

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

22 November 2001

(extract from Book 8)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

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Thursday, 22 November 2001

The **PRESIDENT** (Hon. B. A. Chamberlain) took the chair at 10.04 a.m. and read the prayer.

**PETROLEUM (SUBMERGED LANDS)
(AMENDMENT) BILL**

Introduction and first reading

Received from Assembly.

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

**SENTENCING (EMERGENCY SERVICE
COSTS) BILL**

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. M. M. GOULD
(Minister for Industrial Relations).

QUESTIONS WITHOUT NOTICE

Electricity: contestability

Hon. PHILIP DAVIS (Gippsland) — The Minister for Energy and Resources has deferred the implementation of full retail contestability (FRC) by 12 months to January 2002. Will the minister confirm that on the commencement of FRC customers will have choice and will not be locked into standing offer tariffs by host retailers?

Hon. C. C. BROAD (Minister for Energy and Resources) — The honourable member is correct in indicating that the government has provided a 12-month additional period for incumbent businesses to be ready for the commencement of full retail contestability. This follows on from the change of government. Under the previous government consumer protections were completely lacking, and there was a need to legislate in a number of areas to ensure there were adequate consumer protections prior to the commencement of full retail contestability. This government has taken that action, and those protections are now in place.

As part of the measures that the government has put in place the Office of the Regulator-General, following consultations with consumer groups and businesses, is making arrangements for the orderly rollout of retail

contestability, which will ensure that consumers have competition not only between the existing retailers but with new entrants, new retailers, seeking to compete with existing businesses, and that for those consumers who do not choose to change their retailer there is a safety net in place, including a standard price and standard conditions for the consumers.

Hon. Philip Davis — On a point of order, Mr President, in relation to the minister's response to my question: it seems to me the minister may not have understood that I was explicitly seeking the minister's commitment that upon implementation of full retail contestability consumers would be able to choose their retailer and not be locked into the standing offer tariffs that will apply in the event that business-to-business transactions cannot effect the change of retailer choice by customers.

Hon. C. C. BROAD — On the point of order, Mr President, I believe I have perfectly answered the question. I may have answered it in a way that the honourable member does not prefer, but I have given a comprehensive answer.

The PRESIDENT — Order! The minister's answer was responsive to the question. It may not have been what Mr Davis was seeking, but he will have to pursue that matter.

Children: employment

Hon. KAYE DARVENIZA (Melbourne West) — I direct my question to the Minister for Industrial Relations. Yesterday the minister informed the house about the Bracks government's review of child employment laws. Will the minister advise the house what feedback she has received so far?

Hon. M. M. GOULD (Minister for Industrial Relations) — As I advised the house yesterday, the Bracks government's review of child employment laws in Victoria is the first review in 30 years. The government will be consulting extensively with the Victorian public. This will be done in a number of ways, including through community forums and seeking written submissions.

Hon. Bill Forwood — On a point of order, Mr President, yesterday the minister responded to a dorothy dixer and we had a point of order raised relating to the fact that the document 'Children at work?' was publicly available. Mr President, you indicated that if the minister wanted to answer the question she should produce new material, which she did not do. I suggest that the material and documents readily available on the Web contain information such

as where the consultation processes are taking place and that the minister has nothing new to add, firstly to the document, secondly to the press release, and thirdly to her answer yesterday.

Hon. M. M. GOULD — On the point of order, Mr President, I was just starting to respond to the question, which was about what feedback had been received from the announcement of the review. I advised the house about matters relating to the announcement of the review, and I had not got to that issue before I was interrupted with the point of order.

The PRESIDENT — Order! I think yesterday's issue is clear. The issue today is what feedback has been received, whether it is Web based or from other sources. It is a reasonable question, and I ask the minister to answer it.

Hon. M. M. GOULD — As I indicated, a variety of community forums will be conducted — —

Honourable members interjecting.

The PRESIDENT — Order! I ask both sides of the house to settle down.

Hon. M. A. Birrell — We have a better question down this end.

The PRESIDENT — Order! Make it the next one, but the minister should be able to answer this question without assistance.

Hon. M. M. GOULD — The government has contacted an extensive range of stakeholders and advised them to participate in the community forums or make written submissions. Key groups such as the Victorian Farmers Federation, the Media, Entertainment and Arts Alliance, and the Australian Retailers Association have already indicated support for the review.

The review has already had an impact in raising awareness about child employment. The Master Grocers Association of Victoria, which represents independent supermarkets, has requested a large number of child employment brochures to distribute to their members. By launching the issue the government has raised awareness with the association, which is a representative body of supermarkets that employ a large number of young people.

Recently I took the opportunity to speak with teachers, parents and students at Wonthaggi college about the issue of child employment. This was a wonderful opportunity to hear the views — —

Honourable members interjecting.

The PRESIDENT — Order! I ask both sides of the house to settle down and allow the minister to conclude her answer.

Hon. M. M. GOULD — At that presentation a young student indicated — —

Honourable members interjecting.

The PRESIDENT — Order! I have just asked honourable members to keep quiet.

Hon. M. M. GOULD — This young person was under the age of 15 years and she indicated to me that, in fact, she was 14 years of age and was required to get a permit to work. That had been duly filled in by her parents and her school, but in her first place of employment the employer was not aware of that, and it was through the feedback on the review that employers and parents were becoming more aware of the need to have a permit.

The Bracks government is committed to the full implementation of the review, and the review of child employment again demonstrates the government's commitment to consult with the community.

Fuel: bio-diesel development

Hon. N. B. LUCAS (Eumemmerring) — Will the Minister for Energy and Resources advise the house what initiatives she has undertaken to enhance the development of the bio-diesel fuel industry in Victoria?

Hon. C. C. BROAD (Minister for Energy and Resources) — I note in responding to the honourable member that this matter in terms of industry facilitation relates to my other responsibilities — —

Hon. T. C. Theophanous interjected.

The PRESIDENT — Order! I ask Mr Theophanous to keep quiet while the minister is trying to respond to the question.

Hon. C. C. BROAD — Thank you, Mr President. In responding to the question, I note the issue relates to my responsibilities of assisting the Minister for State and Regional Development, where I have responsibility for this particular industry area. I am pleased to say that the Department of State and Regional Development is providing facilitation for proposals in relation to the development of bio-diesels. Of course, there are existing small-scale operations in the state and a number of proponents who believe they can develop a much more extensive industry, which the government

would welcome. These proposals are still in the early stages of development. I welcome further opportunities through the Department of State and Regional Development as those proposals are further developed to see what assistance can be provided to what has the potential to be a very significant industry for the state.

East Timor: fishing nets

Hon. E. C. CARBINES (Geelong) — Will the Minister for Energy and Resources inform the house as to how nets collected as part of the recent net amnesty will assist the people of East Timor in rebuilding the sustainable use of the fisheries resources?

Hon. C. C. BROAD (Minister for Energy and Resources) — Following the United Nations' sponsored ballot in August 1999, much of East Timor's fishing equipment was destroyed as part of the pro-Indonesian militia violence that decimated East Timor. Earlier this year I announced a fishing net amnesty in Victoria to gather illegal commercial and recreational fishing nets to donate to local community fishers in East Timor. That amnesty was conducted from 1 May to 31 October of this year.

I am happy to inform the house that the amnesty was very successful, with more than 350 fishing nets having been collected from across all parts of Victoria. These nets will be handed over to representatives of Melbourne's East Timorese community at a handing-over ceremony to be held on the steps of Parliament House this afternoon. I welcome the participation of Liberal Party and National Party members who would like to support this initiative.

The nets will then be shipped to East Timor, where United Nations officials will assist to ensure they are put to suitable use in the East Timorese environment and distributed to local community fishers.

The nets that have been handed in as part of the amnesty have originated from both the recreational and commercial sectors. Various net types have become illegal in Victoria over a number of years as a result of more stringent fisheries management initiatives aimed at conserving Victoria's fisheries resources. The amnesty gave both the commercial and recreational fishing sectors the chance to surrender the illegal nets with no questions asked, thereby avoiding fines of up to \$4000 for being in possession of the illegal nets in Victorian waters, and a fine of \$10 000 or 6 months imprisonment for their use.

I thank both the commercial and recreational fishers who have participated in the amnesty and the Fisheries

Victoria officers who have contributed to the success of this amnesty from everyone's point of view.

Industrial relations: working hours

Hon. W. R. BAXTER (North Eastern) — I refer the Minister for Industrial Relations to the government's support for the hours-of-work case being pursued in the Australian Industrial Relations Commission by the Australian Council of Trade Unions. Is it the intention of the government in its submission to the commission in support of the case to advocate that any restrictions on hours of work not impede the efficient bringing in of the nation's grain harvest?

Hon. M. M. GOULD (Minister for Industrial Relations) — I advised the house last week, or recently — I cannot remember exactly when it was — of the government's position with respect to be Australian Council of Trade Unions hours case, the principle of which the government supports and which is currently before the Australian Industrial Relations Commission. I also indicated that the principle of people working excessive hours in Victoria was substantial and should be addressed. I also indicated to the house that the details of any clauses that may be put in place through a test case would be a matter for further submission, but that the government was committed to the position that the extended hours people are currently working in the state are unacceptable and that there should be some monitoring of that position.

I also indicated that any clauses that were decided on by the commission would have to ensure there was flexibility in the workplace, and that the government was concerned about the long hours people are working. The principle of the government's position is that people should not work extended hours. As to the merits of any clauses the commission comes to, further submissions will be forthcoming, but we will ensure that people should not have to work 50 hours or more a week.

Youth: B Central project

Hon. R. F. SMITH (Chelsea) — Can the Minister for Youth Affairs inform the house as to how the Bracks government is working in partnership with the community to help young people achieve their goals?

The PRESIDENT — Order! I heard the question, and I am wondering whether it is a question. We should be talking about state government administration. Ask it again, and I will decide.

Hon. R. F. SMITH — Can the Minister for Youth Affairs inform the house as to how the Bracks government is working in partnership with the community to help young people achieve their goals?

Hon. J. M. MADDEN (Minister for Youth Affairs) — I thank the honourable member for his question. The Premier recently announced funding of \$900 000 for B Central, a new one-stop shop for young people in the heart of Bendigo. The development of the centre was ably led not only by the City of Greater Bendigo but also included 25 agencies and a wide range of young people from Bendigo and the surrounding areas.

The centre will provide young people with a place they can go to for information, to meet together and to engage in a wide variety of recreational opportunities. Services available for young people will include Centrelink, the Smith Family, community health and council youth services. An Internet cafe will provide young people with access to the latest information technology and the Internet.

Potential young entrepreneurs will have the capacity to discuss proposals in the business incubator, which is supported by the local business community. The cafe that will create the focus for social interaction between young people as well as service providers will be operated by the Bendigo YMCA and create training opportunities for young people through the Bendigo Regional Institute of TAFE.

As part of the project the YMCA will also be developing a 10-bed transition housing unit with an \$805 000 contribution from the Victorian government. The centre is a fantastic outcome for the young people of Bendigo, who supported this development with great enthusiasm. Every secondary student in Bendigo signed a petition in support of B Central. I congratulate all those involved in bringing it together.

The City of Greater Bendigo, community agencies and the young people of Bendigo themselves have developed a centre with its integrated services and programs that will inspire other regional cities to rethink their approach to involving and servicing the needs of young people.

Port of Melbourne: third stevedore

Hon. ANDREA COOTE (Monash) — Given that the government is very anxious to secure a third stevedore for the port of Melbourne, will the Minister for Ports state to what extent she is prepared to subsidise its establishment?

Hon. C. C. BROAD (Minister for Ports) — The government was elected on a platform of seeking a third entrant to the port of Melbourne, and that is precisely what I am pursuing as the responsible minister. I am advised that expressions of interest submitted to the Melbourne Port Corporation are very encouraging. That is in contrast to the performance of the previous government, which managed to make a comprehensive mess of the situation.

The government has made it clear that it is seeking and has sought through the expressions-of-interest process proponents who are willing to build and operate a third terminal. The government has made it clear that it is not making any commitment to provide assistance in that respect, and I expect that following the assessment of the expressions-of-interest process that that is the direction the government will be pursuing.

Young Achievement Australia program

Hon. G. D. ROMANES (Melbourne) — Will the Minister for Small Business inform the house of her involvement in the recent awards of the Victorian division of the Young Achievement Australia program?

Hon. M. R. THOMSON (Minister for Small Business) — I thank the honourable member for her question. Last Sunday night I was fortunate to be present at the awards of the Young Achievement Australia program, which was established in 1977 as an independent not-for-profit organisation. It encourages young people to come together as a team to start businesses from scratch and to develop the concept of a product or a service that they can sell, to sell shares in their company and to set about selling that product. It is a fantastic program and the Bracks government is proud to sponsor it to the sum of approximately \$52 000 a year.

However, the program has more to offer than just an understanding for young people of what it takes to run a business. It is an opportunity for young people to look at running a business as a career and to gain the entrepreneurial skills needed to succeed in business. It also provides an opportunity for young people to hone their social skills and to look at how they can be more assertive and able to look after themselves. The program provides a huge confidence boost to many young Victorians.

This year 75 student companies involving 1500 Victorian students participated. There was support right throughout Victoria for the program. A group from Bairnsdale included young, unemployed people and young members of the Koori community. The

26 weeks that young people spent together developing their business plans and business activities were so successful that many of these young people have been encouraged and inspired to return to study and involve themselves in the community. It is a wonderful program that does a great deal to encourage young people to look not only at ways they can add to the business community, but also ways they can enhance and develop themselves personally.

The company of the year at the secondary level was Hyaku and at the tertiary level it was Royal. The business person of the year at the secondary level was Mark Geels from Zaya and the business person of the year at the tertiary level was Michael Rosenbrock.

I put on the record my congratulations to the people who organised the Young Achievement Australia program this year. It was hugely successful for the sponsors and for the students who participated. It is a worthwhile program and I know all the young people who participated felt it was truly beneficial.

Youth: rural services

Hon. P. R. HALL (Gippsland) — My question to the Minister for Youth Affairs follows the question asked by the Honourable Bob Smith about the new \$1.7 million B Central resource centre in Bendigo. While I applaud such initiatives I ask the minister: will the government commit itself to establishing such facilities in other regional centres, which arguably have a greater need — for example, the Latrobe Valley — or should we become used to country Victoria initiatives being confined to Ballarat and Bendigo?

Hon. J. M. MADDEN (Minister for Youth Affairs) — I thank the honourable member for his question. I have spoken about B Central, and I reinforce what a significant model it is for other communities because of the level of community involvement and the leadership provided within the local community, especially by the local council, and those young people in particular. It is hoped this model will be a catalyst for other communities to look at and think about how they might adapt a local community model for their respective issues and needs. The government has a very strong commitment to the Latrobe Valley in terms of recent commitments it has made to the whole of the state, and it looks forward to other community building initiatives being developed across the state.

Hon. P. R. Hall — Will you help them?

Hon. J. M. MADDEN — We look forward to submissions from the respective communities on

initiatives not unlike this one, that look for support from the government.

Hon. P. R. Hall — Will you support them?

Hon. J. M. MADDEN — We are eager to help any communities and will continue to grow the entire state, as we have done.

Ports: trade growth

Hon. JENNY MIKAKOS (Jika Jika) — Will the Minister for Ports inform the house what action the Bracks government is taking to support and encourage the projected trade growth through Victoria's ports?

Hon. C. C. BROAD (Minister for Ports) — I thank the honourable member for her question. The Bracks government considers the freight and logistics sector, which centres around Victoria's ports, to be a key part of the Victorian economy, including country and regional Victoria. The ports of Victoria are key economic drivers for the state. In total more than 15 million tonnes were loaded in Victorian seaports in 1999–2000, a 16 per cent increase on the figures of the previous year. Freight movements from Melbourne to regional Victoria are projected to increase in the range of 2 per cent to 3 per cent per annum.

Victoria's ports and associated infrastructure are attracting significant interest and investment from both the Victorian government and industry. The \$96 million allocated to the standardisation of Victoria's rail infrastructure by the Bracks government is just one example of this government's commitment to growing Victoria through its commercial ports. The government's support for the rail system is in marked contrast to the new policy of the National Party to take funds off rail.

To better respond to industry needs the government is developing a freight and logistics strategy. The strategy will identify mechanisms to increase the efficiency of freight movements throughout Victoria, including transport through Victoria's ports. This strategy will build on the strategic audit of the transport, distribution and logistics sector already completed by this government in consultation with the industry.

The final strategy will be released following a public and industry consultation program on ports. These initiatives by the Bracks government are in line with its vision of providing a seamless approach to freight logistics, which will improve the performance and efficiency of Victoria's ports. These initiatives by the Bracks government will help grow the whole of the state, which stands in marked contrast to the agenda of

the previous Kennett government, which saw much of Victoria's ports infrastructure privatised with absolutely no vision for the future.

QUESTIONS ON NOTICE

Answers

Hon. M. M. GOULD (Minister for Industrial Relations) — I have answers to the following questions on notice: 2189–90, 2193, 2247, 2261, 2313, 2342, 2352–4, 2362, 2366–8, 2374, 2377–80, 2445–6, 2449–50.

PETITION

Rural Northwest Health

Hon. R. A. BEST (North Western) presented a petition from certain citizens of Victoria requesting that the Minister for Health intervene in the restructuring of aged care services at Rural Northwest Health and instruct the board of Rural Northwest Health to stop the removal of six beds from the Landt hostel, Warracknabeal (340 signatures).

Laid on table.

CHILDREN'S COURT OF VICTORIA

Annual report

Hon. M. R. THOMSON (Minister for Small Business) presented, by command of the Governor, report for 2000–01.

Laid on table.

PAPERS

Laid on table by Clerk:

Auditor-General — Report on Finances of the State of Victoria, 2000–2001.

Auditor-General's Office — Report, 2000–2001.

Bethlehem Hospital — Report, 2000–2001.

Director of Public Prosecutions Office — Report, 2000–2001.

Environment Protection Act 1970 — Order in Council of 2 November 2001 declaring a variation to State environment protection policy (Waters of Victoria) to insert Schedule F8 Waters of Western Port and Catchment.

Intellectual Disability Review Panel — Report, 2000–2001.

Members of Parliament (Register of Interests Act 1978) — Cumulative Summary of Returns, September 2001 (in lieu of that tabled on 21 November 2001).

Mercy Public Hospitals Incorporated — Report, 2000–2001 (three papers).

Parliamentary Committees Act 1968 — Minister's response to the Economic Development Committee's report into Workcover Premiums for 2000–2001.

Southern Health — Report, 2000–2001.

The PRESIDENT — Order! One item in the list of papers needs an explanation — that is, the *Register of Members' Interests — Cumulative Summary of Returns — September 2001*, which is in lieu of the one tabled yesterday. We are having to do this because there was a production problem, and the entry for Mr Wynne on the last page of yesterday's document omitted some items that should have been there. That is the only change that has been made to the report before the house today.

ECONOMIC DEVELOPMENT COMMITTEE

GST impact report

Hon. T. C. THEOPHANOUS (Jika Jika) — I move:

That the Council take note of the Economic Development Committee's report no. 2 on the impact of the goods and services tax on small and medium-sized businesses in Victoria.

It is important that the Council take note of this report of the Economic Development Committee, and I essentially want to make two major points in relation to this report. The first is that the GST no. 2 majority report of the Liberal and National parties —

Hon. N. B. Lucas — It is a committee report.

Hon. T. C. THEOPHANOUS — You might say it is a committee report, Mr Lucas, but the report itself makes it absolutely clear that this report was not agreed to by all the government members who are part of that committee. This report was rammed through by the Liberal Party and National Party members on the committee. For that reason it should be seen as a report of the Liberal and National parties and not as a committee report, because it in no way lives up to the traditions of committee reports arising out of the Parliament. Indeed, this report completely ignores small business and was engineered by the Liberal and National parties to deny small business a say in putting

a view on the GST, which small business might reasonably have expected to have had.

The first way in which this report fails, and the point I want to make about it, is that it has denied small business a legitimate voice in being able to put a point of view. The second point I make is that this report is detrimental to the committee system itself because it is a completely partisan report — a whitewash by the opposition — which distorts and disregards the evidence.

Hon. Bill Forwood interjected.

Hon. T. C. THEOPHANOUS — You might laugh about it, Mr Forwood, but I doubt that you would put your name to this report, a report that completely ignores the evidence that was put before the committee.

In order to understand how this occurred it is important to trace what took place. This report followed on from the GST no. 1 report — and the difference between the no. 1 report and the no. 2 report would be evident to anyone who read them.

Hon. D. McL. Davis — Aside from the difference in the numbers.

Hon. T. C. THEOPHANOUS — The numbers were the same, Mr Davis. I do not know that there was any change in the membership of the committee. The difference between the first report and the second report is that at least in the first report some attempt was made by the opposition members on the committee to make findings which in some way reflected the evidence that was presented to the committee. As a result, the GST no. 1 report came up with findings which included the following.

Hon. Bill Forwood — We are on no. 2.

Hon. T. C. THEOPHANOUS — I want to compare no. 2 with no. 1. In report no. 1 there is a finding that:

... the perceived negative effect on profitability of GST compliance costs may have contributed to the closure of some businesses.

That is what the first report says. It also says that on average GST compliance costs were approximately \$6000 for small businesses and \$19 000 for medium businesses. As a result, the commonwealth government's \$200 assistance package for the GST implementation was totally inadequate. It also says:

... the impact of the GST on petrol prices has been higher than expected —

and —

Victoria will be the hardest hit by the GST LPG price rise ...

This is the no. 1 report. No wonder — —

Hon. N. B. Lucas — Petrol is going down; it is heading south!

Hon. T. C. THEOPHANOUS — Mr Lucas, I do not know whether you are saying you want to walk away from the findings of the no. 1 report, since you put up these proposals. Let us see what happened after that. We on this side of the house — —

Hon. Bill Forwood — We won!

Hon. T. C. THEOPHANOUS — Let us see what happened after the no. 1 report.

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — Unlike the people on that side of the house, who were not prepared to concede that they lost the last state election, I am happy to concede that we lost the federal election. That is fine. But if you think you won the last federal election on the basis of the GST, you are way off the mark, Mr Forwood. You know that, I know that, everyone in this place knows it and everyone out there knows it! It had nothing to do with the GST; it had to do with an unfortunate set of politics played out by the federal government to appeal to the most basic parts of the electorate. Quite frankly, the way that campaign was conducted disgraced the Liberal Party and its traditions. The sorts of things that were said about people in desperate circumstances wanting to come to this country and the way that position was manipulated was an absolute disgrace to politics in this country.

Turning to the report, I make the following point. Immediately after the no. 1 report came out with some measure of honesty saying that the GST was a problem, Mr Lucas and other people on that committee were contacted and the strongarm tactics were used. They were told in no uncertain terms that the federal — —

Hon. R. A. Best — No-one rang me.

Hon. T. C. THEOPHANOUS — It just shows how relevant you are, Mr Best. They contacted — —

Hon. R. A. Best interjected.

Hon. T. C. THEOPHANOUS — Yes, and one thing that report shows is that every time there was an issue on that committee Mr Best stuck his hand up with the Liberal Party. There is no question about that. The

National Party has not changed from being the Me Too Party. It is no different from what it was in government — the Me Too Party.

After that — I am determined to get this out — there was a complete change in the attitude of the committee which was led by Mr Lucas. The attitude of Mr Lucas changed from being prepared to take on board the evidence that was presented to the committee to saying, 'We are not prepared to take the evidence. We are not prepared to look at the evidence, and we will produce a report that we want'. As a result, in considering and deliberating on the draft of the no. 2 report, which is a fairly thin volume compared to the no. 1 report, the committee had a series of 40 divisions. The result was a report which was not supported by any government member, and a minority report was attached to make that point particularly clear.

As the government members noted in the minority report, the majority report is based on selective anecdotes and unsubstantiated political opinion, and totally ignores the more rigorous studies published to date which are based on empirical evidence and are publicly available. For instance, it ignores studies by Dun and Bradstreet, Victoria University, Ernst and Young, and the Victorian Employers Chamber of Commerce and Industry — all of which found deleterious effects emanating from the GST.

Hon. Bill Forwood — You have had your 10 minutes, mate!

Hon. T. C. THEOPHANOUS — No-one has spoken to me about time allocations, and quite frankly I moved this motion. I do not know where you get your information from, but the government is entitled to have its say for half the time available.

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — Last time I checked the Labor Party was in government and the Liberal and National parties were in opposition!

For instance, one part of the report indicates that many positive comments were made on the role of the Australian Tax Office. It completely ignores evidence such as the evidence presented by Mr Chamberlain from Chamberlain Accountants, which says exactly the opposite:

Most of (my clients) comments were along the lines that the people who came out (from the tax office) were not really capable of helping them, confused them, in some cases actually went beyond their station.

I strongly put on the record the fact that this opposition cannot be trusted to act appropriately on these committees and to put up a reasonable committee report. The Star Chamber that has been established — —

Hon. C. A. Furletti — Mr Deputy President, I draw your attention to the state of the house and I ask that a quorum be called.

Quorum formed.

Hon. T. C. THEOPHANOUS — The Economic Development Committee's GST no. 2 report is a disgraceful attempt by the opposition at a whitewash.

Hon. N. B. LUCAS (Eumemmerring) — Three questions come into play here. Firstly, if the GST was such a large and concerning issue to the Australian community, why did Prime Minister John Howard's federal coalition win the election on 10 November? Further, if the GST was such a large and concerning issue, why did the Labor Party hardly mention GST in its federal election campaign? And, I suppose rhetorically, why did the Victorian Labor Party attempt to politicise and compromise the operations of the Economic Development Committee in its deliberations on this reference?

The introduction of the GST on 1 July 2000 was a key element in the commonwealth government's major taxation reform. A federal election was held and won in 1998 on an agreement of the Australian people that our taxation system needed significant reform. The people of Australia voted in favour of John Howard's coalition, which said, 'If you elect us we will bring in a GST'. And it won the election and brought in the GST. Prime Minister Howard was up front and he was re-elected on this basis.

In the further federal election on 10 November this year the people of Australia re-elected the Howard coalition for the third time. It is a fact that the Labor Party itself did not even have GST as a key issue in its platform for the federal election we have just had. I have received letters in my mail to do with the election. The first one I received from Philip Staindl mentioned GST in one out of six points.

Hon. T. C. Theophanous — On a point of order, Mr Deputy President, I believe the time allocation for this debate means this is a fairly narrow debate about this particular report of the Economic Development Committee. Mr Lucas has spent his time talking about the federal election. That is not the subject of this particular GST report, and it has nothing to do with the GST no. 1 report. The subject of this debate is whether

the evidence and the contents of this report are accurate or whether it is a whitewash, as has been proposed by the government.

Hon. Bill Forwood — On the point of order, Mr Deputy President, we have already been through this issue of time. For Mr Theophanous — who abused the agreement of the house and spoke longer than the allocated 10 minutes for this debate — to now raise this issue is firstly an outrage. Secondly, as he would know from his own conduct and his continual references to the first report, this is a wide-ranging debate on the motion to take note of the report no. 2. Everything Mr Lucas said is entirely appropriate to this debate.

The DEPUTY PRESIDENT — Order! Does Mr Theophanous wish to raise a further point of order on that point of order?

Hon. T. C. Theophanous — I take exception to the comment made by the Leader of the Opposition that I have abused the agreement of the house. I have done no such thing. I am within my rights to speak in relation to this matter, and I take exception to that comment coming from the Leader of the Opposition.

The DEPUTY PRESIDENT — Order! On the point of order, it is up to each individual member to manage to speak within the time constraints that he or she has on the particular motion before the house. I rule there is no point of order on this issue, and I urge the Honourable Neil Lucas to continue.

Hon. N. B. LUCAS — There is hardly a mention of the GST in that letter I got from Philip Staindl. It just mentions GST in a small way.

Hon. T. C. Theophanous — Mr Deputy President, I raised a second point of order in relation to the strong objection which I take to the Leader of the Opposition saying that I had abused the agreement of the house, and I ask you to rule on that issue.

The DEPUTY PRESIDENT — Order! I am sorry, Mr Theophanous, I did not hear you asking for a withdrawal. You are asking for a withdrawal, is that correct?

Hon. T. C. Theophanous — Yes.

The DEPUTY PRESIDENT — Order! I invite the Leader of the Opposition to withdraw.

Hon. Bill Forwood — What is Mr Theophanous seeking a withdrawal of?

Hon. T. C. Theophanous — That I abused the agreement of the house.

Hon. Bill Forwood — The practice of this house is that on the motion to take note of reports we divide the half-hour in the following way: 10 minutes for the government, 10 minutes for the opposition, and 10 minutes for the National Party. It has always been done that way, and it is an agreement with the government, led by the Leader of the Government. And you abused that agreement.

Hon. T. C. Theophanous — You withdraw!

Hon. Bill Forwood — You abused the agreement.

Hon. T. C. Theophanous — On a further point of order, Mr Deputy President, the practice of this house is that if a member takes exception to a comment made by another member and that comment can reasonably be seen as one to which somebody can take exception, the Chair asks that person to withdraw their comment.

I am not concerned with any agreements or other agreements. I am not party to an agreement; I am not even aware of any agreement. For the Leader of the Opposition to accuse me of abusing the agreement of the house is a serious charge, which I reject completely, and I ask him to withdraw the comment or put it up in a substantive motion before the house if he so desires.

The DEPUTY PRESIDENT — Order! On the point of order, Mr Theophanous claims he has no knowledge of any arrangement in the house about the sharing of the time during the 30 minutes allocated for taking note of reports that we have each Thursday morning. That being the case, I have no option but to ask the Leader of the Opposition to withdraw, seeing that Mr Theophanous has been offended by that remark.

Hon. Bill Forwood — I withdraw.

