

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

**14 October 2004
(extract from Book 3)**

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By authority of the Victorian Government Printer

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JOHN LANDY, AC, MBE

The Lieutenant-Governor

Lady SOUTHEY, AM

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Standing Orders Committee — The President, Ms Argondizzo, the Honourables B. W. Bishop and Andrea Coote, Mr Lenders, Ms Romanes and the Hon. E. G. Stoney.

Joint Committees

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(*Assembly*): Mr Cooper, Ms Marshall, Mr Maxfield, Dr Sykes and Mr Wells.

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(*Assembly*): Ms Eckstein, Mr Herbert, Mr Kotsiras, Ms Munt and Mr Perton.

Environment and Natural Resources Committee — (*Council*): The Honourables Andrea Coote, D. K. Drum, J. G. Hilton and W. A. Lovell. (*Assembly*): Ms Duncan, Ms Lindell and Mr Seitz.

Family and Community Development Committee — (*Council*): The Hon. D. McL. Davis and Mr Smith.
(*Assembly*): Ms McTaggart, Ms Neville, Mrs Powell, Mrs Shardey and Mr Wilson.

House Committee — (*Council*): The President (*ex officio*), the Honourables B. N. Atkinson and Andrew Brideson, Ms Hadden and the Honourables J. M. McQuilten and S. M. Nguyen. (*Assembly*): The Speaker (*ex officio*), Mr Cooper, Mr Leighton, Mr Lockwood, Mr Maughan, Mr Savage and Mr Smith.

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.

Library Committee — (*Council*): The President, Ms Argondizzo and the Honourables C. A. Strong, R. Dalla-Riva and Kaye Darveniza. (*Assembly*): The Speaker, Mr Carli, Mrs Powell, Mr Seitz and Mr Thompson.

Outer Suburban/Interface Services and Development Committee — (*Council*): Mr Scheffer and Mr Somyurek.
(*Assembly*): Mr Baillieu, Ms Buchanan, Mr Dixon, Mr Nardella and Mr Smith.

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.

Heads of Parliamentary Departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

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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Ms D. G. Hadden, the Honourable J. G. Hilton, Mr R. F. Smith and the Honourable C. A. Strong

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Deputy Leader of the Government:
Mr GAVIN JENNINGS

Leader of the Opposition:
The Hon. P. R. DAVIS

Deputy Leader of the Opposition:
The Hon. ANDREA COOTE

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

Deputy Leader of the National Party:
The Hon. D. K. DRUM

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Bishop, Hon. Barry Wilfred	North Western	NP	Lovell, Hon. Wendy Ann	North Eastern	LP
Bowden, Hon. Ronald Henry	South Eastern	LP	McQuilten, Hon. John Martin	Ballarat	ALP
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Buckingham, Hon. Helen Elizabeth	Koonung	ALP	Mitchell, Hon. Robert George	Central Highlands	ALP
Carbines, Mrs Elaine Cafferty	Geelong	ALP	Nguyen, Hon. Sang Minh	Melbourne West	ALP
Coote, Hon. Andrea	Monash	LP	Olexander, Hon. Andrew Phillip	Silvan	LP
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Darveniza, Hon. Kaye	Melbourne West	ALP	Rich-Phillips, Hon. Gordon Kenneth	Eumemmerring	LP
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Davis, Hon. Philip Rivers	Gippsland	LP	Scheffer, Mr Johan Emiel	Monash	ALP
Drum, Hon. Damian Kevin	North Western	NP	Smith, Mr Robert Frederick	Chelsea	ALP
Eren, Hon. John Hamdi	Geelong	ALP	Somyurek, Mr Adem	Eumemmerring	ALP
Forwood, Hon. Bill	Templestowe	LP	Stoney, Hon. Eadley Graeme	Central Highlands	LP
Gould, Hon. Monica Mary	Doutta Galla	ALP	Strong, Hon. Christopher Arthur	Higinbotham	LP
Hadden, Ms Dianne Gladys	Ballarat	ALP	Theophanous, Hon. Theo Charles	Jika Jika	ALP
Hall, Hon. Peter Ronald	Gippsland	NP	Thomson, Hon. Marsha Rose	Melbourne North	ALP
Hilton, Hon. John Geoffrey	Western Port	ALP	Viney, Mr Matthew Shaw	Chelsea	ALP
Hirsh, Hon. Carolyn Dorothy	Silvan	ALP	Vogels, Hon. John Adrian	Western	LP

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Thursday, 14 October 2004

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

CHILDREN AND YOUNG PERSONS (AGE JURISDICTION) BILL

Introduction and first reading

Received from Assembly.

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

PARLIAMENTARY SUPERANNUATION LEGISLATION (REFORM) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr LENDERS (Minister for Finance).

PETITIONS

Wind farms: planning

Ms HADDEN (Ballarat) presented petition from certain citizens of Victoria requesting that the Victorian government prohibit any further wind farm developments pending the development of — (a) policies by which Victorian communities can be consulted and included in planning policy; (b) occupational health and safety regulations for the protection of citizens regarding the positioning of turbines; and (c) in-depth guidelines for the wind energy industry for the location and construction of wind turbines (147 signatures).

Laid on table.

Hazardous waste: Nowingi

Hon. B. W. BISHOP (North Western) presented petition from certain citizens of Victoria requesting that the Victorian government abandon its proposal to place a toxic waste facility in the Mildura area (134 signatures).

Laid on table.

Hepburn: management

Ms HADDEN (Ballarat) presented petition from certain citizens of Victoria requesting that the Hepburn Shire Council and its chief executive officer be immediately suspended due to: (a) their incompetence as committee of management in handling the Hepburn Spa bath house lease, (b) unacceptable levels of municipal debt and avoidable rises in rates and charges without acceptable levels of services, (c) the secrecy and lack of openness, transparency and good governance and their failure to achieve the best long-term outcomes for the local community, and (d) their failure to act honestly and exercise reasonable care and diligence; and that an administrator be appointed to run the shire and fresh council elections take place within 30 days (427 signatures).

