PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

6 November 2003

(extract from Book 5)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

Lady SOUTHEY, AM

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Law Reform Committee — (*Council*): The Honourables Andrew Brideson and R. Dalla-Riva, and Ms Hadden. (*Assembly*): Ms Beard, Mr Hudson, Mr Lupton and Mr Maughan.

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Public Accounts and Estimates Committee — (*Council*): The Honourables W. R. Baxter, Bill Forwood and G. K. Rich-Phillips, and Ms Romanes. (*Assembly*): Ms Campbell, Mr Clark, Mr Donnellan, Ms Green and Mr Merlino.

Road Safety Committee — (*Council*): The Honourables B. W. Bishop, J. H. Eren and E. G. Stoney. (*Assembly*): Mr Harkness, Mr Langdon, Mr Mulder and Mr Trezise.

Rural and Regional Services and Development Committee — (*Council*): The Honourables J. M. McQuilten and R. G. Mitchell. (*Assembly*): Mr Crutchfield, Mr Hardman, Mr Ingram, Dr Napthine and Mr Walsh.

Scrutiny of Acts and Regulations Committee — (*Council*): Ms Argondizzo and the Hon. A. P. Olexander. (*Assembly*): Ms D'Ambrosio, Mr Jasper, Mr Leighton, Mr Lockwood, Mr McIntosh, Mr Perera and Mr Thompson.

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Council — Clerk of the Legislative Council: Mr W. R. Tunnecliffe

Hansard — Chief Reporter: Ms C. J. Williams

Library — Librarian: Ms G. Dunston

Joint Services — Director, Corporate Services: Mr S. N. Aird
Director, Infrastructure Services: Mr G. C. Spurr

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Deputy President and Chair of Committees: Ms GLENYYS ROMANES

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Deputy Leader of the Government:
Mr GAVIN JENNINGS

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The Hon. P. R. DAVIS

Deputy Leader of the Opposition:
The Hon. ANDREA COOTE

Leader of the National Party:
The Hon. P. R. HALL

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The Hon. D. K. DRUM

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Davis, Hon. Philip Rivers	Gippsland	LP	Scheffer, Mr Johan Emiel	Monash	ALP
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Forwood, Hon. Bill	Templestowe	LP	Stoney, Hon. Eadley Graeme	Central Highlands	LP
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Hirsh, Hon. Carolyn Dorothy	Silvan	ALP	Vogels, Hon. John Adrian	Western	LP

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Thursday, 6 November 2003

The PRESIDENT (Hon. M. M. Gould) took the chair at 9.33 a.m. and read the prayer.

ABSENCE OF MINISTER

Mr LENDERS (Minister for Finance) — I advise the house that the Minister for Sport and Recreation is on leave, and in his absence the Minister for Tourism in the other place, Mr Pandazopoulos, will be acting in his place.

BUSINESS OF THE HOUSE

Adjournment

Mr LENDERS (Minister for Finance) — I move:

That the Council, at its rising, adjourn until Tuesday, 18 November 2003.

Motion agreed to.

PETITION

Racing: rural and regional clubs

Hon. D. KOCH (Western) presented petition from certain citizens of Victoria praying that the state government further reviews proposed changes to the Victorian racing industry to remove administration and autonomy of rural and regional racing clubs, downsize training facilities and dilute existing race dates (562 signatures).

Hon. D. KOCH (Western) (*By leave*) — I bring to the house's attention that due to cross-state training activities and some incomplete addresses, the signature numbers have fallen from in excess of 1200 back to 562.

Laid on table.

PAPERS

Laid on table by Clerk:

Adult Parole Board — Report, 2002-03.

Barwon Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.

Border Groundwaters Agreement Review Committee — Report, 2002-03.

Calder Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.

Central Highlands Region Water Authority — Report, 2001-02.

Central Murray Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.

Crown Land (Reserves) Act 1978 — Minister's Order of 14 October 2003 giving approval to the granting of a lease at Queens Park, Highton.

Dental Health Services Victoria — Report, 2002-03.

Desert Fringe Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.

Eastern Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.

Gippsland Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.

Goulburn Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.

Grampians Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.

Highlands Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(4) in relation to State Environment Protection Policy (Waters of Victoria).

Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns, 30 September 2003.

Mildura Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.

Mornington Peninsula Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.

Museums Board of Victoria — Report, 2002-03.

National Gallery of Victoria — Report, 2002-03.

North East Victorian Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.

Northern Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.

Ombudsman — Report, 2002-03.

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

Benalla Planning Scheme — Amendment C1.

Corangamite Planning Scheme — Amendment C9.

Indigo Planning Scheme — Amendment C18.

Manningham Planning Scheme — Amendment C34.

Maribyrnong Planning Scheme — Amendment C14 (Part 2).

Melton Planning Scheme — Amendment C40.

Moorabool Planning Scheme — Amendment C25.

Shepparton — Greater Shepparton Planning Scheme — Amendment C36.

Radiation Advisory Committee — Minister for Health's report of receipt of the 2002-03 report.

South Eastern Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.

South Western Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.

Western Regional Waste Management Group — Minister for Environment's report of receipt of the 2002-03 report.

Proclamations of the Governor in Council fixing operative dates in respect of the following Acts:

Business Licensing Legislation (Amendment) Act 2003 — Remaining provisions — 1 November 2003 *(Gazette No. G44, 30 October 2003)*.

Port Services (Port of Melbourne Reform) Act 2003 — Remaining provisions of Part 3 and Part 4 — 3 November 2003 *(Gazette No. G44, 30 October 2003)*.

Travel Agents (Amendment) Act 2003 — Sections 5 and 7 — 1 November 2003 *(Gazette No. G44, 30 October 2003)*.

MEMBERS STATEMENTS

Gascor: dividend

Hon. BILL FORWOOD (Templestowe) — I wish to use this brief time available to me to comment on an answer given in this place yesterday by the Honourable Theo Theophanous in relation to a question asked by my colleague Mr Brideson. In his answer in relation to privatisation by the Kennett government, the minister said, and I quote:

> … which has resulted in a monopoly being established over gas and electricity — that is correct …

Well, Mr Theophanous is an intelligent man, and despite — —

Honourable members interjecting.

Hon. BILL FORWOOD — No, no, I will defend him anywhere. I will defend Mr Theophanous's intelligence anywhere, and I am sure his intelligence was improved after his recent altercation with the previous Premier. However, I am sure that even Mr Theophanous in his wildest dreams will not continue to maintain that the privatisations resulted in a monopoly being established over gas and electricity.

Mr Theophanous would know that if he goes down to Latrobe Valley he will find a number of independently owned generators competing against each other to supply electricity into a wholesale market, which is then purchased, one would believe, by retailers who are then in competition. He himself comes to this place from time to time and elucidates — adumbrates — on these issues related to competition between generators and retailers.

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

Tourism: Otway Fly

Mrs CARBINES (Geelong) — Recently I had the honour of officially opening Victoria's first treetop walk, the Otway Fly. This 600-metre walk, nestled in the heart of the Otway Ranges, gently climbs to 25 metres above the tops of myrtle beech, blackwood and mountain ash. The Otway Fly truly is a wonderful experience, highlighting the magnificence of the Otways. It has already proved to be a major local attraction with some 20 000 visitors in its first six weeks of opening.

The Otway Fly has also provided both direct and indirect local employment and certainly enhances the visitor experience in its region. The Bracks government has been pleased to support the development of the Otway Fly with a $270 000 grant to the Shire of Colac-Otway to upgrade Phillips Track to the treetop walk.

I acknowledge the enthusiasm, commitment and vision of the directors of the Otway Fly, especially Neil Wade and Shane Abel, for developing this world-class treetop walk, and I thank them for bringing this unique nature experience to our part of the world.

Road safety: mobile phones

Hon. ANDREW BRIDESON (Waverley) — I call on the Bracks government to do two things: firstly, it should implement harsher monetary penalties for drivers who use hand-held mobile phones; and secondly, but more importantly, it is essential that the government conduct a public education program alerting drivers and their passengers to the increased risk of accidents while using mobile phones. My call is as a result of a tragic but avoidable death of a cyclist on the Bellarine Peninsula and the consequential lifelong

pain and suffering of not only the driver but the respective families of the parties involved.

My personal observations of drivers indicates an increasing use of mobile phones. I have also checked interstate and overseas research, and it indicates that drivers who use mobile phones are four times more likely to have accidents than drivers not using the phones.

The use of a mobile phone whilst driving distracts the driver, it impairs their control of the vehicle, and it reduces their awareness of what is happening on the road around them. Even hands-free kits have been found to be distracting to drivers and have impaired their ability to drive safely. Experts warn that using a hand-held phone while driving is as dangerous as drink-driving.

Refugees: federal policies

Mr SMITH (Chelsea) — I wish to bring to the attention of the house my concern about the federal government — the Prime Minister, John Howard, in particular — and the repeat performance in its strategies to deal with the refugees in north-west Australia. On this side of the house we are all aware that there is a feeling of deja vu in the air. What is next? An early election called on by the fact that we should be terrified about refugees invading the country et cetera?

However, this country is too smart now. We have learnt from the divisive tactics of this unbelievably divisive leader. The general public will not be diverted from the real issues confronting us — namely, health and education.

To have taken the Honourable Phil Ruddock out of the responsible portfolio and to have replaced him with a bull-mastiff is just unbelievable! If anyone wanted any clarification of that they should have listened to this morning's radio interview. This is a disgrace.

Liberal Party members opposite, who, unlike us, are opposed to an audit should reflect on where they are going as a party and where they are trying to take this country as a nation. They should be ashamed of themselves. They should confront their federal colleagues and demand that they bring some humanity to this situation.

Dr Neil Jacson

Hon. J. A. VOGELS (Western) — I pay a tribute to Dr Neil Jacson, who has been forced to end his term as a fantastic, caring and understanding member of the Terang and Mortlake Health Service after 10 years as a board member, the last 5 years as president.

Hospitals across rural Victoria are struggling due to funding shortfalls being experienced as a result of inactions by the Bracks government. Rural hospitals have never recovered from Commissioner Blair's deliberations that led to significant wage increases for nurses and increased staffing ratios, which would not have been a problem except that the Bracks government failed to fund the increases.

We now see most of our rural health services struggling and in deficit. So what does this government decree? It kicks health professionals, doctors, pharmacists et cetera off boards of management!

It needs to be remembered that board members on rural health service boards give of their time freely. They are not there for any other reason; they are there to serve their communities. Their understanding of the health system is a huge bonus for the services.

What is the government afraid of? It always professes to be open, transparent, caring and understanding and to consult and listen. If it listened on this issue, it would note the anger, and it would reverse its decision. Dr Neil Jacson and many other health professionals representing their communities across rural Victoria deserve better from the Bracks government.

Geelong Safety Expo

Hon. J. H. EREN (Geelong) — Last week I was pleased to attend the Geelong Safety Expo as part of Work Safety Week 2003, in light of the fact that I was one of the first occupational health and safety representatives back in the mid-1980s for my union, the vehicle builders union.

The Geelong Safety Expo was held at the Gordon Institute of TAFE, and I was glad to accompany the Minister for Workcover in the other place, Rob Hulls, at the event. There were more than 70 exhibitors at the site, and it was heartening to see the number of people who were interested in workplace safety.

Features of the Geelong expo included a demonstration of an excavator hitting powerlines, which demonstration featured dramatic visual pyrotechnic effects, and an emergency exercise based on a major collision involving a tanker carrying hazardous substances. As was said at the time by Minister Hulls, safety is a message that must be embraced by the entire Geelong, and indeed Victorian, working community.

Between July 2000 and June 2003 there were 4066 Workcover claims made by injured workers in Geelong. This has cost the local community more than $35 million in claim payments.

The local manufacturing and community services sectors accounted for 59 per cent of all injuries, and, as is the same across Victoria, musculoskeletal injuries accounted for the majority of injuries — almost 60 per cent. Tragically, 16 Geelong workers lost their lives at work over the last five years. There is no question of the impact workplace deaths and injuries have on a regional community. But as Minister Hulls said on the day, the government can enforce the law — —

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

Western Port Highway: subdivisions

Hon. R. H. BOWDEN (South Eastern) — In recent times I have expressed concern over the subdivisions on the Western Port Highway in the area of the Casey City Council which have the potential to decrease the efficiency of the Western Port Highway when traffic lights are erected. Now I find that another subdivision is in danger of making the Casey City Council a serial offender.

There is a subdivision nearing completion at the southern end of the Amstel golf course on the Cranbourne–Frankston Road, and a set of traffic lights is being erected on that road. This means that by design and approval the Casey City Council is now, for the second time, allowing subdivisions to put suburban traffic onto these major arteries. The council tells me that it needs the permission of and assistance from Vicroads.

I am not entirely convinced. The approval design for a subdivision is a council responsibility. I am concerned about the Cranbourne–Frankston Road where lights are being installed at the subdivision, and I understand that erection will be repeated through more lights being installed on the Western Port Highway. It seems that the Casey City Council is a serial offender, and I intend to follow it up.

Kildonan Child and Family Services

Ms MIKAKOS (Jika Jika) — On 22 October 2003 I had the pleasure of attending the opening by the Premier of the new Kildonan Child and Family Services building in McDonalds Road, Epping, which received $300 000 in support from the Community Support Fund. I was there with many of my Labor colleagues the Minister for Community Services and the members for Yan Yean and Mill Park in the other place, and a member for Central Highlands Province.

The Kildonan facility is situated in the City of Whittlesea, one of Melbourne's fastest growing municipalities. Kildonan works with children, young people and families through school-based work, home-based support, youth services and financial counselling. Kildonan provides a range of services funded by community care, including the families first and strengthening facilities programs, youth counselling, financial counselling, targeting support to people affected by domestic violence, a mentor program for young people at high risk, and school-focused youth services.

Kildonan also provides a range of community-based services that are funded by the Uniting Church and philanthropic organisations. Those include an outreach service for families with welfare concerns in Melton, a no-interest credit program for women from isolated backgrounds or who are escaping domestic violence, parent education, school-based programs, and community housing for low-income families. I congratulate Kildonan on its new facility and its work on behalf of the Whittlesea community.

Salvation Army: Mildura complex

Hon. B. W. BISHOP (North Western) — Today I would like to congratulate the Salvation Army on opening its new complex in Mildura. As part of the ceremony last Saturday morning I presented the national flag and the Victorian flag on behalf of both parliaments.

On behalf of both parliaments I commended the Salvation Army on the work it does and the special place it holds in our communities not only in Mildura but around the world. A special mention went to Major Merv Lincoln and Major Annette Lincoln, who are stationed at Mildura, for the work they and their people did in overseeing the construction of the complex. Merv became the project manager of the $2.2 million complex, which includes the citadel, administrative centre, hospitality amenities, and family support services.

A historical display in the entry foyer reflects the history and progress of the corps in both text and image. The pulpit, designed by Merv, his wife, Annette, and a congregation member, features the local symbol of the area, the grapevine; and the cross, made by the Gerstenmayer family, is made of timber and stained glass. Other little touches include a crying room and a large multipurpose room with a fenced playground,

which makes the new building very welcoming for people with young families.

The building was officially opened by Commissioner Ross Kendrew, territorial commander for the southern territory of Australia. This excellent new building, built with determination and commitment, will serve the community well for many years to come.

John McManus

Ms HADDEN (Ballarat) — I wish to pay tribute to the late John McManus, who died last Tuesday, 28 October. John was a former councillor and mayor of the Golden Plains Shire Council and a very active and committed member of the community in the Ballarat district and especially in the Napoleons district. John was a diligent Country Fire Authority volunteer for 35 years and was awarded a national medal for service to the CFA a couple of days before he passed away.

John had been a very important part of Ballarat's education system, teaching at many primary schools across the district from the mid-1950s until 1994. His last appointment was as principal of the Delacombe Primary School. He then retired to Napoleons, where he was born.

He worked on his beef farm and then entered the life of local government, which he was passionate about. He was a very committed community person; he gave so much to civic life in the district, including town life. I had many meetings with him in his roles as councillor and community person.

The last time I had the great pleasure of meeting with John McManus was at the opening of the new Napoleons Primary School in July by the Premier, Steve Bracks. John was so excited to see the new primary school built — —

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

Commonwealth Games: athletes village

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — The demolition of buildings on the Commonwealth Games village site at Royal Park before a heritage appeal could be heard on 21 November shows the Bracks government's true colours. In an act of arrogance and contempt of natural justice and the concerns of local residents, the Minister for Commonwealth Games ordered the demolition of the buildings before local residents could voice their concerns at the heritage council hearing. To compound this contempt, yesterday Minister Madden tried to hide the extent of the destruction by banning media photographers from the site.

The development at Royal Park needs to be kept in context. We will have on this site a $450 million private sector housing project, which will be developed over the next 10 years. The fact that it will be used to accommodate Commonwealth Games athletes for three weeks in 2006 now appears incidental.

Yesterday the minister described the appeal lodged by concerned local residents as frivolous. Justin Madden and the Bracks government must stop treating the people of Royal Park with contempt and start listening to their concerns.

Small business: Leader newspaper awards

Hon. J. G. HILTON (Western Port) — Towards the end of October I was pleased to attend the Leader newspapers group's small business awards on behalf of the Minister for Small Business, Marsha Thomson. The winners for the Mornington Peninsula region included: Brendons Home Made Cakes; Cellarbrations, at Dromana Cellars; Peter Lees, Mornington; Colletts Rosebud; Secret Garden, Mornington; Mount Martha fruit and vegetable supply; Blairgowrie Hardware; Food on the Hill, Red Hill; Designs of Mornington; The Pilates Studio, Mornington; Betta Electrical, Mornington; Rosebud Hotel; Seasons of the Heart, Mornington; Mount Martha newsagency; Morgan and Rule Pharmacy, Mornington; K and M Norris Real Estate, Rosebud; The Rocks, Mornington; Morningside Funerals, of Rosebud; Point Nepean Meats, Rosebud; and Tyrepower, Mornington.

It was a great night, and I was very pleased to congratulate all the winners and finalists. I wish every small business success in the future.

Rushworth: health services

Hon. W. A. LOVELL (North Eastern) — On Friday, 31 October, together with the Honourable David Davis, the shadow Minister for Health, the Honourable John Vogels and the Honourable Bill Baxter, I attended a public meeting held in the Rushworth town hall. The meeting was chaired by Cr Neil Repacholli of the Campaspe shire and had been convened by a group of concerned citizens to protest against the Bracks government's plan to transfer 10 high-care residential beds from the Waranga Memorial Hospital in Rushworth to the Waranga Aged Care Hostel, a privately run aged care facility.

This move will put at risk the 12 acute beds at the Rushworth hospital and may lead to its closure.

Approximately 250 people, or 25 per cent of the population of Rushworth, attended the meeting. The community is outraged, scared and confused by the Bracks government's plans. They are scared that the Bracks government will rip the heart out of the hospital and the community and that they will lose the one and only doctor from the town.

It was disappointing that the minister, who had been invited to the meeting, did not show up; nor did she send a representative to listen to the people of Rushworth, to answer their questions or to alleviate their fears.

Lech Walesa

Hon. S. M. NGUYEN (Melbourne West) — I wish to thank the Victoria University of Technology (VUT) and the member for Sandringham in the other place, Murray Thompson, for inviting the former President of Poland, Lech Walesa, to visit Melbourne last week.

I was invited to attend to listen to his speech, which was warmly welcomed by Victorians, especially those in our Polish community. His leadership in the past helped to change the politics of Poland and the whole of Eastern Europe. His freedom of speech worked and now Poland has a democratically elected government, unlike the old Communist regime.

His visit is part of the VUT's program to engage the university and the local multicultural community. I thank the new vice-chancellor and the VUT for organising the many functions, and the visit of Lech Walesa was one of those functions.

Geelong Hospital: ward closure

Hon. D. McL. DAVIS (East Yarra) — I refer to today's *Geelong Advertiser* and the closure of the 24-bed Heath Wing at Geelong Hospital. I know Mrs Carbines will be equally concerned and will be prepared — —

Honourable members interjecting.

The PRESIDENT — Order!

Hon. Bill Forwood interjected.

The PRESIDENT — Order! Mr Forwood! All members will desist while I am on my feet, and if Mr Forwood continues to interrupt, I will deal with him separately.

I remind honourable members on both sides of the house, but particularly those on the government side, that there is only just over 1 minute to go for members statements. I have been on my feet on numerous occasions during members statements, indicating that members are to offer the appropriate courtesy to other members while they are making their contributions. If members do not desist, I will have to take further measures, but I ask Mr David Davis to continue.

Hon. Philip Davis — On a point of order, President, you made the point that the member has only just on a minute remaining for his member's statement. It seems to me that it was impossible for the house to hear a word of what he had to say, and I would be surprised if Hansard has been able to record it accurately. I ask you to restart the clock.

Mr Lenders — Further on the point of order, President, you have drawn the attention of the house to the noise and dealt with that issue. I put it to you that the issue of extending the clock is inappropriate because it sets a precedent. Once you have made your ruling and brought the house to order, that deals with the issue and Mr David Davis stands, and I urge you to reject the point of order.

Hon. Bill Forwood — Further on the point of order, President, in my time in this place I have never yet seen a person deliberately shouted down. I believe that in circumstances such as that, it is only appropriate that the clock be restarted and the honourable member be given the opportunity to make his contribution in the normal way in this place.

Hon. E. G. Stoney — On the point of order, President, I believe in recent times there has been a precedent where you have restarted the clock. I think it was for Mr Bowden in a similar incident — not quite the same — but I believe you did restart the clock.

The PRESIDENT — Order! I do not uphold the point of order. Assumptions were made in some of the points of order that there was a deliberate shouting down. There was a vigorous exchange across the chamber. I have called the chamber to order and I call on the honourable member to continue.

Hon. D. McL. DAVIS — President, this shows the extreme sensitivity of the Labor Party to these ward closures in Geelong. The 24-bed Heath wing 4 is to be closed because of the $8.9 million budget deficit. I congratulate the *Geelong Advertiser* on exposing this scandalous cut to the Geelong Hospital. What is clear from this is that a number of brave doctors have come forward prepared to speak out against this scandalous closure of this important post-surgery ward that deals not only with cancer patients but also with

cardio-thoracic surgery patients. This is an important ward which ought not to be closed.

I congratulate the surgeons on stepping forward. The nursing staff have also made their view clear that the closure of this ward would be quite inappropriate. I urge the hospital to reconsider and I urge the Minister for Health to get off her tail, get down to Geelong and to ensure that Barwon Health does not close this important ward. I also make the further point that Geelong members have been silent on this matter and they ought to be prepared to speak up on behalf of their hospital to protect people and patients in their area.

AUDITOR-GENERAL

Managing logging in state forests

Hon. E. G. STONEY (Central Highlands) — I move:

> That the Council take note of the Auditor-General's report, *Managing Logging in State Forests*, October 2003.

Firstly, I would like to thank the Auditor-General for this report and especially for identifying in the report the appalling way contractors have been treated in the process, especially by the government. This revelation is no surprise to those of us who have been following the progress of the Our Forests, Our Future program for the restructure of the timber industry here in Victoria. There is a smell about the whole process and the contractors are only just one part of this saga of mismanagement.

The report looked at the government program to reduce logging to sustainable levels. It was called Our Forests, Our Future and it was split into three sections: a voluntary licence reduction, worker assistance, and contractor assistance. The report is particularly critical of the way contractors have been handled in this process. It identifies that the bulk of contractors have been left swinging for some months and possibly nearly now up to a year. It states on page 5:

> When applications closed on 29 November 2002, the Rural Finance Corporation had received 175 applications for the contractor assistance program. At 30 September 2003, 37 applicants had received, or been assessed as eligible to receive, assistance through the program. One hundred and nineteen applications were on hold.
>
> At the time of the audit, these 119 applications had been on hold for eight months.

President, it is quite obvious that the decision to put these contractors on hold was a deliberate one by the government. The report continues:

> DSE and the industry transition task force have indicated to the Rural Finance Corporation that the 119 applications on hold should not proceed until further notice. Final determination of the treatment of the contractor assistance program applications was dependent upon settling the final licence buy-back volume.

The report goes on to mention the bushfires and it states that the Department of Sustainability and Environment believes most of the remaining contractors will be needed for salvage work. I cannot understand the logic of the DSE in putting these contractors on hold for that time. It is obvious that its judgment is flawed, and I would like to make some points.

Many of the 119 contractors are based much too far from the salvage work. Some of the first contractors paid out were closer to the salvage work. Many of the 119 contractors do not have suitable salvage equipment or the specialised knowledge needed for salvage work because it is quite dangerous. I ask: why could they not have been processed and assisted and why are they still on hold?

Many contractors only carted sawn timber. Their mills have closed with a package. Why are these contractors still on hold? The report says that applications opened in November for contractors, the government approved a final budget of $12.6 million for the contractor part of the program, but the Department of Sustainability and Environment estimates that the 37 contractors who have already been paid out have taken more than $13 million of the $12.6 million budget for the program. So it begs the question: has the program run out of money? In fact, are the 119 contractors ever going to get any money?

The Barker brothers from the Yarra Valley have carted sawn timber from Powelltown for many years. The Powelltown mill took a package and closed. The workers were paid out, and the licences were sold. The Barker brothers work finished months ago. Trevor Barker told me yesterday they have heard nothing, yet their application for a package is clear cut. I have seen their application and it is certainly eligible and clear cut. And guess what? The Powelltown mill has reopened under a different name. There is something wrong with the whole management of this process where a mill can reopen when the previous contractors have not been paid out. They have been left swinging and will possibly lose their house if they are not looked after.

I note the Auditor-General will undertake a future audit of the Our Forests, Our Future program. As part of that I hope he looks carefully at the knock-on effect the program has on other businesses relying on the timber industry, because they have been devastated by the

program. I am sure more information will come forward when the auditor makes his next assessment. I think documented mismanagement will emerge showing that the government has been callous in the handling of the contractors, and that some of these contractors could easily lose their houses in the process.

Hon. P. R. HALL (Gippsland) — The first thing I want to say is that the government's Our Forests, Our Future program has had an enormous impact on the economies of local communities that rely on a strong, vibrant and viable timber industry. The government, in introducing the Our Forests, Our Future policy, has thrown $80 million at it and then done away with a lot of jobs, but it has not had enough regard for local communities that are reliant on the timber industry.

I refer members to page 27 of the Auditor-General's report where it talks about the sustainable yield impacts in various regions around the state. We know the government had a program to reduce sustainable yields in the timber industry by 31 per cent — that was the target figure for Our Forests, Our Future program. However, the Auditor-General states on page 26 that the government has exceeded its statewide target by approximately 8 per cent. So timber industry sustainable volumes have been reduced by almost 40 per cent.

Further at page 27 the Auditor-General says that although the government has not reached target reductions in Central Gippsland and midland forest management areas (FMAs), it intends to do so in the near future, so there will be further significant cutbacks in sustainable yields which will mean, in my estimation, by the end of the process the Our Forests, Our Future program will cut timber industry resources in this state by close to 50 per cent.

Not enough consideration has been given to the impact that will have on places I represent, that Mr Baxter represents in the north-east and Ms Hadden represents in the midlands area. This will have an enormous impact on those communities.

If we look at East Gippsland, for example, it had a target reduction of 107 000 cubic metres. It has already reached 128 000 cubic metres. The Tambo forest management area once again had no target reduction, but it has reduced it by 11 800 cubic metres. That is the sort of impact it will have on some of those local community areas.

Our Forests, Our Future contains three different programs, as outlined by the Auditor-General. The first is the licensee reduction, on which it has met the targets. The second is the worker assistance program, which appears to have run fairly smoothly except an enormous amount of money has been spent administering the program. I will not go into that issue in the few minutes I have today.

The third part of the program is the contractor assistance program which was to help not the licensees but the contractors involved in harvesting, haulage and related businesses that rely on the timber industry for income. It was to assist them with exit packages and support due to the impact of the downsizing of the industry on their businesses. As Mr Stoney has already said, the Auditor-General has identified that of the 175 applications under the contractor assistance program, only 36 of those that have been received have been paid out.

Some of those have been deemed to be ineligible, but 119 applications have been put on hold. This particular area is of interest to me as I represent harvest and haulage people in the central Gippsland area who are at their wits' end because they have no work in front of them, the licensees they work for have all exited the industry, they have had no product to cut in the forest, they have no material to cart and they have been left with huge debts on the purchase of their equipment — all that but with absolutely no work.

The Auditor-General says on page 41 of his report that:

> DSE's delay in implementing the Contractor Assistance Program has created uncertainty for contractors.

I would say 'uncertainty' is a gross understatement. It has cost them severe financial hardship. I think that needs to be emphasised in this debate this morning.

The other point about the contractor assistance program, an area in this report about which I am disappointed, is that no reference is being made to the downstream industries — that is, the timber processors, some of the harvest people and some of the engineering people who qualify under the contractor assistance program by virtue of the fact that they have lost 50 per cent of their income from their business because of restructuring in the timber industries.

I am talking about industries like Sum Strait Timber, a timber processing company in Bairnsdale; Forresters, a cartage contract in Orbost; and Findley's engineering, an engineering company in Orbost. All are qualified under the contractors assistance program but none of those companies has been paid out. I hope the Auditor-General, in his future report, looks more closely at them, because they deserve to be honoured

with the promises given by the Bracks government which have not been delivered at this point.

Mrs CARBINES (Geelong) — I am pleased to have the opportunity to speak on behalf of the government in relation to the Auditor-General's report *Managing Logging in State Forests,* which was released in October. Members of this house have heard me say many times that the protection of Victoria's fragile environment is one of the Bracks government's key priorities. We have demonstrated a commitment to looking after the environment, and we introduced much legislation in our first term to look after the state's forests, its marine environment and its flora and fauna. We are also doing the same in this term. On top of that we are tackling probably the biggest issue confronting the state today — that is, managing its water supply sustainably.

Last year the Bracks government released a groundbreaking policy in relation to state forest management titled Our Forests, Our Future which is concerned with balancing communities, jobs and the environment. The policy aims to balance competing needs across the state in relation to forest management so that our forests are managed sustainably not just for the benefit of our generation but for the benefit of generations to come. *Our Forests, Our Future* clearly states that in order for logging in our state to be managed at sustainable levels, we needed to cut harvesting rates by about one-third across the state over the next four years. In order to implement the Our Forests, Our Future policy, the Bracks government committed $80 million towards the program. That policy was released last year and in the intervening period we had a state election.

The state election results clearly showed that Victorians wanted the Bracks government to manage our forests sustainably. Management of the environment in the state was a key difference between the parties in Victoria. I think environmental matters were at the forefront of Victorians' minds when they cast their votes last year.

The programs initiated by the Bracks government to implement Our Forests, our Future policies have now been assessed by the Auditor-General and are detailed in the report that is being debated this morning. On behalf of the government I welcome the Auditor-General's findings because this report clearly finds that the Bracks government has reduced logging in our state to sustainable levels. We have done this through the successful administration of the voluntary licence reduction program. On page 4 of the Auditor-General's report, *Managing Logging in State Forests*, the Auditor-General states in paragraph 1.7:

> DSE has implemented the voluntary licence reduction program (VLRP) efficiently, by:
>
> > reducing licensed sawlog volumes to the target levels for less than its original budget estimates …

On page 28 the Auditor-General outlines the figures to back up that claim. In paragraph 3.9 he states:

> In March 2003, the government approved a budget of $32.6 million for the voluntary licence reduction program. Following DSE's assessments of the voluntary licence reduction program applications, DSE revised its estimate of the program cost to $31.2 million.