Hon. N. B. LUCAS — The point I am making is that the Labor Party itself did not even run GST as an issue in the election. I have four letters from Philip Staindl and one from Premier Bracks, and only one letter out of the five actually mentions GST. Then I got another document with the Three Stooges on it — Bracks, Staindl and Beazley — about the election and there was a very small mention of the GST up in the corner. Even the Labor Party did not believe the GST was a key issue it should proceed with in the election. The reason for that is that the people of Australia have accepted the GST; it is an integral part of the operations of business and community life in Victoria and Australia, and the people of Australia have accepted it.

In his contribution to the debate Mr Theophanous said the no. 2 report was not agreed to by the committee. That is a nonsense because we met, we discussed the information in this document, we agreed on a wide range of information that was put into it, and we agreed on a number of findings that were put into it. They appear on pages 1 to 29, and then we have the extracts of proceedings — a statement of fact, which the committee agreed to. And then we have at the end a listing of the 40 divisions that we had, which were an attempt by the Labor Party to politicise the whole thing.

In his contribution to the debate Mr Theophanous said there is a difference between the first and second reports. I know what the difference is between the two. The difference is that the federal election was looming — and that is why we had 40 divisions. Mr Theophanous in particular tried to politicise the activities of the committee to put into the second report his biased comments in relation to the GST. Yet all the time he knew that the people of Australia had accepted the GST as a part of the way they do business now. That appears in the report. The findings in the document, which were agreed at committee meetings along the way in spite of the fact that the Labor Party took a political decision not to approve the total of the report at the finish, are in relation to the two issues referred to the committee by Premier Bracks — that is, one in relation to the effect of the GST on government activities and another to do with the compliance package.

It is important in the short time available to also point out to the house the fact that Mr Theophanous was totally wrong when he said in his contribution that the committee did not give small business the opportunity to comment. I refer Mr Theophanous and other members of the house to pages 61, 62 and 63 of the report, where listed in great detail are the names of organisations whose representatives appeared before the committee to give their views to it on the issues before the committee. They are recorded there for everybody to see. In his contribution Mr Theophanous was patently wrong. He had conveniently forgotten the fact that we spoke to representatives of very many small businesses right around Victoria.

The federal election was looming. The second report was before the committee and Mr Theophanous and his colleagues tried to doctor the report to come up with something they could use in the federal election. In spite of all that —

Hon. T. C. Theophanous — On a point of order, Mr Deputy President, I take exception to the comment

made by the honourable member that I or my colleagues tried to doctor the report.

Hon. N. B. LUCAS — I withdraw. I will change it; they tried to manipulate the report. I could have said doctored, but I have withdrawn doctored, so if they attempted to doctor it, I have withdrawn the word doctored. They tried to manipulate the report to put into it something that would suit their grubby means in the forthcoming election campaign.

The election was won and lost. The GST was not a big issue. All the letters and documents I received show that the GST was a very minor part of the whole election. Now the Labor Party obviously accepts the GST, as do the people of Australia. It is something we need and had to have. Taxation reform across Australia was a key issue that had to be addressed. John Howard, to the great benefit of Australians, had the gumption to do something about it. The election was won and Labor's attempt to white-ant the coalition through the attack on the GST gradually watered itself down to a very ineffectual situation when the election was run.

Finally, I wish to say just this: Labor is the loser; it lost the federal election. Labor is the loser for wasting so much time on the GST in this house through the Minister for Small Business. Labor is the loser because it really has not looked at the needs of Australia. Former federal Labor member Peter Milton wrote an article that appears at page 17 of yesterday's *Age*:

Most of my friends and members of my own family have left the party in disappointment and despair.

I can understand Mr Milton's making that statement. On that note, I conclude my remarks.

Hon. R. A. BEST (North Western) — I want to respond to the remarks made by Mr Theophanous in that he said this report is detrimental to the committee system. I remind him that yesterday he actually said he supports the committee system.

Hon. T. C. Theophanous interjected.

Hon. R. A. BEST — I question that, because unless the committee system delivers the outcome you want, you will use it as a vehicle to promote your own interests. I will tell you why: because while you claim to have written this report, I doubt whether you had total responsibility for its composition.

Hon. T. C. Theophanous — Just be careful what you say.

Hon. R. A. BEST — I will explain why. On the first page of the minority report, under the heading ‘A whitewash’, it states:

The structure of the upper house committees in other jurisdictions is such that generally the committees are balanced. More precisely, the balance within the committees will typically be held by an independent or a member of a minor party.

I remind Mr Theophanous that I am a member of the National Party, a minor party. That statement confirms either that you are ignorant or that you did not have a hand in writing that particular document.

Mr Theophanous claims that the committee system of Parliament is not working properly. I remind him of the current system that operates within the committees of this particular Parliament. Of all the joint party committees, the ALP has a majority on four and it has four chairmen of committees. In saying the committee system is flawed he is condemning the system this government is using to control the Public Accounts and Estimates Committee, the Environment and Natural Resources Committee, the Family and Community Development Committee and the Scrutiny of Acts and Regulations Committee. Four of those committees have chairmen who are ALP members and the ALP has a majority membership of those committees.

I support the committee system. In this case the Economic Development Committee is made up of seven members of this house: three members of the Liberal Party; three members of the Labor Party; and the minority member, me, a member of the National Party.

Hon. W. R. Baxter — You’ve got the balance of power!

Hon. R. A. BEST — I have the balance of power.

Hon. T. C. Theophanous — And you’re independent?

Hon. R. A. BEST — Absolutely. When you look at this minority report you should see it for what it is. It is a vehicle to promote the reform of the upper house. On seven occasions there are references to why the upper house should be reformed.

The DEPUTY PRESIDENT — Order! Mr Best, the time has expired.

Motion agreed to.

MARINE (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 20 November; motion of Hon. C. C. BROAD (Minister for Ports).

Hon. PHILIP DAVIS (Gippsland) — I rise to speak on the Marine (Further Amendment) Bill. As I have said previously during these parliamentary sittings, it is bewildering that the government has determined to bring in three separate amending bills to the Marine Act during this session.

Hon. W. R. Baxter — They are padding things out.

Hon. PHILIP DAVIS — Certainly the previous government would not have managed its legislative program in that fashion, Mr Baxter. It is a demonstration that the government is bereft of policy initiatives, and for the sake of dressing up the parliamentary legislative program to convince the public that it is doing something the government chooses to dispatch its legislative program into an absurd series of small bills.

Notwithstanding that observation I acknowledge the relatively important effect that the proposals in the bill will have on marine safety. At the outset a substantial number of the proposals contained in the bill reflect the work that was under way before the change of government in 1999. I acknowledge the active role the former Minister for Roads and Ports, the Honourable Geoff Craige, obviously would have played in the reviews that were afoot in relation to the Marine Act.

In 1998 a national competition policy review of the Marine Act was undertaken followed by a more general review in 1999. Generally speaking the opposition has no major difficulty with the principles in the bill, but it has one reservation. Given that at present a port review is under way and that its results will undoubtedly lead to legislative reform in the area, it would probably have been more useful had the passage of this bill been incidental to any further legislative reform arising from the present court review.

The purpose of the bill is to make a number of changes. One of the predominant issues is the abolition of the Marine Board of Victoria and the creation in its stead of the office of the director of marine safety. To create that new office the government proposes that the director of marine safety will perform the former functions of the Marine Board of Victoria and have additional powers.

It may be useful to recite the role of the Marine Board of Victoria before dealing in any detail with the creation

of the office of the director of marine safety. I refer to the 2000–01 annual report of the Marine Board of Victoria in which the board's mission statement is set out. It states that the board's purpose is:

... to provide a marine environment for all Victorians that is safe, effectively managed and easily accessible.

The vision of the board is detailed as:

... to be recognised as achieving the highest standards of professional competency and service delivery in marine management, safety and marine oil pollution responses.

Its profile includes objectives taken from the act and is to:

... facilitate the efficient and safe operation of vessels and the safety of navigation on state waters;

improve community awareness of boating safety;

improve and simplify registration and operating requirements for vessels on state waters; and

be responsible for ensuring an effective response to oil pollution incidents on state waters.

The functions of the board include:

... setting standards for the design, construction and equipment of commercial vessels to maintain structural integrity and seaworthiness;

determining crewing for vessels and issuing certificates of competency;

setting safety standards related to recreational vessels and zoning rules;

licensing of pilots and harbour masters and determining standards for the training of pilots, pilot exempt masters and harbour masters;

determining standards and procedures for navigation and maritime safety on state waters;

developing appropriate standards for the provision and maintenance of navigational aids for state waters;

developing appropriate standards for the dredging and maintenance of channels;

investigating marine incidents and accidents and implementing appropriate action on the findings;

enforcing and monitoring compliance with prescribed standards; and

developing, reviewing, coordinating and managing the Victorian marine pollution contingency plan.

I refer to the detail of the bill. Its major initiative is the abolition of the Marine Board of Victoria and its replacement with a director of marine safety. It is important to note that the board has had a proud history. I am advised that it was first established in 1888 — a

long time ago — and therefore it is appropriate that there be a more contemporaneous structure for the administration of marine safety, which is an important area of government responsibility.

The director of marine safety will be given powers that have been modelled on similar provisions in other statutes, and will include, according to the second-reading speech:

... all powers necessary to carry out the statutory requirements of the act and its regulations,

to advise the minister on the operation and administration of the act, regulations, marine pollution legislation and marine safety matters and on any matters referred by the minister,

to provide guidance and information on marine safety matters,

to commission and sponsor research into marine safety matters, and

to promote education and training in marine safety.

The director will be subject to the general direction and control of the minister, and will be required to comply with directions from the minister. Ultimately the Minister for Ports — that is, the minister of the day responsible for the Marine Act — will be entirely responsible for the actions of the director of marine safety and the staff, which will be as I understand it most of the people now engaged in operating under the auspices of the Marine Board of Victoria, many of whom are Department of Infrastructure public servants in any event, who will be transferred to the department from the employ of the board.

The further purposes of the bill are to provide the minister with powers to establish advisory committees that will advise the minister and the director on marine safety-related matters that are referred to those committees, to provide improved powers relating to marine safety inspections and investigations and to provide improved powers for the effective administration of local ports. I shall briefly comment particularly about that matter. It is recommended that these provisions to enable the appointment of local port authorities be implemented. The bill seeks to simplify the process of establishing local ports and local authorities.

I have had some involvement with particularly the establishment of what is known as Gippsland Ports, which is effectively a committee of management established under the Lands Act akin to or similar in structure and notion to the committee of management of a caravan park, but which is a business with a turnover of more than \$5 million a year. It is

responsible for all ports from Inverloch to Mallacoota, and is a significant body established as a result of the restructuring of ports by the former government. It seemed even at the time the former government created that authority that it was a most unsatisfactory way to proceed, but given that there was no legislative provision to create an authority in any other fashion that was resolved to be the best appointment process at the time. Clearly it will be important that those local port authorities ultimately come under the purview of the Minister for Ports, and presumably that was the government's intention in making those changes.

Presently those outports are under the control of the Minister for Environment and Conservation, which raises a peculiar conundrum. The local committees of management consist of various people, including municipal representatives and community stakeholders, appointed by the minister to reflect and represent community interests. However, the responsibility of those committees of management is for a significant commercial undertaking — in effect, the collection of fees for the maintenance of infrastructure and the expenditure of funds that are dedicated by way of a grant to port authorities to maintain the infrastructure within their areas of responsibility, but without a proper and accountable reporting process that will be provided under the changes before the house. Those changes will ensure that in future the local authorities will be appointed properly and will have a clear relationship to marine safety and to their responsibilities and accountability under the Marine Act.

There are further amendments in relation marine pollution. It is important for the house to note that the bill attempts to improve approaches for dealing not just with oil spills but with maritime chemical spills and other noxious and hazardous substances. The importance of this should not be understated; we are increasingly aware of the threats to our marine environment. As a consequence of the increasing level of navigational activity this state is increasingly at risk from marine pollution incidents, and given the importance to Victoria of a growing export trade that is highly dependent on our success in managing our coastal waters, my view is that these measures should be supported.

The bill makes some other small but necessary improvements to marine safety, but I will not belabour the point because I do not wish to delay the passage of the bill. As a whole the legislation provides an improved framework for marine safety issues, but there is a question about the way in which the government has sought to undertake its legislative program. However, the opposition does not oppose the bill.

Hon. B. W. BISHOP (North Western) — I am pleased to rise on behalf of the National Party and to speak on the Marine (Further Amendment) Bill. The purposes of this bill are:

... to amend the Marine Act 1988 to —

abolish the Marine Board of Victoria and create the office of the Director of Marine Safety; and

to provide the Minister with the powers to establish advisory committees to advise the Minister and the Director on any marine safety related matters referred to the Committees; and

provide improved powers related to marine safety inspections and investigations; and

provide improved powers for the effective administration of local ports; and

provide improved powers for the control of marine pollution; and

make other amendments to improve the operation of the Act.

I have taken the opportunity to read the annual report of the Marine Board of Victoria, which was established in 1888. I always worry as a legislator when we look at abolishing something that has been in place for, in this case, about 113 years whether we are doing the right thing. The board's functions relate to marine matters, such as marine safety, marine pollution and other issues which we will discuss as we go through this bill.

I take the opportunity of reading from the board's annual report. Its functions include:

... setting standards for the design, construction and equipment of commercial vessels to maintain structural integrity and seaworthiness;

determining crewing for vessels and issuing certificates of competency;

setting safety standards related to recreational vessels and zoning rules;

licensing of pilots and harbour masters and determining standards for the training of pilots, pilot exempt masters and harbour masters;

determining standards and procedures for navigation and maritime safety on state waters;

developing appropriate standards for the provision and maintenance of navigational aids for state waters;

developing appropriate standards for the dredging and maintenance of channels;

investigating marine incidents and accidents and implementing appropriate action on the findings;

enforcing and monitoring compliance with prescribed standards; and

developing, reviewing, coordinating and managing the Victoria marine pollution contingency plan.

That is a wide area of responsibility, and I hasten to add that in 1998 the national competition policy review of the Marine Act looked at the board's functions. I note that in 1999 it carried out a general review of the legislative systems as well. As part of that process it took submissions from the public and key stakeholders. I suspect those submissions and that consultative process addressed all the issues that may be concerned when you take into account the good work that has been done by the marine board for some 113 years. On behalf of the National Party I take the opportunity of thanking the members of the marine board, not only the present members and the present chair, Dr Ian Johnston, but also members and chairmen who have served the organisation well in the past.

The National Party consulted on the issue of abolishing the marine board, and certainly throughout the widespread consultative process the general view was that this is the correct way to go. It will sharpen the focus of the whole process. It will modernise and streamline marine safety right across Victoria. We were somewhat concerned about the 33 staff who are involved with the marine board at present, but we were advised that they will move across and work under the director of marine safety, and we are satisfied they will be well cared for. We are also satisfied that the abolition of the marine board and the new position of director of marine safety will lead to an improved and more modernised system of managing marine matters in the future.

The National Party was concerned about the structure of the advisory committees; we see them as most important to the whole structure of the bill. If the marine board is abolished the advisory committees will become absolutely crucial to the operation of their areas. To that end, the National Party wrote to the minister in a letter on 30 October. The letter states:

During the briefing period by officers of your department and attended by the Honourable Peter Hall and myself, we signalled some concerns with the lack of information available on the establishment of advisory committees. In particular we would be grateful for your advice on the following:

1. How many advisory committees are intended to be established?
2. Are any of these committees to have an ongoing standing role or will they be established on a needs basis as particular matters are investigated?

3. On what areas of marine activity are these advisory committees intended to be established? (e.g. commercial shipping, recreational boating etc)
4. How many persons are likely to serve on these advisory committees and what process does the minister intend to use in appointing members?
5. Will members be required to have particular skills or experience?
6. Can you advise in general terms what the terms of reference for these advisory committees are likely to be?

The minister responded in a letter dated 2 November. She states:

In response to your letter of 30 October 2001, the following information is provided regarding the establishment of advisory committees.

1. How many advisory committees are intended to be established?

Please also see the answer to question 3 below.

The Marine Board of Victoria has established a number of advisory committees to improve consultation on marine safety matters and issues of interest and concern to the marine industry.

In view of the proposals contained in the bill, I have recently asked the chief executive of the marine board to review the current arrangements in consultation with the various industry sectors. I have done this to ensure that both the minister and the director of marine safety receive and provide timely and effective consultation and advice on marine safety and industry issues.

2. Are any of these committees to have an ongoing standing role or will they be established on an as needs basis as particular matters are investigated?

These committees would have an ongoing role. However, specific committees or subcommittees would be established on an as-needs basis to address particular issues.

3. On what areas of marine activity are these advisory committees intended to be established (e.g. commercial shipping, recreational boating etc.)?

It is proposed that industry advisory committees will be established to represent the owners and operators of commercial vessels, fishing vessels and recreational vessels. Each of these advisory committees will be representative of their industry. For example, the commercial vessel safety and advisory committee would cover industry sectors, such as, hire and drive vessels, charter vessels, work boats, passenger vessels and the Victorian tour operators.

4. How many persons are likely to serve on these advisory committees and what process does the minister intend to use in appointing members?

The number of members on each committee will be determined following advice from the director of marine safety. I expect that the normal guidelines for appointing

persons to advisory committees would be followed, which include appropriate consultation.

5. Will members be required to have particular skills or experience?

I expect that each member would be able to bring to his or her advisory committee particular knowledge and expertise and also have the ability to contribute to the broader issues relevant to the terms of reference for the committee.

6. Can you advise in general terms what the terms of reference of these advisory committees are likely to be?

The specific terms of reference will be agreed after consultation. However, I would expect committees to make a significant contribution to identifying and understanding current and emerging issues, the development of marine policy and legislation, improving marine safety and facilitating the dissemination of information to the local marine and boating communities and at the state and national levels.

The above advisory committees would be in addition to the normal stakeholder advisory or liaison groups, which the director would continue to convene with groups or agencies such as the Victoria Police, harbourmasters, marine pilots and ports and waterway managers. Under the Victorian marine pollution contingency plan, steering and operational committees are also formally established to link into national and regional arrangements.

The letter is signed by the Minister for Ports. I thank the minister for her answers to those questions. The National Party will monitor the operation of those advisory committees because it believes they are most important for the operation of the new structures being legislated today. It is important to note that these important advisory committees can advise the minister and the director of marine safety.

The bill considerably strengthens the role of marine inspectors. It puts in place an identification card, which is most important. It will contain a photograph and signature of the officer so members of the public can be assured they are being spoken to by an authorised officer relevant to whatever he or she may be doing.

The bill clearly sets out that it is an offence to impersonate an inspector; they have substantial powers. They can stop a vessel, board a vessel, inspect the vessel and detain it for up to 48 hours or even longer if authorised to do so by a magistrate. In fact, the bill contains some tough measures. It allows the suspension of a marine licence or certificate for up to 14 days. If an investigation is under way and a longer period is required, approval for the extension can be sought from the Victorian Civil and Administrative Tribunal.

The bill gives the director wide powers following an investigation. The National Party had a close look at that provision, which is proposed section 84B on page

21. It was particularly interested in proposed section 84B(2), which refers to transparency and accountability. The National Party believes that provision is reasonable. It states:

Within 21 days of determining what action he or she will take in relation to an investigation, the director must give the person —

- (a) a copy of the final investigation report; and
- (b) written notice of the action.

The National Party believes that provides good accountability to the process.

The bill sets out the function of local authorities and ports. It provides heads of power for these organisations to fulfil their functions. In researching the bill we noted that these powers and regulations used to reside in the Port of Melbourne Act, which has been repealed. It has been difficult for local authorities; they had no heads of power, no new regulations or penalties. The bill sets out how local port authorities will have functions and powers to regulate and establish rules for boat safety and to set in place vessel traffic management rules. They can deal with port operations and the maintenance of the port assets.

Most of the current marine pollution provisions, which are very important, relate to oil spills. We need a strong and practical approach because spills can cause huge damage not just to wildlife but to our beaches. The bill provides important and timely provisions relating to chemical spills. The National Party notes that the provisions are consistent with the national marine pollution response and the director has full powers for all functions under the bill. The director's functions have been extended to make sure there is adequate pollution response capability, which is most important. We need a quick response to these disasters. I note that the director's responsibility is extended inside the ports and for the delivery of pollution responses outside ports but within the state of Victoria.

A number of other miscellaneous amendments are contained in the bill, such as the fact that one cannot tamper with navigational aids or remove obstructions from waterways. At the departmental briefing the National Party raised the issue of the marine fund because the bill transfers the marine fund into consolidated revenue. We are advised that the marine fund now operates simply as a clearing house where money comes into it and then goes straight into consolidated revenue. If that is the case the new provisions in the bill will provide more efficiencies, and therefore is a practical way of handling the process.

The National Party is concerned about the amount of revenue from various sources such as registration of vessels, boats and licensing operations because more money will go through the system over time. Various revenue streams will be put into place in the future and the National Party is concerned where it will end up. We request that the minister give the National Party some comfort that the moneys that are being collected across a wide band of areas will return to the correct area of use and not be siphoned off for other projects or enterprises. The National Party does not oppose the bill and looks forward to the minister's response.

Hon. E. C. CARBINES (Geelong) — I am pleased as the honourable member for Geelong Province to contribute to debate on the Marine (Further Amendment) Bill, and in so doing congratulate the Minister for Ports on her preparedness to improve marine safety in the state. I am proud of the electorate I represent in this place, which includes a significant proportion of the splendid Victorian coast. Thousands of Geelong residents take full advantage of the natural asset that my region provides.

Many of us involve ourselves in marine recreational activities throughout the year, in particular during the summer period. It goes without saying that we are joined by many tourists, Victorian, interstate and international, often via the Great Ocean Road, to enjoy their holidays.

As the boating season has just started in the state, I was pleased to go to the opening of the local boating season in Portarlington some weeks ago with my family. It was great to see the Portarlington Sailing Club and the many family members participate in the activities the club offers. It is also pleasing to see many young people taking up such recreational pursuits on Corio Bay, which is a part of my province. My office looks out over its shores and I am fortunate to have a wonderful view. I can fully attest to the very busy port of Geelong and its many activities, which add so much to our region's economy. Many heavy vessels and container ships enter the port, and next year cruise ships will arrive which we are all looking forward to. It will put Geelong on the international map, which we are also looking forward to. We will make those international visitors welcome when the cruise ships dock at Cunningham Pier next year.

It is important that the government does everything it can to improve marine safety and protect our national asset, the marine and coastal environment. The bill furthers the Bracks government's objective to improve marine safety throughout the state. Queenscliff is fortunate to have a world-renowned research institute,

which provides invaluable advice on all aspects of marine environment and marine safety. Currently the institute is located in a run-down facility, which is home to many world-renowned scientists.

The government intends to relocate the Marine and Freshwater Resources Institute (MAFRI) to the Narrows in Queenscliff. We hope that work will begin in the new year. The marine discovery centre, the educational arm of MAFRI, provides educational opportunities for many young students throughout the state, not only from the Geelong region, so they can learn about marine safety and the marine environment. This week my daughter went on a school excursion to that facility and enjoyed it. I congratulate the staff of MAFRI on the work they do in my region to promote the protection of the marine environment and marine safety.

The bill will amend the principal act to establish the office of the director of marine safety, which will replace the current Marine Board of Victoria. The change will streamline the management of marine safety in Victoria, revamp it and make it more effective.

All the current functions and powers of the Marine Safety Board will be transferred to the new director. It is important that as part of the change the current 33 staff will be retained within the Department of infrastructure which will give them security in their workplace. The bill will allow the minister to set up advisory committees to advise the minister on any marine safety issue. This is an important step because it will allow greater consultation with the public and all stakeholders of marine safety in the state.

Under the Marine Act 1988 the inspection functions and powers on marine safety are very limited. The bill will augment the powers of the inspectors and the investigative powers of the director. Inspectors will be able to stop and detain vessels, issue orders to people in charge of vessels and undertake thorough investigations. It is important that they have those powers to ensure the marine safety of our coast is intact.

Marine licences and certificates can be suspended temporarily which is an important provision in the bill. The legislation will also allow for improved powers of administration of local ports. My electorate includes the port of Geelong, a busy and economically successful port which adds much to the economy of the region. Unfortunately, in my view, the port of Geelong was sold by the former Kennett government and is now in private ownership and managed by Toll. Nevertheless, it still does the same work and we are pleased that the port of Geelong is so successful.

The bill will also extend the necessary powers to deal with marine pollution. It is important to take every step to limit any pollution at sea which will damage the Victorian coastal and marine environment. The current Marine Act has very limited powers in relation to marine pollution in that it is limited only to oil spills. Management processes to deal with oil spills are very important, and there have been several incidents throughout history of significant oil spills off the coast of Victoria. They are not the only environmental hazard that can occur, and the bill will extend the powers to include pollution caused by other chemicals. In this way the Victorian legislation will be consistent with national legislation on marine pollution.

Marine safety is an issue that concerns all of us. We all have a vested interest in ensuring that the marine environment is protected and that Victorian waters are as safe as possible for their many and varied users. I congratulate the minister on the effort she has made on behalf of all Victorians to improve marine safety, and I therefore commend the bill to the house.

Hon. C. A. STRONG (Higinbotham) — I rise to speak on the Marine (Further Amendment) Bill and in doing so I think it is important to look at the history of the Marine Board of Victoria, because it was established in the 1880s and served a very important function. The colony of Victoria, as it then was, like all of Australia was highly dependent on the sea and on trade coming to it from overseas, and was dependent on the safety of ships and sailors and the safety of its ports and port facilities. The board had an enormously important function in assuring that Victoria was able to be serviced by safe navigation practices, to appropriately send its goods and exports around the world, and to receive imports safely from around the world. As I said, it was an enormously important body, and in many ways, as was the case with some of these early boards, it had a function and responsibility that rivalled that of government because it was so important.

The marine board has a proud history of service in this state, and when we look at institutions like the marine board it is important to remember that history and that heritage and how they have served the state. We must change it with care because if a history and a heritage of service are too lightly thrown away, a great deal of important heritage of service can be lost.

From the comments I have received from people involved in navigation and marine areas it is fair to say that one of the things they have been concerned about is a diminution of the skills of the people on the board, because marine issues are very specialised. The earlier marine boards, going back not so many years ago,

predominantly comprised members who were involved throughout their professional lives in marine activities. There has been an accelerating change away from boards being made up of people with experience and skills in marine and shipping backgrounds to boards with more general memberships who do not have the depth of understanding of marine issues because its members have not lived, breathed and worked in a marine environment. It would be a great pity and detriment to marine safety if the move to appoint board members who do not have marine skills and backgrounds were to continue to accelerate; it would be most unfortunate.

Hon. K. M. Smith — With trade union backgrounds!

Hon. C. A. STRONG — As Mr Smith says, the government must resist the temptation to appoint friends rather than people with marine skills, knowledge and experience.

I turn to the bill in general. The minister's second-reading speech says that the object of the bill is the creation of the new office of the director of marine safety, which will modernise and streamline the institutional arrangements for the management of marine safety in Victoria. That is a highly worthy objective, given the caveats I have already mentioned about the rich history and achievements of the marine board. However, when one goes through the bill one finds, apart from a few name changes here and there and apart from renaming the Marine Board of Victoria the office of the director of marine safety, in truth the changes are superficial at best. I have studied the bill and I am rather at a loss to see any significant streamlining of the institutional arrangements for marine safety.

In making that point I shall touch on a few clauses of the bill. A great deal of the bill deals with changing the name of the board. Many clauses deal with provisions that allow staff to be moved from one statutory body to another. There are clauses and provisions that deal with setting up a statutory body and how that board will operate, how members are elected to it and will serve on it and so on. The first nine clauses of the bill basically do all of that, and they are essentially about changing the name of the board and not much more. There is a change that allows for advisory committees to be set up, special inquiries and boards to look at issues, but as I understand it such committees operated under the old marine board. So although there is a provision in the act to do these things, that facility has been used in the past.

There is one change that is an advantage, and that is a tidying up of the management of the regional ports, which, as has been said before, was a little bit messy, and I think it is a plus to have tidied up that issue.

The bill contains amendments of a fairly minor nature which deal with the enforcement ability of inspectors. These amendments are not highly significant in terms of the inspectors' powers; however, they are significant in that the inspectors are allowed to exercise their powers to impound ships and so on for a longer period, as the time limits on the impounding of those vessels have been expanded. However, in essence they are not significant increases in the power of inspectors.

Likewise, the bill allows the director of marine safety to be somewhat more proactive in the area of pollution control, but probably no more so than already is the case under the Marine Board of Victoria.

It is important to look at exactly what this bill does. There is no doubt that it makes a few improvements, but there is absolutely no reason why these could not have been made by amending the existing Marine Act and maintaining the marine board. There is no reason why the marine board could not have been given the marginally extended powers which the bill gives to the new director of marine safety.

The Marine Board of Victoria is an institution with a rich and proud heritage of which we in Victoria can be very proud because, as I have outlined, a lot of Victoria's heritage has been of necessity as a maritime state, of which the marine board has been an enormously important part. In a way it is a pity that such an institution, with all it has done for the state, is simply being brushed away and renamed with a few little extra provisions being added here and there.

Although in no way opposing the bill, the Liberal Party believes there is no reason why the marine board could not have been given the few extra powers that exist under this bill. I also think it is important to restate the necessity of ensuring that the new office of marine safety is staffed and managed by people who have a rich and deep knowledge of the marine experience. With those few comments I conclude my submission.

Hon. R. F. SMITH (Chelsea) — I rise to speak in support of the Marine (Further Amendment) Bill for 2001. The Marine Act of 1988 is currently the principal legislation governing marine safety in Victoria. This bill amends that act in a small number of ways, it has to be said, which I would describe as finetuning consistent with public hearings that have been held, submissions that have been made and reviews that have taken place

since 1998 to reflect the changes that are taking place on ships and boats and in the marine industry in particular.

A national competition policy review of this act was undertaken, and that was followed in 1999 by a general review of the legislation of the scheme as a result of the perception that something had to be done regarding the national competition policy.

