operating cash surpluses of over \$10 million, which means that for the future this institution should now be very well placed.

I place on record congratulations to Bob Maughan, the retiring chairman of the Chisholm Institute of TAFE, and also Virginia Simmons who, as chief executive officer, has led the reform agenda over the last four years, which is now bearing fruit.

Human Services: report 2003–04

Hon. D. McL. DAVIS (East Yarra) — My contribution today relates to the Department of Human Services annual report for 2003–04. I want to specifically comment on the acute health output group, in particular the issues of emergency departments at our major public hospitals.

What we have seen, of course, is the government announce some money in the budget that will certainly assist those emergency departments, but I am very concerned that the money may not be used as wisely as it should be. We know that more than 26 585 Victorians spent more than 12 hours on a trolley in the emergency departments of our major public hospitals in 2003–04. Some 5000 of those Victorians spent more than 24 hours on a trolley, and an alarming 512 patients waited more than 48 hours on a trolley in an emergency department before they were admitted to a hospital bed.

My concern is that hospitals like the Alfred hospital had 1294 people who waited more than 24 hours on a trolley, while Royal Melbourne Hospital had 736, Dandenong Hospital had 532, Monash Medical Centre had 506, and Northern Hospital had 467 waiting more than 24 hours on a trolley. Maroondah Hospital had 333 people waiting on a trolley in emergency for more than 24 hours, while the Austin and Repatriation Medical Centre had 192, Box Hill Hospital had 185, Angliss Hospital had 156, and Frankston Hospital had 100.

According to the Auditor-General we have also seen the emergence of long stays, meaning more than 48 hours, and ultra-long stays, meaning more than 60 hours, in emergency. We know from clinical evidence that patients who are forced to wait have their outcomes reduced — patients are more likely to die or to suffer serious complications.

The state government's annual hospital report that was tabled some two weeks ago shows that there will be a reduction in the number of occasions on which it reports on these long-staying patients — it will reduce it to twice a year rather than four times a year, and it will change the output measure to an 8-hour reporting time rather than a 12-hour reporting time. We support a shorter reporting time but believe that in the interim there should be a parallel reporting of the 12-hour measure to enable proper comparison of the government's performance with previous years.

Indeed, those who have been in this Parliament a little while will remember that the Independents charter talked about parallel reporting where output measures in the budget were changed. The government has quietly ditched that commitment to parallel reporting which, in my view, is designed to cover up the embarrassment that the Premier is suffering with the huge number of people being forced to wait enormous lengths of time.

I believe there should be proper reporting of how emerging departments are performing. As this money is rolled out by the Bracks government we need to see that proper reporting. We know that value-for-money is not always achieved across the state with the Bracks government's spending. Some emergency departments today, with more money and more staff, are treating fewer patients than in 1999 — for example, places like the Bendigo Health Care Group are treating fewer patients with more money and poorer outcomes. We know that in the September quarter in country Victorian emergency departments there was a 2000 per cent increase in the number of people waiting on trolleys more than 12 hours.

My great concern is that this money the government has announced for emergency departments is welcomed, because places like Geelong have waited too long for the upgrade of their accident and emergency services, and that has become a significant slowing point for that hospital. We need to make sure that the money is used wisely; we need to make sure that there are proper output measures; we need to make sure the community is getting value for money; and we need to make sure that patients are being treated properly and not being left on emergency trolleys endlessly, sometimes for two or three days. Indeed in one case I was made familiar with recently, somebody was left for 70 hours on a trolley in the emergency department at Monash Medical Centre. For somebody who was in a severe medical position, 70 hours in an emergency department is too long. It is something that the government cannot and should not defend. Instead, it has ditched the output measures, and that measure is failing performance.

PARLIAMENTARY COMMITTEES

Membership

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

That the Honourable Geoff Hilton be a member of the Law Reform Committee; and

Mr Adem Somyurek be a member of the Public Accounts and Estimates Committee.

The second part of this motion for Mr Somyurek to be a member of the Public Accounts and Estimates Committee is an uncomplicated motion that probably fits with what normally happens in this place when a member of a particular party resigns from a

committee, in this case the Public Accounts and Estimates Committee, and there is a convention that that person is replaced by someone from that same party. The member for Narre Warren North in the Legislative Assembly has resigned, so the second part of the motion is one that I would not normally speak to.

I rise to speak on this motion because of the first part, which is that the Honourable Geoff Hilton be a member of the Law Reform Committee. The reason the government is moving this is not just because of the great attributes of Mr Hilton.

Hon. D. McL. Davis interjected.

Mr LENDERS — I could wax lyrical for 60 minutes, Mr Davis, on Mr Hilton's attributes, but he is a modest man so I will spare him. Significantly, earlier today the Legislative Assembly also added a government member to the Law Reform Committee and I am seeking the support of the Legislative Council to add Mr Hilton. It is important to put this into context. As I said, most of the joint committees have seven members. Two committees, the Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee, have nine members on the basis of their higher workloads. There is certainly a case for the Law Reform Committee, which has extensive references and heavy work, to have more members.

There is another reason why the government is moving this. The committees represent the Parliament, the nature of the Parliament and the reflection of the Parliament, which is a tradition that goes back in this place since the formation of joint committees, and in both houses back to the very start of this Parliament that the committees represent the houses their members are from.

As members will know, one government member on this committee changed to being an Independent. I have not commented on this previously in the Parliament because, regardless of people's personal views on that, in the end it is the legal right for that member to change to being an Independent. She chose to do that; that is a decision she has made. However, when the two houses established the committees on the basis of proportionality, they established them on the basis that there were four government members and three non-government party members. Even when the Kennett government had huge majorities it respected that the non-government parties had almost half the numbers. It has always been the tradition in this place that the

governing party and the governing majorities in both houses determine the majorities on the committees.

The action of one member choosing to move from the government side of this house to the opposition side changed the equation. The government is not seeking that the member stand down from the committee.

Hon. Philip Davis — The government does not have the capacity to do it.

Mr LENDERS — The Leader of the Opposition says that the government does not have the capacity to do it. Amendments to the legislation by this government require a member to resign in writing, but the government has not asked the member to resign, nor has the government asked either of the two Liberal members or the one member of The Nationals on that committee to resign. If the opposition parties have a problem with the committee being too large, one of the Liberal Party or Nationals members, or the Independent member, could resign, in which case the government would not proceed with this motion.

The government is acknowledging that there are four members on the committee who have made a contribution and wish to continue doing so, and no-one is arguing about their right to do that, but in accordance with the traditions and practice of this place, the majority has the right, pro rata, to a majority of seats on these committees and on that basis we are seeking to expand the size of the committee by two members — one from this house and one from the Assembly. Earlier today the Assembly voted for Liz Beattie, the member for Yuroke, to be made a member of the committee, and I am now, therefore, proposing that the Honourable Geoff Hilton also be made a member of the committee.

It is a simple proposition. The committee has a heavy workload that can be expanded, and in that sense it is the same as the Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee in that they can be expanded and — —

Hon. Bill Forwood — Come on — easy!

Mr LENDERS — Mr Forwood mocks the workload of the committee. I suggest he actually look to some of the fairly extensive references before the committee, and if he wishes to mock law reform, he may do so, but I assume he is just making a partisan point.

The house needs to reflect on this matter. It is not a blunt instrument to remove anyone from the committee; it is simply a means of recognising that the committee no longer represents a majority in the Parliament, and it augments the committee, keeping all the expertise and adding two great new people onto the committee. This is not an unusual feature. I can report to the house, if members want, on what happened when Mr Charles Francis left the Liberal Party during the Hamer government years of 1976–79 or when Mr Doug Jennings left the Liberal Party during the 1976–79 Parliament or when Mr Neil McInnes left the then National Party to join the Liberal Party during the 1976–79 Parliament.

This happens from time to time. It gives Parliament the opportunity to make choices, and the proposition the government is moving today is that we nominate the Honourable Geoff Hilton to become the ninth member of the Law Reform Committee. In so doing, no member is removed from the committee, no member is asked to leave, we keep the principle of proportionality in place and in a measured fashion we enhance the committee with a very good member who will make a very good contribution. He is a very thoughtful member and a diligent one who fulfils his role well. He will add value to the committee.

Importantly, and I will be interested to hear from opposition members on this matter, this respects what happens when electors put majorities into this place. This committee will continue to reflect the face of the Parliament, which is an important issue of proportionality and a very important pro rata issue for this chamber to deal with. I look forward to listening to the responses from the other parties and gauging whether they are consistent with what those parties have done in the past. Many of us will be watching what happens in years to come as to whether they remain consistent. I urge the house to support the motion.

Hon. PHILIP DAVIS (Gippsland) — I congratulate the Leader of the Government on his luminescent tie! I move:

That the debate be now adjourned.

House divided on Mr Davis's motion:

Ayes, 19

Atkinson, Mr	Forwood, Mr
Baxter, Mr	Hadden, Ms
Bishop, Mr	Hall, Mr (<i>Teller</i>)
Bowden, Mr	Lovell, Ms
Brideson, Mr	Olexander, Mr
Coote, Mrs	Rich-Phillips, Mr
Dalla-Riva, Mr	Stoney, Mr

Davis, Mr D. McL.	Strong, Mr
Davis, Mr P. R.	Vogels, Mr (<i>Teller</i>)
Drum, Mr	

Noes, 21

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

Pair

Koch, Mr	Nguyen, Mr
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Motion negatived.

Hon. PHILIP DAVIS (Gippsland) — We have just seen the government demonstrate its abuse of the processes of this place by forcing this matter to be considered peremptorily. The government only gave notice of this motion yesterday and as a matter of course this house is generally given time to consider matters that are relevant to the chamber as a whole. There was no reason at all for this matter not to be held over, as is the usual practice in this chamber, and the government exercises its majority on every occasion — on every occasion — on changing the way this house operates.

The government has introduced a pro forma system in the Victorian Legislative Council that formally recognises parties. It has been done so the executive can control the backbench members of its own party and direct that they shall on every occasion do as the executive bids. The cabinet has ruthlessly exploited the fact that it has a majority in this house to severely undermine the traditions and procedures that have been established to maintain good governance and scrutiny of the government of the day. I make the point that this is simply an adventure in utilising numbers in the house to guarantee a majority on a parliamentary committee which is ostensibly representing both houses, all parties and the Parliament as a whole in dealing with serious matters. The Law Reform Committee has a very significant role to play in the Parliament. It — —

Hon. T. C. Theophanous — We are expanding it.

Hon. PHILIP DAVIS — I take up the minister's interjection when he says, 'We are expanding it'. Let us get to the heart of it: why is the government

insisting on expanding it? Let me make it clear that it is because, as the Leader of the Government said — and if the minister who has interjected had been here to listen to the debate he would know that the Leader of the Government has made it absolutely clear to the house — it is to maintain government control of the committee. By adding Labor members in both houses the government is asserting its position of ensuring that there will be no forum in the Parliament of Victoria not subject to the direct and explicit control of the executive. It is an absolute disgrace. The Law Reform Committee, like other joint committees of the Parliament, has seven members. At the change of government in 1999 the Law Reform Committee was established with a membership of seven members and has had seven members for all of that time. It is a fact that a member of the committee — —

An honourable member interjected.

Hon. PHILIP DAVIS — The interjection was that the committee is overworked and implied that other committees are not. If that is the implication, it is an insult to members of other committees. May I say that the government's process is reflecting significantly on the ability and contributions of members of both houses who are members of joint committees. It is clear that the changes being brought in by the government in relation to this committee — expanding it from seven to nine members — are simply to guarantee the total domination by the government party, and the backbench members are too intimidated to ever have any voice in the direction of government policy. The executive is determining every action on the part of the Labor Party in government, and I have to say it is a disappointment, which is being reflected in the electorate.

I have to say that the members of the Law Reform Committee from both the government and non-government parties make an earnest and serious endeavour to contribute to the work of the committee. I am absolutely certain that during the course of today we will hear from a number of members of — —

Hon. R. G. Mitchell interjected.

The PRESIDENT — Order! I ask Mr Mitchell to desist from interjecting and to allow the Leader of the Opposition to be heard in silence. If he continues to interject he will be asked to leave the chamber.

Hon. PHILIP DAVIS — I am sure members who have experience on the Law Reform Committee as either present or former members will wish to make a contribution about the important work the committee does. I am sure also that none would be so full of self-importance as to suggest that the work they do and their workload is greater than that of any of the other joint committees that have operated for the last five and a half years with seven members. This is a farce. It is an abuse of process. By utilising its numbers at the commencement of this debate to push this motion through today when it could well have been considered in the intervening period to the next sitting, the government is indicating that it is not at all interested in the views of the Parliament as a whole. That joint committees — —

Hon. T. C. Theophanous — We are not interested in your views.

Hon. PHILIP DAVIS — That is right. Thank you, Mr Theophanous. The honourable member has said that the government is not interested in my views. I take that to mean me as Leader of the Opposition and Leader of the Liberal Party and — —

Hon. T. C. Theophanous — You personally!

Hon. PHILIP DAVIS — Me personally. I thank Mr Theophanous, who says that the government is not interested in the opinions of the Leader of the Opposition in this place. May I say to the honourable member that this is the very problem I am alluding to. The fact is the Parliament has reverted to nothing but an electoral college under the government's control. Until 2002 this Parliament was a place where the community could have issues dealt with, with some degree of satisfaction that Parliament would take those matters seriously. Now the Minister for Energy Industries and Resources says that he and the government are not interested in what the opposition has to say on important matters of public policy. Mr Theophanous and his sort are condemned in the eyes of the community for being completely out of touch with the democratic ideal. This house is a place where the citizens of Victoria should have their views properly respected.

Honourable members interjecting

Debate interrupted.

SUSPENSION OF MEMBER

The PRESIDENT — Order! I have warned Mr Mitchell. Under sessional order 31 he will exit the chamber for 30 minutes.

Mr Mitchell withdrew from chamber.

Debate resumed.

Hon. PHILIP DAVIS (Gippsland) — What can you do? You can sit on the other side of the house in a cacophony of sound, abuse me, abuse the opposition and try to howl us down. The people of Victoria will not be howled down. You will pay a price not just for your actions but for all of your abuses of this house over a period of — —

Hon. T. C. Theophanous — On a point of order, President, as is normal for the Leader of the Opposition to speak in this house, he continues to debate the issue by reference to me personally or to those opposite rather than speaking through the Chair. I ask that you ask him to speak to the Chair.

The PRESIDENT — Order! I uphold the point of order and I ask the honourable Leader of the Opposition to refer his comments through the Chair.

Hon. PHILIP DAVIS — May I say that the Minister for Energy Industries and Resources typifies by his interjection and point of order the total abuse and contempt in which he holds this house. It is clearly the case that he and the executive to which he is bound have no regard for the Parliament of Victoria. Their position is that whatever the executive decides on Monday in cabinet shall be done by the Parliament irrespective of the views of individual members of the government party room. As we have seen in debate this week it is clear that members of the government party room do not even have an opportunity to contribute to the policy determinations in regard to serious matters like imposing tolls on the Scoresby freeway.

There is an invitation here today for any member of the government to stand up and say that they do not agree with the abuse of the Parliament which is being demonstrated. There is not one single, solitary reason why this matter should be forced through today other than that the Leader of the Government, who is leaving the chamber, has a media appointment at 12 o'clock, when he will make an announcement about the relocation of the Melbourne wholesale fruit and vegetable market.

Why is he leaving the chamber? So that with his luminous tie he can get to a media engagement and make an announcement on behalf of the government. He is not interested in the democratic processes of this place. Government ministers are not interested. There is only one government minister sitting in her place at present. The best the government back bench can do is howl down the opposition.

I make no reflection on the nominees in a personal sense but I take issue with the abuse of process so that the government can sustain a majority in committees, which are supposed to arrive at consensus conclusions on serious investigations of public policy. Here we have the government rorting and stacking just as it is used to in practical effect in its own party. All the members on the other side of the chamber have had experience and knowledge of branch stacking in the ALP. They are translating that knowledge and experience into an abuse of Parliament. They are bringing branch stacking into the Parliament of Victoria and are proposing to rort the joint parliamentary committee process, which was designed and has evolved over many years to be a process to achieve public policy consensus.

I point out to the house and to you, President, that it will not be possible for the joint parliamentary committees, so abused in this fashion, to come to consensus conclusions on serious issues of public policy. Why? Because everybody will know that irrespective of whatever sensible discussion occurs between committee members, the executive will determine what the recommendations will be. They will not be joint committees. The Law Reform Committee will no longer be a joint one but will be a committee stacked with Labor Party members who have no interest — —

Mr Smith — What was it before?

Hon. PHILIP DAVIS — Mr Smith interjects, 'What was it before?'. Mr Smith is asserting that it was stacked before. That may well be right. If it is right, no wonder Ms Hadden had the intestinal fortitude to resign from the Labor Party. Why? Because Ms Hadden understands the abuse which Mr Smith appears to be an expert at — of stacking, rorting, and corrupting process. It is a disappointment to me as somebody who has been in this place for about 12 years to see the Parliament brought low. We have seen appalling behaviour by members of the government, both while in government and when in opposition. But I have not before seen such a blatant abuse of the government's numbers in this place so

as to abuse the objectivity of joint parliamentary committees.

I see no value in going further than saying that I am totally opposed to this motion in respect to the implications for the Law Reform Committee. The motion, which is in two parts, one dealing with the Law Reform Committee and one dealing with the Public Accounts and Estimates Committee, unfortunately means that in regard to replacing a member of the PAEC, because that is bound up in the one motion, we will be voting against both parts.

I make the point to Mr Somyurek that the opposition has no issue at all with his appointment to the PAEC as a replacement Labor Party member, because by convention it is in the hands of the government party to change a member if that is its wont. However, in relation to the Law Reform Committee, and I reiterate in regard to Mr Hilton that the opposition is not contesting the contribution that he may make to this committee or indeed any other committee, our concern is about the process that is being used here and whether this is necessary. We in the opposition say it is unnecessary. We are therefore opposed to paragraph (1) of the motion and therefore absolutely opposed to the motion as a whole. The opposition will be voting against the motion.

Hon. P. R. HALL (Gippsland) — I want to set the context of my response to the motion by outlining some of the views The Nationals hold in respect to the operation of parliamentary committees. We have always demonstrated a high regard for the work of parliamentary committees and see that as an important role that we all as members of Parliament should play. That role is not just about coming down here, standing in this chamber and speaking on issues. We see the work we perform as members of various parliamentary committees as equally important.

The Nationals have membership of each of the joint committees, and we take this work seriously. Our attendance at a parliamentary committee meeting mostly involves a full day out of our week in coming down to Melbourne. Whereas for Melbourne city-based members it might involve a 2-hour meeting, for members of The Nationals it is often a full-day commitment. We willingly give that time. I would even go so far as to suggest that the attendance of some Nationals members on those committees is better than that of some city-based members, such is our sense of responsibility and desire to take the work seriously.

The value of the parliamentary committees is their all-party nature — they include membership from all political parties — and the bipartisan manner in which they traditionally operate. During my time in this Parliament I have been on a number of different all-party parliamentary committees, and my general observation is that we work pretty well together. Members of all political parties sit down, tackle some tough issues and generally come to a joint resolution. The majority of reports that are tabled in the Parliament by all-party committees have the unanimous support of all members of the committee involved. I truly believe, and it is the view of The Nationals, that the strength of those committees is the bipartisan nature in which they operate.

An honourable member — Tripartisan.

Hon. P. R. HALL — Tripartisan. If we were to believe that all issues arising from committee work were to be decided purely on party lines, there would be no value in having such committees. The effectiveness of committees lies in the fact that we can usually come to agreement as to the final outcome of the issues under review. We do not believe it is necessary that the government, no matter who the government of the day is, should have a majority on every committee of the Parliament, whether they be all-party committees or whatever. We believe, as I said, that because of the tripartisan nature in which those committees should and in general do work it is not absolutely necessary that the government should always have a majority on the committees.

With that background as context I come to the notice of motion before the house. The second part of the motion, as the Leader of the Government has said, has not attracted any opposition from the Liberal Party and nor does it attract any opposition from the Labor Party. It is common that members of various committees are changed from time to time for good and just reasons. As in this case, where Mr Somyurek is to become a member of the Public Accounts and Estimates Committee replacing another person on that committee — and I do not even say a Labor Party person — we have no hesitation whatsoever.

The first part of the motion is controversial. In the context that I have just been speaking about, given that all-party parliamentary committees work best if there is a cooperation and willingness of all members to work together, we do not believe governments should always have a majority on those committees. The fact that Ms Hadden has resigned from the Labor Party should make no difference to the composition

and work of the Law Reform Committee. There are still seven able-bodied people working on that committee and doing a very good job. We appreciate the reports that that committee has tabled in Parliament, and we do not see there should be any difference now that Ms Hadden has decided to resign from the Labor Party and become an Independent member.

Hon. T. C. Theophanous interjected.

Hon. P. R. HALL — I will come to that in a minute, Mr Theophanous. We do not believe the fact that a particular member of that committee has changed her party status should in any way affect the work of the committee, and quite frankly we therefore do not see a need to change the composition of the committee.

Mr Theophanous suggested that Mr Hilton would make a contribution to that committee. I think Mr Hilton would make an excellent contribution to that committee, or indeed any other committee. I say that because Mr Hilton has already demonstrated that he is one of the most diligent members of the Labor Party in this chamber and elsewhere. His attendance here probably far exceeds that of any other member of the government in this chamber, listening and making a contribution. He is prepared to listen to the contributions made by all members of the Parliament, and I commend him on it. He would make a good contribution to the Law Reform Committee, but that is not the issue.

There is no need to change the composition of this committee. As the Leader of the Opposition has said, the only reason we are opposing the motion is that this government is paranoid about controlling every committee and every aspect of this Parliament. This is an ideal opportunity — lost by the government in this instance — to demonstrate that members of the government are prepared to look at truly open, honest and accountable democratic processes of the Parliament. Because of their paranoia about control, they are not prepared to give this a go. It would be an opportunity to see how a parliamentary committee that does not have a government majority works. My gut feeling is that it would work no differently from the way it works now. The Law Reform Committee has generally come up with balanced views, supported by the majority of members of the committee. The notice of motion has been brought on simply because of the paranoia of government members.