Returning to page 4 of the report, the Auditor-General states that the VLRP objectives were achieved faster than expected. Indeed it is four years faster.

The Auditor-General quite rightly identifies that one of the most obvious consequences of reduced logging levels is reduced employment in the forest industry. The Bracks government has initiated a worker assistance program to assist forestry workers to undertake training to position themselves for future employment. On page 4 we can see that a total of 294 workers have secured other jobs, and that is a fantastic outcome from our programs.

The Auditor-General has expressed concern about haulage contractors. We need to look at that in the context of the dramatic bushfires earlier this year. The government is now finalising the necessary arrangements in relation to those contractors.

Hon. PHILIP DAVIS (Gippsland) — This is a disgrace. This report highlights just how public administration in this state has fallen into disrepair. The Auditor-General's report on managing logging in state forests highlights in particular the uncertainty created for the contractors in the harvest and haulage sectors. I refer to paragraph 1.19 of the report:

> DSE's delay in implementing the contractor assistance program has created uncertainty for harvest and haulage contractors.

It is a sad indictment of the government that in the nearly 20 months since the announcement of the Our Forests, Our Future program and a commitment to provide transition assistance to affected parties as a consequence of the reduction of resource availability of 30 per cent statewide and up to 50 per cent in east and central Gippsland, those people whose livelihoods are wholly dependent upon the provision of contracting services to the industry by way of harvesting and haulage activities, self-employed contractors employing

in their own businesses a large number of personnel, have been in a state of uncertainty which continues.

I have recently received representations from a number of people who are in dire straits. Just recently I heard from one contractor. I will not name the person because I do not want to reveal private information about their financial affairs, but I will refer to a document I received from the contractor, who states:

> At present we do not have a contract for the coming season but still have all of our equipment and eight employees.
>
> Currently we have a $50 000 overdraft, which is up to its limit.
>
> We owe $43 500 to creditors that we cannot pay.

He states they cannot effectively extend their overdraft because there is no cash flow to demonstrate that they can repay it. He states further:

> We owe the ATO —

that is the Australian Taxation Office —

> over $75 000 in unpaid GST and PAYG withholding tax. The ATO is currently trying to set up a payment arrangement but we are unable to tell them how to structure it if we have no cash flow.
>
> Our repayments on machinery are structured from December to August and will be $21 000 per month.
>
> Maintenance on the machines is usually carried out in September, ready for the new season —

but they have no cash flow to be able to support any spending of maintenance on the machinery. They would need to replace machinery that is now obsolete, but they have no ability to pay for that equipment.

That just tells one story. I am replete with similar examples. Mr Hall referred to the Sum Strait Timber company. I have a copy of a letter to the Premier dated 10 March 2002 from Sum Strait, which has written on at least a dozen occasions to the Premier and ministers on this issue. Since 10 March 2002 it has not received advice following its prediction 18 months ago that it would run out of resource for its pallet manufacturing operation in Bairnsdale. The government was unable to tell it what would happen in relation to any transition arrangements for that business, the result of which is that a business which was established some 25 years ago has now been liquidated and the people involved do not have a business. They have lost all of the assets in goodwill and physical infrastructure which they had built up over a long period.

I feel very sorry for the individuals affected by the disaster of public administration which we have seen with this program. I have to say that industry representatives have tried mightily to facilitate better management of this program. The Auditor-General has found absolutely conclusively, but said it politely, that this program has created uncertainty for contractors in the harvest and haulage sector. I urge the government to go back and expedite the transition arrangements which it promised to implement.

Ms HADDEN (Ballarat) — I wish to congratulate the Auditor-General on his report, *Managing Logging in State Forests*, which was tabled in October 2003. As always, this government welcomes the Auditor-General's report for its content and recommendations. The government committed $80 million to the Our Forests, Our Future program in February last year to reduce licensed sawlog volumes across Victoria by around 31 per cent over a four-year period. The Auditor-General has found that by July this year the Department of Sustainability and Environment had well and truly achieved its target for logging reduction and has done so some years earlier than was anticipated in our program.

The Auditor-General also reported on page 4 of the report that the voluntary licence reduction program had been implemented efficiently and faster than expected, and that early implementation of the program was brought about by reducing the sawlog volumes for significantly less cost than forecast.

It is also noted in the report that the workers assistance part of the Our Forests, Our Future policy has helped 72 per cent of displaced workers — 294 people — to find new jobs. The worker assistance program identifies opportunities for training, relocation and new employment and it is available for a period of two years after the individual's departure from the logging industry. The recommendations by the Auditor-General are noted in his report.

On page 42 the Auditor-General recommends that the Department of Sustainability and Environment and the Department for Victorian Communities continue to monitor the results of the worker assistance program to ensure that its outcomes are maintained.

The department's response to that recommendation is also on page 42 of the report. It states that as at April this year the department had:

> … revised its internal administrative processes for the forest worker assistance program, particularly with respect to cross-checking assessment information and continues to introduce further quality assurance processes.

The response goes on to say:

> … there is no evidence of incorrect payments being made as a result of this administrative error.

A further recommendation by the Auditor-General is that the Department of Sustainability and Environment makes it a priority to confirm its use of the contractor assistance program for restructure of the harvest and haulage contracting sector of the industry, and asks that the department confirm the criteria for eligibility, et cetera, of that program.

The department's response, also on page 42, is that:

> Finalisation of the contractor assistance program has been delayed by the need to resolve with key industry stakeholders the contracting requirements for the substantial salvage harvesting program —

that is now required as a result of the massive fires in the north-east and Gippsland earlier this year. The department is finalising the details of that salvage harvesting program and how many contractors will be required, and it is receiving advice from logging syndicates about which contractors have been given work for the forthcoming harvest season.

Importantly, it is also to be noted that this government has appointed an industrial facilitator, Mr Des Powell, to work with individual contractors to assist in finalising the assistance program.

As to the costs of the Our Forests, Our Future program, in February last the government committed $80 million over a four-year period. It is important to note that that budget includes $47 million for industry transition assistance, $15 million for the worker assistance program, and $18 million for other forest projects. In fact, in March this year the government approved an extra $8.9 million for Our Forests, Our Future initiatives, including a specific budget allocation for the contractor assistance program. It agreed to revise various budget categories.

The ACTING PRESIDENT (Hon. Andrew Brideson) — Order! The honourable member's time has expired.

Ms ROMANES (Melbourne) — I welcome the Auditor-General's report into managing logging in state forests, because it demonstrates that the Bracks Labor government has honoured its commitment to managing commercial logging in state forests in a sustainable manner.

The program the government has put in place, called Our Forests, Our Future, to address the need for reduction in logging in state forests followed a review of timber resources in 2001. It was said that if logging in state forests was to be conducted sustainably in the future, current harvesting rates needed to be reduced by about one-third on a statewide basis and by up to 80 per cent in some individual forest areas.

In the Auditor-General's report we see that the target levels that were set for particular forests across Victoria have been achieved through the voluntary licence reduction program, and with the help of the Rural Finance Corporation, the Department of Sustainability and Environment has managed this program efficiently and has reduced licensed sawlog volumes to the target levels for less than its original budget estimates. It has achieved the objectives of that voluntary licence reduction program not only in terms of the economics of the program but faster than expected.

But of course it was always known that the reduction in licences and commercial logging across the state would impact on workers employed in the industry. The Auditor-General has looked at the effects on employment and those in the industry through an examination of the operation of the worker assistance program. In his report he notes that as at 30 September 2003, a further 74 on top of the 220 as at 30 June 2003 had secured other jobs; that many were in training and others had retired voluntarily; but also that 11.7 per cent were unemployed. That is comparable to the unemployment rates in the sector.

However, there is still some time for this program to run, and it is premature to conclude that those people will remain unemployed. It is certainly the hope of the government that through training, relocation, support and the various assistance packages that are in place the unemployment rate will drop markedly. I understand that the worker assistance program will be further monitored by the Auditor-General over the coming years.

The third part of the examination by the Auditor-General was on the contractor assistance program. The Auditor-General draws attention to the need for further urgent work to be done in this area to make final determinations on the 119 applications under the contractor assistance program. These depend on settling the final licence buyback volumes and on settling the scope of the task to be done in salvaging burnt timber that has been left as a resource across the state after the bushfires of the previous summer.

There is important work to be done to bring certainty to those who have made applications in that area, but overall the report of the Auditor-General into the Our Forests, Our Future program and the managing of logging is a very positive one.

Motion agreed to.

EMERALD TOURIST RAILWAY (AMENDMENT) BILL

Second reading

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

That this bill be now read a second time.

There have been no amendments in the lower house.

Second-reading speech as follows incorporated on motion of Hon. M. R. THOMSON (Minister for Small Business):

I am pleased to introduce the Emerald Tourist Railway (Amendment) Bill into the house.

Tourism is vital to the Victorian economy. It employs in the vicinity of 150 000 Victorians and has enormous potential for growth.

The tourism industry has experienced difficult times with the collapse of Ansett, the 11 September tragedy and, more recently, Victoria's drought. The government is continuing to aggressively market Victoria's attractions and untap the potential for future growth across the state.

One of the significant tourism attractions for the state is the Puffing Billy Railway, which operates tourist railway services from Belgrave to Gembrook.

The development and enhancement of new and existing tourist attractions and market strengths is a key priority for the Bracks government. Family-based attractions such as Puffing Billy are particularly important.

Puffing Billy is a key tourism icon for Victoria, of statewide significance in economic terms. It attracts over 250 000 visitors every year and is firmly embedded in the consciousness of most Victorians.

Despite a general increase in visitation, the railway is facing considerable long-term challenges which must be addressed in order to maintain its viability. As identified in the 10-year plan for Puffing Billy, it is vital to look at ways to strengthen the railway's capacity to be self-sustaining and, in particular, to take advantage of commercial opportunities for the railway.

The government has committed $1.7 million to Puffing Billy for long-term capital infrastructure and stock upgrades required to keep the railway operating in a safe manner. Whilst this government funding is important, the facilitation of further development opportunities will help the railway to become more self-sufficient and reduce its reliance on government funding assistance.

Under the Emerald Tourist Railway Act 1977, Puffing Billy is managed by the Emerald Tourist Railway Board, which is responsible for the railway's operations and the provision and maintenance of other facilities and infrastructure supporting the railway.

The board is keen to facilitate commercial development that is complementary to Puffing Billy's operations as a major tourist attraction. The development of tourist facilities such as interpretive centres, cafes, restaurants and tourist accommodation will help to bring new patrons to the railway, increase expenditure and overnight stays in the region and generate increased lease revenue for the railway.

To take advantage of these important opportunities, the board needs the capacity to offer leases that are commercially attractive.

Currently, the board is unable to offer leases over vested Crown land for terms longer than 21 years, the maximum period prescribed by the Crown Land (Reserves) Act 1978. Given the level of investment required for the development and maintenance of tourist facilities, a lease period of 21 years will not offer potential investors adequate security of tenure.

The bill amends the Emerald Tourist Railway Act to allow the board to grant leases of up to 50 years over vested Crown land. Leases exceeding 21 years will be required to be approved by the minister before being granted by the board.

The bill also contains several other amendments which update the Emerald Tourist Railway Act to reflect the board's important role in facilitating tourist development for Puffing Billy.

Section 3 of the act invests the board with the power to carry out activities consistent with the railway's operations as a major tourist attraction. The bill clarifies that this power includes the development, construction and management of tourist facilities.

The bill also updates the purposes for which leases can be granted under section 41 of the act to include tourist facilities.

The amendments proposed under this bill are consistent with the spirit and intention of the Emerald Tourist Railway Act which recognises the importance of Puffing Billy as a major tourist attraction.

Through this bill, the government aims to strengthen the viability of the Puffing Billy Railway and lessen calls for government assistance.

I commend this bill to the house and encourage the house to monitor, with me, the progress of Puffing Billy in the coming years.

Debate adjourned for Hon. ANDREA COOTE (Monash) on motion of Hon. Philip Davis.

Debate adjourned until next day.

LOCAL GOVERNMENT (DEMOCRATIC REFORM) BILL

Second reading

For **Ms BROAD** (Minister for Local Government), Mr Lenders (Minister for Finance) — I move:

That the bill be now read a second time.

There have been no amendments in the lower house.

Second-reading speech as follows incorporated on motion of Mr LENDERS (Minister for Finance):

This bill amends the Local Government Act 1989, which is the principal legislative instrument for local government in Victoria. It also amends the City of Melbourne Act 2001.

The government is committed to working in partnership with local government and has inserted new provisions in the Victorian Constitution Act 1975 to better recognise local government as a distinct and essential tier of government consisting of democratically elected councils as well as safeguarding those provisions from change unless supported by a referendum of Victorian electors.

The bill aims to support the recognition of local government by bringing local government legislation up to date with contemporary thinking about the role of local government and to assist local councils to fulfil community expectations in regard to democracy, accountability and probity.

The changes proposed in this bill include extensive reforms to electoral systems and processes for local government. This is consistent with the government's commitment to safeguarding the democratic rights of people and communities and ensuring that council elections are effective, transparent and fair.

Effective democracy goes beyond the conduct of elections. Communities expect their elected representatives to act in the public interest and to observe basic principles of good governance. The bill supports these principles by improving and extending the legislative requirements for councillors and council staff to act with due probity.

The bill also reinforces the responsibilities of councils to be transparent and accountable in governing their local areas, as well as introducing changes to assist councils in performing their roles and functions.

Structure of the bill

The bill is in seven parts:

Part 1 describes the purpose of the bill and provides for the commencement of the provisions.

Part 2 includes important changes to support the recognition of local government**.**

Part 3 proposes changes to make local government elections more democratic and ensure that election results are representative.

Part 4 contains significant improvements to the governance of councils to improve transparency and probity.

Part 5 proposes changes relating to the financial management of councils and the way councils report to their communities.

Part 6 includes some changes relating to the functioning of councils, including reform of some rating provisions.

Part 7 makes consequential and additional amendments to the City of Melbourne Act 2001.

I will now outline the main reforms in the bill.

Preamble and charter

It is proposed to amend the Local Government Act to include a preamble and a charter that clearly describe the place and purpose of local government as well as the role, functions and powers of locally elected councils. This supports the changes made to the Constitution Act 1975 by the Constitution (Parliamentary Reform) Act 2003 to provide better recognition for local government.

These amendments will not change the actual functions and powers of councils, but they will provide greater clarity about these matters than do the existing provisions.

Election dates

This bill will implement a number of changes to local government election dates. This follows the government's election commitment to align council election dates to a common cycle. Since the restructuring of local government in the 1990s, council elections have been staggered, which has confused many voters and limited opportunities to promote electoral participation.

All councils will move to four-year terms and will have their first fully aligned elections in November 2008.

Four-year terms will reduce costs for ratepayers and provide greater opportunities for councils to implement the policies for which they are elected.

Moving elections from the current date in March to November will allow more time for councillors to consult their communities and prepare council plans before approving their first budget after a general election. This change will also improve the effectiveness of enrolment processes, which at present overlap with the summer vacation period.

Proportional representation

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

The exhaustive preferential system is a winner-take-all system that has the capacity to yield highly unrepresentative election results. In local government, the undesirable effects of this system have become most evident with larger, amalgamated municipalities. The most common electoral distortion has been the disenfranchisement of rural voters in municipalities that are dominated electorally by one or more regional centres.

The bill proposes that proportional representation be used for all local government elections where candidates are elected in an unsubdivided district or in multimember wards. The exhaustive preferential system will be removed from the act.

Where proportional representation is used, the countback method can be used to fill extraordinary vacancies. This allows a vacancy to be filled using the original votes cast at the general election and can be achieved in a short period of time and without the high costs of by-elections.

Voters rolls

The provisions relating to council voters rolls are proposed to be amended to provide greater clarity about the basis for enrolments and to support the preparation of more comprehensive and accurate rolls.

When amended, the act will specify that enrolment in local government elections will be only available for residents and ratepayers. Residents are the people who are enrolled in the municipality to vote in state elections. Ratepayers are the owners or occupiers of rateable properties who are required to pay municipal rates.

This will include two very important changes. Firstly, the number of ratepayers who may be enrolled in respect of a rateable property will be limited to two. At present the number is not strictly limited. Secondly, no person will be allowed to vote more than once in a council election. At present some people can vote more than once if, for example, they own properties in more than one of the wards of a municipality.

While the changes proposed to the franchise will not result in significant changes to the number of people enrolled, they will ensure greater fairness and clarity in the franchise.

The process for preparing the rolls will also be changed to ensure that the rolls close on a date that is closer to the elections, allowing more people an entitlement to vote and to support the preparation of more accurate rolls.

As the City of Melbourne has a quite different make-up from other councils and has well-established procedures to ensure the preparation of accurate and comprehensive voters rolls, it is proposed to only make limited changes to voter entitlements for the City of Melbourne.

Representation reviews

The conduct of fully democratic elections depends on the setting of appropriate electoral structures and boundaries.

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

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

It is proposed that, in future, independent electoral representation reviews be conducted for every council before every second general election and that the reviews consider both the electoral structure and the location of electoral boundaries. Every council will be required to appoint an independent electoral commission to conduct its representation review.

Candidature

Some concerns have been raised about people being councillors in more than one council or seeking election to more than one council at the same time. This raises issues about the ability of a councillor to effectively represent two constituencies, and the bill therefore proposes to prohibit a person from nominating to be on more than one council.

In addition, it is proposed that people who have caused a by-election by resigning, failing to attend council meetings or otherwise losing their entitlement to be a councillor will not be able to nominate for the by-election they have caused.

Campaign donations

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

The bill proposes that every candidate must submit a campaign donation return within 60 days of an election. These donation returns must provide details of all gifts received by the candidate during the donation period that are valued at $200 or more. The donation period for an election will be from 30 days after the previous election until 30 days after the current election.

Caretaker arrangements

The bill proposes to place certain limitations on councils during the period between the close of the rolls and the election day. These provisions reflect the concerns for public probity that have led to the practice of adopting caretaker conventions at state and federal levels of government.

During an election period a council will not be allowed to make certain significant decisions, including decisions relating to the employment of chief executive officers, major contracts and significant entrepreneurial ventures.

In addition councils will not be able to publish or distribute election material unless it only relates to the election process.

Conduct of councillors

The community expects a certain standard of behaviour from its elected representatives, including local government councillors. Councils have control of significant public resources and often make important decisions on behalf of their communities.

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

The rules of conduct include:

acting honestly;

exercising reasonable care and diligence;

not making improper use of a position; and

not making improper use of information.

Codes of conduct

In order to further reinforce good governance, the bill proposes that all councils be required to adopt codes of conduct and review them following each general election.

Codes of conduct should include:

the rules of conduct;

procedures to resolve disputes between councillors;

procedures for implementing conflict of interest requirements; and

caretaker procedures.

Conflict of interest

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

This bill introduces significant improvements in regard to 'interests' and 'conflicts of interest'. It will require councillors and members of council committees to disclose if they have an interest in a matter being considered by the council or committee.

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

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

Suspension of councillors

It is intended that the criteria under which all the councillors of a council may be suspended be more clearly set out. The bill proposes that the councillors of a council only be able to be suspended where there has been a serious failure to provide good government or when a council has acted unlawfully in a serious respect.

It will also be a requirement that, before a suspension may be sought, consideration must be given to steps taken by a council to address and remedy any failure to provide good government.

Delegations

Councils may delegate many of their powers to special committees or council officers. This is important for the effective functioning of the council.

Difficulties can arise when a council is not aware of the delegations made by a previous council. The bill therefore proposes that all councils must review their delegations to council officers within six months after a general election.

The bill also proposes to give the Melbourne City Council the authority to delegate certain powers to the Lord Mayor in recognition of the directly elected status of that office. These powers relate to councillor matters, including the appointment of committee chairs, representation on external bodies, councillor travel and councillor expenses.

Conduct for council staff

A closely related matter is the conduct of council employees. The bill proposes that the principles of conduct that currently apply to public sector employees under the Public Sector Management and Employment Act 1998 should be included in the Local Government Act to apply to council staff.

These principles will require council officers to:

act impartially;

act with integrity and avoid conflicts of interest;

accept accountability for results; and

provide responsive service.

Financial management principles

The bill will replace some ineffective and out-of-date regulatory provisions with a requirement that councils comply with principles of sound financial management similar to those that apply to public sector bodies under the Financial Management Act 1994.

These principles include:

prudent management of financial risks in regard to debts, assets and liabilities;

rating policies that provide reasonable stability in the level of the rate burden;

having regard to the financial effects on future generations of council decisions; and

providing full, accurate and timely disclosure of financial information.

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

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

Accountability framework

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

The current provision for corporate plans is confusing and is to be replaced by a requirement that a council adopt a new 'council plan' after each general election. These council plans will be developed in consultation with the community and will specify the objectives, strategies, resources and performance indicators for the council for the next four years.

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

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

Special rates and charges

The government considers it important that councils levy rates and charges in a fair and equitable manner, and the proposed local government charter emphasises this requirement.

There have been considerable concerns expressed in the community about the practices of some councils in respect to the levying of special rates and charges. The bill therefore proposes to amend these provisions.

Councils will now be required to determine the proportion of the benefits of a project that will be of special benefit to the people who will pay a special rate or charge. The council may not then levy special rates and charges to recover an amount that exceeds the proportion of special benefits.

In addition, the bill proposes a further requirement. If a council wishes to raise more than two-thirds of the costs of a project under a special rate or charge, the affected ratepayers may object. If the council receives objections from a majority of the affected ratepayers, it may not proceed with the proposed special rate or charge. This objection process will be in addition to the existing right to make a submission and be heard by the council.

Rate rebates

The bill proposes a tightening of the rate rebate provisions of the act. This follows concerns about the inappropriate use of rate rebates.

The provision for rebates and concessions will be restricted to:

> no more than a third of rateable properties and following public consultation; or
>
> the owners of properties that agree to fulfil terms, specified by the council, that provide benefits to the community as a whole.

The act will also be amended to make it entirely clear that a council may resolve to waive rates or charges for a class of people on grounds of financial hardship in addition to waivers for individual people who apply on the grounds of financial hardship.

Rate capping

During the mid-1990s the then government used rate capping as a way to limit the ability of councils to raise revenue after amalgamations. This proved to be a very arbitrary and clumsy measure and has been widely rejected by the community.

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

Entrepreneurial ventures

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

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

Acquisition notices

The preparation of voters rolls and the levying of municipal rates require councils to have accurate records of who are the owners of properties in the municipality. At present councils are only entitled by law to receive notices of disposition from the sellers of property; these notices are not reliable as a source of information about purchasers. It is therefore proposed to introduce a requirement for purchasers of property to give an appropriate notice to their council.

Commencement

The provisions of this bill are proposed to come into effect at times to be proclaimed, but no later than 31 December 2004.

Some provisions will require the preparation of new regulations and guidelines in order to operate and would be expected to come into effect towards the end of 2004, while other provisions should come into effect earlier.

For example, proclamation of the provisions relating to proportional representation is expected to be sought before the proposed November 2004 elections. In contrast, the new voters roll provisions, which depend on revised regulations as well as changes to councils' systems and processes, could not practically be brought into effect until after the 2004 elections without risking failures in the preparation of voters rolls.

In addition the independent reviews of electoral representation, proposed in this bill, will need to be progressively introduced for councils. The timing for each council will depend on the timing of the previous review and the extent of population change since that review. The bill proposes a mechanism for first reviews under these new proposals to be scheduled by gazettal.

Part 5 of the bill, which describes revised planning and financial reporting requirements will come into effect on 1 February 2004. Therefore these provisions will apply to all 2004 council plans, budgets and annual reports.

Conclusion

This bill represents the results of a careful analysis of many local government issues and an extensive public consultation process involving many interested members of the public,

community organisations, councils and local government peak bodies.

It proposes the most comprehensive set of changes to local government legislation since the act was passed in 1989. When implemented, these changes will make local government significantly more democratic, more transparent, more accountable and more effective.

I commend the bill to the house.

Debate adjourned for Hon. J. A. VOGELS (Western) on motion of Hon. Philip Davis.

Debate adjourned until next day.

RESIDENTIAL TENANCIES (AMENDMENT) BILL

Second reading

For **Ms BROAD** (Minister for Housing), Mr Lenders (Minister for Finance) — I move:

That the bill be now read a second time.

There have been no amendments in the lower house.

Second-reading speech as follows incorporated on motion of Mr LENDERS (Minister for Finance):

Introduction

On behalf of the government I am pleased to be able to present the Residential Tenancies (Amendment) Bill 2003 today.

This bill proposes changes that will improve the provision of private rental bond assistance to low-income Victorians by the director of housing. This bill will also improve the financial management of the director of housing's payment of bonds on behalf of low-income tenants in Victoria who are eligible for bond assistance.

In particular, this bill addresses two main issues. It aims to allow the Residential Tenancies Bond Authority to collect information about tenancies from the bond lodgment form and to release this information to the director of housing. This is important information, which the director of housing uses to monitor changes in the private rental market.

Also, the bill aims to improve the payment, lodgment and recovery of bonds paid by the director of housing on behalf of a tenant. Where a landlord does not have a claim against the bond, the director of housing will be able to recoup the funds and use this money to assist other applicants.

Data collection

Under the current system, a landlord who receives a bond must jointly complete a bond lodgment form with the tenant and then lodge that form, together with the bond, with the Residential Tenancies Bond Authority.

The information on a bond lodgment form collected by the Residential Tenancies Bond Authority includes both prescribed information and other additional information. Of particular interest to the director of housing is the information relating to the amount of rent paid for properties. This is used as an important indicator of affordability in the rental housing market.

Since the establishment of the Residential Tenancies Bond Authority in 1998, there has been an arrangement whereby the director of housing receives data from the Residential Tenancies Bond Authority for the purpose of research, compiling statistics and monitoring the private residential rental market.

However, during the implementation of the Information Privacy Act 2000, the Residential Tenancies Bond Authority concluded it was necessary to expressly provide for the exchange of this important data within the act to the director of housing.

Consequently, data exchange has been suspended between the Residential Tenancies Bond Authority and the director of housing.

The data collected from bond lodgment forms enables the director of housing to monitor the private rental market for the purpose of the public interest in planning housing assistance under the Housing Act 1983, as well as informing the market of local conditions. Without access to this data, the director of housing has had difficulty monitoring changes in the private rental market. The ability to plan and administer housing assistance has been diminished.

The issue of housing affordability has received increased prominence through the negotiations of the commonwealth-state housing agreement and the recently announced Productivity Commission inquiry into first home ownership, which will look at several aspects of housing availability and affordability.

The director of housing also uses the Residential Tenancies Bond Authority's data to provide information to the housing sector. An example of this is the quarterly *Rental Report*, published by the director of housing, which is the main source of market information on private rental in Victoria. This report is used widely within both the public and private sectors, and is considered to be a reliable source of rental market information in Victoria. Due to the necessary suspension of data exchange, this report has not been published since the June quarter 2002.

Both the tenants' representative body, the Tenants Union of Victoria, and the landlords' representative body, the Real Estate Institute of Victoria, support the data being made available to the director of housing. Furthermore, these bodies rely on the statistics in the rental report in representing their constituents.

The loss of the director of housing's access to the data has hindered the director of housing from monitoring the private rental market, adversely affecting its ability in efficiently planning and administering housing assistance.

Therefore, a new provision is proposed to give the Residential Tenancies Bond Authority the power to collect certain additional tenancy information on the bond lodgment form.

In addition, a new provision is proposed to give the Residential Tenancies Bond Authority the power to pass on all information collected via the bond lodgment form (with

the exception of tenant names) to the director of housing for the purposes of compiling statistics, research and public education.

The privacy of tenants, landlords or agents will not be compromised as their names will not be disclosed to the director of housing. Further, published information will be in aggregate form and single tenancies will not be able to be identified.

This bill seeks to restore the public interest data exchange from the Residential Tenancies Bond Authority to the director of housing, while at the same time, protecting citizens' privacy.

Director of housing bond loans

The director of housing operates a program to assist tenants who have difficulty paying bonds relating to private residential rentals. This essentially involves the director of housing paying the bond, whether in whole or in part, on behalf of a tenant who has secured private rental.

To be eligible for assistance, applicants must meet the income and asset limits of the program. They must also secure a property where their share of the rent does not exceed 55 per cent of their gross weekly income and all outstanding charges from previous or current public housing tenancies have been paid in full. Importantly, any previous bond loans must also have been repaid in full.

The director of housing's current program requires the tenant to enter into an agreement with the director of housing. A term of this agreement is that at the end of the tenancy the tenant must repay the amount of bond paid by the director of housing.

This program is a valuable mechanism in assisting low-income Victorians into the private rental market.

At present, the director of housing approves approximately $7.5 million to $8 million of bond loans per annum. In the 2002–03 financial year, a total of 13 208 Victorian tenants were assisted with a bond loan of an average of $600 per tenant.

Where the director of housing has paid an amount of bond on behalf of a tenant, the bond lodgment form must note this fact. Furthermore, a landlord is required to lodge the bond lodgment form, together with the cheque issued by the director of housing, with the Residential Tenancies Bond Authority. At the end of the tenancy, the landlord and the tenant must jointly apply to the Residential Tenancies Bond Authority for the return of the bond moneys to the director of housing by completing a bond claim form.

However, the director of housing is not always advised when a tenancy is terminated. This scenario often occurs as a result of genuine misunderstandings about the relationship between the director of housing and the Residential Tenancies Bond Authority. That is, often the client does not realise that there is a need to complete a bond claim form to facilitate the return of the bond loan money to the director of housing, as there is a general assumption that the Residential Tenancies Bond Authority and the director of housing, both being government entities, will automatically coordinate a reconciliation of funds at the end of a tenancy.

Importantly, where the director of housing has not been notified of a termination of a tenancy, the bond assistance remains recorded as a debt against the client. This can potentially prevent director of housing clients from obtaining further housing assistance because, in general, applicants are required to repay all outstanding debts to the director of housing prior to being eligible for further assistance.

In addition, until the bond moneys are returned to the director of housing, those funds are unavailable for the provision of assistance to other clients.

Some problems with the current system relating to an amount of bond paid by the director of housing on behalf of a tenant are: the high transaction costs associated with issuing cheques; the backlog of bonds sitting with the Residential Tenancies Bond Authority (even though the tenancies relating to the bonds have terminated); and the difficulty of monitoring, registering and recovering such bonds. The risk therefore is that director of housing money is not recouped promptly or lost in the system.

An amendment is proposed to specifically recognise and permit the payment of such bonds with a voucher (instead of a cheque) issued by the director of housing. This amendment will: reduce administrative costs; ensure effective registration with the Residential Tenancies Bond Authority; avoid misappropriation of such bond moneys; and monitor director of housing moneys.

An amendment is also proposed to require the Residential Tenancies Bond Authority to notify the director of housing that a new bond has been received in relation to a tenancy agreement for the same premises for which the Residential Tenancies Bond Authority already holds an amount of bond paid by the director of housing on behalf of a tenant.