The Marine Board of Victoria, which currently governs marine safety in Victoria, has been established since 1898. On the one hand that suggests that it may be time for the board to be overhauled, refreshed and made relevant to today; on the other hand it is worth mentioning that any board governing legislation in Victoria that has been in existence for such a long period would obviously have a long and possibly quite colourful history, given the odd occasions when the need has arisen to address some of the safety issues on our waters.

There are a number of characters I would like to talk about who have been in control of that board over a long period of time, but I will not take that opportunity today. Suffice it to say that the board is being overhauled and changed from what it was to the director of marine safety being in charge and directly responsible to the minister.

This bill amends the previous legislation in a small number of ways. It is important to note that this bill is not opposed in the house, which is an indication that following the reviews that have taken place both sides understand the need to improve and make the current body relevant.

All current powers of the marine board will transfer to the new body in a similar way to the transmission of business that one expects when one company sells to another, and all current staff will transfer to the new identity. With a transmission of business all staff entitlements are expected to be transferred with the staff — unlike the situation we are seeing in a number of industries today, where workers and their entitlements are being put at risk — and in this instance those staff entitlements will transfer to the new body.

Hon. K. M. Smith — Did you forget to take your two dozen bottles of red wine with you?

Hon. R. F. SMITH — It was 12. This bill will empower the minister to establish any number of advisory committees to advise the minister and the director of any marine safety matters referred to them.

The bill provides for improved powers related to marine safety inspections and investigations. Inspectors are given new powers to stop and detain vessels and to direct persons in charge of said vessels for reasons that they believe are justified. If they have approval from a magistrate the inspectors can detain vessels for 48 hours or more.

Currently once a vessel has slipped its moorings it is under the control and direction of either the master or the captain, and the appropriate authorities do not have the power to actually detain or stop those vessels without the agreement of those in charge. That is a bit ludicrous when you think about it, and although I am not suggesting that there are many rogue captains in charge of marine vessels, on the odd occasion it does happen and it is appropriate that the relevant inspectors have that power.

For example, I recall the *Blythe Star*, which sank off the west coast of Tasmania many years ago. Survivors actually came ashore on the east coast of Tasmania, having been at sea in rafts for about six days — with very limited provisions, I might add. I am quite knowledgeable on this issue, given that my deceased father-in-law was the chief cook on the *Blythe Star* when it sank. The subsequent inquiry held the captain responsible. It was well known and stated at the time that he was, let me say, under the weather, literally. Now if it was known that the officer in charge of a ship sailing up Port Phillip Bay was under the influence there would be the capacity to stop the ship, board it, and take the vessel into custody for at least 48 hours. That demonstrates this government's commitment to safety and would be supported and applauded by the vast majority of if not all Victorians.

Given that I am an ex-sailor of the Royal Australian Navy, marine safety is a very important issue for me. Over the years on many occasions I have been very grateful for certain standards of marine safety. I recall some occasions where people unfortunately lost their lives sailing out at the Rip on Port Phillip Bay. For people who do not know, the Rip is considered one of the most dangerous sea passages in the world, certainly in major sea routes. When it is rough, the Rip is dangerous. Some years back there was an unfortunate occurrence when the minesweeper HMAS *Kimbla* was coming through the Rip. People were swept overboard and unfortunately a chief petty officer lost his life.

The Maritime Union of Australia (MUA) has a very strong position on marine safety and merchant ships. It regularly informs the public of the lax standards that apply on flag-of-convenience ships where workers are put at serious risk. I am sure that if any reasonable

person saw the standards and working conditions of some international sailors they would be appalled. I can only say that we ought to be grateful that the MUA exists and is in a position to highlight those shortcomings to Australians. It is a pity the federal government did not understand and support its position on the need to have Australian ships rather than flag-of-convenience ships in the main handling the bulk of trade to and from this country.

I am a very strong supporter of the MUA. It is important that we all realise that being the trading nation it is, Australia relies very heavily on the seaworthiness and reliability of its ships. I would argue that we ought to take a lesson from the French farmers in this. The French, farmers in particular, have an enormous capacity to defend themselves and their industries to ensure they remain in existence and can feed themselves without having to rely wholly on imports — the same can be said for us. Imagine if this country did not have any shipping of its own and some sort of conflict came about. Does anyone seriously suggest that we would not be vulnerable? Can you imagine, for instance, transporting a large military force to a place like East Timor in a genuine dispute without major shipping? We could not do it. We rely very much on the MUA to do what it can to ensure that there are Australian ships and that sailors have reasonable conditions.

I again refer to my personal experience of seeing the importance of marine safety. The Honourable Ron Bowden is in the house; he may enjoy this little sea ditty. I can recall transiting Bass Strait on the aircraft carrier HMAS *Melbourne* when the seas were so rough we were on the same wave for four days. God it was rough! The bulkheads and the decks were buckling. I was an 18-year-old and I thought, 'My God, I'm buckling!'. I recall looking back at HMAS *Yarra*, which was the escort at the time. We were three days out of Perth and she needed to be replenished with fuel at sea. It could not be done; it was simply too rough. It got to the stage where it had to be done because she was running out of fuel. We were going at something like 2 knots in the extremely rough sea. I can only explain it this way. I came out of the operations room on the carrier, I looked back for HMAS *Yarra*, but I could not see her, even though I knew she was only about 2000 yards astern. All of a sudden, up she came out of the trough and just kept going up and up, until such time as I could see the start of her twin screws — that is, her propeller shafts. That is a long way out of the water, let me tell you. Then down she plunged, and disappeared totally.

Anyway, the need for marine safety was driven home then. While that was a light-hearted little ditty, I have a more serious story — that is, the Sydney to Hobart yacht race only a few years back when unfortunately a number of sailors lost their lives sailing in extraordinarily tough conditions. As a result there has been a remarkable improvement in the standard, the safety equipment that needs to be carried and the conditions in which people are allowed to race.

For those who have not been to sea, let me explain it. The sea is an awfully dangerous place and the power of waves is extraordinary. On a trip across the bight on HMAS *Melbourne* I can recall that all the tractors that were chained down on the upper decks down were torn off and lost at sea. All our lifeboats, which were strapped in, were smashed and torn out. It was rough!

Sometimes sailors transiting the oceans face extraordinarily dangerous conditions. It does not matter where people come from; they are entitled to have as good and safe a working environment on a ship as possible. The Marine (Further Amendment) Bill goes some way to providing for just that. It allows the proper authorities to maintain the sorts of standards we would all want. Previous speakers have talked about the importance of standards and how they can impact upon our environment.

I refer to the *Exxon Valdez* oil spill. What greater example is there of what can happen and what damage can be done to the environment when things go astray? And what better example of the need for inspectors to go aboard and stop ships, and so on? I will not go into Exxon itself — maybe on another day, when there might be an interesting discussion about the attitudes of that company.

Port Phillip Bay and its nearby coasts have pristine beaches and environments. I am sure we would all be disturbed if they were severely damaged or destroyed by a tragedy occurring out on the bay. We have to be ever vigilant about those sorts of situations. What the minister proposes with this bill will do the state a favour by ensuring some sort of control can be kept over it.

For the reasons I have outlined and because the bill is not opposed, I wish it a speedy passage and commend it to the house.

Hon. K. M. SMITH (South Eastern) — It has been interesting to listen to the honourable Bob Smith talking about his past as a sailor and some of the exploits he has been involved in, particularly when he was a sailor

on HMAS *Melbourne*. Were you on there when it got hit by the *Voyager*?

Hon. R. F. Smith — I was just a young lad then. I was six months from joining the navy at the time. But I did know a few people — it is about time you compensated all of them.

The ACTING PRESIDENT

(Hon. Jenny Mikakos) — Order! The honourable member will address the Chair.

Hon. K. M. SMITH — It is just that I was so interested in his past that I thought we should fill in any parts he may have missed out. There was not much that he could have possibly missed.

In speaking on the Marine (Further Amendment) Bill I say the opposition does not oppose the bill. A couple of issues are of concern to me. Honourable members would be aware that my electorate is surrounded by water and that it encompasses Phillip Island and, probably more importantly — this is the subject I shall talk about — French Island.

French Island is an interesting place. It is not connected to the mainland in any shape or form apart from by ferry. There was a barge that went across from the Corinella area. I am not sure whether it still runs, but I know there is certainly a ferry that goes from Stony Point to the Tankerton jetty on French Island, across to Cowes on Phillip Island, and back to Stony Point. The ferries on Western Port have had a long and chequered career, but there needs to be at least a ferry to give the people of French Island the contact with the mainland that they need and to enable the provision of stores. Of course everything has to be carted across there by the ferry.

Not only is food carted across to French Island but also other provisions that the 60 or so people who live there need. The ferry also takes kids backwards and forwards to school, which is on the mainland in the Hastings area. It moves even the local cricket side when it goes over to play on French Island. When the local members of Parliament — Robin Cooper and I — go across to the meetings of the French Island Community Association we have to go over on the ferry as well.

The ferry is a pretty important connection with the mainland. The thing that concerns me most relates to what has occurred since a new jetty was built at Tankerton approximately 50 metres away from the old jetty. There is a dredged channel that leads to the new jetty and the new ferry lands at it. The old jetty was condemned basically because it was not strong enough to take the ferry that was going across there. It was

decided to build the new jetty for safety reasons and so that people could move and pick up the stores when they arrived.

The Port of Melbourne Authority, which was in charge of the jetty at that stage, had intended to remove the old jetty. This matter is quite relevant because the old jetty still remains there; and because of that the ferry is subject to speed restrictions when it comes into the new jetty. The difficulty is that if there are any recreational boats tied up to the new Tankerton jetty the ferry is unable to pull in because it has no access rights above those of recreational vessels. The speed restrictions have been imposed because of the new jetty's close proximity to the old jetty, which Parks Victoria now controls and which it has made a major jetty for recreational fishermen to use.

Some problems have been caused not only because the fishermen go to fish there but because the people visiting the island and some of the locals as well use it as a drinking spot. A large number of French Island residents actually park their cars at the end of the new Tankerton jetty for convenience so that when their stores arrive on the ferry — there are no taxi or bus services on the island — instead of having to walk 15 kilometres to and from home, they can drive onto the jetty to pick up their stores and then drive off home.

French Island is quite an amazing place. Nobody has any control over it. There is no local government that has any control of or responsibility for the buildings or the maintenance of roads. Occasionally they get a grant. In fact, the retiring federal member for Flinders, Peter Reith, recently made a considerable grant to the people of French Island to enable their roads to be upgraded at least to a decent level. That is good because they tend to get neglected, particularly by the Labor government. Of course the federal coalition government was prepared to put that money in.

The residents were leaving their cars at the end of the new Tankerton jetty. People were getting under the old jetty, where they could not be seen, sitting in the shed at the end getting boozed, and then for a bit of sport they would go down to the new jetty and cause severe damage to the locals' cars parked there. These cars are unregistered — because they do not have to be registered on the island; people can just drive them around. It is a great lifestyle for anybody who would like to go there. The 60 or so people on the island have a wonderful life, unencumbered by local government; they have no rates to pay. They have no decent roads, except what they will get now as a result of the recent funding. They have nobody snooping into what they are

doing on the island. They live an excellent lifestyle, but they do need their connections to the ferry.

Probably because of bureaucratic bungling and Parks Victoria taking control of the old jetty there, the old jetty has not been removed and difficulties have arisen. If the old jetty had been removed it would have made it easier for people to put their recreational boats in a part of the new jetty that would not take up the area where the ferry lands. Unfortunately, in its normal way Parks Victoria has not done that; it is hoping to build the old jetty into some sort of attraction for recreational fishermen.

My concern in raising this matter is that the old jetty has no historical value. It is just an old jetty that was condemned — it was falling down. The Port of Melbourne Authority saw the need to build a new jetty. The old jetty must have been in fairly bad condition for the authority to reach that decision. As I said earlier, the new jetty is within 50 metres of the old one, and that means the ferry is speed limited to 5 knots when it approaches the new jetty. The difficulty is that Western Port can get rough on the western side of Tankerton and there is a large tidal flow there, and more often than not other boats and the ferry have to exceed the 5-knot speed limit in order to get into the jetty.

If the ferry is not able to manoeuvre its way into the jetty it puts not only the ferry but the people on the ferry at risk. It was stupid that last year the police booked the ferry operator for exceeding the speed limit near the new jetty because of the close proximity of the old jetty. I know it sounds very convoluted, but I hope I have explained it enough for honourable members to realise that it is stupid that the old jetty has been allowed to remain at Tankerton. It should be removed. The ferry driver was put on a good behaviour bond, which made it more stupid. They have looked at it and said, 'You can speed in there as long as there are no recreational boats tied up to the jetty', which is another restriction. There are no signs on the jetty saying, 'This is where the ferry ties up; please don't put your recreational boats here'. There are no restrictions at all on the recreational fishermen.

The ferry has to move around the bay from one place to another and it has time spots. It may be loaded up with people and all their stores, which are being moved from the mainland over to the island. If the ferry cannot get into Tankerton jetty it goes over to the next spot, which for the people of French Island might be Phillip Island. All of a sudden they will be either stuck on the ferry at Cowes wharf with all their stores and requisites or they will have to go back to Stony Point and unload there, where an hour or an hour and a half before they had

loaded up. Then they will have to go back to Tankerton again.

Hon. W. R. Baxter — I think they need a local council to sort all this out!

Hon. K. M. SMITH — I can tell you the last thing they need is a local council! During this debate I wanted to raise the issue of the jetty, which the committee replacing the marine board should take up. It must be addressed; it cannot continue to be ignored.

In closing, in regard to the issue raised about the people who will be appointed to the new committee not needing marine experience, I consider that stupid. The people involved must have an understanding of the area. Honourable members heard Mr Bob Smith talk about the importance of safety. I have no problems with that. Marine safety is what the new office will be all about. I do not know whether the new office has been set up because members of the Labor Party knew that Wayne Finch, the Labor candidate for Flinders and a member of the Maritime Union of Australia, was going to be defeated at the last election and have set this up to allow him to be appointed to the new committee. That is possible. We all knew that Wayne was going to be beaten because he was not too good.

Hon. Jenny Mikakos interjected.

Hon. K. M. SMITH — It is lucky you are not in the chair because you would be stopping me now.

The DEPUTY PRESIDENT — Order! Through the Chair, Mr Smith.

Hon. K. M. SMITH — Members of the Liberal Party do not object to the provisions of the Marine (Further Amendment) Bill being put in place. We just hope that following its implementation the new office makes marine safety its no. 1 priority, and that it implements a number of the changes referred to not only in the bill but also in the second-reading speech. I conclude by indicating that the Liberal Party does not object to the bill.

Motion agreed to.

Read second time.

Third reading

Hon. C. C. BROAD (Minister for Ports) — By leave, I move:

That this bill be now read a third time.

In doing so, I thank all honourable members for their contribution to the debate. In response to the specific assurance sought by the Honourable Barry Bishop in relation to future funding for boating safety, I reiterate the government's commitment to an additional \$15.9 million over the next five years to boating safety, which is a very substantial commitment on the part of the government following the introduction of boat operator licensing. That is somewhat outside the direct scope of the bill, but I am very happy to offer that assurance.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

JUDICIAL REMUNERATION TRIBUNAL (AMENDMENT) BILL

Second reading

Debate resumed from 20 November; motion of Hon. M. R. THOMSON (Minister for Small Business).

Hon. C. A. FURLETTI (Templestowe) — I should at the outset indicate that the opposition does not oppose the Judicial Remuneration Tribunal (Amendment) Bill, but I foreshadow that in the course of the committee stage I will be moving a series of amendments to the bill.

The Judicial Remuneration Tribunal (Amendment) Bill amends the Judicial Remuneration Tribunal Act 1995, which was enacted by the previous Liberal government on the motion of the former Attorney-General, Jan Wade. It is significant to note that it was the previous Kennett government that established an independent Judicial Remuneration Tribunal which consists of three members, all of whom are part-time appointees.

I guess it is opportune at this point to express the gratitude of the Liberal opposition and the community to the contribution by the immediate past tribunal members whose term has expired — namely, Dame Margaret Guilfoyle, Sir Edward Woodward and Mr Peter Salway — who have set a standard of proficiency and professionalism which I hope their successors will strive to maintain. I guess the optimum scenario would be that they are reappointed, but I suspect that that may not be the case. For the record, although the Judicial Remuneration Tribunal is not yet formally constituted, because those members' terms

have expired, the opposition wishes them well for the future.

The second-reading speech on the bill is very heavy on rhetoric and the references to independence and impartiality are sometimes confused by the Attorney-General. The introduction is somewhat simplistic and the motherhood statements made by the Attorney-General should be analysed. The important thing that I guess we all agree with, however, is the fundamental need for the independence of the judiciary and its members from the legislative and executive branches of government. I am very grateful that we in Australia, and in Victoria in particular, are able to unequivocally say that we have that independence, which is of course a matter of government to a very large extent. I suspect that the question of impartiality is more a matter of the character and personal integrity of the members of the judiciary and not so much a matter for the government, other than I guess in the appointment of those members.

I stress that it was the former Attorney-General, Jan Wade, who in 1994 introduced the Judicial Remuneration Tribunal Bill with the intention of ensuring that there was a distinct separation of powers and that the remuneration of judges and the fixing of the remuneration of judges by the executive was at least tempered by an independent body in the Judicial Remuneration Tribunal. As I said, the members of the tribunal have fulfilled their roles admirably. It appears that the government, at the instigation of that tribunal, commissioned the so-called Honan report that identified a number of issues the government now seeks to address.

Without necessarily going through the bill at this point the fundamental changes are that whereas in the past the tribunal's recommendations were considered by the executive and accepted or disallowed, the bill creates a tiered system with, as it is termed in the second-reading speech, a hierarchy of powers, which is a quaint term given the semantics used for the determinations of the tribunal.

I digress for a moment and comment on the second-reading speech. The Attorney-General and the government generally cannot help themselves when it comes to taking a swipe at the former government. In the second-reading speech in the other place the Attorney-General said there has been:

... a greater non-acceptance of recommendations on judicial remuneration by previous Victorian governments than in any other jurisdiction.

Hon. Jenny Mikakos interjected.

Hon. C. A. FURLETTI — All this happened in 1995 — that is, between 1992 and 1999 — when Victoria was a rust bucket state as it had inherited in 1992, to pick up the interjection of the Honourable Jenny Mikakos, the \$32-billion debt which had made Victoria the laughing-stock of the country. Yet, in his second-reading speech the Attorney-General comments on the previous government's budgetary restraints that had compelled it, along with the rest of Victoria and every citizen of the state, to work in partnership to repay the enormous debt created through 10 years of Labor government.

The Attorney-General has taken a cheap shot at the previous government. This government cannot help itself because had it been in government then it would not have worried about it but would have followed every recommendation and thrown money down the black hole, but without return. This government appears very similar to the Cain-Kirner governments.

Hon. Bill Forwood — A clone.

Hon. C. A. FURLETTI — It is a clone of the Cain-Kirner governments. Budgetary figures aside, if it were not for the windfall revenue coming from a booming economy, the foundations of which had been set in place previously by the Liberal government, this government would have already been in deficit.

Hon. Bill Forwood — They are in deficit.

Hon. C. A. FURLETTI — Yes, they are in deficit. The government is economically irresponsible and is unable to manage the finances of the state, yet at every opportunity it comments on the activities of the previous government even though those activities were considered responsible and in the best interests of the Victorian community.

It would have been totally inappropriate, with the rest of Victoria and every Victorian household contributing towards the state deficit level which had to be imposed to pay back the debt, had one element of the community — for example, judges — got the full whack as recommended by the Judicial Remuneration Tribunal. I put the record straight on that point.

The bill will allow the Judicial Remuneration Tribunal to take a reference, consider the issues and then in handing down — I will not use the word 'recommendations' — outcomes at which it has arrived it has three options. It can make a determination on salaries and allowances. I refer in particular to clause 6 that substitutes proposed new section 11. It says the tribunal can:

... make determinations in relation to salaries and allowances of holders of an office ...

It also has the right to:

... make recommendations to the Attorney-General ... in relation to the following conditions of service of holders of an office ...

Proposed section 11A provides that the tribunal can offer an advisory opinion in respect of any matters referred to it by the Attorney-General.

I will address one other thing the tribunal can do. Proposed new section 11(1)(b) provides that the tribunal can make determinations in relation to the remuneration of acting magistrates. The reason for acting magistrates being singled out or isolated is that they are taken on an as-needs basis. Their remuneration in the form of casual employment would attract different loadings and different requirements. The opposition accepts that as an explanation for that provision.

Otherwise, as I started to say earlier there are three possible outcomes: a determination with respect to salary and allowances; recommendations with respect to conditions of service; and advisory opinions.

The opposition has little issue with the determination and recommendation powers, although I will later analyse them briefly. However, the new element introduced — that is, the power given to the Attorney-General to refer matters relating to remuneration for an advisory opinion — is one on which I will move an amendment during the committee stage. The opposition has grave concerns about that area, and I will express them in more detail shortly.

In analysing the bill I tried to find definitions of 'allowances' and 'conditions of service' as they are two quite different terms. Clause 4 contains the definition of 'determination'. The tribunal is given power to determine matters in relation to salaries and allowances. The definition of 'recommendation' in the same clause gives the tribunal power in relation to conditions of service of holders of an office.

Allowances are referred to in some of the certificates and determinations — statements of the former Attorney-General — and I am very grateful to the officers of the Department of Justice for providing me with that information.

Although those documents refer to allowances, they provide little assistance on what conditions of service are. I was informed during the briefing that allowances include matters such as the library reimbursement

allowance for judges and masters, car allowance, travel allowance et cetera. I was also informed that at one stage consideration was given to a spousal allowance for judges, but we are not quite au fait with conditions of service, nor is there assistance on the word 'determination'.

It should be pointed out that Victorian Civil and Administrative Tribunal members are now included under the definition of 'holder of an office'. However, not all members of VCAT are judges; nor do they all perform judicial functions. Many are engaged as members of VCAT because of their particular expertise — for example, in planning, valuation or whatever. So they are now all brought under the umbrella of holder of an office. I draw the attention of the house to the particular difficulties that this may cause for the Judicial Remuneration Tribunal. Given that up to and including today and until this legislation is enacted the Judicial Remuneration Tribunal deals effectively with judges of the Supreme and County courts, magistrates, masters, the Coroner, et cetera as listed in the principal legislation, after the enactment of this legislation they will be required to deal with and control the remuneration packages of some 179 other members of VCAT due to this inclusion.

Sitting suspended 1.00 p.m. until 2.03 p.m.

Hon. C. A. FURLETTI — As I was saying before the lunch break, there are a number of provisions in the bill with which the opposition takes little issue. I was stressing the importance of maintaining the independence of the judiciary from the legislative arm of government. It is common ground that the judiciary holds a very significant role in any civilised country. Victoria, as I said, has the various arms of government documented in federal and state constitutions. The roles and functions and powers of those distinct arms are in statute and clear on the fact that a strong and impartial judiciary and an independent and effective system of justice is a cornerstone of any democratic country.

We do not need to look far to see the results of countries where imbalance between the two arms causes dramatic problems and of course is always at the cost of the citizen. Without necessarily wanting to identify particular zones or countries, in the context of this debate and in the context of current day events a classic example of what can transpire when that disintegration and breakdown of independence of the judiciary occurs is Zimbabwe, which has undergone enormous tragedy because of the conduct and actions of a dictatorship and because of the lack of strength and independence of the judiciary.

The major thrust of the bill is the remuneration paid to judges and the judiciary as referred to in the act. Of course, it is trite to say that he who controls the purse strings controls the beneficiary of the purse. In this instance the distancing of the source and the quantum of the remuneration from the beneficiary is very significant. This independence has, however, always had the overriding precondition of budgetary considerations. As indicated earlier, government does not have an open purse. I note that within the bill there is a provision for disallowance, albeit a somewhat stronger provision than that which exists in the principal act — that is, the disallowance by Parliament of determinations made by the tribunal. That is one of the elements of the bill.

Prior to the dinner break I referred to the three tiers of reporting by the tribunal. As I indicated, one of the tiers is a recommendation as to conditions of service which can be handed down by the tribunal and which can be varied or otherwise disallowed by the Attorney-General.

Sometimes we forget the role and the importance of the judiciary. More often than not we tend to put the judiciary in an ivory tower. We sometimes depersonalise judges and regularly criticise them when decisions appear to be awry. In my experience, that criticism is not always well founded; it is often based on a lack of the information and detail that has been presented to the judges pursuant to which they make their decisions. It is understandable that there are distorted views in the way some decisions are presented by the media.

The reality is that from the most simple, small claim in the Victorian Civil and Administrative Tribunal through to relatively minor planning and neighbourhood disputes, I am aware from experience that they are very serious to the parties involved. With civil disputes there can be a plethora of different areas in which such disputes arise. In many instances they are serious in terms of the quantum of money involved and can affect the future economic condition of the parties involved. On the other hand, in the criminal jurisdiction a person's liberty may be at stake and decisions made in that arena can put the judiciary under enormous pressure.

We can raise the stakes that affect each and every one of us in terms of constitutional, jurisdictional or like areas of determinations by members of the judiciary, where irrespective of colour or creed they are obliged to make determinations which, whether we like it or not, control in a significant manner the way we live and develop. So while it is not uncommon to be critical of

certain determinations, the reality is that those determinations are always made in good faith. I should indicate that while we are quick to criticise, I know most judges, if not the vast majority, are conscious of the responsibility they carry. All of the judges with whom I am acquainted and those with whom I am not are human beings. They have emotions and feelings, and I know they very often, if I can put it crudely, sweat blood in the determination of and consideration they give to matters in arriving at many of their decisions.

I have no difficulty in supporting the bill, which introduces and facilitates the means by which we can, firstly, maintain the independence of the judiciary from the legislative arm, and secondly, seek to ensure that the holders of office are adequately and appropriately remunerated for their effort and time, and the work they do.

Having put that on the record I refer to the opposition's proposed amendment. Proposed section 11A relates to advisory opinions. The query the opposition has is that although pursuant to clause 9, determinations or recommendations of the tribunal must be tabled in Parliament, advisory opinions need not be so tabled. Proposed section 11A(1) states:

The Attorney-General may refer any matter relating to salaries, allowances or conditions of service of holders of an office to the Tribunal for an advisory opinion.

I am not sure what an advisory opinion is, but from the question I asked during the briefing I received it is intended to be in the form of an expert opinion, which does not take the matter much further. Proposed section 11A(2) states:

The Attorney-General may refer any matter relating to the remuneration or conditions of service of acting magistrates to the Tribunal for an advisory opinion.

I would like to emphasise proposed subsection (3), which states:

If an Order under section 11(2) is in force —

that relates to a tribunal for which a minister other than the Attorney-General is responsible —

the Minister administering the Act under which the tribunal is established may refer any matter relating to salaries, allowances or conditions of service of the members of the Tribunal to the Tribunal for an advisory opinion.

What the provision does is not only allow the Attorney-General to refer matters to the tribunal, but conceivably opens up the possibility of the whole cabinet referring matters to the tribunal for advisory opinions. This is not only a matter of the Attorney-General having secrecy, it is a matter of the

whole of the cabinet having secrecy available to it. Such a proposal coming from a government that touts open, transparent and accountable government is somewhat hypocritical, but I shall refer to that shortly.

The functions of the tribunal are set out clearly in clause 6, which substitutes proposed new section 11 in the principal act. I referred earlier to the functions insofar as the determination and the recommendation are concerned. The proposed new section refers to conditions of service as including leave, long service leave, travel entitlements and the rest. One assumes that all of those matters relate to the class or classes of holders of office to which they would apply.

Similar terminology is used in proposed section 11A, which states, in part:

- (2) The Attorney-General may refer any matter relating to salaries, allowances or conditions of service of holders of an office to the Tribunal for an advisory opinion.

One would assume similarly that the advisory opinion sought would relate to a class or classes of holders of judicial office. When the matter was raised at the briefing it was suggested that anomalies may arise from time to time, but rather than making a reference for a determination or a recommendation the Attorney-General simply needs advice on, for example, the superannuation surcharge and its impact on judges' salaries. I accept that as an explanation and I accept that such advice would relate to the whole of the class or classes of holders of office to whom it would relate.

However, when one examines the contribution of the parliamentary secretary to the Attorney-General in the other place, one finds that the reason the government does not intend to support the proposed amendment is that there may be requests for opinions about personal details and individuals that the Attorney-General makes to the tribunal. That of itself is cause for grave concern. I do not know whether it was a Freudian slip on the part of the parliamentary secretary, but it certainly opens an aspect which is of grave concern and which demands that we introduce the amendment that all advisory opinions as well as the references giving rise to them should be gazetted and made public.

I will in the committee stage of the bill particularise the amendments that are required to put that into effect. I cannot understand why the government which is so strong on openness and transparency and which is prepared to lay on the table the determinations and recommendations of the tribunal is not prepared to lay on the table advice it receives from the tribunal. I could understand it, if the advice I was given in the briefing was true, in areas of specific concern, such as

superannuation surcharges, but why would not one make that public? What is the problem with making this an open and transparent situation?

But when I read the contribution of the honourable member for Richmond in the other place I find that he does not say it once or twice but on a number of occasions. I acknowledge that I am not permitted to read exactly what he said, but to paraphrase his comments, in effect he said that a range of advisory opinions may be sought, including advice on benefits on resignation.

If that advice is advice relating to a whole class or category of office-holders, why would you hold it back? What is so significant about that that you would not gazette it? The honourable member went on to say that there could have been matters such as maternal leave. If there is an issue with maternal leave that must be determined, why would one not make it open? This indicates to the opposition that we must be on the alert, and rather than seeking to explain why the proposed amendment should not proceed, it tends to strengthen the steel in the back for us to insist not only that we proceed with the proposed amendment but that if the government has nothing to hide it should support the proposed amendment.