Laid on table.

PARLIAMENTARY DEPARTMENTS

Reports 2003–04

Ms ROMANES (Melbourne) — By leave, I move:

That there be laid before this house a copy of the report of —

- (1) the Clerk on the operations of the Department of the Legislative Council for 2003–04; and
- (2) the secretary on the operations of the Department of Parliamentary Services for the year 2003–04.

Motion agreed to.

Laid on table.

PAPERS

Laid on table by Clerk:

Emergency Services Superannuation Scheme — Report, 2003-04.

Government Superannuation Office — Report, 2003-04.

Parliamentary Committees Act 2003 — Minister's response to recommendations in Public Accounts and Estimates Committee's report on the 2002-03 Budget Outcomes.

Parliamentary Contributory Superannuation Fund — Report, 2003-04.

Statutory Rules under the following Acts of Parliament:

Cemeteries Act 1958 — No. 123.

Tobacco Act 1987 — No. 122.

Subordinate Legislation Act 1994 — Minister's exemption certificates under section 9(6) in respect of Statutory Rule Nos. 122 and 123.

Veterinary Practitioners Registration Board of Victoria — Minister's report of receipt of 2003-04 report.

BUSINESS OF THE HOUSE

Adjournment

Mr GAVIN JENNINGS (Minister for Aged Care) — I move:

That, notwithstanding any sitting of the Council on Friday, 15 October, for completion of the government business program, the Council, at its rising, adjourn until Wednesday, 3 November.

Motion agreed to.

MEMBERS STATEMENTS

Federal government: election result

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I rise to congratulate the Howard coalition government on its outstanding re-election victory last Saturday. In particular I congratulate Jason Wood, the newly elected member for La Trobe, who has been elected with a record Liberal margin. I take this opportunity to pay tribute to the retiring member, my friend and colleague Bob Charles, who held the seat for a record 14 years during which he increased the margin from a fraction of 1 per cent to now more than 5 per cent.

I also acknowledge the role that ALP candidate Susan Davies, a former member of this Parliament, played in that election campaign. Members of this chamber will know that at one time Susan was a member of the ALP, then she was apparently Independent, then a member of the ALP. And now, who knows, with the ascendancy of the Family First Party perhaps she will head in that direction? There is no doubt that Susan played a key role in Jason's very successful campaign and record margin in La Trobe.

I would also like to congratulate Paul Teiwes, the Liberal candidate for Holt, and his campaign team over achieving a record swing in Holt, taking that safe ALP seat down to what is now a very marginal one. It is clear that Saturday's result was a clear repudiation of Mark Latham and the Australian Labor Party.

Biotechnology Showcase

Mr VINEY (Chelsea) — Last Monday I attended the Biotechnology Showcase, which showcased the Victorian biotechnology entrepreneur program arranged by Young Achievement Australia and sponsored by Mallesons Stephen Jaques.

This program involves teams of postgraduate biotechnology students establishing and registering a company, developing a product and selling the product within a concentrated business cycle. Teams are provided with business, industry and technical mentors who guide the students through the program. This year's teams were made up of PhD students from the broad spectrum of universities and medical research institutes.

I was impressed by the quality of products and services that these students had put together. The wide array of products ranged from scientific Christmas cards to education kits and programs for primary school students, a cataloguing of Australian scientific achievement, acupuncture T-shirts and occupational health and safety software for medical researchers. It was an extraordinary program. I congratulate all of those involved and particularly want to acknowledge the mentors who volunteered their time to assist these students.

Schools: physical education

Hon. B. N. ATKINSON (Koonung) — Last night Victor Perton, the Liberal spokesperson on education from another place, and I attended a meeting of physical education teachers convened by the Victorian branch of the Australian Council for Health, Physical Education and Recreation.

The Minister for Sport and Recreation was also invited, but apparently he did not realise that Parliament got out early — he was no doubt sitting here in the dark — because he did not attend the meeting last night where physical education teachers expressed considerable concern about changes to the curriculum standards framework and the fact that physical education seems to be losing its importance within the delivery of school programs.

Indeed, the minister should have been there, because he would have heard a great many testimonials from the people directly involved in the provision of physical education in schools, and that even at this stage the level of claimed provision of sport and physical education is not anywhere near what is being reported in the official statistics. Whilst the minister issued a

press release yesterday in conjunction with Ms Kosky from another place indicating physical education would continue to be mandated in schools, the minister has a great deal of work to do to ensure that physical education is actually provided to students.

Geelong: Olympians and Paralympians

Hon. J. H. EREN (Geelong) — In recent months we have had the pleasure of watching the Olympic Games in Athens. On Tuesday the mayor of the City of Greater Geelong, Ed Coppe, welcomed home Geelong's Olympic athletes at a civic reception held in Johnstone Park. Unfortunately I could not be there because Parliament was sitting, but I hear that it was an emotional experience for these wonderful Geelong athletes returning from the world's greatest games.

They are all worthy of praise, but I would like to mention particularly the Paralympians, who also took part in the reception. It was not too long ago that these Paralympians were not really recognised when compared to the able-bodied athletes, and their profile took a back seat to the Olympics. But we now see, with the great gold medal wins by these truly inspirational people, that they are getting the attention they deserve — and they truly are heroes. I would like to congratulate one and all for their efforts and for putting Geelong on the map of the world.

Smoking: bans

Ms CARBINES (Geelong) — I wish to congratulate the Premier and the health minister upon their announcement that smoking will be banned in Victoria's pubs, clubs and licensed premises by 1 July 2007. This builds on groundbreaking legislation the Bracks government introduced in its first term to ban smoking in restaurants, shopping centres and gaming venues.