The main defence of the Leader of the Government for changing the current composition of the committees is that the composition of committees should be decided on the principle of proportionality. Frankly, that is absolute rubbish. We have all-party parliamentary committees and at times we laud the fact that people from different sides of politics can sit down, go through an issue rationally and come to a conclusion. That is true. If this government insists that it must have a majority in every aspect of the work of Parliament then it is eroding that democratic principle. That is lamentable.

The Nationals will oppose the first half part of the motion. As I have said quite clearly, that is no reflection on Mr Hilton's membership.

Hon. T. C. Theophanous — It is a reflection! What about voting for him on merit?

Hon. P. R. HALL — It is not about the individual concerned. I have made that clear to everybody in this chamber, except Mr Theophanous, apparently. If the issue were one of workload and the committee needed more members, we would happily agree to appoint to that committee additional members from both sides of the house. That is the only fair way to do it if additional members are required. There is not that need. The Law Reform Committee has functioned exceptionally well with its current seven members and will continue to do so. This motion is unnecessary. It is based on the paranoia of members of the government to control everything according to their numbers. It is not a good democratic process or structure and therefore The Nationals will be opposing it.

Ms MIKAKOS (Jika Jika) — I am very pleased to be able to rise today and make a contribution to this debate and speak in favour of the motion moved by the Leader of the Government. I have been listening to the debate very carefully and have been absolutely amazed by the sheer hypocrisy of the opposition, whose members would quite clearly remember that during the entire time of the seven years of the Kennett government it had both the chair and majority on all the parliamentary committees. The government has made it quite clear that it wishes to have the chair and majority of all parliamentary committees, in line with its majority in both houses. That is quite appropriate. This Parliament is a democratic place. It is a reflection of the wishes of the people of Victoria, and they have quite clearly chosen to support the Labor Party and give it a majority in both houses of Parliament. For that reason it is clearly appropriate and in the spirit of

democracy in this state that the government hold a majority on all the parliamentary committees.

I found it quite interesting that the Leader of The Nationals, the Honourable Peter Hall, in his contribution sought to assert that a change in the party balance of a committee should make no difference to the composition of a parliamentary committee. I pose some questions to Mr Hall: was it perhaps just a mere coincidence that when Neil McInnes changed from the Country-National Party to the Liberal Party he resigned from his position on a parliamentary committee? Was it perhaps just a mere coincidence that when Peter McLellan became an Independent he resigned from the Road Safety Committee, allowing the Liberal Kennett government to have a majority on the Road Safety Committee?

I remind members of The Nationals that when the Labor Party sought to support a move for a member of the then coalition, the member for Murray Valley in the other place, Ken Jasper, to chair a parliamentary committee, the Liberal Party forced Ken Jasper out of holding that position. It is a bit rich to have The Nationals seeking to assert today that a change of party balance in the composition of a committee should count for nothing in how the committee is constituted.

I also found it very interesting that assertions were made by the Liberal speakers that what is behind the motion is the government's seeking to exert executive control over parliamentary committees. Mr Forwood will remember that when in office the Kennett government clearly exercised control of the parliamentary committees by the executive. He would clearly remember that when he was Parliamentary Secretary to the Premier he also continued to chair the Public Accounts and Estimates Committee. Yet today members of the opposition are asserting that the government is seeking to allow the executive arm of government to take control of parliamentary committees. The Bracks government has had a very clear policy of not appointing parliamentary secretaries to any parliamentary committee, and that has continued over the whole of this term in office of the government. I consider that a very good idea.

What have members heard during the contributions so far from members of the opposition and The Nationals? We have heard a great deal of hypocrisy and a reflection of selective memory. Members know that members opposite are keen to erase from their memories the whole time that the Kennett

government was in office. They have taken off their gold badges and put them in the bottom drawer, never to be seen again.

Hon. Kaye Darveniza — It took them a while, some longer than others!

Ms MIKAKOS — It did take them quite a while, surprisingly. During this term of government, members opposite have sought to erase from their memories the Kennett years. We will continue to remind them of the way they conducted themselves when they were in government, as we will continue to remind the public of Victoria. We will bring up these issues and point out the hypocrisy of members of the opposition and The Nationals in their stance on today's motion.

Members have already reflected on the fact that Mr Hilton is a very able member. I wholeheartedly agree with the sentiments that have been expressed. I am absolutely convinced that Mr Hilton will be an outstanding contributor to the Law Reform Committee, as I am absolutely convinced that Mr Somyurek, who I have had the pleasure of sitting next to for the last two years in this chamber, will also be a very fine contributor as a member of the Public Accounts and Estimates Committee. All members know that is an important committee which performs a very important role in scrutinising the work of the executive arm of government. I know that Mr Somyurek is looking forward to the role that he will be able to play as a member of that committee, as is Mr Hilton looking forward to the work that he will be doing as a member of the Law Reform Committee.

I note that in his contribution Mr Hall made some comments about the tripartisan nature of the work of parliamentary committees. I also want to reflect on that issue for a moment, having served on the Scrutiny of Acts and Regulations Committee (SARC) in the last Parliament. I found the work of that parliamentary committee to be very rewarding.

Hon. Bill Forwood — Which one were you on?

Ms MIKAKOS — SARC. I think it made a very worthwhile contribution in a number of very important reports that were handed to this Parliament. Mr Olexander well remembers, given that he was also on SARC at that time, that that committee made some groundbreaking reports in terms of suggesting changes to redundant legislation. A lot of the recommendations in the Anzac Day report were subsequently taken up by this

government, as have a lot of other changes that will be coming to Parliament in the next 18 months or so.

I certainly refute the assertion made by the Honourable Peter Hall. I do not think that these changes will in any way affect the cooperative way that the parliamentary committees have operated so far. I think all members take their roles and responsibilities on these parliamentary committees extremely seriously, and they work very diligently on the terms of reference that are presented to their committees.

I am looking forward to the contribution that Mr Hilton and Mr Somyurek, and also the member for Yuroke, Ms Beattie, in the other place, will make on both the Public Accounts and Estimates Committee and the Law Reform Committee. As Parliamentary Secretary for Justice I take a very keen interest in the work of the Law Reform Committee. I note that it has just commenced work on a couple of very important references. One is an inquiry into the Coroners Act 1985 and another is an inquiry into the Administration and Probate Act 1958, and I know that the Attorney-General and the government are very much looking forward to the reports that will be handed down by that committee or those two areas, given that they are very important areas of government administration. I wish the committee well in its deliberations and the work that it will do over the coming months or those two areas. I know all members of the committee will make a very able contribution.

It is interesting to note that some committees have had a bit of a reputation of being big contributors to the government's program. I have already reflected on the work of the SARC and the PAEC. I think the Law Reform Committee also is a very big contributor in this area, and it is highly appropriate that we are boosting the Law Reform Committee's numbers to nine in line with the number of members on both the PAEC and the SARC.

In relation to the comments by the opposition, when it asserts that this motion constitutes an abuse of Parliament, I believe that is absolute nonsense. The Parliament is the master of its own destiny. It can choose to debate and pass this motion if a majority of the house so wishes.

Hon. Bill Forwood interjected.

Ms MIKAKOS — That is what this is all about, Mr Forwood. It is called democracy, and in line with democracy it is appropriate that the government has a

majority of its members being able to make a contribution on the Law Reform Committee; we do not make any apology for that. I wish to remind Mr Forwood that it was the policy of the Kennett government of also retaining a majority on its parliamentary committees, and it is something that we do not shy away from.

I think the opposition and The Nationals should go away and carefully reflect upon the arguments they have sought to make in this place today, because we all know that we will be coming back here after the next election — and who knows what the composition may well be in this place — and I think it is really important in terms of the precedent that they are seeking to establish here that they think through carefully the argument in relation to composition of parliamentary committees and whether a government can have a majority on a parliamentary committee. I think they should go away and have a very careful think about the argument they have sought to assert during the course of this debate.

In conclusion, Acting President, I wholeheartedly put on record my support for the Leader of the Government's motion. I am looking forward to the contribution of the Honourable Geoff Hilton and that of Mr Somyurek. The government knows that they are both hardworking members of Parliament. We certainly value their contribution, and we are looking forward to them taking their place and playing an important role on those two important parliamentary committees. I reiterate the government's commitment to all of the parliamentary committees continuing to operate in a cooperative fashion and producing important reports that come before the Parliament for its consideration.

I urge members opposite to have a good think about the precedent they are seeking to establish here and also the hypocrisy and the selective memories they have been evidencing during the course of their contributions so far.

Hon. ANDREW BRIDESON (Waverley) — I rise to oppose the motion before the chamber today which would add additional members of the Labor Party to parliamentary committees.

I must say right from the outset — and I hope I am not going to embarrass Mr Hilton any more than he has probably been embarrassed, but I certainly do not make any personal reflection upon the Honourable Geoff Hilton — that I hold him in the highest esteem and I believe he will be, at the end of

the day and after we have had the vote on this motion, a very worthy contributor to the Law Reform Committee. I will wish him well in the deliberations of that committee.

I think it is unfortunate that Mr Hilton has been placed in this invidious position. It is only to that part of the motion that I am going to speak, but whilst I am giving accolades — they are not really accolades — I would also like to support Mr Somyurek's going onto the Public Accounts and Estimates Committee. I had a brief conversation with him yesterday, and I know he is very eager and willing to learn and be a strong participant of that committee.

I endorse wholeheartedly the arguments that have been advanced by my leader, the Honourable Philip Davis. I may not be able to put his arguments in such a vociferous way as he was able to, but I certainly agree with all of the sentiments that he advanced, and I certainly agree with the arguments that were put forward by the Honourable Peter Hall in his contribution.

I oppose this motion essentially for three reasons. The first is that the government is 'stacking out' a committee. We have heard that they are past masters at stacking, and I think it is a great shame that they are using these bully-boy tactics and abusing the Parliament to push the numbers through. If you analyse it and ask, 'Why is the government going down this path?', you might think there is perhaps an element of paranoia. Perhaps another element is that the Labor Party members who are currently on the Law Reform Committee are not quite confident in the member for Bentleigh in the other place, Rob Hudson, who is the current chairman of that committee.

They must subscribe to the conspiracy theory that if they no longer have the numbers on that committee, Rob Hudson will be voted off. But I do not think that would be the case because I was previously a member of the Law Reform Committee and I experienced Rob Hudson's chairmanship. Whilst he might not set the world alight with his chairmanship, he certainly did a workmanlike job and involved everybody in the deliberations of that committee. But perhaps they are just a little bit unsure or concerned that Ms Hadden, who is now an Independent member of this Parliament and presumably an Independent member of the Law Reform Committee, may move a spill motion. But Ms Hadden is very honourable, and I do not believe she is the sort of person who would do that. I think she would accept the fact that the

chairman is doing a reasonable job and that she is not going to upset the status quo of that committee. I think it is foolhardy of the government to go down this path of using its bully-boy tactics just to add an additional number to shore up the leadership of the Law Reform Committee.

The second reason I oppose this motion is that the Leader of the Government said the Law Reform Committee is overworked. There are a couple of ways you can go if the committee is overworked, but adding another member to the committee will not detract from the workload; in fact, it could increase the workload. There are a couple of other ways you can go, and one is to reduce the number of references the committee has. I noticed on checking the parliamentary committees progress on investigations that the Law Reform Committee currently has three inquiries, one of which has not yet commenced. When you look at the activities occurring on the other two inquiries, my off-the-cuff assessment is that they are not onerous as references and that the work program of the committee has been worked out reasonably so that it is not overworked. If it is overworked on those two inquiries, it can have more meetings.

When I was a member of the Law Reform Committee I did not believe I was overworked. In fact, I thought at that time we could have met more often and pushed the references along quicker; we could have worked more effectively, longer and harder on that committee. I note that in the term of the current Parliament the Law Reform Committee has concluded only two references: one was picked up from the committee in the previous Parliament, and the other was a report on the administration of justice. It is a folly for the Leader of the Government to say that this committee is overworked and that therefore it needs another person on it.

The third reason I am opposed to this motion goes to a much broader policy issue. It is a personal issue that I would like to push, and I will use the Parliament today as a forum for the Brideson idea of a future committee system. I hope in the new upper house after the next election in 2006 the whole committee system will be reviewed. I believe for committees to be effective in any Parliament around the world government members ought to be in a minority. This is not a new idea. I think the British Parliament operates on a system of parliamentary committees where the opposition parties are in the majority. They look at policy issues referred to those committees, and they feel they have more freedom to explore the references given to them. As a matter of

policy this Parliament should look at other systems around the world. I am sure there are better ways to operate. We should always be reviewing the way we work, and the way we approach things.

The other argument the Leader of the Government advanced was proportionality. I think I have already addressed that issue, as have previous speakers. I pick up another point the Leader of the Government made in reference to the number of members on committees. He said most committees have seven or nine members. I note that the Drugs and Crime Prevention Committee has seven members, as has the Economic Development Committee. The Environment and Natural Resources Committee has seven members, as does the Family and Community Development Committee and the Law Reform Committee. The Outer Suburban/Interface Services and Development Committee has seven members, as does the Road Safety Committee and the Rural and Regional Services and Development Committee. I note from yesterday's *Daily Hansard* of the Legislative Assembly that the Education and Training Committee has eight members. I note that the Leader of the Government says this is a temporary situation. Will he be increasing or reducing the number of members?

Mr Lenders — Reducing.

Hon. ANDREW BRIDESON — The Leader of the Government says he will be reducing the number of members, so it will be interesting to see who will be dropped from the committee.

Ms Hadden interjected.

Hon. ANDREW BRIDESON — As Ms Hadden said, 'Who will get the sack?'. The Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee both have nine members. We note that the Education and Training Committee has eight members.

I note that some members of the government are sitting on two parliamentary committees. Mr Hilton is one of those members who will now be serving on two committees. It is unfair of the government to put members on more than one committee. If a parliamentarian like is doing his job and effectively carrying out his party work, constituent work, committee work and the other myriad duties we are required to perform, it is harsh for him — as it is for Mr Hilton in this case — to be on two committees. I think Mr Scheffer is also on two committees. It is very difficult for these members to balance their time

effectively. I think their work would be more effective if they were on only one committee, and that is not detracting from the work of Mr Scheffer or Mr Hilton, because I know they both have large capacities for work and enjoy being on those committees.

I want to make a couple of comments on the contribution of Ms Mikakos. I will speak from the heart in relation to the Kennett years and say that I did not necessarily agree with the way the former Premier approached the committees. In coming back to the broader policy issue I espoused earlier, I think we should have gone down the track of the government being in the minority on committees. It is worth putting on the record that I was the chair of a committee in the first Bracks government. I think that is something that should continue into the future — that is, that committee chairs could also come from opposition parties. Ms Mikakos also commented on the late Peter McLellan, who resigned from the Road Safety Committee. Mr McLellan offered to resign from the committee when he became the Independent member for Frankston East. He wanted to put all his time and effort into his return to the Parliament, so he personally resigned from the committee to allow himself more time in his electorate.

I think I correctly heard Ms Mikakos also say that parliamentary secretaries do not serve on committees. It is my understanding that Ms Beattie, the member for Yuroke in the other place, is on the Law Reform Committee and that she is a parliamentary secretary. It is a sad state of affairs that we have a parliamentary secretary who receives a salary loading and can get an additional payment as a member of a committee. That smells a bit of snouts in the trough, but maybe that is an unfair assessment I am making.

I do not think there is anything I can add to the debate. I reinforce my opposition to the first part of this motion. I wish the Honourable Geoff Hilton and Mr Somyurek well in their future deliberations. I oppose the motion for all the arguments the opposition parties have put forward, and I hope some members of the government have the intestinal fortitude to join with the opposition and vote this motion down.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — I am pleased to speak on this motion because it is important to get a sense of history when one is debating this kind of motion.

I take up one of the issues mentioned by the Honourable Andrew Brideson in relation to Peter McLellan. It might be of interest to the house to know that Peter McLellan resigned from the Liberal Party on 24 July 1998, and that on 3 September Phil Gude came into the Parliament and moved a motion that Mr McLellan be discharged from attendance on the Road Safety Committee and Mr Dixon be appointed in his stead. This was done as a motion of the Parliament. That was going to happen whether Mr McLellan was given an opportunity to resign or not. The fact is that there was never any doubt that the then government was going to replace him with Mr Dixon. It was going to do that for a very important reason: it was based on the principle of proportionality. That means that a political party in this house is entitled to have representation on committees in accordance with the number of members it has in this place. That is what it means.

In this particular case I do not know whether Mr McLellan took the honourable route of resigning from the committee, but if he took that route, based on the proportionality principle, good on him, because at least he recognised one thing — that he was put onto that committee by virtue of the fact that he was part of the Liberal Party and so he resigned on exactly the same principle. He was put there by the party, and having left the party he did not think he should remain on that committee on the basis of false pretences, knowing that he was no longer supported by his former party. If he resigned he understood at least that he no longer had the right to suggest that he represent the Liberal Party on that committee. Mr McLellan understood that principle. According to the opposition he did the honourable thing. In this situation the honourable thing is not being done, so instead what we have to do — —

Ms Hadden — On a point of order, President, the minister is not talking on the motion, he is straying back to what happened before this current Parliament. I ask that he be brought back to the motion.

The PRESIDENT — Order! I do not uphold the point of order. All speakers have been talking about what has happened in the past, from the Leader of the Government to the Leader of the Opposition. The minister to continue.

Hon. T. C. THEOPHANOUS — One thing is absolutely clear: it is reasonable for the Labor Party to seek to restore its proportional representation on this committee. It is no different from what would be done by any other party. I refer to a hypothetical

situation. I was on the select committee inquiring into Mr Jim Reeves — which was a witch-hunt committee. Ms Darveniza would remember it very well. It was a committee established in this house and not across both houses of Parliament. It was deliberately established in this house because this is where the opposition members had the numbers to do it. They established a witch-hunt committee. Can anyone imagine that if the Honourable Gordon Rich-Phillips, who was on that committee, suddenly decided to become an Independent and hold views that were against those of the Liberal Party at the time, the then opposition, which had control of this house — —

Hon. Bill Forwood — On a point of order, President, I am happy for the minister to use his hypotheticals but it is a bit rich that in doing so he names a member of this place. He can use examples without naming people. There has never been any intention that Mr Rich-Phillips would resign and become an Independent.

Hon. T. C. Theophanous — You are just taking up my time.

Hon. Bill Forwood — It is very unfortunate that the minister should use that name as part of his hypothetical.

The PRESIDENT — Order! On the point of order, when the minister is using hypotheticals, I ask him to do so without naming a member, and say — for example, ‘A member could do this’ or ‘A member of a party could do this’, so that there is no question of a substantive motion.

Hon. T. C. THEOPHANOUS — I venture to say that if any representative of the then opposition on that committee had decided to become an Independent, that committee would have been very quickly restructured by this house. Mr Forwood is nodding in agreement with that, because he knows that is exactly what would have taken place. So let us not pretend that proportionality is something that only this side of government would seek to prosecute in those sorts of circumstances. It is something that all members in this place ought to support.

I have to take issue with Mr Hall in this regard because his argument is internally inconsistent. He cannot on the one hand say that he thinks Mr Hilton would be a very good member of this committee and that he would make an important contribution to it, and on the other hand say he is going to vote against him. If members ask themselves why, and what

damage would be done by having Mr Hilton on this committee, the answer comes back that they want to reserve the right to control that committee. That is what this is about. What the opposition is interested in — —

Hon. P. R. Hall interjected.

Hon. T. C. THEOPHANOUS — Just think about this, Mr Hall — what you are saying is that you do not want proportionality because if you did, you would agree with us on having proportional representation on that committee. If you do not want proportionality, then fine — let us not have proportionality. But you say you are not prepared to accept Mr Hilton on merit.

Any way you look at Mr Hall's argument, there are so many internal inconsistencies that he really ought to rethink his position in relation to Mr Hilton, do the right thing and vote for him.

It has already been noted that a couple of committees — the Scrutiny of Acts and Regulations Committee and the Public Accounts and Estimates Committee — have nine members each, so it is not as if there is no precedent for this. Why do they have nine members? Because the Parliament considers that those committees are very important. I am sure Mr Forwood would agree that the Public Accounts and Estimates Committee is a very important committee, one which is entitled to have nine members of Parliament on it.

In some respects it could easily be argued that the Law Reform Committee is also very important. By expanding the number of members on that committee we are also, in effect, adding to the status of the committee as being equivalent in its number of members with the Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee. On that basis I do not think anyone can argue about whether the number should be seven or nine. There is plenty of precedent for having nine members on a committee.

I also note that the Honourable Andrew Brideson floated the idea that the member for Bentleigh in the other place, Rob Hudson, might not remain as chair of the Law Reform Committee, although he did not quite say it would happen. He did this in an interesting way — he said the numbers would be there for that, but it is unlikely that Ms Hadden would provide the additional number required. I noted one thing about his explanation of this — —

Ms Hadden interjected.

The PRESIDENT — Order! Ms Hadden will have her opportunity!

Hon. T. C. THEOPHANOUS — I noted one thing — he did not rule out the Liberal and National parties attempting this. I did not hear him say, 'Even if the newly Independent member offered up the vote so that the opposition could get the chairmanship of that committee, we would reject that on the basis of principle and tell her that that should not occur and that we would not accept such an offer from her'. He did not make that comment in his contribution, which leads some people to ask the question whether there has been a grubby little deal behind the scenes between the opposition and the Independent member in order to get rid of the chair of that committee, who has done an excellent job. Quite frankly, he did not rule it out — —

Ms Hadden interjected.

The PRESIDENT — Order! Ms Hadden!

Hon. T. C. THEOPHANOUS — No-one knows what sort of grubby deal has been done on that side of the house to try to control that committee, but it is obvious to everyone from the very fact that the opposition is so virulently opposing this motion that only one conclusion can be drawn — that is, the other side of the house has done a grubby deal in order to try to control the committee.

Hon. Richard Dalla-Riva — On a point of order, President, the member stated that those currently on the opposition side of the Law Reform Committee are engaged in a grubby little deal. I take offence at that, and I ask that he withdraw.

Hon. T. C. THEOPHANOUS — On the point of order, President, there is plenty of precedent for robust debate to take place in this house in relation to these kinds of matters. This is a robust debate, one where there are all sorts of possibilities, including the possibility of some arrangement being put in place on the other side of the house, and speculation that perhaps some arrangements that had been put in place with the opposition is appropriate within the course of this debate.

The PRESIDENT — Order! The minister in his contribution was referring to the opposition. It was not a personal reflection on any individual member, so I do not uphold the point of order.