One of the excuses given in the other place for not supporting it was that it had just been tabled and the government did not have time to consider it. That was on 7 November, over two weeks ago, yet the government still maintains its stance of refusing to consider and support the proposed amendment. We will definitely be pursuing it for the reasons I have given.

This is an act by the government where it intends to make secret deals and to seek private information from the tribunal. This appears to be an effort by the Attorney-General to seek to have his own private advisory council, to which he will refer some matters openly and others he will maintain in secret. It puts at risk and prejudices those principles that we were talking of earlier, that major principle, the separation of powers. The minute the public gains the perception that secret deals are going on between the government and the judiciary, that will be the moment when that cornerstone starts breaking away and causes problems to the system which we are so proud of and which we intend to maintain with every last drop of blood.

I shall briefly comment on the factors to be considered by the tribunal which are motherhood statements and appear to be matters that make sense. However, I am concerned at the manner in which the factors are expressed, because it is mandatory that the tribunal

must consider the following factors, which are listed in clause 7 of the bill. I refer in particular to proposed section 12(1A)(h)(iv), which refers to any other relevant local factors, and I underline the word 'local'.

It does not include what one would have expected, given that it is mandatory to consider a listed number of factors. It does not extend to 'or any other matter'. I am not sure whether the tribunal's arms are tied in how far it can go because there is that old Latin maxim of *inclusio unius est exclusio alterius*, which means the inclusion of one element excludes the other. Given that element of statutory interpretation, this provision raises some concerns. The other factor that does not appear to have been built into this equation, which I think is extremely relevant, is the status, remuneration and conditions of the judiciary in other states. There is no reference in the bill to those issues.

The question of early publication is referred to again in the second-reading speech where another swipe was taken at the former Attorney-General. That does not make sense. When the reports are tabled, although in the amendment they may need to be tabled within 21 days of receipt, the reality is that the effective operation of the tribunal recommendation or determination goes back to the date the tribunal sees fit to indicate.

I have referred the house to the powers of dissolution of the Parliament. Clause 9 substitutes proposed new section 14A, which is a self-executing provision whereby if the Parliament does not disallow within 15 days, the determination becomes effective. The bill maintains the existing provisions for the issue of certificates by the Attorney-General with respect to determinations and recommendations and in this instance, it is interesting to note, any advisory opinion which the Attorney-General accepts. So while there is no publication of the reference or the advice, if the Attorney-General accepts that advice he has to issue a certificate with respect to the matters contained in that advice.

Clause 12 relates to consequential amendments under the act. Hence although the opposition broadly supports the bulk of the bill it has concerns about the secrecy elements contained in it. I will move an amendment in that regard in the committee stage.

Hon. R. M. HALLAM (Western) — I rise to advise the chamber that the National Party will not oppose the Judicial Remuneration Tribunal (Amendment) Bill. I also report that the National Party has come to that conclusion based on a number of quite basic pointers. The first is that National Party members have

concluded that the Honan report into the operation of the Judicial Remuneration Tribunal represented a reasonable response to the concerns expressed by the tribunal. It seems to us to have been a very important factor.

Secondly, after carefully considering the bill we have concluded that it represents a reasonable response to the Honan report. I do not intend to attempt a technical dissertation on the fine detail of the doctrine of the separation of powers and why that doctrine is so fundamental and critical to our legal and parliamentary systems, because there are others in the chamber much more qualified to do that than I am. However, I think it worth noting that this year marks the 300th anniversary of the English Act of Settlement, which made the salaries of judges a standing appropriation against consolidated revenue. The theory is that that has effectively removed any threat of intimidation or coercion that might have been directed at our judiciary. So at that point the doctrine of the separation of powers was established to ensure that judges had security of tenure — they had a lifetime appointment — and they also enjoyed security of salary. Thus they could go about the important role we expect of them free from the influence of Parliament and the executive government.

That is fine as far as it goes but we take the point that someone has to set the salary rates and employment conditions of our judges. We cannot simply ignore the fact that our judges are paid from the public purse. That is a fact of life and therefore Parliament must have some say in the quantum of that standing appropriation. In other words, Parliament must have at least some say in the aggregate of the cost of employment of our judiciary.

We therefore have a balancing act between those two issues to the extent that they might compete. On the one hand the Parliament is required not only to accept the responsibility for the payment of our judiciary, but it also accepts the responsibility of ensuring that the pay rates are appropriate given that we recognise the need to encourage the best possible candidates, and given we are talking about the standard of a critical service to our community.

On the other hand we must acknowledge both of those responsibilities in such a way that we do not infringe upon the integrity of our judicial system in any way. Indeed, as members of this chamber we accept the responsibility to sustain and promote — even to protect — the independence of our legal system and those who serve within it. Thus it is deemed inappropriate for a member of this place or a member

of the executive government to publicly criticise a particular judgment. Conversely it is expected that our judges respect the product of the parliamentary process.

I must say that that premise has slipped a bit in recent times with some judges feeling constrained to speak out publicly on issues which I believe are clearly issues of policy as distinct from process. However, that does not change the fact that the separation of powers, as we understand it, is still important to our system. It is just as important today as it was at that point of time 300 years ago when it was originally introduced. It is the foundation of our parliamentary and legal structures and protocols.

Against that background the bill further refines two fundamental issues. Firstly, it goes to the process of determining the salary levels and the conditions of employment for our judges. Secondly, it goes to the role that Parliament should play in that determination. So we go right back to the balancing act I spoke of earlier.

When those issues were advanced at the National Party table we took a number of basic factors into account in coming to our decision. The first was that since 1995 we have had the benefit of an independent Judicial Remuneration Tribunal recommending the rates of pay for our judges, masters, magistrates and tribunal members. Like the Honourable Carlo Furletti I too want to extend my congratulations to the foundation members of that tribunal, Sir Edward Woodward, Dame Margaret Guilfoyle and Peter Salway in his capacity as Commissioner for Public Employment. The community owes a debt of thanks to those three members, and we wish them well wherever the future takes them, given that their term has now expired. So we took into account the fact that we have an independent Judicial Remuneration Tribunal.

We also took into account the fact that it was that tribunal in its February 2000 report which described its system of operation as 'most unsatisfactory'. That is fairly salutary. So we acknowledge that the genesis for the bill comes from the tribunal itself, and we see that as an important factor. Then we took into account the primary recommendations of the Honan report, which found *inter alia* — among other things — that, firstly, the tribunal lacked an appropriate level of independence and that this had a consequential impact on the judicial independence of Victorian judicial officers — a fundamental commentary; and secondly, that the Parliament lacked a significant role in the determination of judicial salaries.

The Honan report also said that final decisions on judicial remuneration rested with the executive by the allowing of the determination of the Attorney-General to be substituted for the determination of the tribunal, and it concluded that that relationship was inappropriate in the context of the existing constitutional conventions. The report went on to imply, if not overtly state, that this did not adequately safeguard the independence of the judiciary.

National Party members also noted that the tribunal made recommendations only to government, whereas in all of the other states the equivalent organisations made determinations binding on the executive government which were disallowable only by either house of Parliament. Indeed, we noted that in South Australia a determination brought down by the tribunal could only be disallowed by a special act of the Parliament. We concluded that to that extent at least our system was out of step with the other jurisdictions, which we saw as an important factor.

We then also came to the conclusion that the recommendations of Honan now included in the bill are quite reasonable. What they effectively say is that the tribunal should have a three-tiered hierarchy of powers. I will not go through those in detail — the Honourable Carlo Furletti has already done that, and graphically — but those three tiers of power were to be, firstly, determinative; secondly, recommendatory; and thirdly, advisory. So the authority and status of any ruling of the tribunal would depend upon the subject matter and the circumstances in which it was delivered. We also looked carefully at the conditions that determined that hierarchy of powers. For instance, we noted that determinations on salary and conditions were to be binding and subject only to disallowance by either house. As I noted earlier, that meant there was uniformity with the other states of the nation.

The recommendatory powers went to issues such as conditions of leave, travel entitlements and so on, and we noted that the Attorney-General could accept or reject those recommendations. However, we took solace from the effect of the bill, which said that where the Attorney-General chose to reject a particular recommendation the Attorney-General would be required to issue a statement to the Parliament within 10 days of that recommendation, and that in that statement to the Parliament would be required to give reasons for his or her decision not to accept the recommendation.

We then took account of the fact that the tribunal was to take on a quite new responsibility, and we learnt that the Attorney-General or, as has been noted by the

Honourable Carlo Furletti, any member of the cabinet, could seek an advisory opinion from the Judicial Remuneration Tribunal on particular aspects of judicial remuneration. We thought that was fair enough. It sounded to be a good compromise, particularly when we took into account the amendment foreshadowed by the Liberal Party.

On that basis I am delighted to put on the record that the National Party will be not just supporting the amendment but doing so with some enthusiasm, and arguing strongly that the government should also embrace the concept proposed in the Liberal Party's amendment. The National Party believes the amendment to be eminently sensible in that it will simply ensure that everyone within the system will start on an even footing regarding the requests and reports made by the tribunal in its advisory capacity.

Hon. D. G. Hadden interjected.

Hon. R. M. HALLAM — It will ensure, Ms Hadden, that it is not some sort of private reference resource for government — again for the benefit of Ms Hadden, who is mumbling in her beard — particularly given that this tribunal is meant to be independent, and that it is important for that independence to be demonstrated. National Party members think it is of critical importance to be able to say that a less-than-scrupulous government or minister will not be able to selectively report on the advice given by the tribunal — that is, to publish a report in circumstances that happen to suit his or her cause but not report when the advice does not suit that particular cause.

I again take up the comments of the Honourable Carlo Furletti and say to members of the government, 'You want to be seen to be open and accountable. Here is a really good opportunity for you to demonstrate that exact attitude', because the amendment is very appropriate indeed. I not only commend it, but I congratulate the author for its effect.

Hon. D. G. Hadden — I have not seen it yet.

Hon. R. M. HALLAM — You will have your chance. I will look forward to your contribution.

Hon. D. G. Hadden — I might speak on Justice Kirby.

Hon. R. M. HALLAM — I would be delighted to hear what Justice Kirby says about the amendment; that would be a very good interlude. Going back to where I was when I was rudely interrupted, the National Party is certainly not persuaded by the rebuttal offered in

another place by the honourable member for Richmond, who spoke on behalf of government in this context and said that government could not support this amendment, in the first instance, because it had not had time to consider it. I see the querying look from the other side of the house. That was the initial response: that the government had not had a chance to consider the effect of the amendment. I make the point that several days have passed since that response was offered, and if this issue is as important as I think it should be considered to be I do not accept the government's rationale that it has simply not had time to think about a very important amendment.

The honourable member for Richmond then went on to say that the government was not persuaded by the Liberal Party's proposed amendment on the basis that there might be something in the advice that goes to a really personal issue. Like the Honourable Carlo Furletti I wonder about that as a general principle. I wonder in what circumstances the advice sought could be of a personal nature. Surely it should be generic by very definition, in which case it is fair enough that not just on selected occasions but on each occasion that advice is sought it should be made a matter of public record, and the response should therefore automatically become an issue on the public record. I simply reinforce that the National Party shall be supporting the amendment to be brought forward in the name of the Honourable Carlo Furletti.

The National Party then went on to note that the members of the Victorian Civil and Administrative Tribunal (VCAT) will now be included in the considerations of the Judicial Remuneration Tribunal. I am quite relaxed in saying at the outset that National Party members had some misgivings about that, given that in our view the tribunal is distinctly not a court. The tribunal is much less formal and its rules of evidence are much less stringent than those of a court and we are pleased to note it is less costly to operate and less legalistic than a court.

We are also pleased to put on the record that it is less daunting for those who are unfamiliar with the legal process and get caught up in it. Our view is that we do not want VCAT to be a court; we think the differences which set it apart from our courtrooms are crucial. On that basis we are sceptical of anything which tends to blur the difference.

But the National Party decided on balance to support the bill. We took into account three factors. The first of those is that the VCAT is a very important component of our legal system, and it is working well. Therefore,

we believe it is worthy of our demonstrated support. To that extent we were prepared to go with the bill.

In addition to that, we took the point that someone in the bureaucracy has to accept the responsibility of setting the remuneration and conditions of employment for tribunal members. It is hardly a leap in logic to conclude that the Judicial Remuneration Tribunal is the most logical structure, given that it already has a similar role and, we hasten to add, the expertise to undertake that responsibility.

We also took into account that the Judicial Remuneration Tribunal had already been employed to undertake the role now being asked of it in the form of a direct commission. It had been requested to undertake that responsibility on a specific commission under the Governor in Council on two separate occasions. So while the Judicial Remuneration Tribunal has not held a standing responsibility in respect of the VCAT, it has undertaken two commissions by government to provide recommendations on the terms and conditions of appointment of members of the tribunal. So we concluded that it was logical to extend that brief and to give the Judicial Remuneration Tribunal a standing responsibility in respect of the members of the VCAT.

Then we noted in the bill that in an attempt to further underscore the independence of the Judicial Remuneration Tribunal, the membership of that tribunal was specifically to exclude judges, retired judges, or indeed any person currently in the service of the Crown — apart from the Commissioner for Public Employment, who has been directly nominated to the tribunal on the basis of his experience and associated responsibility.

It is a pity that it has been decided to debar all retired judges. This might come as a shock to some members of this chamber, one or two in particular, but I think those retired judges would be in the best possible position to assess the workload and responsibility of members of our judiciary. However, we acknowledge that the independence of the tribunal must be seen to be the case, and we agree with the general concept of precluding any person who may be held to have a conflict of interest. So we agree to that, but do so quite reluctantly.

We noted that the bill requires that a report of the tribunal must be handled expeditiously and must be published in the *Government Gazette* within 21 days of its issue. To that extent it therefore becomes a public report. We know that beyond that the report must be tabled in the Parliament within 15 sitting days to allow the members of this place to consider the effects of any

such report and to offer the Parliament the opportunity to disallow it if it determined the report was not consistent with the public interest. We noted that that provision was also consistent with the procedures which apply in the other jurisdictions.

We also noted that the bill sets out the factors the tribunal must take into account in determining judicial salaries. I have to say we had some concerns with that. Like the Honourable Carlo Furletti before me, I noted them all to be motherhood and quite esoteric and that in those circumstances it was a bit unusual for motherhood requirements to be listed as having to be taken into account. Included are things such as the:

... need to maintain the judiciary's standing in the community —

the —

... need to attract and retain —

the best candidates, and —

improvements in operational efficiency —

whatever that means. I do not know whether that means handling less cases or handling cases more quickly. I reckon we would have a lovely debate trying to determine what that meant, because it is truly quite subjective. Perhaps:

movements in judicial remuneration levels in other Australian jurisdictions —

might be more practical, as might —

Victoria's economic circumstances.

I suggest that they would nonetheless be subject to argument in any circumstances. It seemed to us strange to be identifying these matters as issues that had to be taken into account.

But we decided, again on balance, that it was better to have the directives than not to have the directives, particularly given that the future recommendations were to be binding on the community. But we are far from convinced that there is any real value, given that no particular conclusion can be drawn from any test. I suggest the only thing we could guarantee is that there would be a range of opinions on each of those issues in any debate on whether they had been honoured to the letter.

Our only question remaining outstanding was the question of resourcing of this tribunal with its new and broadened responsibilities. It is a fact that the role of the tribunal has been dramatically expanded — the number of people included is quite daunting. Again, I refer to

the contribution of the Honourable Carlo Furletti. The tribunal is now required to determine the judicial remuneration across the entirety of the judiciary. It must take into account a whole range of background factors, among them those to which I referred a moment ago. It is required to deliver a whole range of determinations and/or recommendations to cover the expanded definition of the judiciary, including particularly the VCAT. It must also expect to receive requests for response to direct references from government on any matter relating to judicial remuneration. So we acknowledge that the job is far bigger.

We were surprised to learn there is no mention of the resourcing of the tribunal, either in the bill itself or in the second-reading speech. I suggest that that is a surprising omission. We expect that the tribunal would be appropriately resourced. That is a standing expectation. We are surprised the government is silent on that issue.

So on balance — as you know, Mr Deputy President — we decided not to oppose the bill. On the one hand, we have some misgivings about handing over the complete responsibility for a slab of the state budget to an external agency, and we make no apology for those misgivings. That is said notwithstanding how reputable the members of that external agency might be and irrespective of how laudable the role of that organisation might be. It is certainly no reflection upon the Judicial Remuneration Tribunal or its members, but upon the principle of simply vacating the responsibility for a large slab of the annual budget.

After all, the Treasurer and through the Treasurer the government must accept responsibility for the structure of the budget and for delivery of its objectives and outcomes. Standing appropriations in whatever form over which the executive has literally no control are not likely to be enthusiastically embraced by any self-respecting Treasurer. I can say that from the heart. Indeed, the concept of hypothecation is an anathema to financial responsibility.

Indeed, a determination by the Judicial Remuneration Tribunal might come as a very nasty shock to the Treasurer. It might well be that the Treasurer is unable to provide for that determination in the budgetary timetable and construction. I for one do not believe we would ever see a Treasurer arguing that a determination of the tribunal should be rejected on the timing of an increase. That is just not practical to expect. I do not think that would ever happen, but that is the only basis upon which such a determination could be realistically challenged. I certainly do not expect that we will have

an argument going to what constitutes the public interest simply on the timing of a budgetary factor.

On the other hand, we in the National Party acknowledge that the concept of a standing appropriation for judicial salaries is absolutely critical to the concept of the separation of powers. We acknowledge that it is important that we protect the independence of our judiciary and that our judges must not only be independent but must feel beyond the reach and influence of the executive government. If we do not achieve that I suggest we are all in very big trouble.

The National Party's conclusion is that this bill is a fair compromise — going back to the sensitive balance I spoke of earlier — and that it is a reasonable response to both the plea from the tribunal itself and from the Honan recommendations that followed that plea. We in the National Party will follow the future operation of the tribunal with a great deal of interest, but we will certainly not oppose the bill.

Hon. JENNY MIKAKOS (Jika Jika) — It is with great pleasure that I rise to extend my strong support for the Judicial Remuneration Tribunal (Amendment) Bill. The Bracks Labor government has shown its strong commitment to judicial independence and to transparency in the judicial process through the various pieces of legislation that have come before Parliament since its election. As honourable members would recall, in May this year Parliament passed some legislation relating to the superannuation surcharge on judicial pensions, which threatened the degree of judicial independence. That particular amendment was strongly welcomed by the Victorian judiciary.

In the bill now before the house the government is seeking to strengthen the process whereby the judiciary in this state remains truly independent of government and of government interference. Previous speakers have already indicated the fundamental principle of our Westminster system of government, which is the doctrine of the separation of powers, and that is enshrined through the two key requirements of security of tenure and security of remuneration.

As the Honourable Roger Hallam alluded to previously, the Act of Settlement 1701 was the fundamental process by which the remuneration of judges was secured, making it a permanent appropriation from consolidated revenue and therefore not subject to the whims of various governments or to government interference through increasing or decreasing departmental budgets. Given the passage of 300 years since the commencement of that act, it is timely for honourable members to be debating this bill now, and it

indicates that the Victorian government continues to believe the principle enshrined in that Act of Settlement 300 years ago continues to be a very relevant principle to modern democracy.

Judicial independence is a fundamental part of our democratic system because as citizens of this state and as potential litigants if we go before our law courts we can be assured of judicial impartiality free from intrusions by the legislative and executive branches of government.

It is frequently the case that our judiciary delivers judgments which governments may not be particularly happy about. Recently the house discussed the principles of misfeasance, non-feasance and a particular High Court judgment that was delivered recently and the potential problems that poses to government and government revenue. Nevertheless, the government remains committed to ensuring that our judiciary remains free from any type of political interference. I am strongly supportive of this proposed legislation before the house today, because it is seeking to build on a process whereby judicial remuneration is set by an independent body, the Judicial Remuneration Tribunal (JRT).

The bill seeks to amend the legislation passed in 1995 which established the tribunal. The bill now before the house has been prompted by a review conducted in February 2000, in which the tribunal itself expressed some concern that the current system was most unsatisfactory. Following the tribunal's report, the Department of Justice commissioned a review into judicial remuneration by Mr Frank Honan. The Honan report forms the basis of this proposed legislation, which seeks to address a number of weaknesses in the current system of judicial remuneration, particularly the criticism that has been made that the current system gives far too much influence to the views of the Attorney-General, whoever that person may be in office. This has been regarded as being inappropriate given the constitutional conventions and the doctrine of the separation of powers.

In Victoria at present the Judicial Remuneration Tribunal (JRT) may only make recommendations to the government as to salaries and allowances. The Attorney-General is able to vary such recommendations by tabling a statement in Parliament. The position in other jurisdictions is different from that in Victoria. In other jurisdictions a house of Parliament may disallow a recommendation of a remuneration tribunal. The proposed legislation seeks to put Victoria on a similar footing to most of the other Australian jurisdictions by making recommendations of the tribunal in relation to

salaries binding, which of course will be subject to disallowance by either house of Parliament.

Clause 4 introduces some new definitions, including definitions of 'advisory opinion', 'determination' and 'holder of an office'. The list in the definition of 'holder of an office' is very similar to the current list of office-holders set out in section 11 of the act which prescribes the types of office-holders for which the JRT is able to make recommendations on issues of salary and conditions. The only apparent difference is that the definition of 'holder of an office' will now include:

... Deputy Presidents, Senior Members and Ordinary Members (whether full time, part time or sessional) of the Victorian Civil and Administrative Tribunal ...

Previous speakers have sought to make a point about the inclusion of VCAT members under the jurisdiction of the JRT, without mentioning that as it presently stands the JRT can set the salaries and conditions for members of VCAT in any event. Even without the amendments, under the current act the JRT can make recommendations on salaries and conditions of VCAT members through the process of an order of the Governor in Council. It is currently the case that there is such an order in place in respect of VCAT members. The definition proposed in clause 4 only seeks to formalise what is a current practice.

Clause 5 sets out a number of persons who are not able to sit as members of the Judicial Remuneration Tribunal. It is not sought to make any alteration to the current composition of the tribunal, which currently is of three part-time members appointed by the Governor in Council on the recommendation of the Attorney-General, but merely to preclude individuals who may have a particular conflict of interest if sitting as members of the tribunal. It is important that current or former judicial office-holders in this country have been excluded from being members of the tribunal as they may have a conflict of interest where the JRT is considering issues such as retirement benefit, as was recently the case, as I mentioned earlier, in respect of the superannuation surcharge.

The government is, of course, confident that current and former members of the judiciary would seek to exercise the responsibilities of such an important position in a truly independent way but it is important, following the principle of justice being seen to be done, that we have as transparent a process as possible to avoid any possible accusation of bias or conflict of interest in the circumstances. For similar reasons, the government has also sought to exclude current public servants from sitting on the JRT — that is, to avoid any accusation of bias or government influence on those

tribunal members. With one exception, being the Commissioner for Public Employment, public servants have been specifically excluded from sitting as members of the JRT.

The proposed exclusions follow recommendations contained in the Honan report. It is considered appropriate to include the Commissioner for Public Employment as a member of the tribunal as the commissioner has considerable expertise in providing advice to government on remuneration and other benefits. The independent nature of the commissioner's office in the provision of such advice in other areas will ensure that the Commissioner for Public Employment is regarded as and is a person who is able to resist any type of government interference or pressure.

Probably the key part of the bill is clause 6, which sets out the functions of the JRT and sets up a new three-tier system whereby the JRT is able to make determinations and recommendations and provide advisory opinions. The tribunal will make determinations in respect of salaries and allowances and adjustments of such salaries and allowances for a holder of an office which, as I indicated earlier, is defined in clause 4.

The tribunal will also be able to make determinations in respect of acting magistrates, who are currently catered for in the principal act. The JRT will also be able to make recommendations in relation to conditions of service. An extensive list of conditions of service is set out in proposed new section 11. The types of conditions of service set out in the bill include matters such as annual leave, sick leave, parental leave, special leave, long service leave, travelling entitlements, reimbursement of work-related expenses, motor vehicle usage, pensions, and superannuation. The bill also enables other functions to be conferred on the tribunal under this act or any other act.

In his contribution the Honourable Carlo Furletti made some comment about the list of conditions of service. I was not quite sure what he was getting at exactly in respect of this matter because the list of conditions as set out in clause 6 is quite extensive. I should note that the clause is phrased so as not to preclude the JRT from considering other types of conditions of service for holders of an office of acting magistrate in the future.

Proposed new section 11(2) inserted by clause 6 enables the Governor in Council by order to also confer on the tribunal an ability to make determinations and recommendations in respect of holders of office in tribunals other than VCAT. As I indicated, this is currently the position under the Judicial Remuneration Tribunal Act, and while VCAT has been formally

included in the definition of 'holder of an office', the inclusion of this particular provision ensures that other tribunals can also have their office-holders' salary and conditions determined by the tribunal in the future, and it could include other bodies. For example, the Mental Health Review Board is the type of body that could come within the scope of that provision.

The final provision in clause 6 relates to the referral by the Attorney-General of any matter relating to salaries, allowances or conditions to the tribunal for the provision to the Attorney-General of an advisory opinion. The opposition has sought to make a number of comments on advisory opinions and has told the house that it will move amendments to the provisions concerning advisory opinions. I will make comments about those proposed amendments during the committee stage.

Proposed section 11A, to be inserted by clause 6, enables another minister administering an act which oversees a tribunal other than, for example, the Victorian Civil and Administrative Tribunal, to again refer matters to the tribunal for an advisory opinion. To use the example I used earlier, if an order were to be made about the Mental Health Review Board, given that that particular board comes under the supervisory control of the Minister for Health, it would be the Minister for Health who would refer such a matter to the tribunal for an advisory opinion.

It is important to note that the circumstances in which a minister other than the Attorney-General can seek an advisory opinion from the JRT are therefore limited in nature. The advisory opinion must relate to the tribunal for which the minister has the administering responsibility and for which the JRT has previously been given the ability to make a recommendation or determination under proposed new section 11(2).

The circumstances in which an advisory opinion could potentially be sought are quite limited in nature. Although the opposition has sought to suggest some sort of sinister motivation in this respect, I assure opposition members that the types of matters in which an advisory opinion could potentially be sought could relate to, for example, policy development in which the Attorney-General may seek to use the tribunal as a sounding board for matters not directly related to judicial service but which may have an impact on concerns such as the ability to attract and retain candidates for judicial office.

In his report Mr Honan suggested that such advisory opinion be able to be obtained by the Attorney-General. Those opinions would be discretionary in nature, with

the advice going directly to the Attorney-General. The JRT could be used to inform the government on policy issues such as matters relating to the superannuation surcharge that I previously mentioned. Such advice could form part of the cabinet process and should therefore be treated as confidential.

As I said earlier, in May this year Parliament passed legislation addressing the superannuation legislation surcharge, and it is appropriate that such matters that would have an impact on the budgetary process should be able to be treated as confidential advice between the JRT and the Attorney-General.

The other types of matters that could be addressed through the provision of advisory opinions could be matters of a confidential nature affecting individual judges. I note in this instance that the Honourable Carlo Furletti sought to suggest some sinister motivation behind the provision, but I assure him and the house that the type of advice affecting an individual judge would be circumstances unique to the particular judge and would not have a broad application in the initial instance.

For example, if a judge or magistrate became pregnant while serving as a member of the judiciary the Attorney-General may spell out the particular circumstances of that office-holder in providing a request for an advisory opinion from the JRT as to whether the judge or magistrate should have some maternity leave included in the judge's or magistrate's conditions of employment and whether, for example, that type of condition should have some broader application to the judiciary as a whole. Similar situations could arise where a member of the judiciary or a magistrate may be suffering some type of disability.

Without trying to be exhaustive in the types of circumstances that could potentially arise, I suggest it is appropriate that the particular circumstances of that individual not be advertised to the public in the *Government Gazette*, which is what the proposed opposition amendment would seek to do. It would emblazon for the Victorian public and the world to read that a particular judge happened to fall pregnant on a particular occasion and was seeking some sort of maternity leave entitlement. I do not know what the opposition is seeking to achieve.

Hon. R. M. Hallam — Openness and accountability.

Hon. JENNY MIKAKOS — The government is committed to openness and accountability, Mr Hallam,

but it is concerned that matters of a highly sensitive and confidential nature be kept confidential in the circumstances affecting a judge or magistrate. It is of some concern that the amendment, if accepted, would probably curtail the usefulness of the advisory process to the point where it is doubtful that advisory opinions would be sought by any Attorney-General.

On a related point, the Honourable Roger Hallam said that a JRT determination could come as a nasty shock to the Treasurer. Perhaps this is an example of the value of having such advisory opinions in that where an advisory opinion could relate to a broad policy matter and something that could have a significant impact on the budgetary process, the Attorney-General would be able to seek an advisory opinion from the JRT, which opinion the Attorney-General may or may not take up at a later date through the cabinet process.

Hon. R. M. Hallam — I was referring to the determination.

Hon. JENNY MIKAKOS — I will come to the determination process, Mr Hallam, but advisory opinions do have broad value in that not only would they protect the sensitive and crucial nature of a particular judicial office-holder's personal circumstances, but where they relate to broad policy development they would assist the deliberations by cabinet and by the Attorney-General in retaining that type of advice in a confidential way at the initial stage until the matter is taken up by the cabinet.

Clause 7 relates to the types of matters the tribunal must consider in making a determination or recommendation, or when giving an advisory opinion.

I note in this respect that the Honourable Carlo Furletti sought to suggest that this was an exhaustive list. I assure him that despite the fact that I will not be quoting any Latin terms back to him — I can quote some ancient Greek but not Latin — the list contained in clause 7 is not meant to be an exhaustive list. It is in fact a list of factors that the tribunal must take into consideration. Those factors have been adopted from previous reports made by the tribunal as being very useful indicators and criteria. However, they do not constitute motherhood statements, as Mr Hallam sought to assert, but are useful in giving the tribunal some guidance as to the types of issues it should be taking into consideration.