Smoking is responsible for the deaths of up to 5000 Victorians every year and places an enormous burden on our health system. The effect of passive smoking is a major cause of concern with the health of our children, workers in the hospitality industry and non-smokers being severely compromised through their exposure to the tobacco smoke of others. Through the Bracks government's progressive anti-smoking laws, we have significantly reduced smoking rates across all age groups plus, importantly, the take-up rate among our young people.

People who smoke severely compromise both their own health and that of the vast majority of Victorians who choose not to smoke. Smoking is medically,

economically and socially unacceptable in Victoria. I applaud Premier Bracks and Minister Pike for their preparedness to act in the health interests of all Victorians by banning smoking in pubs and clubs by 2007.

Preschools: funding

Hon. RICHARD DALLA-RIVA (East Yarra) — I wish to use my members statement to express some concern about the process of parents getting their children into the kindergarten system in my local area.

A local constituent, Mrs Tamara Wraith, who is a parent, called me two weeks ago and was very upset and desperate to get her four-year-old into a standard sessional program. On that basis she was prepared to have her name given in this house. The Kew Preschool Association and the North Kew Kindergarten were attempting to find 25 four-year-old kindergarten places. Unfortunately the process is that the preschool is not able to accommodate those children. Effectively today 20 or so children are without the opportunity of a basic four-year-old preschool program in Boroondara. Parents are now having to go outside into Alphington, Balwyn and other areas to try to find positions. This has a major impact on the children and a flow-on effect.

They were trying to do their best, but at the end of the day parents have been left bitter and bruised by the whole process. It is disappointing that the state government said it was about fixing our preschool system when the reality is that it has not. This whole sorry episode is just another demonstration of the anger and frustration many parents feel and the way they have been let down by the state government and the local council in dealing with this unfortunate matter.

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

Federal government: financial management

Mr SMITH (Chelsea) — I rise to refute the myth that the federal Liberal-National coalition is a better manager of the economy than previous Labor governments. The real situation is as follows. Under the Howard-Costello government Australian interest rates are higher than in the US, Canada, the UK and Japan — funny about that! Foreign debt has doubled, and a greater proportion of household income — approximately 34 per cent — is now required for people to meet their mortgage fees, et cetera. It is doing fantastically, this government. Housing affordability is at an all-time low. Ask young people how hard it is to get a house and you may find out — go out and ask.

The majority of jobs created in this country now are casual or temporary. So let us not hear any more about how good the Libs and the Nats are at managing the economy. We cannot take much more of this good stuff. We cannot take much more of it!

I say: compare that with the performance of our Treasurer here in Victoria, the Honourable John Brumby, who is outstanding.

Racing: spring carnival

Hon. DAVID KOCH (Western) — On 29 September I, along with several hundred other people, attended the formal launch of the 2004 Spring Racing Carnival at Federation Square.

Over the next 50 days thoroughbred race meetings will showcase some of the world's greatest racing, and in the words of Racing Victoria's chairman, Graham Duff, racegoers are in for 'unbridled excitement'. Over 600 000 will attend the Spring Racing Carnival meetings and inject close to \$400 million into the Victorian economy, clearly highlighting that this carnival is Australia's premier thoroughbred racing event.

All those involved in Victoria's racing industry recognise that it is critical to keep country racing growing, as it is the nursery of Victorian thoroughbred racing and supplies in excess of 75 per cent of all racing starters. As country racing weaves a strong thread within the Victorian country social fabric, patrons are encouraged to enjoy a great day out at the local races and keep country racing vibrant. It is of critical importance that racing dates be retained and, where possible, grown. Opportunities to further raise stake moneys, especially for smaller clubs, should be encouraged. There is no doubt racing attendances and off-course turnover continue to increase where better calibre bloodstock compete at regional clubs. The evidence is overwhelming. If we are serious about growing this great Victorian sporting icon, we need to encourage more participation — —

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

Federal government: financial management

Mr SCHEFFER (Monash) — During the election campaign the federal coalition was apparently successful in frightening voters into believing that under a Latham Labor government there would be a steep rise in interest rates.

In response to the coalition's \$6 billion vote-buying splurge, economists such as Frank Gelber, the chief economist at BIS, pointed out that 'good policy now is to cut back expenditure, to keep your powder dry and to save it for a rainy day when we are actually going to need it'. Former Reserve Bank member Bob Gregory warned that the Howard government's promises would:

Increase the probability that there will be an interest rate rise in Australia and move it forward in time so that it comes earlier rather than later.

Back in September a news report cautioned that John Howard's spending spree was panicking the financial markets while apparently calming the mortgage belt. To be fair, credit agency Standard and Poor's was confident that any government could afford to spend because the net debt was low and there was a buffer. Then came yesterday's *Age* reporting that the prospect of an interest rate rise was firmly back on the agenda. The paper said that the Reserve Bank will lift borrowing costs this year or early next year to keep a lid on inflation. The big four banks are predicting a quarter of a percentage increase in the official interest rate, and the *Age* says this would add about \$16.50 per month per \$100 000 to mortgage payments. Highly geared property owners have once again been played for suckers by 'Honest John' Howard and are in for a shock.

Mallee: federal member

Hon. W. R. BAXTER (North Eastern) — I want to draw the attention of house to the extraordinarily good result that the member for Mallee, Mr John Forrest, achieved at the federal election last Saturday. Mr Forrest polled nearly 69 per cent of the primary vote and 75 per cent of the two-party preferred vote. It is an outstanding result, and he topped the poll in every booth in the electorate, and in many of the booths he achieved 9 out of every 10 votes cast.

I draw the attention of the house to this extraordinary result because in members statements on Tuesday it seemed to be suggested that somehow the electoral system was skewed so that it rewarded parties whose voters were living close together as against those who were 'dispersed' — that was the word used in the statement. I am not sure that the people of Mallee think they live close together compared with the voters in Carlton, for example. Nevertheless I want to point out to the house that Mr Forrest, in achieving 75 per cent of the two-party preferred vote, is surely entitled to sit in the federal Parliament with a great deal of pride. I want to put aside any suggestion that his election to Parliament is somehow illegitimate — the inference made in the members statement on Tuesday.