Where the director of housing receives information from the Residential Tenancies Bond Authority, the act will be amended to allow the director of housing, together with the landlord, to apply jointly to the Residential Tenancies Bond Authority for a refund to the director of housing of the amount of bond paid by the director of housing on behalf of a tenant.

Transitional provisions, however, are also proposed in order to deal with the backlog of the amounts of bond paid by the director of housing sitting with the Residential Tenancies Bond Authority, even though the tenancies relating to such bonds have terminated. It is proposed that the director of housing be able to recover bonds, where a second bond has been lodged on or before the 30 June 2003.

The overall benefits of the proposed amendments relating to those amounts of bond paid by the director of housing on behalf of tenants are: more streamlined processes; improvements to the reconciliation of funds; better knowledge of the status of such bonds; a reduction in administrative costs and improved client service.

Concluding remarks

This bill improves the issue, registration and recoupment of bonds paid (whether in whole or in part) by the director of housing on behalf of a tenant. This will effectively improve the management of the director of housing bond program, as well as increase the director of housing's ability to redistribute money to assist more Victorians.

The amendments relating to data collection balance the privacy rights of tenants with the public interest of monitoring the Victorian residential rental market. This will therefore allow the director of housing to efficiently administer housing assistance to low-income Victorians.

The provisions in this bill meet the government's commitment to sound financial management and building cohesive communities, as outlined in Growing Victoria Together.

This bill aims to facilitate access to the private rental market for low-income Victorians. This will be achieved through moderate and responsible change, which will improve the provision of bond assistance to low-income Victorians.

Finally, much work has gone into the development of the legislative amendments proposed in this bill. I would like to acknowledge the good work of officers from both the Department of Human Services and the Residential Tenancies Bond Authority in developing these proposals.

I commend the bill to the house.

Debate adjourned for Hon. W. A. LOVELL (North Eastern) on motion of Hon. Philip Davis.

Debate adjourned until next day.

ANIMALS LEGISLATION (ANIMAL WELFARE) BILL

Second reading

For **Hon. T. C. THEOPHANOUS** (Minister for Energy Industries), Mr Lenders (Minister for Finance) — I move:

That the bill be now read a second time.

This bill was amended in the Assembly. There were some minor drafting amendments regarding numbering that were drawn to the government's attention by parliamentary counsel.

Second-reading speech as follows incorporated on motion of Mr LENDERS (Minister for Finance):

The bill is in the nature of an omnibus bill and involves amendments to the Domestic (Feral and Nuisance) Animals Act 1994, the Prevention of Cruelty to Animals Act 1986, the Ombudsman Act 1973, the Meat Industry Act 1993 and the Veterinary Practice Act 1997.

It introduces a number of amendments relating to the management and welfare of cats and dogs, the prevention of cruelty to animals and scientific research on animals. It also introduces a number of administrative improvements, in particular to improve the operation of the Veterinary Practitioners Registration Board.

The bill implements a commitment given by government to address the slaughter of cats and dogs for human consumption.

There are over 30 separate issues that are addressed by this bill. Some key features of the bill are as follows:

Addresses the present problems involved in contacting owners of lost cats and dogs so that these animals are not unnecessarily euthanised. This is to be achieved by setting minimum standards for the microchips that are sometimes used to identify these animals and by licensing registries that currently hold relevant information so that they can be required to provide adequate integrated data retrieval services.

Improves public accountability of RSPCA inspectors by including them within the jurisdiction of the Ombudsman.

Introduces regulation-making powers to control harmful practices relating to the transportation, capture and medical treatment of animals (for example, excessively long transportation of young calves, use of glue traps and dental work by unqualified persons). Regulation-making powers will also be introduced to control implements that are harmful to animals (for example, electronic whips and saddles that deliver electric shocks to animals and twisted or corrugated bridle bits).

Improves efficiency and effectiveness of local government domestic animal management services by allowing local government to permit contractors to issue basic infringement notices, provided that these contractors meet certain minimum skill and accountability criteria.

Provides for penalties for a breach of the Prevention of Cruelty to Animals Regulations to be increased from a maximum of 5 penalty units to a maximum of 10 penalty units.

Allows local government to seek an order from a Magistrates Court requiring an owner of a cat or dog to carry out works on their property to prevent the animal from escaping, where the court finds that the animal breached the act by being at large.

The administrative amendments to the Veterinary Practice Act 1997 should ensure that the board established under the act is able to effectively deal with disciplinary issues and issues relating to fitness to practice. Other amendments should make the administration of the act more effective and appropriate. It brings this act into line with other medical practice-related acts, such as the Medical Practice Act 1994 and the Dental Practice Act 1999, which were originally based on the same model legislation, but have been amended in the meantime.

These amendments are considered to be necessary to improve public confidence in the legislation, improve public safety and protect the welfare of animals. They are consistent with government policy objectives and good governance.

I will now deal with some significant features of the bill.

The following comments relate to proposed amendments to the Domestic (Feral and Nuisance) Animals Act 1994.

With regard to permanent identification of cats and dogs by microchips, the government proposes to introduce standards that ensure that the microchips implanted into animals in the

future are standardised to ISO standard technology. Scanners used to detect microchips in pounds will be required to be capable of reading all microchip types in circulation. Persons who implant microchips into animals will be required to have approved qualifications and training, and to be supervised by a registered veterinary practitioner (if the implanter is not a veterinary practitioner). Council pounds will be required to scan all impounded animals to ensure detection of microchip-identified animals. Persons operating microchip registries in Victoria will be required to be licensed and to operate in a coordinated and cooperative manner with other licensed registers at prescribed standards of administration and data management. The outcome will be to ensure that there is the greatest opportunity for an animal to be identified and returned promptly to its owner.

It is proposed that where councils choose to employ suitably qualified contractors for routine animal management activities, that this bill will enable these contractors to undertake a greater range of functions (for example, issuing a limited range of penalty infringement notices). It is also proposed to permit the minister to engage persons with suitable qualifications or experience as contractors to exercise specific powers of authorised officers for specific tasks (restricted to domestic animal businesses and microchipping registries). These contractors will be subjected to the jurisdiction of the Ombudsman to provide public accountability for their actions.

The government intends to empower local government to address the problem of persistently stray cats and dogs. For example, over a four-year period the major companion animal microchip identification register, operated by Central Animal Records from Keysborough (Victoria), reported that there were 58 dogs detected as strays on more than 10 occasions. It is intended that a council may seek a court order to require an owner of such an animal to carry out certain works to prevent future straying or risk seizure or destruction of the animal by court order. A significant percentage of dog menacing and attacks on people or animals in public places is by dogs aggressively rushing unrestrained from their owner's property. A major cause of complaints to councils are against neighbours whose cats are permitted to roam at night to fight noisily and urinate on or damage the property of persons who do not own cats. It is reasonable to penalise the owners of persistent problem animals rather than the majority of responsible owners.

In addition to this improvement to public protection from unsafe dogs, it is proposed to require owners of dogs declared as 'dangerous' by a council, to ensure that when such a dog is kept on residential property, the owner must have a secure enclosure built on it. This will be in addition to the use of the house as an enclosure. Enclosures for dangerous and restricted dogs will be revised to remove the difficult to determine issue of making them 'childproof', to be replaced by minimum standards in the regulations. It will also be a significant offence to train a dog to attack unless this occurs within the current provisions of the act where it is permitted in a council-registered domestic animal business that trains dogs for security purposes.

I would now like to move to amendments proposed for the Prevention of Cruelty to Animals Act 1986.

Many members will recall the controversy created by an attempt by RSPCA inspectors to resolve an investigation into the welfare of three stallions at the Werribee Equestrian Centre last year. The case involved controversial and radical treatment of a stallion where inspectors were prevented from examining the animal after very public calls for investigation on cruelty grounds.

It became apparent that the owner was seeking to prevent the examination partly in reliance upon an exemption in section 6 of the act that prevents it applying to veterinary treatment carried out for the purpose of promoting the animal's health. Inspectors were prevented by court injunction from determining whether the treatment was for purposes of promoting the animal's health or not. The original intention of the exemption in the act was to prevent prosecution of persons in situations of justifiable exemption, rather than block the powers of the act completely.

It is proposed to allow the minister to permit an inspector, with special expertise and qualifications, to use their existing powers of entry, inspection and observation, to the point of collecting sufficient information to determine whether or not an exemption is justified. In the case of a veterinary practitioner, the Veterinary Practitioners Registration Board may be requested to investigate the professional conduct of the practitioner and/or the inspector may use appropriate powers to protect the animal from further suffering if the exemption is not justified.

Current regulation-making powers in the act allow for the regulation of certain procedures and implements that cause harm to animals, but do not provide sufficient flexibility to protect animals from harm. Examples of practices that may be regulated under new regulations include the following:

> Some transporters are involved in the excessively long transportation of four to seven-day-old bobby calves to abattoirs despite agreed recommended practices in codes. These calves will sometimes even die during or immediately after this transportation. Inspectors find it difficult to gather reliable evidence of cruelty offences due to the need for evidence to exclude other possible causes which can be difficult to establish. Direct regulation of transportation would be more effective and has been requested by reputable calf transporters.
>
> Glue traps are sometimes used to trap birds, leaving these animals to die of deprivation and exposure.
>
> Dental procedures for horses are currently unregulated and have caused significant problems and distress to horses where unqualified persons attempt complicated dental work. Regulations could be introduced to grade dental work so as to reserve the most complex work for suitably qualified persons.
>
> Last year the government announced its belief that there should be a ban on the cosmetic or non-therapeutic tail docking of dogs, with Victoria leading the discussion at the Primary Industries Ministerial Council which resolved in principle in October 2002 that such a ban should be implemented. Regulations made under this new regulation-making power will achieve this end.

There is a range of implements that are being used on animals that cause unjustifiable injury and distress with new implements being discovered from time to time. Examples of implements that could be dealt with under new regulations include electronic training collars for cats which deliver an electric shock, electronic whips, horse saddles that deliver an

electric shock, barbed or spiked animal prods or goads and twisted or corrugated bridle bits.

It is proposed to amend the act to provide general regulation-making powers to regulate methods of transport, capture or veterinary procedures that cause animals injury or harm and to also regulate implements that cause animals injury or harm. This raises the act's provisions to equal those of other states and territories.

These new regulation-making powers will not affect an act or practice with respect to a farm animal that is carried out in accordance with a code of practice under the act. If an activity is undertaken in respect of farm animals, and that activity is undertaken in accordance with a code of practice, then regulations made under the act do not apply to that practice.

Some amendments are intended that improve administration of the act. For example:

to modify scientific establishment licensing to ensure persons responsible for scientific experiments are clearly identifiable. This will provide greater freedom for institutions to conduct collaborative projects legally, without loss of the current protection of animals used in the procedures;

to recognise that most veterinary pathologists who might provide evidence for certain cruelties (for example, luring and baiting offences), are now employed by private industry rather than government laboratories;

to make it a requirement for a person to provide their name and address to an inspector if they are on premises which an inspector suspects has been used for baiting, trap shooting or luring;

the introduction of penalty infringement notices for certain offences. An example of the type of offence for which a penalty infringement notice may be issued, dogs on trailers without restraint except for working dogs while at work, in order to avoid court appearance and convictions for offences that are not direct acts of cruelty but predispose dogs to serious risk of injury due to negligence;

to increase penalties for infringement of regulations to be more in line with penalty levels in other states.

One significant change for the scientific use of animals is to define non-human primates as 'specified species' for the purposes of the act. This will introduce much greater protection and accountability for the sourcing, breeding, keeping and disposal of such important animals. Another is the proposal to clarify the definition of an animal to avoid the act applying to fertilised eggs and other partly formed animals. It is proposed to amend the definition to clarify that an animal only becomes subject to the act when it reaches the halfway point of its gestation or incubation in the case of mammals, birds and reptiles and in any other case when they are capable of independent feeding. This is consistent with national and international protocols.

I would like now to consider the amendments to the Ombudsman Act 1973. These are a result of the recent Victorian parliamentary Law Reform Committee report on the powers of entry, search, seizure and questioning by authorised persons, in which it expressed concern that powers were being given to officers who were not directly employed by or accountable to government. In the past there have been complaints about the manner by which RSPCA officers, who have been appointed as inspectors under the Prevention of Cruelty to Animals Act, have conducted investigations. The main complaint is the lack of accountability of the employees of a private organisation to the government. A similar situation will exist for contractors employed by councils to provide animal management services and contractors appointed by the minister to perform certain tasks with respect to domestic animal businesses and microchipping registries, as they will, by this bill, be invested with certain powers under the Domestic (Feral and Nuisance) Animals Act. It is proposed that amendments be made to the Ombudsman Act 1973 to ensure that the Ombudsman can directly investigate complaints made against these officers and contractors.

I would now like to move to amendments to the Meat Industry Act 1993 to ban the slaughter of cats and dogs for human consumption.

You may recall a press report of an incident in October 2002 which alleged that a person had purchased a puppy for the purpose of consuming it. Reports on the consumption of cats and dogs have been made periodically over many years; however, there has not been conclusive evidence that the practice is actually occurring.

Understandably some sections of the community expressed outrage that such practices could occur, and the government agrees that these are not acceptable practices in our community.

This is not a public health issue, as the Meat Industry Act protects public health and safety by prohibiting anyone from selling or disposing of any meat unless it is from a 'consumable' animal that has been slaughtered at a licensed meat processing facility. The welfare of animals is also protected under the Prevention of Cruelty to Animals Act.

However, in theory a person could slaughter their own cat or dog or any other animal that is not listed as 'consumable' for their own consumption. It is therefore proposed to amend the Meat Industry Act 1993 to prohibit an individual from slaughtering for human consumption any animal that is not a 'consumable' animal.

A consumable animal is defined in the Meat Industry Act as 'poultry, game, cattle, sheep, goat, pig, horse, donkey, ostrich, deer or any animal prescribed to be a consumable animal'. Although listed as consumable animals, horses and donkeys are not permitted to be slaughtered for human consumption. This restriction was also made for cultural rather than public health reasons, as meat from horses and donkeys are consumed in other countries.

This amendment will restrict an individual's right to slaughter for human consumption dogs, cats or any other animal that is not defined under the Meat Industry Act as 'consumable'. It will not change an individual's ability to slaughter for their own consumption poultry or game or a farmer's ability to slaughter a consumable animal such as a sheep on their farm, which are currently permitted under the Meat Industry Act.

I shall now turn to the amendments to the Veterinary Practice Act 1997, which will improve the ability of the Veterinary Practitioners Registration Board of Victoria to regulate the conduct of registered veterinary practitioners and to facilitate the administration of the act. There has been consultation with

the Veterinary Practitioners Registration Board and the Australian Veterinary Association on the framing of the amendments.

The act already requires a register of all veterinary practitioners to be kept. Practitioners will now be required to provide a postal address for this register, which will be of practical value to persons seeking to contact a veterinary practitioner. Other amendments to registration requirements will mean practitioners will require competency in the English language to be registered in Victoria, and a non-practising category of specific registration will be established for veterinary practitioners who wish to maintain their professional standing while not practising.

Experience with administration of the act has also identified a number of matters which inhibit the ability of the Veterinary Practitioners Registration Board to regulate the conduct of registered veterinary practitioners.

The definition of 'unprofessional conduct' is amended in line with the Medical Practice Act to include influencing or attempting to influence the conduct of a veterinary practitioner's practice in such a way that patient care may be compromised, and the contravention of, or failure to comply with, a condition, limitation or restriction on the registration of the veterinary practitioner imposed by or under the act.

Currently a person has no ability to lodge a complaint against a practitioner whose registration may have lapsed in the intervening time from the date of the incident which led to the complaint. In addition, where a practitioner's registration has lapsed subsequent to a complaint being lodged with the Veterinary Practitioners Registration Board, there is no power to continue the process. These loopholes will be closed.

With regard to disciplinary hearings into professional conduct, a number of issues have been identified.

The panel conducting an investigation may currently recommend either that the matter should not proceed further or that an informal or formal hearing should be held. An amendment is made to the powers of the Veterinary Practitioners Registration Board's investigation panels to allow them to make a recommendation to the board that a fitness-to-practise investigation be held where they have concerns on medical grounds as to the practitioner's ability to practise.

Where a preliminary investigation into the health of a registered veterinary practitioner has been required by the Veterinary Practitioners Registration Board, provision is now made for an examination by other registered health professionals, in addition to registered medical practitioners, where appropriate. In addition, the board is given power to appoint a medical practitioner rather than a board member to carry out an investigation into a practitioner's fitness to practise. This will resolve the difficulties experienced in referral of fitness-to-practise medical reports and/or further investigation to a registered medical practitioner.

Currently if the board is unable to appoint a panel for a hearing, it is necessary to request the Governor in Council to appoint a person who is not a member of the board to fill the vacant position. It is proposed that this be amended in line with the Medical Practice Act and the Dental Practice Act by providing for a pool of persons to be approved by the Governor in Council, to be available to be appointed to a hearing panel by the president of the board, as required from time to time.

While the number of formal hearings before the Veterinary Practitioners Registration Board is currently small, the ability of the board to conduct a preliminary conference prior to a formal hearing would be valuable. The conference would assist to identify and clarify issues in dispute and allow guidance concerning the conduct of the matter, thus saving time for the hearing panel. Such provisions are in line with the Medical Practice Act.

Given the deregulation of ownership of veterinary practices and potential consequences of the board being unable to take appropriate action in circumstances where registered veterinary practitioners have been directed or incited to unprofessional conduct by their non-registered employer, it is important to have provision in the act for the board to be able to take action in these matters. The provisions proposed prohibit an employer inciting a practitioner to do anything in the course of professional practice that would constitute unprofessional conduct.

I commend the bill to the house.

Debate adjourned on motion of Hon. PHILIP DAVIS (Gippsland).

Debate adjourned until next day.

ELECTORAL (AMENDMENT) BILL

Second reading

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

That the bill be now read a second time.

Second-reading speech as follows incorporated on motion of Mr LENDERS (Minister for Finance):

In May 2002, the Electoral Act 2002 (the act) was passed by Parliament. The act was the first major revision of Victoria's electoral legislation in a century, and it affected all election stakeholders and participants.

The act came into operation on 1 September, 2002 and was in place for the last Victorian state election. The election allowed the act to be thoroughly tested. The Victorian Electoral Commissioner has identified the need for a number of miscellaneous amendments to improve the operation of the act.

The Electoral (Amendment) Bill will amend:

section 19 of the act to provide that the Victorian Electoral Commission (VEC) can delegate the power to allow or disallow a ballot paper at a recount when the number of ballot papers reserved for the VEC's decision cannot affect whether a particular candidate is declared elected;

section 29 of the act to provide that the VEC must not include on the roll any elector whose enrolment claim

has not been received by the close of the roll or change any particulars that have not been received by the close of the roll;

section 41 of the act to enable the VEC to make further inquiries following the receipt of an answer to an objection to the enrolment of a person and to determine the objection following such inquiries;

section 66 of the act to ensure that any school or other organisation that has been granted a limited liquor licence on election day cannot sell liquor during the hours of voting if the school or organisation has facilities that will be used as a voting centre;

section 95 of the act to allow the witness to a declaration under part 6 of the act to note on the form that the elector was unable to sign through physical incapacity, replacing the requirement for the elector to sign or make a mark in such cases;

section 109 of the act to apply the same procedures to absent voters as those that apply to early voting to avoid the need for a signed declaration where the election official has a copy of the electoral roll;

section 156 of the act to insert the words 'on election day' after 'during hours of voting' in section 156 to make it absolutely clear that the provision applies only on election day;

section 206 of the act to include a licence issued under the Gaming and Betting Act 1994 within the definition of a 'relevant licence' to ensure Tabcorp Holdings Ltd is covered by the cap on political donations. Only donations made by Tabcorp after the commencement of the bill will be taken into account for the purpose of calculating the total amount of the political donations in this financial year; and

section 216 of the act to delete the reference to 'a shareholder in the related body corporate' to ensure that the cap on political donations does not extend too broadly. Making this amendment will ensure that shareholders in a related body corporate are not covered by the cap. A related body corporate is a holding company of a relevant licence-holder, a subsidiary of a relevant licence-holder or a subsidiary of a holding company of a relevant licence-holder.

The Electoral Act 2002 was a significant step in Victoria's electoral history. The amendments contained in this bill demonstrate the government's commitment to the continuous improvement of Victoria's electoral system.

I commend the bill to the house.

Debate adjourned for Hon. C. A. STRONG (Higinbotham) on motion of Hon. Philip Davis.

Debate adjourned until next day.

EXTRACTIVE INDUSTRIES DEVELOPMENT (AMENDMENT) BILL

Second reading

Debate resumed from 5 November; motion of Hon. T. C. THEOPHANOUS (Minister for Resources).

Hon. PHILIP DAVIS (Gippsland) — I am pleased to be able to speak to the Extractive Industries Development (Amendment) Bill, which is a bill introduced by the government to implement some amendments as a consequence of a national competition policy (NCP) review of the Extractive Industries Development Act 1995.

The exhaustive processes of NCP reviews are well known to this house. A number of acts have been previously considered in the Parliament in regard to specific amendments coming out of NCP reviews. I do not intend to labour the point about the purpose of the review suffice to say it is part of a federal-state heads of government agreement to over time ensure that as many of the administrative and bureaucratic burdens on competition and efficiency in Australia are removed at both state and commonwealth levels. The NCP review of this legislation made 24 recommendations. The government has accepted some of those recommendations and proposes to implement those with this bill.

I understand and have been advised that it is the government's intention that this act will be further reviewed and that this bill is a relatively narrow bill in the sense of dealing specifically with the NCP review recommendations that have been accepted by the government and does not intend to deal with any of the major changes which will inevitably be resolved as time goes by with a further substantive review of the act.

It might be useful for the house to briefly reflect on what the extractive industries are. I find it is always a useful thing to remind ourselves what it is that the machinery of legislation is trying to achieve. For those members of the house who have not taken a close or keen interest in this area previously I might try to enlighten them.

The extractive industry sector is a significant contributor to our economy and operates in quarries that produce a range of hard rock, clay, sand and gravel products to support the building and construction industry.

The most recent figures I have access to, which are for 1998–99, show the industry's production had a sales

value of some $240 million and directly employed more than 1500 people. The industry operates within the framework of the Extractive Industries Development Act 1995. The sites must have planning approval as well as approvals under this act, and the industry operations comply with health, safety and environmental legislation regulations.

The act defines extractive industry as the extraction or removal of stone from land if the primary purpose of the extraction or removal is the sale or commercial use of the stone or the use of the stone in construction, building, road or manufacturing works and includes treatment of stone or the manufacture of bricks, tiles, pottery or cement products on or adjacent to land from which the stone is extracted from any place of operation or class of operation declared by the minister to be an extractive industry.

The definition of stone is probably of interest. It can be sandstone, freestone or other building stone; basalt, granite, limestone or rock of any kind ordinarily used for building, manufacturing, road-making or construction purposes; quartz, other than quartz crystals; slate or gravel; clay, other than fine clay, bentonite or kaolin; sand, earth or soil; and other similar materials. Stone attracts a royalty payment.

Having said that, it must be put into perspective how important the industry is. It is an industry which is very much out of sight generally, and the participants in it are people who try to go about their business meeting the regulatory obligations, which are exceedingly numerous, but have particular local impacts.

Inevitably a large cost of the materials in this particular industry is not only the winning of the materials from the ground, but the transport of them to the place of end use. It is obvious therefore that the location of any quarry will inevitably be as close as possible to where the primary end use market is. That will mean that there is an inevitability of these quarries being located as near as practical to urban areas where the consumption of these materials are particularly relevant — for example, all of the large buildings we have in the central business district owe their genesis to the stone derived from the quarries, whether they be well out of the city or not.

Historically quarries have been developed on the edge of the city of Melbourne, or of country towns for that matter, and eventually those quarries close as urban encroachment impacts on them and there is a need to move further out to more rural districts. There is an inevitable potential for conflict as urban growth continues, and sites which may have been developed as quarries over time consumed by an encroaching urban development bring into conflict the sense of an industrial activity occurring within the proximity of a densely populated urban environment.

It is appropriate that the Parliament from time to time considers and reconsiders the regulatory framework for extractive industries. I cannot overstate how important an industry this is because it substantially underpins the vast majority of the infrastructure with which we are familiar today in terms of housing, building and the road-making activities that are important to a complex and modern society.

The issues the government has highlighted as being of significance in relation to the bill, in summary, relate to aligning the arrangements for permits for the search of stone on Crown land with the same activity that would occur on private land. In effect there is currently a double jeopardy for those who are in the business of extracting stone from Crown land where they have to obtain departmental permits, and subsequently get consent from the responsible minister for the Crown land in approving the extractive industry, whereas if a private land-holder is approached by a prospective quarry operator it is simply a matter of, if you like, private treaty negotiations to get an outcome.

One of the key issues in the bill is that those provisions will be under the same basis as if Crown land were private land, and that it is only a requirement to achieve the consent of the responsible minister for that land. That may mean a different minister in any particular case, because we understand that Crown land may be controlled by various authorities and there will be respectively appropriate ministers with that administrative control. It is therefore beholden on the persons seeking to obtain consent to conform with the requirements of the minister, department or authority that have the responsibility of the particular parcel of land.

Proposed section 12 requires persons seeking consent to have special requirements for searching on land that is a public highway, a road or street, or land that is managed by a water authority because there may be significant impacts relating to the long-term use of those areas of land which are set aside for particular public uses. There would not be the level of, if you like, supervision of any extractive industry which would be established on such land; therefore there must be special recognition of the long-term impacts on the public use requirement.

The government has introduced a new provision relating to a right of review at the Victorian Civil and Administrative Tribunal for work authorities, as

reflected in clause 13. The tribunal's decisions will be subject to transparency, accountability and review by an administrative process. It inevitably means that the review mechanisms for decisions will be much more effective because of the recognition by officers involved in such approvals that their actions will be subject to the proper level of scrutiny and accountability.

The bill also removes the requirements for certification of quarry managers by government. I have had discussions with the mining industry about this because it was the case that some time ago in the industry mining managers had to be recognised and certified by government, and that requirement was repealed some time ago. The view of the mining industry is that there has been no adverse impact, and that this repealing of the requirement for government certification for quarry managers will bring this industry in line with mining.

It is probably the case that the regulatory framework as a whole puts substantial obligations on the principals of a quarry to ensure that all of the safety requirements are met in any event.

The additional layer of formal recognition does not add anything to the capacity of the mine manager. In fact it could be the obverse — it could be that having somebody who is formally endorsed by government as a mine manager may provide less accountability, because it provides a defence. It might be far more effective if the accountability were that the principals or proprietors of a quarry ensured they have competently trained staff who can manage that facility and comply with all the regulatory requirements for health and safety which relate to a quarry site.

The further significant additional issue in this bill which the government has identified again seems entirely sensible. That is an amendment to remove the requirement to initiate a new work authority process if a land-holder withdraws consent. Often a work authority is issued in relation to land that has more than one owner. It is possible for a landowner to reconsider their participation in the activity and subsequently withdraw the consent they have previously given. In the event that this occurs, there is a sensible amendment which means that a new work authority will not be required — the existing work authority on the parcels of land not affected by the withdrawal of consent will stand.

In other words, if the land was contiguous and three land-holders were involved, but one of the land-holders withdrew from the project and therefore withdrew consent for use of their land, the project and the other land-holders' interests would not be put at risk. They could continue with the implementation of the work authority that had been issued and not be subject to any further delay, other than in the event that the work authority was affected by the withdrawal of consent in such a way that there would have to be a change of arrangements.

Those are the principal issues singled out by the government in its introduction of the bill. None of those raises any concern with the opposition. In the main we are quite comfortable with this bill. However, we are in a sense disappointed that we have a bill in the Parliament that deals with national competition policy review but, while the government had advised that it intended to have a full review of the act, it did not seek to ensure that that review of the principal act coincided with the NCP review. It would have been a much more efficient process, in our view, and less confusing for industry stakeholders, who will now be confronted again with the need to participate in a significant review of their undertakings and the way they interact with government.

It is useful to reflect on the development of this legislation and why we have a bill before us. There has been an evolvement over time of mineral ownership in Victoria which reflected the move towards the current status of stone ownership. I understand that legislation was proclaimed in the 1890s requiring the reservation of all minerals from Crown grants of land made after 1 March, 1992. Crown grants only extended to a depth of 50 feet, below which the private land-holder had no rights to any substances. In 1949 the Mines Act 1928 was amended, replacing the general definition of minerals with specified minerals including basalt and granite. This was followed in 1951 by sand, gravel, stone, clays and rocks. These substances were subsequently deleted from the Mines Act 1958, following the proclamation of the Extractive Industries Act 1966, which defined stone and placed stone on private land under private ownership, extinguishing reservations of stone from Crown grants during the period 1951 through 1956.

Over recent years we have seen the perspective of legislation move from exploration and production to presenting multiple-purpose objectives, including environmental protection, to be achieved through the administration of the legislation. In order to achieve this the Extractive Industries Development Act used statements of purpose that added further dimensions to the structure of legislation.

It is useful for us to understand that the legislation deals with relationships between quarrying activities and conflicting land uses, in addition to requiring

administrative consultation and inter-statutory consultation relationships.

As I alluded to earlier, it is useful to reflect on the fact that the location of stone deposits are fixed and may have a range of qualities in different locations. In addition, stone products or products of extractive industries generally have a lower value relative to weight and transport costs typically represent a substantial component of the price paid by consumers. Consequently many extractive industries are established on the fringes of urban development, close to markets in order to minimise transport costs and provide for growing consumer demands.

With limited exceptions, stone is extracted for its physical properties. It is mainly used for construction and for other engineering and manufacturing purposes. The limited exceptions include materials intrinsically used for their chemical composition — for example, limestone used in fertiliser and to manufacture cement and cement-related products.

One of the other interesting issues for me is the structure of the industry. There are many businesses in this industry; some are very large operators, but there are many medium and small operators. Certainly there are many small-scale extractive industries which have developed in rural and regional areas to meet local needs. Those of us who live in and represent country electorates well know that there are a large number of these operators. They are often small family business environments and their views are heard prominently because they make sure that when there is an issue they see their local member of Parliament. It was of some surprise to me to find that more than half of the materials are derived by the small to medium businesses in this state rather than the large operators, and that in fact there are about 140 what I would describe as small and micro businesses involved in the quarrying industries. So it is not just a business in which large, well-known public companies have a stake and an interest; it is a business in which small independent family units actively participate.

I will make some general points about the legislation, which implements the national competition policy review. It brings the process for the search of stone on Crown land in line with the process that applies for private land. It replaces a two-step process that currently requires a permit as well as consent from the minister responsible for the land in question. The permit system only applies to Crown land, not privately owned land. The bill removes the need for a permit to search for stone on Crown land, thereby bringing the process in line with an unnecessary layer removed. The minister who administers or controls Crown land becomes the person from whom consent to search for stone is sought in the same way as on private land the consent of the landowner must be obtained before any activity can be carried out.