Hon. R. H. BOWDEN (South Eastern) — Firstly, I will be joining with other opposition members in opposing this motion. In commencing

my contribution I recognise the fact that both Mr Hilton and Mr Somyurek are honourable members of this chamber of good standing who are respected both as individuals and for their work and capabilities. This is not in any way a reflection on those two gentlemen, it is related to the minister's talking about proportionality. In the context of the minister's contribution proportionality is spelt p-a-r-a-n-o-i-a.

I have in the past been a member of the Law Reform Committee. I was appointed on 26 September 2001 as an interim member for the remainder of the previous Parliament and served on that committee until 2002. Having served on that committee and other committees, I must say that the spirit of cooperation and the general approach by members of the different parties that embodies the tripartite spirit are important. The public hearings of committees are absolutely vital to the proper working of the Parliament, as is the public perception of those hearings. Committee hearings are also an important avenue for organisations and members of the Victorian community who wish to bring their ideas on particular references to committees, and hearings give them the ability to properly communicate those ideas. It is absolutely crucial that the representations made by those appearing at hearings are followed through in the right spirit by committee members. It is unfortunate that today we have to have this debate because it does not serve the committee process well.

In the time I was on the Law Reform Committee we had three major references which I felt were extremely important. Although I am not a lawyer I thoroughly enjoyed my time on that committee in the context of not being a lawyer because I was able to bring another experience base and other views to the deliberations. I felt that was worth while, but it was also satisfying for me, and I hope my contribution was valuable to the committee's consideration of its references. The three references we dealt with in my time concerned, firstly, powers of entry, search, seizure and questioning by authorised persons; secondly, forensic sampling, a reference that has had enormous implications for the criminal justice system; and thirdly, oaths and affirmations. The report on the reference on forensic sampling has been evaluated by the public and Parliament and the result has been extremely helpful to the deliberations of Parliament and to the community in relation to justice.

To come back to the motion, I do not see any problem with the composition of the Law Reform Committee. The six capable and respected

individuals who are at present members of the committee are all members of Parliament in good standing and are respected for their talents and abilities. I repeat, the good standing that Mr Hilton and Mr Somyurek have is not at all compromised by our real and deep concern about the context that the government is introducing with this motion.

If we need to look at the concept of proportionality then I ask this rhetorical question: why do we not have proportionality in the number of chairpersons of committees? If proportionality is so sacred, vital and important, how come 100 per cent of the chairpersons of those committees are government members? I cannot accept the concept of proportionality because the government, through the contribution of the minister, has not followed through on the word 'proportionality' in that respect.

It was said earlier that this is an opportunity missed. I do not believe the contributions that members of the Law Reform Committee make need to be the subject of any controversy. It is unhelpful in the extreme for the public and those appearing before that committee to have access to this sort of unfortunate deliberation. There is no suggestion of anything negative whatsoever being said about the individuals who comprise the committee, which is probably one of the few good points about this unfortunate occurrence today. I do not support the expansion of the committee because I truly believe it is unnecessary. I believe it is an attempt by the government to continue its control of everything the Parliament does, which is against the spirit of the Parliament. Looking back on my past experience and drawing on my current experience as a member of a joint committee, an important aspect is that it is helpful, good, satisfying and desirable to have that spirit of cooperation, understanding and willingness to debate a point. Even if there is a degree of difference within the committee's deliberations, it is a very good thing that the spirit we have seen over many years in committees should continue.

I do not believe the addition of extra members of the Law Reform Committee under the circumstances today will be helpful to the spirit that is so necessary and has to be encouraged in that committee. I suggest to honourable members that it is not helpful to the public perception of committees that the public see a change of the current personnel of the Law Reform Committee, and it is unhelpful in the extreme for the government to be exposed to the suggestion that it is trying to manipulate the numbers to protect the chairmanship of that committee. The committee should be allowed to manage its own affairs within

its personnel structure without interference by either the executive or the Parliament through the discussions which we are having today. This debate is extremely unfortunate for the external perception of that committee.

On a positive note, the Law Reform Committee, like all joint committees, is doing extremely important work. One of the greatest influences on our community lives and one of our greatest responsibilities as citizens of the state is observation of and conformity with the law. When we are looking at reform of legislation or examining legal mechanisms and approaches to rules and legislation there is nothing more important than protecting the reputation and authority that the joint parliamentary process through the Law Reform Committee represents to the community outside the walls of this Parliament.

It is not about the honourable members who are nominated in this motion. It is all about suggesting to the government that it is doing the wrong thing. In its desire to control everything it is running the risk of being accused of interfering in the orderly and public perception, evaluation and consideration of an important joint committee such as the Law Reform Committee, and the government is running a high risk of diminishing the longstanding mutual respect and cooperative working environment that exists in all the committees I have ever had anything to do with.

That mutual respect and cooperation between the members of joint committees is something to be protected and nurtured because it has been demonstrated that it is valuable in bringing insight, respect and good recommendations forward for consideration when future legislation is drafted.

For those reasons I believe this is an unfortunate occurrence. The numbers on the Law Reform Committee should stay the same; the number of honourable and honoured members of that committee should stay unchanged. That committee should be allowed to manage its own affairs free from interference from outside members of Parliament, and therefore there is no way I can, in good conscience, support this motion.

Hon. KAYE DARVENIZA (Melbourne West) — I am delighted to contribute to the motion and to speak very strongly against the position adopted by the opposition and in favour of the motion moved by the Leader of the Government. I am keen to take up a range of issues raised by the

opposition, and I have listened carefully to what the opposition has said in relation to the matter.

The first theme that has run through the last couple of contributions but was spelt out by Mr Bowden has to do with paranoia and how paranoid he believes we on this side of the chamber are in relation to this matter. Let me explain to Mr Bowden that it is not paranoia if something is actually on the go, if there is some grubby deal being done. The government member who spoke before Mr Bowden gave the house every reason to believe that there is some grubby deal, as Mr Theophanous pointed out — —

Hon. R. H. Bowden — On a point of order, President, the members of the opposition, including me, have been quite tolerant in listening to accusations made by a previous speaker and the Honourable Kaye Darveniza. I am not aware of anything that would constitute those serious allegations. If the member wants to make an allegation, then she should make one, but that is completely outside the motion, and I ask you to prevent those unhelpful allegations being made.

The PRESIDENT — Order! As previously ruled, I do not uphold the point of order but I ask the honourable member to move on in her contribution.

Hon. KAYE DARVENIZA — Thank you. Let me just speak about a couple of comments made by Mr Brideson in his contribution. Mr Brideson said he did not believe there would be a situation where the now Independent member, the former Labor member, who sits on the committee would move a vote of no confidence in the chair of the committee; and he said he did not believe that if she did so move, the opposition members who sit on that committee would support it. But what he did not say was, ‘If the Independent member were to make such a move, we would not countenance that at all, and we would not support that move’.

Honourable members interjecting.

Hon. KAYE DARVENIZA — What did he say?

Hon. T. C. Theophanous — ‘Thanks for the idea!’, he said.

Hon. KAYE DARVENIZA — ‘Thanks for the idea!’ — let’s make sure that is on the record! So this is not about paranoia, as Mr Bowden pointed to, this is about responding to a scenario that has been put to us by opposition members in their contributions about what they think might happen. Mr Brideson went further than that because what he actually did

was to damn with faint praise the honourable member for Bentleigh in the other place, who is the chair of that committee. He said that Mr Hudson was carrying out his duties in 'a reasonable sort of way.' So he damned him with faint praise, and then went on to paint a scenario which he did not rule out and which I did not hear anyone else on the opposition side rule out.

Mr Hudson does an excellent job of chairing that committee. That committee has done some excellent work; as has been said by previous members on this side of the house, all members of that committee are making an important contribution and are doing a good job on that committee, as will Mr Hilton when he joins it.

This is not about the government believing that the job is not being done, this is about the government's right to maintain proportionality because as Mr Theophanous so eloquently pointed out, the Independent member who now sits on that committee was placed on it as a Labor member and has not chosen to resign from that committee, so what the government wants to do is maintain its proportionality.

Let me pick up some of the points that were made by Mr Hall. He went on about democracy and that what we are doing by placing an extra two members on the committee is moving away from some sort of democratic process. Wrong again, Mr Hall. You are wrong again, because we have the numbers.

Ms Hadden — Explain it to us.

Hon. KAYE DARVENIZA — I am more than happy to explain it. We have the numbers.

Ms Hadden interjected.

The PRESIDENT — Order! I have warned Ms Hadden before. I ask her to stop interjecting.

Hon. KAYE DARVENIZA — We have the democratically elected numbers in the upper house. It has been the practice of governments to have the greater proportion of members on committees. We are simply seeking to keep our proportionality on that important committee. And listen —

Hon. Bill Forwood — We are listening.

Hon. KAYE DARVENIZA — I do want Mr Forwood to listen very carefully because we only have to go back to the previous Parliament when the opposition had the majority in this house and not the

government. Let us look at the way it behaved. Mr Forwood does not want to listen to that. Let us take a little look at the way the opposition behaved when it had the majority of numbers in this house. It set up an upper house committee, the Economic Development Committee, on which I was a member.

Hon. J. M. McQuilten — You served it very well.

Hon. KAYE DARVENIZA — Thank you very much for that. Who had the majority on that committee? It was the opposition who had the majority. More than that, it was not simply the upper house Economic Development Committee that it set up; no, it went on to set up three further select committees that were nothing more than witch-hunts. Who had the numbers on those committees when the opposition had the numbers in the upper house? The opposition had the numbers in all three of the select committees as well as the Economic Development Committee.

The opposition now opposes this motion when we are seeking to keep proportionality on this important committee. It is not as if there are no parliamentary committees with nine members. Two other committees have nine members. So we are not seeking to set some sort of precedent with the numbers and create a position that does not already occur in a number of important committees.

The Law Reform Committee has quite a heavy workload. It is an important committee and it has an extensive number of references. I simply oppose the proposition that has been put up by Mr Brideson that we should take some of the references away from the committee if we are worried about the workload. What a terrible suggestion to make. It has references and the government wants the committees to undertake those references. We know that the Law Reform Committee is an important committee and that it has a heavy workload. We are not seeking to set any new precedent. We simply want to keep proportionality and have nine members on the committee.

If the opposition is so opposed to this position, then someone from The Nationals or the opposition can resign from the committee. No, they do not like that idea. The government wants to keep the current expertise and experience with the committee. It simply wants to add a couple of excellent new members to that committee.

What hypocrisy it is for the Liberal Party to oppose this motion when its history recalls a similar set of circumstances. Mr Forwood knows as well as I do that when Peter McLellan was dumped by the Liberal Party he resigned from the party. He became an Independent in similar sorts of circumstances to those here now. He knew very well that if he did not resign he was going to be dumped. Mr Forwood does not like it because he has forgotten that it happened. When he came in here and opposed this motion he had forgotten that it had happened, and now that he is being reminded of it he is embarrassed. He does not like being reminded about it. I can understand that he is embarrassed by it. He had not thought about the fact that one of the Liberal Party's own became an Independent. It made a resolution which led finally to the resignation of that member. Peter McLellan knew that if he did not resign he would simply be dumped.

This motion is about adding two excellent new members to the committee. I am sure that they will add to the expertise of the committee. I support the motion.

Hon. BILL FORWOOD (Templestowe) — I welcome the opportunity at the outset to set the record straight in relation to Peter McLellan. Don't you leave now! You have just had a crack at me. You sit down and listen to this!

The PRESIDENT — Order! Mr Forwood will address the Chair.

Hon. BILL FORWOOD — If you search the record you will see what the then Leader of the House in the Assembly, Phil Gude, moved, by leave, on 3 September 1998. The opportunity then existed for every member of the Labor Party to refuse leave, but not one did. He moved that changes be made to membership of the Law Reform Committee, the Public Accounts and Estimates Committee, and the Road Safety Committee. He moved that Mr McLellan be discharged and that the member for Nepean in the other place, Mr Dixon, be appointed to membership of the Road Safety Committee, as the honourable minister pointed out. That motion was agreed to without debate. Not only did members not refuse leave, they then adopted the motion. Why would they do that?

Honourable members interjecting.

Hon. BILL FORWOOD — It is appalling that Ms Darveniza can have a crack at me and then leave the chamber.

Anyway, I make the point that it was done this way in 1998 because there was no capacity in the act at the time for someone to resign — that is, no-one could resign! So what do you do? The only way of doing it was to discharge members. When the current government came to power, as the Leader of the Government knows, it changed the Parliamentary Committees Act. In the process of changing it, what did it do? It took away 'discharge' and replaced it with 'resign'. Why? Because Mr McLellan found himself in the position where he was not able to resign. The only way he could get out was to be discharged. As I have pointed out already, all members supported that motion after leave was not refused and without debate on Mr Gude's motion.

In other words, it is completely and factually wrong for the government to come in here and suggest, as Ms Darveniza did before she left the chamber, that there was some sort of dastardly, heavy-handed use of the numbers to throw a member off the committee. I hope that is the end of that issue. Could it be? No, probably not, because members on the other side operate on the principle that if you say it often enough, someone will believe it.

Mr Smith interjected.

Hon. BILL FORWOOD — So I anticipate that for the rest of the afternoon we will continue to hear from members opposite not the truth of the matter but just that they have got form, as the interjection came from Mr Smith.

Hon. J. H. Eren — We are not paranoid — —

Hon. BILL FORWOOD — Let me deal with the issue of paranoia. I appreciated that in the contribution from the Leader of the Government this morning, in his normal shameless way he stood up and said, 'Let's be honest. This is about the numbers. We have not got the numbers any more because we have an Independent, so we are going to add more people'.

Mr Gavin Jennings — You do not mean 'shameless', do you?

Hon. BILL FORWOOD — Yes, shameless, straightforward — he just did it; he stood up and did it, absolutely shameless, with no blush at all.

Mr Smith interjected.

Hon. BILL FORWOOD — I understand very well. I have actually served on that committee; I had that pleasure from 1992 to 1996. At that stage the

committee was chaired by the Honourable James Guest, who had an interesting approach to issues of law. His deputy chair was Neil Cole, then shadow Attorney-General and a significant contributor to the committee. The member for Lara in the other place, Peter Loney, and I travelled overseas together while on the Law Reform Committee. There were other notable people on this committee including some guy who does not know where he lives any more — —

Mr Smith — Andrew Olexander?

Hon. BILL FORWOOD — No, his name was Dean! In any case I am almost certain that that committee never divided on a single issue. We dealt with the law of wills. We set out every time on the Law Reform Committee to achieve a consensus so we could go to the government and say, ‘This is a consensus, a unanimous report from the Law Reform Committee to reform the law of the state’. You did not need to have the numbers. We just got on and did the job in the best interests of the state.

Let me pick up more of Ms Darveniza’s diatribe. In relation to the last Parliament there were discussions — and I know because I was involved at the time — between houses on the establishment of committees. As a result in some committees including the Law Reform Committee the numbers were not with the government. Would you believe it? In the last Parliament the chair of the committee was the member for Sandringham in the other place, Murray Thompson.

There were other committees, including the one in this house, where the numbers and the control of the committee did not rest with the government. Did the end of the world occur? No. What happened? My understanding is that in that Parliament they worked hard and produced five reports; my recollection is that they were five unanimous reports — as they should be. Very good!

I really need to pick up on two statements made during contributions from members. The Leader of the Government suggested that this motion was being moved because this committee is overworked. I want to put on the record what this committee is actually doing. The committee is going to finish its inquiry into warrant powers and procedures by the last day of this autumn sitting, and any way you calculate that I reckon you have about six weeks left.

Mr Smith interjected.

Hon. BILL FORWOOD — It has already been extended from 31 March 2004. How much longer does this hardworking committee need?

The Law Reform Committee has three inquiries: one inquiry is finishing in six weeks time; the inquiry into the Coroner’s Act is due for completion later this year; and the third inquiry, into the Administration and Probate Act, has not yet commenced, so by any measure this committee is not overworked. I invite honourable members to compare this committee’s ongoing workload with the Public Accounts and Estimates Committee, on which I have the honour to serve, or even the Scrutiny of Acts and Regulations Committee, which has a significant workload as well, and to remain mindful of their statutory nature. It is nonsense to suggest that the Law Reform Committee is overworked.

In the course of the debate a comment was made by Ms Darveniza — I welcome her back to the chamber — that these committees are there to do the executive’s biddings, or words to that effect.

Hon. Kaye Darveniza — I did not say that.

Hon. BILL FORWOOD — You did. We will check it.

Hon. Kaye Darveniza — You are wrong.

Hon. BILL FORWOOD — We will look at the *Daily Hansard* tomorrow. The government’s program — —

Hon. Kaye Darveniza — You are wrong again. I did not say anything about the government’s program.

Hon. BILL FORWOOD — Ms Darveniza says it was not her. I am confident that one of the members of the government said in the course of the debate that the purpose of the committees was to do something with the government’s agenda or program, or something like that. And that is appalling.

Mr Smith — You are wrong.

Hon. BILL FORWOOD — No, they operate on behalf of the Parliament. They are parliamentary committees and they should aim to produce work on behalf of the Parliament. They should not be here just to do the will of the executive. Once this Parliament goes down the path of just doing what it is told to do by the executive, it will be a sad and sorry day for the Parliament.

Let me make a few comments about the Honourable Geoff Hilton. I have no doubt he is a member on the government side of the house who undoubtedly has more ability and attributes than most government members. For that reason — —

Mr Smith — Are you after his vote now?

Hon. BILL FORWOOD — I am pretty sure I will never get his vote, but I am happy to say that apart from the fact he always has a crack at me when we are in debate, that he is actually not a bad guy — and capable. Despite doing everything else he does, I am sure he will be able to completely fulfil all his obligations as a member of two parliamentary committees.

But it is demeaning the other parliamentary committee and its standing in the Parliament if the government believes that it can take the Honourable Geoff Hilton from the work he is doing on the Environment and Natural Resources Committee — and I am happy to read into *Hansard* the workload of that committee if honourable members would like me to — and do all his work on the Law Reform Committee as well. Despite the outstanding attributes the Honourable Geoff Hilton brings to the Parliament, it is a bit rich that he be given this extraordinary workload just because of the paranoia of the government.

We know that the only reason this is happening today is because this government does not believe that parliamentary committees can do their work unanimously, that parliamentary committees must have the heavy hand — the jackboot — of the executive firmly around the neck of the Chair just to make sure that nothing can ever go wrong. I cannot for the life of me see what damage the existing composition of the Law Reform Committee can do to the executive. It staggers me. It beggars belief that the government is so paranoid that it needs to go down this route.

It is very disappointing that Mr Somyurek has been caught up in this debate, and he is the only person that I have not yet commented on. I for one am very sad to see Mr Luke Donnellan, the member for Narre Warren North in the other place, leave the Public Accounts and Estimates Committee. In my time of knowing him on that committee I have found him to be a most amiable character. I liked him a lot and we worked well — —

Hon. M. R. Thomson interjected.

Hon. BILL FORWOOD — He is a good man. I take it as an absolute admission of the paranoia of the government that he feels he needs to fight for his seat and is therefore resigning from the committee. I very much welcome Mr Somyurek's addition to the committee. I look forward to taking him under my wing and assisting him in every way that I can with the work of the Public Accounts and Estimates Committee. Next week the committee commences the estimates process, and those members who have a copy of the *Parliamentary Committees Progress on Investigations* can turn to pages 22 and 23 and see that each of the ministers, again, will be appearing for varying periods of time before the estimates process. Mr Somyurek will play an important part in that.

The Public Accounts and Estimates Committee is a committee that does need to have the numbers. The numbers were used against us in relation to how long various ministers could attend. Ms Romanes voted against — —

Hon. J. H. Eren interjected.

Hon. BILL FORWOOD — Take the Honourable Rob Hulls for example. He is the Minister for Planning and he is the Attorney-General in the other place. I put it to the house that a person with those two portfolio responsibilities ought to have sufficient time to address the committee.

An honourable member — And industrial relations.

Hon. BILL FORWOOD — He has industrial relations as well. The government members on that committee used their numbers to ensure that we did not have proper scrutiny of the executive.

An honourable member interjected.

Hon. BILL FORWOOD — Some ministers are there for a lot less — have a look at the Minister for Employment and Youth Affairs in the other place.

Hon. J. A. Vogels — The princess.

Hon. BILL FORWOOD — Yes, the princess. But none of this applies to the Law Reform Committee. This committee in its current composition is doing quality work not on behalf of the government, but on behalf of the Parliament, and it does not need to be stacked out by the executive.

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

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Melbourne Markets: relocation

Hon. PHILIP DAVIS (Gippsland) — I refer a question without notice to the Minister for Major Projects. I refer to the government's announcement today that the Melbourne Markets will be moving to Epping and to my previous questions to him about compensation for stakeholders. Again stakeholders have been left out in this process and have learnt of the decision to move the markets that was announced today from the opposition. Given that the announcement has been made, will the minister now advise the house of the government's position regarding compensation for the 2700 Melbourne Markets stakeholders, many of whom have many hundreds of thousands of dollars invested in the Footscray site and are being forced to move?

Mr LENDERS (Minister for Major Projects) — Firstly, the Leader of the Opposition yesterday actually implied that I was misleading the house. Just for the record, I suggest to the Leader of the Opposition that for him to say that the 2700 people at the markets who are the stallholders and licence-holders and the 7000 employees at the markets were informed by the opposition and not the government is actually gilding the lily not just a little but is gilding it such as you have never seen before.

Leaving that minor point aside, members of this house know, as I have reported on a number of occasions, that the move of the Melbourne wholesale markets is something that the government has been working on. It is a process that a lot of people have engaged in very positively. I would say that certainly the decision to move to Epping would disappoint some people in the house. I know that Ms Carbines, Mr Eren, Ms Darveniza and Mr Nguyen have certainly been advocating for the west, and Mr Somyurek has been advocating for Dandenong. A number of people on this side have engaged in this process, and some of my ministerial colleagues here who represent northern Melbourne electorates are very jubilant.

Hon. Bill Forwood — What about the other side?