Small business: Leader newspapers awards

Hon. J. G. HILTON (Western Port) — On Monday of next week I will have the pleasure of representing the Honourable Marsha Thomson, the Minister for Small Business, at the Leader Newspapers Mornington Peninsula awards evening, and I will also be presenting some of those awards.

As I am sure honourable members will know, these awards recognise small businesses which have achieved excellence in the provision of customer service. To gain an award businesses must first be nominated by their local communities. They are then evaluated through the shadow shopper system and a survey is conducted by a research company. The award categories include automotive services, restaurants, pharmacies, home furnishings, hairdressers, florists and newsagencies. In total there are about 20 categories.

The Bracks government is very supportive of small business, and government sponsorship of these awards is just one example of that support. I would like to congratulate all the nominated finalists, and I am looking forward to a great night.

Community jobs program: achievements

Ms ROMANES (Melbourne) — Yesterday I spoke of the achievements of the eight graduates who recently finished their jobs and training project under the community jobs program (CJP) at the Public Record Office of Victoria. Today I want to draw the attention of the house to the wider importance and success of the CJP, which was introduced by the Bracks government to provide job opportunities across Victoria to many who find their search for work extra difficult.

The Public Record Office program was one of 63 projects in the current round that have provided 772 jobs. The CJP is making a real difference to many people's lives, providing opportunities for disadvantaged job seekers, including young people, the long-term unemployed, migrants and many others. Since the program began in July 2000, CJP has created over 7000 jobs. Three months after completing a CJP placement 64 per cent of those taking part have continued in employment or training. It is part of a significant component of the 155 million Jobs for Victoria package managed by the Department for Victorian Communities, and I congratulate the minister on this achievement.

Hon. A. P. Olexander — On a point of order, President, the Minister for Small Business is currently having a conversation with a visitor to the Parliament

who was the ALP candidate for the federal seat of McEwen, and I do not believe it is appropriate for the minister to be having a conversation with a visitor in the adviser's box.

The PRESIDENT — Order! The adviser's box is for the minister to seek advice, and the minister is well entitled to seek such advice. I do not uphold the point of order.

Volunteer West: Footscray launch

Hon. S. M. NGUYEN (Melbourne West) — Today marks a historic day in my region with the official launch of the Volunteer West service in Footscray. I was not able to attend because Parliament was sitting yesterday, but the local federal MP, Nicola Roxon, was there.

The Volunteer West service is part of a national network of volunteer resource centres. It has been generated through the voluntary work initiative program. It is testimony to the dedication and hard work of so many people that such a program and service was today established in the western region of Melbourne. Volunteer West will link potential volunteers to organisations that involve volunteers and will play an important role in supporting volunteer-using organisations. Importantly it will help promote volunteering in Melbourne's western suburbs, which is a wonderful community strengthening initiative.

I understand the western region was one of the few regions that did not have such a facility operating within its area. The centre has now arrived, thanks to the fantastic efforts of the regional local councils together with the many volunteers who have been working hard over a decade to fulfil this dream. Congratulations to the many unsung heroes who have helped this program come into being in the region. I have no doubt that it will further strengthen communities in the west and assist our volunteers and voluntary organisations to make a real difference.

STATEMENTS ON REPORTS AND PAPERS

The PRESIDENT — Order! The question is:

That reports and papers tabled in the house be noted.

Auditor-General: Our Forests Our Future policy report 2004

Hon. E. G. STONEY (Central Highlands) — I wish to make a statement on the Auditor-General's report,

Measuring the Success of the Our Forests Our Future Policy, October 2004. In 2003 the Auditor-General released a report called *Managing Logging in Our State Forests*. During the course of that audit the topic of measuring sustainable development was flagged, and this led to a recognition that sustainability has a wider application than just in the environmental area. According to the foreword in this new report it sets out a framework of indicators and measures that may be used to assess whether the implementation of the Our Forests Our Future policy has been successful.

It recommends a way forward by making available the audit criteria that may be applied in future audits of the implementation of Our Forests Our Future (OFOF). The report goes on to recommend that the Department of Sustainability and Environment develop a comprehensive performance framework to enable it to report on the OFOF program.

There was much disquiet with the administration of the contractor and mill packages in 2002–03. This was reflected in an Auditor-General's report dated October 2003 which was titled *Managing logging in state forests*. This disquiet grew after the report came out, to the point that I wrote a letter to the Auditor-General in January 2004 in which I referred to the report. The report at the time identified 37 applicants as having been assessed as eligible to receive assistance through the program and that a further 119 applications were on hold.

I alerted the Auditor-General to the fact that it appeared the state government had changed the guidelines under which packages were to be made and that many contractors who were formerly eligible, and certainly eligible under the old guidelines, were suddenly not eligible, and I pointed out that if this were the case, it was grossly unfair. Contractors had spent a great deal of money preparing submissions, they had waited for up to a year to hear the results, and then suddenly they found they were not eligible because the guidelines had changed.

Coupled with this, it appeared, as I told the Auditor-General, there seemed to be no tangible reason why some and not other contractors had been selected as eligible. I then went on to request the Auditor-General to investigate all aspects of the contractor program, including, if the guidelines had changed, why, and the probity behind the assessment of assistance to some contractors, and other issues.

This report does not address those issues which go the heart of poor administration and indeed, probity. However, all is not lost, and I am hopeful that the

Auditor-General will release a further report on these issues in the near future.

I have concerns with a couple of recommendations of the Auditor-General in this report. One recommendation is:

That DSE develops a clear, coherent and comprehensive set of performance measures to report to the community on the progress of implementation of OFOF.

It appears that this is proposing that the agency with the primary responsibility to implement most of the OFOF programs develops criteria against which it will assess its own performance or against which others will assess DSE's performance. This to my mind is very incestuous and open to manipulation, and I do not think it is a very healthy position at all.

The second recommendation is:

That DSE involve all other agencies that have a part in the implementation of OFOF in the development of these measures.