New section 12 recognises special requirements for consent to search for stone on land that is a public highway, road, street or land that is managed by a water authority. The bill preserves the current unavailability of certain Crown land for searches for stone — for example, national parks and marine parks. One of the issues that will be increasingly important is access to stone for road making in national parks, as over time we have changed the status of Crown land to national park and in many cases that has put a boundary around a significant source of materials for road making in those parks. So that is a clearly emerging and significant problem.

The responsible minister for the particular Crown land must also notify the relevant Aboriginal person or body with an interest of a request to search for stone. The bill allows the holder of a work authority to have a right of review at the Victorian Civil and Administrative Tribunal. The bill removes the requirement for government certification for quarry managers as recommended by the review. As I said earlier, this has been seen as unnecessary regulation and will substantially improve the onus of responsibility in the industry.

The bill improves the regulatory process. A new work authority will not have to be issued in circumstances where multiple land-holders have consented to extractive work and one owner withdraws consent. The work authority will still be applicable to the remaining landowners; there is no need to apply for a new work authority as is currently the case. The bill also simplifies the transfer process when a business changes hands. The minister can consent to the transfer subject to a requirement for a new work authority to submit a work plan.

Clause 10 of the bill enables the minister to vary a work authority if the minister decides it is necessary to ensure the safety of workers and the public. This is a substantive widening of the minister's power and there may be a concern that this may be used by aggrieved community groups to halt or alter activity.

The bill deals with a concern about lack of definition of 'search'. During the briefing on this bill we had some discussion about how you define 'search', and I am still somewhat vague about it. I had hoped some information would have been provided in response to

that particular query, and the opportunity may arise to clarify the definition of 'search' when the minister is closing debate on this bill. We were not clear whether this meant to take a small sample, to take a large sample, to dig a small hole, to dig a very large hole, to drill to some depth, or just what it means when we are dealing with approvals. What does it mean when we are simply agreeing in the first instance to do a search rather than to undertake any works in relation to extraction of any stone?

What are the limits on the degree of intervention that would be required in this case to clarify the value and extent of a particular stone resource? Would it mean that a series of drill holes would be considered to be a search, or does it relate to a trench dug with a large excavator or the removal of a large volume of overburden from a site to investigate the depth at which the stone material lay to determine whether it would be cost effective to quarry it? All those issues are unclear, and it would be interesting if later in the debate the minister were able to give some exposition on what the word 'search' means.

There is another matter which we are a little nonplussed by, and that is the introduction of a time line in relation to a requirement on the minister to consent or refuse an application. In clause 6(6) the minister has 60 days to either consent or refuse, but there is no penalty if the minister does not respond. Within the meaning of the time frame there is no recourse for the applicant whose application is delayed.

One reason that opposition members have not endorsed this bill with acclamation, although we have said we are not going to oppose it, is our concern that there is no explanation of the lack of an administrative procedure to require a minister to explain why he has not made a decision. There should be a tribunal process to review an application once it has been made and delayed, because if an applicant were in breach of any of the protocols of the act there would clearly be sanctions in relation to the applicant. If the act is going to be fair to all applicants and prescribe a time frame in which the minister is to respond, our view is quite clearly that the minister is beholden to comply in every case or otherwise find that a sanction applies.

This time frame has obviously been put in place for departmental officers to be cognisant of their need to properly inform the minister. I well understand that at the end of the day the minister will probably say it was not his fault, that the delay probably happened in the department, because of course that is the nature of these bureaucratic processes. However, from the point of view of an applicant dealing with the consent of a minister who is ultimately supposed to act as the land custodian, as is the case in the private sector, there should be not just a requirement to report and respond to the application, but some ability for the applicant to have redress if no decision is made.

Earlier today I made the point in a debate that we have seen the experience of people being affected by the government's Our Forests, Our Future policy. Contractors in the harvest and haulage sector were messed around for some 20 months. I cited correspondence of 20 March 2002 to the Premier by the Sum Straight Timber company, which wrote to the minister seeking clarification of the position of access to timber resources. I simply make the point as an illustration that here is a live, current example of a business that has failed, where a company has gone out of business as a consequence of a government policy decision.

Had the people concerned been advised within 60 days in response to their correspondence of 20 March 2002 that there would be no resource or compensation and that they should make plans to get out of the business, they would not have lost all their assets. I made the point earlier that it was very poor public administration to leave these people with no answer to their query for this extended time. They did not write only once, on 20 March 2002; they wrote at least half a dozen times that I am aware of — I have seen the trail of correspondence — and nobody in the government could make a decision or give them any advice.

My point is that the extractive industries are not unlike any other business: once you set your course, do the research, determine a path and allocate financial resources to implement your plan, you need certainty for an outcome. It is all very well for the government to be proud of itself for putting a time frame in place, but it is reasonable that there be some sanction, review process or mechanism that will compel the minister responsible to give consent or perform within the time frame.

As I said before, I have absolutely no doubt that in every case of delay the minister will advise that there is some procedural delay and it is all some poor bureaucrat's fault. But that is not the right answer for the proprietor or principal of a business who needs an answer, whether that be an individual or a corporation. My view is that rather than being churlish about this bill, the opposition is not opposing it.

We only make the point that there have been two issues, which I have raised at the conclusion of my contribution, to which we are still resolved to seek an

answer. I refresh members' memories by saying we want to know what is meant by 'search'. How is it defined? It would be helpful if the minister could clarify that for the house. What quantum of material may be removed or what level or interference is implied by the term 'search'? Also, if an applicant feels aggrieved because a minister has not responded within the appropriate time frame, we want that applicant to have some recourse other than, as in the illustration I have used, a trail of correspondence which in general is not answered.

In conclusion, the opposition will not delay the passage of the bill, but I urge the minister in closing the debate to give us some clarification of these issues.

Hon. P. R. HALL (Gippsland) — I welcome the opportunity to comment on the Extractive Industries Development (Amendment) Bill, because there is no doubt the extractive industries are important to the Victorian economy, especially at the moment when there is significant building development. That development is fuelled by the availability of resources. Many of those resources are obtained through the extractive industries. We are fortunate in that bricks or pavers are all readily available and reasonably priced. If we need some sand, gravel or soil to top up the garden, there is no real supply difficulty in most parts of Victoria.

I agree with the comment made in the second-reading speech that we have an abundance of good-quality resources in the form of rock, sand, clay and gravel, but that abundance of resources is not always equitably distributed around the state. There are parts of Victoria where access to those resources is a bit more difficult than in other parts. For example, in some of the areas of East Gippsland that I represent it is not always easy to get a load of gravel to re-sheet some of the roads in the area. A load of gravel might entail half a day's trip down the line to the nearest quarry resource, and bringing it back to the road sometimes makes the operation rather expensive.

Sometimes the distribution of those resources around the state imposes additional costs, especially on rural municipalities and some metropolitan municipalities as well. Sometimes the resource that is available from the local nursery has been brought in from a country area many kilometres away. The distribution of the resource is not always equitable, but overall we have an abundance of good-quality extractive industry resources.

The extractive industry is also an interesting one. It has its own act, the Extractive Industries Development Act. The last time that act was rewritten was 1995. The act provides readers with an interesting understanding of the industry per se. For example, I can recall that in 1995 when the act was introduced I was amazed by the definition of stone. It included soil, peat and a range of other things that quite surprised me. Nevertheless, for the purpose of regulating the industry the definition of stone includes those materials. It includes sandstone, freestone, basalt, granite, limestone, and any other stone used in road making. It also includes quartz, slate, gravel, clay, peat, sand, earth or soil, or any other similar material, so it covers a fair range of products.

Hon. J. M. McQuilten — That is a pretty wide definition.

Hon. P. R. HALL — It is a pretty wide definition. Some strange things fit into the definition of 'stone'.

Another important thing to note about the extractive industries is the ownership of stone as defined in the act. The resource is owned by the owner of the land, which is different from minerals and other sorts of mining in the state where extractors of those minerals pay royalties to the state, because they are defined as being owned by the state. Resources under the Extractive Industries Development Act are owned by the person who owns the land. Land-holders can utilise that resource themselves or they can enter into commercial arrangements with others to extract those resources from properties they own.

With those general comments I turn to the bill, which amends the Extractive Industries Development Act. The major provisions can be grouped into three main areas. The first group of amendments relate to searching for stone. Under the act both a permit and the consent of land-holders are required to search for stone on Crown land. Section 11 is titled 'Permits to search for stone on Crown land' and section 12 'Particular consents, etc required'. Under those two sections there is a two-stage process where it is necessary to get a permit from the person responsible for the management of the land and also the consent of the minister responsible for the Extractive Industries Development Act before a search for stone on Crown land can be undertaken.

Clause 6 of the amendment bill substitutes sections 11 and 12 of the act with new sections 11 and 12. New section 11 is titled 'Consent to search for stone on Crown land' and new section 12 is titled 'Special requirements for particular land'. During the departmental briefing — and I thank the officers of the department for it — I was told the two-step process of a

permit and a consent has been reduced to just a consent process.

There are a few differences in the new sections 11 and 12, but they are not all that significant. I am still not perfectly clear in my mind as to exactly the change in process, because there will still have to be a requirement for various ministers to liaise before giving their consent to a particular application for a search for stone on Crown land. However, if as we are told this will reduce the delays in giving permits for the searching of stone on Crown land, then I am certainly supportive of it and the National Party gives its support for that process.

Clause 7, which is in this group of amendments relating to searching for stone on Crown land, substitutes sections 14, 15 and 16 with new sections 14, 15 and 16. There is not a great deal of difference in the substituted sections except that new section 16(2) provides for a person to take an appeal to the Victorian Civil and Administrative Tribunal if the minister cancels or suspends a consent to search for stone on Crown land.

Also in this group of amendments, clause 5 ensures that there must be consent to search for stone, and that consent applies to both Crown land and private land. It is a sensible provision. Clause 5 reminds us of those areas of public land that are not available for the searching of stone — that is, national parks, wilderness parks, state parks, marine national parks, marine sanctuaries and places of significance to Aboriginals. That is a reconfirmation of the present requirements of the act.

The second group of amendments I wish to look at relate to work authorities. There are a number of amendments to those in the amendment bill. The first clause I wish to comment on is clause 9, which covers work authorities for land owned by more than one person. It says that if land is owned by a number of people and each has given their consent to the searching for stone on Crown land, if one person withdraws that consent for the work authority on that land then the existing work authority can still be used to extract resource from land owned by those continuing to give their consent without the need for a new work authority to be drawn up. So that is a sensible revision. We certainly welcome that.

Clause 10 enables a minister to vary a work authority if it:

> … is necessary for ensuring the safety of workers and the public ...

Once again that is a fairly sensible revision; we have no objections to that at all.

Clause 11 enables a minister to 'consent to the transfer of a work authority' when there is a change of ownership. There is a qualification there — it may mean that a new work authority will need to be submitted within a specified time. But it certainly does alleviate the problem that if there is a change of ownership there is no need to discontinue work while the new work authority is drawn up. So again we regard that as a sensible proposal.

Clause 13 enables the holder of a work authority to apply to the Victorian Civil and Administrative Tribunal (VCAT) for review of a minister's decision to cancel a work authority. Once again we think this is an important right for those who are undertaking extractive industries work. If for some reason the minister decides to cancel that work authority, then they can take that matter to VCAT. So the issues in respect of work authorities are not dramatic changes to the act, and we think they are fairly sensible. We have no objections to them.

The third main area under which amendments are grouped relates to quarry managers in clause 15 of the bill, which inserts a new part 4 titled 'Managers' into the act. Instead of a quarry manager having to have a licence issued by the department, now the manager is simply appointed and does not require a certificate to be issued by the department. However, new section 38(3) in the amendment bill has safeguards in noting that the manager must be a competent person and defines what that means. For example it says that you can only appoint a competent manager. To be defined as being competent a person must have:

> … acquired appropriate and adequate knowledge and skills, through training or experience or both, to be able to safely and competently control and manage the extractive industry operation; and —

have —

> ... an adequate knowledge of this Act and the regulations and any other relevant legislation; and —

be —

> ... authorised to carry out, or supervise the carrying out, of any activity on the land in the work plan that is regulated by or under any Act.

That defines what we mean by a competent person. So I suppose there is a move towards self-regulation of the industry in respect of quarry management. The National Party welcomes that and believes those safeguards and the definition of competency in proposed section 38(3)

will ensure that people who are charged with the responsibility of managing quarry operations will do it well.

The last clause I want to briefly make mention of is clause 14, headed 'Land subject to a mining licence'. It inserts a new section 26 into the act. It says:

> (1) A person who applies to a responsible authority for a permit under the Planning and Environment Act 1987 to carry out an extractive industry must —
>
> (a) lodge a copy of the application with the Department Head; and
>
> (b) send a copy of the application to the holder of any licence under the Mineral Resources Development Act 1990 relating to land or any part of the land to which the application applies …

It goes on. That is all very well. It sounds like commonsense, but if I was the person who was seeking a permit for this type of work for an extractive industry, how would I know who might also be the holder of a licence under the Mineral Resources Development Act 1990 for the same land on which I am seeking to undertake an extractive industry? Where do you find them? I suppose you can do what is called a mining title search and hope you have all the people who might have an interest under the Mineral Resources Development Act in this land, but I would have thought that it would be more efficient for the department itself to do that. After all they would have ready access to all those who have a registered interest in that land under the Mineral Resources Development Act. I would have thought it would be more efficient and quicker for the department to do that rather than the applicant under the Extractive Industries Development Act. So if the minister is responding to wishes, perhaps that is an issue to respond to — why is the responsibility for notification of other interests on land being passed back to the applicant under the Extractive Industries Development Act?

Notwithstanding that comment, generally speaking, as I said at the outset, this is a sensible piece of legislation which we believe will assist the extractive industries in Victoria. From the National Party's point of view, we welcome this bill before Parliament and certainly will not oppose it.

Mrs CARBINES (Geelong) — I am very pleased to speak on behalf of the government in relation to the Extractive Industries Development (Amendment) Bill. In doing so I would like to congratulate Minister Theophanous on his preparedness, as demonstrated through this bill, to support a very important industry in our state — that is, the extractive industry.

Last month the Minister for Energy Industries, Mr Theophanous, issued a press release entitled 'New act paves the way for industry success'. I quote from the press release:

> New legislation will cut red tape restricting strategic 'extractive' industries …

Mr Theophanous is quoted in the press release as stating:

> Extractive industries are the industries that build Victoria …
>
> Concrete, brick, gravel and tiles may not be glamorous, but they are all essential products.
>
> The offices we work in, the roads we drive on, the homes we live in are all built using materials from these industries.
>
> Through the Extractive Industries Development (Amendment) Bill we are supporting a thriving local industry that provides jobs all across the state.

In speaking on behalf of the government in support of this bill I would like to acknowledge one of Australia's major unions, the Australian Workers Union, which represents workers in the Victorian quarry industry, and acknowledge the great job it does.

In my preparation for my contribution this morning I looked at the Department of Primary Industries web site dedicated to the extractive industry. It explains that the sector in Victoria operates quarries which produce hard rock, clay, sand and gravel products which support the building and construction industry. Importantly the web site estimates that the industry is worth some $240 million to our state and directly employs over 1500 people, so it is a key and important industry for Victoria.

The bill is aimed at reducing the bureaucracy surrounding the industry in our state. As previous speakers have said, the bill is the result of Victoria's obligations under the intergovernmental competition principles agreement which was signed by the Council of Australian Governments in 1995. As part of our commitment and to meet those obligations we have reviewed the restrictions on competition imposed by the Extractive Industries Development Act and regulations concerning the industry in 2001 — two years ago.

The review found that the act was generally consistent with national competition policy but that some restrictions to competition had been identified. The review made 24 recommendations. The government's response to the review was publicly released in July this year and the response outlined the basis of the legislation which is before the house today.

The Extractive Industries Development (Amendment) Bill removes the requirement to obtain a permit to search for stone on Crown land before obtaining consent from the relevant land manager. This will make it easier for companies to search for new stone supplies, but it is not a carte blanche. Notification is still required, and a consent to search for stone is sufficient in most cases, as is the case currently for any searches on private land. An exception needs to be made if the search concerns roads, streets or land that is under the jurisdiction of a water authority.

Importantly the bill reaffirms that certain Crown land is not available for anyone to search for stone. Those types of Crown land are national parks, wilderness or state parks, marine national parks or sanctuaries and land that is of Aboriginal heritage and cultural significance. This bill enables certain decisions relating to work authorities and plans to be reviewed by the Victorian Civil and Administrative Tribunal. This will ensure increased accountability and transparency for the industry and will allow for independent scrutiny of any decisions made to improve new conditions or to vary existing conditions.

The bill also removes the requirement for quarry managers to obtain government certification, and this will allow the extractive industry in our state the opportunity to set its own standards for quarry manager certification. Importantly, this bill has been the subject of extensive consultation with stakeholders. The Extractive Industries Association of Victoria and the Construction Material Processors Association have both been appropriately consulted and have expressed support for the general thrust of the bill.

This bill seeks to support the extractive industry in our state and to ensure that it proceeds along triple bottom line principles balancing environmental, economic, and social objectives. The extractive industry is a very important one for the state of Victoria; it is a huge employer; it is the foundation of our building and construction industry.

It is very important that the Bracks government works in a way to support that industry; this bill clearly works in a way to support and enhance the extractive industry in our state, and I therefore wish it a speedy passage.

Hon. C. A. STRONG (Higinbotham) — In rising to speak on the Extractive Industries Development (Amendment) Bill it is worth reflecting that the extractive industry is a very important part of the economy of Victoria. The latest statistics I have indicate that in 1998–99 the extractive industry sector in Victoria, which operates quarries and hard rock, clay, sand, gravel and many other similar products, had sales to a value of some $240 million in Victoria and directly employed more than 1500 people.

As all of us would know from the publicity over many months now about the building boom in Victoria, without question those figures are probably well and truly outdated and the value of the extractive industries to Victoria is significantly greater than those that I have just quoted.

It is also worth reflecting on the rich history and the importance of extractive industries to our state. There is no doubt that any new nation or any new city has a need for buildings. Whether it be public buildings, private buildings, the infrastructure, the roads, the streets and drains that make up any civilised society — all of those things require extractive industries. The extractive industries, particularly the quarrying industry, were enormously important to the growth of Victoria and Melbourne because without those raw materials of growth and of building, we would not have the city that we have today, and we would not have this marvellous Parliament and chamber in which we find ourselves today.

Extractive industries, quarrying and the like have been enormously important to Victoria and of course enormously important throughout history. To see that, one only has to look at the quarries along the River Nile from which the pyramids and other amazing structures that were built there have come, and throughout the Roman world quarrying was also a hugely important industry.

The quarrying industry was also responsible for many advances in technology, such as how to effectively quarry stone, whether it be marble, sandstone, or other blocks. A lot of ancient technology and today's technology was developed for that purpose — perhaps for steam engines which operated in our very early quarries. The quarrying and extractive industries have been an essential and important part of the development of society. Predecessor extractive industries bills, along with the mining industry bills, were some of the earliest and most important pieces of legislation on the Victorian statute book.

That is a fairly longwinded introduction to the importance of extractive industries and quarrying to our society and to our state. But it is a way of saying that clearly something which has such a rich and long history needs to be reviewed and kept up to date, because times change and technologies change.

As other speakers have noted, this bill has as its genesis a competition policy review through which people could be involved in seeing how the processes, practices and procedures in the extractive industries are set out. It is very timely that such a review has taken place, because one of the sad reflections on parliaments and governments across the world is that year after year we introduce new pieces of legislation, new rules and regulations, and new red tape, and we pass act after act which bind people with all their activities of life. But unfortunately all too often we do not clear the statute books of regulations and procedures which are no longer relevant. Therefore, the review will streamline the extractive industries bills and bring them up to date with competition policy. The review is most appropriate and, as other speakers have indicated, the opposition supports that work and does not oppose this bill.

It is worth quickly referring to some of the key changes. We had a fairly archaic and red-tape system for work done on Crown land. If somebody wanted to search for stone or other quarrying material on Crown land they had firstly to get a permit to do such exploration; and once they had received that permit, they then had to get the consent of the minister.

Basically that permit was provided by the government. After receiving a permit to do such exploration and with it in one's hot hand, one then had to go back to the government to seek the minister's approval to do the exploration. Clearly it was not a very sensible duplication as it cost time, effort and energy and no doubt caused frustration and annoyance for people who wanted to search for stone on Crown land. It also involved the government in unnecessary duplication of effort, which no doubt carried some costs in terms of extra staff, extra resources and so on.

We now have a situation which is similar for both Crown land and private land, where somebody who wishes to search for quarrying materials on either Crown land or private land requires only the approval of the owner of that land, be it the Crown or a private owner. That situation does not apply to all Crown land, because national parks and other important reserves are exempted from quarrying activities and from exploration for quarrying materials. Also, the bill provides that the responsible minister must notify any relevant Aboriginal owners or Aboriginal people who may have some interest in the land that proposed activities are to be carried out on. That brings the process into more contemporary times.

There are many other little changes in the bill that finetune the process and procedures that have a very long history. An important one of those is that which deals with quarry managers. One of the key ways in which the extractive and mining industries were established was by putting a lot of responsibility on quarry and mining managers as people who had the knowledge, qualifications and experience to ensure mining and quarrying activities are performed safely. In many cases the activities carry significant risks to the individuals who work there, because quarrying involves large pieces of stone and significant pieces of equipment; often in quarries and the like the workers are extracting from large and steep quarry faces and people can have accidents.

So throughout history quarry and mine managers have played a very important role. Previously the government had to certify a quarry or mine manager as an important person responsible for the safety of the quarry's or mine's operation and the safety of those working within that particular quarry or mine.

The bill removes the necessity for that government certification. When one looks at the plethora of laws that are in place to ensure occupational safety standards in all industries and at the pivotal role that existed for the quarry manager in assuring the safety of those who worked in a particular quarry, one can see that while that role is still important, many of the regulations and procedures that ensure safety are now enshrined in other acts and that therefore the necessity for a quarry manager to have a government certification is less important — hence, the bill removes that requirement.

There is no question that this bill is definitely an improvement, and there is a need for improvements in the quarrying industry, particularly in the processes and procedures for exploration and the carrying out of quarrying activities. No doubt like all industries associated with building, the quarrying industry, which is absolutely and totally in lock step with the building industry, has gone through a wonderful few years of development and activity, but that cannot continue forever. Therefore there is a need for the industry always to be looking to streamline its activities and processes so that perhaps as volumes in the industry fall there is a greater efficiency in its processes and activities. With those few comments I commend the bill to the house.

Mr SOMYUREK (Eumemmerring) — I rise to speak on the Extractive Industries Development (Amendment) Bill. This is a very narrow bill derived from the government's response to the national competition policy review of the Extractive Industries Development Act 1995. The purpose of the bill is to

amend the act and to make further provision for extractive industries.

In Victoria we are indeed fortunate to have far-reaching deposits of valuable material underground. Not all of our exports come from manufacturing, trade and industry — a lot of it we take from the ground. Our precious natural resources are essential to the continued economic security and progress of the state. These natural resources are used to produce concrete, cement, bricks, tiles and crushed-rock products and are a key component of our flourishing construction, building and manufacturing industries. In light of the abundance of top quality extractive resources including rock, sand, clay and gravel products, the government has attempted to create regulation to encourage the extractive industry sector to make the best use of our resources consistent with the economic, social and environmental objectives of the state.

If we look at the extractive industry in Victoria we will notice that it is characterised by several large operators and many medium and small operators. In rural and regional areas many extractive industries have developed to satisfy local demand. To assist them and to take account of their differing needs the government initiated a review of the act and regulations in 2000. The review aimed to identify the nature of restrictions on competition arising from the administration of the legislation, as well as the potential and likely effects of the restrictions on the industry and on the economy in general. The report that resulted from this process found that the act and regulations were generally consistent with national competition policy. The government has considered the findings of the review and has found that the bill provides benefits to competition from the removal of unnecessary administrative requirements.

There are many examples of how these amendments will improve the efficiency of the extractive industry in Victoria. One example of an improvement will be that the bill removes the obligation to obtain a permit to search for stone on Crown land in addition to consents for the same activities. Currently the permit gives no proprietary interest in the stone and adds unnecessary delays to people who are seeking to search for stone.

With the passing of this bill a process based on obtaining the consent of the minister responsible for administering or controlling the Crown land will be established reflecting the approach to searching for stone on private land. By removing an unnecessary administrative requirement to encourage competition within the extractive industry, the bill also acknowledges the value of certain types of Crown land. There will be special requirements for consent to search for stone on land that is a public highway, road or street, or land that is managed by a water authority. Also preserved is the current unavailability of certain Crown land for searches for stone.

The bill will exclude land that is a reference area, national park, wilderness or state park, marine national park, marine sanctuary or land that is declared as an Aboriginal place or archaeological area. The bill will also cement clarity and certainty for the consent process by outlining the form, content and effect of the consent and ability of the responsible minister to cancel or suspend the consent in certain circumstances. There will also be a right of review to the Victorian Civil and Administrative Tribunal in cases, ensuring that decisions made under the act are both transparent and subject to accountability.

The bill reflects the government's commitment to national competition policy, as well as a promotion and protection of extractive industry development in Victoria. The government's aim is to balance development and progress with sensitive environmental and social expectations concerning the use of certain Crown land. I commend the bill to the house.

Hon. R. H. BOWDEN (South Eastern) — I have studied the Extractive Industries Development (Amendment) Bill and believe it is an improvement on past arrangements, something that honourable members can favourably consider. The extractive industries in the South Eastern Province are well established and large in some of their operations. A considerable number of extractive operations take place on the Mornington Peninsula in the Cranbourne area through to what was the seat of Gippsland West, now part of Bass. For instance, in Lang Lang in the seat of Bass considerable sandmining is carried out, to which I will return later to express a couple of points that I think honourable members will find interesting.

The bill is a facilitative bill to make the exploration for stone easier, to broaden access in several ways, to cut back the administrative burden on the private sector in particular, and to make a contribution to the commitments the government has made to national competition policy to bring efficiency where possible to economic activities, particularly where government and administrative procedures are involved.

Stone is a potentially misleading word, because it covers a variety of products from the extractive industries. It can include gravel, slate, clay, sand, road-making material, graphite, and a whole range of things. Roadbuilding requires a substantial quantity of

product from the extractive industries. Regrettably we do not see enough roadbuilding in the state at any time, but when roads are built they require firm foundations. The proper foundations for road construction is stone or its derivatives that I have already mentioned.

The administrative improvements in the bill remove the need for a permit to approach the government for access to Crown land. The permit is no longer required, but permission is required. The minister in several ways can be considered as a person who can privately grant consent to allow exploration for stone on Crown land. There are parallels, and procedures are simplified, which is an improvement over existing practices.

The minister who controls the land becomes the person who gives consent for the search, such as is carried out in the private sector. There is recognition in the bill that when there are several owners of the private land consent will be required from those owners. In addition, once the appropriate approval and consent documentation is available should one of those several owners withdraw their consent, then the process can still continue. There are mechanisms in the bill for that to take place.

The responsible minister in relation to Crown land must notify the relevant indigenous groups which is expected, and there are no difficulties with that. The responsibilities of heritage and indigenous issues can be adequately covered and respected.

The general thrust of the bill is to minimise and where possible eliminate unnecessary regulation. As we all know, regulation can be expensive in our modern and competitive economy. The intention to reduce unnecessary regulation is a good thing.

I turn to a few aspects of the activities within the South Eastern Province, the Mornington Peninsula, and Lang Lang in particular. I record my appreciation and commend several companies that over a long period have not only been active and provided good employment prospects within my electorate but also exercised a great deal of community contribution. Those companies are Rocla, Hillview Quarries Pty Ltd, Aidan J. Graham and Rockleigh Stone. Those four companies in particular are well known for their community contributions and charitable work. At times they have carried out expensive community efforts at little cost and on occasions no cost. Their contributions are worthy of praise. The efforts they have brought to the community and their use of resources and gifts should be recognised. I am pleased to recognise them at this time.

Lang Lang is well known to honourable members in the seat of Bass. Most people will recognise it as a small town on the way to Phillip Island, 15 or 20 minutes south of Cranbourne. There are millions of tonnes of high-quality sand in that area. It is expected that in the next few years there will be an increasing demand for sand from the Lang Lang area. The South Gippsland Highway runs north-south near the Lang Lang area, and the sand is quarried to the east of the highway. Part of the problem — and it will become a serious problem in two or three years if expectations are met — is that several hundred sand trucks a day will be required to travel almost into the township of Lang Lang along the South Gippsland Highway and then north towards Melbourne. Those trucks will have to cross the southbound lanes of the South Gippsland Highway, which will represent a major traffic concern. If forecasts are true, there could be some 400 trucks a day, with some carrying up to 40 tonnes of sand on multiple bogeys. One can imagine the traffic hazard caused by those trucks crossing the southbound lanes of the South Gippsland Highway to enter the northbound lanes.

Some two years ago I attended a meeting of a group in Lang Lang that was concerned about several issues. One was the possibility of an estimated 400 sand trucks a day entering the small township of Lang Lang and the ability to safely cross the South Gippsland Highway. One solution, which appears to be the best — I am not talking about traffic lights because I do not want them on the South Gippsland Highway — is to have an overhead access ramp so that the trucks will not go into the township of Lang Lang. It will allow the trucks to reach the South Gippsland Highway via an elevated ramp so that they can safely cross the southbound lanes and then join the northbound lanes.

Estimates vary as to the cost of constructing an overhead ramp, but I ask honourable members: how do you value a life? How do you value multiple lives? And how do you value the necessary efficiency of the South Gippsland Highway itself? These trucks must turn north and must cross the southbound lanes. In my honest opinion the only real, safe answer is an overhead ramp arrangement such as the ramp that comes down on the South Gippsland Highway from the Korumburra area and then crosses the highway — it brings traffic onto the northbound lanes. It may or probably will cost several million dollars to construct but it is an investment for the future and, I suggest, one that we cannot afford not to make.

The bill's provisions also simplify the regulations on the qualifications and documentation required for managers of quarries. In these days, when we are getting more and more administrative burdens and

regulations placed upon the private sector, it is healthy and unusual to see some of that regulation lifted.

Other legislation has been passed in recent times to tighten the occupational health and safety requirements for dangerous activities, such as those carried out in quarries. We all know that on occasions, explosives need to be set in quarries and that heavy, large and articulated machinery and vehicles are involved. A high-level potential exists for occupational health and safety issues to arise. The bill has been thoughtfully drafted because it is understood that some of the earlier, burdensome documentation can now be deleted because of existing occupational health and safety legislation.

The expansion of Melbourne, particularly the construction of housing and other buildings and, hopefully, freeways and roads as time goes by will bring great opportunities for further employment. I am informed that in 1998–99, industry production of this category of stone in Victoria had an estimated value to the economy of approximately $240 million and that the direct employment from that was expected to be approximately 1500 people.

In this bill we are dealing with a sizeable contribution to Victoria's economy, with a necessary and perfectly desirable essential group of products and raw materials and an industry that is making its contribution through its private enterprise activities.

Also, in addition to the quarrying of the stone, fuel, vehicles and trained personnel of all skill levels are used, which means that this supportable industry is able to accommodate the aspirations of a wide variety of Victorians.