The tribunal is free to give whatever weight it wishes to the various considerations set out in that clause, and it can take on board other considerations. I note that the first two criteria set out in clause 7 which are to be taken into consideration include the importance to the

community of the judicial function and the need to maintain the judiciary's standing in the community. These types of considerations have been included because the government is committed to judicial independence and regards members of the judiciary as very important public servants in this state, and as individuals who should be acknowledged as making a very important contribution to our community.

It is the case that the majority of members of our judiciary take a considerable salary drop in seeking to serve the public, and it is important to acknowledge their contribution. The government is acknowledging that contribution through the inclusion of the considerations in clause 7 of the bill. I note that clause 7 refers also to factors relevant to Victoria, including Victoria's economic circumstances. Following the Honourable Carlo Furletti's assertion earlier I looked at the second-reading speech made by the previous Attorney-General, Mrs Wade, when the Judicial Remuneration Tribunal was established in 1994.

Hon. C. A. Furletti — How boring!

Hon. JENNY MIKAKOS — Reading Mrs Wade's speeches is pretty boring, but I did look up this particular speech. I note, given that it was a second-reading speech and that it was drafted by public servants, that it was not a bad speech! The speech made absolutely no reference to the economic position of Victoria at the time that the tribunal was being established, despite the fact that the Honourable Carlo Furletti sought to suggest earlier that Mrs Wade knocked back a number of recommendations of the JRT due to the economic position of this state in 1994. What a load of nonsense! That is clearly not the case, and Mrs Wade's second-reading speech at the time made no such reference.

The other provisions of the bill are somewhat technical in nature and I will go through those fairly quickly. Clause 8 seeks to ensure that the tribunal must report to the Attorney-General at intervals of not less than one year and not more than two years. This is an alteration from the current position, which requires the JRT to make such recommendations at intervals of not more than two years. It will ensure that the JRT makes timely considerations of the salary and conditions of our judiciary, and also that the Attorney-General publishes such determinations and recommendations in the *Government Gazette* within 20 days of receiving such advice.

Clause 9 of the bill is very important in that it requires a determination or recommendation made by the tribunal to be laid before each house of Parliament within

10 sitting days after the Attorney-General or other relevant minister receives the report. If the Attorney-General seeks to make a variation to or decides not to accept the determination or recommendation, then the Attorney-General has 10 sitting days after the tabling of the report to make a statement to Parliament as to the reasons for varying or not accepting such advice from the tribunal.

Proposed section 14A, which is inserted by clause 9, is an important provision in that it gives Parliament the ability to disallow by resolution a determination of the JRT. As I indicated, it has been a longstanding tradition since the Act of Settlement that the remuneration of judges be secured by permanent appropriation but that Parliament has some ability to indicate whether some sort of financial consideration should be taken into account, and now to ensure that the JRT cannot make excessive recommendations or determinations. This is a very practical limitation on the ability of the JRT to make determinations and recommendations to the government.

Clause 10 relates to the Attorney-General or other minister, as the case requires, issuing certificates where a recommendation or advisory opinion has not been accepted by the government. The certificate effectively acts as evidence that the advice has not been accepted. Clause 11 provides that a determination which has not been disallowed by Parliament takes effect in accordance with the terms of the determination made by the tribunal.

The final provision in the bill is clause 12, which makes a number of consequential amendments to the Constitution Act 1975, to the County Court Act 1958 and to the Magistrates Court Act 1989. The amendments are similar in nature in that they seek to substitute the words 'or a determination' for the words 'certified by the Attorney-General' in each of those acts to reflect the change in the process whereby the determination is made by the tribunal, subject to a veto by the Parliament, and not being subject to the absolute discretion of the Attorney-General, as is currently the case.

This is an important bill. I am pleased the Liberal and National parties will not oppose it. Given that the Liberal Party will seek to make amendments to the bill it is important to comment on those amendments. The Honourable Carlo Furletti has indicated that he will introduce amendments in the committee stage. I have already given the reasons why the provisions contained in the bill relating to advisory opinions are adequate. They can relate to issues such as policy development and to matters of a highly sensitive and personal nature

relating to the individual circumstances affecting particular judges. It is for those reasons the government takes the view that the amendments should not be supported. They have the potential of curtailing the advisory opinion process sought to be introduced by the legislation. I urge honourable members opposite to reconsider the reasons why they seek to introduce these amendments in the intervening period when the bill goes back to the lower house.

Hon. P. A. KATSAMBANIS (Monash) — The Judicial Remuneration Tribunal plays an important role in ensuring that democracy operates effectively in Victoria. In particular it operates to ensure the separation of powers between the legislature, the executive and the judiciary continues to operate in a way that ensures democracy is not only served in Victoria, but is seen to be served for the benefit of the people of Victoria.

Over the years of its operations, the Judicial Remuneration Tribunal has always executed its duties effectively and openly for the benefit of Victorians. I commend the three members of the tribunal, Sir Edward Woodward, Dame Margaret Guilfoyle and Mr Peter Salway for the work they have done on behalf of all Victorians. Their contribution through their membership of the tribunal cannot be understated in preserving the institutions of democracy in Victoria. I put on the record my thanks and gratitude on behalf of the people of Victoria for the work they have done. I note their appointment has come to an end. I am not sure what the future holds for their continued membership of the tribunal, but I think they are absolutely appropriate appointments. If they did continue they would continue to serve well, but if they do not continue, on behalf of all Victorians I express my gratitude and appreciation for the work they have done for the tribunal.

It is important in a democracy that the judiciary is not only independent but is seen to be independent. That is why the Judicial Remuneration Tribunal was established — to ensure the salaries and terms and conditions of judicial officers are set not at the whim of the executive government, but on the recommendation of an independent tribunal.

In the main the bill continues that tradition, which is why the Liberal opposition will not oppose it, but will make a small but extremely important amendment to ensure that the openness, transparency and independence of the tribunal is not just retained but enhanced into the future. If the government chooses to oppose the small, but as I said before and stress again, very important amendment, questions need to be asked

by the people of Victoria about whether the government is committed to an independent Judicial Remuneration Tribunal and an independent judiciary in Victoria and open and accountable government or whether openness and accountability were buzz words the government used when in opposition and was not a serious commitment it has transferred into government.

In the recent past there have been numerous occasions where the government's commitment to openness and accountability has been called into question. Today its actions will clearly demonstrate whether it has a commitment to openness and accountability and an independent judicial process not only being done but being seen to be done in practice. The vote on the opposition's amendment will be seminal. I trust government members will think long and hard before they make a decision on the amendment.

The operation of the bill has been clearly and adequately outlined during the contribution of the Honourable Carlo Furletti, so I do not intend to go through laboriously the operation of each of its provisions, but there are some issues on which I would like to pick up. It is clear that proposed new subsection 4(3), substituted by clause 5 will mean that judicial officers and former judicial officers are to be precluded from membership of the tribunal. I note that the Honourable Roger Hallam indicated his bemusement and concern at this provision and I also put on record my bemusement and slight concern at this turn of events.

I understand the exclusion of current judicial officers, but to exclude former judicial officers does not serve any great purpose, and in many ways denies the tribunal the rich resource of knowledge about the operation of the judicial process that would serve it well in its deliberations. To highlight that readily available rich resource you need only look at the current membership, which includes Sir Edward Woodward. I have no intention of turning the judiciary or the tribunal into a political football, but I put on the record that retired judicial officers have great knowledge that could be utilised by the tribunal. To exclude former judicial officers from membership of it will deprive Victorians of the best possible minds to occupy the positions and make determinations for the benefit of all Victorians.

In her contribution I note that the Honourable Jenny Mikakos said the reason for the exclusion is the desire of the government to avoid conflicts of interest. In many walks of life members of boards, ports, tribunals and people holding positions of responsibility have to grapple with conflicts of interest. Retired judicial officers are probably in one of the best positions to

make a determination about a conflict of interest and to determine the appropriate course of action should any conflict of interest arise. I take that explanation by Ms Mikakos as a lame attempt by the government to justify something that is not right.

Clause 5 of the bill excludes public servants, except the Commissioner for Public Employment, from membership of the tribunal. I do not think that is either here or there, but in her contribution the Honourable Jenny Mikakos stated that it was to ensure that the tribunal was free from any semblance of government interference. That rang alarm bells because so far as I and the majority of public servants and the public of Victoria are concerned the Victorian public service is meant to be apolitical. The comments made by the Honourable Jenny Mikakos were as close as you get to a full and frank admission that the Bracks government is clearly attempting to fully politicise the Victorian public service. That is not only a terrible course of events but something that will not serve the interests of the public.

If it is the intention of the government to have a fully politicised public service then it will be in the worst interests of the public of Victoria. I note that the Commissioner for Public Employment is excluded. I am trying to extrapolate the meaning of the comments made by Ms Mikakos. Does it mean that the Commissioner for Public Employment is above any inference of politicisation but that every other public servant in Victoria is to be tarred with the brush that Ms Mikakos attempted to tar them with — that is, that they are some sort of government lackeys. I subscribe to the notion that the public servants in Victoria should provide fierce, free, independent and frank advice to the government of the day and should not be beholden to any political paymaster. It is an admission that the government sees the public service as a political tool to effect its own aims and objectives rather than as an independent body — independent of government politicisation — serving the best interests of Victorians. That is a sad turn of events.

I turn to the amendment to be moved by the opposition in the committee stage. Clause 6 introduces proposed section 11A, which allows the Attorney-General to seek advisory opinions from the tribunal in matters relating to salaries, allowances and conditions of service. People would say that that of itself is not a bad thing; that the tribunal is an independent body and if the Attorney-General wants to make a particular determination he can ask for advice and an opinion. The independence of the tribunal is an essential element of its operation because it preserves the separation of powers between the executive government, the

legislature and the judiciary. To be and remain independent the one thing the tribunal cannot be is a private advisory arm to the executive. It has to be a body that is fully independent of the executive. Any dealings between the executive and the Judicial Remuneration Tribunal, or for that matter between the legislature and the Judicial Remuneration Tribunal, must not only be at arm's length but must be seen by the public of Victoria to be at arm's length.

When we are trying to preserve the independence of the judiciary and the Judicial Remuneration Tribunal there must be no semblance or element of a nudge, nudge, wink, wink nature. It is essential that any matter referred to the tribunal for advice by the Attorney-General must be made public to ensure there is openness, transparency, accountability and that a proper division of powers — that is, that the operation of the separation of powers doctrine in this state continues to exist and is not defiled in any way by a government which paid lip-service to openness, transparency and accountability when it was in opposition but which by its many actions in government has continued to highlight that that was a sham and a charade, a coat that it put on when it was in opposition that it was happy to discard when it took up the Treasury benches.

That is a pity because much of the public of Victoria took the government at its word before the last election when it spoke about openness and accountability. Clearly the public is no longer duped. This government is not about openness and transparency. It is about control — the taking over of august institutions like the public service and exercising as much control as it can over organs that have been independent and should continue to be independent.

It is the Liberal Party in the Legislative Council that will call this government to account, because we can say in this place, 'Hang on, this is a good bill and it effects some good changes, but in this particular aspect in order to preserve openness and transparency — to preserve the independence of the Judicial Remuneration Tribunal and to ensure that there is never any element of doubt that the executive arm of government can interfere with the judiciary — we will introduce a clause into the bill to ensure that relationships between the Attorney-General and the tribunal stay at arm's length at all times'.

It is a legitimate proposed amendment, and the public of Victoria would hold us in contempt if we did not consider and pass it. If the bill were passed without the proposed amendment the public of Victoria would have to question our integrity as a legislature. Today what

the public of Victoria will determine is whether the government is one that is truly committed to openness, transparency and accountability, or one that has jettisoned that in order to ensure the spoils of office, the comfort of the Treasury benches and the white limousines that come with the Treasury benches.

That will be tested in due course during the committee stage, but in the interim the public of Victoria will see that opposition members in this place are committed to preserving openness, democracy and accountability in the state by preserving the doctrine of the separation of powers between the legislature, the executive and the judiciary.

The bill is a good one, and the opposition does not oppose it. However, this amendment is also good and it is incumbent on this government to show its true colours. It will be called to account in due course.

Hon. D. G. HADDEN (Ballarat) — I rise to speak in support of the bill, and as the Honourable Peter Katsambanis said, it is a good one — I could not agree more!

The Judicial Remuneration Tribunal (Amendment) Bill provides for various matters relating to the membership of the Judicial Remuneration Tribunal (JRT) and the functions and procedures of the tribunal, and for other purposes. It seeks to amend the Judicial Remuneration Tribunal Act 1995 by allowing for the tribunal to make determinations, not simply recommendations, with respect to adjustments in judicial salaries.

It also seeks to establish a three-tiered hierarchy of power so that the JRT has the power to make determinations with respect to salaries and allowances, recommendations concerning other terms of office — for example, leave, pensions, travelling entitlements and superannuation — and advisory opinions on referral from the Attorney-General.

The bill also includes the Victorian Civil and Administrative Tribunal within the JRT jurisdiction. It excludes current and retired judicial officers and public servants, except the Commissioner for Public Employment, from membership of the JRT. At present the tribunal has the power only to make recommendations on adjustments on judicial allowances and salaries. That system has been criticised by both the Judicial Remuneration Tribunal and the judiciary.

Following that criticism the Attorney-General commissioned a review of the judicial remuneration structure by Mr Frank Honan last year, and that review was handed to the Attorney-General in November of

last year. The Honan report found that the JRT lacked the appropriate level of independence, and that had a necessary impact on the independence of judicial officers in the state.

The report also found that Parliament lacked a major role in the determination of judicial salaries, and final decisions about remuneration of our judicial officers rested with the executive by allowing the determination of the Attorney-General to be substituted for those of the tribunal. Clearly that relationship was seen by the Honan review as inappropriate, given the separation of powers and constitutional conventions. So accordingly the bill contains amendments that were identified in the Honan report and will attempt to bring Victoria into line with most other Australian jurisdictions.

The bill also promotes the government's policy of commitment to judicial independence and establishes a clear, coherent and transparent system of remuneration of our judicial officers. Clause 5 amends section 4 of the principal act by excluding current and former judicial officers from membership of the JRT. It also excludes public servants from membership of the tribunal, except for the Commissioner for Public Employment. That is a sensible amendment because it excludes persons who may have a potential conflict of interest. That issue was referred to in the Honan report, which recommended that both sitting and retired judges be excluded from the JRT to create a more transparent judicial remuneration system.

The Honan report also recommended the exclusion of any person in the service of the Crown, again to strengthen its independence. The independence of the Commissioner for Public Employment is both accepted and respected.

The hierarchy of powers is referred to in clause 6 of the bill, and that clause introduces proposed section 11A, to which the opposition takes umbrage. Proposed new section 11 provides for the tribunal to make determinations in relation to salaries and allowances of judicial officers and to make recommendations to other conditions of service, such as leave entitlements. Proposed section 11A set out in clause 6 allows the Attorney-General or other relevant minister to refer to the tribunal any matters relating to the salaries, allowances or condition of service of judicial officers for an advisory opinion. Under proposed section 11A(4) the tribunal may inquire into and report to the Attorney-General or the relevant minister, as the case requires, on any matter referred to it under this section. I will return to that clause shortly.

Clause 7 inserts proposed section 12(1A), which sets out the factors that the JRT must take into account when determining adjustments in judicial salaries and allowances. Those factors include what in summary are called economic factors in proposed section 12(1A)(h), which are factors relevant to Victoria, including:

- (i) current public sector wages policy;
- (ii) Victoria's economic circumstances;
- (iii) the capacity of the State to meet a proposed increase in judicial salaries, allowances or conditions of service;
- (iv) any other relevant local factors; ...

The Honourable Carlo Furletti made mention in his contribution of economic factors being referred to in the second-reading speech of the former Attorney-General, Mrs Wade, when the original legislation was introduced into this Parliament on 15 November, 1994. Mr Furletti is incorrect; Mrs Wade made no mention of economic factors. Under the heading 'Judicial Remuneration Tribunal' the then Attorney-General said:

The establishment of the Judicial Remuneration Tribunal in Australia will:

...

allow for factors germane to Victoria to be taken into account in the assessment of appropriate remuneration; ...

Certainly no mention was made of any economic factors to take into consideration when the original legislation was introduced into Parliament.

Clause 9 inserts proposed new section 14A into the principal act and states that a determination of the tribunal may be disallowed by a resolution of a house of Parliament within 15 sitting days after the report is tabled.

In regard to Mr Furletti's proposed amendments, as I understand them he is seeking to amend clause 6 in relation to the provision of advisory opinions. He suggests there is secrecy in those provisions in the bill, and it is absolute nonsense to suggest there is any secrecy in proposed section 11A.

The Honan report, which I have referred to previously, proposed that the Judicial Remuneration Tribunal be able to give advisory opinions so that it could act as a sounding board for the Attorney-General on matters not directly related to judicial service but which may have an impact on concerns such as the ability to attract and retain candidates for judicial office. The Honan report also stated that such an opinion would be discretionary, with the advice going direct to the Attorney-General.

The two possible situations that would make it undesirable to publish and gazette either a request for or a report on an advisory opinion, as suggested by the Honourable Mr Furletti, relate to policy development and matters affecting individual judges. On the policy development issue, the tribunal could be used to inform the government's response to a policy issue — for example, how to respond to a commonwealth superannuation surcharge as it affects a judicial officer. Such advice could form part of the cabinet process and as such should properly be treated as confidential and certainly not be gazetted and published publicly.

On the other issue relating to matters affecting individual judges, the JRT could provide advice affecting an individual judicial officer in unique and unusual circumstances and situations — for example, a judge applying to take either maternity or paternity leave or any one of myriad sensitive matters of a nature personal to a judge. Other examples include matters relating to religious observances or even personal physical requirements of judicial officers, which they may prefer not to have published in a gazette for all to see. As I said, there are myriad unique situations which should not be publicised in gazette form. It is essential for the independence of the judiciary to keep such matters confidential, especially matters of a highly sensitive and personal nature, and not gazette them to the public.

The comments made by the Honourables Carlo Furletti and Roger Hallam about motherhood statements made by the Attorney-General in his excellent second-reading speech are absolute nonsense. The fact is that both honourable members were being highly mischievous in making those statements in their contributions.

The second-reading speech made in 1994 in relation to the principal act by the former Attorney-General, Mrs Wade, made no reference to the fundamental constitutional basis of the impartiality, independence, security of tenure and remuneration of the judiciary in this state. In fact she made absolutely no mention of the Act of Settlement of 1701. We are now celebrating the 300th anniversary of that act, which now underpins our constitutional system of government and the independence of the judiciary from the executive and the government.

I will not read from that act, but it provides for judges to receive fixed salaries and prohibits their removal without the action of Parliament, except in the case of an offence proved in a court of law. Those provisions, as well as those requiring the monarch to belong to the Church of England and to not leave the country without the permission of Parliament, assisted the separation of

powers between the monarchy, Parliament and the judiciary, which Locke had thought essential to liberty.

The proposed clauses of the bill follow the recommendations of the Honan report, to which I have previously referred. The bill will bring Victorian judicial remuneration practice into line with that of our interstate counterparts. It will cement in this state the independence between the Parliament and judicial office-holders, which is consistent with the Act of Settlement of 1701. I commend the bill to the house.

The ACTING PRESIDENT

(Hon. R. H. Bowden) — Order! I am of the opinion that the second reading of this bill requires to be passed by an absolute majority. I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The ACTING PRESIDENT

(Hon. R. H. Bowden) — Order! I am of the opinion that the second reading of the bill requires to be passed by an absolute majority. In order that I may ascertain whether the required majority has been obtained, I ask members in favour of the question to stand where they are.

Required number of members having risen:

Motion agreed to by absolute majority.

Read second time.

Committed.

Committee

Clause 1 agreed to.

Clause 2

Hon. M. R. THOMSON (Minister for Small Business) — I commend this bill to the committee. I acknowledge that almost every speaker today mentioned the importance of the separation of powers, the independence of the judiciary and the need to ensure independence in all dealings with the judiciary. This bill goes some way to enshrine that in the setting of the wages and conditions under which the judiciary operates.

I want to clarify some matters that were raised in the debate. There was a question about the tribunals and about access to the Judicial Remuneration Tribunal by other ministers. I wish to clarify what is in fact the case. Only those additional tribunals which have been gazetted by the Governor in Council will be able to be

referred to the JRT by other ministers. In this case only one other minister would be able to refer a matter to the JRT — that is, the Minister for Health, because the Mental Health Review Board was referred to the JRT in 1995. In relation to seeking advice from the JRT, at this time only the Minister for Health would be able to do so. For any other tribunal that is currently not under the jurisdiction of the JRT the matter would need to be gazetted following an order in council.

Other matters were raised about the Victorian Civil and Administrative Tribunal and the fact that VCAT has been included. I note there was some concern about the way in which VCAT operates. Jurisdiction was given to the JRT in July 2000 arising from the amalgamation in 1998 of a number of tribunals, boards and authorities that were under the jurisdiction of the JRT at that time. That was continued and followed through in July this year, and that is why it has now been acknowledged in the legislation. I hope that clarifies that point for the Honourable Roger Hallam. The other matters might be better answered at the stage of considering the amendments, because they go to the amendments.

Clause agreed to; clauses 3 to 5 agreed to.

Clause 6

Hon. C. A. FURLETTI (Templestowe) — I move:

1. Clause 6, page 7, after line 2 insert —

“(4) A reference of a matter for an advisory opinion must be in writing.

(5) The Attorney-General or, if an Order under section 11(2) is in force, the relevant Minister, must cause notification of a reference under this section to be published in the Government Gazette specifying the matters referred to the Tribunal for an advisory opinion within 7 days of referring the matter to the Tribunal.”.

With respect to the earlier comments by the minister, I indicate, again referring to separation of powers, that it is the case that perhaps there could be less rhetoric and more action from the government in terms of the reality of the situation. Furthermore, with respect to the minister’s comments about there being only one minister who has a right equivalent to that of the Attorney-General under proposed section 11A(3), the minister clearly misses the point of concern for the opposition — that is, that while that may be the case now, as I indicated in my contribution the opportunity exists for any minister to take advantage of that subsection.

In my contribution I indicated the reasons for the amendments proposed by the opposition. They relate to

the advisory opinions which proposed section 11A provides the power to seek. As I indicated in my contribution — and I do not intend to repeat most of the issues I have raised — it is somewhat inexplicable that the declarations and recommendations of the tribunal, which are of course significant, should be reported to Parliament but that the reference by the Attorney-General and the responses, the advisory opinions arising out of those references, should for some reason not be tabled. It might well be that in some instances the advice that the Attorney-General seeks is more significant than the determinations and the recommendations.

From what I was advised at the briefing and from what I read of the contribution of the parliamentary secretary, it is a cause for concern that the Attorney-General has the power to refer matters to a tribunal which — this is the whole crux of this bill — is intended to be more independent than it currently is. I submit that those concerns are adequate for the opposition to move the amendment which provides, firstly, that the reference of a matter for an advisory opinion should be in writing, and secondly, that that reference should then be notified in the *Government Gazette* within seven days. The subsequent amendment to clause 6 is a consequential amendment, and the amendment to clause 8 will provide that the advisory opinion should be made public.

Hon. M. R. THOMSON (Minister for Small Business) — The government will be opposing the amendment because it believes there has to be an allowance for confidentiality. I will give an example. The Attorney-General may wish to refer to the Judicial Remuneration Tribunal to seek an opinion about a matter of a personal nature.

I will enhance that by suggesting that, for instance, a situation may occur where the wife of a judge who has died and who has been with that judge for 30 years — and this is plucking it out of the air; it is not factual — may write to the Attorney-General seeking some access to the pension that was available to that judge and seeking the opinion of the Attorney-General on some dispensation in her case. Should the judge have remarried and his second wife had died in an accident two years afterwards there would be no capacity for the Attorney-General to then seek the advice of the JRT and maintain confidentiality on that basis. We feel that that would be an unfortunate instance. Cases may come to the attention of the Attorney-General that will require confidentiality to be maintained, and it is important to have the capacity to do that.

It is on that basis that we believe this amendment is not supportable. We wish to ensure that the confidentiality of the advice that is sought and given is maintained.

Hon. C. A. FURLETTI (Templestowe) — Apropos the comments by the minister, it would appear to me that if there were five such instances it would not be a case of each instance being referred to the tribunal but of the tribunal being asked to consider and to give advice on the situation, on the scenario — that is, on the circumstances, not on the individual. In that case that would presumably become part of the remuneration situation. I gave the reference, which was given to me, of the superannuation surcharge. The government would not be asking for advice on a specific individual but rather on a specific set of circumstances. I am sorry, I do not accept the minister's explanation.

Hon. M. R. THOMSON (Minister for Small Business) — I argue that where a decision is made in relation to an ongoing circumstance that might occur, that would be tabled in Parliament. We are talking about situations where individual circumstances that arise need to be dealt with, or where advice is sought, for which there will be a number of options, one of which will be the determining option available, and where confidentiality might still be required, particularly where there is an individual concerned and you would be denying the right of confidentiality to that individual.

Hon. R. M. HALLAM (Western) — I do not intend to repeat the arguments I offered the house during the course of the second-reading debate to explain why the National Party had resolved to support the Honourable Carlo Furletti's amendment, why it did so without reservation, and why it was singularly unimpressed with the government's rebuttal, but the minister's comments now prompt me to go back over at least some of those grounds.

The National Party's concern is that unless each request for an opinion and that opinion delivered is formalised and recorded we run the risk that the tribunal becomes some sort of closet personal reference point. It would be absolutely possible — in fact, the minister reinforced it — for the Attorney-General or, for that matter, another minister having the authority to choose to selectively publish the advice of the tribunal. A minister less scrupulous would be able to do that on the basis of whether the advice suited the particular position of the government or the minister. We see that as a grave risk because that would undermine the important independence of the tribunal.

Although the minister might be able to offer circumstances where it would be inappropriate to seek an opinion from the tribunal in a form that would disclose some sort of information which is personal to a particular member of the judiciary, we have concluded that that is a fair price — because to do other than that would put the independence of the tribunal at risk. I am sorry to say this, but if the minister has concluded that our position on this bill is taken because we do not trust her, I think that is a fair assessment. The bottom line is that if you are able to say that you want the right to publish an opinion given to you by this independent tribunal, you really cannot take exception to our saying we are not prepared to give you that right, because we think it would undermine the very independence that you say is so important to the tribunal.

Hon. M. R. THOMSON (Minister for Small Business) — In relation to the releasing of advice, that would be done on the basis of an intention that would change the practices or the conditions that would apply to the judiciary. In relation to the confidentiality of a case the tribunal may be requested to look at, that would remain confidential; and I do not think anyone in this Parliament would wish that to be otherwise. It is only matters that may change the wages, conditions or allowances that may apply to the judiciary that would be made public.

Committee divided on amendment:

Ayes, 26

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

Noes, 12

Broad, Ms	McQuilten, Mr (<i>Teller</i>)
Carbines, Mrs	Madden, Mr
Darveniza, Ms (<i>Teller</i>)	Mikakos, Ms
Gould, Ms	Romanes, Ms
Hadden, Ms	Theophanous, Mr
Jennings, Mr	Thomson, Ms

Pairs

Cover, Mr	Nguyen, Mr
Craige, Mr	Smith, Mr R. F.

Amendment agreed to.

Hon. C. A. FURLETTI (Templestowe) — I move:

2. Clause 6, page 7, line 3, omit “(4)” and insert “(6)”.

As indicated earlier, this amendment is consequential on amendment 1.

Hon. M. R. THOMSON (Minister for Small Business) — The government will be opposing this amendment.

Amendment agreed to; amended clause agreed to; clause 7 agreed to.

Clause 8

Hon. C. A. FURLETTI (Templestowe) — I move:

3. Clause 8, line 26, after “recommendation” insert “or a report of an advisory opinion”.

As I indicated earlier, this amendment also is consequential upon the thrust of the first amendment proposed by the opposition, in that any report or advisory opinion should be tabled, as should the determinations and the recommendations.

Hon. M. R. THOMSON (Minister for Small Business) — The government will be opposing the amendment.

Amendment agreed to; amended clause agreed to; clauses 9 to 12 agreed to.

Reported to house with amendments.

Report adopted.

Third reading

Hon. M. R. THOMSON (Minister for Small Business) — I move:

That this bill be now read a third time.

In so doing, I thank the Honourables Carlo Furletti, Roger Hallam, Jenny Mikakos, Peter Katsambanis and Dianne Hadden for their contributions to the debate.

The PRESIDENT — Order! I am of the opinion that the passage of the legislation requires an absolute majority, and I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The PRESIDENT — Order! I ask honourable members supporting the motion to stand in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

PERSONAL EXPLANATION

Hon. C. A. FURLETTI (Templestowe) — I desire to make a personal explanation. I am not prone to complaining, but an incident occurred over the lunch break that I feel obliged to report.

At about 1.10 p.m. I was standing on the balcony, in the precincts of the Parliament, awaiting colleagues, when Mr Savage, the honourable member for Mildura, and Mr Ingram, the honourable member for Gippsland East, came across the overpass from the gardens. As he passed me Mr Savage looked at me and said, 'Another word about the money and I'll throw you over the balcony, you grub'. I believe he was deadly serious. His words and the vehemence with which they were delivered were intimidatory, offensive and unparliamentary.

Mr President, I request that you raise the matter with Mr Speaker. I demand an apology from the honourable member for Mildura, but more importantly I seek an assurance from him that he will desist from any such conduct in the future.

FILM BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

ADJOURNMENT

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

That the house do now adjourn.

Budget: definitions

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I direct a matter to the Minister for Energy and Resources — or is it to the Leader of the Government? — for the attention of the Minister for Finance in the other place. It relates to the presentation

of this year's budget papers and specifically the way in which the government has presented the issue of net debt in the budget papers.

Hon. Bill Forwood — On a point of order, Mr President, I am reluctant to take a point of order while an opposition member is on his feet, but the Minister for Small Business and the Minister for Energy and Resources have left the chamber. I understood that during the adjournment debate in this house all ministers are required to be here, and I invite the Leader of the Government to get them back into the chamber.