To my mind there are two fundamental weaknesses in the recommendation. There is a lukewarm or absolute lack of interest of the secretaries of other agencies like the Department for Victorian Communities or the Department of Innovation, Industry and Regional Development, and indeed in VicForests, which has been identified on pages 16 and 17, and there has really been no consideration given to including industry in the evaluation process, yet industry is probably the one that is most affected by the implementation of the OFOF program and probably the one that would be able to provide the most honest and objective assessment of the program's effectiveness because it is totally involved on the ground in the coups. I believe developing the performance criteria at this stage will clearly provide DSE and other agencies with the scope to develop performance criteria around those issues that attract least scrutiny, and it is of great concern because it lacks transparency.

Auditor-General: Our Forests Our Future policy report 2004

Ms CARBINES (Geelong) — I am pleased to speak on behalf of the government this morning in response to the Auditor-General's report *Measuring the success of the Our Forests Our Future policy*.

As a member of the Bracks government I am very proud of our record across the state in forest management. We have certainly placed the management of our forests on a very sustainable footing. In our first term we comprehensively reviewed

logging across the state and found that it was unsustainable and reduced logging across the state by one-third. We supported the timber industry in a transition program to the tune of \$80 million, which was the Our Forests Our Future policy. We have introduced independent auditing and monitoring of forestry across the state.

We have already, in this term, created a new competitive, industry focused forestry body called VicForests, and we have established a framework for the sustainable management of our forests. In my part of the world, the south-west part of the state, we have made a commitment to end logging in the Otways by the end of 2008, we have already reduced the logging licence by 25 per cent, and we have given the Victorian Environment Assessment Council a reference to establish the boundaries for the new Otway National Park, which will extend from Anglesea to Cape Otway.

This is in stark contrast to those opposite who have absolutely no idea about the environment, no support for putting logging and forestry on a sustainable footing, and they have shown no interest in the environment since they became the opposition in this state.

Last year the Auditor-General released a report in October titled *Managing Logging in State Forests* in which he was extremely complimentary of the government in relation to the Our Forests Our Future program. He stated on page 4:

The 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; and

achieving the objectives of the VLRP faster than expected.

So the Auditor-General gave the Bracks government a very big tick last year for our work and our implementation of Our Forests Our Future.

This year the Auditor-General has produced a report entitled *Measuring the Success of the Our Forests Our Future Policy*. This is the second phase of his audit of our policy, and in this report he has suggested that DSE develop a set of performance indicators, measures and standards that may form a basis of future performance audits for the implementation of Our Forests Our Future. He has suggested a very interesting model in relation to this called 'The Pillars' of Our Forests Our Future, and divided the program into four sections.

Of course there is the environmental pillar, the social pillar and the economic pillar — the traditional triple bottom line — but he has also added some interesting notes in relation to the governance pillar.

The government certainly supports, in principle, the recommendations that the Auditor-General is making in this report. We consider it to be a very useful contribution in the development of the performance and measurement indicators for the implementation of Our Forests Our Future, and we look forward to further working with the industry across the state to ensure that our forestry businesses in this state are on a sustainable footing.

I applaud the Minister for Environment in the other place for his leadership in managing our state's forests, and I look forward to further initiatives throughout this term and into the future, as we head towards the next state election.

Southern Health: report 2002–03

Hon. D. McL. DAVIS (East Yarra) — My contribution to the debate on reports today is about Southern Health's annual report 2002–03. Southern Health is a network in crisis. Both the Moorabbin situation, with the closure of its maternity services, and more recently the revelations about Monash and Dandenong hospitals show that this is a network in crisis.

Today and yesterday we have been treated to the revelations that on Monday and Tuesday nights there was a line-up of ambulances at Southern Health. On Tuesday night there were eight ambulances stacked up, one after the other, seeking to unload — to discharge their sick patients.

Many were category 1 patients and others were in categories 3 or 4. At least one of those patients deteriorated from being a category 3 patient and able to wait to being a category 1 patient. The ambulance officers were forced, once they had rolled people into the corridor, to go back out to their ambulance to seek certain medication because the delay for treatment by the emergency department at Monash was simply going to be too long.

This is basic management. We know the Bracks government is not a good manager and cannot manage large hospital concerns. Southern Health is after all a \$600 million a year activity in Melbourne's southern and eastern suburbs. It is clear that the number of patients forced to stay in the emergency department has blown out massively in the period of the Bracks

government. There has been a 20 per cent increase since the equivalent June quarter in 1999 in the number of patients listed as waiting more than 12 hours in the emergency department before being admitted to a bed in the hospital.

We know those figures do not show the whole truth of the matter. We know hundreds more people who are not recorded in the official government statistics waited at Monash in the emergency department. The Auditor-General has pointed that out. We know the number for bypasses is not the true number of bypasses. We know the number of emergency ambulance bypasses are wildly understated. We know from the figures released in the *Age* yesterday that the government figure for the last financial year of 1074 ambulance bypasses wildly understates the true number. The *Age* revealed that 3471 occasions involving the hospital early warning system (HEWS) were hidden from Victorians. These are mini-bypasses, bypasses the Bracks government refuses to call bypasses.

Let us be clear about what is going on: the ambulance is speeding towards the emergency department, the call goes out to go somewhere else and the ambulance is diverted somewhere else. That is a bypass by any name. I do not care what name Premier Bracks calls it by. A bypass is a bypass to those patients, and their lives are placed at risk. There were eight ambulances stacked up at Monash. All government members should be ashamed.

Hon. Bill Forwood — More than a triple bypass.

Hon. D. McL. DAVIS — Indeed, it was an eight-way bypass of ambulances that should have been sent to an emergency department that could take them on Tuesday night.