This legislation is helpful in that regard. I believe there will be further changes and evolution of the assistance to the industry through regulation and legislation. With those comments, I am pleased to endorse the bill.

Hon. D. KOCH (Western) — It is a pleasure to make a contribution to debate on the Extractive Industries Development (Amendment) Bill. As we all appreciate, the purpose of this bill is to amend the Extractive Industries Development Act 1995 to make further provisions for extractive industries.

The bill is derived from the government's response to the national competition policy review of the Extractive Industries Development Act 1995. It proposes to replace the old permit system for searching for stone on Crown land with a process whereby a person obtains the consent of the relevant minister as owner of that land. The process recognises that special consideration is required for Crown land.

The bill makes further provision for work plans and work authorities for extractive industries and removes the requirement for certification of managers of quarries and extractive industries.

In 2000 the government initiated a review of the act and regulations to identify the nature of restrictions on competition arising from the administration of legislation and the likely effect of the restrictions on the industry and the economy in general. It openly identified the intention to open up the industry, making it more transparent and accountable.

I think we all recognise that Victoria is one of the most fortunate states in Australia. We have an abundance of good extractive resources. Those include washed river sand — something we know a lot about in my province in western Victoria which is close to both the Wannon River and Bryan Creek.

The area also has extensive amounts of gravel, both ironstone and basalt, that are used regularly by municipalities in regional Victoria to assist with road reconstruction and replacement. Certainly western Victoria has many bluestone quarries doing many things, including providing stone as road-making material and ballast for our railway lines. We have people who are further adding value to large quantities of bluestone, and we see them now principally around the central business district, Federation Square and even at the front of Parliament House.

One of those sources is Bam Stone, which is the Bartlett family quarrying business at Port Fairy where they have perfected the cutting of stone and over a period of time have marketed the product very successfully, not only here in Victoria but also as an export industry. Volcanic scoria is also a large contributor to our road-making efforts. We should not forget the vast quantities of clays which are reasonably easily extracted and an example of the value adding of clays, certainly in my province, is the brick manufacturing business at Glenthompson.

There are many operations across the state. Extractive industries are mostly medium and smaller businesses, although there are some larger operations such as Boral, Pioneer and others where they value add in the building sector, especially in the form of concrete. But the majority of extractive industries are located within reasonable lead times of end usage. It is not a high-value product in its primary state and for that

reason we do not see larger operators being involved on most occasions.

The bill provides for the industry to be more competitive and, under national competition policy, aligns it with what has been taking place in private enterprise for some time, so that anyone seeking to recover these resources under extractive industries can negotiate with private land-holders. In this case the bill removes one of the layers that is currently seen as an impediment from the minister's role — that is, you no longer have to make an application but you certainly have to gain approval.

Clause 6, which substitutes new section 11(2)(b), provides that the minister must give notice of the application, and section 11(5) states that the minister must not unreasonably withhold consent, which we all accept is an important part of the bill. It is important to note the new provision in relation to the notification of indigenous custodians of Crown land. I do not believe it was unexpected and it should not give anyone in those industries any great need for concern.

The bill preserves the current unavailability of certain Crown land for searches for stone. This excludes land that is currently a reference area, national parks, wilderness or state parks, marine national parks, marine sanctuaries and any Aboriginal or archaeological areas. It is important to note that most Crown reserves will not be disturbed by these industries.

The removal of the certification of quarry managers is another important step forward. The report considered such certification as an unnecessary role of government that would be better managed by the extractive industry. The competition benefit is that removal of this requirement removes an unnecessary element of government control from the regulation of the extractive industry. As has been said earlier today about this bill, no adverse effect has been brought about by the removal of this certification process. It is a similar regulation to the one in the mining industry when similar regulation was removed for mine managers.

If I were to nominate a shortcoming in the legislation, it would be that the minister must consent or refuse to consent to an application within 60 days after receiving the application. Regrettably there is no penalty provision to deal with the minister if he does not meet this obligation of consent. That should be of concern to all of us. It is very similar to Dracula being in charge of the blood bank, and I hope at a later date and under further review a further amendment might be put in place so that some penalty is made available if the request for consent is not dealt with within that period.

We see this as reasonable legislation in the circumstances. It allows smaller operators to continually move forward in an endeavour to gain an opportunity to find these finite resources in particular areas in close proximity to end usages. It is one that will always continue to be there, especially in our regional economies. From that point of view the Liberal Party does not oppose this bill and I, along with others, wish it a speedy passage.

Motion agreed to.

Read second time.

Third reading

Ms BROAD (Minister for Local Government) — By leave, I move:

That the bill be now read a third time.

In doing so I thank honourable members for their contributions to the second-reading debate. I will also respond on behalf of the minister to two matters which were raised by the Honourable Philip Davis.

The first matter raised was the question of what is meant by 'a search for stone', how this is defined and the limits on that definition. The answer from the minister is that there is no definition of a search for stone in the act because it is determined by the nature of the consent which is provided and any conditions which are imposed in that consent.

Secondly, on the matter of the 60-day time line on the minister's decision to search for stone and any recourse for an applicant where a minister delays his or her decision, the response provided by the minister is that the legislation demonstrates the intention that decisions are to be made by a minister within 60 days. However, it is also recognised that searches for stone may also impact on other processes occurring on Crown land — and the example given is in relation to native title — and those other processes are not constrained to 60 days and may contribute to a delay in the decision by the minister regarding a request to search for stone. Now that I have provided those responses on behalf of the minister, I commend the bill to the house.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

VICTORIAN CURRICULUM AND ASSESSMENT AUTHORITY (AMENDMENT) BILL

Second reading

Debate resumed from 5 November; motion of Hon. T. C. THEOPHANOUS (Minister for Energy Industries).

Hon. B. N. ATKINSON (Koonung) — The legislation before the house will not be opposed by the Liberal Party. It is fairly straightforward legislation and certainly the provisions of this bill are important to all Victorians, particularly young people who are seeking qualifications in years 11 and 12 as a basis or foundation for their careers or lives ahead.

I have said on a number of occasions during this session when the house has been dealing with various pieces of legislation on education matters that the integrity of qualifications is of paramount importance to the people who hold them. In other words, if there is any doubt about the integrity of the qualifications, then everybody finds their opportunities diminished because of that lack of integrity. Young people are this very week sitting down to take Victorian certificate of education (VCE) examinations and this legislation will apply to those who are participating in exams this year. Many of them have spent a good many hours working on their futures through the study they have undertaken over the two-year period of the VCE.

Many of those students find it a particularly stressful period, as do their families, as they proceed through VCE examinations. That is because there is a community expectation. We place a very great store on the qualifications that come out of the completion of one's secondary schooling. On some occasions I wonder whether that is a fair thing. In fact I know — and I am sure that all members know — a number of young people who have not done particularly well at VCE level but who have gone on to be quite triumphant in their lives in a range of vocations or other activities as they made their way in the world. I do not think that the VCE is the be-all and end-all, but sadly young people certainly find that the pressures of the VCE are considerable. The general benchmark is that this is an important and significant qualification at the completion of secondary school studies. The score generated from the sum total of the work students have done in a range of courses has significant implications for where they might go if they are seeking to be involved in tertiary education, particularly university entrance. From that point of view there is considerable pressure.

When there is that amount of pressure and intensity associated with the culmination of secondary schooling, with all the studying involved in two years of very substantial work, it means that in many cases these young people invest at home the equivalent of a conventional working week of 35 hours or more, just studying and completing assignments. I might add that I have a lad in year 11 and he invests nowhere near that amount of time — but his sisters did! The point has been made to him on a number of occasions. Young people have invested a considerable amount of time and it is important to them.

When the stakes are so high some young people become anxious with the whole process and a range of issues creep into the equation. It is sad that a number of young people, because of the pressure of their studies, become involved in some antisocial behaviour that is not to their benefit and certainly does not improve the end result. Some young people resort to alcohol or drugs to relieve that pressure.

There are too many examples of young people who have suicided because of their concerns about failure at this level. That is a real issue for the community because we have to take some of that pressure off those young people and help them to understand that it is an important part of and an important foundation for their lives, but it is not everything. As they proceed through those studies and go through periods of anxiety, there are opportunities for them to seek counselling and support from the teaching bodies within their schools which I have always found to be very understanding of the pressures on young people as they complete their secondary school studies. They often have systems, processes and people in place to offer support. I hope nobody ever sees an examination result as a cause for a sad and tragic action.

There are others, and they are dealt with by this bill, who see the stakes as high. Perhaps they have not done sufficient work to achieve what they need to go forward in life. They see cheating as the other gateway to the quick fix for not having done sufficient work. There are also some young people who cheat simply because they find themselves under a lot of pressure. They have done the work but they simply go to pieces in exams.

We need processes in place to evaluate the circumstances surrounding any issue where a student is found to be conducting themselves inappropriately in their approach to examinations or even to assignments. One of the crucial things in the lead-up to an examination is the increasing level of plagiarism in assignments. That happens more readily these days than ever before because of the availability of the Internet. It

is possible to download lots of information from the Internet and pass it off as your own, and if you are really industrious you tidy up a few words along the way.

It is my experience that educators in the secondary education system are pretty tuned in to plagiarism. They are fairly good at understanding the sources of information. Having seen the progress of a student's work over a number of years and the style they develop in terms of their writing and so forth, it is fairly obvious when an essay or an assignment which has a completely different grammatical structure or style of writing lands on the desk. Many of those instances are caught up with, but again it is an issue. It is another form of cheating and will no doubt be taken into account. Indeed it already is taken into account by educators particularly in VCE courses.

Another form of cheating associated with the Internet involves people who offer to undertake assignments and be paid to undertake assignments on behalf of students. They can be accessed fairly readily over the Internet. In fact in many cases they offer — it still falls within 'plagiarism' — completed past assignments and make them available for students to use as a framework for work they can submit in their own names. As we all learn when we are young, that form of cheating is in the worst interests of the young person let alone anybody else. It is a foolish step for a young person to cheat by lodging work that is not their own or going to perhaps even more elaborate processes in trying to score a better result in an examination.

Examinations at VCE level are essentially conducted in two environments. For many and most students they are in the school setting under the auspices of the Victorian Qualifications Authority. As part of the external examinations process we see photos every year of the great hall of the Exhibition Building, with students sitting particularly for the English exam, which is obviously the major exam.

A number of students try to use elaborate devices to improve their examination scores in those settings. That can extend all the way to a young person getting somebody else to sit the exam for them. At tertiary level there have been a couple of clear examples of students who have sat exams for other students. There was such an incident some 12 months ago, and I must admit that when the RMIT dealt with that student, I thought the penalty was on the lenient side because what he was doing was fairly systematic, devious and certainly calculated. It was not something that had been forced on people by pressure but was a deliberate attempt to corrupt the system and to cheat. On that occasion I thought the penalty was not as adequate as it might have been.

The legislation provides for a range of penalties to apply to cheats. I am attracted to this process because clearly we are not talking about a court martial or a court system but about a system that has some understanding of the needs of students and the pressures they are under. Those students will be provided with opportunities to appeal decisions. The bill provides for those students to be provided with any evidence or allegations made against them in the context of cheating. It provides for a formal hearing — but a hearing, I note, that is to be based essentially on natural justice.

While it is possible for a student to have a lawyer represent them, and for the authority also to be represented by a qualified person such as a lawyer assisting a review committee, in fact the process seeks to be as non-confrontational as is possible in circumstances where there is a serious and grave matter on the table to be adjudicated.

The legislation provides a range of penalties which can include the loss of marks for the particular subject in which a cheating episode occurred. It can include the wiping of marks from any or all of the subjects undertaken. It can include the wiping of marks undertaken in a particular stream of study so that it covers not just the one occurrence in which cheating has been detected.

In those circumstances clearly that could have a major impact on a student's future. This legislation ought to send a strong warning shot across the bows of any young people who feel that cheating in any sense or form is an option as they approach their final exams at secondary school level. It is not an option. They are better off to go with an honest and poorer or leaner mark than to try for something that is better but which is got improperly, because the chances are very strong that they will be caught. Whilst it relies on natural justice, has an appeals mechanism, to a large extent is considerate to young people and provides a sensible, fair and balanced approach to the problem of cheating in schools, nevertheless this process will have a significant impact on young people's futures if they are caught cheating and they suffer penalties under this legislation.

I believe this is worth while. As I said at the outset, we need to ensure the integrity of qualifications at every step of the way. We need to make sure that for every young person who collects a certificate like the VCE and is proud of the work they put into receiving it, that

pride is not diminished by the actions of somebody else who obtains that qualification improperly and certainly by cheating.

Hon. T. C. Theophanous — The parents are more proud than the kids!

Hon. B. N. ATKINSON — Parents are proud, Mr Theophanous, but so are the kids themselves. After the amount of work they put in, particularly in those final two years at secondary college, not one child walks away from that process without feeling proud of what they have achieved. That is very important.

That probably puts the position the Liberal Party would want to make on this legislation. It is fairly straightforward legislation. The clauses are self-explanatory in terms of the steps they set up for the establishment of complaints and the way schools or authorities, if it is an external matter, should deal with complaints. It also deals with the process of appeals both to school decisions and authority decisions and provides for the appointment of appropriately qualified people to review panels to give the process objectivity.

It also sets up, as I have said, a basis upon which appeals can be lodged by students and the penalties that apply. It is a logical bill in the way that the clauses are laid out. I think on this occasion members would be more attracted to a discussion of what the bill is trying to achieve rather than to a step-by-step analysis of what the legislation provides. As I indicated, the Liberal Party does not oppose this legislation.

Hon. P. R. HALL (Gippsland) — I am pleased to say that the National Party is prepared to support the Victorian Curriculum and Assessment (Amendment) Bill before the chamber. We agree that its sensible range of measures addresses the not uncommon problem of cheating in the Victorian certificate of education (VCE). The Victorian Curriculum and Assessment Authority (VCAA) was established in the year 2000 with functions among other things to develop, evaluate and approve curriculum for courses normally undertaken in, or designed to be undertaken in the school years 11 and 12 and to oversee the delivery of, and conduct assessments for, the VCE. To ensure that I am not accused of plagiarising or cheating, I explain that I lifted those words from the functions of the authority in the act itself. They are some of the functions that the Victorian Curriculum and Assessment Authority was established to undertake.

The VCE exams are in progress at this moment; they started last Friday. I wish the best to all those currently undertaking exams in Victoria. Sitting examinations is a traumatic time in a young person's life. I have always regarded the VCE as probably the toughest time in any of the formal education processes we might undertake. The Honourable Bruce Atkinson mentioned that so much relies on how a candidate performs in VCE exams as to what opportunities become available to them later in life. Their performance in the VCE goes a long way towards determining the future they may undertake at a university, for example, or at a TAFE college or by way of an employment opportunity.

It can be said, rightly or wrongly, that VCE is the gateway to the future for young people. I know you can come back and do VCE again as an adult or as an alternative means of accessing higher education courses or vocational education courses — that is, there are alternative entrances to those particular courses — but VCE is the most common, and performance in the VCE does to a large extent determine those opportunities for young people later in life.

I believe some 45 500 students sat the VCE English exam last Friday. It was the first of something like 109 exams to be conducted as part of the VCE program. The task of assessing those 45 500 English exams rests with 275 assessors, and the workload imposed on those assessors is a daunting one. If you divide 45 500 by 275 you get close to 160 exam papers that each of those assessors will be marking.

It is important to mention the rigour of the assessment processes. Each exam is rechecked by another assessor, and in cases where the score level is marginal each exam may be assessed by up to four different assessors, so the process of assessment is a rigorous and arduous one to be undertaken by those employed in assessing. I have had to mark 3-hour exams in the past; they take some time to go through, so I feel for both the students who are undertaking the VCE and those involved in the assessment of the exam papers.

I obtained those figures from an article in the *Age* of Saturday, 1 November. The article refers to a statement by Michael White, the chief executive of the Victorian Curriculum and Assessment Authority. He is reported to have said:

> … there had been no reports of cheating or serious mishaps. In a bid to crack down on cheating this year, the VCAA introduced extra guards and cameras to monitor the warehouses where papers are stored.
>
> Tamper-proof exam packaging, tighter staff checks and improved computer links to track the papers were also introduced to avoid the kind of scandal that last year resulted in 21 students being disciplined for cheating.

Well done to the VCAA! The assessors certainly take their job seriously, and I am pleased that those extra measures have been put in place this year to crack down on cheating.

An honourable member interjected.

Hon. P. R. HALL — Because certainly there was some quite serious evidence of cheating last year. I refer the house to an article in the *Age* of Saturday, 7 December 2002 which states:

> Education authorities are stunned by a VCE cheating network that gave about 40 students prior access to exam papers in three subjects.
>
> …
>
> The chief executive of the Victorian Curriculum and Assessment Authority, Susan Pascoe —

the then chief executive officer of that authority —

> said the authority was taking the matter seriously. Private investigators have been brought in to look into the breach.

Further, the article states that those students involved will:

> … face disciplinary hearings over the matter.

In the past, unfortunately, significant instances of cheating have occurred in VCE exams, which brings me to the point of this bill because the purposes of the amending bill are described in the second-reading speech as to provide:

> … a legislative process to deal with alleged contraventions by students of the authority's examination and assessment rules.

The bill provides for allegations of cheating to be investigated. The process involved in the bill is not significantly different to the practices that have already been employed by the VCAA, but it gives a statutory base to deal with the alleged incidences of cheating.

I will provide a broad outline of the statutory procedures that are detailed in the amending bill before the house. Rather than going through each clause, perhaps the easiest way to comment is to give a broad outline of the processes that are included in the amending bill.

The first of those provisions is the establishment of a review committee. If there is a suspected breach of the rules relating to VCE or a suspected breach such as cheating, a three-member review committee can be established — one person has to be a member of the authority and two others may or may not be members of the authority.

Essentially the role of the review committee is to conduct investigations. As a first step it may nominate a person to interview others about possible breaches and gather evidence for consideration by the review committee. Then the review committee would receive a written report about that particular matter. Upon consideration of a written report the review committee may proceed to a hearing. If a student is the subject of a hearing being undertaken by the review committee, the assessment of that student may be withheld during the course of the hearing.

In terms of how a hearing operates, seven days written notice is required to be given and notices of a hearing will be given. The hearing itself is an informal process. It is bound by the rules of natural justice but is not so strictly run as to imitate the operation of a court, for example. Witnesses can be called to give evidence before the hearing. Both students and the review committee can have legal representation. In the case of a student, legal representation in the form of a qualified legal person would also be handy for the review committee. It can have legal advice as to the running of that particular hearing.

The decision of the review committee can range from a reprimand to an amendment or cancellation of some or all of the VCE grades of the students who are the subject of the hearing. So some very heavy penalties are available to the hearing itself.

An appeal mechanism is also built in. A student may appeal a decision or certain aspects of a decision by the review committee. If there is to be an appeal it will be heard by an appeals committee. The appeals committee also consists of three members but it is interesting to note — I agree with this point — that the three members of the appeals committee are necessarily by law external to the authority itself.

It is important that the committee be completely independent of the authority; the final form of appeal needs to be independent, and if there are people with expertise in such matters, then they should be included as part of the process to ensure the probity of any such appeal process.

The other area that I need to comment on is the school-based assessments for the VCE. In most subjects, 70 per cent of the mark is based on external examination and 30 per cent on internal school assessments. A student may appeal against matters relating to the school-based assessment. The appeal follows very much the hearing process as employed by the review committee so a student can protest. If they feel that they have been unfairly judged by the school

and the school-based assessment, they can also take that before an appeal committee.

That is essentially the outline of the process which the Victorian Curriculum and Assessment Authority can now employ to undertake investigations into any matters that it believes may be in breach of the rules of assessment of the VCE. As I said from the outset, it replicates very much the current processes, but gives them a statutory base.

The Nationals have looked at this very carefully and share the view of the Liberal opposition that the integrity of the operation of the VCE is very important. The provisions need to be fair for both the individuals concerned and others who are undertaking the VCE. We support these stronger measures to assist the VCAA to undertake the very good work it is currently doing.

Hon. H. E. BUCKINGHAM (Koonung) — I rise to speak on the Victorian Curriculum and Assessment Authority (Amendment) Bill. I would like to thank the previous two members for their contributions, which were both reasoned and measured, and for their support of this bill. I have followed both speakers in this house over the past two weeks; this is the third education bill we have had before us, and in all cases the contributions by both speakers has been excellent.

This bill supports the government's commitment to ensure the reputation and high standing of the Victorian certificate of education (VCE) and any other assessment program that is conducted by the Victorian Curriculum and Assessment Authority (VCAA). Most importantly, it ensures that any person found guilty of cheating will be appropriately dealt with — which is something I believe the community wants.

The bill strengthens the powers of the VCAA to conduct and record student assessment in years 11 and 12, as well as strengthening the powers the authority has to investigate the hearing of allegations of breaches of exam rules, the imposing of penalties, and ultimately the alteration or cancellation of assessment results, if need be.

The bill implements the major findings of the authority's review of its discipline committee processes and provides a legislative basis to deal with the contraventions by students of the VCAA's examination and assessment rules. The bill is divided into clauses, and I would like to look at five of them.

Clause 1 of the bill provides a process to deal with alleged contraventions by students of the authority's examination rules and assessment rules. Clause 6 strengthens the functions of the VCAA with respect to school-based assessment for year 11 and 12 students undertaking accredited courses, the establishment of examination centres in schools, the conduct of VCE exams, the conduct of investigations and hearings, and the amendment or cancellation of assessments.

Clause 7 permits the VCAA to require schools and other providers of accredited courses to submit school-based assessment of students and to provide students with assessment rules and other specified information.

Clause 8 provides for the appointment of people who are not members of the authority to committees and the establishment of review committees to conduct investigations and outlines the requirements for membership and remuneration of review committee members.

Clause 9 — the one on which I will speak at length — deals with matters ranging from the investigation of matters by the VCAA, hearings procedures, cross-examination of witnesses, legal representation at hearings, decisions of a review committee, appeal processes, and amendments to records of student assessments held by the authority.

Finally, clause 10 provides that all assessments provided after 1 October 2003 will be subject to the provisions of this bill. As we have already noted, VCE exams are currently under way.

Members will recall that last year revelations appeared that made it clear that a very small minority of students — in fact, 21 of 45 000-odd — had undertaken to cheat the system, and ultimately I believe themselves. Like the many students who had worked hard all year — I was a teacher this time last year — and studied for their final exams in the hope of gaining entry to the courses of their choice, I was angry. We were angry with the people prepared to rort the system to gain an advantage. This year 500 different exam centres across Victoria will deliver examinations to a total of 77 985 students on behalf of the VCAA. The authority has set 109 different written examinations, and the integrity of these exams must be supported and guaranteed. The VCAA conducts disciplinary hearings whenever there are serious breaches of procedures of examinations, and then it reviews its disciplinary procedures.

In 2003 there was a review of the 2002 disciplinary hearings. The hearings were found to be compliant with the rules of procedural fairness and to reflect the

practices of similar bodies, both here in Australia and overseas.

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

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Women's and Children's Health: consultancies

Hon. D. McL. DAVIS (East Yarra) — I direct my question without notice to the Minister for Finance, the Honourable John Lenders. I refer the minister to his obligations under the Financial Management Act to ensure that government agencies and statutory bodies comply with statutory statements under the act he administers, and to the 2002–03 annual report of the Women's and Children's Health network. Can the minister explain to the house why the Women's and Children's Health network has not reported on the total value of the 50 consultancies under $100 000 in the annual report, and why it also failed to comply with its obligations to report on consultancies in the previous year?

Mr LENDERS (Minister for Finance) — I thank Mr Davis for his question and his ongoing interest in the relationship between hospitals and the Financial Management Act. As I have advised the house previously, the ministerial responsibility under the act does go to the minister who is charged under the administrative orders with administering that particular section of the particular act. The Financial Management Act gives an overall policy responsibility to the Minister for Finance to set in place directions and guidelines and to deal with a range of things. I think the specific issue he raises is more appropriately raised with the appropriate minister, the Minister for Health.

On the general issue of consultancies, I find it extraordinary that this question comes from a member of the Liberal Party, a party which made an art form during its seven long, dark years in government of downsizing the public sector and then supplementing the services it gutted out of the public sector by bringing in consultancies, with many of those consultancies being mates of the Liberal Party. This government has with pride insourced many of the functions that the previous government with glee and ideological obsession outsourced. This government has, with delight, brought back core government functions into government where they belong. The consequence across the whole of the government sector has been a significant reduction in consultancies.

The government came into office on a platform of reducing consultancies and bringing core government activities into government — and it has delivered on that core promise. That shows that the government has listened and acted.

Supplementary question

Hon. D. McL. DAVIS (East Yarra) — Well, that is a joke I have got to say — —

Honourable members interjecting.

The PRESIDENT — Order! I am sure all honourable members, and in particular the minister, would like to hear the honourable member's supplementary question. I ask the house to desist from interjecting.

Hon. D. McL. DAVIS — What a joke! The minister responsible for the Financial Management Act is not prepared to take responsibility for the implementation of its particular directions.

As spending on consultancies at Women's and Children's Health is out of control with the spending in the category above $100 000, expanded from two consultancies valued at $220 000 to seven consultancies valued at $1.01 million — a staggering four-fold increase! — what action will the minister take to investigate and ensure Women's and Children's Health complies with its reporting obligations on those 50 consultancies?

Mr LENDERS (Minister for Finance) — This government, under former finance ministers John Brumby, Lynne Kosky and more recently me, as well as all ministers, have gone through the process of reviewing the type of work that goes to consultancies.

It is always one of those key issues of government about how you govern: do you have your core functions in departments where you have longevity of officials responsible for it; do you have that ongoing corporate memory of government, or do you bring in consultancies for the sake of them?

We agonise long and hard in this government, unlike our predecessors, over when we bring in consultancies. There are appropriate times to bring in consultants, and that is what this government has done.

The needs will vary from department to department, agency to agency, but across the whole of government this government has slashed consultancies like we pledged to do in 1999. We have slashed them and will continue to do so.

Hon. D. McL. Davis — On a point of order, President, I asked a very simple question about what action the minister would take under the Financial Management Act to investigate those fifty — —

The PRESIDENT — Order! Mr Davis was invited to raise a point of order, not ask the question again.

Hon. D. McL. Davis — I asked a very specific question — —

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

Local government: language services program

Mr SCHEFFER (Monash) — The Minister for Local Government will be aware of the importance of effective communication between local councils and residents. Will the minister outline what action the Bracks government is taking to assist local government in responding to the needs of culturally and linguistically diverse communities in Victoria?

Ms BROAD (Minister for Local Government) — I thank the member for his question and the recognition of the needs of our culturally and linguistically diverse communities — communities that contribute so much to making Victoria such a great place to be.

The Bracks government is well aware of the demands placed on Victorian councils in providing information to residents from non-English-speaking backgrounds. That is why the government provides financial assistance towards councils' costs of providing interpreting and translating services for people in their communities who need those services.

The local government language services program has been designed to improve access to council services and information for people who have a low level of proficiency in English by assisting councils in meeting the cost of purchasing interpreting and translation services. This is, of course, in addition to the funding the Bracks government provides through other agencies, such as the Department of Human Services, to improve access to specific council services.

I can advise the house that this year funding under the Bracks government's local government language services program has been increased to around $237 000. Grants under the program are distributed to councils every year, using a formula which takes into account the relative demand for the interpreting and translation services of every council.

The program also recognises the additional demands on councils with high numbers of residents with low English proficiency and high numbers of newly arrived migrants with little or no English, as well as councils with a significant number of refugees on temporary protection visas.

I take this opportunity to recognise the efforts of those councils with a policy of recruiting staff from culturally and linguistically diverse backgrounds, which as a result have a capacity to provide a range of interpreting services in house. The grant allows greater recognition of a staff member's skills in a language other than English that is used in their council workplace over and above their other work commitments.

The local government language services program also provides councils with the option of receiving access to interpreting and translation services through a credit line with the Victorian Interpreting and Translating Service known as Language Link. This has the advantage of reducing the administrative burden and costs to councils who wish to take advantage of this option. In the case of small rural councils with less cultural diversity, language services grant funds have been pooled and can be accessed through this credit line.

This means that councils like the Shire of Moira, which has traditionally been an area with less diversity, can tap into these funds in meeting the needs of a new group in its community who are Arabic-speaking refugees. The same applies to the City of Warrnambool, for example, which has lower diversity but is actively encouraging migrants to settle in the south-west of Victoria. These councils have recognised the social and economic contribution these new residents have to make to country and regional Victoria.

It is ultimately each councils' responsibility to ensure effective engagement with their local residents. The Bracks government will continue to get on with the job in partnership — —

The PRESIDENT — Time!

Public sector: financial reporting

Hon. BILL FORWOOD (Templestowe) — My question is also to the Minister for Finance, the Honourable John Lenders. I refer to the financial reporting directions (FRD) issued under the Financial Management Act, in particular to direction 3 under FRD1, compliance with financial reporting directions is mandatory, and also with FRD22, which mandates those matters which must be reported in annual reports.

Will the minister require any agencies that breach FRD22 to table the missing information in Parliament before the end of the sitting?

Mr LENDERS (Minister for Finance) — One of the great strengths of the Bracks government — —

Mr Smith — And there are many!

Mr LENDERS — And there are many, as Mr Smith says. One of its great strengths is its willingness to be open and accountable. Part of that is the presentation of annual reports. There is a facility in this chamber for them to be debated at length either through the reports themselves or through general business.

There is also a scrutiny in the public. Amendments to the Audit Act last year mean that even out of session reports can be tabled on a range of these issues. Also the government has empowered the Auditor-General and undone the terrible damage that the Kennett government did during its seven dark, long years of gutting the Auditor-General, trying to make him in-house and accountable to the executive government. It was also the very same Kennett government on accountability which had a member of the executive chairing the Public Accounts and Estimates Committee, which is probably the first time in the long history of the Westminster system that a government so brazenly broke that convention.

Having said that, this government has had to repair a lot of damage, among which is open reporting. As Mr Forwood says, there is a series of directions to departments and agencies about how they report. Mr Forwood's specific question is about whether other annual reports will be tabled this session — he is asking whether that information will come forward. Certainly there are requirements for annual reporting. If any member of Parliament is of the view that annual reporting does not cover the areas that should be covered, it is certainly in the gift of that member to raise it in Parliament, as Mr Forwood is now doing, to raise it in general business or in the noting of reports.

Whether I will give a direction to vary or alter that is something I will take advice on from my department; I will ask whether appropriate directions have been met. My general proposition is that for the first time in Victoria there is more open and transparent capacity to review reports than there have ever been. The very fact that financial directions are in place with the onus of them being turned on the public and the Parliament having the rights, rather than under the previous government as the executive government having the rights, is something that we all in Victoria can take enormous pride in. I have answered Mr Forwood's question, and will seek advice on how those directions apply.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his answer. It seems to me that if we have mandatory directions then they should be followed. In that regard I refer the minister to the annual report of the Transport Accident Commission which, by any measure, breaches the guidelines in relation to consultancies on page 2 of FRD22, and ask whether the minister will instruct the TAC to provide the information which, by his guidelines, is mandatory to be reported in its annual report?