Mr LENDERS — And Mr Forwood, being an advocate for Epping. The point is, of course, that in this process we have been engaging the 2700 people at the market and their employees about choices,

about work. I take with a grain of salt the opposition saying that the stakeholders heard from them. The stakeholders have been engaged in this process by me, my colleague the Minister for Agriculture in the other place, Bob Cameron; a former Minister for Major Projects, Peter Batchelor; and numerous others in Major Projects Victoria and the Department of Primary Industries over a long time. In that sense we have engaged them through the process. A number of people who were at the announcement today are very happy with the move. That is the first thing, and let us get that on the record: we have taken people with us on this, we have gone through the process.

Secondly, the Leader of the Opposition raised the issue of compensation. I know it gets the opposition very excited when I get out my gateway brochure, but the whole point of bringing this brochure out —

Honourable members interjecting.

Mr LENDERS — I really should go back to teaching. Perhaps Mr Hall, Ms Buckingham and a few others, as former teachers, could actually help me with some of this in my trying to enlighten the opposition on how some of these projects actually work. We do these things one step at a time, just like Sir Henry Bolte and Sir Gilbert Chandler did back in 1969 when the markets were moved from the Queen Victoria site to Footscray and just like some others did — knights, no doubt, whoever the relevant ministers were — when the markets were moved in the first instance from the AXA site to the Southern Cross site. They went through this process. The markets were then moved from the Southern Cross site to the Queen Victoria site. They were then moved from the Queen Victoria site to the Footscray site. Now they are being moved to Epping. In every case it has been a staged process.

Many of these things are commercial arrangements that will be negotiated case by case with the individual stallholders. Obviously these issues will be worked through by the project team, but we take these things one step at a time. This government is not on major projects about to leap in with all the answers, presuming that everything is in place at every stage. We have allocated the money, we have made the announcement and we are going through the gates one by one. We have chosen a site, and the Premier announced that site today. I would have loved to have been with the Premier, but I was spending quality time in this chamber while that was going on. My prime duty is to this house. The Premier made the announcement today, and that

announcement has been welcomed by people who see the future of the markets at stake. Some people would rather there was no change, but as we have seen on the other four occasions, with the state and the economy growing the markets outgrow their site. We are moving forward, and we will continue to have a good dialogue with all the stakeholders on site.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — I thank the minister for his response, but I continue my inquiry, because given that the budget documents clearly state, and the Premier today acknowledged, that the markets are being moved to make way for the port development, would it not be fair for the stakeholders to be fully compensated for the tens of millions of dollars in relocation costs that market tenants will be obliged to find?

Mr LENDERS (Minister for Major Projects) — Former Treasurer Alan Stockdale would weep at the irresponsibility of someone who was once part of his government. This government is serious about dealing commercially appropriately with the stallholders but, unlike the Peronist opposite, will actually go through this in a staged process.

Honourable members interjecting.

Mr LENDERS — The Deputy Leader of the Opposition clearly wants to learn more about the gateway process. I would be delighted to offer a briefing to the Deputy Leader of the Opposition on the process. This government will go through this seriously issue by issue. We have had a team in Major Projects Victoria working on the markets with the stallholders for a period of time. We are not going to fall for the cheap stunts and easy gimmicks from the Leader of the Opposition. He knows that Alan Stockdale would be embarrassed by what he has done. He knows that we need to work safely through this. It is a good process — —

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

Infrastructure: funding

Ms MIKAKOS (Jika Jika) — I note the excellent response just given by the Minister for Major Projects to the Leader of the Opposition. It is a shame that the Leader of the Opposition will not get behind this excellent announcement.

My question is for the Minister for Major Projects. Can the minister please outline to the house how the Bracks government is committed to infrastructure investment and is working towards Building One Victoria?

Mr LENDERS (Minister for Major Projects) — I welcome the member's question and her enthusiasm for positive infrastructure projects. I know the member is particularly delighted today because she has lobbied very hard for this project. I welcome her enthusiasm for the vision of One Victoria in which this government builds infrastructure to grow the state. This government, unlike its predecessor, which went through the motions of being — —

Hon. E. G. Stoney — Are you saying we did not build infrastructure?

Mr LENDERS — I take up Mr Stoney's interjection, 'Are you saying we did not build much?'. I invite Mr Stoney to go carefully through the budget papers — and I know he has, because he is an assiduous member who will do that and look for helpful suggestions for the government! — and compare the infrastructure spend under this government versus that of its predecessor. Despite the reputation of the great leader who — —

Honourable members interjecting.

The PRESIDENT — Order! I know members are excited about hearing the minister's response, but I am sure Hansard needs to hear to record the minister's response, so I ask honourable members to desist from interjecting.

Mr LENDERS — Unlike the previous government, which was into building monuments, this government is building serious infrastructure across the state. As this budget shows, we have spent two to three times the amount on important infrastructure every year since we have been in government and we are building the infrastructure which will deliver jobs to Victoria, innovation to Victoria, exports to Victoria and services for Victoria in health, education and all these important areas. Like Ms Mikakos, I am excited by the Building One Victoria project and about what we are doing. We are building for the whole state. How can one forget the comments of the former Premier when he said that regional Victoria was the toenails of this state?

But on the question that Ms Mikakos asked, we are now moving forward. If Mr Davis wishes to buy red cordial at the market, I am sure we will have an enterprising small business person who will sell it to

him. He was on the red cordial this morning, President. In Epping today the Premier and the Minister for Agriculture in the other place announced the site for the markets. They were in the presence of a lot of very impressive stakeholders — and they were all very excited about it because of the opportunity. It will mean now — —

Hon. Philip Davis interjected.

Mr LENDERS — The Leader of the Opposition has been to the Footscray site and would know that it is very congested and tight for trucks to unload there. There will be a lot more space at this site. We have room for expansion and we have room for opportunities.

I quote a paper given at the Albury conference of the H. R. Nicholls Society on 5 and 6 May 2000, where a speaker said:

Politics is all about perceptions — not necessarily about actions and results.

The speaker was one Philip Davis. I guess it just goes to show this government is about results and not about setting in place perceptions like the Leader of the Opposition is trying to do. We have the results. We are moving the markets. We are building One Victoria. We are delivering the goods. We are not about spin. We are not about hyperbole. We are about delivering for Victorians, and that is a good thing. So in a prudent responsible budget we are building One Victoria, we are building for the whole state, we are doing it responsibly, we are leading the way and we are creating jobs so that this state will be a better place to bring up families.

Budget: information and communications technology

Hon. BILL FORWOOD (Templestowe) — My question without notice is to the Honourable Marsha Thomson, the Minister for Information and Communication Technology. I refer to her answer in this place yesterday detailing the government's plan to connect all schools to broadband. I also refer to pages 49 and 50 of budget paper 3 which show that for the current year the government fell well below its performance targets in both the early years and middle years output groups, in both categories of schools with 1 to 5 computers to student ratio, and teachers and principals with a notebook computer.

Given that the government has yet to reach such fundamental performance targets as those, and that in fact this year it went backwards on the number of

teachers with laptops, what steps will she as the Minister for Information and Communication Technology take to ensure that our kids and teachers get the equipment to be able to use broadband?

Hon. M. R. THOMSON (Minister for Information and Communication Technology) — I am pleased that members of the opposition have taken note of the wonderful SmartONE package which will see 4 megabytes of optic fibre taken out to every school in the state, no matter where it is and no matter how big, how small or how remote it is. Every school will have access to 4 megabytes to ensure that it has the greatest access to the latest in technology. I reiterate: on optic fibre we will be the most connected state in the country.

We are very proud of the achievement of SmartONE because it not only achieves for every school in this state but it achieves for Victorians across this state. Ultimately this will mean, thanks to Telstra running out under the telecommunications purchasing and management strategy (TPAMS), that every town with a school will have access to the latest fibre optic technology, which will mean that ultimately businesses and communities will be the beneficiaries of the technology. What this means for economic growth and for businesses in country and regional Victoria is that they will have access to the globe — they will be able to do business anywhere, at any time and at great capacity instantaneously, thanks to the rollout of optic fibre.

I put on the record my thanks to Telstra for the way in which it has taken on board its commitments under TPAMS and my thanks to David Thodey from Telstra for his comments in relation to its commitments and intention to meet its requirements under TPAMS. Yesterday Mr Thodey indicated that the Victorian government was showing great leadership with this initiative under SmartONE, particularly under TPAMS, to ensure that not only does the government have access to the best technology available, but so also does business and the community.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — The minister spoke for 3 minutes and at no stage did she address the question, which was what was she going to do to enable the kids to have the equipment, so we will take her answer as saying nothing — she is doing nothing.

I refer the minister to page 49 of budget paper 3 which shows under 'Schools with a 1 to 5 or better computer to student ratio: primary' that the target was 95 and the actual was 85, and I ask: is that acceptable?

Hon. M. R. THOMSON (Minister for Information and Communication Technology) — As a member of the Public Accounts and Estimates Committee, the opposition member knows only too well that this is a matter for my ministerial colleague, the Minister for Education Services in the other place, and these items in the budget papers are under her responsibility. But can I say something in relation in relation to the provision of computers and technology and about ensuring that our students have access to this technology and aid. The Minister for Education Services in the other place, Jacinta Allan, is doing a sensational job of ensuring that she is providing not only for our children's educational needs and requirements in relation to technology infrastructure and providing the best that technology has to offer to our students now but that she is also preparing for the future.

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

Olympic Park: redevelopment

Mr SOMYUREK (Eumemmerring) — Will the Minister for Sport and Recreation highlight to the house how the Bracks government is enhancing Victoria's reputation as one of the leading sport capitals of the world, while at the same time keeping a strong balanced budget.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I welcome the member's question particularly because I know he is such a keen sport fan and a keen participant. It is great to know that we are continuing to lead the way when it comes to sport in this state.

Last Saturday I had the great good fortune to be with the Premier in announcing the 25-year master plan for the Melbourne Olympic Park site, with a particular focus on the rectangular-pitch stadium. Members of the opposition will need to understand the need for a rectangular-pitch stadium. We need one for soccer, Rugby League and Rugby Union to ensure they continue to flourish in this state.

Honourable members interjecting.

The PRESIDENT — Order!

Hon. J. M. MADDEN — While I continue to talk about community sport and the investment in community sport — the continuing government support of community sport in this state — we must ensure we have pathways for the grassroots sporting personnel so they can continue on to elite sport. The best way to support elite sport in this state is to ensure that the infrastructure is right for elite sports like Rugby League, Rugby Union and soccer. In doing that well into the future we are committed to building that rectangular-pitch stadium.

What is also impressive about this announcement is that we are also combining many of the — —

Honourable members interjecting.

The PRESIDENT — Order!

Hon. J. M. MADDEN — We are combining many of the stakeholders in that precinct into a critical mass to make those facilities viable. One of the great assets we have in this state is not only the infrastructure but the long-term viability of the infrastructure. That comes about because of the critical mass we are able to bring together through the collaboration and the enhanced support of all those partners. We will seek partnerships at Olympic Park, whether it be with Melbourne Storm, Melbourne Victory, the Melbourne Football Club and the Collingwood Football Club or, as we anticipate, in years to come it is with the likes of a Super 14 team, with the opportunities that may present to this state. This is again the government investing for One Victoria.

I know the opposition is very eager to hear when we will commence this development. We will look at commencing the facility post the Commonwealth Games, because Mr Atkinson would appreciate, if he understood sport, that the athletics track that is currently in place will be needed by the athletes as a warm-up track for the Commonwealth Games. We are keen, as soon as is practically possible after the completion of the Commonwealth Games, to commence the redevelopment of the facility in that area. This is a wonderful initiative because the need for a boutique rectangular-pitch stadium with a capacity between 18 000 and 20 000 and the opportunity to build beyond that is needed in this state. While the Docklands stadium caters for much larger crowds, it is particularly difficult for those sports to build into that. This is a fantastic initiative. It will be a great pathway for the development of these sports. It reinforces not only that we have some of the best facilities in this state and the best precinct

but also the best critical mass to make sure we continue to build One Victoria.

Gas: regional supply

Hon. W. R. BAXTER (North Eastern) — My question is directed to the Minister for Energy Industries and Resources. The minister will recall that in answering a question on natural gas extensions on 21 April last, he used the phrase ‘We very carefully chose our words in relation to those programs’. Does not that admission demonstrate that the 2002 promises made by ministers and local candidates to numerous small town communities around Victoria were and always were a sham?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — I was going to welcome the member’s question, but I will welcome the opportunity to talk about this fantastic program for regional Victoria. This program will deliver. So far we have announced 29 towns in regional Victoria that will receive gas under the government’s gas extension program. This program has been run absolutely in keeping with the way we have announced it. In fact, we did choose our words carefully. We said we would have a proper process. We gave timelines for that process and said we wanted individual proposals to be tested against a tendering process that would deliver absolutely the best outcome. We also said we would select against criteria where we could maximise the number of people and towns in regional Victoria that would be able to get gas out of the available \$70 million in funds. Over the course of time we have therefore announced that 29 towns will be connected. Construction has commenced on a number of those projects. This is something that people living in regional Victoria can look forward to.

I can tell the house that it has been very well received by regional Victoria. All of the towns I have been to have been very enthusiastic about the prospect of having their gas bills cut by more than half. Despite what members might think, this is a fantastic program for regional Victoria. I am surprised at Mr Baxter’s attitude, because it is about time he said that this is a good program and is something that he supports. Quite frankly, thousands of people in regional Victoria will benefit from this. I was in Hurstbridge when I announced that it would be connected.

Hon. Bill Forwood — And that’s regional Victoria?

Hon. T. C. THEOPHANOUS — It is one of the towns — —

Hon. Bill Forwood — It is at the end of the metropolitan railway line.

Hon. T. C. THEOPHANOUS — I take up the interjection of Mr Forwood. I suppose Mr Forwood is saying, and I am pleased to have it put on the record, that he does not want the people of Hurstbridge to have natural gas. Obviously if it were up to Mr Forwood, Hurstbridge would not get any gas. It probably would not have a — —

Honourable members interjecting.

The PRESIDENT — Order! I have called honourable members to order constantly. This is the second time I have been on my feet during question time. I ask honourable members to desist or I will use sessional orders to remove them from the chamber. Members should show each other some respect and stop interjecting.

Hon. T. C. THEOPHANOUS — We are very proud of this program. We think it is a great program that will deliver jobs and opportunities. It will reduce costs for people in regional Victoria and help the environment at the same time. All members should be on board and supporting it.

Supplementary question

Hon. W. R. BAXTER (North Eastern) — I have listened to the minister for 4 minutes and with Mr Forwood’s help I think the answer to my question was yes, that it is a sham and was a sham. Therefore how does the minister justify the blatant building up of hopes when there was never any intention to connect natural gas to towns such as Avoca, Bonnie Doon and Nathalia?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — When we announced the program we promised to connect gas to a number of places, and those promises were fully complied with. We also indicated to a number of other towns that they should put together proposals, and they would be considered. We indicated to towns that they had a good chance of getting the gas, depending on a range of other factors including whether there would be a proponent prepared to come on board with them. All of that has been done.

We continue to try to put together proposals to help those towns, including, I might say, Mr Baxter, proposals to look at ways of delivering gas to those

areas that might not get reticulated natural gas but might be able to be accommodated in other ways.

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

Budget: local government

Hon. R. G. MITCHELL (Central Highlands) — My question is addressed to the Minister for Local Government. Will the minister outline to the house how the strong and balanced state budget means the Bracks government can continue to deliver for local government in Victoria?

Ms BROAD (Minister for Local Government) — I thank the member for his question. The state budget, which was brought down this week, delivers for local government in Victoria and, as well, is a strong and balanced budget that continues to secure the Bracks government's AAA credit rating. Unlike those opposite, we treat and work with local government as an equal partner, and this year's state budget is another example of how that great relationship can further strengthen Victorian communities.

The budget includes \$36 million for growth in home and community care to help older people live independently in the community, \$102 million for the Putting Children First program to give children the best start in life, and \$30 million to extend the neighbourhood renewal program to improve local facilities and infrastructure and encourage a sense of community. As well, \$13 million has been allocated for the Creating Better Places program to improve public places, \$11 million has been allocated for the transit cities program to link key economic and development centres across Victoria, and \$15 million has been allocated for the establishment of a neighbourhood justice centre to address issues of disadvantage and reduce local crime and reoffending in partnership with local government. Additionally \$3 million has been allocated to improve native vegetation management.

The Bracks government is also providing a boost of \$10 million to the Regional Infrastructure Development Fund for capital works, to support new industry development, to link transport infrastructure and to improve tourism facilities in regional Victoria. I am pleased to advise the house that the budget delivers on a \$12 million investment in neighbourhood houses right across Victoria, in which local government is also vitally interested. This investment will deliver 10 more neighbourhood

houses and centres and will enable the redevelopment of existing facilities to better house community volunteers and establish a fund to modernise facilities and communications technology in neighbourhood houses.

The Bracks government has always believed that it can do more in partnership with local government and the community sector than it can on its own — in contrast to the actions of the former Liberal government — because cooperative joint planning between state and local government is essential to improve the quality of services delivered to Victorian families and to the timely investment by both levels of government in new social and physical infrastructure.

That is why the state budget and *A Fairer Victoria* provide \$3 million from the Community Support Fund to promote integrated, local-area planning. That means that between 30 and 40 municipalities will be eligible to receive grants of up to \$150 000 for joint planning projects between municipalities and the state government. These measures are all being delivered because of the responsible financial management and the sound foundations for economic growth and prosperity being provided by the Bracks government in contrast to the cuts the opposition would have to make to fund its \$7 billion black hole.

Budget: local government

Hon. J. A. VOGELS (Western) — I direct my question without notice to the Minister for Local Government, Ms Broad. The last Auditor-General's report covering local government finances stated there were 33 councils with operating deficits last year. The Auditor-General went on to say that such operating deficits could not be sustained and that they were of great concern to him as they must also be to councils.

I ask the minister, given her last answer, on exactly which page of the budget papers should small rural councils look or focus to find the extra funding for local roads, bridges, drainage works and gas connections to help allay their fears and the Auditor-General's fears? On which page should they look, because they cannot find anything.

Ms BROAD (Minister for Local Government) — I welcome the member's question because in addition to all the measures I have just outlined to the house, which are contained in the Bracks government's responsible budget which delivers for

local government across Victoria, it is also important to address this issue of the viability of local government in terms of their financial viability. In addition to the rates revenue which councils raise, the most important sources of revenue that councils derive are the financial assistance grants which they receive, the distribution of which they are able to determine in consultation with their communities — that is, what services and infrastructure that funding will go to.

The Victoria Grants Commission does an excellent job in determining a fair distribution of funds to councils throughout Victoria. However, there is a real problem with the quantum of financial assistance grants to local government, which have continued to decline as a share of commonwealth tax revenues since they were introduced. Who is responsible to financial assistance grants to local government? The answer is that the federal government is responsible, because when the intergovernmental agreement on taxes was agreed to between the federal government and the states, financial assistance grants to local government were on the commonwealth side of the ledger. What has the commonwealth government done about maintaining those grants? It has done nothing. All the state ministers for local government, together with the Australian Local Government Association, are calling on the federal government to do something about it.

At the last meeting with the federal Minister for Local Government, Territories and Roads, the minister actually acknowledged that there was a problem and undertook to go away and work with the federal Treasurer to analyse the case for increasing financial assistance grants to local government. Sadly I have not been informed of the results of that examination by the responsible federal minister and the federal Treasurer, but I look forward to hearing what has come of that work in the near future. Given that the federal budget is being delivered next week, that would be an excellent opportunity for the federal government to do something about increasing financial assistance grants to local government.

Supplementary question

Hon. J. A. VOGELS (Western) — With state government revenue now exceeding \$30 billion for the first time — an increase of 50 per cent since the election of this highest taxing government on record — does the minister agree that councils' only option will be to increase rates even higher than the

11.6 per cent increase recorded by the Auditor-General last year?

Ms BROAD (Minister for Local Government) — The Bracks government believes its strong and balanced state budget is an excellent blend of opportunity and prosperity for all Victorians, and I call on the member to use his good offices to ensure that the federal government meets its responsibilities to local government through its very large revenues, which are growing much faster than state revenues.

Consumer affairs: enforcement initiatives

Mr VINEY (Chelsea) — My question is to the Minister for Consumer Affairs. The state government's strong and balanced budget indicates an increase in inspections, compliance monitoring and enforcement activities. Can the minister advise the house of enforcement measures being taken to protect Victorian families?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I thank the member for his question. The Bracks government certainly does care about Victorian families. We have a comprehensive set of consumer protection laws to ensure that Victoria is a leader in consumer protection across the country, and that we are looking after all Victorians and ensuring that they get a fair go. To match these laws we have a very rigorous compliance regime. Whether it be scams, unsafe products, goods that do not measure up or shonky traders, Consumer Affairs Victoria will not only investigate complaints but will also increase proactive compliance blitzes as part of its core activity.

We had blitzes in Geelong and Ballarat early in March. During that exercise almost 220 inspections were carried out by our officers. They used the opportunity to educate traders about their responsibilities, and also gave them guidance on how to easily comply with the law. They also sought out those who deliberately break the law. As part of this blitz 2000 dangerous and banned toys were seized from retailers, and inspections were carried out on a range of industries and businesses of all sizes. These included motor car traders, pawnbrokers, licensed brothels and liquor licensees.

We were also concerned that in metropolitan Melbourne Michael Johnson and his company, Merlin Financial Services Pty Ltd, were operating a security door and screen company and were using an unregistered business name, Diamond Security Doors and Screens. He conned consumers into

paying for products that for some were never delivered and in other instances were delivered only in part. He came along and was prepared to measure up. He then took a 30 per cent deposit and was never to be seen again. Consumer Affairs Victoria investigated this matter, and officers were successful in gaining compensation orders from the Magistrates Court for 15 consumers who were ripped off by this man.

Compliance activity under the Liquor Control Reform Act is also very important. Following recent actions undertaken to crack down on companies delivering food and wine, the director of liquor licensing was disturbed to find that the five companies investigated were noncompliant with the liquor laws and the licensing regime. Four of those companies have indicated they will apply for the appropriate liquor licence and will not sell alcohol until such licence has been obtained. One company has been referred to the police for further inquiry and investigation.

We have heard in this house on many occasions about the importance of ensuring we have sound liquor laws and that we are doing all that we can to discourage the misuse and abuse of alcohol by under-age drinkers. We will maintain a vigorous regime, and we will look after Victorian families.

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

Hazardous waste: containment sites

Ms HADDEN (Ballarat) — My question without notice is directed to the Minister for Major Projects. I refer to the Bracks Labor government policy of December 2000 — I will speak slowly — on industrial waste management, which aims as a first preference to avoid and/or reduce the generation of hazardous waste. I therefore ask: what specific action has the minister undertaken to implement the first preference under this government policy?