The fact is that the Bracks government has not declared the true number of ambulance bypasses in this quarter or any quarter because it has only declared the official bypasses, not the early warnings. In the June quarter 1999 there were 130 occasions of official ambulance bypass. In the June quarter 2003 there were 178 occasions, and the Auditor-General found there were 632 occasions of hospital early warning, making it 810 occasions of ambulance diversion in the June quarter of 2003. We know there were 238 official ambulance bypasses in the June quarter 2004, but the Bracks government must come clean, tell the truth and reveal to the Victorian people the true number of early warning diversions — that is, the occasions where those ambulances are sent elsewhere without an official bypass being called.

This has been described by emergency department directors as a deceit, a subterfuge designed to make the figures look better.

Hon. C. A. Strong — It is a lie.

Hon. D. McL. DAVIS — It is a lie. When it was introduced in 2002 the figures — —

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

South East Water: report 2003–04

Hon. J. G. HILTON (Western Port) — In my contribution to statements on reports and papers I shall make some brief comments on the South East Water 2003–04 annual report. South East Water is one of Melbourne's three metropolitan retail water businesses. It is a state-owned company providing water and sewerage services to approximately 600 000 residential, commercial and industrial customers.

South East Water covers the majority of my electorate of Western Port Province and services 1.3 million people. I have had some dealings with this organisation and have always found my interactions with the company characterised by efficiency and professionalism. My honourable friend, Mr Pullen, will also talk on this report so I will restrict my comments to the areas of the report which have a direct impact on my electorate.

I would like to talk about the Sandhurst Club estate project, which is located in Skye and incorporates 1850 houses, two golf courses and open parkland with a potential for high potable water demand. Due to its proximity to the Eastern Treatment Plant this development has been able to incorporate cost-effective infrastructure, enabling the delivery of recycled water to irrigate the golf course and other open space areas. The developer is now in the process of installing a third pipe to deliver recycled water to individual properties for garden irrigation and toilet flushing. This is the first scheme of its type in Victoria.

Other initiatives undertaken by South East Water have included an upgrade of the Boneo sewage treatment plant which is expected to triple its capacity over the next 20 years, ultimately catering for up to 100 000 people. The plant treats sewage collected along the Mornington Peninsula from Dromana to Portsea.

A by-product of the treatment process is sludge which contains between 1 per cent and 5 per cent solids. The sludge is digested and dried in clay drying pans over summer. That is obviously a very simple method but it

has a very significant drawback because it can use up a large amount of land and give off some odours. South East Water undertook some research into this issue to find a faster and more sustainable way of processing sludge waste that does not require large amounts of land. A system of solar drying technology has been trialled that so far has shown very impressive results. The thermo-system solar dryer is essentially a large greenhouse. Liquid sludge is fed to the dryer and any free water is drained from the surface. The sludge is dried until it reaches a soil-like consistency at which stage it is suitable for application for agricultural land and other reuse purposes.

Another initiative that the company undertook in the last financial year was the Flinders backlog program for sewage in various parts of the southern part of the peninsula, including Flinders, Shoreham and Point Leo. Instead of just telling the community what the solution was going to be, the company conducted a comprehensive community consultation process which enabled all stakeholders to have an opportunity to participate. Senior management devoted their time by conducting briefings and follow-up visits. There were meetings with interest groups, key community stakeholders and presentations to fisheries and mussel farmers. There was direct mail to all relevant property owners, describing the options and information and feedback sessions. The result was a solution that was strongly supported by the community comprising a sewerage pipeline network for Flinders, Shoreham and eventually Point Leo, and a recycled water scheme to return class A-standard treated effluent back to the Flinders-Shoreham region.

There is some very interesting information in this report, which I would urge all members to at least have a brief look through. I believe South East Water is very much committed to the triple bottom line of environment, social and economic performance indicators. I wish the organisation success into the future.

Attorney-General: freedom of information report 2002–03

Hon. RICHARD DALLA-RIVA (East Yarra) — I have pleasure in making my contribution on the Attorney-General's 2002–03 report on the operation of the Freedom of Information Act 1982.

Those in the chamber will probably query why I am referring to a report from last year. In my role as opposition spokesman on scrutiny of government it is important to look at where we are at in relation to freedom of information (FOI) requests and how the

government came to office on the promise of being open, honest and accountable.

Hon. S. M. Nguyen interjected.

Hon. RICHARD DALLA-RIVA — I welcome the interjection. One interjection a week is fantastic, and I welcome this week's interjection. It is the only time you speak in the house, Mr Nguyen, but I welcome it.

In 1999 the government was elected, having said that the previous government had been secretive. If one looks at the way the FOI laws have been applied by this government, they have gone backwards and now it is almost impossible to make an FOI application without the government employing some method of obstruction. The report goes into the increase in the number of FOI applications. Why would you have an increase if the government is open, honest and accountable and if documents were made available in the broader sense? Why is there an increase in people trying to seek information?

It is a paradox in the sense that the government says it is open, honest and accountable, yet there has been an increase in the number of FOI requests. That indicates that those in the community — because requests are not just made by the opposition and the media — do not believe that the government is of that stature. It could be argued that the report shows quite the opposite — that the government is now secretive and at all opportunities avoids any examination of its internal processes, and I will give an example.

An honourable member — A secretive government.

Hon. RICHARD DALLA-RIVA — It is absolutely a secretive government. On 10 May the *Age* reported that a Bracks aide had been accused of blocking FOI. The Ombudsman is now investigating a series of complaints raised against the way the government is dealing with FOI. On 11 May the *Age* reported the Premier as saying that it was not the government's fault but the opposition's fault, because it had not been clarifying its requests. The article is headed 'Bracks says opposition requests badly written'. He said that requests had been poorly written. How clear are the words 'contract', 'tender documents', 'invoices', 'consultancy', 'executive officer', 'briefing papers' and 'relating to'?

An honourable member — They are big words!

Hon. RICHARD DALLA-RIVA — They are big words for the government. They are too hard for the government to understand.

An honourable member — Anything more than one syllable!