Mr Viney — On a point of order, President, I want to emphasise my support of the principle of supplementary questions in this chamber, because they are important. I refer you, President, to *Odgers' Australian Senate Practice* at page 495 and a ruling from President McClelland in which he says, in part:

> It is my impression that recently attempts have been made to extend the scope of supplementary questions by use of what I would call double-barrelled questions; the second, the supplementary question, being held back for asking, virtually irrespective of the answer to the original.

It seems to me that this is a very clear example of a double-barrelled question where the first question was of a general nature asking the minister about the implementation of a broad policy when clearly the member had all the time been holding back a second very specific question. I believe that is not in order in terms of the spirit of supplementary questions, which ought to relate specifically to the answer and to the original question.

The PRESIDENT — Order! The honourable member has raised the matter twice in this house — today being the second time — and has also written to me. I intend to give a ruling the next time we sit with regard to supplementary questions.

With respect to the Honourable Bill Forwood's supplementary question and the connection with the first question about annual reports meeting FRD22 and whether the Transport Accident Commission report met FRD22, I believe the supplementary question is in order. I advise honourable members that I will be ruling on supplementary questions the next time we meet.

Mr LENDERS (Minister for Finance) — Notwithstanding my general comments to Mr Forwood earlier about seeking advice, I am sure he is aware that

financial reporting direction 22 only applies to reports for periods after 1 July this year, so that would apply to next year's Transport Accident Commission report, but I will take on board his general point about seeking advice.

Small business: Under New Management program

Hon. J. G. HILTON (Western Port) — I direct my question to the Minister for Small Business. In the light of the contribution small businesses in Victoria make to the growth of our economy, can the minister advise what assistance the state government gives to people who may want to start a business?

Hon. M. R. THOMSON (Minister for Small Business) — I appreciate the question from the honourable member who is closely connected to small business, having run his own small business.

Mr Lenders — And very well!

Hon. M. R. THOMSON — And very well. He was also a surprising entry to this house, but a welcome entry.

We all know the important role that small business plays in growing the Victorian economy and how important it is to provide the best opportunities for people to understand the requirements and onerous tasks that go with establishing a small business. It is vitally important that we encourage the innovation of ideas that come to a small business. In many ways, now more than ever before, small business is the engine house of the economy. It is certainly providing the new innovative developments that will secure Victoria's future.

It is important that a number of people in the future are prepared to operate small businesses, and to that end it is important to help those Victorians who might be interested in establishing a small business to make the right decisions from the beginning to avoid many of the mistakes that a number of people make when they first enter a business. To help Victorians who are interested in starting a small business, the government has instituted a program called Under New Management. Under New Management has seen three types of seminars being run throughout the state — buying a business, buying a franchise and signing a retail lease — providing vitally important information to those interested in starting a business.

Members will be pleased to know that over 1000 people participated in the seminars that have been held around the state. There were 95 workshops, of which 49 were conducted in regional and rural Victoria. Participants have commented on how successful the seminars and workshops have been. In fact a new company established itself to facilitate small to medium-sized companies to work better in international markets, especially Asia and Pacific Islands, and that came following their participation in the workshops. A specialised inspection and testing company, in operation for 18 months and looking to acquire another business or to franchise its operations, attended the Under New Management workshop to confirm that it was on the right track and to get the reinsurance that it needed to move forward.

Face-to-face workshops have now closed, but people interested in taking up the options to participate in the online workshops that come with the program can do so, and that program went live on 13 August. All they need to do to get access to those online workshops is go to www.business.vic.gov.au/workshops.

The Council will also be interested to know that we recognise the multicultural nature of Victoria, and those workshops have been conducted in other languages, including Cantonese and Turkish. Not only were the seminars delivered in languages other than English but in the coming weeks the seven information sheets that come from these workshops will be available in 10 other languages. This comes from the work of the Ethnic Enterprise Council, which has been working with the department to ensure those sheets are relevant to the community. I encourage members to let their constituents know about what is available, and that the Bracks government is delivering for small business.

Taxis: multipurpose program

Hon. P. R. HALL (Gippsland) — My question without notice is directed to the Minister for Aged Care, Mr Gavin Jennings. Does the minister acknowledge that the proposed changes to the multipurpose taxi program will have a profound negative impact on many older Victorians?

Mr GAVIN JENNINGS (Minister for Aged Care) — As Mr Hall knows, this program is the responsibility of the Minister for Transport in the other place. Whilst perhaps the most substantive aspect of the ongoing way the program is administered is the responsibility of the Minister for Transport — and so I could take the path of not answering this question — I will acknowledge the significance of this program to older members of the community and recognise that trying to maximise the opportunities of older members of the Victorian community in their access to flexible transport solutions is a priority of this government and

is a priority which I take within my ministerial responsibility within the whole-of-government consideration of these issues.

As the member knows, there has been a proliferation in this program over the last 10 years. There has been a rise from about 13 000 people being eligible for the scheme 10 years ago to 183 000 people currently being on the scheme. This scheme has been open to people on the basis of their providing some medical certification to access this program, which provides a fifty-fifty cost share for taxi transportation.

Without any income or means testing or any rigour in the medical certification process, the program has grown at an excessive rate. In fact it is an alarming rate in regards to trying to maintain some confidence within the system to make sure that those people who use the scheme are eligible for it and that there is no capacity within the scheme for it to be abused either by consumers or by the providers of the service.

There has been a review of the way in which the program will run into the future — not to close the scheme but to keep it open — to provide limitations on the basis of means testing for future eligibility and to add some confidence by making sure that people undergo a process of validating medical certificates to ensure there is some rigour in the scheme into the future.

The intention that I, and the people who have represented me in the discussions, have had at all times is to ensure that there is no limitation on the scheme on the basis of functional impairment or disability but to keep broad categories of disabilities open, and that has been achieved.

The limitations in the future will be on the basis of applying means testing for future members of the scheme, and there will be a limit of $550 on access to the scheme. Beyond this, I can assure the Parliament that when considering changes to the scheme at every turn accessibility to the scheme and keeping the broadest definition of eligibility in terms of the disability, functionality and mobility of older members of the community has been maintained. Beyond that, I would suggest that the member take the opportunity to raise this with the appropriate minister, the Minister for Transport in the other place.

Supplementary question

Hon. P. R. HALL (Gippsland) — I will certainly take up that invitation, as I have already, and raise it with the Minister for Transport. Can I say, by way of supplementary, that the Nationals share the minister's desire that no abuse of this scheme should take place. But at the same time we have the view that the $550 cap being put on older people with disabilities will mean that, on average, they can travel by taxi once a week in areas of country Victoria where distances are large.

I put to the minister in respect of his answer: what is he going to do to ensure that those older people who require a taxi trip on more than one occasion a week to meet their shopping, personal and health needs are not going to be left in the lurch?

Mr GAVIN JENNINGS (Minister for Aged Care) — I am fairly sure that the member's expectations about how expansive I was going to be on this answer have already been exceeded. I give him and his constituents an undertaking that the rigour and vigour of me and the officers who work within my responsibility to try to guarantee maximum access for older members of the Victorian community will be maintained.

Liquefied petroleum gas: excise

Hon. H. E. BUCKINGHAM (Koonung) — I refer my question to the Minister for Energy Industries, the Honourable Theo Theophanous. Can the minister inform the house what the Victorian government is doing to protect Victorian liquefied petroleum gas consumers?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the member for her question. Members would be aware that in 2001 the Essential Services Commission conducted an inquiry into whether the price of liquefied petroleum gas (LPG) for domestic use ought to be regulated — this was an important inquiry. The ESC did not find a case on that occasion for government regulation, as this would have adversely impacted upon the availability of LPG, particularly in regional and remote areas of the state.

However, the Bracks government agreed to implement two key recommendations arising from that report — one relating to better price transparency, the other to a restructuring of concession arrangements to improve the take-up rate. We have decided to go beyond those recommendations.

My department has been working with consumer and industry representatives, the Department of Human Services, the Department of Justice and the Energy and Water Ombudsman to develop a retail code for most LPG customers. I understand this work is nearing completion, and I hope to formally launch the code in

the near future. The code will fill an important gap in the protection of consumers who rely on LPG as an essential service. It comes at an important time when consumers will be able to use gas in the future, hopefully with the concessions available to them.

It comes at an important time also because there is a real threat to LPG consumers from the Howard government's plans to impose an excise on LPG in breach of its earlier promise. In the view of the Victorian government, the Howard government should immediately rule out this outrageous proposal for an excise, which will ruin Victorian businesses. I have already indicated to the house that Victoria will be the hardest hit of all the states, with 50 per cent of the national gas auto market taking place in Victoria.

I have also indicated in the past that APA Manufacturing in Bayswater may have to close down with a loss of 75 jobs. In addition, Telstra has recently announced that it will not undertake any more gas conversions on its fleet until the federal government sorts out its position in relation to LPG.

So companies are shutting down. APA Manufacturing is shutting down with the loss of 75 workers; Telstra says that it will not continue with its gas conversions and taxi companies are concerned about their future in this state. All of this is having a massive effect on the industry.

That is without mentioning the impact that this will have in relation to the environment. Everyone knows that the use of gas in motor vehicles is a much more environmentally friendly way for us to transport people around than the use of petrol in our cars. Unfortunately we have a federal government that wants to completely kill this industry. It is an environmental vandal when it comes to this issue, and it is being supported by the current Victorian opposition, because all we hear from opposition members in Victoria is a deafening silence in relation to this issue. There is a deafening silence from Davis, Doyle, Ryan and Hall. They do not care about LPG for regional Victorians, or any other Victorians for that matter.

Public liability: surf lifesaving clubs

Hon. C. A. STRONG (Higinbotham) — My question is for the Minister for Finance, the Honourable John Lenders. The blow-out in indemnity insurance costs means that surf beaches could be without patrols this summer unless the government takes action. Torquay Surf Lifesaving Club president, Mr Peter Robinson, says that Torquay beach will not be patrolled unless a solution can be found before summer. Can the minister assure the house that he will not let the safety of beach users at Torquay be put in jeopardy by the public liability insurance crisis?

Mr LENDERS (Minister for Finance) — I thank Mr Strong for his question and his ongoing interest in this very important issue of liability insurance. He would be absolutely clear about the stark twofold choice that governments have when insurance fails. One is for government to take all insurance on board — a path that the previous government chose not to go down when it privatised the state insurer. The other choice is to try and adjust the laws to encourage insurance into the market and to deal with the causes that stop insurance being in place.

Surf lifesaving is clearly an area that has achieved a fair amount of public attention, and rightly so, because it provides a critical community service. Its administration comes under the auspices of my colleagues, the Minister for Police and Emergency Services in the Legislative Assembly and, to a lesser extent, the Minister for Sport and Recreation, but I will address the general issues that Mr Strong deals with.

I can assure Mr Strong that if the industry is at all focused on this, it will be more focused than ever, because the chief executive officer of the Insurance Council of Australia happens to be the president of a surf lifesaving club, so let us assume that the industry is looking at that as closely and as carefully as it can.

From a government perspective, it must decide how it addresses the issue of volunteers, which most lifesavers are. Through our legislation last year, in the first phase of our insurance reforms, provisions came into place to protect volunteers. That was done in statute and will address Mr Strong's concerns about where volunteers fit in. The second issue is about the clubs themselves, and this has been addressed by government in the first two phases and now the third phase of its insurance legislation, which is the Wrongs and Other Acts (Law of Negligence) Bill which is currently before the Legislative Assembly.

Essentially, we are trying to address the areas that cause grief for insurance to come into place. As Mr Strong would know, we dealt with that in the first insurance legislation with the discount rate, which is what community groups, insurers, industry, government and other jurisdictions tell us is a key issue.

The second phase dealt with the issue that is often known as 'slips and trips'. While the third phase is far more focused on dealing with the issue of professional indemnity insurance, it also deals as much as possible

with codification to add certainty to the laws and environment in which we operate. All of these things are necessary as part of a package to address the issues that we had through, firstly, the catastrophe of 11 September where a third of international insurance capital evaporated on that tragic day; secondly to address the collapse of HIH Insurance where Australia's largest insurer walked; thirdly, the issue of the collapse of equity markets where the insurers tended to be trading off the good returns of capital to deal with premiums; and fourthly to deal with the structure of the industry itself, which was an inefficient industry with its doubling of or underinsuring a range of things.

All those matters have been dealt with in a macro sense. In a micro sense, through the Department of Treasury and Finance Victoria has now assisted more than 400 separate organisations in finding insurance, and we continue to work with Surf Life Saving Australia. However, the key point is that it has commercial insurance; the issue is the cost of the insurance, not the availability.

Supplementary question

Hon. C. A. STRONG (Higinbotham) — I thank the minister for his answer, which I think canvassed the issues. I am the first to admit that this is a very difficult question and one for which a solution needs to be found. However, the real issue is the crisis facing surf living clubs this summer.

I note that the *Torquay Times* last week stated that the local parliamentarian, the member for South Barwon in another place, Mr Crutchfield, said:

> I have spoken to the Minister for Finance who is exploring solutions to the issue …

some of which he spoke about today. The article goes on:

> I am confident that the issue will be resolved and the beaches will be patrolled.

My supplementary question is: will the minister advise the house of the solutions he is exploring to meet the summer crisis?

Mr LENDERS (Minister for Finance) — I thank the member for his further question. I think I explained to Mr Strong what is a very complex picture with a lot of interrelationships. If the question Mr Strong is posing for the house suggests that whenever an organisation, be it a benevolent organisation or a corporation, does not like the price of insurance, the government should subsidise its insurance, then the entire economic management policy of his party has to be under incredible pressure.

This government is working with the surf life saving institute and other bodies to find ways of obtaining cheaper insurance for them. Insurance is available, partly as a result of this government's policies. We are working with them to manage their costs and deal with them. As I said, the appropriate ministers to ask are the Minister for Police and Emergency Services and the Minister for Sport and Recreation, but if Mr Strong is saying that a government should underwrite insurance across this country, then he should ask his leader and the shadow Treasurer, Mr Clark, where the money is coming from.

Liquefied petroleum gas: excise

Hon. J. H. EREN (Geelong) — My question is to the Minister for Consumer Affairs, Mr John Lenders. Will the minister advise the house what impact the federal government's shameful decision to impose excise duty on liquefied petroleum gas will have on the operation of the Victorian government motor vehicle fleet?

Mr LENDERS (Minister for Consumer Affairs) — I thank Mr Eren for his question. Clearly Mr Theophanous's very impressive answer earlier whetted Mr Eren's appetite, because this issue goes to the core of how Sydney-centric the federal government is, and as a consequence of its lack of care for and disregard of the environment and Victorian industry, how that affects things as basic as the Victorian government fleet.

The Bracks government is committed to sound environmental management, and this includes ensuring good environmental practice in the management of the government's motor vehicle fleet. As members of the house are aware, there are over 8000 vehicle in our fleet, so it is not an insignificant fleet.

The Bracks government has introduced the requirement that new government passenger vehicles which are expected to travel more than 30 000 kilometres per year must be dedicated liquefied petroleum gas (LPG) or 4-cylinder vehicles. We are not just doing this for the heck of it; we are doing it because the estimate is that this initiative will reduce Victoria's greenhouse gas emissions by 130 tonnes per year.

In May this year the federal government announced that the existing fuel tax arrangements for fuels in internal combustion engines will be extended and that LPG will be subjected to an excise duty from 1 July 2008. The

federal government's decision is in direct contradiction to the personal assurance given by the Prime Minister — it was obviously not a core promise, just an assurance — that the government had no intention of imposing an excise on LPG. Clearly, it is so Sydney-centric that it does not care for Victoria and particularly not for regional Victoria.

Imposing an excise on LPG will make it more costly to operate government-leased LPG fuel vehicles and will obviously discourage their use over conventional vehicles. This threatens this government's commitment to improving the environmental performance of its motor fleet, and it may undermine our government's commitment or target to reduce greenhouse gas emission by 10 per cent by June 2006.

Increasing the cost of LPG will discourage Victorians from purchasing LPG fuel vehicles or converting their existing vehicles to LPG, making it even harder for our government to meet its greenhouse gas targets. The federal government is intent on undermining Victoria's efforts to reduce greenhouse gas emissions and intent on driving Victorian industry into the ground. The federal government is putting at risk Victoria's LPG cylinder manufacturers, which annually produce 531 000 LPG cylinders. This is a $40 million-a-year industry and it affects people in Bayswater, as my colleague Mr Theophanous said, and in the electorates of Ms Hadden and Mr McQuilten, and it affects the very fabric of employment in this state.

I am advised that at least 194 Victorian jobs are threatened by this Sydney-centric government's disregard for this important state. Vehicle manufacturers will also be discouraged from investing, so that research and development in this state, which is the heart of the automotive industry, is under threat by the decision of this Sydney-centric Liberal government.

I put it to the opposition that they should be Victorians first and Liberals second, not Liberals first and Victorians second, and stand up to the federal government on this shameful anti-Victorian excise grab by a Sydney-centric government that does not care about this state, does not listen and does not act. It affects our fleet, our greenhouse gas emissions, it puts our credibility at stake and it affects innovative industries in this state and the Victorian government's bottom line. For all these reasons, the people opposite should be Victorians first and Liberals second.

Housing: funding

Hon. R. DALLA-RIVA (East Yarra) — I direct my question without notice to the Minister for Housing, Ms Candy Broad. I refer to the 2002–03 financial report released by the Treasurer last week. This indicated that expenditure on housing and community amenities fell from the $1160 million in the May budget's revised figure for that financial year to just $743 million as the actual amount expended in 2002–03. This represents a reduction in planned expenditure for housing and community amenities of $417 million in just six months. I ask: how much of this $417 million represents a cut in expenditure to public housing?

Ms BROAD (Minister for Housing) — I welcome the question. I particularly welcome it because of the story which the opposition is putting around Victoria about this matter and which, I am pleased to place on the record, is completely untrue. Opposition members who are members of the parliamentary Public Accounts and Estimates Committee and who have examined these matters at the PAEC in some detail know that what is being said is completely untrue. Those members I know have not stood up and asked this question.

It is a fact, and it has been explained in detail to the Public Accounts and Estimates Committee and to anyone who cares to examine the budget papers, that in this state we have changed the method of reporting in relation to the Office of Housing in order to more properly and more transparently report what is capital expenditure and recurrent expenditure on housing. That is to comply with accounting standards set down in this state to ensure that the budget is reported in a way which is agreeable to the Auditor-General, a reform which the Bracks government brought in in relation to the reporting of the budget papers.

The opposition can go about as much as it likes beating up this story, which it knows is completely untrue. It knows these figures are the result of a simple change in accounting treatment. The Bracks government will continue to invest in public housing. We have delivered in both the first term and we are continuing to deliver in our second term of office significant investments in public housing to meet the needs of Victorians right across this state in contrast, I might say, to the former Kennett government which saw fit to spend more on doing up the Premier's offices at 1 Treasury Place than on simply maintaining the high-rise public housing in this state.

Supplementary question

Hon. R. DALLA-RIVA (East Yarra) — I am pleased the minister said the government has changed the method of reporting and, as the minister said, simply changed the accounting treatment. What

housing programs have been cut or have missed out on funding due to this $417 million shortfall in expenditure for 2002–03?

Ms BROAD (Minister for Housing) — To add further to my answer to the member's question, since 1999 the Office of Housing has acquired or funded an additional 6386 social housing units in Victoria, consisting of 5919 public housing and community housing units and 467 social housing units. The Bracks government will continue to deliver public housing for Victorians who need access to public housing. The opposition can continue as long as it likes beating up this story, which it knows to be completely untrue.

Aboriginals: ancestral remains

Ms HADDEN (Ballarat) — I refer the Minister for Aboriginal Affairs to his media release of 10 September in which he applauded Museum Victoria on its handing back of the Jaara Charlton baby to the Dja Dja Wurrung people and urged other institutions to follow the museum's example in the repatriation of Koori remains. Can the minister advise the house of recent developments concerning the repatriation of Aboriginal ancestral remains?

Mr GAVIN JENNINGS (Minister for Aboriginal Affairs) — I thank the member for her question and for providing me with the opportunity to outline to the house a significant event that is occurring in western Victoria tomorrow where the remains of 174 Aboriginal people will be returned to the Kirrae Whurrung, Chap Whurrung and Gunditjamara people and returned to the country. I take the opportunity on behalf of the government to congratulate Mr Joey Chatfield and his community on the work they have undertaken over many years to achieve this outcome — the satisfactory, appropriate and respectful return of Aboriginal remains to traditional country.

Indeed the long journey Mr Chatfield and his community have undertaken for the best part of 10 years has been the story of a number of Aboriginal communities throughout Victoria and across the nation to ensure the respectful treatment of their ancestral remains and artefacts from a traditional way of life that have been gathered and sometimes inappropriately stored in isolated warehouse arrangements, sometimes subject to research for research's sake, and in fact quite often held without the appropriate consent of Aboriginal communities. I am reminded of the Murray Black collection 10 years ago and the significant role which Jim Berg and other members of the Victorian Aboriginal community played to ensure the return of those remains to traditional owners.

In September this year I was proud to be part of a ceremony at Museum Victoria which saw the remains of the Jaara baby handed back to the Dja Dja Wurrung people of western Victoria. I took the opportunity at that solemn event to call on public institutions throughout the nation and internationally to consider the appropriate return of remains to Aboriginal communities. I took the opportunity to outline to all members of the Victorian community that under the Archaeological and Aboriginal Relics Preservation Act 1972 it is their responsibility to ensure that no Aboriginal skeletal remains or artefacts are held without the appropriate consent of Aboriginal communities in Victoria.

Since that time a number of items have been returned to the Yorta Yorta people. I am pleased my department, Aboriginal Affairs Victoria, took the opportunity to make sure some remains were returned to the Yorta Yorta people in the intervening period.

On page 6 of the *Age* of today's date there is an important coupling of articles about the significant event that is taking place in Framlingham tomorrow to the benefit of Aboriginal communities in western Victoria. Under the heading 'Long walkabout for indigenous remains may end' there is a report from London which talks about a working party which has been established by the Blair government, the Human Remains Working Group, which is headed by Professor Norman Palmer, who has made recommendations to the British government that British law be amended to allow the return of material from the Natural History Museum to indigenous communities, including those in Australia.

Indeed the story that accompanies it on page 6 about the fantastic work undertaken by Mr Chatfield and his community is a demonstration of that in practice. The remains that will be returned to the country tomorrow come from the University of Edinburgh, the Royal College of Surgeons in London and the Manchester Museum, and they came back to the community via the National Museum. It is a great achievement that Mr Chatfield and his community have attained on behalf of the Victorian government. I sincerely send my best wishes on this important occasion.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to a further nine questions: 965, 992–4, 1021, 1026, 1031–3.

VICTORIAN CURRICULUM AND ASSESSMENT AUTHORITY (AMENDMENT) BILL

Second reading

Debate resumed.

Hon. H. E. BUCKINGHAM (Koonung) — Before lunch I stated that this year the Victorian Curriculum and Assessment Authority carried out a review of its disciplinary hearings. As a result the VCAA requested that the review panel strengthen the disciplinary functions of the authority and establish a review committee which would have the power to set penalties and conduct hearings. Consultation was subsequently undertaken with the Australian Education Union, principals, Parents Victoria, the Victorian Parents Council, the Association of Independent Schools of Victoria, the Victorian Association of State Secondary Principals, the Principals Association of Victorian Catholic Secondary Schools, Victorian Curriculum Assessment Authority board members, the Victorian Qualifications Authority, the Catholic Education Office, the Department of Education and Training, the Department of Justice, and the Department of Premier and Cabinet. There has been extensive consultation. This bill attempts to balance the need for a speedy resolution of cheating allegations with the principle of natural justice.

This is a difficult balancing act given the time constraints of gaining an ENTER and being offered a place during the first-round offers of higher education that occur in mid-January.

I would like specifically to look at clause 9. It incorporates the details of the procedures to be undertaken in relation to investigating an allegation of cheating, deciding whether to proceed to a hearing, deciding whether to withhold results while matters are being heard, providing notice of the hearing and copies of the documentation, reviewing committee procedures, allowing legal representation, making decisions and imposing penalties, student appeals against school decisions and reviewing committee decisions, and finally, the alteration of student assessments that arise out of the hearing. The penalties are set out in section 18I to be inserted by clause 9 of the bill. The penalties range from a reprimand to the amendment or cancellation of one or more of the student's examination grades or of one or more of his or her school assessments, or the cancellation of satisfactory completion of the study. Serious penalties are appropriate if a candidate is found guilty of cheating. There is also an appeal process, which is also appropriate. Students have enormous amounts at stake, as has been stated by previous speakers, so there must be an appropriate appeal mechanism. If students wish to appeal the process there are two avenues open to them. A student who wants to challenge a decision or penalty made by the VCAA's review committee in relation to breaches of exam rules will be able to request a review by the appeals committee established by the minister. The appeals committee will not rehear the case but will review the documentation provided and make a judgment on whether there was a valid reason for the original decision and if the penalty was appropriate. This morning Mr Hall also reminded us that these members will also be independent of the Victorian Curriculum and Assessment Authority, which is also appropriate.

The other avenue is one that is currently used by VCAA, which provides for students to be able to appeal a school's decision. I am aware of this system. I have worked within and used the system. It has operated for a number of years very successfully and will continue to operate.

This is good legislation. It gives assurances to schools, to students, to parents, to institutes of higher education, to the wider community and indeed to employers of the integrity of Victorian certificate of education examinations and the assessment procedures. I compliment the Victorian Curriculum and Assessment Authority on a most professional job. I would prefer to believe this legislation was not necessary. However, as was evidenced last year there are a small number of students who cheat. This bill will limit that possibility and protect the integrity of the VCE. I trust that the penalties will act as a deterrent for those who may consider cheating and will assure those who do not rort the system that this legislation supports them. I congratulate the minister and her department for bringing this legislation forward. It strikes the correct balance between the principles of natural justice and guarantees the integrity of the VCE. I commend this bill to the house.

Hon. R. DALLA-RIVA (East Yarra) — I take pleasure in making a contribution to the debate on the Victorian Curriculum and Assessment Authority (Amendment) Bill and, in doing so, not opposing the underlying principles of this bill. Having gone through some research in relation to the components contained therein, it appears, as was just outlined by the honourable member, that it is a commonsense approach to an issue that was raised probably about 12 months ago and in relation to some concerns in the media about a number of schoolchildren who appeared to have

conspired and had an outcome that favoured them above others. I believe this measure will put into some framework and legislative context desired outcomes that will deal with that issue and also provide a proper administrative process for the future.

I will not go into the detail of the bill because I know that the Honourable Bruce Atkinson and other members have already done so, but there are some other issues I would like to raise. Clause 9 states in part:

> After section 18 of the Principal Act insert —
>
> "PART 3 — ASSESSMENT REVIEW
>
> 18A. Authority may investigate certain matters

As a former detective and police officer I was concerned when I read about the investigation process to be inserted by this clause. Bearing in mind that most of the perpetrators of this particular — I do not want to use 'offence', but it fits the context of what we are debating — offence of cheating would be students, it does not say anything in clause 9 about having a witness to the interview of any student. Proposed section 18A(3) says:

> A person nominated to interview a student …

The legislation makes it very clear that it is talking about interviewing a student. In the context of this legislation I am seeking some clarification on that matter — not in committee but just from the minister. Although this is not a criminal investigation, I would have thought that where you were interviewing or interrogating — whatever word you may wish to use — a student, they most probably would be under the age of 18. From my experience, if you interviewed or had cause to interview an offender under the age of 18, you would be required by law to have a parent, guardian or other independent person as a witness to that interview. If there is no clarification in these provisions, I hope the courts recognise the anomaly. I want to make it clear that, if this situation arises, I do not support the fact that you would have a student who would be under the age of 18 being interviewed without an independent third party, parent or guardian being present during the interview process.

I only raise it in that context. I do not, in saying that, throw the bill out; but it is important that we put that issue on the record, otherwise we could have a person who has been engaged under the provisions of this bill interviewing a student under the age of 18. I know from my own experience that often when a student is brought into a room and questions are fired at them in an interrogation they may respond in a way they perhaps would not have responded had there been a third and independent person, parent or guardian nearby.

I refer to clause 9 of the bill. Under proposed new section 18H, headed 'Legal representation', there is certainly cause to ensure that the student or the person who has been investigated has some form of legal recourse. That is fair, given the circumstances, but it is not fair that the bill contains no provision for an independent third person. I draw that very briefly to the attention of members.

It is interesting, given the nature of the types of offences that occur, and given that about 45 000 students are now going through the rigorous process of the Victorian certificate of education (VCE) program, as was indicated by — —

An Honourable Member — Seventy-eight thousand.

Hon. R. DALLA-RIVA — I read that 45 000 went through the VCE English exam, and I thought everybody had to do English, but I accept that some may escape that. As the Honourable Peter Hall indicated, 169 exams will be certainly taking place in the coming weeks.

Although the legislation has outlined a process for ensuring some control over the students, it is interesting to see what the *Age* reported on 3 November at page 2. I quote:

> Security guards and surveillance cameras were installed at the warehouses where exam papers are being kept, and tamper-proof packaging was introduced.
>
> Staff with access to exam papers are also required to do a dual signature check before any exams can be released.

In the context of this legislation it is necessary to put on the record the importance of other methods and other areas so that we do not have the situation where students find it easy to commit a fraud or to cheat in exams.

Before I conclude and to give a more light-hearted approach to this I will give some examples of the types of things students can do. During my period in the fraud squad we came across people who used very complex methods of cheating the system, and perhaps we need put what the students are getting away with or have tried to get away with in that context.

I refer to a report on page 9 of the *Herald Sun* of 21 July. It is entitled 'Lesson in honesty' and it gives examples of the modus operandi of students who are trying to avoid going through the proper process of

sitting an exam on their own. Here are some of the highlights:

> One male student arranged for a friend to sit his exam.

Another girl:

> … glued notes into her thesaurus for an exam, but was seen by a supervisor.
>
> A male student's exam result was cancelled after he was found guilty of hiding study notes behind a cistern in the toilets …

so every time he went to have a drink of water he would go into the toilet, have a look and then come back out. This is a person who is never going to be a fraudster in life! It continues:

> In another case, a hapless cheat left his notes in the exam paper. They were found by the assessors during the marking.

It just goes to show that if you want to cheat, leaving the notes in the exam paper is not the best way to go about it! It is interesting to see what some of the students are doing to try and overcome the pressures.

A number of members spoke about the importance of the VCE and how it sets a process in place so that these young adults will eventually become deeply involved in the community at some level if they have not already.

In conclusion, I seek clarification on the issue of young students being interviewed without a third party. I raise it as a very serious request so that we do not allow that process to go through. I make it very clear in *Hansard* that I disagree with this, and in my view that is not the intention of this bill. Having said that, the rest of the bill is sound. It will have a very clear definitive outcome. It clarifies a lot of issues, and I wish the bill a speedy passage.

Hon. S. M. NGUYEN (Melbourne West) — I will speak on the Victorian Curriculum and Assessment Authority (Amendment) Bill. This bill is important for education, and I thank the members who contributed to the debate and supported the bill.