Mr LENDERS (Minister for Major Projects) — That is a responsibility of the Minister for Environment in the other place.

Ms Hadden — On a point of order, President, the industrial waste management policy does fall under the portfolio of the Minister for Major Projects, and I ask him to answer my question.

The PRESIDENT — Order! The minister has indicated to the house that it does not come under his

portfolio but is the responsibility of the Minister for Environment. I cannot take the matter further.

Supplementary question

Ms HADDEN (Ballarat) — My supplementary question is directed to the Minister for Major Projects. Why has the minister not looked at innovative and alternative technological options which have been successfully implemented in other countries, such as New Zealand and Germany in relation to zero waste, and even in Victoria, for example, at Nestlé and Ford, instead of wanting to dump industrial toxic waste in the Hattah-Nowingi pristine environment of Victoria's Mallee?

Mr LENDERS (Minister for Major Projects) — One of those major projects allocated by the Premier is the responsibility for a long-term containment facility. The various policy proposals are either the responsibility of the Minister for Environment or the Minister for Innovation, so again it is not my portfolio.

Ms Hadden — On a point of order, President, the Minister for Major Projects clearly has the handling of the industrial waste containment facility under the reshuffling of ministerial responsibilities. I therefore ask the minister to answer my supplementary question.

The PRESIDENT — Order! There is no point of order. The minister has responded to the member's question, and that is where it stays.

Energy: government initiatives

Ms CARBINES (Geelong) — My question is directed to the Minister for Energy Industries and Resources. Can the minister advise the house of any recent developments in the Victorian oil and gas industry, particularly in the south-west of the state, and how a strong and balanced budget is helping investment in the petroleum industry in Victoria?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — I am very pleased to answer this question from the member. I advise the house of yet more good news for Victoria. More good news for Victorian families has come from the oil and gas industry, and again it is from the south-west of the state.

Last week I had the pleasure of joining with BHP's world head of energy, Phil Aitken, to open a major new gas plant in south-west Victoria that can process the equivalent of 15 per cent of the state's peak

winter demand. BHP Billiton's \$250 million Minerva gas plant will process gas from the Minerva gas field in the offshore Otway Basin near Port Campbell. This is great news for Victoria and great news for development.

I might say that we did involve the opposition in this. Not only do we consult with the opposition but we also seek to take them with us. On this occasion we literally took Mr Forwood with us in the helicopter. I can tell members opposite that he really enjoyed the helicopter ride and did not let out any secrets of the Liberal Party backbench during the trip. They can be assured of that fact. The house might also be interested to know that the announcement took place very close to the residence of Mr Vogels. I think his residence is only a couple of kilometres down the road and very close to where we made this major announcement, which has massive implications for his area and so forth. Where was Mr Vogels? He was nowhere to be seen. He did not turn up!

Hon. J. A. Vogels — On a point of order, President, I was addressing the Corangamite Shire Council.

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

Hon. T. C. THEOPHANOUS — I can assure members that we also tried to have a cup of tea at John from Timboon's place, but we could not find John from Timboon either!

In all seriousness, this is a fantastic development. It is a great development not only for Port Campbell and Timboon but for the whole state because it will deliver a large quantity of gas — up to 15 per cent of Victoria's peak demand is capable of being processed out of that plant. It means that Victorians can look forward to a secure supply of gas for decades to come. I point out to honourable members that when we came to government we just had had the explosions at Longford and the state had been without gas for two weeks or so.

In the short space between then and now the government has been able to provide a massive amount of new infrastructure in relation to gas delivery in this state, including connections to South Australia, New South Wales and Tasmania. It includes new gas fields out of the Otways and Bass Strait, and it means that the future for our children is secure in terms of the provision of low-cost gas for decades to come.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — On the auspicious occasion of your birthday, President, I present answers to three questions on notice: 4054, 4622, 4723.

PARLIAMENTARY COMMITTEES

Membership

Debate resumed.

Mr VINEY (Chelsea) — I support the motion. I do so on the understanding that the Law Reform Committee was due to meet at lunchtime and failed to do so because no member of the upper house attended. There are two or three opposition members of the upper house on that committee, but not one of them attended. It is therefore clearly important that in this chamber that we appoint someone from the government side who is prepared to attend committee meetings so that the committee can function. The nomination of the government is Mr Hilton, and I am absolutely confident that Mr Hilton will maintain his obligations on that committee as a representative from this chamber and attend meetings.

It has always been the view in this Parliament that committees should reflect the proportionality of members elected in the broader Parliament. That is what this motion is proposing to do — to maintain that reflection of the decision of the voters in 2002. I am not sure that the opposition's view has been consistent on this matter because when the Labor Party was elected to government in 1999 the opposition, through the anachronistic structures of electoral cycles, maintained a majority in this house. At that time it was very willing to use its numbers to set up whatever committees, and appoint whomever, it wanted — in particular to upper house committees — to enable them to do whatever grubby work they liked.

That is in stark contrast to the responsibility that this government has shown in relation to the operation of parliamentary committees. Therefore in that context I am more than happy to rise in this place and say that it is appropriate, proper and reasonable for the government to move this motion, and that this house should support it.

Hon. B. N. ATKINSON (Koonung) — I rise to oppose the motion before the house. I have some real

reservations about the way it has been brought here as a matter of process. The contributions by a number of members were rather sobering and ought to be noted by the house in the context of what this government is trying to achieve.

In particular I refer to the contribution of the Honourable Peter Hall who reflected on the importance of the work of these all-party parliamentary committees. The contributions of the Honourables Andrew Brideson and Ron Bowden to this debate were also worthy.

Let me say at the outset that I share the view expressed by a number of members that my opposition to the motion does not reflect on the competence, calibre or character of either of the two government members who are proposed to take up positions on the committees. Certainly the position of Mr Somyurek is a fairly straightforward arrangement which simply seeks to have him replace, as a nominee of the government, another government member who may step down.

The other committee situation is a very different one because the government, by its own admission today by a number of speakers, without any sense of shame or contrition, says, 'No, the only reason we are doing this is to maintain our numbers, to enforce our numbers in this place'. I am concerned about that because as Mr Hall said in his contribution, the integrity of the committee system is very important, and it is put at risk by this sort of motion.

Many members say their most satisfying experience within the parliamentary process is the work that they do on the all-party parliamentary committees because they can come, in a bipartisan way, to examine issues of importance to Victorians, and they can actually make real progress in addressing serious issues and in being innovative in many cases in terms of public policy. They can do it in a context where there can be a free and fair debate, where there is a process of respect, a process of conciliation and an attempt at consensus solutions in the interest of Victorians.

Our committee system relies very heavily on the basis of cooperation. I dare say that this approach, certainly in its intent, challenges that cooperation. It challenges the integrity of the system where a government says, belligerently, 'The reason we are doing this is to maintain our numbers. We happened to get certain voting support at an election, and therefore we will change these committees because we see them — and this is to paraphrase, these are

not words used by speakers in this debate — as an instrument of the government.

They are not. They are creatures of the Parliament; they are formed by the Parliament to examine issues of importance that are referred, in many cases by the government, in some cases by this or the other house, and in some cases, although rarely, by the creation of the committees themselves where they see an opportunity to investigate a particular issue.

These committees very clearly, in the processes of this Parliament, are seen as being creatures of the Parliament and not an instrument of the government. One of the interesting things about this debate today is that it fires a warning shot to all of those minor parties who held out some hope that this government had any semblance of decency when it talked about democracy in this place, because this government formed a pact with minor parties before the 1999 election that would deliver preferences to Labor, and indeed effectively delivered government to Labor.

They formed the same pact in 2002, which enabled Labor to extend its mandate, and that pact was based on the fact that this government would introduce proportional representation and would give minor parties and potential Independents a say in this place. The government did not deliver, and this very motion undermines whatever was given as a promise or a pact to those minor parties.

It will mean that this government will ride roughshod over any commitments that it has made; it will ensure it enforces its majority; and it will make these committees an instrument of the government of the day rather than of the Parliament. Indeed it makes you wonder — it begs the question — as to what the government's attitude to the committee system will be as it goes into the next Parliament after the November 2006 election, if it happens to be returned — God forbid! If it is to persist with the sort of approach being developed by way of its arguments today, then what it will be saying is, 'We will stack the parliamentary committees with members of the lower house to ensure that we have a majority on those committees'. In other words, 'We will not pay due accord to the upper house and its membership', which may well include other Independents or, more politically likely, other minor parties.

In the pact that those minor parties made with this government — the pact they made with the devil, if you like, in 1999 and 2002 — they have achieved but a Pyrrhic victory, because this motion today suggests very clearly that this government has no real

intention of ensuring any sort of democratic process in this place with the committee system. Government members have said time and time again in this debate that these committees ought to be instruments of the government, and they should do what the government wants.

That is a very different premise to what my understanding has been of these committees in the more than 12 years I have been in this place. I think the experience of most members is that these committees have very much worked on a basis of cooperation, where there is an integrity in the process, because people realise that all the parties come together to try to tackle and examine issues in a bipartisan way. I know that I will look at my committee service in a very different way if this motion goes through today, because if I am to be simply a member of Parliament who goes along to reach some accord on the government's bidding and to make safe passage for government policy and intention, then I will review my commitment to the particular committee that I am involved with. I am sure other members will do the same.

This is a far more serious initiative than the government might have thought. It has looked to a very blunt instrument to try to shut up one member of Parliament. It has used a very blunt instrument to deal with its paranoia, and to try to deal with somebody who left its party but who wishes to continue with her service on a particular committee. This is the government which has talked ad infinitum about how serious it is about democracy, that tried to strike an accord with the Independents in the lower house to prop up government in the last Parliament, but which cast them adrift in this Parliament when it did not need them anymore.

Now this government in this Parliament is trying to overcome a situation that it sees could be detrimental to its position in forcing its agenda on a particular committee. It does so with a blunt instrument, which is to stack that committee with government members. As I said, in the course of this debate government members have said, 'Yes, it is our prerogative to do that because we have the numbers'. They have said it by interjection; they have said it in their speeches; it will be in the *Hansard* attributed to those members — and it is clearly the government's intention.

That approach puts at risk a great tradition in terms of these committees. It puts at risk the cooperation of members of the opposition with those committees, because they have to all now go away and

re-examine the role that the government has suggested they ought to play on those committees, which is to deliver on the government's agenda and not to bring independent thought and objective discussion, or to have a proper and full examination of the issues put before those committees. I think that is a very detrimental step.

I do not support this motion, and all members ought to reflect very carefully on what this motion says. Those minor parties that struck their pacts back in 1999 and 2002, believing that they would have some advancement by potentially getting representation in this house, ought to consider just what this government intends for their role in this house in the future. I think this government sees them as consigned to the same swinging seats that it sees Ms Hadden confined to. It would seem to want to shut them up, to confine their opinion or contribution to the Parliament as it now seeks to confine the contribution that Ms Hadden might make. There has been no suggestion that the contribution she has made to this point on the Law Reform Committee has not been an exemplary or significant one, and that she does not have the capacity to continue to contribute, particularly given her expertise in the field of law. There is no suggestion of that.

Members have talked about precedents in this place. It always amuses me when this government talks about precedents in this house, because there are only three government members who have been here for longer than two Parliaments — that is, the President, the Honourable Theo Theophanous and the Honourable Sang Nguyen. I am not sure that the President has been consulted on this, Mr Theophanous's memory on these matters is usually selective, and I doubt that Mr Nguyen would have any recall of the particular issues involved in terms of the precedents of this house. Certainly the one that they have relied on in terms of the former member for Frankston East in the other place, Peter McLellan, and others, are not relevant to this debate today.

As I have said, this government puts at risk a great deal of tradition and goodwill in terms of the way the committee system is run to this point in time.

Mr Gavin Jennings interjected.

Hon. B. N. ATKINSON — Well may Mr Jennings chuckle, but the fact is that he has not been in the house the whole time to listen to the contributions and to hear some of the things that have been put by government members. I think he does

have respect for the processes of Parliament, unlike some other members on his side. He would be quite concerned about the points that have been put. I think if he reflects upon them, he would be most concerned about what they could mean for this Parliament in future. This is not a good motion. It might have been better had the government accepted the opposition's amending motion and let it lay over till the next day of sitting so there could have been more sober reflection by the government as well.

The talk by Mr Theophanous of dirty deals is absolutely outrageous. There are no such deals on the table. There is no reason for him to put that into the debate. It is just an attempt at justifying a very bad and sordid move by this government, which puts at risk the integrity of the committee system and will have many members, including me, reviewing what priority they accord to the committees of this Parliament in future.

Mr SMITH (Chelsea) — I am disappointed that I have to even engage in a rebuttal in this almost puerile debate on the motion. It ought to be a procedural motion that everyone would be happy to go through in accordance with normal custom and practice of the chamber. In the previous days when these sorts of circumstances have evolved there has been acceptance — certainly on our part — about the status quo and the government has a right to do those sorts of things — that is, to maintain the numbers on whatever committee it chooses. That is all we are doing. It is absolutely hypocritical for those opposite to suggest we are doing something other.

I have to say that none of this would be necessary if the honourable member concerned, Ms Hadden, had done the honourable thing herself by following precedent and resigning from that committee. She is on that committee as a result of her ALP party membership. If she had any respect for herself or for the protocol, she would have resigned from the committee. However, Ms Hadden has form in this area. In previous years she made an approach to one of the factional heads of the socialist left — —

Hon. Andrea Coote — On a point of order, President, I do not believe this is relevant to the discussion at all, and it is a personal attack on a member of this house. I ask you to bring the member back to the issue at hand.

The PRESIDENT — Order! I uphold the point of order. The member is straying away from the relevance of the motion before the house, which

deals with representation on committees. I ask him to make comment on the motion before the house.

Mr SMITH — I am disappointed with the ruling on the point of order but I have to accept it.

The fact is we are debating this issue because of the circumstances that confront the government. I have another 13½ minutes to expand on my rebuttal but I am not going to waste more of my time or the house's time on this issue.

The government is entitled to do what it is doing. It is well within the bounds of reason. The Leader of the Opposition, in his initial contribution, suggested that the people of Victoria would be appalled, if not outraged, about what is happening and about an abuse of democratic process, or whatever. What nonsense! I would argue that 9 out of 10 people out there would not even know there is such a thing as a parliamentary committee, nor would they care. If they did investigate, they would simply say the government is well within its rights. I support the Leader's motion in this circumstance, and I suggest that the whole house does the same.

Hon. RICHARD DALLA-RIVA (East Yarra) — I am pleased to make a contribution in opposing this motion before the house, but in the context of my contribution I make the point that I have no issue with the performance of certain individuals who are mentioned in the motion. Like most people, I agree that it is up to the electorate whether members remain in this house; it is not up to individuals in here through making comments across the chamber.

Mr Smith — What was that about?

Hon. RICHARD DALLA-RIVA — I am saying that I will not make a slur, as Mr Smith did, on members of Parliament. I might take up the interjection because I was going to get to that. It did not take Mr Smith long. Straight away he was hooking into Ms Hadden, not on an intellectual basis but on a personal basis. I am glad that the Honourable Andrea Coote took the point of order that brought him back to earth, but it is interesting to see the dynamics of the government. It has really been shell-shocked by the resignation.

The motion here is not about the Law Reform Committee which has been operating effectively for a number of years. I will comment on what the Minister for Energy Industries and Resources said, that the committee is overworked and that is why it's

membership is to be increased to nine members. Is it overworked? As a committee member — —

Hon. R. G. Mitchell interjected.

Hon. RICHARD DALLA-RIVA — I will get to Mr Mitchell's interjection, lame as it was, in a minute. Over a period the committee presented the report on the DNA inquiry, which was just a follow-on from the previous committee's good work; there was nothing complex about that. Also, it prepared the report on the administration of justice offences. In three years that overworked committee, as the minister called it, has prepared essentially one report.

It is like the government: it spends, it talks, but nothing gets done. Who was controlling the committee? It was controlled and lead by Labor. All it has done is present one report in three years. The argument is that the government is increasing its membership by two because of its workload. Members heard the arguments from the Honourable Bill Forwood and others about which committees have nine members each. I can understand why the Public Accounts and Estimates Committee needs that number of members.

It is an outrage that this house should be debating this motion and that the other house should be doing the same about appointing the member for Yuroke to a committee on the basis that the committee needs extra members because it is overworked. The argument put by members on the other side has been shot down. The committee has tabled one report, and we have not even looked at other reports. I am not casting aspersions on members of the committee, but it makes the debate very interesting when government members use the lame excuse about increasing the number of members. To be honest, as somebody said, actions speak louder than words, and I remember that being said during the debate about this Labor-led government and its actions.

The reality is that this is not about the principle of proportionality, it is about control. It is about continuing the proletariat control of the Parliament because you opposite are just a typical bunch of communists who want to continue your control. I have to say, my having just visited there, that it is a magnificent place for your side. You would love it. You would think it was just great there as you would have total control.

You could not handle the fact that the Independent member made the right decision and got out of your

factional groups. This is a payoff. You are scared. You are paranoid and think Ms Hadden is going to be the chair of the committee. That is never going to be the case. You talk about reds under the beds — you have this theory that the committee is conspiring to remove the present Law Reform Committee chair, the member for Bentleigh, and put in Ms Hadden or someone else. Get real! There is no evidence whatsoever. That is what this motion is all about.

The PRESIDENT — Order! Through the Chair, Mr Dalla-Riva.

Hon. RICHARD DALLA-RIVA — The issue — —

The PRESIDENT — Order! It is a motion.

Hon. RICHARD DALLA-RIVA — President, I am responding to the various accusations made and issues raised in the debate. I am one of the very few opposition members on that committee, and I am countering the arguments from the government members because this is a chamber of debate. I will let the house into a little secret: this is a chamber of debate; it is not about the government rubber-stamping. The government loves to rubber-stamp, it loves to control.

I take up the earlier interjection from the Honourable Rob Mitchell, who has issued a great press release today in the *Shepparton News* — it was fantastic!

The reality is that he got caught out, but that is politics. He asked why I did not attend a meeting of the Law Reform Committee today.

Mr Smith — On a point of order, President, it is hard enough putting up with this debate in the first place. Can we have the member come back to the debate and not talk about his diary?

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

Hon. RICHARD DALLA-RIVA — The motion before the house is concerned with why additional members should be appointed to committees. As to the Law Reform Committee meeting today, unlike the government opposition members have a lot of work to do. We cannot just sit about and wait for advisers. If we did, we would not be putting out press releases about budget matters that are three years old. But it is difficult when you receive a notice of a meeting in your email folder at 6.21 p.m. and you are expected to be at a committee meeting the next day at

1.00 p.m. This government would run it so that it would have essentially — —

Hon. R. G. Mitchell — You like the sound of your own voice. You're upset because your microphone is not working.

Hon. RICHARD DALLA-RIVA — Get fair dinkum! I am being respectful of Hansard, you fool! And that comment is typical of the Labor benches. They do not even care. They talk about the worker, but what about helping them? They do not care. They would expect Hansard to listen to us without the assistance of a microphone. That is the typical Labor spin.

I say to the Honourable Rob Mitchell that it is very difficult to attend a meeting at 1.00 p.m. when you get notice of it at 6.21 p.m. the night before. He might have a free day to wander around and shimmy around the place, but we do not. In opposition we have to work hard; he does not.

The committee, as effective as it is with seven members, does not need nine. As effective as it is now with Ms Hadden as an Independent, there is no threat of a leadership challenge to the chairman. The real issue, as Mr Smith raised in the first 2 minutes of his contribution, concerns the factionalisation of the Labor Party and the reasons why the government wants to get Ms Hadden away from ever being in a position down the track of having some control. It is putting a parliamentary secretary into the role. As I have already said, that committee is not overworked despite the picture being painted of it.

I also noted comments during the debate about the previous government and the process it went through. When the Labor Party was in opposition it supported similar motions. This whole sham today is disappointing because it reflects badly on the committee, which is then painted in a poor light. That started today when nobody attended a meeting called for 1.00 p.m. only because they do not have any confidence in the way the committee is being run. They do not believe in the way we are going to move forward through having a bipartisan approach towards developing clear programs or objectives on issues relevant to the law. It is disappointing.

I do not want to say this, but I will: there are issues about the law. If people want anything done about law reform, they are better going to the Law Reform Commission because at least there they would get a better and unbiased opinion than they would get from the rabble that is opposite.

Mr SCHEFFER (Monash) — I will make a brief contribution. I stand in support of the motion before the house. The first observation I would make is perhaps obvious — that it is the prerogative of the Parliament to determine the membership of parliamentary committees.

Members of the opposition have said repeatedly throughout the debate that this is an issue about control. Nothing could be further from the truth. This is about the Parliament exercising its judgment. If that judgment happens to coincide with the view of the government, so be it. That is what we are here for.

The second point is that it is wholly appropriate that the balance of membership of committees reflects the balance of the government and non-government representation in the house. That was the position in 2003 when the house agreed to the composition of the Law Reform Committee and the Public Accounts and Estimates Committee. I recall no argument at that point that there should not be proportionality, that the government party had a majority on each committee and that the chair of each committee was a member of the government.

The next point I make is that the present proposed adjustment is intended wholly to maintain that balance which, as I said, was originally agreed to in 2003. Members have observed, and I agree, that committees are overwhelmingly cooperative in the way that they work. There is a strong sense of collegiality, in my experience of the committees — and I have had more than average experience of them, having been a member of three at one time or another in my short time in the Parliament. I have found huge reservoirs of goodwill among members of committees and a general interest in the substantive issues that the terms of reference direct committees to consider. The processes are, of course, set out in the Parliamentary Committees Act, and there is a long tradition of precedent that the committees rely upon. I have always found them to be very open and democratic in the way they work.

The issue once again is that the composition of committees should be based on proportionality. It is a position that the house has accepted previously. I ask why, for example, in my own case the opposition agreed to my appointment to the Education and Training Committee when my colleague Helen Buckingham was away last year? If it was not to support proportionality, I would be really interested to know what it was all about. It was not about remodelling the committee in any way, and it did not

have to do with workloads or any such thing. It was absolutely about proportionality — that is why I was there.