Hon. M. M. Gould — On the point of order, Mr President, the Honourable Bill Forwood would be aware that the Minister for Consumer Affairs was at the table during the committee stage in debate on the previous bill and has gone to have a health break — and she has now returned to the chamber, even before I resume my seat.

The Minister for Energy and Resources has gone to pick up a piece of paper and will be back in the chamber in the next couple of minutes. The Honourable Gordon Rich-Phillips is raising a matter for my attention, for direction to the Minister for Finance, and I am taking a note of it.

The PRESIDENT — Order! The house will move to the matter to be raised by the honourable member.

Hon. G. K. RICH-PHILLIPS — The issue I raise with the minister relates to the presentation of net debt in the budget papers. I note that in the budget statement the government has employed a definition of net debt, which states:

... net debt is determined by deducting liquid financial assets from gross borrowings.

As a further clarification, the budget papers indicate that in the calculation of net debt, the Growing Victoria reserve has been excluded from net debt on the basis that although Growing Victoria is represented by liquid assets, those liquid assets have been earmarked for infrastructure projects. The budget papers indicate that the investments are:

... not available to redeem debt.

The issue on which I seek clarification from the Minister for Finance is whether that usage of 'net debt' but excluding liquid assets such as Growing Victoria is consistent across the budget papers. Consistently, is the same type of accounting treatment employed for the Regional Infrastructure Development Fund? Is that also excluded from the definition of 'net debt'?

Princes Highway East–Monash Freeway, Eumemmerring: traffic control

Hon. P. R. HALL (Gippsland) — I raise a matter with the Minister for Energy and Resources, representing the Minister for Transport in the other place, about a road safety issue at the intersection of Princes Highway East and the Monash Freeway.

If you travel from Gippsland to Melbourne the most frequently used route is along the Princes Highway East. Between Hallam and Dandenong you turn right to get onto the Monash Freeway. To do so you move into one of two right-hand turning lanes from the furthest right-hand lane of three through lanes. It is a busy intersection and traffic in the right lane of the through lanes preparing to move into the right-hand turn lanes can be banked up for several hundred metres, involving a wait of some minutes.

I have noticed that to avoid waiting, some vehicles are now attempting to move into one of the two right-hand turn lanes from the centre of the three through lanes, which is a highly illegal activity and very dangerous. Invariably, vehicles end up straddling the two right lanes and blocking through traffic. It is an 80-kilometre-per-hour speed zone, and it is a serious accident waiting to happen.

In all the times I have used that intersection I have never seen it being patrolled by police. In time to come the construction of the Hallam bypass will alleviate the traffic congestion at the intersection, but that is still some time off and urgent action is required to remedy the problem.

My request to the Minister for Transport is to ask Vicroads to assess that particular intersection and put in place measures that will ensure it becomes a much safer one for motorists.

Bayside: heritage controls

Hon. C. A. STRONG (Higinbotham) — The issue I raise for the Minister for Sport and Recreation is for the attention of the Minister for Planning in the other place. It deals with the ongoing issue of heritage controls in my area, particularly as they refer to the Bayside City Council. In some cases Bayside City Council is conducting its third heritage review on some properties and neighbourhoods. Each time the council does that it employs high-cost heritage consultants and other people to represent it and press its case for heritage control.

Home owners who in many cases are not wealthy people are being forced to defend their position by

engaging consultants and other representatives to match the council's representations. That is unfair because there is not an even distribution of resources between those mounting the cases. The Bayside Ratepayers Association has recently asked the Bayside City Council to provide some aid, akin to legal aid, to people who are defending their properties from heritage control.

I ask the minister to investigate this particular issue with a view to perhaps something like legal aid being provided on a needs basis for people who have to defend their property from heritage controls.

Rail: regional links

Hon. D. G. HADDEN (Ballarat) — I direct a matter to the attention of the Minister for Energy and Resources for reference to the Minister for Transport in the other place. The matter concerns the Bracks government's \$550 million fast rail project, particularly along the Ballarat corridor. This project aims to deliver a rail service between Melbourne and Ballarat that will be faster and safer, with new and improved carriages. The project will revolutionise Victoria's regional rail service for the first time since the 1880s and is part of the Linking Victoria project to benefit the whole of the state.

The Ballarat project feasibility study released in September last year showed the projected benefits of population growth of 4700 by 2021, an extra 2100 households and 900 jobs, which equals economic growth for my electorate.

In an article on page 3 of last Tuesday's *Ballarat Courier* the Leader of the National Party in the other place, Peter Ryan, slams the fast rail project. He is reported as saying it is a waste of money and ought to be scrapped, and that the money would be better spent on reducing payroll tax and improving water services. Mr Ryan has shown by his public outburst that he and the National Party have lost touch with regional and rural Victoria. I ask the minister to reinforce the government's commitment to the regional fast rail project in my electorate.

Member for Frankston East: conduct

Hon. B. C. BOARDMAN (Chelsea) — I raise a matter for the Minister for Industrial Relations for the attention of the Premier. It is an important issue in the interests of all people in Chelsea Province. It concerns a member of the Australian Labor Party whose performance in the Frankston area has been abysmal. His priority has been quite clearly directed to his own

misguided political future, to the obvious detriment of the community. This person has failed the people of Frankston with false and undeliverable promises for the Frankston Hospital, and he has not — —

The PRESIDENT — Order! I ask the honourable member to assure me that this is a matter of state government administration. I ask him to think about his answer carefully.

Hon. B. C. BOARDMAN — I take your advice, Mr President. It is a very important issue that affects the people of Chelsea Province.

Honourable members interjecting.

The PRESIDENT — Order! I heard the way the honourable member started, and if he cannot give me an assurance that it affects state government administration, I will pass to the next matter to be raised.

Hon. B. C. BOARDMAN — It does affect state government administration because the Premier obviously has a responsibility to the people of Chelsea Province in the way his members conduct themselves in the local electorate.

Honourable members interjecting.

The PRESIDENT — Order! I ask the house to allow me to hear what the honourable member is saying.

Hon. B. C. BOARDMAN — That is what the issue is concerned with.

The PRESIDENT — Order! I am not prepared to hear the member on that matter unless he can be specific in relation to a matter of state government administration, ministerial responsibility or associated matters. I call the Honourable Bill Baxter.

Barmah Forest

Hon. W. R. BAXTER (North Eastern) — The matter I direct to the attention of the Minister for Energy and Resources — —

Hon. B. C. Boardman — On a point of order, Mr President, the matter I wished to raise concerns a member of the other chamber. I think that comes within the realm of state government administration. It concerns the activities of a member of the other chamber and I am sure that would fall within the realm of state government administration.

The PRESIDENT — Order! I will not allow that. I again call the Honourable Bill Baxter.

Hon. W. R. BAXTER — I desire to raise with the Minister for Energy and Resources, representing the Minister for Environment and Conservation in the other place, an issue of public policy. The minister's colleague, the Minister for Aboriginal Affairs, has declared Bucks Sandhill in the Barmah Forest to be a preservation place under the Aboriginal and Torres Strait Islander Heritage Protection Act 1984.

I have absolutely no objection to that declaration being made. I have known Bucks Sandhill for over 50 years and it has changed very little in that time, but I believe it probably does have some Aboriginal significance and can therefore be properly declared so under the act. My concern goes to the conditions under which it is to be managed in the future. One of those conditions is this, and I quote from the declaration of the Minister for Aboriginal Affairs:

The declared area is to be enclosed with fencing and gates, maintained to a standard acceptable to the secretary, Department of Natural Resources and Environment.

My concern is that Bucks Sandhill has been since time immemorial I expect, and certainly in the 50 years I have known it, an important refuge for wildlife during times of flooding in the Barmah Forest. Periodically the Barmah Forest receives very large floods down the Murray River — 1956 is a case in point, and it happened more recently in 1993. It seems to me that on the one hand the Minister for Aboriginal Affairs is acting in good faith in protecting this area for Aboriginal purposes but on the other hand his requirement that it be fenced is likely to have an impact on the welfare of wildlife in the Barmah Forest during flood time.

If this area is fenced it would seem that a number of good-hearted people out in the community will take matters into their own hands in times of flood and are likely to cut the fence to allow the entry of wildlife to this high piece of ground. I simply draw the minister's attention to what to me is a classic case of a conflict in public policy. I believe it would be unwise to fence this site.

Berwick hospital

Hon. N. B. LUCAS (Eumemmerring) — I raise a matter with the Minister for Industrial Relations for the attention of the Minister for Health in the other place. During the Aston by-election the Minister for Health came along to a polling booth. I said to him, 'What about the Knox hospital?', and he gave me a very blank

look. It appears that the Minister for Health is giving the same blank look to the people of Berwick in relation to the Berwick hospital.

Last year the Minister for Health announced with great fanfare the site of the future Berwick hospital in Kangan Drive, Berwick, and indicated that it would open in 2002. This year, less than 12 months after the minister's first announcement, he has announced that it will now be finished in 2004. An article on page 1 of this week's *Pakenham Gazette* states:

Planners are still undecided on whether to use the Kangan Drive site near Chisholm Institute or land owned by Southern Health, which is essentially part of the Monash University campus at Clyde Road.

So we have gone from a situation where the minister has announced the site and promised that the hospital will be ready by 2002 to a situation where we now hope we will get the hospital in 2004 but do not know where it will be built — it could be on either of two sites. It seems to me that the people of Berwick are not being very well served by this Minister for Health. I have called for his resignation in the local paper, and I hope that happens.

I ask the Minister for Health to advise me when the Berwick hospital will be completed — whether it will be in 2002 or 2004 — and on which site.

Wine Grape Alliance Cooperative

Hon. B. W. BISHOP (North Western) — My question is directed to the Minister for Energy and Resources, representing the Minister for State and Regional Development in the other place. This matter has been raised with me by Marco Pediglieri, who is a member of a steering committee which owing to the collapse of Normans Winery in the South Australian Riverland is forming a cooperative called the Wine Grape Alliance Ltd Cooperative. The winery went into liquidation owing approximately \$20 million to grape growers in the South Australian Riverland and the Victorian Sunraysia area. Not only have these growers lost all or part of their 2001 vintage revenue, but many have found it almost impossible to place their grapes for the 2002 season at reasonable prices.

The cooperative is being formed to sell the grapes of member growers at the best possible price. All profits after direct selling, administration and overhead costs will be returned to the growers. There will be no third-party shareholders or investors and each grower will be rewarded individually, based upon the quality of the fruit they produce. There will be a five-person board, with an opportunity to rotate directors if

members so require, and there will of course be annual general meetings. I understand that approximately 80 growers are involved at the moment, and may I say this is a great concept for grower unity and protection.

I understand that the South Australian government has agreed to assist. I ask the Minister for State and Regional Development to provide \$20 000 in funding to this extremely worthwhile organisation to assist with its establishment and system set-up costs.

Tertiary education and training: Veteast

Hon. W. I. SMITH (Silvan) — I raise a matter for the Minister for Sport and Recreation, representing the Minister for Post Compulsory Training, Education and Employment. The matter relates to a school-based traineeship provider in the outer east, Veteast, which has been going for four years. It offers kids at half a dozen schools in the outer east who will not complete year 12 the ability to spend three days a week at local businesses and to obtain a certificate at the end of year 11. The areas they pick are automotive, child care, electronics and engineering. Most of these kids end up going into a trade and not completing year 12.

Veteast is going out and getting the employers to give jobs to students in year 11. The organisation has been very successful. It is unique. It has received funding for four years, and the funding continues. However, I request that the funding go directly to Veteast, which goes out and retains the companies, and not through the group training companies, some of which have not been obtaining positions for the students. In that way Veteast, which has been doing all the work, would get all of the funding instead of its being siphoned off.

Auctions: bidding

Hon. R. M. HALLAM (Western) — I refer the Minister for Consumer Affairs to her valiant attempts to distinguish between a dummy bid, which she wants to outlaw, and a declared vendor's bid, which she assures Parliament shall continue to be legal.

I ask the minister to think very carefully upon the new responsibility she would impose upon the auctioneer, who in the hurly-burly of the sale ring would not only be required to assess the bona fides of each individual bidder on the spot and refuse to accept any bid judged on the spot to be dummy, but would apparently also need to announce any vendor's bid to be such a vendor's bid at the time it was given, or at least before accepting any further bid. I then invite the minister to think very clearly about the subtle but critical difference

between what constitutes a vendor's bid and a vendor's reserve.

As honourable members would know, hundreds of auctions are held regularly around the state. I refer particularly to our regional livestock markets, which are conducted under practices and working rules that have been developed and refined over many years. That is not to say the markets are free of criticism, because it is not unknown for the vendors to accuse the buyers of collusion. That is almost standard fare. It is not unknown for the buyers to accuse the auctioneers of taking bids from the veranda post and running them up; that is also part of the process. However, for all that, the system is working well and huge numbers of livestock pass through these regular sales in an environment where the trust and reputation of the players is critical to the operation and the success of the market.

I do not want to sound patronising, because that is not my intent, and I know the minister is well meaning, but I ask her to tread very carefully, particularly in respect of the livestock market, which does not want imposed well-intentioned inefficiencies, because I know it would be the rural producers who would meet the cost of those inefficiencies.

Housing: building security

Hon. ANDREA COOTE (Monash) — I raise for the attention of the Minister for Industrial Relations in her capacity as the representative of the Minister for Housing the implementation of new security measures to help support the public housing communities in the City of Yarra. It has come to my notice that for some time there have been grave concerns about security issues in housing commission properties in Monash Province. While I welcome the initiative of the City of Yarra, I ask the minister whether the security measures will be implemented in Monash Province, which contains a lot of public housing stock. If the initiative is implemented, when will it occur?

Dights Falls mill

Hon. G. B. ASHMAN (Koonung) — I direct a matter to the Minister for Energy and Resources as the representative in this place of the Minister for Environment and Conservation. I will outline the story. I have been approached by a Mr Campbell, who is a descendant of a George Kinchington, who arrived in Australia from England in 1834. In 1840 Kinchington moved to north-eastern Victoria and commenced work with John Dight on a grazing property called Bungowannah, just out of Albury. In the late 1840s,

they moved to Melbourne and were instrumental in constructing the flour mill at Dights Falls.

The issue I raise relates to Dights Falls and the old mill. Some years back Parks Victoria and Melbourne Water spent a large sum of money restoring the park and the falls and, at the same time, helped preserve what was left of the old mill. My concern is that while the park is being well maintained, the old mill is again being allowed to fall into disrepair. The refurbishment and conservation work carried out on the mill is now almost destroyed. If you visit the mill you will find that the shaft that drops the waterwheel contains several truckloads of rubbish at its base and there is more rubbish in the chute that leads down to the falls. I seek a commitment from the minister that this valuable historic site will be restored to its former glory, as it was in the mid-1990s.

International Day for the Elimination of Violence Against Women

Hon. A. P. OLEXANDER (Silvan) — I seek the assistance of the Minister for Small Business in her capacity as the representative of the Minister for Women's Affairs in the other place. The issue I raise is very serious, being the social problem of violence against women and girls, which is sadly perpetrated in all parts of the state of Victoria. The statistics bear this out. One in five Victorian women has been sexually assaulted at some time in their lives; and one in four Victorian women has experienced domestic violence.

Sunday, 25 November 2001, has been declared the International Day for the Elimination of Violence against Women by the United Nations General Assembly. Its resolution calls upon governments, international organisations and non-government organisations to organise activities designed to raise public awareness of violence against women.

The federal government, through the excellent initiative of Amanda Vanstone, the federal Minister for Justice and Customs, and the Office of the Status of Women, is actively supporting this resolution and is promoting the White Ribbon campaign, which seeks to encourage all men to take responsibility for and to speak out against violence against women and girls. Men and boys are being encouraged to wear white ribbons as a personal pledge never to commit, condone nor remain silent about violence against women.

Will the minister explain why the Bracks government has decided not to support this campaign in any active way and why it has failed through any government

initiative to mark 25 November and the critical social issues it addresses?

Hazardous waste: Clayton South

Hon. ANDREW BRIDESON (Waverley) — I raise a matter for the attention of the Minister for Sport and Recreation as the representative in this place of the Minister for Major Projects and Tourism. There are very serious concerns about the proposal to site a hazardous waste soil dump in Clayton South. My constituents have real concerns because Clayton South is in a sand belt and some 40 sandpits are potential sites. Because the sites comprise sandy soils a lot of leaching occurs. Research has been done that indicates the leaching will run into Mordialloc Creek and will eventually flow into Port Phillip Bay. It will be a threat to the ecology and environment of that area.

A well-organised group known as Residents against Proposed Tip Sites was formed with the assistance of the former honourable member for Clayton in the other place, Dr Gerard Vaughan, whom many members would remember. Gerard Vaughan was tipped out by the now honourable member for Clayton, Hong Lim, and his branch stackers. I have been tipped off that Cr Arthur Athanasopoulos from the City of Kingston wants to tip out Mr Lim, who is not speaking out on this issue. Cr Arthur Athanasopoulos is quoted in the *Monash Journal* of 20 November as indicating he knows where the tip site will be located. He is reported in the paper as saying:

... It was his understanding the soil treatment site would be based at an existing tip between Leslie and Tully roads.

I am sure Dr Vaughan's group and the residents in Clayton South will rise up against this proposal. I ask the minister to investigate alternative methods of disposing of this toxic material and give an assurance to the residents of Clayton South that their area will not become a site for the dumping of this hazardous material.

Somerville Rise Primary School

Hon. R. H. BOWDEN (South Eastern) — I raise a matter for the attention of the Minister for Sport and Recreation who is the representative in this place of the Minister for Education. The issue I raise concerns a traffic safety matter involving more than 600 schoolchildren who attend the Somerville Rise Primary School, which is located in Blacks Camp Road, Somerville, and is a major primary school for the area. Recently a decision was made by the Minister for Education not to sell land immediately next door to the

school, and the minister has assured the community that the land will be available for a future secondary college.

My concern is about the safety of the young people attending the primary school. For several years during the mornings and afternoons when the school is operating there have been real difficulties with parking and traffic management. Hundreds of cars arrive and leave. The council has tried to assist the school, and sometimes council officers have a blitz on illegal parking during which they issue many parking tickets.

I ask the Minister for Education to immediately examine the possibility of using the available land next to the school, which is Crown land, for the urgent installation of a suitable off-road loading and unloading area so the schoolchildren can attend school with safety.

Children: farm-related fatalities

Hon. D. McL. DAVIS (East Yarra) — I direct to the attention of the Minister for Industrial Relations, who represents the Minister for Health in the other place, the matter of farm-related fatalities. I refer the minister to an article in the *Australian and New Zealand Journal of Public Health*, volume 25, no. 4 of 2001 by Mitchell, Franklin, Driscoll and Fragar concerning farm-related fatalities involving children in Australia, 1989–92.

It is an important study that the minister should be aware of because it reviews all farm-related fatalities in that period in Australia. It is a useful study in the sense that it is not a sample as such but covers all fatalities. Of the 587 unintentional farm fatalities over that period, 115 involved children. It is important in particular because Victoria has a slightly higher level of farm-related fatalities of younger people than the rest of Australia, at 29.6 per cent. I do not raise this in any political sense; I raise it as a genuine issue because it is an important issue of public health and so that something can be done about it.

The results of the study are interesting in the sense that over that period, 63 per cent of the children killed in that period were under five years of age. The study included bystanders and children killed in accidents involving tractors, and also water-related injuries.

I am aware that Farmsafe Australia has developed a program for child safety on farms. I would be interested to hear the minister's response to that in particular and how it relates to the information in the study. I encourage the minister to pay considerable attention to this matter. It is one on which something constructive could be done not only at a Victorian level but at a national level.

I note that while there are many workplace injuries, and a number of programs are in place to deal with them, we could do better on injuries that are not specifically related to workers on these properties.

Fishing: rock lobster

Hon. K. M. SMITH (South Eastern) — I direct my matter to the Minister for Energy and Resources as the minister responsible for rock lobster quotas. I raised this matter with the minister on 7 November, and she responded by basically saying that I did not understand the issue.

Two rock lobster fishermen have approached me about the quotas set by the minister's department. One fisherman has been given a quota of 242 kilograms of lobsters per year, and at about \$35 a kilogram that will raise about \$8470 for him to raise his family and to operate his boat. He pays \$1500 a year in licence fees out of that \$8470. He said that amateur fisherman pay \$20 a year to go rock lobster fishing and are entitled to catch two lobsters a day, which means they can collect anywhere between 500 and 700 kilograms per annum. The minister's department has restricted this man to 242 kilograms per annum, thus restricting his livelihood. The minister said I did not understand, but it is she who does not understand.

Another fisherman said that the department has allocated him 106 kilograms. Because he has recently purchased a licence for \$30 000, the allocation of 106 kilograms was on the basis that he had not been fishing for long enough so therefore he would not be in a position to have established his credentials so far as catch was concerned, yet he was allowed to go ahead. He is paying more than \$1000 a year in licence fees for the department to allow him to gain \$3710 a year.

I explained to the minister at the time that these people are not being allocated quotas fairly and they are being robbed of their livelihood. I want the minister to examine the eastern rock lobster fishing areas, which are not being depleted, as the minister has tried to mislead the house into believing. The same catches are being made with the same amount of effort as has always been the case. I want the minister to examine the rock lobster quotas to do something for the rock lobster fishermen instead of putting them out of business.

Industrial relations: commonwealth act amendments

Hon. BILL FORWOOD (Templestowe) — I raise a matter with the Minister for Industrial Relations. In

the light of the re-election of the Howard coalition government, which does not support the Commonwealth Powers (Industrial Relations) (Amendment) Bill, will the minister now face reality and withdraw the bill?

Trucks: Yarraville

Hon. P. A. KATSAMBANIS (Monash) — I raise with the Minister for Energy and Resources, who represents the Minister for Transport in the other place, an important and urgent road safety matter — one that highlights the fact that Labor members of Parliament are not looking after the interests of their constituents. I refer to the excessive truck traffic that is flooding through Francis Street, Yarraville. The residents of Francis Street and surrounding streets have been campaigning for some time to ensure that trucks are diverted from their streets.

The government commissioned an Environment Protection Authority (EPA) report, which has been concluded. However, the report has not been released and the government is sitting on it and considering its response. This matter became urgent because on 7 November a motorist in the vicinity of the corner of Francis Street and Whitehall Street, Yarraville, was hit by a container from a truck that had toppled over on a traffic island. The motorist, Mr Evars-Buckland, was not seriously injured but was only inches away from potential severe injury or even death.

The residents in the area have been calling for the EPA report to be released. In the *Times* of 14 November, a spokesperson for the Yarraville residents traffic group, John Westbury, said that the community wanted a proper response now. Mr Westbury had spoken to the EPA and been told that it is only on weekends that the noise levels fall within acceptable levels and that diesel particle pollution was at dangerous levels most times in Francis Street, which shows that pollution is at inappropriate levels. Mr Westbury said:

I don't want it to be dragged out to the state election next year, so they can announce it then.

They had all that time to do something. They were going to have an answer for us last June. They are letting their departments run over them.

He was speaking about the minister and the government. Unfortunately the local member in the other place, the honourable member for Footscray, told the newspaper that he would not rush things and was not interested in a quick outcome. It is clear that motorists are cheating death on a daily basis in and around Francis Street, Yarraville.

I call on the minister to immediately release the EPA report that he has commissioned into truck traffic volumes, truck noise and pollution in that area and to take immediate action to protect those residents from inappropriate truck traffic there.

Retail tenancies: review

Hon. C. A. FURLETTI (Templestowe) — I have an issue I wish to raise with the Minister for Small Business. I refer the minister to the discussion paper on the retail tenancies review which she tabled last month. I also refer the minister to the speech she made on the launch of the issues paper on 24 October 2000. In that speech, in discussing the review process, the minister referred to the fact that it was important for industry and that industry was counting on the government to act promptly and provide it with certainty. The minister went on to say:

... I've set the Office of Regulation Reform a very clear timetable.

She went on to discuss that timetable and said:

Stakeholders will be given a chance to have their say on the discussion paper before a final report is delivered to me in July. It will then be my job to decide on the best course of action and prepare appropriate legislation for the spring session of Parliament.

Pending legislation, the whole process would be wrapped up by September 2001.

Will the minister now concede that the government's timetable has been blown out of the water?

Paterson's curse

Hon. E. G. STONEY (Central Highlands) — I raise a matter with the Minister for Energy and Resources to raise with the Minister for Environment and Conservation in the other place. I refer to the encroaching menace of Paterson's curse, especially in rough north-eastern hill country. I note the New South Wales department has instigated a breeding program for the crown weevil, which I understand loves Paterson's curse. I believe the program is based at Yanco, a research station in New South Wales. I request that the state government investigate and instigate a similar breeding program of the crown weevil in Victoria. Support of the concept of biological control is one approach to the serious problem in Victoria of Paterson's curse.

Moorabbin: Homemaker centre

Hon. J. W. G. ROSS (Higinbotham) — I raise a matter with the Minister for Energy and Resources to

take up with the Minister for Transport in the other place. The matter concerns the development of a \$30-million Homemaker centre on the Nepean Highway, Moorabbin, to the south-east of the Moorabbin railway station. The development is in excess of 13 000 square metres and it will add to the congestion already apparent with existing retail megastores in the area.

I understand Vicroads did not object to this development but I am concerned that adequate analysis of traffic flows on the Nepean Highway and consequent safety issues have not been undertaken. These concerns have been raised by the local village committee. I ask Vicroads to have a look at traffic safety along the Nepean Highway in light of community concerns and to provide an assurance that concerns will be addressed.

Hospitals: ambulance bypass

Hon. M. T. LUCKINS (Waverley) — I raise a matter for the Minister for Industrial Relations to refer to the Minister for Health in the other place. I refer to the crisis occurring in the public health system. I refer to the Southern Health annual report for 2001 that was tabled today. On page 30 it reports that the incidence of ambulance bypass during the period June 2000 to June 2001 was 715 times. On each occasion it was for up to 2 hours. So almost twice a day for 4 hours, and an average of 13.7 times per week for 27.4 hours, the hospitals and Southern Health were on hospital bypass.

Those figures can be compared to the same period in 1998–99 when ambulance bypass occurred 47 times under the Kennett government. In 1999–2000, when the Bracks government was responsible for nine months of that period, the figure blew out to 649. As I mentioned earlier, the figure is now 715.

The report also notes a significant increase in the percentage of emergency patients awaiting admission to an inpatient ward for longer than 12 hours. In 1998–99 under the Kennett government the figure was 11.2 per cent. In 1999–2000 the figure was 16.4 per cent, and in 2000–01 the figure has blown out to 26 per cent.

I ask the minister if he would reflect on his responsibilities in planning and as Deputy Premier and consider either resigning from the health portfolio or resigning from other portfolios, because it is quite clear that he needs to pay more attention to the extremely important health portfolio that he has been ignoring. I ask the minister to urgently address this crisis at Southern Health which is placing my constituents at risk.

Fishing: quotas

Hon. PHILIP DAVIS (Gippsland) — The Minister for Energy and Resources has acknowledged the illegal take of abalone is equal to approximately 30 per cent of total allowable catch and that the government made a commitment to increase the enforcement effort. Given that the government has withdrawn its marine parks bill and does not intend to reintroduce it until autumn next year, when will the minister implement the commitment the government made to increase its enforcement effort?

Responses

Hon. M. M. GOULD (Minister for Industrial Relations) — The Honourable Gordon Rich-Phillips raised a matter with the Minister for Finance regarding net debt, and I will ask her to respond to the honourable member in the usual way.

The Honourable Neil Lucas raised a matter for the Minister for Health, and I will ask him to respond in the usual manner.

The Honourable Andrea Coote raised a matter for the Minister for Housing about security in public housing, and I will ask the minister to respond to the honourable member in the usual manner.

The Honourable David Davis raised a matter for the Minister for Health and drew his attention to a report on farm-related deaths. I do not believe the honourable member necessarily asked the minister to respond to the report, but rather he was generally concerned about the number of deaths on farms. I will raise that issue with the minister.

The Honourable Bill Forwood raised the matter of whether the government will withdraw a bill that is before the other place. Mr President, the Honourable Carlo Furletti asked me a question on Tuesday about whether the government will support the federal government's amendments to schedule 1A. That piece of legislation that is before the lower house has relevance in that it would refer further powers to the commonwealth. So until I am aware of exactly what the commonwealth is doing that bill will remain on the table to allow for further reference of powers to the commonwealth, if appropriate.

The Honourable Maree Luckins raised a matter with the Minister for Health, and I will raise that issue with the minister and ask him to respond in the usual manner.

Hon. C. C. BROAD (Minister for Energy and Resources) — The Honourable Peter Hall asked the Minister for Transport to investigate upgrading the intersection of the Princes Highway and the Monash Freeway near Dandenong to ensure safety. I will refer that request to the minister.

The Honourable Dianne Hadden asked the Minister for Transport to reinforce the government's commitment to the fast rail project to Ballarat in her electorate, particularly in light of reported comments in the Ballarat *Courier* by the Leader of the National Party in the other place. I will refer that request to the minister.

The Honourable Bill Baxter asked the Minister for Environment and Conservation to review the requirement for fencing an area within the Barmah Forest, and I will refer that request to the minister.

The Honourable Barry Bishop asked the Minister for State and Regional Development to provide \$20 000 for assistance with systems set-up and establishment costs of a business which he referred to, and I will refer that request to the minister.

The Honourable Gerald Ashman asked the Minister for Environment and Conservation to ensure that the old mill at Dights Falls in Collingwood is restored to the condition it was restored to in the mid-1990s, and I will refer that request to the minister.

In response to the Honourable Ken Smith, I would say that not only does the honourable member not understand these matters, worse, he is seeking to exploit this difficult situation by scoring cheap political points. I point out to the honourable member that the method used for quota allocation was one which was recommended through an independent report commissioned by the previous government and which I adopted.