The bill states clearly that students who sit exams have to do very well and it encourages them to do them in a fair way. Its purpose is to stop people from cheating the system to get high marks. Victoria has one of the best education systems in the country and in the world. Our reputation is very high, which is why a lot of overseas students come to Australia to learn, especially people from Asian countries. Victorian education is the model for overseas students. Parents want to send students here because they trust our system. We want to make the system cleaner by making every attempt to stop students from cheating to get higher marks.

After listening to all the speeches made today — I will not repeat what has been said — I want to thank the Minister for Education and Training for her commitment. She wants to review the Victorian system to improve it and to make it better for all students. A lot of students are working and studying very hard, and they deserve good marks, but other students cannot cope under pressure. When an exam is close they feel nervous and they cannot relax. Many students are having problems coping with heavy examinations, especially during the final year of high school. I understand some people have problems, but we must teach people how to cope with examinations and how to learn to control things better. Some students work very hard during school but when they sit for exams they get nervous. They cannot think straight or count properly. Because they are working against the clock all the time they have to work faster. Some cope and get good marks and some fail because of that.

The pressure is very high for many young people. Some students study very late, they work long hours and do not go out with their friends; they just spend all their time away from school at home studying. Some people can cope with school and do very well at university.

There are many important points about the bill, as has been mentioned by the previous speakers.

In conclusion I support the bill before the house. It shows that the Bracks government is keen to put its interest in education to help students have a better future through teaching methods and making sure all VCE students have the fairest and clearest results in the school system. I commend the bill to the house.

Hon. ANDREW BRIDESON (Waverley) — It gives me pleasure to rise to speak on the Victorian Curriculum and Assessment Authority (Amendment) Bill 2003. It is the role of the opposition to scrutinise legislation which comes before this place, and it has done so; it has consulted widely with most of the major players in this area. As the house has heard from other speakers on this side, it is essential that we maintain and enhance the integrity of the Victorian certificate of education (VCE) assessment program.

Prior to coming into this place I had almost 30 years experience in the education sector, both as a teacher and as an executive officer of a professional teachers union, in which role I represented many teachers who, for whatever reason, got themselves into difficulties. I am

quite convinced through those experiences that the education department, no matter what the government of the day, has bent over backwards to ensure both procedural fairness and that the rules of natural justice apply.

I have had a very close look at this legislation and the processes that will be implemented. I am extremely satisfied that both those legal principles have been adhered to and will be abided by. As a result, I have nothing more to say, and I wish the implementation of this bill every success it deserves.

Mr SOMYUREK (Eumemmerring) — I rise to speak on the Victorian Curriculum and Assessment Authority (Amendment) Bill. The purpose of this bill is to provide a process to deal with alleged contraventions by students of the authority's examination and assessment rules.

This bill supports the government's extensive commitment to ensure that the high standing of the Victorian certificate of education (VCE) assessment program and other assessment programs conducted by the Victorian Curriculum and Assessment Authority (VCAA) is maintained. Additionally, it outlines how incidents of cheating during exams are to be investigated and dealt with appropriately.

I am informed that this year 500 different examination centres across Victoria will be delivering examinations to 77 985 students on behalf of the VCAA. The VCAA has set 109 different written examinations. I believe, as do other members who have spoken on the bill earlier, that over 45 550 students sat for the English language paper last Friday.

Last year there were issues surrounding a small number of students at the VCE examinations, which highlighted the need to protect the integrity of the work that students undertake. As such, this bill includes a series of measures to strengthen the powers of the VCAA to conduct and record student assessments in years 11 and 12 courses. These include the investigation and hearing of alleged breaches of exam rules, the imposition of penalties, and the alteration or cancellation of the results of assessments.

Furthermore, the proposals set out processes within the Victorian Curriculum and Assessment Authority Act 2000 to provide both procedural fairness and informal hearings. They also allow students to have legal representation and establish appeal mechanisms, as well as enabling the authority to inform itself fully before making any findings.

Also the bill will clarify issues between the authority, students and schools in regard to the rules established to hold examinations and school-based assessments. It implements the major findings of the authority's review of its discipline committee processes and also allows for the setting of rules for the conduct of all assessments, including examinations.

It is worth noting that, given the age of most of the respondents, the procedures of the committee will be conducted with little formality and technicality, as is permitted by the provisions of the Victorian Curriculum and Assessment Authority Act.

The committee will have the power to determine its own procedures. However, the principles of natural justice will apply and although the review committee is not bound by practices and procedures applicable to courts of record, it does have the power under the Evidence Act 1958 to summon witnesses and hear evidence under oath. It is also able to inform itself in any way it thinks fit. The standard of proof is on the balance of probabilities, which has always been the standard for cases heard by the authority's former discipline committee.

The bill has been the subject of considerable and commendable consultation with a wide range of organisations. I am informed that consultation was undertaken with the Australian Education Union, Parents Victoria, the Victorian Parents Council, the Association of Independent Schools of Victoria, the Victorian Association of State and Secondary Principals, the Principals Association of Victoria, Victorian Catholic secondary schools, VCAA board members, the Victorian Qualifications Authority, the Catholic Education Office, and government departments such as the Department of Education and Training and the Department of Justice.

Finally, I would like to clarify a matter raised by Mr Dalla-Riva earlier in the debate. Mr Dalla-Riva expressed a concern that young students would be expected to attend interviews without a third party present. We respect his position and the matter that he has raised. I am informed by the VCAA that, whilst not in the bill, his concerns are incorporated in the VCAA procedures. So they are in fact covered by the VCAA procedures.

Hon. R. Dalla-Riva — Thank you for that.

Mr SOMYUREK — This bill will strengthen the integrity of our assessment system. I therefore commend the bill to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

ADJOURNMENT

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I move:

That the house do now adjourn.

Cranbourne bypass: route

Hon. R. H. BOWDEN (South Eastern) — I seek the assistance of the Minister for Transport in the other place. For a long time there has been growing concern in the large and thriving town of Cranbourne about what are known locally as the Cranbourne bypass proposals.

There have been several options over the last 10 years that I am aware of. In the general consideration of maps and community debate — and I refer honourable members to *Melway* maps 130 to 134 — there is a proposed route that goes around the northern side of Cranbourne and then meets the Narre Warren–Cranbourne Road and Cameron Street.

The urgency of this issue is quite interesting. It is urgent because several businesses have been established on the northern side of Cranbourne on the South Gippsland Highway, and will need to relocate further north of the Cranbourne city area. Until the bypass route is fully committed and determined, there will be a lot of indecision and doubt.

I suggest that it would be a good time for Vicroads and the minister to consider the confirmation of the route from the South Gippsland Highway down the north-south part of the Narre Warren–Cranbourne Road and Cameron Street where it meets the South Gippsland Highway again at an area known as Five Ways, and beyond. The decision to relocate several of those businesses in the present South Gippsland Highway portion north of the main shopping centre is important. It is holding a lot of businesses back; there needs to be some substantial investment made, and this topical view is held by many.

There will be substantial community debate over different ways to bypass the city, but it is perfectly obvious that the amount of effort, time and concern that many shopkeepers and businesses have about the Cranbourne bypass would be set to rest if the government were to make a firm announcement as to the exact route of this important connection.

Small business: government assistance

Hon. J. H. EREN (Geelong) — I raise a matter for the attention of the Minister for Small Business, and I ask that her department take necessary steps to ensure that the government offers advice and assistance to the very important small business sector. From the visits I make to the small businesses in my electorate I see first hand the wide range of skills needed to be successful. Whilst I am always impressed with their breadth of skills, I see the stress they are under being the manager, the shelf stacker, the salesperson and — due to the unfair and inequitable GST — they have to be accountants and often tax agents too.

I see the problems first hand in many small businesses in Geelong, such as the traders along Mercer Street; I do not want to name all of them specifically. The owners of these establishments often complain that the GST has put them under an increased burden. Not only do they have to operate their businesses and provide services to the community but they have to do taxation business that would have previously been unheard of. This has not only placed pressure on them and their businesses but their families are also suffering. Sometimes mum and dad do not come home until very late in the night, especially when business activity statements are due.

One trader told me it was heartbreaking that he missed much of his daughter's birthday party. He got there late because he was stuck behind tackling tax that was supposedly made simpler because of the GST. He says it has made his life a nightmare.

I raise this issue today because I would like to know what the state government is doing to help small businesses in Victoria to tackle the varying problems they have. I realise that we cannot do anything about the GST, but we may be able to help in other ways. I therefore ask the minister what services and assistance the state government offers. Does it offer training or advice on running a small business? If it does, how do small businesses access this assistance?

Midland Highway: Peter Ross-Edwards Causeway

Hon. W. A. LOVELL (North Eastern) — My adjournment issue is for the attention of the Minister for Transport in the other place, Mr Batchelor. On 16 September during the adjournment debate I raised the need for an upgrade of the Peter Ross-Edwards

Causeway, which is a section of the Midland Highway that links Shepparton and Mooroopna.

In that adjournment debate I outlined that the causeway was a road that had been built in the days of tray trucks and milk cans and had not been constructed to carry modern-day milk tankers or B-doubles; nor was it built to carry the number of vehicles it carries today.

On 17 September I wrote to the minister requesting that he visit Shepparton to meet with a delegation of emergency services personnel, elected representatives and concerned citizens to discuss the urgency of this upgrade and to see first hand the inadequacy of the road to cope with the present traffic volumes. On 9 October I received a letter from the minister's office acknowledging receipt of that letter, and as yet I have not heard whether the minister is prepared to meet with our delegation.

This road is of major concern to the Shepparton and Mooroopna communities. Both the Premier and the minister have acknowledged that the causeway needs improving, and the local Labor Party branch has also voiced its concerns over the safety of the road. In the Labor Viewpoint column of the *Shepparton News* of 19 September, Bernie Moran, secretary of the Shepparton and district branch of the ALP, said:

> We all know that the Peter Ross-Edwards Causeway between Shepparton and Mooroopna is unsafe, particularly the turn-off into Ardmona Kidstown.

Mr Moran went on to suggest a temporary safety measure of lowering the speed limit. But lowering the speed limit would only be a temporary quick-fix solution. The Shepparton and Mooroopna communities need a road that is safe and that will carry the increasing volume of traffic between the two cities for many years to come.

At the same time as the debate over the causeway has been running in Shepparton I have also been following the debate in Bendigo over the Calder Freeway. The *Bendigo Advertiser* became so frustrated with the state versus federal government debate that it invited both ministers to lunch to discuss the funding. The invitation was issued on 23 August for a luncheon on Monday, 27 October. Unfortunately the federal minister, John Anderson, was unable to accept the invitation due to a prior commitment.

Hon. T. C. Theophanous — On a point of order, President, under the rules for the adjournment debate a member is entitled to raise one issue. I ask that the member clarify whether she is raising a separate issue in relation to the Calder Freeway for the attention of the Minister for Transport or whether this is the same issue in relation to the Peter Ross-Edwards Causeway.

Hon. W. A. LOVELL — On the point of order, President, I am just using it as an example.

The PRESIDENT — Order! I do not uphold the point of order — that is, the request for clarification. The member has explained it to the house.

Hon. W. A. LOVELL — Despite the fact that Mr Anderson apologised for this meeting on 15 September, Mr Batchelor sought early leave from a cabinet meeting to attend the free lunch on his own. Obviously Mr Batchelor will do anything or go anywhere for a free lunch.

So I would like to extend an invitation to the minister to a free luncheon at Angelo's Cellar 47 Restaurant in Shepparton to meet with a delegation of emergency services personnel, elected representatives and concerned citizens to discuss the urgency of the upgrade to the Peter Ross-Edwards Causeway. To avoid choosing a date that is unsuitable to the minister I will allow the minister to nominate the date and I will — —

The PRESIDENT — Time!

Maribyrnong: ratepayer survey

Hon. S. M. NGUYEN (Melbourne West) — I raise for the attention of the Minister for Local Government a matter regarding the City of Maribyrnong's conduct of a more meaningful satisfaction survey in 2004. The reason for the survey is that the Minister for Local Government requires ratepayers to be surveyed on what the community wants and what it thinks of the services provided.

In the past six years the council has opted to take part in the community satisfaction survey coordinated by the Department for Victorian Communities on behalf of participating councils. The council's two biggest concerns with the department's survey are that the survey questionnaire groups service areas into broad categories, making it very difficult to pinpoint a particular issue or area. For example, the 'recreation facilities' category included sporting facilities, reserves, sporting fields, playgrounds, art centres, library services and festivals.

The survey had only 9.1 per cent of its respondents come from culturally and linguistically diverse communities, representing six language groups. This is not representative of the 44 per cent of the community who come from culturally and linguistically diverse

backgrounds. The council is serious about carrying out the survey because it wants to find out what the community thinks about its services. Many local councils including Brimbank, Wyndham, Melton, Frankston, Moreland and Moonee Valley have developed and managed their own community satisfaction survey process. The council would like the multicultural groups that have not responded to the survey to take part in it.

The City of Maribyrnong has more than 60 language groups living in the city, and they play an important role. The council has a population of more than 60 000, but by 2011 the population will be up to 74 000. The survey is integral to the council's planning. Is the minister aware of the survey, and, if so, will she encourage the council to work closely with the multicultural groups in the City of Maribyrnong?

Parliament: strategic plan

Hon. BILL FORWOOD (Templestowe) — The issue I wish to raise is with you, President, and goes to an in-confidence document with the subheading 'A strategic plan for the parliamentary departments 2003–06'. In particular I refer to the secret decision by the President and the Speaker to abolish Hansard and the library as separate departments of the Parliament. In particular I refer to strategic objective 5.1, which states:

> To improve the management —

I think there can be a debate about that —

> of parliamentary operations by restructuring the organisation into three parliamentary departments as follows:
>
> 1. Legislative Assembly;
> 2. Legislative Council;
> 3. Service departments …

It also refers to a parliamentary departments diagram which says that:

> … the structure … will be modified as shown.

It shows the creation of a position of department secretary. The document states:

> The structure will result in an additional cost through the requirement to fund and support the new position of department secretary.

I would have thought, as a matter of common courtesy, that before a decision such as this was made some discussion may have been had with some members of Parliament.

Hon. W. R. Baxter — With the party leaders at least!

Hon. BILL FORWOOD — Maybe with the party leaders, but certainly to my knowledge this matter has not been raised with the Liberal Party, because I have checked with our party leader and with a number of members of our party.

Hon. S. M. Nguyen interjected.

Hon. BILL FORWOOD — If I were you, Mr Nguyen, I would be concerned about this as well. In my time in this place I would say that the Hansard department has been well run by Mr Woodward and Ms Williams, and the library has been well run by Mr Davidson and Ms Dunston. I find it extraordinary that without any conversation with members of Parliament, a decision would be made that will lead, according to the language of this document, to the abolition of those two departments and the creation of a structure under the auspices of the Joint Services department.

I put to you, President, that every person in this place has had some dealings with the Joint Services department in their time, which gives a great lack of confidence that this will be a better structure. I put to you, President, that you have an obligation to provide some justification for what is going on, and put forward some process that may at least allow members of Parliament in this place to be aware of what is going on in relation to this restructure.

Hon. R. G. Mitchell — You have been left out of the loop, that is all!

Hon. BILL FORWOOD — The Liberal Party is out of the loop, the Labor Party is out of the loop, and the National Party is out of the loop.

Bridges: Hepburn

Ms HADDEN (Ballarat) — I wish to raise an issue for the attention of the Minister for Transport in the other place about the state of disrepair of rural bridges in my electorate, in particular within the Shire of Hepburn area. There are 66 bridges within the shire. Of those, five bridges are in serious disrepair. In an article in the Ballarat *Courier* of 21 October the mayor of the shire said it is reviewing four of the bridges within the shire which would cost about $4 million, which represents 70 per cent of the council's annual rate revenue.

The bridges concerned are: the Smeaton bridge over Bullarook Creek, Main Road, Smeaton; the Wheelers

bridge at Lawrence; the Mount Cameron Road–Leonards bridge over Creswick Creek; the Clunes–Mount Cameron Road bridge over Birches Creek; and the Back Glenlyon Road bridge over the Loddon River.

While these bridges were mainly built in the 19th century, they link the shire and are very important for freight, tourism and for the locals to get from A to B. The cost of rectifying the disrepair of the bridges is at least $4 million for four bridges. As I have said, the bridges are crucial to the thoroughfare of the shire's community.

What action will the minister's department take to assist the Hepburn Shire Council to rectify the urgent maintenance work of the five bridges?

Planning: Bayside amendment

Hon. C. A. STRONG (Higinbotham) — The issue I raise is for the Minister for Planning in the other place and concerns Bayside City Council's planning scheme amendment C2, part 2. The planning scheme amendment covers all of the bayside area, except for the foreshore strip, and deals with issues like density, height limits and so on.

The planning scheme went to the minister in early 2002, so the minister has had it now for over 18 months. The Bayside City Council has been trying to get from the minister some status report of when and if the scheme will be approved. On 9 October the council wrote to me stating:

> To date, apart from a pro forma acknowledgment there has been no response.

In one of its letters to the minister the council makes the point of how important the planning scheme is to it, and states:

> In making this request council draws your attention to the continual problems experienced by council and its community when appearing before VCAT on height issues, particularly in and near activity centres arising from the lack of certainty regarding height provisions.

To try to help Bayside council in its endeavours to get an answer from the minister, I put question on notice 878 to the minister, and the answer is long overdue. That question on notice sought an indication from the minister as to when or if she was going to approve this planning scheme amendment. She has failed not only to respond to the repeated requests of Bayside City Council but to the question on notice in the appropriate time. I ask her, beg her and plead with her — I will do anything I can on behalf of my council and community — to provide an answer.

We hear interminably in this place about how the Bracks government listens and acts. As far as Bayside is concerned, she has been listening for over 18 months, but what the council wants is just one little bit of acting.

Hon. Bill Forwood — Action?

An Honourable Member — I think he meant action.

Hon. C. A. STRONG — No — listens and acts.

Point Nepean: future

Hon. J. G. HILTON (Western Port) — My adjournment matter this evening is for the Minister for Environment in the other place, and it relates to Point Nepean. Yesterday there was debate in the Assembly concerning Point Nepean, and the opposition defended the commonwealth decision to lease 90 hectares of Point Nepean for 40 years to a consortium, including a Queensland property developer. It was a perfect example of the unelectable defending the indefensible.

It was particularly disappointing that the local members for Mornington and Nepean in the other place did not grasp the opportunity to stand up for their communities, but sadly, in this as in so many other instances, proved themselves to be Liberals first and Victorians second. The minister wrote to Fran Bailey on 31 October. I quote:

> I am writing to advise you that in the light of legal advice from the Solicitor-General for Victoria, it is the government's intention to exercise powers under the Planning and Environment Act 1987 (Vic) so as to apply planning controls to the Point Nepean defence land. The controls will affect the use of that land by any private lessee.
>
> The controls will be contained in an amendment to the Mornington Peninsula planning scheme and will reflect the uses and level of activity envisaged in the government's concept plan for Point Nepean.
>
> It is anticipated that, pursuant to the amendment, the lessee (or any other developer) will need to obtain a planning permit from the Minister for Planning, as responsible authority under the Planning and Environment Act, to undertake any building or other works on site.

I commend the minister for writing that letter and ask him to keep me informed when or if he receives a reply, so that I can keep my constituents informed on this most significant matter.

Hospitals: rural and regional

Hon. D. McL. DAVIS (East Yarra) — I rise today to direct a matter to the attention of the Minister for Health in the other place. It concerns yet another country hospital that appears to be under threat. We know the Minister for Health said on country radio on 25 September that many smaller country hospitals would need to close their obstetric and surgical services. She made it clear that these small country hospitals could not go forward with their surgical and obstetric services and that many of these acute services would need to be wound back.

I think that is a disgrace. We know what is happening at Rushworth, at Warracknabeal, at Hopetoun and now at Manangatang, a small town not far from Swan Hill. The town has a small hospital with 6 acute-care beds and 10 high-care aged care beds. There is no ambulance in the town, and it is quite some distance from Swan Hill, which has a larger hospital. A plan has been developed, in part by the board, but I believe there has been significant pressure from the Department of Human Services to ensure that the board comes to the right conclusion — the one that suits the department.

What is occurring here is a systematic plan to wind back services in country Victoria, a plan that will require every ounce of energy by country members, the Liberal Party and indeed the National Party to fight. These closures are being forced on country Victoria. Many of these closures have not involved proper consultation, although I understand a public meeting occurred this week in Manangatang, and that it was extremely well attended. I also understand that the mood of the people at the meeting turned very clearly to the mood of trying to protect their hospital.

It needs to be understood that small country hospitals provide a great deal to country towns. If a hospital is lost, the chance for that town to attract a general practitioner will be greatly reduced. We know the importance of having proper general practice services, including surrounding nursing services, in country towns. The Bracks government was elected, I believe — and certainly according to the rhetoric it put out in opposition — to improve the health system in Victoria, particularly in country Victoria, but in fact hospitals are in massive deficit around Victoria. I am informed that the deficit at Manangatang may be in the order of $90 000. I have not seen the annual report, because it has not yet been — —

Hon. T. C. Theophanous — You have not asked your question yet.

Hon. D. McL. DAVIS — I will get to my question, Mr Theophanous. My question is: is this attempt to close the Manangatang and District Hospital a part of the Minister for Health's coordinated plan around Victoria, and will she back off from that plan?

Omeo Highway: picnic areas

Hon. W. R. BAXTER (North Eastern) — I want to raise a matter for referral to the Minister for Transport in another place. I refer to the maintenance of picnic areas on the Omeo Highway, principally in the Shire of Towong in north-eastern Victoria. A number of those picnic areas, and in particular the roadside fireplaces therein, are in poor repair. This is of course a matter of some sensitivity in the Mitta Valley, bearing in mind the severe trauma that local residents suffered during the very extensive bushfires last summer, which very badly impinged upon the citizens of that part of Victoria.

I refer in particular to the picnic area at Ellis bridge on the Mitta River at Hagertys Lane, where the fireplace has disappeared altogether, maybe as the result of vandalism. I noted with some disappointment when I was there on Saturday that some idiot had been doing circle work during the previous night.

Hon. T. C. Theophanous — What is circle work?

Hon. W. R. BAXTER — It is idiots in four-wheel drives who go round and round in circles. It is a demonstration that they do not have much between the ears, Mr Theophanous.

Because the fireplace is no longer in existence people have been lighting fires in the open along the river bank. That is all right at this time of the year when the grass is green and the fire danger is very low or nil, but as we move into summer it will become increasingly worrisome to local residents if fires are being lit by campers and picnickers without those fires being in a properly constructed fireplace.

I invite the minister to have some discussions with Vicroads, which I understand is now responsible for the maintenance of these roadside picnic areas, with a view to having it put in a more fire safe condition before the approaching summer is upon us.

Wellington Road, Rowville: duplication

Hon. H. E. BUCKINGHAM (Koonung) — I rise to ask the Minister for Transport in the other place to consider funding the further duplication of Wellington Road in Rowville in the 2004 budget.

Rowville, which is located in the City of Knox and in Koonung Province, has been at the centre of a population and development boom for a number of years, and the condition of a number of roads in the area has not kept pace with the changes. Wellington Road is a major access road from the south and from the Monash Freeway, and will be an important connecting road with the Mitcham–Frankston freeway. Wellington Road currently has only a dual carriageway to Taylors Lane in Rowville where it then becomes a single lane, two-way road which carries a huge volume of traffic into the residential areas of Rowville, Lysterfield and beyond.

In addition to Wellington Road, other roads in the area, such as Kelletts Road and Napoleon Road, were originally developed as local roads servicing farmland. They are now used as major arterial roads servicing a large population and providing access for residents further in the east to major transport corridors such as Stud Road and Burwood Highway.

This government places a very high priority on road safety. It has recently announced funding for Lysterfield Road in the area and has in recent years completed small sections of duplication of both Wellington Road and Kelletts Road between Stud Road and Taylors Lane. The current congestion on these roads results in delays for motorists, particularly those accessing the main roads from the various housing estates. It also results in rat-running, where motorists attempt to use local and residential streets to avoid the main roads, which practice affects the safety and amenity of residents.

As the local member I have been approached by residents and the Knox City Council requesting that the duplication of these important declared main roads be undertaken as soon as practicable. Can the minister assure me that the duplication works for Wellington Road in Rowville will be considered for funding in the 2004–05 budget?

Public liability: Lake Eildon jetties

Hon. E. G. STONEY (Central Highlands) — I raise an issue for the Minister for Environment in the other place concerning public liability insurance. Private landowners with land along the shores of Lake Eildon are being asked to take out public liability insurance to the tune of $20 million for their floating jetty licences. I find this amount remarkable considering that tour operators on public land only pay $10 million, and until recently only $5 million, so it is an extraordinary amount of money.

A number of my constituents have been sent letters by Goulburn-Murray Water informing them that if they are having trouble getting public liability insurance, they may be able to get it through Goulburn Valley Insurance Brokers. Two of my constituents, Anita and Doug Campbell of Bonnie Doon, told me that they have been unable to get $20 million public liability insurance on their jetty and are unsure of the role that Goulburn Valley Insurance Brokers plays in this matter. The Campbells have had their land and jetty for a very long time. They pay annual rates of $165 on the jetty and are considering relinquishing their rights to it. They are pensioners and they really cannot afford the extra premium involved with the $20 million insurance — it would cost them more than $1 per day. Up until now they have been covered for $10 million.

Another constituent, Alys Houghton of Bonnie Doon, already has the $20 million cover, but because Goulburn-Murray Water will not accept the wording on her insurance and insists on her using the wording on its own insurance policies, it will not accept the insurance she already has. It raises a question about whether Goulburn-Murray Water is being unreasonable in this case. The Campbells say that they feel that they are being held to ransom by the authority.

I ask the minister to ask Goulburn-Murray Water to review its requirement for $20 million public liability insurance on floating jetties, especially as these particular jetties have not seen water for four to five years.

Ethnic communities: carers

Mr SOMYUREK (Eumemmerring) — I raise a matter for the attention of the Minister for Community Services in another place concerning the government's disability plan to deliver services to community groups in Victoria, and particularly to my electorate. Government and private agencies must be vigilant to avoid the disadvantages that may be faced by members of culturally diverse groups, youth, elderly persons and disabled people when seeking to access government services.

Bunurong Community Care in my electorate has briefed me about the serious issues faced by carers in culturally and linguistically diverse communities. The carers in these communities do not have the confidence or the language skills to call for services even when they are accessible. Many carers in these communities are isolated and the concept of a carer is unfamiliar to them. Recognition among these carers is needed so that they are engaged by the community generally to perform a valuable task for all of us.

In this regard I congratulate the Caulfield General Medical Centre for opening a carer respite centre in Dandenong to assist carers in finding a balance between caring for someone else and caring for themselves. It will also support community agencies in providing a range of activities including carer days and carer support groups.

I ask the minister to provide advice about what information has been planned to be distributed to the various community groups in my electorate, in various community languages, with respect to the implementation of the state disability plan as it affects these communities.

McCauley College, Dooboobetic: closure

Hon. D. K. DRUM (North Western) — I would like to raise an adjournment matter for the Minister for Education Services in the other house, Jacinta Allan. It is with deep regret that we note that the McCauley College at Dooboobetic has been forced to close its doors. This Catholic high school has been operating for the past 18 years servicing towns such as Wycheproof, Donald, Charlton, St Arnaud and Birchip, along with a host of other areas and small townships. Unfortunately, with dwindling numbers due to the population drift that we experience in country and regional areas, McCauley College has been forced to close its doors.

You might think that because it is a non-government school it has nothing to do with the government, but we have to look seriously at some of the problems it was faced with. The biggest of all was the bus levy it had to try to counter. The families of McCauley College students were forced to come up with $350 a year a student to cover the cost of sending them to school on a bus. They made countless approaches to the government for assistance with some type of bus scheme, but all these approaches fell on deaf ears.

McCauley College still had to pay a $50 000 annual shortfall to the various bus operators, on top of the $350 a student that the families paid. Some $50 000 had to be found each year through a range of grants and funding schemes for which the school had to apply to various levels of government — just to get its students to school. When you add to that the biggest and worst drought the district has ever faced, you can understand that the people at McCauley College are quite upset and disappointed that they were left to fend for themselves in trying to keep the school open. I understand that the Bishop of Ballarat, who had the final say on keeping the school open, has decided to close it. However, there can be no escaping the fact that financial pressure caused by inaction from the government has made it extremely hard for the school to remain open.

I ask the minister, for the Bracks government, to look at future funding packages and agreements with non-government schools to try to cut out some of the anomalies that currently exist and come up with a fairer system of funding non-government schools so that we do not have non-government schools continually closing in the future, especially in regional areas? These children will now have to travel anywhere from $1^1/_2$ hours to 2 hours if they wish to continue with their Christian education.

Responses

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I had a question from the Honourable Ron Bowden for the Minister for Transport in another place in relation to the Cranbourne bypass and getting definitive information about that route. I will pass that on to the Minister for Transport for a response.

The Honourable John Eren asked me a question about accessing assistance for small business in his electorate, and I will pass that on to the Minister for Small Business for a response.

The Honourable Wendy Lovell asked a question about the Peter Ross-Edwards Causeway of the Minister for Transport in another place. She issued an invitation for lunch — I am not sure whether at her cost or someone else's — which I am sure the minister will consider in his busy schedule. However, I think she was really asking for some action in relation to the Peter Ross-Edwards Causeway, and I will pass that request on to the Minister for Transport for a response directly to her.

The Honourable Sang Nguyen asked a question about more meaningful data from a satisfaction survey, particularly in relation to data culled from linguistically and culturally diverse areas. The question was to the Minister for Local Government, and I will ask her to respond directly to the member.

The Honourable Bill Forwood asked a question of the President, to which I am sure she will respond at the end. We all look forward to that response.

Ms Hadden asked a question of the Minister for Transport in another place about bridges in her electorate. I will pass that request on to the Minister for Transport for a direct response.

The Honourable Chris Strong asked a question for the Minister for Planning in another place about the

Bayside planning scheme, and I will pass his request to the relevant minister for a response.

The Honourable Geoff Hilton asked a question of the Minister for Environment in another place about the Point Nepean land. It was in relation to a letter sent by the minister, which he quoted, in which the government set out its position on the non-development of that area. He asked the minister whether there had been any response to the letter from the federal government. I doubt that the federal government has our interest in the Point Nepean land in its sights at all, but nevertheless I will pass on Mr Hilton's request to the Minister for Environment for response.

The Honourable David Davis asked a question of the Minister for Health in another place. He made claims in a very general way about a range of small hospital closures in regional Victoria but neglected to add the large closures under the previous Kennett administration in his question. However, I will pass on his question in relation to the closures to the Minister for Health, and I am sure she will be very keen to provide Mr Davis with a response.

The Honourable Bill Baxter asked a question of the Minister for Transport in another place about picnic areas on the Omeo Highway, and one in particular. I will pass that request for action to the Minister for Transport for response to Mr Baxter.

The Honourable Helen Buckingham asked a question of the Minister for Transport in the other place about funding for Wellington Road, Rowville. I will pass that request on to the Minister for Transport.