Hon. RICHARD DALLA-RIVA — Anything more than one syllable — absolutely! If the government cannot work out what the word ‘invoice’ means, then heaven help us! It is typical Bracks-speak. It is not the fault of FOI officers. The government says it is the opposition’s fault that it cannot process the FOI requests. The government does not understand what the words ‘invoice’ or ‘consultancy’ mean. Government members make the word ‘consultancy’ an art form because they have so many consultants reviewing everything that the government does. So much money is spent and yet they cannot work out what the words mean when an FOI application is made.

Further, the government has increased the fees for FOI applications; under this government every application incurs an increased fee. It is an absolute disgrace. This is not a government that is about openness, honesty and accountability; it is a government that is secretive and avoids scrutiny. It is a government that should and will be held to account at the next election. The guidelines are a sham; the government is a sham. Disgrace on all government ministers!

Attorney-General: freedom of information report 2002–03

Ms MIKAKOS (Jika Jika) — I am pleased to follow on from that contribution and speak briefly on the Freedom of Information Act annual report, which I note was tabled in the Parliament in November last year. It is interesting that the shadow spokesperson with responsibility for scrutiny of government has just cottoned on to the fact that this report was tabled almost a year ago. What have we seen from the spokesperson? An awful lot of bluster and the tabling of questions on notice that are obviously not going anywhere. He has also made an awful lot of FOI requests that have been very badly drafted.

We saw the opposition spokesperson get up and continue his blustering attempts here today. If you turn to the contents of this report, you see that it shows that more and more Victorians are able to access information about the government and government agencies. It shows this government is an accountable, open and transparent government and is enabling Victorians to access important information.

Before I talk about the contents of the report it is important for me to note that this government since coming into office has strengthened the Freedom of Information Act, which is a very important act that has

been in place since 1982. We are coming on close to 21 years since this piece of important legislation has been in operation. It gives people the right to obtain information held not only by government departments but also by local councils and other government agencies, including statutory authorities, public hospitals, community health centres, universities, TAFE colleges and schools. So it is very important that when we are talking about the overall statistics on freedom of information (FOI) we do not give the incorrect impression that all we are talking about are the 10 government departments, because many FOI requests relate to many other agencies and organisations that are independent statutory authorities.

The Bracks government has made the FOI process more accessible. It launched a whole-of-government FOI web site in July 2002, which is an Australian first. It allows people to make FOI requests to any government department online, which obviously makes it much easier for individuals who may not have a thorough understanding of how government operates to make FOI requests that will be directed to the relevant authorities. The Attorney-General also issued improved accountability guidelines for freedom of information, which also assists by spelling out the roles and responsibilities of different players in the FOI process and seeks to strengthen the accountability framework for departments and other government agencies.

I will turn briefly to the statistics outlined in the report. The report highlights that 20 063 FOI requests were reported by agencies across Victoria in the year to which the report relates: the 2002–03 financial year. This is a 2 per cent increase on the previous year, which shows that more and more Victorians have gained access to information under this legislation. The report also shows there has been a staggering 41 per cent increase in the number of requests made to agencies in the first three full financial years of the Bracks government, showing that FOI has been strengthened and that we now have increased accountability in this state.

If we look at the figure for access being denied, we see it represents only 2 per cent of the requests, which is the same figure as that for the previous year. So in the vast majority of cases — 98 per cent of all applications — access was granted either full or in part, and this figure is consistent with the previous year. It is important that we have a properly informed debate on FOI. This report shows that FOI has been made stronger since the Bracks government has been in office. This is a very important report.

Primary Industries: recreational fishing licence revenue report 2003–04

Hon. J. A. VOGELS (Western) — I would like to say some words on the Department of Primary Industries report on the disbursement of recreational fishing licence revenue from the recreational fishing licence trust account for 2003–04. The documents states:

In the 2003–04 financial year, almost \$1 million of revenue derived from the sale of recreational fishing licences (RFL) was approved for disbursement to 40 recreational fishing grant projects designed to improve Victoria's recreational fishing. The disbursements will fund the construction of new fishing platforms and fish-cleaning facilities, improve fish habitat and enhance fish stocking, develop and deliver recreational fisheries-related education, information and training programs and recreational fisheries research projects. An additional \$298 000 has recently been approved for disbursement to three recreational fisheries information projects and five recreational fisheries research projects that extend into 2004–05.

We also know from this report that total receipts from recreational fishing licences amounted to \$4.2 million and that over 235 000 people paid for fishing licences.

We also recently received a report from VRFish, which shows that 30 per cent of Victoria's boat ramps and launching facilities are unsafe and in need of replacement. I fail to see why recreational fishing licence fees have to pay the bill to pay out commercial fishermen licences. This year \$3.25 million from the recreational licence fees collected from recreational fishermen was spent on paying out commercial fishing licences. Nearly \$2.5 million of that was paid to commercial fishermen at the Lake Tyers, Mallacoota Inlet to pay out the fishery access licences and another \$162 000 was paid for professional services associated with that. Governments decide to reduce quotas, establish marine parks, et cetera, so I believe the money to pay out the commercial fishing people should come out of general revenue.

As I said, \$4.2 million was collected from recreational fishers. They are very important to our economy. They travel and stay in towns all over Victoria, and they spend lots of money on fishing gear, bait, petrol, accommodation and food. They also purchase boats and trailers. If the recreational fishing licence fees raise \$4 million a year, I would like to see that money spent on assets or boat launching facilities used by recreational fishers. As we know, a lot of our boat ramp facilities are in dire need of repair, and probably some new ones should be built as well. While I commend the DPI's report on the disbursement of its funds, I would much prefer to see these funds being spent on behalf of

and for the people who have paid the fees in the first instance. If the government is going to pay out commercial fishers et cetera, that should come out of the general revenue and not out of recreational fishing licence fees.