The last point I raise briefly comes back to the politics of all this. Earlier today Mr Brideson gave a commitment that there would be no attempt whatsoever on the part of the opposition to remove the member for Bentleigh in the other place, Rob Hudson, from the chairmanship of the committee. I find that breathtaking. I do not know how the opposition expects that the government would expose itself in such a way that it would be in a position where at the whim of the opposition we could have a very competent and able chair like Rob Hudson removed. That just beggars belief. I certainly support the motion before the house.

Hon. D. McL. DAVIS (East Yarra) — I want to make a contribution to this debate. It is very clear that the government's steps today in proposing to appoint new members to the Law Reform Committee are about retrieving control of the committee from a perceived lack of control. This government has lost the plot here. This is a heavy-handed tactic that is not as democratic as it should be and reflects the government's use of its numbers in this chamber, in the other place and in the Parliament generally and all its organs.

The Law Reform Committee is a very important committee. I served on it in the last Parliament. I enjoyed being a member of a committee on which it is possible to make a very good contribution, and I was pleased to do so. It is of concern to me to see that it is proposed that the committee be expanded to nine members. It is not clear to me that the government has made any reasonable argument for the need to expand it to nine members. Indeed, the existence of the Law Reform Commission, which does overlapping work, makes it less necessary to have a large Law Reform Committee.

Looking at the very important document which shows the progress of parliamentary committees on investigations to 31 March, it is very clear that the Law Reform Committee is not overworked in the way the Leader of the Government indicated to the house earlier. It has only three inquiries in operation. One is into warrant powers and procedures, and the committee is at the end of that inquiry. It is considering draft reports, and the drafting of a final report has commenced. It is also conducting an inquiry into the Coroners Act 2004. According to the terms of reference, that process is due to be wound up by 31 December. The other inquiry was due to be

completed on 31 March. The final inquiry, which the committee has not yet commenced, is into the Administration and Probate Act 1958.

Ms Hadden — That's totally off the agenda.

Hon. D. McL. DAVIS — It seems that it is totally off the agenda, Ms Hadden. There is no way that you could regard three inquiries of this nature, with one almost completed and another yet to be begun, as overwork.

Hon. Richard Dalla-Riva interjected.

Hon. D. McL. DAVIS — As Mr Dalla-Riva has indicated to the house, how many inquiries have been tabled in this Parliament?

Hon. Richard Dalla-Riva — One that was started.

Hon. D. McL. DAVIS — One that has been completed during this Parliament. It does not seem that the pace of work on that committee is so great. Given that the Law Reform Commission has the capacity to consider many matters that would overlap with the jurisdiction of the committee, and that the government has chosen as a policy option to establish that commission — of course there was a time when there was no Law Reform Commission in Victoria and the committee had the full task of dealing with law reform in all its guises and versions — the government's argument for greater work capacity and person power on the committee is not soundly based.

The truth of the matter is that the government perceives that it needs to retrieve control of the committee. One member of the committee, Ms Hadden, a member for Ballarat Province, has resigned from the Labor Party. Members of the government do not want to leave anything to chance. The decision to appoint two additional members to the committee has been made to bolster the weak chairmanship of the member for Bentleigh in the other place, Rob Hudson, who is obviously feeling very weak and unable to manage the committee.

Ms Hadden — I must frighten him!

Hon. D. McL. DAVIS — It is clearly the case. If he were able to chair a genuine committee of members of Parliament of all political backgrounds — Labor, Liberal, Nationals and an Independent — he would be able to go forward and do the productive work the committee is given by the Parliament to do. I do not understand why he needs

two more members on the committee. Perhaps it is because he needs to bolster his chairmanship in some manner.

Ms Hadden — Am I that intimidating?

Hon. D. McL. DAVIS — You intimidate him? That may well be the case. You may be somewhat smarter than he is, Ms Hadden, and that would not surprise me. With your legal background you might run rings around the chairman. If that is the case, it might be that the government needs to bring in reinforcements. The trumpet sounds and the government says, ‘We need more’, and further troops are being sent in to strengthen the government’s position on the committee. It seems to me that flies in the face of everything that parliamentary committees are intended to achieve. Just a moment ago members heard from Mr Scheffer a rendition of how parliamentary committees ought to function, about how they can work collaboratively and about the level of goodwill involved. Mr Scheffer was quite right. I certainly experienced — —

Mr Gavin Jennings interjected.

Hon. D. McL. DAVIS — No. In terms of the roles of committees and the reservoir of goodwill that Mr Scheffer referred to, I agree with that. My experience on parliamentary committees through three Parliaments now — —

Honourable members interjecting.

Hon. D. McL. DAVIS — The point is that Mr Scheffer referred to the reservoir of goodwill on committees, and I agree with him on that matter.

Mr Gavin Jennings — They will be restored next trip.

Hon. D. McL. DAVIS — Mr Jennings brings up the issue of trips. From time to time parliamentary committees have travelled on trips. I know that the Law Reform Committee has.

I indeed moved around country Victoria — —

Honourable members interjecting.

Mr Pullen — On a point of order, President, I am having difficulty hearing Mr Davis because of Ms Hadden constantly interjecting, so I ask you to control her.

The PRESIDENT — Order! There is not a large number of members in the chamber at the moment,

but I am sure shortly there will be. I ask members — —

Mr Pullen interjected.

The PRESIDENT — Order! Mr Pullen raised a point of order with me. He should have the courtesy to be quiet while I rule on it or he will be leaving the chamber, and that will reduce the noise. I ask members to desist from interjecting and ask the honourable member to continue.

Hon. D. McL. DAVIS — Thank you, President. My point is that the Deputy Leader of the Government has indicated that committees do from time to time travel, and I wonder whether there has been proper allowance made in the budget for the additional travel costs that will be generated by this move. The expansion of the committee would certainly, with any overseas travel, add to the cost of that travel, and indeed even travel in Victoria would add to those costs.

The government places a high priority on law reform, as does the opposition. The Law Reform Commission does a lot of work, but we also have a small and lean Law Reform Committee that is able to do that work, so there is no need to expand or bloat the committee to do the additional work that the government might think exists. I think the seven members are well able to do it.

The nine member committees amongst the parliamentary committees — the Public Accounts and Estimates Committee and also the Scrutiny of Acts and Regulations Committee — are committees with generally heavy workloads. As a former member of the Public Accounts and Estimates Committee, I remember the remarkable workload at the subcommittee level. There was a need to have 9, and I think at one point there were 10, members on that committee. There was the need to break the committee into smaller units to cover the larger amount of work involved. It seems to me, though, that the Law Reform Committee with its present three references — one almost completed, one yet to be started — has adequate capacity to undertake those with its seven members. There is no need for it to be breaking into small subcommittees on a regular basis, which would require additional numbers of members.

I believe the government has overreacted to the presence of an Independent on this committee. One needs only to think back to the period after the signing of the Independents charter in 1999 when the

government embraced the three Independents then in this Parliament. There was in that charter a commitment to strengthening the parliamentary committee process and the parliamentary questions process, but I think the government has retreated from those commitments and this is a further sign of its retreat from its commitment to treat Parliament seriously, to treat questioning in Parliament seriously, and to treat the parliamentary committee process seriously. I for one believe it is a sad day when the role of the Parliament is weakened with steps like these. I must say that the government's decision to appoint these members is a further step in that weakening of Parliament's sovereignty, Parliament's privileges and Parliament's role.

I also believe that the Parliamentary Committees Act in its current form is weaker than earlier parliamentary committee acts. The changes that were made in this Parliament, and in the latter part of this Parliament, have not been to the benefit of the parliamentary committee process. There has been a step back from scrutiny and openness by the government, and that concerns me greatly.

The objectives of the act, going back into the 1990s, were to make sure that parliamentary committee processes were as open as possible, that where possible hearings were held openly, that the options of disseminating information were as open as possible, and that documents tendered to parliamentary committees were open. Unless a committee decided otherwise, all documents and submissions put before it would be considered to be public documents.

There has been a retreat from that position. This step is about closing down the public face of parliamentary committees. I am very concerned about the slow and steady erosion of parliamentary committee privileges and the openness of those committees. There have been cases where documents ought to have been made public by parliamentary committees and decisions have been made — I think on party lines — against the open disclosure of information. I believe that the government is seeking the additional numbers on this committee to continue that process of closing down the transparency with which parliamentary committees operate.

I am very happy to place on record my great concern for the future of parliamentary committees, and I want to also place on record my confidence in the current members of the Law Reform Committee. I know that both the Liberal Party members — Mr Koch and Mr Dalla Riva — are fine and

committed members of that committee, and I have the highest regard for the integrity of the honourable member for Rodney in the other place, Noel Maughan, and I know that he would be operating on the highest standards on that committee.

Ms Hadden and I were on the committee together back in the early part of the last Parliament, and I have the highest regard for her capacity to exercise judgment, and her fine legal knowledge will continue to come into play during the work of this committee. In that light I find it somewhat extraordinary that the government feels the necessity to use these heavy-handed tactics, to use the sledgehammer to crack the walnut, as it were, when a simple set of discussions with the existing members of the committee would have sufficed in terms of their intentions, and their honourable commitment to the committee process. Again we see the heavy-handed tactics used by the bovver boys within the government and the focus on treating committees and committee positions as government positions rather than the positions of parliamentarians. There is a distinction to be made between a politician, a politician's role and the role of a parliamentarian. It is this step that I think most offends many on this side of the house, that the government's actions today have failed to recognise that distinction and the role of a parliamentarian.

I urge the government to reconsider. It could step back from its position even at this late moment and reinforce the role of parliamentarians, the rights and prerogatives of Parliament and its attitude to the fine members of that committee.

Ms HADDEN (Ballarat) — I rise to speak on this motion, and I must say I have had to cancel a number of briefings since the commencement of the debate on this motion because I was very keen to sit here and listen in the chamber to what was being said about me and the Victorian parliamentary Law Reform Committee. I thought it incumbent on me to sit in the chamber and not in my room, and that meant I had to rearrange briefings, which can be very difficult for a rural and regional member of Parliament.

It really saddens me that the government appears to be so afraid of me. I was appointed as a member of the Law Reform Committee — a bipartisan investigatory committee of this Parliament of Victoria — in 1999. I was elected as a member and not as a party-political member or a factional member. I was appointed as a member of Parliament under the Parliamentary Committees Act. Nowhere

in that act does it refer to proportionality or to party-political membership. It refers simply to a member. That is what I am — a member of this Parliament.

I have sworn my oath to the Parliament to undertake my duties to my constituents to the best of ability without fear or favour. I have always undertaken my duties towards the Law Reform Committee very seriously. I have worked damn hard on that committee, and I dare any minister to say I have not, because I have. No-one has come to me since I declared my independence on 7 April 2005 and said, 'Dianne, will you resign from the committee?'. Had I been asked that question by Steve Bracks, the Premier of the state and a long-time friend of mine, I would have then said, 'Show cause; give me cause why I should resign?'. I am entitled to natural justice. No-one has had the integrity to come to me and pose that question. I want that on the record.

I am not resigning. I was appointed to the committee as a member of this Parliament. It is a bipartisan investigatory committee that is about doing its job of investigating the references given to it. In the 54th Parliament the Labor Party did not have the majority on this committee. The Liberal Party had the majority, and it was chaired very ably by the member for Sandringham in the other place, Murray Thompson. There were only three Labor Party members on it then — Mr Stensholt, the member for Burwood in the other place; Mr Languiller, the member for Derrimut in the other place; and me. I was the only Labor Party country member on that committee. To travel to attend a committee meeting takes me around 4½ hours to get through the traffic and get back. I have to navigate the Western Highway, Deer Park and the traffic, and I have done it diligently.

I do not receive and have never received a sitting fee for attending meetings of the Law Reform Committee. I want that on the record. I am not entitled to a fee because as a rural member living outside the 80-kilometre limit of this Parliament I receive a residential allowance to attend the Parliament for parliamentary sittings. However, I do not see the correlation between that and not giving me a sitting fee when I have to travel the greatest distance. The lower house members and city members are paid sitting fees. It may only be a half-hour committee meeting, so how can I justify 4½ hours out of my day to travel down to Melbourne. I cannot.

In the 54th Parliament I was a member and the deputy chair of the committee. We tabled four reports and were about to table the fifth report — the forensic sampling and DNA databases in criminal investigations report — on the very day the election was called in 2002, so that was shelved. It was reintroduced in the next Parliament, and the next committee virtually rubberstamped it apart from a couple of sections. It is a fact that the report was the work of the Law Reform Committee of the 54th Parliament.

Currently the committee has three references. The administration and probate reference has been sent off to the never-never because of the commencement of an inquiry by the National Committee for Uniform Succession Laws. It is not appropriate that we start down the path of inquiry into that reference at this stage. The only reference we have is the warrants, powers and procedures inquiry. That has been completed and should have been tabled, but that has not happened. It is still in the early stages of being written. The last I saw it was up to chapter 4. The committee has just started a review of the Coroners Act. That is a very important review, and it will take some emotional strength from the members because it is not an easy reference to deal with.

It worries me that the government seems to be so afraid of me that it has to stack the committee with two more Labor members. Mr Lenders said in this place, 'It is all about numbers. We have not got the numbers and the committee is overworked'. The committee is not overworked. I have not said the committee is overworked. The committee has not written to the Attorney-General and said it is overworked and needs more members. You could look at the committee's progress and see that it is not overworked; in fact, it is clearly under worked considering that we completed five reports in the 54th Parliament and have only done one report in this Parliament, a rerun of the DNA inquiry.

It worries me that Minister Theophanous and Ms Darveniza referred to some grubby deal being worked in the background to put someone in as chair and move a motion of no-confidence in the chair. That is totally incorrect. I say to the government that what it has now done is call into question the integrity and credibility of the Victorian Parliament's Law Reform Committee. The government has called into question the credibility and the integrity of the chair, Rob Hudson, the member for Bentleigh in the other place, which saddens me, because he is doing a pretty good job. He had a steep learning curve, but he had the members' support. He certainly had mine and

still has. I think the government ought to apologise to him and to each of the other members because it has now put us in the position where I do not believe we will be held in high regard in the community of Victoria. We certainly will not be held in high regard in the legal and other professions that have come to regard the Law Reform Committee as very strong and full of integrity and credibility, which is something some members on the government side know nothing about.

This is all about paranoia. It is about politicising a bipartisan investigatory Law Reform Committee. It is about manipulating numbers like Labor members manipulate their factions. It is about doing the wrong thing and putting a slur on this Parliament. I am an Independent member and the government is so worried about me that it has had to stack the committee with two other Labor members because it did not have the courage, decency and courtesy to come to me and say 'Dianne, we have heard about a grubby deal, is it true or not?'. I would have said, 'No, it is not true'. Government members could have asked me to resign. I would have said, 'No, show cause why I should resign?'. They did not have the intestinal fortitude to come to me because they do not have that quality.

Government members know they are entirely in the wrong. They should look up the dictionary to see what 'paranoia' means, because they suffer from it. They do not suffer from bipartisanship, because clearly they have made this committee a policy committee of the Australian Labor Party head office. Even the state secretary, Eric Locke, gave them the boot. This is the only committee that is stacked with Labor Party people. I feel sorry for the chair, Rob Hudson, because it puts into question his ability to chair our committee. I have worked with him, and I will continue to work with him and other members.

I sat in the Legislative Assembly listening to that chamber's debate on this matter. The motion was moved by Minister Batchelor, and he mentioned Ms Beattie, the member for Yuroke, being appointed to the committee. Ms Beattie is the Parliamentary Secretary for Education. I do not know how she will cope with her role on this committee and exercise her role as parliamentary secretary. I oppose the motion.

Mr LENDERS (Minister for Finance) — In summing up the debate I go back to where I started — that is, that the basic proposition of the government is that committees are set up by the Parliament to reflect the Parliament. At the start of this Parliament a series of joint committees were set

up to reflect the Parliament, and they have done that. However, the nature of the Parliament has changed through the actions of one individual during that time, and the government is seeking to have the committee reflect the Parliament in a manner that is consistent with proportionality, in a manner that is consistent with the people who are already on the committee remaining on the committee and bringing this committee up to the same size as two other committees, the Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee.

This has been an interesting debate. I understand opposition members will make points about this because they see it as a great opportunity to do so and are probably enjoying themselves. They have made points about it and have gone on about the evil in what the government is doing. It is worth reiterating to the house that the principle of proportionality; the principle of the committee reflecting the Parliament, is not new. As some of my colleagues have said, there has been some conjecture about Peter McLellan leaving the Liberal Party and the coincidence that the Honourable Phil Gude, a former Leader of the House in the Assembly, on the first parliamentary day afterwards replaced him with a Liberal member on the committee. Whether he resigned or was pushed is in a sense irrelevant.

The principle was there; the committee needed to reflect the party. We had a similar situation when Mr Neil McInnes left the National Party and joined the Liberal Party. He left the committee he was on and was replaced by a member of the then National Party. As to whether it was coincidence or whether he was pushed, I will not comment other than to say that it reflects the proportionality by which these committees reflect the parties as a whole, and when people have changed their affiliation in this place, the Parliament has without murmur made it the case on all those occasions — which is why the debate today in a sense both disappoints and amuses me.

I also note even to the extent — and I particularly refer the Leader of the Opposition to this because —

Ms Hadden — We have no confidence!

The PRESIDENT — Order! Ms Hadden!

Mr LENDERS — I am sure his sense of history is better than this, about whether or not the executive controlled these committees. I would ask the house to reflect on what happened when the member for

Murray Valley in the other place, Mr Ken Jasper — a very honourable man and my favourite member of The Nationals, because he is a true Country Party person — —

Honourable members interjecting.

Mr LENDERS — There are some very good people in this house, but he is certainly a true Country Party man. He has never actually taken on the badge of the new Country Party or The Nationals — —

Hon. Philip Davis — On a point of order, President, I am concerned that the Leader of the Government is inciting the house to disorder!

The PRESIDENT — Order! It is frivolous point of order and I do not uphold it. The minister, to continue.

Mr LENDERS — My colleague the Deputy Leader of the Opposition mentioned a spirit of bipartisanship. I am in the spirit of tripartisanship and wish to praise Mr Jasper, though probably I am not doing him a favour by praising him. But my example of him is an interesting instance of when a committee of seven was established by the Parliament — and I urge the opposition leader to pay heed to this. It was a committee of three Liberals, one National and three Labor members. The Labor member, like me, had a very high view of Mr Jasper and supported his being chair of the committee, and the executive government came down hard. Poor old Mr Jasper was forced off the committee by the heavy hand of the Kennett government and was replaced by, I think, the member for Doncaster in the other place, or someone who was not up to Mr Jasper's equal.

Ms Hadden interjected.

Mr LENDERS — I refer the house to the fact that the nature of this is to be a reflection of the house. That is what this is all about — to reflect the house.

A final comment I would make on the nature of the executive government intervening — and I cannot let this pass — is that under the Kennett government the Parliamentary Secretary to the Premier was the chair of the Public Accounts and Estimates Committee — none other than my good friend Mr Forwood.

Hon. D. McL. Davis — He did a very good job in that position. He was a good chair! And he is still deputy chair.

Mr LENDERS — Let us not fall for the hyperbole, the cant, the hypocrisy about this. There are no ifs or buts about it. This Parliament has always had the view, and no-one in this debate has moved from it, that the joint select committees should reflect the Parliament.

Ms Hadden interjected.

Mr LENDERS — This is not a numbers game.

Ms Hadden — Nobody said it was. You've got paranoia.

Mr LENDERS — They should reflect the Parliament. This government, unlike some of the previous coalition governments, has actually said, when there has been a change in the nature of a committee, that rather than try and go through the process of pushing off a committee someone who might want to be on it, 'Let us expand the committee'.

Ms Hadden — You can't stack it, that's the problem.

Mr LENDERS — President, this is what has actually happened over time. There is a history of it.

Hon. D. McL. Davis — What is the cost? Have you costed it out?

Mr LENDERS — I take up Mr David Davis's interjection. He says, 'What is the cost?'.

Hon. D. McL. Davis — Is there an additional cost?

Mr LENDERS — The additional cost to the committee is potentially a sitting fee. What we have seen in this particular area is a committee whose work load is heavy, a principle of proportionality which we seek to emulate in this Parliament, a following of precedent through Liberal governments and Liberal-Country Party coalition governments through this period; and we have not seen in the 150-year history of this Parliament an instance where joint select committees have been anything other than reflective of the nature of the houses.

This government has brought this through in an open and transparent manner. We gave notice of these motions yesterday; it was no surprise to anybody what this was about and what the government was seeking to do. We brought it forward and we certainly welcome the debate. This is a chamber of debate, and as I said in question time, I gave up a

great opportunity to be with the Premier for an exciting announcement today because this is an important debate. We on this side of the house will certainly remember this debate — —

Ms Hadden — Yes, so will I!

Debate interrupted.

SUSPENSION OF MEMBER

The PRESIDENT — Order! I am sick of Ms Hadden constantly interjecting in the chamber. I have warned her, through the course of this debate, before lunch on four separate occasions. My patience has run out, so pursuant to sessional order 31 Ms Hadden is suspended from the chamber for 30 minutes.

I remind members that if the division bells ring during the course of their suspension the member is entitled to rejoin the chamber and participate in the division.

Ms Hadden withdrew from chamber.

Debate resumed.

Mr LENDERS (Minister for Finance) — As I said, we on this side of the house have listened to and participated in this debate, and I put on the record an issue we particularly ask opposition members to take heed of: that what they have been suggesting today through their debate flies in the face of 150 years history of this place on the concept of proportionality. We understand that they want to gain an extra vote in this place and want to gain some points — that is all part of politics — but what we have dealt with today is the serious issue of proportionality. I therefore conclude and urge the house to support the motion to appoint Mr Hilton to the Law Reform Committee and Mr Somyurek to the Public Accounts and Estimates Committee.

Hon. Philip Davis — On a point of order, President, as the Leader of the Government has closed the debate and as the opposition has indicated it will be opposing the motion and therefore calling a division, I seek your advice and guidance as to the eligibility of certain members to vote in such a division. I note that the Honourable Geoff Hilton and Mr Somyurek are likely to be appointed to joint parliamentary committees for which they will be eligible to receive higher duties payments and that therefore there is a question of pecuniary interest. I note that *May* advises on this that matters of

pecuniary interest are relevant to consideration as to the eligibility of the member voting, and indeed on this issue *May* states:

No member who has a direct pecuniary interest in a question is allowed to vote upon it; but, in order to operate as a disqualification, this interest must be immediate and personal, and not merely of a general or remote character. On 17 July 1811 the rule was explained thus by Mr Speaker Abbott: ‘This interest must be a direct pecuniary interest, and separately belonging to the persons whose votes were questioned, and not in common with the rest of his Majesty’s subjects, or on a matter of state policy’.