The Honourable Graeme Stoney asked a question of the Minister for Finance about public liability insurance and mentioned jetties and the cost of insurance for jetties as a result of the action of Goulburn-Murray Water in increasing the insurance requirement. I will pass his request on to the Minister for Finance for response.

Mr Somyurek asked a question about Bunurong Community Care and carer support and recognition of what carers do in our community. I will pass his question on to the Minister for Community Services in another place for a response.

The Honourable Damian Drum asked a question in relation to McCauley College and I think its possible closure.

Hon. D. K. Drum — It has already closed; it has gone.

Hon. T. C. THEOPHANOUS — The member mentioned the issue of bus services for such colleges. He made mention of the $350 that was contributed by the parents. I am not sure if that $350 he referred to was the government subsidy that is then passed on or whether it is from the parents themselves. It could be either. He said there is still a shortfall and has asked for action in relation to that. I will pass his request on to the Minister for Education Services in another place for response directly to him.

The PRESIDENT — The Honourable Bill Forwood raised a matter with me in respect of the strategic plan-business plan of the Parliament, which is a document that has been drafted by the department heads and the presiding officers of the Parliament. That document has also been reported on to all the staff of the Parliament, and they all have a copy. It sets out target dates to achieve the strategies that are outlined in the document.

The honourable member would be aware that some time ago a head of the Department of Joint Services left the employ of the Parliament and since that time to this the two clerks have been responsible for running Joint Services, which is inappropriate. It was put in place as a temporary measure. The presiding officers believe it is time to fill that position, because it is not appropriate for the clerks to continue on in that role. They have their roles as clerks within the Parliament.

However, such a position would have to be funded, and the Parliament will, through the normal processes of budget allocation or submissions to the government, put in a submission for that. I am only referring to one part of the strategic plan, which is the part the member raised concerning the structure, and not to other issues that are identified in that document. Funding for such a position is not guaranteed. The Parliament will have to put its submissions to the government, and we hope we will have a successful case for such a funding arrangement.

Mr Forwood will note that the diagram on the last page of the document shows the Clerk of the Legislative Council, the Clerk of the Legislative Assembly and a department secretary in the middle. A line needs to be drawn between those three squares to ensure that the two clerks and that department secretary are connected, and it might not be on the copy the member has.

Just to ensure that Mr Forwood has an accurate picture of that diagram, the committees of the Parliament need to be put on either side of that to show those allocated to the Legislative Assembly and those allocated to the

Legislative Council. They were left out of the document.

With respect to Hansard and the Parliamentary Library, that would require legislative changes and the Parliament would have to go to the government to get such legislation through. The document sets out a time frame to achieve that with a target of June 2004 to ensure the momentum continues, but there is no guarantee it will be finished by that time.

The presiding officers are responsible for the outline of that plan. We are receiving reports from the clerks, who have done some investigation into other parliaments with similar structures. We will work through that process with the government to get legislation and with the department heads, with the staff and with members of Parliament as the time comes up.

Hon. Bill Forwood — What role is there for members of Parliament in this?

The PRESIDENT — This is the strategic plan for the Parliament, for the department heads and the presiding officers to enact on behalf of — —

Hon. Andrea Coote — You said members of Parliament would be part of the plan. When will that be?

The PRESIDENT — Order! When it comes to legislation. This is a proposal that has been put by the department heads on a way forward for the Parliament with respect to the structure — —

Hon. J. G. Hilton — On a point of order, President — —

The PRESIDENT — Order! The member cannot take a point of order. I am the President, and I am on my feet.

The structure that has been put in place has been endorsed by the heads of department, it has been run by the staff of the Parliament, and the presiding officers will go through the process of enacting such a structure.

Motion agreed to.

House adjourned 4.09 p.m. until Tuesday, 18 November.

QUESTIONS ON NOTICE

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

Wednesday, 5 November 2003

Corrections: Public Correctional Enterprise — staff

77. **THE HON. R. DALLA-RIVA** — To ask the Honourable the Minister for Energy Industries (for the Honourable the Minister for Corrections): In relation to employees in the Public Correctional Enterprise (CORE): What was the total number of effective full-time employees as at — (i) 31 December 1999; (ii) 30 June 2000; (iii) 31 December 2000; (iv) 30 June 2001; (v) 31 December 2001; (vi) 30 June 2002; and (vii) 31 December 2002.

ANSWER:

I am advised that:

This information can be collated from public documents as well as documents available under Freedom of Information. It is not appropriate use of Departmental resources to spend unjustifiable hours doing the Liberal Party's homework for them.

Corrections: Public Correctional Enterprise — staff

78 . **THE HON. R. DALLA-RIVA** — To ask the Honourable the Minister for Energy Industries (for the Honourable the Minister for Corrections): In relation to employees in the Public Correctional Enterprise (CORE): What was the actual cost of employee remuneration and entitlements as at — (i) 31 December 1999; (ii) 30 June 2000; (iii) 31 December 2000; (iv) 30 June 2001; (v) 31 December 2001; (vi) 30 June 2002; and (vii) 31 December 2002.

ANSWER:

In relation to the cost of employee remuneration and entitlements in the Public Corrections Enterprise (CORE), I am advised as follows:

To provide information as requested would unreasonably divert the resources of the Office of the Correctional Services Commissioner.

Attorney-General: CPR Communications and Public Relations Pty Ltd

273. **THE HON. E. G. STONEY** — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Attorney-General): What are the details of every contract entered into between the Attorney-General's department or private office and the firm CPR Communications & Public Relations Pty Ltd since 20 October 1999, including the names and positions of the people who awarded any contract or who made the decision for any work to be given to the firm.

ANSWER:

I am informed that / as follows:

One contract was entered into with CPR Communications and Public Relations Pty Ltd since 20 October 1999.

(i) the contract was for the preparation of a newspaper advertisement regarding industrial manslaughter

(ii) the contract was awarded in May 2002

(iii) the contract was awarded for $5,518.76

For personal privacy reasons it is inappropriate to provide details of the names and positions of the people who awarded contracts or made decisions for any work to be given to the firm in question.

Multicultural affairs: Ethnic Enterprise Advisory Council

779. **THE HON. B. N. ATKINSON** — To ask the Minister for Aged Care (for the Minister for Multicultural Affairs): In relation to the Ethnic Enterprise Advisory Council:

(a) What matters has the Minister referred to the Council.

(b) On what dates has the Council met since January 2002.

(c) What recommendations has the Council made to the Minister and which of those recommendations has been accepted by the Minister.

(d) What costs have been incurred in the administration of the Council and what costs have been incurred in the conduct of meetings, including fees or other payments made to members of the Council.

(e) What has been the attendance record of members of the Council.

(f) What is the budget for the Council for 2003-04.

ANSWER:

I am informed as follows:

This question does not fall within my portfolio responsibilities. I am advised that it has also been directed to the Minister for Small Business who will provide a response.

Multicultural affairs: food safety plans

785. **THE HON. B. N. ATKINSON** — To ask the Minister for Aged Care (for the Minister for Multicultural Affairs): What input has the Minister had, on behalf of small business, into the administration of food safety plans and to the development of information on new requirements for food handling for non-English-speaking business owners.

ANSWER:

I am informed as follows:

In 2001, the Department of Human Services commenced whole-of-government consultations on the amendments to the *Victorian Food Act 1984*.

The Department of Human Services and local governments worked directly with multicultural organisations, business associations and culturally and linguistically diverse (CALD) food businesses in the administration of the food safety plans.

A range of material has been developed aimed specifically at CALD food businesses owners.

Corrections: Haystac Public Affairs Pty Ltd

802. **THE HON. E. G. STONEY** — To ask the Minister for Energy Industries (for the Minister for Corrections): In relation to Haystac Public Affairs Pty Ltd:

(a) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since February 2001.

(b) On what dates were the payments made.

(c) What are the details of the project for which payment was made.

ANSWER:

I am advised that:

No payments have been made by my Department or Office to the firm Haystac Public Affairs P/L.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies of statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Innovation: Haystac Public Affairs Pty Ltd

817. **THE HON. E. G. STONEY** — To ask the Minister for Small Business (for the Minister for Innovation): In relation to Haystac Public Affairs Pty Ltd:

(a) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since February 2001.

(b) On what dates were the payments made.

(c) What are the details of the project for which payment was made.

ANSWER:

I am informed as follows:

Since December 2002, no payments have been made by my Department or my Private Office to the firm Haystac Public Affairs P/L.

Prior to December 2002, the Department made one payment of $550 to Haystac Public Affairs. The payment was made on 25 June 2002 and was for project services to source sponsorship for the Commercialise 2002 Workshop series.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my Department's resources.

Police and emergency services: Haystac Public Affairs Pty Ltd

823. **THE HON. E. G. STONEY** — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to Haystac Public Affairs Pty Ltd:

(a) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since February 2001.

(b) On what dates were the payments made.

(c) What are the details of the project for which payment was made.

ANSWER:

I am advised that / as follows:

No payments have been made by my Department or Office to the firm Haystac Public Affairs P/L.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies of statutory authorities under my administration would be an unreasonable diversion of my department's resources.

State and regional development: Haystac Public Affairs Pty Ltd

828. THE HON. E. G. STONEY — To ask the Minister for Finance (for the Minister for State and Regional Development): In relation to Haystac Public Affairs Pty Ltd:

(a) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since February 2001.

(b) On what dates were the payments made.

(c) What are the details of the project for which payment was made.

ANSWER:

I am informed as follows:

Since December 2002, no payments have been made by my Department or my Private Office to the firm Haystac Public Affairs P/L.

Prior to December 2002, the Department made one payment of $550 to Haystac Public Affairs. The payment was made on 25 June 2002 and was for project services to source sponsorship for the Commercialise 2002 Workshop series.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my Department's resources.

Corrections: Social Shift Pty Ltd

844. THE HON. E. G. STONEY — To ask the Minister for Energy Industries (for the Minister for Corrections): In relation to Social Shift Pty Ltd:

(a) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(b) On what dates were the payments made.

(c) What are the details of the project for which payment was made.

ANSWER:

I am advised that:

No payments have been made by my Department or Office to the firm Social Shift P/L.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies of statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Innovation: Social Shift Pty Ltd

858. **THE HON. E. G. STONEY** — To ask the Minister for Small Business (for the Minister for Innovation): In relation to Social Shift Pty Ltd:

(a) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(b) On what dates were the payments made.

(c) What are the details of the project for which payment was made.

ANSWER:

I am informed as follows:

No payments have been made by my Department or my Private Office to the firm Social Shift P/L.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my Department's resources.

Police and emergency services: Social Shift Pty Ltd

864. **THE HON. E. G. STONEY** — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to Social Shift Pty Ltd:

(a) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(b) On what dates were the payments made.

(c) What are the details of the project for which payment was made.

ANSWER:

I am advised that:

No payments have been made by my Department or Office to the firm Social Shift P/L.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies of statutory authorities under my administration would be an unreasonable diversion of my department's resources.

State and regional development: Social Shift Pty Ltd

869. **THE HON. E. G. STONEY** — To ask the Minister for Finance (for the Minister for State and Regional Development): In relation to Social Shift Pty Ltd:

(a) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(b) On what dates were the payments made.

(c) What are the details of the project for which payment was made.

ANSWER:

I am informed as follows:

No payments have been made by my Department or my Private Office to the firm Social Shift P/L.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my Department's resources.

Tourism: Commonwealth Games — marketing strategy

909. **THE HON. ANDREA COOTE** — To ask the Minister for Small Business (for the Minister for Tourism): In relation to the $7 million announced by the Government for a marketing strategy to maximise the tourism benefits of the Commonwealth Games:

(a) From which department's budget will the $7 million be allocated.

(b) What is the time line for this expenditure.

(c) Is this the total amount allocated to a tourism strategy forced on the Commonwealth Games; if not, what is the total amount allocated to marketing tourism in relation to the Commonwealth Games.

ANSWER:

I am informed as follows:

The Commonwealth Games is the most significant tourist event for Victoria in the next few years. The economic benefit to the tourism sector in Victoria will be considerable. The Tourism Marketing Strategy is currently being developed to ensure both short term and long term tourism benefits to Victoria are maximised.

Tourism Victoria in partnership with Melbourne 2006, the Organising Committee and the Office of Commonwealth Games Coordination are working together to develop the most effective Tourism Marketing Strategy for the Games.

The $7 million Tourism Marketing Strategy budget was appropriated to the Department of Victorian Communities as part of the Whole of Games budget. Upon finalisation of the Tourism Marketing Strategy the funds will be allocated to the appropriate delivery agency and will be expended through to 2006-2007. It is expected that the strategy will deliver in a number of key areas:

– Greater destination awareness in key markets;
– Higher visitation from interstate and overseas;
– Improved yield; and
– Greater dispersal to regional centres.

While there is a direct Tourism Marketing Strategy for the Games, there are many other programs being developed which will assist in attracting visitors to Victoria. General marketing of the Commonwealth Games aims to significantly increase the number of visitors to Victoria at the time of the Games. Also, Tourism Victoria will include the Commonwealth Games in a variety of seasonal and other marketing campaigns to further promote the fact that Melbourne and regional Victoria will be host destinations for the Games.

Tourism: Commonwealth Games — marketing strategy

910. **THE HON. ANDREA COOTE** — To ask the Minister for Small Business (for the Minister for Tourism): In relation to the $7 million announced by the Government for a marketing strategy to maximise the tourism benefits of the Commonwealth Games:

(a) Which international countries will the marketing campaign target as part of this announcement.

(b) What is the total amount spent on marketing in each of those countries.

ANSWER:

I am informed as follows:

The tourism marketing strategy for the 2006 Commonwealth Games is currently being reviewed. It is expected that the key international markets will include, but not be limited to, the UK, New Zealand, South Africa, Malaysia, Singapore, India and Canada.

The current review will determine the total amount allocated to each market. Because of the nature of international and national tourism trends, it is expected that the Tourism Marketing Plan for the Games will be flexible to allow for changes to the strategy as appropriate.

Tourism: Commonwealth Games — marketing strategy

911. **THE HON. ANDREA COOTE** — To ask the Minister for Small Business (for the Minister for Tourism): In relation to the Government's $7 million announcement for tourism marketing in relation to the Commonwealth Games:

(a) Which Australian states will the marketing campaign target as part of this announcement.

(b) What is the total amount spent on marketing in each state.

ANSWER:

I am informed as follows:

The tourism marketing strategy for the 2006 Commonwealth Games is currently being reviewed. It is expected that specific marketing activities will be undertaken in all States prior to the Games.

Because of the nature of international and national tourism trends, it is expected that the Tourism Marketing Plan for the Games will be flexible to allow for changes to the strategy as appropriate.

Tourism: Commonwealth Games — marketing strategy

912. **THE HON. ANDREA COOTE** — To ask the Minister for Small Business (for the Minister for Tourism): In relation to the Government's $7 million announcement for tourism marketing in relation to the Commonwealth Games:

(a) What is the total amount that will be spent on marketing in rural and regional Victoria.

(b) Which Victorian regional areas will be promoted as part of this marketing campaign.

ANSWER:

I am informed as follows:

The Government is committed to extending the sporting program and the cultural activities associated with the Commonwealth Games to rural and regional Victoria.

The tourism marketing strategy for the 2006 Commonwealth Games is currently being reviewed. A key emphasis of the Games Tourism Strategy will be to ensure interstate and international visitors extend their stay and disperse throughout the State through promoting the tourism attractions of regional and rural Victoria.

Because of the nature of international and national tourism trends, it is expected that the Tourism Marketing Plan for the Games will be flexible to allow for changes to the strategy as appropriate.

Tourism: Commonwealth Games — Tourism Victoria's budget

913. **THE HON. ANDREA COOTE** — To ask the Minister for Small Business (for the Minister for Tourism):

(a) What is Tourism Victoria's budget for research into tourism opportunities relating to the Commonwealth Games.

(b) What are the details of this research.

ANSWER:

I am informed as follows:

Brand Health research already being undertaken by Tourism Victoria is providing important information on regional Victoria's strengths and will help to ensure that these tourism strengths are promoted to visitors attending the Games.

Further research into Games-related tourism opportunities and the nature of research activities to be undertaken will be determined as part of the current review of the Games Tourism Strategy.

Tourism: Commonwealth Games — marketing strategy

914. **THE HON. ANDREA COOTE** — To ask the Minister for Small Business (for the Minister for Tourism): In relation to the Government's $7 million announcement for tourism marketing for the Commonwealth Games, which Victorian cultural attractions will be promoted as part of this marketing campaign.

ANSWER:

I am informed as follows:

The tourism marketing strategy for the 2006 Commonwealth Games is currently being reviewed. It is expected that specific marketing activities will be undertaken to promote Victoria's diverse cultural tourism product.

The Tourism Marketing Plan for the Games will support Commonwealth Games Cultural Festival activities in Melbourne and regional Victoria. Melbourne's cultural strengths will also be featured in yet to be developed promotional material.

Cultural tourism attractions in regional Victoria will be promoted to international and national visitors to the Games.

Community services: disability housing — purchases

917. **THE HON. ANDREW BRIDESON** — To ask the Minister for Aged Care (for the Minister for Community Services): In relation to disability housing:

(a) How many properties were purchased in each region in 2000-01.

(b) What is the address of each property purchased and its purchase price.

(c) What is the name and the business address of each real estate agent involved in each purchase.

(d) Which properties were purchased at auction.

(e) Which properties were purchased by private negotiation.

(f) What amount of agent's commission was paid for each property purchased.

(g) Which of the properties required modification and what was the actual cost of each modification.

ANSWER:

I am informed that:

To provide the level of detail requested relating to the 2000-01 financial year would be an unreasonable diversion of the Minister's departmental resources and is therefore unavailable.

Environment: Alpine National Park

941. **THE HON. PHILIP DAVIS** — To ask the Minister for Local Government (for the Minister for Environment): What is the size of the area of the Victorian section of the Alpine National Park.

ANSWER:

I am informed that:

The Alpine National Park is wholly within the State of Victoria and has an area of 660,550 ha.

Aged care: low-care beds

966. **THE HON. ANDREA COOTE** — To ask the Minister for Aged Care: In relation to new aged care places in high care and low care State-run residential facilities, what is the number of new low care beds opened in State-run residential aged care facilities in 1999, 2000, 2001, 2002, respectively.

ANSWER:

In the last four years there have been 18 new low care beds opened in public sector residential aged care facilities, 2 in 2000, and 16 in 2002.

Additional low care places have been allocated through Commonwealth Aged Care Approvals Rounds and these will progressively open over the next two years.

Aged care: home and community care funding

967. **THE HON. ANDREA COOTE** — To ask the Minister for Aged Care: What is the allocation and amount for the additional Home and Community Care (HACC) funding provided by the Government in 2002-03, by program.

ANSWER:

The growth to the HACC Program in 2002/03 was $22.701 million as follows:

Activity	**Funding**
Allied Health	$1,952,131.98
Assessment & Care Management	$2,216,447.54
Delivered Meals	$349,960.50
Flexible Service Response	$2,600,545.79
Home Care	$3,223,307.77
Linkages	$1,499,626.40
Nursing	$3,394,272.49
Personal Care	$1,461,620.30
Planned Activity Groups	$2,176,856.90
Property Maintenance	$290,297.44
Respite	$496,659.26
Service System Resourcing	$1,828,349.91
Transition (including Workcover)	$0.00
Volunteer Co-ordination	$1,210,805.49
TOTAL	$22,700,881.77

Aged care: Red Cliffs Nursing Home, Mildura

970. THE HON. ANDREA COOTE — To ask the Minister for Aged Care:

(a) How many additional beds will be provided by the redevelopment of the Red Cliffs Nursing Home in Mildura.

(b) What is the total number of beds that will be provided at the nursing home at the completion of the redevelopment.

ANSWER:

a) The Red Cliffs Nursing Home redevelopment involves the existing 30 high care places transferring from another site, to co-locate with the existing low care residential service, together with redeveloping the kitchen and administration facilities.

b) At the completion of the redevelopment the Red Cliffs Nursing Home will provide 30 high care and 45 low care residential aged care beds.

Aged care: Baala House Nursing Home, Numurkah

971. THE HON. ANDREA COOTE — To ask the Minister for Aged Care:

(a) How many additional beds will be provided by the redevelopment of the Baala House Nursing Home in Numurkah.

(b) What is the total number of beds that will be provided at the nursing home at the completion of the redevelopment.

ANSWER:

a) The redevelopment covers the existing 30 high care places; as well as some works on the acute (accident & emergency; kitchen, stores, engineering and staff amenities) section.

b) At the completion of the redevelopment the Baala House facility will provide 30 residential aged high care beds.

Aged care: Darlingford Upper Goulburn Nursing Home, Eildon

972. THE HON. ANDREA COOTE — To ask the Minister for Aged Care:

(a) How many additional beds will be provided by the redevelopment of the Darlingford Upper Goulburn Nursing Home in Eildon.

(b) What is the total number of beds that will be provided at the nursing home at the completion of the redevelopment.

ANSWER:

a) 20 additional low care places will be provided by the redevelopment of the Darlingford Upper Goulburn Nursing Home. The redevelopment will include a refurbishment of the existing 30 high care places as well as the construction of these 20 beds.

b) At the completion of the redevelopment the Darlingford facility will provide 50 beds.

Aged care: Andrews House, Trafalgar

1020. THE HON. ANDREA COOTE — To ask the Minister for Aged Care:

(a) How many additional beds will be provided by the Government's redevelopment of Andrews House in Trafalgar.

(b) What is the total number of beds that will be provided at the nursing home at the completion of the redevelopment.

ANSWER:

a) The redevelopment of Andrews House in Trafalgar will include a refurbishment of the existing 30 low care places, as well as the construction of an additional 20 high care places, which were allocated by the Commonwealth in the 2002 Aged Care Approvals Round.

b) At the completion of the redevelopment the Andrews House facility will therefore cater for 50 people.

Aged care: rural nursing homes — upgrades

1022. THE HON. ANDREA COOTE — To ask the Minister for Aged Care: What is the breakdown by project of the $25.5 million committed in the 2003-04 for four rural nursing home upgrades.

ANSWER:

The funding of $25.5 million will enable:

a. Redevelopment of the Red Cliffs Nursing Home in Red Cliffs – $5.5 million, construction tender has been let.
b. The balance of funds ($20 million) will enable the following works:
   i. Redevelopment of the Baala House Nursing Home in Numurkah;

ii. Redevelopment of the Darlingford Upper Goulburn Nursing Home in Eildon; and
iii. Redevelopment of Andrews House in Trafalgar.

Capital planning is under way for these projects, the Total End Investment for each project is to be finalised.

Aged care: Wonthaggi Nursing Home

1024. THE HON. ANDREA COOTE — To ask the Minister for Aged Care: In which year's budget is the Government's $3.8 million contribution to the Wonthaggi Nursing Home upgrade contained.

ANSWER:

The Government's $3.8 million contribution to the Wonthaggi Nursing Home upgrade is contained within the 2001/2002 and 2002/2003 budgets.

Aged care: assessments

1025. THE HON. ANDREA COOTE — To ask the Minister for Aged Care: What is the number of aged care assessments delivered in each of the DHS regions in 2000, 2001 and 2002, respectively.

ANSWER:

The number of aged care assessments delivered in each of the DHS regions in 2000, 2001 and 2002, respectively are:

Regions	**2000**	**2001**	**2002**
Barwon	4345	4401	4917
Grampians	2644	2659	2769
Loddon Mallee	4532	4135	4707
Hume	2928	2486	2815
Gippsland	2850	2826	2984
Western	8259	7993	8273
Northern	7089	6994	7543
Eastern	10,449	8979	9729
Southern	11,496	11,665	12,991

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, 6 November 2003

Aged care: high-care beds

965. **THE HON. ANDREA COOTE** — To ask the Minister for Aged Care: In relation to new aged care places in high care and low care State-run residential facilities, what is the number of new high care beds opened in State-run residential aged care facilities in 1999, 2000, 2001 and 2002, respectively.

ANSWER:

In the last four years there have been 166 new high care beds opened in public sector residential aged care facilities, 110 in 2001, 29 in 2002, and 27 in 2003. There were no new high care beds opened in 1999 an 2000.

Additional high care places have been allocated through Commonwealth Aged Care Approvals Rounds and these will progressively open over the next two years.

Agriculture: vine production — research projects

992. **THE HON. PHILIP DAVIS** — To ask the Minister for Energy Industries (for the Minister for Agriculture): In relation to the 20ha block at Nichols Point used by the Victorian and Murray Valley Improvement Association for research and vine production in conjunction with the Department of Primary Industries which operation is being discontinued by the department within five years, what other projects does the department currently have to assist growers.

ANSWER:

I am informed that:

The Department of Primary Industries, Mildura is currently running twenty four projects that are all aimed at assisting the horticultural industries in the region.

The projects range from sophisticated research projects on disease control and product quality to extension projects designed to assist growers adopt the latest technology and improve their business.

The projects are funded by government or through co-investment between government and industry.

The total value of these projects is around $3.2 million dollars.

Agriculture: vine production — research projects

993. **THE HON. PHILIP DAVIS** — To ask the Minister for Energy Industries (for the Minister for Agriculture): In relation to the 20ha block at Nichols Point used by the Victorian and Murray Valley Improvement Association for research and vine production in conjunction with the Department of Primary Industries which operation is being discontinued by the department within five years, what other projects does department have planned to assist growers.

ANSWER:

I am informed that:

DPI has a range of projects planned to assist growers in the Sunraysia region for the future. These are mostly focused on water related issues, improving quality of products and minimising impacts on the environment.

Planning processes which operate across the region annually identify new research required, these priorities are matched with government priorities to develop new projects on an annual basis.

Government also fund projects at DPI Mildura that provide environmental and community outcomes. The research is funded by government or through co-investment between government and industry.

Most projects initially commence for three years with about six new projects commencing in any one year. There has been a steady increase in the amount of research being carried out in the region putting extra demand on research land and facilities.

DPI is also planning long term water use efficiency studies. Many of these projects need to be carried out on DPI land to maximise the control over the project and minimise the risk to growers.

Agriculture: vine production — research assistance

994. **THE HON. PHILIP DAVIS** — To ask the Minister for Energy Industries (for the Minister for Agriculture): In relation to the 20ha block at Nichols Point used by the Victorian and Murray Valley Improvement Association for research and vine production in conjunction with the Department of Primary Industries which operation is being discontinued by the department within five years, what assistance is the department providing to the Victorian and Murray Valley Vine Improvement Association to enable them to keep going with their current work.

ANSWER:

I am informed that:

The Nichols Point block has been mostly used for the production of vine cuttings by DPI under contract to VAMVVIA. This contract effectively expired on June 30 2003.

The land was originally purchased for research purposes and the Department of Primary Industries (DPI) wishes to progressively utilise the land for that purpose.

DPI is currently negotiating with VAMVVIA to put in place a phased withdrawal, over a minimum 5 year period (not within 5 years), moving from dependency on DPI to VAMVVIA having their own cutting production capability.

DPI has continued to provide VAMVVIA with vine cutting production services, a research scientist, glasshouse facilities and a range of support services i.e. power, water, gas. These services have enabled VAMVVIA to continue to function normally until a satisfactory agreement can be reached.

DPI conducts research at the site, not VAMVVIA.

Aged care: residential facilities — financial viability

1021. **THE HON. ANDREA COOTE** — To ask the Minister for Aged Care: What strategies has the Government put in place to address the long term financial viability of State-run rural residential aged care facilities.

ANSWER:

The Government will provide rural public sector residential aged care providers over $42 million this financial year to supplement their Commonwealth and resident revenue.

The Department of Human Services provides services with operational and program support through central and regional office staff. In addition the department is proposing to conduct a project commencing this financial year with the aim of supporting and improving business processes and financial outcomes in rural services.

Aged care: home and community care — ethnic meals strategy

1026. THE HON. ANDREA COOTE — To ask the Minister for Aged Care: In relation to the Home and Community Care funded Ethnic Meals Strategy, what are the details of the sustainable ethnic meals services that are responsive to people from culturally and linguistically diverse backgrounds.

ANSWER:

As a part of the Victorian Government Ethnic and Multicultural Affairs Policy, a commitment was made to ensuring that there was a viable ethnic meals program as part of the mainstream HACC funded meals program. As a part of this policy commitment, regional offices of the Department of Human Services hosted a series of Ethnic Meals Planning Forums from July 2000 to August 2000.

The forums resulted in the formation of local working groups, which generated proposals for a range of ethnic meals and service development projects. These were mainly funded in 2000-01 and a number became recurrent services from 2001-02.

The recurrent funded projects from 2001-2002 onwards are the following:

– City of Kingston, Southern Metropolitan Region:
Establish service options for delivered and other community based ethno-specific meals for people in CALD communities in the local government area

– City of Greater Dandenong, Southern Metropolitan Region:
Provide a diverse Delivered Meals service to CALD communities with a focus on the Sri Lankan, Vietnamese and Mediterranean communities in the local government area

– Geelong Ethnic Communities Council, Barwon South Western Region:
Provide ethnic meals for Polish, Greek, Croatian, Serbian, Italian, Macedonian and Maltese people in the City of Greater Geelong area. While providing meals to ethnic community members, the program will enhance and strengthen the social support and interaction opportunities of the region's clubs for elderly migrants in an environment, language and cultural setting directly relevant to the community's background.

– Sunraysia Community Health Services, Loddon Mallee Region:
Provide ethnic Delivered Meals in Mildura Rural City, Irymple, Red Cliffs and Merbein.

In addition to the above listed recurrent projects, a number of food services organisations provide culturally appropriate meals under the HACC Program to Victoria's CALD communities.

Aged care: home and community care — ethnic meals strategy

1031. THE HON. ANDREA COOTE — To ask the Minister for Aged Care: What is the total budget in 2003-04 for the Home and Community Care funded Ethnic Meals Strategy.

ANSWER:

Recurrent funding for culturally appropriate meals is a component of agencies' funding for meals generally. It is not therefore possible to determine the proportion of funding that is used to provide culturally appropriate meals on an agency-by-agency basis or on an overall program basis.

Aged care: home and community care — ethnic meals strategy

1032. THE HON. ANDREA COOTE — To ask the Minister for Aged Care: Which ethnic groups are participating in the Ethnic Meals Strategy in 2003-04.

ANSWER:

Anecdotal evidence indicates that a number of food services providers, usually local governments, are working with their local ethnic communities to provide culturally specific meals to those communities. It is not possible to specify which ethnic communities are involved.

Aged care: home and community care — ethnic meals strategy

1033. THE HON. ANDREA COOTE — To ask the Minister for Aged Care: In relation to the Home and Community Care funded Ethnic Meals Strategy:

(a) In which of the nine Department of Human Services (DHS) regions is this service being delivered.

(b) What is the amount of funding given to each DHS region for this programme.

ANSWER:

Recurrent funding for culturally appropriate meals is provided to a number of established HACC funded agencies across the State as a component of agencies' funding for meals generally. It is not possible to determine the exact geographic provision of culturally appropriate meals by DHS region. It is also not possible to determine the proportion of total meals subsidies that are being used to provide culturally appropriate meals on a regional or statewide basis.