Hon. K. M. Smith — Give us a look at the report!

Hon. C. C. BROAD — It is publicly available, you fool. I also advise the honourable member that there has been a successful buyback administered by the Rural Finance Corporation which has resulted in some 19 licence-holders selling their licences to the corporation at prices ranging from \$30 000 to \$150 000 in the eastern zone and \$200 000 to \$900 000 in the western zone. Quota management for the rock lobster fishery is now proceeding; it commenced on track on Friday.

The Honourable Peter Katsambanis requested that the Minister for Transport in the other place release an Environment Protection Authority report on truck

traffic issues in Francis Street, Yarraville, and I will refer that request to the minister.

The Honourable Graeme Stoney requested that the Minister for Environment and Conservation in the other place investigate a program for the control of Paterson's curse which is being employed in other places including New South Wales. I will refer that request to the minister.

The Honourable John Ross asked that the Minister for Transport request Vicroads to examine community and resident concerns regarding traffic safety in the area near Moorabbin railway station, and I will refer that request to the minister.

The Honourable Philip Davis correctly stated in relation to marine parks and fisheries enforcement that the \$39-million package that was put before the Parliament by the government included considerable funding for fisheries enforcement, particularly in relation to the abalone fishery. The opposition refused to accept the government's package. The government stands ready to act on that package if the opposition is willing to support it.

Hon. M. R. THOMSON (Minister for Small Business) — The Honourable Roger Hallam raised the issue of dummy bidding and declared vendors' bids in relation to livestock. I have stated in the house that the raft of recommendations coming to me are from the Estate Agents Council for changes to the Estate Agents Act and not to livestock arrangements.

The Honourable Andrew Olexander referred to the campaign to prevent violence against women and the White Ribbon campaign for men and boys to speak out in relation to violence against women, and asked the Minister for Women's Affairs in the other place to give a response on the reasons the government was not involved in that campaign. I will get the minister to respond to the honourable member directly.

The Honourable Carlo Furletti raised the issue of retail tenancies and the time lines associated with the retail tenancy legislation to be brought to the Parliament. On a number of occasions I have indicated in this house that there is a great deal of interest in the legislation and that more detailed submissions were made than were originally expected by the Office of Regulation Reform.

On that basis and to ensure that those submissions were taken seriously and were looked at in detail, the timetable was blown out. I make no apology for that if it means people's submissions are taken seriously. The next stage of the process is now in place, and

recommendations and legislation will come out of that process which will meet the needs of tenants and landlords.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The Honourable Chris Strong referred to the Bayside City Council and to heritage reviews and controls and associated costs. I will refer those matters to the Minister for Planning in the other place.

The Honourable Wendy Smith raised the matter of Veteast training funding and other associated issues of group training on-costs. I will refer those matters to the Minister for Post Compulsory Education, Training and Employment in the other place.

The Honourable Andrew Brideson referred to a soil treatment plant in his province, and I will refer that to the Minister for Major Projects and Tourism in the other place.

The Honourable Ron Bowden referred to the Somerville Rise Primary School and associated road safety issues in and around the school precinct. I will refer this to the Minister for Education in the other place.

Motion agreed to.

House adjourned 5.41 p.m.

QUESTIONS ON NOTICE

*Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Council.*

*Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.*

Tuesday, 20 November 2001

Post Compulsory Education, Training and Employment: ministerial staff

2049. THE HON. D. McL. DAVIS – To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post-Compulsory Education, Training and Employment): As at 30 May 2001, how many staff were employed by the Minister — (i) in the Minister’s office as Ministerial staff, what are their names and what is the cost; and (ii) on secondment from the Victorian Public Service, what are their names and what is the cost.

ANSWER:

I am informed as follows:

All staff working in my office are employed by the Premier. Therefore, there are no Ministerial staff employed by me working in my office.

The Member may wish to refer to the Budget Papers for details on expenditure.

Treasurer: SRO — consultancies

2145. THE HON. A. P. OLEXANDER — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What are the names of consultants, consultancy contracts and other contractors appointed or paid for by the State Revenue Office in the 25 months prior to the 30 June 2001 and what (in table form) was — (i) the value of each of these contracts; (ii) their nature; (iii) their expected completion date; and (iv) the amount paid on each to date.

ANSWER:

I am informed that:

Detail of consultancies for 1999/2000 are reported in the State Revenue Office Annual Report 1999/2000 and I refer the Member to the upcoming SRO Annual Review 2000/2001 for details of consultancies for 2000/2001.

Detail of Government contracts can be found on the Victorian Government Purchasing Board’s web site at www.vgpb.vic.gov.au/polguid/polmenu.htm.

I am advised that due to the period of time specified in the Member’s question (from 25 months prior to the 30 June 2001), some contracts are not registered on the Victorian Government Purchasing Board’s web site. This is due to the fact that these contracts were entered into prior to the requirement by the Bracks Government that contracts be registered on the VGPB’s web site.

These contracts are now either completed or they have not yet been varied to include a disclosure clause for inclusion on the VGPB’s web site.

These include:

QUESTIONS ON NOTICE

1312

COUNCIL

Tuesday, 20 November 2001

– CSC Australia P/L Provided outsourced IT services.	\$8,928,692
– Fujitsu Australia P/L Provided Director Development for new IT System.	\$5,321,956
– IBM Global Financial Provided leasing facility for IT equipment.	\$813,964
– IBM Australia Ltd Provided hardware and software for Revenue Datamatching.	\$305,500
– CSC Australia P/L Provided outsourced IT services.	\$9,846,185
– Fujitsu Australia P/L Provided Director Development for new IT System.	\$7,625,569
– IBM Global Financial Provided leasing facility for IT equipment.	\$486,177
– Mastersoft International Provision of licensed software and services.	\$213,020
– Leigh-Marden Pty Ltd Pride bill issuing and assessment printing services.	\$333,325

The above information refers to contracts above \$100,000.

Eighty-three contracts, costing less than \$100,000 each, were entered into during the time specified in the Member's questions at a total cost of \$2,394,594.

Treasurer: land taxpayers

2147. THE HON. E. G. STONEY — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the total number of land taxpayers at June 1999, June 2000 and June 2001, respectively, and what is the estimate for June 2002.

ANSWER:

I am informed that:

Land tax payers as at June 1999 and June 2000 are reported in the State Revenue Office Annual reports 1998/1999 and 1999/2000. Web site: www.sro.vic.gov.au/.

The number of land tax payers will be reported in the 2000/2001 Annual Report to be released late in 2001.

Reliable estimates of the number of land tax payers as at June 2002 are not available.

Treasurer: payroll taxpayers

2148. THE HON. E. G. STONEY — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What were the total number of businesses paying payroll tax as at June 1999, June 2000 and June 2001, respectively, and what is the estimate for June 2002.

ANSWER:

I am informed that:

Registered Employers (including authorised employment agencies) paying pay-roll tax as at June 1999 and June 2000 are reported in the State Revenue Office Annual reports 1998/1999 and 1999/2000. Web site: www.sro.vic.gov.au/.

The number of the above employers as at June 2001 will be reported in the 2000/2001 Annual Report to be released late in 2001.

Reliable estimates of the number of Registered Businesses as at June 2002 are not available.

Health: division 2 nurses

2156. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): How many registered Division 2 nurses were there in Victoria as at 30 June 2001.

ANSWER:

As of 30 June 2001, there were 16147 Division 2 nurses registered by the Nurses Board of Victoria.

It is important to note that not all of these Division 2 registered nurses seek employment, and that nursing registration can be maintained for periods of up to five years without active employment.

Health: division 2 nurses

2158. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): How many registered Division 2 nurses were required in Victoria as at 30 June 2001.

ANSWER:

This information is available on the public record.

Health: division 2 nurses

2160. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What was the required number of registered Division 2 nurses as at 30 June 2001 in metropolitan Melbourne and rural and regional areas of Victoria, respectively.

ANSWER:

The data related to Victorian nursing statistics is collected through an annual survey issued in December of each year to nurses registered with the Nurses Board of Victoria. The data analysis does not yield information relating to the distribution of nurses in metropolitan and rural and regional areas.

Post Compulsory Education, Training and Employment: staff

2191. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): How many staff were employed by the Office of Training and Further Education, Department of Employment, Education and Training as at 1 June 2001.

ANSWER:

I am informed as follows:

The functions of the Office of Training and Further Education (OTFE) have been subsumed in the Office of Employment, Training and Tertiary Education. The total number of staff employed in relation to the functions previously undertaken by OTFE as at 30 June 2001 was 197.91 (Equivalent Full Time).

Arts: state library — Maribyrnong

2201. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Industrial Relations (for the Honourable Minister for Arts): In relation to the outbreak of mould at the Maribyrnong store of the State Library of Victoria:

- (a) What caused the outbreak.
- (b) What proportion of the store was affected.
- (c) Were any of the collections lost or permanently affected.

ANSWER:

I am informed that/as follows:

The outbreak of mould was caused by high humidity and low air-flow. No collections were lost.

Arts: State Library — conservation of newspapers

2202. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Industrial Relations (for the Honourable Minister for Arts): In relation to the outbreak of mould at the State Library of Victoria, what are the proposed short and long term solutions contained in the options paper.

ANSWER:

I am informed that/as follows:

Three options have been identified.

Short and long term solutions will be explored.

Arts: State Library — conservation of newspapers

2203. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Industrial Relations (for the Honourable Minister for Arts): In relation to the outbreak of mould at the State Library of Victoria, what is the proposed cost of the short and long term solutions contained in the options paper.

ANSWER:

I am informed that/as follows:

Solutions and costs will be explored.

Arts: State Library — conservation of newspapers

2205. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): When will the short and long term solutions contained in the options paper, in relation to the outbreak of mould at the State Library of Victoria, be implemented.

ANSWER:

I am informed that/as follows:

The short term solution is already occurring.

Long term options are being explored.

Transport: ministerial staff — pecuniary interest

2215. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): Have all ministerial officers currently or previously employed by the Minister signed a pecuniary interest form; if so, on what date — (i) was the declaration signed; and (ii) did the employee commence employment.

ANSWER:

All staff working in my office are employed by the Premier. Therefore there are no ministerial officers employed by me.

State and Regional Development: ministerial staff — pecuniary interest

2217. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): Have all ministerial officers currently or previously employed by the Minister signed a pecuniary interest form; if so, on what date — (i) was the declaration signed; and (ii) did the employee commence employment.

ANSWER:

I am informed as follows:

All staff working in my office are employed by the Premier. Therefore there are no ministerial officers employed by me.

Local Government: ministerial staff — pecuniary interest

2218. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Local Government): Have all ministerial officers currently or previously employed by the Minister signed a pecuniary interest form; if so, on what date — (i) was the declaration signed; and (ii) did the employee commence employment.

ANSWER:

All staff working in my office are employed by the Premier. Therefore there are no ministerial officers employed by me.

Education: ministerial staff — pecuniary interest

2221. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Education): Have all ministerial officers currently or previously employed by the Minister signed a pecuniary interest form; if so, on what date — (i) was the declaration signed; and (ii) did the employee commence employment.

ANSWER:

I am informed as follows:

All staff working in my office are employed by the Premier. Therefore there are no ministerial officers employed by me.

Arts: ministerial staff — pecuniary interest

2222. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): Have all ministerial officers currently or previously employed by the Minister signed a pecuniary interest form; if so, on what date — (i) was the declaration signed; and (ii) did the employee commence employment.

ANSWER:

I am informed that/as follows:

All staff working in my office are employed by the Premier. Therefore there are no ministerial officers employed by me.

Post Compulsory Education, Training and Employment: ministerial staff — pecuniary interest

2232. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): Have all ministerial officers currently or previously employed by the Minister signed a pecuniary interest form; if so, on what date — (i) was the declaration signed; and (ii) did the employee commence employment.

ANSWER:

I am informed as follows:

All staff working in my office are employed by the Premier. Therefore there are no ministerial staff officers employed by me.

Finance: ministerial staff — pecuniary interest

2233. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Finance): Have all ministerial officers currently or previously employed by the Minister signed a pecuniary interest form; if so, on what date — (i) was the declaration signed; and (ii) did the employee commence employment.

ANSWER:

I am informed that:

All staff working in my office are employed by the Premier. Therefore there are no ministerial officers employed by me.

Gaming: ministerial staff — pecuniary interest

2234. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Gaming): Have all ministerial officers currently or previously employed by the Minister signed a pecuniary interest form; if so, on what date — (i) was the declaration signed; and (ii) did the employee commence employment.

ANSWER:

I am informed that:

All staff working in my office are employed by the Premier. Therefore there are no ministerial officers employed by me.

Major Projects and Tourism: ministerial staff — pecuniary interest

2235. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Major Projects and Tourism): Have all ministerial officers currently or previously employed by the Minister signed a pecuniary interest form; if so, on what date — (i) was the declaration signed; and (ii) did the employee commence employment.

ANSWER:

I am informed as follows:

All staff working in my office are employed by the Premier. Therefore there are no ministerial officers employed by me.

Small Business: ministerial staff — pecuniary interest

2244. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Small Business: Have all ministerial officers currently or previously employed by the Minister signed a pecuniary interest form; if so, on what date — (i) was the declaration signed; and (ii) did the employee commence employment.

ANSWER:

I am informed that:

All staff working in my office are employed by the Premier. Therefore there are no ministerial officers employed by me.

Sport and Recreation: ministerial staff — pecuniary interest

2246. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Sport and Recreation: Have all ministerial officers currently or previously employed by the Minister signed a pecuniary interest form; if so, on what date — (i) was the declaration signed; and (ii) did the employee commence employment.

ANSWER:

I am informed that:

All staff working in my office are employed by the Premier. Therefore there are no ministerial officers employed by me.

Multicultural Affairs: staff — remote access to departmental network

2248. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Multicultural Affairs):

- (a) What is the number of staff in the Victorian Office of Multicultural Affairs who have been provided with remote access to the Department's network from outside locations and the cost of all computer equipment and software and the installation, respectively.
- (b) Have all staff who have been provided with remote access all signed a remote user access application.
- (c) What is the number of staff who have not been provided with remote access to the department's network from outside locations but who have departmental computers at home, and what is the cost of their computer equipment and software and the installation, respectively.

ANSWER:

I am informed that:

- (a) Three staff from the Victorian Office of Multicultural Affairs have remote access to the Department's network from outside locations. Of the three computers that are used from outside locations, two were purchased under the previous Government and one since the election of this Government. The cost of the equipment and software as well as the installation was minimal and arranged through normal departmental procedures.
- (b) All staff who have remote user access are required to sign a remote user application form.
- (c) There are no staff within the Victorian Office of Multicultural Affairs who have not been provided with remote access but who have departmental computers at home.

Post Compulsory Education, Training and Employment: Council of Adult Education advertising

2249. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): What are the details of all advertising undertaken by the Council of Adult Education since January 2000 to date indicating — (i) the date of approval for each contract; (ii) the cost of each contract; (iii) the purpose of each advertisement; (iv) the duration of each advertisement; (v) where each advertisement was published and broadcast; (vi) when each advertisement was published and broadcast; and (vii) to whom each contract was awarded.

ANSWER:

I am informed as follows:

The Centre for Adult Education advertises widely through many forms of media to promote its educational programs. For example the CAE's Course Guide was recently distributed through the Age newspaper. Advertisements promoting literacy programs have been placed on commercial television.

To provide the level of detail requested would require the diversion of resources from other priority areas.

The Honourable Member may wish to ask a more focused question or note that a more focused question was asked on this matter by Mr Kotsiras in relation to detail of all television advertising since July 2000 to date by the Centre for Adult Education and I am informed that:

There has been one TV advertising campaign since July 2000. This campaign focused on adult literacy and was titled "Acorns to Oak Trees". The television campaign ran during June and July 2001 and comprised more than 50 free Community Services Announcements which aimed to increase public awareness of the issue of adult literacy in the Australian community and to de-stigmatise illiteracy in the community, in

addition to promoting the CAE's Adult Literacy and Basic Education program. Ms Hazel Hawke was the only person who appeared in the advertisements and she agreed to waive her usual appearance fee because of her long standing belief in and support for education and in particular, literacy, in Australia. Apart from creative costs of around \$4000 which cannot be disaggregated, for an overall multimedia campaign, the only cost to the CAE for this extensive and high impact television campaign was the production cost which was minimal and was in the order of \$20,000 plus GST. Look High Impact Advertising undertook the production under an agreement approved in March 2001.

Education: teachers — salaries

2276. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Education): What is the total number of teachers employed in Government schools by the Government at the end of 1996–97, 1997–98, 1998–99, 1999–2000 and 2000–01 respectively, and what is the total salary and benefits paid (excluding superannuation) by the Government to all teachers employed in Government schools in each of those financial years.

ANSWER:

I am informed as follows:

This information appears in the Department of Education, Employment and Training Annual Reports.

Environment Conservation: fruit bats — control

2301. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the location of the alternative roosting sites for flying foxes in the Royal Botanic Gardens.

ANSWER:

I am informed that:

The proposed alternative flying-fox campsite is in an area of unused Council parkland on the Yarra River called Horseshoe Bend, East Ivanhoe, in the City of Banyule.

Environment Conservation: fruit bats — control

2302. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the time line for implementing the recommendations for alternative roosting sites for flying foxes in the Royal Botanic Gardens.

ANSWER:

I am informed that:

The timelines for implementing the proposal will be dependent on a number of factors, most importantly the decisions of the Banyule City Council regarding their support for the proposal to establish an alternative campsite at Horseshoe Bend, East Ivanhoe. Council agreed at their meeting on 12 November to support the proposal going to a planning process.

Once the planning process is concluded, work will begin immediately to improve the site, such as weeding and planting with native species and establishing a captive colony of flying-foxes at the site.

Significant results in terms of attracting large numbers of flying-foxes away from the Royal Botanic Gardens and to the new site will take some time. It will be approximately two summers before we can determine whether or not the trial has been successful.

Environment Conservation: fruit bats — control

2303. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): In relation to the development of alternative roosting sites for flying foxes in the Royal Botanic Gardens:

- (a) What is the cost of relocating the flying foxes to alternative roosting sites.
- (b) Who will be responsible for managing the relocation.

ANSWER:

I am informed that:

- (a) The State Government has set aside \$900,000 for the three year trial. A large component of this budget will be dedicated to research and monitoring. This is the first trial of its kind conducted anywhere in the world and it will be important to record all of the actions and monitor the response of the flying-foxes. The information will be important when evaluating the trial and adapting any management strategies.
- (b) The trial will be a joint effort between the Department of Natural Resources and Environment, the Royal Melbourne Zoological Gardens, the Royal Botanic Gardens Melbourne, Banyule City Council and the general community.

The Department of Natural Resources and Environment will oversee the delivery of the project. The Royal Melbourne Zoological Gardens will be responsible for catching, transporting and maintaining the captive flying-fox colony, all of which will be monitored by the Royal Society for the Prevention of Cruelty to Animals. Local environment groups and other interested individuals will be able to assist in wildlife monitoring efforts and site improvement activities, such as weeding and tree planting. The Banyule City Council may wish to manage the area or a management authority, such as Parks Victoria, may be appointed.

Environment Conservation: fruit bats — control

2304. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): In relation to the development of alternative roosting sites for flying foxes in the Royal Botanic Gardens:

- (a) How is the Government consulting with key stakeholders.
- (b) For how long will the consultation period continue.

ANSWER:

I am informed that:

- (a) After the Taskforce released its report identifying Horseshoe Bend as the most appropriate site to establish an alternate flying-fox campsite, discussions were held with the City of Banyule Council shortly before the proposal was announced on Friday 5 October. On the day of the announcement, a press conference was held and a media release issued. Over 400 residents were letter dropped on the same day and the site report and a fact sheet was available to the public on the Department's Internet site. A further 700 residents were letter-dropped on the following Wednesday. Representatives from the Department discussed the proposal with the Banyule Environment Advisory Committee on Wednesday 10 October. The Department of Natural Resources and Environment Customer Service Centre has also been equipped to address any calls on the issue.

Since the day of the announcement of the proposal, Council has been further consulted, the Department's web site added to, a dedicated email address established, information days were held at the Ivanhoe Public Golf Course and The Centre on 20 October and 7 November respectively and several thousand Fact Sheets were printed for distribution. The Banyule Council has letter dropped 1,000 local residents regarding the proposal. An Environmental Impact Statement was prepared for Council and they voted at their meeting of 12 November to support the issue being taken to planning process.

(b) Consultation will continue as part of the planning process.

Transport: Yarra Trams

2308. THE HON. G. B. ASHMAN — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport):

- (a) What has been the Government's expenditure on the Yarra Trams route 109 project.
- (b) What future expenditure has been committed.
- (c) How much of this project is being funded by the private operators of Yarra Trams.

ANSWER:

Tram 109 is a major project with many elements. Some of the existing Yarra Trams franchise commitments are consistent with and will enhance the Tram 109 project. The key elements include:

- (a) Box Hill tram extension - a \$22 million project (including land acquisition) of which \$4 million has been paid to date.
- (b) Construction of a number of tram 'Superstops', the first two of which are under construction at the Collins Street/Swanston Street intersection (no payment to Yarra Trams has been made as yet).
- (c) In addition, Yarra Trams will introduce 36 new 'low floor' trams – a \$100 million investment - as part of their Franchise Agreement with the Government.

Yarra Trams is providing support, concept design and advice, working in partnership with the Government to deliver this project.

Opportunities to improve journey times and reliability on route 109 through changes to traffic management are still being examined, and will be considered by the Government for funding in future budgets in conjunction with other competing public transport projects.

Transport: Yarra Trams

2309. THE HON. G. B. ASHMAN — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What are the various concessions which have been made to private tram companies Yarra Trams and Swanston Trams in relation to their commitments to the Operational Performance Regime.

ANSWER:

The requirements of the Operational Performance Regime (OPR) have been applied. Consistent with the Franchise Agreements, concessions are made to OPR penalties where, for example, services are interrupted by planned parades or special events which are approved in advance.

Other adjustments have been made to OPR arrangements as follows:

- Yarra and Swanston Trams are not penalised for service disruptions as a result of track works, which unavoidably impact on services. This step was taken to reduce the potential disincentive to undertake timely track maintenance.
- The Director of Public Transport has generally applied the Director’s option to adjust OPR targets where scheduled journey times have been extended to better reflect achievable travel times under current traffic conditions. However, when Swanston Trams introduced new timetables last year which incorporated some small increases in scheduled journey times, the adjustment made to OPR targets was not fully proportional. This was a once only concession in recognition of :
 - the expectation at time of franchising that Swanston Trams would introduce an overdue timetable change after franchise commencement; and
 - the consequent difference in targets that were given to Swanston. In the first year of franchise, all rail franchises except Swanston Trams were set targets for service delays and cancellations, which were 20% better than the benchmark year. This target had to be achieved in order for franchisees to avoid financial penalties. For Swanston the target was set at 30% better than benchmark.
- Adjustments were made to limit the impact on OPR penalties resulting from the initial impact on service performance of the withdrawal of W Class trams in mid 2000.
- Adjustments were made to limit OPR penalties resulting from severe disruptions to services due to last year’s World Economic Forum protests.

Transport: City Circle tram service

2310. THE HON. G. B. ASHMAN — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What are the patronage figures for each month since the introduction of the City Circle tram service up to the most recent data.

ANSWER:

Yarra Trams reports that the City Circle Tram patronage since 1997 is as follows:

	1997/98	1998/99	1999/00	2000/01	2001/02
Jul	247,911	397,300	403,127	150,448	181,596
Aug	213,926	294,218	294,098	111,229	106,982
Sept	246,492	258,263	287,307	112,562	164,382
Oct	307,156	298,697	273,890	161,971	
Nov	293,426	318,214	319,629	131,654	
Dec	238,634	379,682	507,016	153,053	
Jan	358,502	408,361	416,433	187,807	
Feb	233,046	276,191	330,633	142,577	
Mar	326,136	408,633	309,024	200,949	
Apr	474,473	380,323	168,545	188,064	
May	369,381	284,807	389,461	171,400	

Jun	345,746	281,405	271,248	143,115	
Annual (FY)	3,654,829	3,986,094	3,970,410	1,854,830	452,960

Monthly figures for 1993/94, 1994/95 and 1995/96 are not available. Annual figures are provided below.

Annual (FY)	1993/94	1994/95	1995/96
	2.4 million	3 million	3.3 million

Note that the patronage since July 2000 has been affected by a reduced service resulting from the withdrawal of W Class trams for safety reasons. The trams are expected to return to service by the end of December 2001.

Environment Conservation: fruit bats — control

2314. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): Did the Government provide additional funds for the purpose of the grey-headed flying fox cull in the Royal Botanic Gardens; if so, how much funding was provided and, if no additional funds were provided, did the costs associated with the cull come from the Royal Botanic Gardens budget.

ANSWER:

I am informed that:

The management of the flying fox population in the Royal Botanic Gardens is technically difficult and has been complicated by the involvement of some activist groups within the community. Protestors have threatened to destroy one tree in the Gardens for every flying fox killed. Vandalism and damage have occurred at the Gardens and some plants have been destroyed.

As a result of these threats and actions, and in the interests of safety for the plant collections and staff of the Gardens and the maintenance of public order it is not considered appropriate at this time to provide details about the culling of the flying fox population in the Royal Botanic Gardens.

However, recognising this is a matter not provided for in the annual appropriation of funds for the management of the Gardens, the Government has provided funding support for the management of flying fox cull and associated matters.

Environment Conservation: fruit bats — control

2315. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): How many of the animals that were killed in the grey-headed flying fox cull in the Royal Botanic Gardens were banded, tagged and/or micro-chipped.

ANSWER:

I am informed that:

None of the animals killed in the grey-headed flying-fox cull in the Royal Botanic Gardens were banded or tagged. The animals were not checked for micro-chips because information was not available about the type of micro-chip reader needed.

Environment Conservation: fruit bats — control

2316. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): How many animals were killed in the grey-headed flying fox cull in the Royal Botanic Gardens.

ANSWER:

I am informed that:

The management of the flying fox population in the Royal Botanic Gardens is technically difficult and has been complicated by the involvement of some activist groups within the community. Protestors have threatened to destroy one tree in the Gardens for every flying fox killed. Vandalism and damage have occurred at the Gardens and some plants have been destroyed.

As a result of these threats and actions, and in the interests of safety for the plant collections and staff of the Gardens and the maintenance of public order it is not considered appropriate at this time to provide details about the culling of the flying fox population in the Royal Botanic Gardens.

Environment Conservation: fruit bats — control

2317. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What were the other costs associated with the grey-headed flying fox cull in the Royal Botanic Gardens.

ANSWER:

I am informed that:

The management of the flying fox population in the Royal Botanic Gardens is technically difficult and has been complicated by the involvement of some activist groups within the community. Protestors have threatened to destroy one tree in the Gardens for every flying fox killed. Vandalism and damage have occurred at the Gardens and some plants have been destroyed.

As a result of these threats and actions, and in the interests of safety for the plant collections and staff of the Gardens and the maintenance of public order it is not considered appropriate at this time to provide details about the culling of the flying fox population in the Royal Botanic Gardens.

Environment Conservation: fruit bats — control

2318. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What was the cost of the security guards before and during the period of the grey-headed flying fox cull in the Royal Botanic Gardens.

ANSWER:

I am informed that:

The management of the flying fox population in the Royal Botanic Gardens is technically difficult and has been complicated by the involvement of some activist groups within the community. Protestors have threatened to destroy one tree in the Gardens for every flying fox killed. Vandalism and damage have occurred at the Gardens and some plants have been destroyed.

As a result of these threats and actions, and in the interests of safety for the plant collections and staff of the Gardens and the maintenance of public order it is not considered appropriate at this time to provide details about the culling of the flying fox population in the Royal Botanic Gardens.

Environment Conservation: fruit bats — control

2319. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What was the cost of the grey-headed flying fox cull in the Royal Botanic Gardens per flying fox killed.

ANSWER:

I am informed that:

The management of the flying fox population in the Royal Botanic Gardens is technically difficult and has been complicated by the involvement of some activist groups within the community. Protestors have threatened to destroy one tree in the Gardens for every flying fox killed. Vandalism and damage have occurred at the Gardens and some plants have been destroyed.

As a result of these threats and actions, and in the interests of safety for the plant collections and staff of the Gardens and the maintenance of public order it is not considered appropriate at this time to provide details about the culling of the flying fox population in the Royal Botanic Gardens.

Environment Conservation: fruit bats — control

2320. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What was the cost of the Tidemann Harp trap used in respect of the grey-headed flying fox cull in the Royal Botanic Gardens.

ANSWER:

I am informed that:

The management of the flying fox population in the Royal Botanic Gardens is technically difficult and has been complicated by the involvement of some activist groups within the community. Protestors have threatened to destroy one tree in the Gardens for every flying fox killed. Vandalism and damage have occurred at the Gardens and some plants have been destroyed.

As a result of these threats and actions, and in the interests of safety for the plant collections and staff of the Gardens and the maintenance of public order it is not considered appropriate at this time to provide details about the culling of the flying fox population in the Royal Botanic Gardens.

Environment Conservation: fruit bats — control

2321. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What was the cost of advertising and publicity in respect of the grey-headed flying fox cull in the Royal Botanic Gardens.

ANSWER:

I am informed that:

The costs of providing public information in respect of grey-headed flying-fox management at the Royal Botanic Gardens associated with the culling were approximately \$13,075 (excluding GST).

Environment Conservation: fruit bats — control

2322. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What was the cost of consultant advice in respect of the grey-headed flying fox cull in the Royal Botanic Gardens.

ANSWER:

I am informed that:

The cost of consultant advice in respect of the grey-headed flying-fox cull in the Royal Botanic Gardens was approximately \$13,650 (excluding GST).

Environment Conservation: fruit bats — control

2323. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What has been the total cost of the grey-headed flying fox cull in the Royal Botanic Garden.