I make the point, President, it is quite clear that the two members being appointed to the two parliamentary committees will be entitled to additional remuneration by the Parliament, and that therefore they have a direct pecuniary interest in the motion before the Chair. I am therefore seeking your advice as to the eligibility of the two members mentioned — Mr Hilton and Mr Somyurek — to take part in any vote in proceedings on this motion.

Mr Gavin Jennings — On the point of order, President, the Leader of the Opposition is having a damned good try at drawing an extremely long bow to seek your assistance in support of his proposition that pecuniary interests should prevent a member of this chamber from voting on this motion. I wonder if the Leader of the Opposition was intending to not vote in relation to the Parliamentary Administration Bill which covers his wages, and indeed whether other members of his party will not vote on that bill or any other bill that deals with any of the circumstances that cover our wages and conditions.

It is an extraordinarily long bow, and I do not think he wants to live with the precedent he asks you, President, to set. In fact I do not think any Parliament in the world would support the proposition he is putting to you, and for that reason in itself it is a ludicrous proposition. Under that interpretation of *May* the precedent would then apply to any single motion before the chamber to establish any committee over the history of this Parliament or any other Parliament, preventing any member of Parliament from ever voting on such a motion.

Hon. Philip Davis — On the point of order, President, the House of Representatives practice is quite clear — a member may not vote in a division on a question in which he or she has a direct pecuniary interest not held in common with the rest of the subjects of the Crown. Regarding this matter it is quite clear that this is a fairly narrow motion pertaining to two persons who are members of this

Parliament. The motion does not affect the whole of members of the Parliament, nor indeed the whole of subjects of the Crown.

The PRESIDENT — Order! I draw members' attention to standing order 11.13, which says:

No member will be entitled to vote either in the Council or in any committee thereof upon any question on which he or she has a personal, pecuniary or direct interest in the matter, and the vote of any member so interested will be disallowed.

It goes on to say:

The interest must be direct, personal or pecuniary and separately belonging to the member and not in common with the public in general or any section of the public or on a matter of state policy.

As the Deputy Leader of the Government indicated — and I was going to comment on this in my ruling on this matter — it is part of the duties of a member of Parliament to become a member of a committee. Receiving a sitting fee to attend a committee meeting in fulfilling one's role and responsibility as a member of Parliament is not a direct or personal interest. On that basis and the basis of standing order 11.13 I do not uphold the Leader of the Opposition's point of order.

House divided on motion:

Ayes, 20

Argondizzo, Ms	Mikakos, Ms
Broad, Ms	Mitchell, Mr
Buckingham, Ms	Pullen, Mr
Carbines, Ms (<i>Teller</i>)	Romanes, Ms
Darveniza, Ms	Scheffer, Mr
Hilton, Mr	Smith, Mr
Jennings, Mr	Somyurek, Mr
Lenders, Mr	Theophanous, Mr
McQuilten, Mr (<i>Teller</i>)	Thomson, Ms
Madden, Mr	Viney, Mr

Noes, 18

Atkinson, Mr (<i>Teller</i>)	Drum, Mr
Baxter, Mr	Forwood, Mr
Bishop, Mr (<i>Teller</i>)	Hadden, Ms
Bowden, Mr	Hall, Mr
Bridson, Mr	Lovell, Ms
Coote, Mrs	Olexander, Mr
Dalla-Riva, Mr	Rich-Phillips, Mr
Davis, Mr D. McL.	Strong, Mr
Davis, Mr P. R.	Vogels, Mr

Pairs

Eren, Mr	Stoney, Mr
Nguyen, Mr	Koch, Mr

Motion agreed to.

COURTS LEGISLATION (JUDICIAL CONDUCT) BILL

Second reading

For **Hon. J. M. MADDEN** (Minister for Sport and Recreation), Hon. M. R. Thomson (Minister for Consumer Affairs) — I move:

That the bill be now read a second time.

This bill will revamp the current system for dealing with serious complaints against judicial officers in Victoria and through a number of amendments, will enhance public confidence in the judicial system and further protect judicial independence in Victoria.

Sallmann report

As part of the Bracks government commitment to modernising the courts and the judicial system in Victoria, in July 2001 the minister commissioned Crown Counsel for Victoria, Professor Peter Sallmann, to examine the current system for dealing with complaints against Victorian judicial officers. The result was the report on the judicial conduct and complaints system in Victoria (December 2003).

The Sallmann report found that the current arrangements are ad hoc, vague and uncertain. In particular, Professor Sallmann recommended that there be a standing investigative mechanism for serious complaints against judicial officers.

Grounds for removal of judicial officers

This bill will resolve the current maze of removal provisions. It will strengthen judicial independence by establishing uniform removal provisions for the Supreme, County and Magistrates courts in the Constitution Act 1975 in line with section 72(ii) of the Australian constitution 'on the ground of proved misbehaviour or incapacity'.

Judicial tenure will be strengthened by requiring that a special majority of both houses of Parliament will be required to remove a judicial officer and also to alter these removal provisions.

The removal grounds for full-time, non-judicial members of the Victorian Civil and Administrative Tribunal will be amended to be the same as for judicial officers, however the current removal procedures should remain.

Standing investigative committee

Based on the Sallmann recommendations, this bill will fill the gap in the current system of removal cases by establishing a standing panel of interstate judges. A committee of three judges will be selected randomly from the panel when required to investigate a serious complaint against a judicial officer. This will ensure transparency and the independence of the investigating committee. The committee will be required to observe the principles of natural justice and will receive a reference from the Attorney-General.

The establishment of the committee will enhance judicial independence in Victoria.

Once the committee has made an investigation, it will report back to the Attorney-General. A judicial officer cannot be removed unless the committee finds that the facts were capable of amounting to misbehaviour or incapacity warranting removal. Thus, Parliament can only vote for removal if the committee's findings are adverse.

House amendments (passed in the Legislative Assembly) do two things:

they provide that the act comes into operation on proclamation, rather than on royal assent;

they provide that the standing judicial panel consists of retired interstate and federal judges.

Abolition of a court and appointment to equivalent or higher court

This bill will also amend the Constitution Act 1975 to ensure that if a court is abolished in Victoria, the judicial officers of that court are entitled to be appointed to a court of equivalent or higher status.

This will further protect the independence of judicial officers by ensuring that the government of the day cannot abolish the court to which a judge is appointed.

Such a provision exists already in New South Wales, in section 56 of that state's Constitution Act.

I commend the bill to the house.

Debate adjourned for Hon. C. A. STRONG (Higinbotham) on motion of Hon. Andrea Coote.

Debate adjourned until next day.

**LEGAL PROFESSION
(CONSEQUENTIAL AMENDMENTS)
BILL***Second reading*

For **Hon. J. M. MADDEN** (Minister for Sport and Recreation), Mr Lenders (Minister for Finance) — I move:

That the bill be now read a second time.

The bill is cognate with the Legal Profession Act 2004, which received royal assent on 14 December 2004. As members may be aware, in general terms that act seeks to implement a new regulatory framework for the legal profession while simultaneously implementing national model provisions. The national model provisions are intended to provide consistency in regulating standards and procedures across jurisdictions in order to facilitate national practice. The act abolishes the Legal Practice Board, the Office of the Legal Ombudsman, and the Legal Profession Tribunal, and establishes new bodies that will be responsible for regulating the legal profession. The act also introduces numerous changes in terminology. The bill amends numerous acts to incorporate those changes.

As an example, the bill includes an amendment to the Victorian Law Reform Commission Act 2000 to delete a reference to the Legal Practice Board and replace it with a reference to the Legal Services Board.

The bill also sets out a number of minor technical amendments which are needed to correct typographical and cross-referencing errors. It is noted that since the bill was introduced and second read in the Legislative Assembly, it has been amended in order to include a further minor amendment to the act. Currently item 8.14(1) of schedule 2 to the act contains an incorrect cross reference to another section in the act. The bill has been amended to include an amendment to item 8.14(1) that deletes the incorrect cross-reference and replaces it with the correct cross-reference.

It was anticipated that a number of technical amendments would be required to the act due to changes to the Standing Committee of Attorneys-General national model provisions. This has proven to be the case, and so these too are incorporated in this bill.

Finally, the bill encompasses a small number of amendments which involve issues of policy. I do not intend to go into the detail of these amendments, save to say the bill provides that:

the Attorney-General will be given specific power to direct the Legal Services Board to pay an amount out of the distribution account of the public purpose fund to the Victoria Law Reform Commission each financial year;

an appointed member of the Legal Services Board will now hold office for a term of up to 4 years rather than a term of 4 years;

the Legal Services Commissioner will not be able to delegate making the decision on the outcome of an investigation of a disciplinary complaint against a legal practitioner, whether the investigation was carried out by the commissioner or by a prescribed investigatory body;

if the taxing master determines to deal with an application by a client for a costs review that has been made out of time, any proceedings that have already been commenced by a law practice for the recovery of those legal costs must be stayed pending the completion of the review;

there will be no fee or surcharge payable for a local practising certificate that is issued authorising someone to engage in legal practice as a volunteer at a community legal centre;

there will be a provision permitting regulations to be made to allow the Legal Services Board to determine classes of Australian-registered foreign lawyers required to contribute to the fidelity fund, as well as the contributions and levies payable by those classes, and the time and manner of payment.

I commend the bill to the house.

**Debate adjourned on motion of
Hon. C. A. STRONG (Higinbotham).**

Debate adjourned until next day.

BUSINESS OF THE HOUSE

Adjournment

Mr LENDERS (Minister for Finance) — I move:

That the Council, at its rising, adjourn until Tuesday, 17 May.

Motion agreed to.

ADJOURNMENT

Mr LENDERS (Minister for Finance) — I move:

That the house do now adjourn.

Monash Primary School: future

Hon. ANDREW BRIDESON (Waverley) — I wish to raise an issue tonight for the education minister in another place and it concerns the future of Monash Primary School situated in Samada Street, Notting Hill.

I was somewhat perplexed to read in the 2 May 2005 edition of *Waverley Leader* that the Monash Primary School may be closing down. It was certainly news to me and to many parents of that school community. It appears from this newspaper report that there is a proposal from the nearby Monash Secondary College to create a new learning centre for at-risk students in partnership with Berengarra School because of a drop in enrolments and there seems to be some conflict as to the future of this school.

An education department spokesman said he knew nothing about the closure or the impending closure of the school. However, the acting principal of the Monash Primary School has stated in the local paper that the school has faced continuing decline in enrolments over the past 8 to 10 years and the school council has decided to hold a meeting of the school community, with only the staff and parents, to explore a variety of options for the future. I believe that meeting took place on Wednesday night of this week, but I do not know its outcome.

I asked my electorate officer to ring the acting principal of the school today to ask whether or not the school was to be closed, and she said that this was never to be the case, so there are conflicting comments from the acting principal.

Some parents have tried to enrol students to begin in prep in 2006 but have been told that the school cannot enrol them because the future of the school is unknown. I seek a very early response from the minister which outlines the future for the Monash Primary School in order that parents who currently have students at the school, and certainly for parents who want to enrol new kiddies at the school next year, have some firm commitment from the education minister as to the future of that school, so

that these parents and families of the school community can make definite plans for next year.

Wodonga: contaminated site

Hon. W. A. LOVELL (North Eastern) — I wish to raise a matter with the Minister for Finance regarding an exchange of land that took place between the City of Wodonga and the Department of Treasury and Finance four years ago. The exchange of this land allowed for a new courthouse and police station to be built in Wodonga on land next to the Wodonga Civic Centre and council offices. In return for the land next to the civic centre, the site of the old police station and courthouse in Elgin Street would be handed over to the City of Wodonga. The old courthouse and police station in Elgin Street have since been demolished and a fuel tank that was at the rear of the police station has been removed.

The City of Wodonga has fulfilled its part of the bargain and handed over a clean site to the state government, enabling the new police station and courthouse to be built. The state has had the full use of that land for the past four years. Unfortunately the Department of Treasury and Finance has not fulfilled its side of the deal. The land exchange agreement was for a straight swap of land — clean site for clean site — including an environmental clearance statement for the site.

The land in Elgin Street has been cleared but unfortunately an environmental clearance statement cannot be issued for that site because it has been discovered that there is benzene in the ground water. The City of Wodonga is keen to develop this site and has been approached by prospective developers who are interested in the site. Unfortunately development cannot occur until the state fulfils its obligations under the land exchange agreement and the environmental clearance statement is issued. The City of Wodonga has been significantly disadvantaged with this deal by the government which, as I said, has had the full use of the land next to the civic centre for the past four years. By contrast, the City of Wodonga has had to carry the Elgin Street land on its books and has suffered a loss of rates income from that land.

It is time that the government lived up to its side of the deal and either cleaned up the ground water to enable the environmental clearance statement to be issued or compensated the City of Wodonga for the difference in value of the site as a clean site compared with the contaminated site that the state has delivered. I ask the minister to intervene in this

matter and to honour the original agreement made between the Department of Treasury and Finance and the City of Wodonga by assuring that the ground water issue is addressed, allowing the City of Wodonga to progress with the development of this site.

Manufacturing: investment

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I wish to raise a matter for the attention of the Minister for Manufacturing and Export in the other place, and it relates to the circumstances faced by the manufacturing sector in Victoria at the present time. As the minister is no doubt aware the manufacturing sector is the largest component of the Victorian economy. It contributes \$27 billion to gross state product each year and is larger than agriculture, mining and construction combined.

Until recently Victoria's share of the manufacturing industry was larger than that of any other state in Australia but that has ceased to be the case as New South Wales has recently overtaken Victoria. Since February 2001 employment in the manufacturing industry in this state has fallen by around 33 000 jobs and significantly investment in manufacturing this state has also declined over the life of the Bracks government. Victoria's share of manufacturing investment has fallen from 33 per cent of the national total to just 24 per cent according to the most recent figures, at December 2004. Victoria's share of total manufacturing investment is now substantially lower than it was five years ago.

This is a concerning trend for the manufacturing industry, as it has long-term implications for growth and employment in that sector. It is also of concern that Victoria's share of the total merchandise exports — that is, basically, manufactured goods — out of Australia has also declined from around 20 per cent in late 1999 to just 16 per cent now. So we have had a decline in manufacturing employment and a relative decline in manufacturing investment and manufacturing exports.

Surprisingly, the budget that came down on Tuesday provides nothing for the manufacturing sector. Indeed there has been a substantial cut in the output that has been allocated under the budget for investment attraction. I ask the Minister for Manufacturing and Export in the other place to outline to the manufacturing sector what — given this cut — this government intends to do to turn

around these three very worrying trends in the manufacturing sector.

Glen Eira: chief executive officer

Hon. C. A. STRONG (Higinbotham) — The issue I would like to raise is for the Minister for Local Government. It concerns the appointment of the Glen Eira City Council's chief executive officer (CEO). This appointment is now concluded, and I do not seek to reopen it. However, it seems to me that the process has some ramifications for future council CEO appointments that I think it might be worth while for the minister to look at. I will quickly outline those.

As we know, CEO appointments come up with a particular time limit. In the Glen Eira case that time coincided with the appointment of a municipal inspector to the Glen Eira council. The councillors stopped the process of appointment pending reports from the municipal inspector. As a consequence the CEO threatened legal action against the councillors in their personal capacity, not in their capacity as councillors, where they have a statutory obligation and statutory protection, which is some sort of indemnity. He threatened them on a personal basis, and, without reflecting on any of the individuals concerned, the councillors themselves presumably took some legal advice. For whatever reason, the councillors concluded that they were at some risk of being sued and losing their assets and so on. As a consequence they reversed their previous decision and went ahead to appoint the CEO.

It seems to me that the Local Government Act tries to make the appointment of the CEO an appropriate process whereby the councils will consider the issue. Any sort of loophole, chink or ambiguity in the act which would allow a CEO to threaten legal action against councillors as individuals, without any form of indemnity for their actions, puts at considerable risk the probity of the process, because obviously if individuals are concerned that they are going to be sued and lose their personal assets they will act differently than they would if they were just acting as councillors with statutory protection. I ask the minister to look at those issues to see if there are any loopholes in the act that need to be corrected.

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

Sale College: funding

Hon. PHILIP DAVIS (Gippsland) — I raise a matter for the attention of the Minister for Education and Training in the other place, the Honourable Lynne Kosky. It concerns Sale College. I have had representations from the college claiming a concern about the inadequacy of the funding made available for it to complete stage 4 of its building project.

Only a year ago I made a comment in the Gippsland-Sale *Times-Spectator* concerning the failure of the government to adequately fund stage 4, and I called on the minister to come clean with regard to her intentions. The minister responded, 'He can apologise to me because we will definitely be providing the money'. However, Sale College has written to me and said that it is \$300 000 underfunded and therefore the stage 4 works cannot be completed. Works to be omitted include the refurbishment and upgrading of the technology building; this building is to be only half renovated. There is to be no work carried out on the engineering, metal and woodworking departments.

The Victorian certificate of education students at the Macalister campus have been waiting since 1995 for the facility to be upgraded. They are frustrated that this critical project has not been finalised. The facilities are totally inadequate and the commitment to the Sale community has not been honoured. There is a shortage of skilled tradespersons and it is difficult to comprehend the education department's thinking. The repairing and resurfacing of a bus bay has not been done. There is currently a hole in the bus bay that is 2 metres in diameter and constitutes a trip hazard to the students, staff and members of the public. This ought to have been funded in the stage 4 project. The demolition of an existing portable classroom in disrepair and the construction of the staff car park have also been excluded because of underfunding. Sale College has committed considerable funds to allow for an adequate gymnasium to be constructed which will cater for senior students.

The school is asking for the minister to honour her commitment of last year. I remind the minister that she took a gratuitous opportunity to criticise my advocacy on behalf of the college in the local press. I ask her to apologise to me and explain to the school why its redevelopment has been underfunded by \$300 000.

Cheltenham and Regional Cemeteries Trust: performance

Hon. D. McL. DAVIS (East Yarra) — My adjournment issue is for the Minister for Health in the other place and concerns the Auditor-General's report from this week on the results of special reviews and other investigations. It concerns in particular that section of the audit that deals with the Cheltenham and Regional Cemeteries Trust. At page 23 the conclusion states:

We concluded that the trust:

failed to manage a conflict of interest involving business arrangements with the chief executive officer's (CEO's) son

failed to attend to advice from DHS and from my office to ensure that related-party agreements were transparent, fair and contestable, and entered into business arrangements with a company owned by another of the CEO's sons ...

improperly used trust funds to purchase a vehicle for the CEO's wife's private use

sold trust assets to staff and related parties without a transparent sales process or a policy to guide such sales

...

guaranteed a private loan for the CEO and his wife without obtaining the necessary approval

...

illegally paid incentives to private businesses ...

They were kickbacks. This is corrupt, this is crooked, this is wrong, and the Auditor-General has put the finger right on it. He has made it very clear that the minister and the government are responsible and that they have to act. The report goes on to say that the trust:

... failed to maintain adequate security over its fixed assets ...

People in the community dealing with cemetery trusts are doing so at a particularly vulnerable point in their lives. Where family members have died they need to be able to go forward with security and understand that their financial arrangements are secure, transparent and honest — and that is clearly not the case with this cemetery trust. As one reads through this extraordinary report — this family affair, as it can only be called; a family business of a new type — one can only conclude that this has been going on for a number of years back to at least 2000 and 2001.

A number of questions need to be answered here about the minister's action or inaction, the involvement of the department when the cemeteries group within the Department of Human Services knew about these matters and what action it took. It either knew or did not know about these actions. If it did not know, it ought to have known. Proper scrutiny would have seen that branch of the department and the secretary and the minister acting to stop this at an earlier point. Equally if it was aware of these facts and failed to act, there is a great concern.

Consumers have a right to protection, and members of the public have a right to confidence when dealing with these large cemetery trusts. In that context I ask the minister to come clean about her involvement — about when she knew, about when the department knew, about the correspondence and discussions she had with the Health Services Commissioner, Beth Wilson, and about what the minister intends to do on this matter to guarantee public security.

Director of liquor licensing: appointment

Hon. B. N. ATKINSON (Koonung) — I wish to raise a matter with the Minister for Consumer Affairs concerning the appointment of the director of liquor licensing. I note that it has taken some 12 months to appoint a director. The minister has taken only three months, and I am pleased about that. Her predecessor had this appointment on the table for nine months prior to that. The person appointed, Sue Maclellan, is a person of experience and I am sure she will do a good job in this area. She has been involved in an acting capacity for that period of time — that is, since Brian Kearney left to become chief executive officer of the Australian Hotels Association.

I am concerned that the position should have been left in an acting capacity for such an extended period in the lead-up to the deregulation of the liquor industry, which occurs in January 2006. The minister is very familiar with that, as she introduced the legislation that set up that deregulation process and a trust fund associated with it. She would be aware that as of January 2006 the industry will be deregulated, and that Coles and Woolworths will have an unfettered opportunity to expand their liquor licences. An Ernst and Young report suggests that up to 50 per cent of the existing 1400 retail liquor licences could be exiting the industry as a result of that deregulation. Given that sort of change in the industry, I would have thought it was important to have somebody in place as the director of liquor licensing for the whole of the period in the lead-up to

January 2006. No doubt Ms Maclellan, in her role as an acting director, has had some oversight of these changes, but I would suggest that as a permanent appointment she would have been in a much better position to provide stewardship of that process. I am very concerned that it has taken the government so long to act.

This government has a reputation for procrastination in quite a number of areas, including a lack of diligence in its attention to correspondence, but I am particularly concerned at why it took so long this time, and I seek an explanation from the minister.

Deputy President, in concluding my item, I draw your attention to the state of the house.

Quorum formed.

Responses

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I am sure the Honourable Bruce Atkinson will pass on to those who raised adjournment matters and are not in the chamber my responses to them.

The Honourable Andrew Brideson raised for the Minister for Education and Training in the other place a matter concerning reports of the potential closure of Monash Primary School, seeking a response to that matter. I will pass that on.

The Honourable Wendy Lovell raised for the Minister for Finance a matter concerning land transfer to the Wodonga council, seeking that that minister intervene. I will pass that on to the Minister for Finance.

The Honourable Gordon Rich-Phillips, who is in the chamber, raised for the Minister for Manufacturing and Export in the other place a matter concerning the government's action to support manufacturing industry and make industry aware of that action. I am sure that the minister will take up that request.

The Honourable Chris Strong raised for the Minister for Local Government a matter concerning Glen Eira council, the process of the appointment of the chief executive officer and issues surrounding the potential for legal action to be taken against people in an individual capacity rather than in their capacity as a councillor. I will pass that on to the minister for direct response.

The Honourable Philip Davis raised for the Minister for Education and Training in the other place a matter concerning the funding for the fourth stage of the

Sale College building project. That member is in the chamber.

The Honourable David Davis raised for the Minister for Health in the other house a matter concerning the Auditor-General's report in relation to the Cheltenham cemeteries trust. I will pass that on to the minister.

The Honourable Bruce Atkinson, who remains in the chamber, raised with me a matter concerning the appointment of the director of liquor licensing. I am glad to be able to say that with every appointment I have made as a minister in my time in the Bracks government the Honourable Bruce Atkinson has been very enthusiastic in his support of the individuals. I do not know whether that means I have made a good choice! I believe that Sue Maclellan is an excellent choice. She has performed the functions of the director of liquor licensing with great character and skill while acting in that position. I look forward to working very closely with her in the duties and tasks she has as the director. I know she takes those responsibilities very seriously.

I point out also that I am very proud of the fact that she has been appointed to a very senior position as a very talented woman and is the first woman to be appointed to it. For the record, for Mr Atkinson and those who bother to read *Hansard* — although why they would want to — —

Hon. B. N. Atkinson interjected.

Hon. M. R. THOMSON — Yes. I reiterate statements that I am on record as making time and again — that is, the government takes very seriously the responsibility of finding a balance between responsible drinking, harm minimisation and young people. The government also understands the diversity of the industry and the importance of the role it plays in both hospitality and tourism. We have a very strong and robust industry in this state, and the government wants that to continue. I am sure that in her functions the new director has that in mind. As the minister I certainly have that in mind.

Motion agreed to.

House adjourned 4.53 p.m. until Tuesday, 17 May.

QUESTIONS ON NOTICE

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

Tuesday, 3 May 2005

Treasurer: Office of the Administrator (SECV, VicPower Trading) — stress-related leave

2055. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): In relation to staff members of the Office of the Administrator (SECV, VicPower Trading) on stress related leave in 2002-03, what was the — (i) number of days taken; (ii) estimated cost; and (iii) total number of staff involved.

ANSWER:

I am informed that:

No staff of the SECV were on stress related leave in 2002-03.

Treasurer: State Trustees Ltd — advertising

2301. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): In relation to State Trustees Ltd's advertising undertaken between 1 July 2002 and 30 June 2003:

- (a) What was the — (i) date of approval of each contract; (ii) cost of each contract; (iii) purpose of the advertisements; and (iv) duration of each advertisement.
- (b) Where and when was each advertisement published or broadcast.
- (c) To whom was each contract awarded.

ANSWER:

I am informed that:

I am advised that the information you seek is commercial in confidence.

Treasurer: Land Tax Hardship Relief Board — capital works funding

2754. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): In relation to the Land Tax Hardship Relief Board's allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

I am informed that:

The Board undertook no major projects in the time period specified.

Treasurer: Stamps Act — noncompliance

3314. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): How many notices are expected to be issued for notices of assessment for noncompliance under s63B of the *Stamps Act 1958*, so far in 2003-04 and is expected to be raised by these notices in 2004-05 for properties within the Melbourne City Council local government area.

ANSWER:

I am informed that:

A total of 178 assessments to the value of \$574 000 have been issued for properties within the Melbourne City Council local government area. It is envisaged that the off-the-plan project will investigate 15 developments in total in 2004-05. The State Revenue Office is unable to estimate the expected number of assessments to be issued for properties within the Melbourne City Council.

Treasurer: private sector gifts

3376. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): Has the Treasurer received any gifts from the private sector up to the sum of \$380 since being appointed a Minister of the Crown; if so — (i) who was the donor; (ii) what was the gift; (iii) what was the value of the gift; and (iv) was this gift disclosed in a declaration of a conflict of interest.

ANSWER:

I am informed that:

The *Members of Parliament (Register of Interests) Act 1978* requires Members of Parliament to provide particulars of any gift they have received of or above the amount or value of \$500. I refer the Honourable Member to this register.

Gaming: Gambling Regulation Act — fees and penalties

3623. THE HON. PHILIP DAVIS — To ask the Minister for Sport and Recreation (for the Minister for Gaming): In relation to amendments made by the *Monetary Units Act 2004* to the *Gambling Regulation Act 2003* and any subsequent Regulations:

- (a) What fees and penalties were amended.
- (b) What was the value of each of the fees and penalties immediately prior to these amendments.
- (c) What is their value following indexation on 1 July 2004.

ANSWER:

I am informed that the *Monetary Units Act 2004* converted a significant number of penalties and fees for legislation and subordinate legislation, including those specified in the *Gambling Regulation Act 2003* into fee units and penalty units.

The *Gambling Regulation Act 2003* contains nearly 300 references to penalty units and the *Gambling Regulation (Interim) Regulations 2004* contain references to over 50 penalty and fee units.

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

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

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

Gaming: Gaming and Betting Act — fees and penalties

3624. THE HON. PHILIP DAVIS — To ask the Minister for Sport and Recreation (for the Minister for Gaming): In relation to amendments made by the *Monetary Units Act 2004* to the *Gaming and Betting Act 1994* and any subsequent Regulations:

- (a) What fees and penalties were amended.
- (b) What was the value of each of the fees and penalties immediately prior to these amendments.
- (c) What is their value following indexation on 1 July 2004.

ANSWER:

I am informed that the *Monetary Units Act 2004* converted a significant number of penalties and fees for legislation and subordinate legislation, including those specified in relation to gambling legislation.

The *Gambling Regulation 2003* came into operation on 1 July 2004 and consolidated eight of the ten principal Acts that regulated gaming. Accordingly, the specific questions relating to gambling legislation refer to Acts that have been repealed including the *Lotteries, Gaming and Betting Act*, the *Gaming Machine Control Act*, the *Gaming and Betting Act*, and the *Public Lotteries Act*.

The *Gambling Regulation Act 2003* contains nearly 300 references to penalty units and the *Gambling Regulation (Interim) Regulations 2004* contain references to over 50 penalty and fee units.

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

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

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

Gaming: Gaming Machine Control Act — fees and penalties

3625. THE HON. PHILIP DAVIS — To ask the Minister for Sport and Recreation (for the Minister for Gaming): In relation to amendments made by the *Monetary Units Act 2004* to the *Gaming Machine Control Act 1991* and any subsequent Regulations:

- (a) What fees and penalties were amended.
- (b) What was the value of each of the fees and penalties immediately prior to these amendments.
- (c) What is their value following indexation on 1 July 2004.

ANSWER:

I am informed that the *Monetary Units Act 2004* converted a significant number of penalties and fees for legislation and subordinate legislation, including those specified in relation to gambling legislation.

The *Gambling Regulation 2003* came into operation on 1 July 2004 and consolidated eight of the ten principal Acts that regulated gaming. Accordingly, the specific questions relating to gambling legislation refer to Acts that have been repealed including the *Lotteries, Gaming and Betting Act*, the *Gaming Machine Control Act*, the *Gaming and Betting Act*, and the *Public Lotteries Act*.

The *Gambling Regulation Act 2003* contains nearly 300 references to penalty units and the *Gambling Regulation (Interim) Regulations 2004* contain references to over 50 penalty and fee units.

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

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

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

Gaming: Lotteries, Gaming and Betting Act — fees and penalties

3626. THE HON. PHILIP DAVIS — To ask the Minister for Sport and Recreation (for the Minister for Gaming): In relation to amendments made by the *Monetary Units Act 2004* to the *Lotteries, Gaming and Betting Act 1966* and any subsequent Regulations:

- (a) What fees and penalties were amended.
- (b) What was the value of each of the fees and penalties immediately prior to these amendments.
- (c) What is their value following indexation on 1 July 2004.

ANSWER:

I am informed that the *Monetary Units Act 2004* converted a significant number of penalties and fees for legislation and subordinate legislation, including those specified in relation to gambling legislation.

The *Gambling Regulation 2003* came into operation on 1 July 2004 and consolidated eight of the ten principal Acts that regulated gaming. Accordingly, the specific questions relating to gambling legislation refer to Acts that have been repealed including the *Lotteries, Gaming and Betting Act*, the *Gaming Machine Control Act*, the *Gaming and Betting Act*, and the *Public Lotteries Act*.

The *Gambling Regulation Act 2003* contains nearly 300 references to penalty units and the *Gambling Regulation (Interim) Regulations 2004* contain references to over 50 penalty and fee units.

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

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

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

Gaming: Public Lotteries Act — fees and penalties

3627. THE HON. PHILIP DAVIS — To ask the Minister for Sport and Recreation (for the Minister for Gaming): In relation to amendments made by the *Monetary Units Act 2004* to the *Public Lotteries Act 2000* and any subsequent Regulations:

- (a) What fees and penalties were amended.
- (b) What was the value of each of the fees and penalties immediately prior to these amendments.
- (c) What is their value following indexation on 1 July 2004.

ANSWER:

I am informed that the *Monetary Units Act 2004* converted a significant number of penalties and fees for legislation and subordinate legislation, including those specified in relation to gambling legislation.

The *Gambling Regulation 2003* came into operation on 1 July 2004 and consolidated eight of the ten principal Acts that regulated gaming. Accordingly, the specific questions relating to gambling legislation refer to Acts that have been repealed including the *Lotteries Gaming and Betting Act*, the *Gaming Machine Control Act*, the *Gaming and Betting Act*, and the *Public Lotteries Act*.

The *Gambling Regulation Act 2003* contains nearly 300 references to penalty units and the *Gambling Regulation (Interim) Regulations 2004* contain references to over 50 penalty and fee units.

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

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

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

Gaming: director of gaming and betting and director of casino surveillance — entertainment expenses

4191. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Gaming): In relation to the director of gaming and betting and director of casino surveillance's entertainment expenses incurred in 2003-04, what are the details, in relation to expenses in excess of \$500, including the —

- (a) date incurred;
- (b) cost;
- (c) number of guests;
- (d) purpose; and
- (e) name of service provider.

ANSWER:

I am advised that:

There have been no entertainment expenses in excess of \$500 incurred in 2003-04.

Racing: Bookmakers and Bookmakers' Clerks Registration Committee — entertainment expenses

4223. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Racing): In relation to the Bookmakers and Bookmakers' Clerks Registration Committee's entertainment expenses incurred in 2003-04, what are the details, in relation to expenses in excess of \$500, including the —

- (a) date incurred;
- (b) cost;
- (c) number of guests;
- (d) purpose; and
- (e) name of service provider.

ANSWER:

I am advised that:

In relation to the Bookmakers and Bookmakers' Clerks Registration Committee's entertainment expenses in 2003-04, one item was incurred in excess of \$500:

- (a) date was 16 December 2003;
- (b) cost was \$928.64;
- (c) 14 guests;
- (d) purpose was the Bookmakers and Bookmakers' Clerks Registration Committee lunch following final meeting of the year;
- (e) service provider was the Victorian Club.

Racing: Bookmakers and Bookmakers' Clerks Registration Committee — entertainment expenses

4500. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Racing): In relation to the Bookmakers and Bookmakers' Clerks Registration Committee's entertainment expenses incurred in 2002-03, what are the details, in relation to expenses in excess of \$500, including the —

- (a) date incurred;
- (b) cost;
- (c) number of guests;
- (d) purpose; and
- (e) name of service provider.

ANSWER:

I am advised that:

There have been no entertainment expenses in excess of \$500 incurred in 2002-03.

Gaming: director of gaming and betting and director of casino surveillance — entertainment expenses

4504. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Gaming): In relation to the director of gaming and betting and director of casino surveillance's entertainment expenses incurred in 2002-03, what are the details, in relation to expenses in excess of \$500, including the —

- (a) date incurred;
- (b) cost;
- (c) number of guests;
- (d) purpose; and
- (e) name of service provider.

ANSWER:

I am advised that:

There have been no entertainment expenses in excess of \$500 incurred in 2002-03.

QUESTIONS ON NOTICE

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

Wednesday, 4 May 2005

WorkCover: Victorian WorkCover Authority — media research and public opinion polling

2530. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Minister for WorkCover): In relation to the Victorian WorkCover Authority's media research and public opinion polling conducted since 1 January 2002:

- (a) What is the title of each poll or item of research.
- (b) What is the date of approval and duration of the contract.
- (c) What is the cost.
- (d) Who are the personnel conducting the project.
- (e) Was it put to tender.
- (f) What recommendations were made.
- (g) Were any actions taken by the Department or Minister.

ANSWER:

I am informed that the Victorian WorkCover Authority did not conduct any media research and public opinion polling since 1 January 2002 in the specific terms covered by the question:

- (a) Nil
- (b) Nil
- (c) Nil
- (d) Nil
- (e) Nil
- (f) Nil
- (g) Nil

WorkCover: Victorian WorkCover Authority — capital works funding

2762. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Minister for WorkCover): In relation to the Victorian WorkCover Authority's allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

The nature of the question and given that identical questions have been asked of a number of different bodies indicates that this is not a genuine inquiry but a speculative question and as such a response would require an unreasonable diversion of time and resources.

All required disclosures are contained in the Victorian WorkCover Authority Annual Reports as required by the *Financial Management Act 1994*.

WorkCover: Victorian WorkCover Authority — office accommodation

- 3230. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance (for the Minister for WorkCover): In relation to the Victorian WorkCover Authority’s leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

The nature of the question and given that identical questions have been asked of a number of different bodies indicates that this is not a genuine inquiry but a speculative question and as such a response would require an unreasonable diversion of time and resources.

All required disclosures are contained in the Victorian WorkCover Authority Annual Reports as required by the *Financial Management Act 1994*.

Gaming: Gambling Research Panel — entertainment expenses

- 4506. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Gaming): In relation to the Gambling Research Panel’s entertainment expenses incurred in 2002-03, what are the details, in relation to expenses in excess of \$500, including the —
- (a) date incurred;
 - (b) cost;
 - (c) number of guests;
 - (d) purpose; and
 - (e) name of service provider.

ANSWER:

I am advised that:

There have been no entertainment expenses in excess of \$500 incurred in 2002-03.

Racing: Greyhound Racing Victoria — entertainment expenses

- 4507. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Racing): In relation to Greyhound Racing Victoria’s entertainment expenses incurred in 2002-03, what are the details, in relation to expenses in excess of \$500, including the —
- (a) date incurred;
 - (b) cost;

- (c) number of guests;
- (d) purpose; and
- (e) name of service provider.

ANSWER:

I am advised that:

Greyhound Racing Victoria is a statutory body that receives no government funding, other than for special projects.

In relation to special projects funding provided to Greyhound Racing Victoria by the Government, there were no entertainment expenses in excess of \$500 incurred in 2002-03.

Racing: Harness Racing Victoria — entertainment expenses

4508. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Racing): In relation to Harness Racing Victoria's entertainment expenses incurred in 2002-03, what are the details, in relation to expenses in excess of \$500, including the —

- (a) date incurred;
- (b) cost;
- (c) number of guests;
- (d) purpose; and
- (e) name of service provider.

ANSWER:

I am advised that:

Harness Racing Victoria is a statutory body that receives no government funding, other than for special projects.

In relation to special projects funding provided to Harness Racing Victoria by the Government, there were no entertainment expenses in excess of \$500 incurred in 2002-03.

Racing: Racing Appeals Tribunal — entertainment expenses

4512. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Racing): In relation to the Racing Appeals Tribunal's entertainment expenses incurred in 2002-03, what are the details, in relation to expenses in excess of \$500, including the —

- (a) date incurred;
- (b) cost;
- (c) number of guests;
- (d) purpose; and
- (e) name of service provider.

ANSWER:

I am advised that:

The Racing Appeals Tribunal is resourced through the Department of Justice, however all operating costs associated with the conduct of the Tribunal are met by the Victorian Racing Industry.

However I am advised that there have been no entertainment expenses in excess of \$500 incurred in 2002–03.

Gaming: Victorian Casino and Gaming Authority — entertainment expenses

4514. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Gaming): In relation to the Victorian Casino and Gaming Authority’s entertainment expenses incurred in 2002-03, what are the details, in relation to expenses in excess of \$500, including the —

- (a) date incurred;
- (b) cost;
- (c) number of guests;
- (d) purpose; and
- (e) name of service provider.

ANSWER:

I am advised that:

There have been no entertainment expenses in excess of \$500 incurred in 2002-03.

Aged care: Human Services — advertising and credit card expenditure

4717. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Aged Care: In relation to the Metropolitan Health and Aged Care Services Division within the Department of Human Services:

- (1) What was the advertising expenditure in 2003-04.
- (2) What was the credit card expenditure in 2003-04.

ANSWER:

I am informed that:

- (1) Advertising expenditure can be incurred for a range of activities including job vacancies and tenders.

Within the Department of Human Services financial systems, the general ledger does not record these different types of advertising against one account code. Therefore to provide a response to the advertising expenditure in 2003-04 for the Metropolitan Health and Aged Care Services Division would be an unreasonable diversion of my Department’s resources.

- (2) All Departmental agencies abide by strict credit card purchasing procedures and guidelines as issued by the Department of Treasury and Finance, in accordance with requirements contained in the 1994 Financial Management Act.

Credit card purchases are used as an efficient and effective method for corporate administrative purchasing arrangements associated with the provision of essential human services to the Victorian community.

Within the Department of Human Services financial system, the general ledger does not record different types of corporate card purchases against one account code. Therefore to provide a response would be an unreasonable diversion of my Department's resources.

Children: Human Services — advertising and credit card expenditure

4719. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Aged Care (for the Minister for Children): In relation to the Children Services Division within the Department of Human Services:

- (1) What was the advertising expenditure, since being established, in 2003-04.
- (2) What was the credit card expenditure, since being established, in 2003-04.

ANSWER:

I am informed that:

- (1) The Office for Children Division, within the Department of Human Services was established on 17 March 2005, therefore there are no advertising expenditure figures for the period 2003/04.
- (2) The Office for Children Division, within the Department of Human Services was established on 17 March 2005, therefore there are no credit card expenditure figures for the period 2003/04.

Community services: Human Services — advertising and credit card expenditure

4720. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Aged Care (for the Minister for Community Services): In relation to the Department of Human Services:

- (1) What was the advertising expenditure in 2003-04.
- (2) What was the credit card expenditure in 2003-04.

ANSWER:

I am informed that:

- (1) Advertising expenditure can be incurred for a range of activities including job vacancies and tenders.

Within the Department of Human Services financial systems, the general ledger does not record these different types of advertising against one account code. Therefore to provide a response would be an unreasonable diversion of my Department's resources.

- (2) All Departmental agencies abide by strict credit card purchasing procedures and guidelines as issued by the Department of Treasury and Finance, in accordance with requirements contained in the 1994 Financial Management Act.

Credit card purchases are used as an efficient and effective method for corporate administrative purchasing arrangements associated with the provision of essential human services to the Victorian community.

Within the Department of Human Services financial system, the general ledger does not record different types of corporate card purchases against one account code. Therefore to provide a response would be an unreasonable diversion of my Department's resources.

Aged care: Human Services — advertising and credit card expenditure

4811. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Aged Care: In relation to the Rural and Regional Health and Aged Care Services Division within the Department of Human Services:

- (1) What was the advertising expenditure in 2003-04.
- (2) What was the credit card expenditure in 2003-04.

ANSWER:

I am informed that:

- (1) Advertising expenditure can be incurred for a range of activities including job vacancies and tenders.

Within the Department of Human Services financial systems, the general ledger does not record these different types of advertising against one account code. Therefore to provide a response would be an unreasonable diversion of my Department's resources.

- (2) All Departmental agencies abide by strict credit card purchasing procedures and guidelines as issued by the Department of Treasury and Finance, in accordance with requirements contained in the 1994 Financial Management Act.

Credit card purchases are used as an efficient and effective method for corporate administrative purchasing arrangements associated with the provision of essential human services to the Victorian community.

Within the Department of Human Services financial system, the general ledger does not record different types of corporate card administrative purchases against one account code. Therefore to provide a response would be an unreasonable diversion of my Department's resources.

QUESTIONS ON NOTICE

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

Thursday, 5 May 2005

Victorian communities: minister's office — alcohol purchases

- 4054. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Aged Care (for the Minister for Victorian Communities): In relation to alcohol purchased by the Minister's Office since 1 January 2002, what was the —
- (a) date of each purchase;
 - (b) value of each purchase; and
 - (c) items purchased.

ANSWER:

I am informed as follows:

Leaving official catering and meal expenses to one side, no alcohol has been purchased by my Office since I became Minister for Victorian Communities.

Agriculture: Primary Industries — alcohol purchases

- 4622. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Agriculture): In relation to alcohol purchased by the Department of Primary Industries since 1 June 2003:
- (1) What was the date of each purchase.
 - (2) What was the value of each purchase.
 - (3) What items were purchased.

ANSWER:

I am informed that:

To provide a response to this question would require the identification and review of all relevant invoices across the Department in order to extract the detailed level of information requested. This would require an unreasonable diversion of Departmental resources.

Housing: Office of Housing — advertising and credit card expenditure

- 4723. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Housing: In relation to the Office of Housing within the Department of Human Services:
- (1) What was the advertising expenditure in 2003-04.

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

ANSWER:

I am informed that:

- (1) Advertising expenditure can be incurred for a range of activities including job vacancies and tenders.

Within the Department of Human Services financial systems, the general ledger does not record these different types of advertising against one account code. Therefore to provide a response to the advertising expenditure in 2003-04 for the Office of Housing would be an unreasonable diversion of my Department's resources.

- (2) All Departmental agencies abide by strict credit card purchasing procedures and guidelines as issued by the Department of Treasury and Finance, in accordance with requirements contained in the 1994 Financial Management Act.

Credit card purchases are used as an efficient and effective method for corporate administrative purchasing arrangements associated with the provision of essential human services to the Victorian community.

Within the Department of Human Services financial system, the general ledger does not record different types of corporate card purchases against one account code. Therefore to provide a response would be an unreasonable diversion of my Department's resources.