ANSWER:

I am informed that:

The management of the flying fox population in the Royal Botanic Gardens is technically difficult and has been complicated by the involvement of some activist groups within the community. Protestors have threatened to destroy one tree in the Gardens for every flying fox killed. Vandalism and damage have occurred at the Gardens and some plants have been destroyed.

As a result of these threats and actions, and in the interests of safety for the plant collections and staff of the Gardens and the maintenance of public order it is not considered appropriate at this time to provide details about the culling of the flying fox population in the Royal Botanic Gardens.

State and Regional Development: Latrobe Valley project

2324. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): In relation to the announcement of a \$105.8 million plan for the Latrobe Valley on 22 June 2001:

- (a) Are any of the projects announced receiving funding from the Regional Infrastructure Development Fund; if so, which projects.
- (b) Are any of the projects announced receiving funding from the Living Regions Living Suburbs Fund; if so, which projects.
- (c) Are any of the projects announced receiving funding from the Regional Economic Development Program; if so, which projects.
- (d) Are any of the projects announced receiving funding from the Rural Community Development Program; if so, which projects.
- (e) Are any of the projects announced receiving funding from the Council and Regional Development Bodies Program for Economic Development; if so, which projects.

ANSWER:

I am informed that:

For details of projects funded under each of the programs referred to in questions (a) to (e), I refer the Honourable Member to the publicly available report, "Framework for the Future", which was released by the Premier on 22 June 2001.

State and Regional Development: rural community infrastructure allocation

2326. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): In relation to the Rural Community Infrastructure Allocation (RCIA):

- (a) Will the application process for the RCIA be the same as for the Regional Infrastructure Development Fund; if not, what will the application process be.
- (b) Will the Rural Community Development Program run concurrently with the new RCIA.

ANSWER:

I am informed that:

Staff from the Department of State and Regional Development work with Councils to develop applications for the Rural Community Infrastructure Allocation (RCIA). Published guidelines for this program focus upon projects developed at the community level which seek to revitalise community infrastructure.

The process is consistent with the requirements for the Regional Infrastructure Development Fund (RIDF), with applications considered by the RIDF Committee prior to submission to me.

The Rural Community Development Program (RCDP) was funded by the Community Support Fund for the period July 2000-June 2001. It was a successful program providing \$5 million in matched grants over that period. The new Rural Community Infrastructure Allocation (RCIA) funded from the Regional Infrastructure Development Fund provides a notional allocation of \$10 million over 2 years. It doubles the maximum amount of funding available to rural councils for revitalising community infrastructure.

State and Regional Development: Rural Community Development Program

2327. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): In relation to the Rural Community Development Program:

- (a). How many of the 141 projects were funded under this program in 1999-2000 and 2000-01, respectively.
- (b). What was the total funding allocation in 1999-2000 and 2000-01, respectively.
- (c). Will this program continue in 2001-02; if so, what is the budgeted total funding in 2001-02.

ANSWER:

I am informed that:

All of the 141 projects were funded under the Rural Community Development Program (RCDP) for the period 2000-2001. The program operated in a different form in 1999-2000 as the Rural Community Development Scheme.

The total funding allocation for 2000-2001 was \$5 million provided by the Community Support Fund.

The RCDP was funded for the period July 2000-June 2001. The new Rural Community Infrastructure Allocation (RCIA) funded from the Regional Infrastructure Development Fund provides a notional allocation of \$10 million over 2 years. It doubles the maximum amount of funding available to rural councils for revitalising community infrastructure.

State and Regional Development: Living Regions, Living Suburbs and Support Fund

2328. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): In relation to the Living Regions, Living Suburbs Support Fund:

- (a) What was the total allocation of funds in 2000-01.
- (b) How many projects/organisations received funding under this Fund in 2000-01.
- (c) What is the budgeted total funding in 2001-02.

ANSWER:

I am informed that:

The allocation for 2000-01 for the Living Regions Living Suburbs Program as stated in the Budget Papers was \$8 million. Fourteen organisations received approvals for 15 projects in 2000-01.

The allocation for 2001-02 as stated in the Budget Papers was \$8 million.

State and Regional Development: Rural Leadership and Community Events Program

2329. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development):

- (a) What was the total allocation of funds in 2000-01 under the Rural Leadership and Community Events Program.
- (b) How many projects/organisations received funding under this Program in 2000-01.
- (c) Will this program continue in 2001-02; if so, what is the budgeted total funding in 2001-02.

ANSWER:

I am informed that:

The allocation for 2000-01 for the Rural Leadership and Community Events Program was \$1,235,000. Twenty-two organisations received approvals for 24 projects in 2000-01.

The allocation for 2001-02 was \$1,235,000.

State and Regional Development: Rural Communities Capacities Building Program

2330. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development):

- (a) What was the total allocation of funds in 2000-01 under the Rural Communities Capacities Building Program.
- (b) How many projects/organisations received funding under this Program in 2000-01.

ANSWER:

I am informed that:

The total allocation of funds in 2000-01 under the Rural Communities “Community Capacity Building Initiative” was \$1 million, comprising an equal allocation of \$500,000 each from the Department of State and Regional Development and the Department of Natural Resources and Environment.

Eleven pilot projects involving 55 small towns received funding under this program in 2000-01.

State and Regional Development: Regional Economic Development Program

2331. THE HON. W FORWOOD — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development):

- (a) What was the total allocation of funds in 2000-01 under the Regional Economic Development Program.
- (b) How many projects/organisations received funding under this Program in 2000-01.
- (c) Will this program continue in 2001-02; if so, what is the budgeted total funding in 2001-02.

ANSWER:

I am informed that:

The allocation for 2000-01 for the Regional Economic Development Program was \$4 million. Fifty-eight organisations received approvals for 89 projects in 2000-01.

This program has been continued in 2001-02 with a proposed allocation of \$3.4 million.

State and Regional Development: Council and Regional Development Bodies Program for Economic Development

2332. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development):

- (a) What was the total allocation of funds in 2000-01 under the Council and Regional Development Bodies Program for Economic Development.
- (b) How many projects/organisations received funding under this Program in 2000-01.
- (c) What is the budgeted total funding in 2001-02.

ANSWER:

I am informed that:

The allocation for 2000-01 under the Council and Regional Development Body Program was \$2.7 million for the Regional Group component of the program. This program also includes approximately \$2 million provided under the Regional Economic Development Program for the Priority Project component.

Fourteen organisations received approvals for 18 projects in 2000-01 for the Regional Group Project component of this program. Thirty-three organisations received approvals for 51 projects in 2000-01 for the Priority Project component under the Regional Economic Development Program.

The allocation for 2001-02 as stated in the Budget Papers was \$2.7 million.

State and Regional Development: regional joint action groups

2333. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development):

- (a) What was the total allocation of funds in 2000-01 for Regional Joint Action Groups.
- (b) How many groups received funding under this Program in 2000-01.
- (c) What is the budgeted total funding in 2001-02.

ANSWER:

I am informed that:

Four groups received Regional Joint Action Group funding in 2000-01, to the value of \$32,600.

The Export Networks and Consortia Program, of which the Joint Action Groups are a part, sits within the Business Development output. The budgeted output cost for Business Development in 2001-02 as stated in the Budget Papers is \$24.9 million.

Major Projects and Tourism: regional tourism strategy

2335. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Major Projects and Tourism): Has the Regional Tourism Strategy been completed; if not, when will it be completed.

ANSWER:

I am informed that: the regional tourism strategy is nearing completion following an extensive consultation process which has involved regional tourism forums, workshops and meetings. Local Government, industry bodies, airlines and tourism operators have been involved in the process.

The regional strategy forms part of the development of the Victorian Tourism industry's overall strategy, which will take Victoria through to the staging of the Commonwealth Games in 2006. This over-arching strategy looks to ensure Victoria is well positioned as a competitive destination for both domestic and international visitors.

The strategy is expected to be completed early next year.

State and Regional Development: business events assistance

2336. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): Further to the answer to Question No. 1924, given in this House on 16 August 2001, what financial assistance was given to each of the five Business Events.

ANSWER:

I am informed that:

The five Business Events in 2000-01 received the following financial assistance under the Business Events Program:

Victorian Manufacturing Week	\$150,000
Melbourne Marine Week	\$300,000
Victorian Wine Week	\$150,000
Melbourne Furnishing Festival	\$150,000
Australian Automotive Week	up to \$150,000*

*The final activity for this event was held in September 2001. A final report has not yet been submitted, and final payment has not yet been made.

State and Regional Development: one-stop shops pilot

2337 THE HON. BILL FORWOOD — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): Further to the answer to Question No. 1922, given in this House on 16 August 2001:

- (a) Where will the four pilot shops be located.
- (b) What is the cost of the One Stop Shop pilot program.

ANSWER:

I am informed that:

Potential locations are still being reviewed and no final decision has been reached. A total budget of \$1.2 million has been allocated over three financial years.

Multicultural Affairs: staff bonuses

2338. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Multicultural Affairs): Will the Minister advise:

- (a) What was the total number of public servants in the Office of Multicultural Affairs that received bonuses in 1999-2000 and 2000-01 respectively, and what was the amount of each bonus.
- (b) What criteria were used in deciding whether the individual was to receive the bonus.

ANSWER:

I am informed that:

The Department of Premier and Cabinet has a bonus arrangement whereby individuals can be rewarded for superior achievements.

Individuals may, from time to time, qualify for such a bonus if they have contributed to a superior outcome.

The details of these arrangements are confidential and between the employee and the Department, and it is considered that it is not appropriate to provide further particulars.

Ports: Westgate terminal project

2357. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Ports: What is the total cost of the advertising campaign in local and international newspapers and journals to promote the Westgate terminal project.

ANSWER:

As part of the MPC's marketing of Victoria, the Melbourne Port and the Westgate Project \$32,363 was spent on advertising associated with the Westgate Project in local and international newspapers, magazines and journals.

Ports: Westgate terminal project

2358. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Ports: How many genuine expressions of interest were received as a result of the worldwide briefings held in order to encourage potential investors in the Westgate terminal.

ANSWER:

The steering committee established for the project is happy with the level of expressions of interest that have been received.

Due to the nature of the project and related probity concerns the number of parties that expressed interest in the project is not being disclosed at this stage.

Ports: Westgate terminal project

2359. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Ports: in which countries were the worldwide briefings held in order to encourage potential investors in the Westgate terminal project.

ANSWER:

As part of the MPC's marketing of Victoria, the Melbourne Port and the Westgate Project, a number of briefings were carried out in the following countries:

- Australia
- New Zealand
- Hong Kong
- USA
- Europe

Ports: Westgate terminal project

2360. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Ports: How many worldwide briefings were held in order to encourage potential investors in the Westgate Terminal Project.

ANSWER:

As part of the Melbourne Port Corporation's (MPC's) marketing of Victoria, the Melbourne Port and the Westgate Project, over 20 formal briefings were carried out in:

- Australia;
- New Zealand;
- Hong Kong;
- USA; and
- Europe.

Ports: Westgate terminal project

2361. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Ports: What was the total cost of the worldwide briefings aimed at encouraging potential investors in the Westgate Terminal Project.

ANSWER:

The cost allocated to the Westgate Project for the briefings outside Australia was \$30,630.

In addition, extensive briefings have taken place in Australia.

Industrial Relations: Fair School Wear campaign

2370. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Industrial Relations: In relation to the Fair School Wear Campaign:

- (a) Has the Government financially assisted the campaign; if so, how much.
- (b) Has the Government provided other non-financial assistance to the campaign.

ANSWER:

I am informed that the Bracks Government's assistance to the Fair School Wear campaign has been limited to my participation in the launch and general, non-financial support for the campaign's principle objective, the improvement of outworkers' working conditions.

Industrial Relations: homeworkers code of practice

2371. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Industrial Relations: In relation to the No Sweat Shop Label campaign under the Homeworkers Code of Practice:

- (a) Has the Government financially assisted the campaign; if so, how much.
- (b) Has the Government provided other non-financial assistance to the campaign.

ANSWER:

I am informed that the Government's assistance to the No Sweat Shop Label campaign has been limited to my participation in the launch and general, non-financial support for the campaign's principle objective, the improvement of outworkers working conditions.

Industrial Relations: Building Industry Consultative Council

2372. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Industrial Relations: In relation to the Building Industry Consultative Council (BICC):

- (a) What is its total Budget.
- (b) How many meetings has the Council held up to 30 September 2001.
- (c) Does the Minister for Industrial Relations attend those meetings.
- (d) What administrative services are provided to the Council.
- (e) Does the Council have an office within Industrial Relations Victoria or the Department of State and Regional Development; if so, does the Council have any staff and what is the operating cost of this Office.
- (f) Does the Chairman of the Council receive a fee for service.

ANSWER:

I am informed as follows:

- (a) The Building Industry Consultative Council has no separately identified budget, however limited funding is provided from the Industrial Relations Victoria budget to cover meeting expenses and the Chairman's sessional costs.
- (b) The Council has met four times up to 30 September 2001.
- (c) I attended and addressed the inaugural meeting.
- (d) A member of staff from Industrial Relations Victoria provides secretariat services to the Council as required.
- (e) The Council has no office.
- (f) The Chairman receives payment at a sessional rate of \$262 per day while undertaking work related to the role of Chair of the Consultative Council.

Industrial Relations: Youth Rights at Work campaign

2373. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Industrial Relations: What is the total cost of the Youth Rights at Work Campaign.

ANSWER:

I am informed as follows:

Total expenditure on consultancy services for the Youth Rights at Work Taskforce was \$95,000. In addition, \$4127.33 was spent on other services related to the campaign.

Industrial Relations: regional high performance networks

2381. THE HON. W. I. SMITH — To ask the Honourable the Minister for Industrial Relations: In relation to Regional High Performance Networks:

- (a) How many are there in Victoria.
- (b) What are the objectives of the networks.
- (c) What resources are available to the networks.
- (d) What is the budget allocated to resourcing the networks for 2000-01.

ANSWER:

I am informed as follows:

- (a) There are now three Regional High Performance Networks in place in regional Victoria covering South-West Victoria, the North-East and the North-West.
- (b) The networks, which consist of human resource managers from local government authorities and local libraries throughout regional Victoria, provide support and assistance to improve industrial relations and human resource management practices. The aim is not only to improve industrial relations in local government and regional authorities, but also to improve the efficiency with which these authorities deliver essential services to regional Victoria.
- (c) While the Victorian Government has facilitated the formation of these regional networks and will continue to support them, the networks are largely organised by the participants themselves. Local government authorities within each of the regional network areas make their premises available and host network members from other authorities.

- (d) The Regional High Performance Networks have no separately identified budget. Industrial Relations Victoria provides ongoing support for the networks through facilitating meetings and organising workshops.

Transport: tram stop modifications

2406. THE HON. G. B. ASHMAN — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What are the details of any tram stop modifications or removals across the tram networks.

ANSWER:

There are no current proposals by either Yarra Trams or Swanston Trams to reduce the number of tram stops.

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, 22 November 2001

Post Compulsory Education, Training and Employment: staff

2189. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): How many full-time and part-time staff were employed by the Office of Training and Further Education in the departmental office of the Department of Employment, Education and Training as at — (i) 30 June 1998; (ii) 30 June 1999; (iii) 1 January 2000; (iv) 30 June 2000; (v) 1 January 2001; and (vi) 30 June 2001.

ANSWER:

I am informed as follows:

The number of staff employed by the Office of Training and Further Education (OTFE) in the departmental office of the Department of Employment, Education and Training (DEET) can be found in the Department's Annual Reports.

Post Compulsory Education, Training and Employment: staff salaries

2190. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): What were the salary levels of full-time and part-time staff employed by the Office of Training and Further Education in the departmental office of the Department of Employment, Education and Training as at — (i) 30 June 1998; (ii) 30 June 1999; (iii) 1 January 2000; (iv) 30 June 2000; (v) 1 January 2001; and (vi) 30 June 2001.

ANSWER:

I am informed as follows:

The salary levels of staff employed by the Office of Training and Further Education (OTFE) in the departmental office of the Department of Employment, Education and Training (DEET) are as follows:

Date	Salary Levels of Staff (EFT)						
	EO2	EO3	VPS5	VPS4	VPS3	VPS2	VPS1
30 June 1998	4	11.9	26.2	50.20	50.53	37.60	10.50
30 June 1999	2	11.9	28.6	61.00	47.10	43.69	6.15
1 January 2000	3	9.9	27.2	59.04	44.70	39.79	5.80
30 June 2000	3	7.9	27	55.64	45.20	41.21	6.80
1 January 2001	3	6.9	25.6	57.20	49.60	42.51	4.70
30 June 2001	3	7.9	27.4	62.60	53.60	39.61	3.80

Salary Level Legend:

EO2/ EO3 Executive Officer, Levels 2 and 3

VPS1/5 Victorian Public Service, Levels 1 to 5

Note that OTFE is now the Office of Employment, Training and Tertiary Education, which includes functions not previously performed by OTFE (employment programs and higher education). Staff related to these additional functions are not included in the above figures, to enable a valid comparison to be made.

Post Compulsory Education, Training and Employment: staff salaries

2193. THE HON. B. N. ATKINSON — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): What were the salary levels of the full-time and part-time staff employed by the Office of Training and Further Education, Department of Employment, Education and Training as at 1 June 2001.

ANSWER:

I am informed as follows:

The salary levels of staff employed by the Office of Training and Further Education (OTFE), Department of Employment, Education and Training (DEET) as at 30 June 2001 are as follows:

Salary Levels	Staff (EFT)
EO2	3.00
EO3	7.90
VPS5	27.40
VPS4	62.60
VPS3	53.60
VPS2	39.61
VPS1	3.80
TOTALS	197.91

Salary Level Legend:

- EO2/ EO3 Executive Officer, Levels 2 and 3
- VPS1/5 Victorian Public Service, Levels 1 to 5

The functions of the Office of Training and Further Education (OTFE) have been subsumed in the Office of Employment, Training and Tertiary Education. The total number of staff employed in relation to the functions previously undertaken by OTFE as at 30 June 2001 was 197.91 (Equivalent Full Time).

Premier: staff — remote access to departmental network

2247. THE HON. G. K. RICH-PHILLIPS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier):

- (a) What is the number of staff in the Premier’s Private Office who have been provided with remote access to the Department’s network from outside locations and the cost of all computer equipment and software and the installation, respectively.
- (b) Have all staff who have been provided with remote access all signed a remote user access application.

- (c) What is the number of staff who have not been provided with remote access to the Department's network from outside locations but who have departmental computers at home, and what is the cost of their computer equipment and software and the installation, respectively.

ANSWER:

I am informed that:

- (a) There are 12 staff members in the Premier's Private Office who have remote user access. There is only one staff member who has had computer equipment installed at home, for family reasons, at a minimal cost.
- (b) All staff who have remote user access are required to sign a remote user application form.
- (c) None.

Premier: community cabinet

2261. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier): How many staff in the Premier's office have a designated role to assist with consultation done for the Community Cabinet process and what are their names and positions.

ANSWER:

I am informed that:

All staff members in the Premier's Private Office have responsibility for the Community Cabinet which is a central function of the office and an important election commitment of the Government.

Aged Care: Home and community care funding

2313. THE HON. J. W. G. ROSS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Aged Care): Will the Minister provide a detailed breakdown of the HACC funding allocations to non-Government service providers for the years 1999-2000 and 2000-01 by local government area, including summary figures for each of the nine departmental regions.

ANSWER:

As agencies are identified for each Region from which they receive funding it is not possible to provide HACC funding allocations by local government area.

Attachment 1 provides a summary of HACC recurrent funding allocations to non-Government service providers at a Regional level for years 1999-2000 and 2000-2001.

Attachment 1

Home and Community Care (HACC) Program

Regional Summary of Recurrent Funding Allocations to Non Government Organisations for 1999-2000 and 2000-2001

DHS Region	1999/2000	2000/2001
Barwon	\$11,084,940	\$12,780,666
Eastern	\$28,744,480	\$29,322,271

DHS Region	1999/2000	2000/2001
Gippsland	\$10,763,663	\$11,664,986
Grampians	\$8,543,033	\$9,669,551
Hume	\$7,249,191	\$8,202,874
Loddon	\$9,549,521	\$10,285,596
Northern	\$21,513,737	\$24,932,641
Southern	\$33,405,025	\$35,727,938
Western	\$16,680,939	\$18,382,139
Central Office	\$53,389	\$54,243
Total	\$147,587,917	\$161,022,905

Housing: Edinburgh Gardens public housing estate

2342. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing): What are the details of the proposed development of a five storey concrete block of 65 units of public housing in the Edinburgh Gardens, including details of the consultation process undertaken and the proposed cost of the project.

ANSWER:

Details of the proposal:

After extensive discussions with council officers, and consultation with the local community, amendments were made to the original proposal. The revised proposal is currently the subject of local consultations.

Consultation process:

The initial planning permit was lodged in November 2000 with the City of Yarra following discussions with Council planning staff to identify design parameters.

An initial community information meeting was held on 29 January 2001, at which concerns were expressed by local residents. Council officers also provided comments subsequent to this meeting and the design was revised accordingly.

Further community meetings were held by the Council on 4 October 2001 to present the amendments made to the proposal and again on 12 November 2001 to allow the neighbouring residents the opportunity to provide additional comments or obtain further clarification

Proposed cost:

The proposed cost of the amended scheme is subject to finalisation of the planning process.

Housing: Raglan–Ingles housing estate

2352. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing): How many units available for public housing in the Raglan–Ingles housing development will be suitable for — (i) couples; (ii) singles; (iii) families; and (iv) the aged.

ANSWER:

The Raglan/Ingles site originally provided 64, 3 bedroom public housing flats. The preferred option for redeveloping the site will return 64 public housing units and up to 50 private sector units. The public housing units will provide a range of accommodation types to meet the need for singles, older persons and family housing in the area.

The breakdown of the accommodation recommended for the site is:-

1. Couples:- no accommodation has been specifically designated for couples. Dependant on age and circumstances couples will be housed in the small family or older persons units in the development.
2. Singles:- 4 one bedroom units for single persons.
3. Families:- 35 units consisting of a mix of two, three and four bedroom units.
4. Aged Persons:- 25 Older Persons units which will accommodate elderly singles and couples.

The recommended mix of accommodation types is subject to planning permit approval in the context of Town Planning requirements.

Housing: Raglan–Ingles housing estate

2353. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing): How many units available for private sale in the Raglan–Ingles housing development will be suitable for — (i) couples, (ii) singles; (iii) families; and (iv) the aged.

ANSWER:

At this point of time, it is not possible to determine the types of units that will be available for private sale as this will be at the developer's discretion. The total area of the Raglan/Ingles site is 6,650 square meters. The area available for private sector development is 1600 square meters. The site will be sold subject to Council approved design guidelines and building envelope controls.

Housing: Raglan–Ingles housing estate

2354. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing): What is the current time line for the Raglan–Ingles housing development project.

ANSWER:

The proposed timeline for completion of the public housing project is late 2003- early 2004. Achievement of this timeframe is dependent upon receiving planning permit approvals in early 2002 with the project being put out to tender and contracts let by mid 2002.

Housing: Raglan–Ingles public housing estate

2362. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing): How is the local council participating in the development of the Raglan/Ingles public housing estate.

ANSWER:

The Minister for Housing announced the redevelopment of the Raglan/Ingles estate, Port Melbourne in November 1999. A Community Advisory Committee was set up in December 1999, chaired by Matt Viney MLA, to develop an appropriate redevelopment strategy for the estate.

The City of Port Phillip was represented on the advisory committee by a Council representative and a Council Officer.

Following receipt of the Strategy Report from the Advisory Committee, the Minister for Housing and Aged Care announced that the Raglan/Ingles redevelopment project would proceed. The Minister also confirmed that a Community Liaison Committee would be established to review progress of the redevelopment project and ensure the community was kept informed about the project.

The Community Liaison Committee comprises representatives from local government, community agencies, residents and former tenants.

The City of Port Phillip will also have a statutory involvement with the project through the standard town planning processes associated with approval of the final development plans for the site.

Housing: Raglan–Ingles public housing estate

2366 THE HON. ANDREA COOTE — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing): What is the net increase of units available for public housing as a result of the Raglan/Ingles public housing estate development.

ANSWER:

The redevelopment of the Raglan/Ingles estate will return 64 public housing units to the site. This yield maintains the stock numbers that previously existed on the estate.

Housing: Raglan–Ingles public housing estate

2367. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing):

- (a) How many private units have been sold off the plan at the Raglan/Ingles public housing estate to date.
- (b) How many will be sold on completion of the units.

ANSWER:

- (a) No units have been sold off the plan at the Raglan/Ingles public housing estate.
- (b) The preferred option for developing the site indicates up to 50 private units. It is expected that all these units will be available for sale on the open market.

Housing: Raglan–Ingles public housing estate

2368. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing): What links will be developed between the Raglan/Ingles public housing estate and support services.

ANSWER:

Local Service providers participate on the Raglan/Ingles Redevelopment Community Liaison Committee. The service providers represented are Inner South Community Health Services, South Port Anglican Uniting Ministries Among Youth (Spauymay Youth Organisation), the Brotherhood of St Laurence Tenancy Advice & Referral Service and the City of Port Phillip.

The participation of local government and support agencies on the Committee will ensure that the local service sector is kept informed of the progress of the redevelopment and potential support service demands that will be generated. It will assist support services in planning to meet any additional support requirements in the area.

Industrial Relations: Fair Employment Bill seminars

2374. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Industrial Relations: In relation to the Fair Employment Bill seminars held throughout the State:

- (a) What was the total cost of running those seminars.
- (b) How many people attended the seminars.
- (c) How many were public servants.

ANSWER:

- (a) The total cost of the Fair Employment Bill seminars was \$22,748.
- (b) As these seminars were open to the public, no attendance record was taken.
- (c) As these seminars were open to the public, attendees' details were not recorded.

Industrial Relations: task force report

2377. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Industrial Relations: In relation to the Independent Report of the Victorian Industrial Relations Taskforce Report, Part 1: Report and Recommendations and Part 2: Statistical Research on the Victorian Labour Market:

- (a) How many copies of the Report were produced.
- (b) What was the cost of producing the Report.
- (c) How many copies were distributed and to whom.

ANSWER:

- (a) 2,500 copies of the report were produced.
- (b) The cost of producing the reports was \$27,869 (excluding GST).
- (c) The report was distributed to each organisation/person who made a submission to the Taskforce and to interested members of the public. There are approximately 500 copies of the report still on hand.

Industrial Relations: task force staffing

2378. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Industrial Relations: In relation to the Victorian Industrial Relations Taskforce:

- (a) What was the total cost and the cost breakdown of the Taskforce process (including, but not exclusively, staffing, administrative support, consultant fees, Report production, distribution etc).
- (b) What fee did each of the Taskforce members receive for their service, including the Taskforce Chairman.

ANSWER:

- (a) The total cost of the Taskforce process was \$560,286.08. That cost is broken down as follows:

Expense Category	Taskforce Expenditure
Employee costs	111,275.02
Taskforce Member Fees	47,985.23
Agency Staff	28,199.36
Books and Publications	2,169.56
Office Requisites	36,540.45
Communication Costs	6,879.41
Professional Services	141,857.32
Promotion Costs	101,797.70
Couriers	3,151.15
Meeting Expenses	14,857.29
Printing Costs	33,154.94
Travel & Accommodation Expenses	32,418.65
Total Cost - Industrial Relations Taskforce	<u>560,286.08</u>

- (b) The Chairperson of the Taskforce, Professor Ron McCallum received a fee of \$47,985.23. No other member of the Taskforce was paid a fee for his or her services.

Major Projects and Tourism: tourist numbers

2379. THE HON. GRAEME STONEY — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Major Projects and Tourism): What was the actual outcome for 2000-01 of the following tourism output groups' quantity performance measures — (i) visitor nights (domestic); (ii) visitor nights (international); and (iii) number of visitors (international).

ANSWER:

I am informed as follows:

The information requested by the Honourable Member is published in the appendices to the Department of State and Regional Development's Annual Report for 2000-2001.

Major Projects and Tourism: tourism advertising

2380. THE HON. GRAEME STONEY — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Major Projects and Tourism): What was the actual outcome for 2000-01 of the tourism output groups' quality performance measure "Awareness of advertising on Victoria" in relation to — (i) New South Wales; (ii) South Australia; (iii) Queensland; and (iv) Victoria.

ANSWER:

I am informed as follows:

The information requested by the Honourable Member is published in the appendices to the Department of State and Regional Development's Annual Report for 2000-2001.

Housing : Raglan–Ingles housing estate

2445. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing): Which private sector organisations are participating in the Raglan/Ingles housing development.

ANSWER:

The only private sector organisation currently participating in the Raglan/Ingles project is Peddle Thorp Melbourne Architectural and Planning Consultants who have been engaged to prepare the development plan for the site and coordinate the town planning application process through the City of Port Phillip.

Housing : Raglan–Ingles housing estate

2446. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing): What opportunities are available for the private sector to participate in the Raglan/Ingles housing development.

ANSWER:

Opportunities for the private sector to participate will be available when the tender for construction of the public housing component of the redevelopment project is advertised and accepted.

At this time expressions of interest will also be sought from private enterprise for the purchase of and development of the private sector area on the redevelopment site.

Housing: Monash Province – public housing stock

2449. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing): In relation to future upgrades of existing stock, how many properties in Monash Province will be upgraded according to the 2001-02 budget.

ANSWER:

I am informed that:

During the 2001-02 financial year it is planned that approximately 200 properties will be upgraded in the Monash Province.

Health: hospital trolleys

2450. THE HON. G. B. ASHMAN — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health):

- (a) How many hospital trolleys have been purchased since October 1999.
- (b) In which hospitals have these trolleys been located.

ANSWER:

The Department of Human Services does not have access to information on the purchasing of such matters as hospital trolleys. The purchasing process is undertaken by individual hospitals and forms part of those hospitals' asset registers.