South East Water: report 2003–04

Mr PULLEN (Higinbotham) — I, too, would like to speak on the 2004 annual report of South East Water. I am convinced that if the Bracks government had not been elected, I would not be speaking on this report, because I have no doubt that our water would have been sold off by the Liberal Party and conservatives opposite to their friends. Mr Vogel said we are socialist first. If our keeping water in public hands is a measure of that, then I am proud to be called a socialist. It is important that we keep it, and it has been done in such a way that they will never be able to get their hands on it and flog it off to their mates.

This is an excellent report. South East Water covers my entire electorate. I take up the environment cause. The report indicates that 1061 sewerage connections were made during 2003–04 to relieve the backlog; 2270 megalitres of treated effluent were recycled; and there was an 11 per cent reduction in average on domestic water consumption. The report states:

A reduction in the impact we had on the environment was achieved through the use of leading-edge technology ... development, and implementation of water demand management and recycling strategies have resulted in an 11 per cent reduction in average domestic water consumption.

The report contains a case study of Brighton, which is in my electorate. It is important that I cover this issue. At page 13 the report states:

In 2003, Bayside City Council was the highest water-consuming municipality, per capita, in South East Water's service area. Market research identified reasons why Bayside residents have been using more water per capita than residents in other municipalities. Reasons included having large gardens, water-thirsty plants, sandy ground soil and a perceived need to maintain the look and feel of local gardens and, more broadly, the Bayside municipality.

South East Water's challenge is to reduce water consumption in this municipality.

I visit a lot of homes in Brighton, both in my role as a member of Parliament and in my position as a collector of funds for Australian Red Cross. Last March I was quite surprised to see the number of gardens that had green grass. I do not know whether the owners of those properties were breaking the law — they may have had water tanks or whatever — but I could see why the Bayside municipality was the biggest user of water.

South East Water came up with a solution to this issue. Its report continues:

South East Water, in partnership with Bayside City Council, launched the Bayside Water Saver Program in April 2004.

By providing tailored information in the form of letters, brochures and information sessions, we are now helping Bayside residents to make their gardens more water wise. One of the key messages is that every garden in Melbourne can become water efficient by embracing just a few small changes.

This week's *Bayside Leader* refers to comments made by my colleague Mr Strong, who is in the chamber:

But Higinbotham Province state Liberal MP Chris Strong said the rise in water bills would hit pensioners and fixed-income earners the hardest.

There will be a cut in water consumption if people are water wise. The newspaper article also states:

Under the new pricing system Bayside's lowest water users will save 5 cents per kilolitre but water wasters will pay more.

Previously, residents paid 80 cents for every kilolitre used.

The new system will charge residents 75 cents per kilolitre for the first 40 000 litres used each quarter —

it will bring a reduction in Mr Strong's water bill —

88 cents for every kilolitre used over 40 000 litres and \$1.30 per kilolitre once their water consumption exceeds 80 kilolitres a quarter.

It is a wonderful performance by the government, and it is a wonderful performance by South East Water that it has been able to bring in these fair changes. If people are, as the minister says, Wallies with water, they are going to pay more. I urge the residents, particularly in the Brighton part of the electorate, to do all they can to reduce water usage. They will see that their water bills will fall.

South East Water: report 2003–04

Hon. C. A. STRONG (Higinbotham) — I rise to also speak on the annual report of South East Water, which provides water and sewerage services to some 1.3 million residents of Melbourne. Many of us in this chamber are some of the 6500-odd people who get South East Water bills on a fairly regular basis. South East Water is a state-owned company, something that was set up by the Kennett government, and I must say it has done extremely well as a result of that.

For instance in the current year of the annual report the revenue of the company was some \$376 million; it made a profit of \$119-odd million. Its other indicators show considerable productivity improvements. For

instance in 2002–03, service cost per property was \$127, and this year that has gone down to \$124. The profit before tax is considerably ahead of budget. The only little black spot, I guess, on the various targets is on the customer satisfaction ratio. In 2002–03 it was 92 per cent; the target for this year was 93 per cent, but only 88 per cent was achieved.

It was very interesting to listen to Mr Pullen, who virtually accused Brighton people of being water cheats by saying that as he went around doorknocking for Red Cross he noticed that all their lawns were nice and green — no brown lawns in Brighton — quite clearly implying that they were cheats. I am sure Brighton people will be very pleased to know that one of their local members has got up in this house and basically accused them of being water cheats, something I will have much pleasure in reporting to them at some length. If we look at — —

Mr Pullen — Why are they green?

Hon. C. A. STRONG — Mr Pullen interjects, 'Why are they green?'. He implies that the inference to be drawn is that they used water on their lawns when they should not have, accusing them of being water cheats.

If we look at the financial statements in more detail we see that in the current financial year South East Water is contributing some \$90 million to state coffers by way of dividends paid and tax equivalent payments. So \$90 million of the money it collects goes straight into the coffers of this state. Last year, 2002–03, \$143 million went straight into state coffers. What will happen to the poor, long-suffering customers of South East Water? I will tell you what will happen. As a result of the government's so-called environmental contribution, their bills will go up by 5 per cent. So all this rubbish we hear about their bills going down is nonsense. South East Water ratepayers will be slugged an extra \$56 million in tax over the next four years, estimated at 5 per cent on top of their bills.

What is Mr Pullen's solution to this? Well if the poor old pensioners want to save money, they should not eat as much, then it will not cost them as much. What he is saying about how they should save money is that pensioners do not need to use as much water as they do, so they will only flush their toilet every second time they go to the toilet. What a joke you are! What a farce you are! The fact of the matter is that this government, with its \$56 million tax on South East Water ratepayers, will add something like 5 per cent to the bill of the long-suffering residents of my province, the people who will pay it.

Why does the government need that money when it currently has a surplus of close to \$1000 million? It is not as if it is not a high-taxing government — it taxes, taxes, taxes, as the financial report for 2003–04 shows — total tax — —

The ACTING PRESIDENT (Ms Hadden) — Order! The member's time has expired.

Attorney-General: freedom of information report 2002–03

Hon. S. M. NGUYEN (Melbourne West) — I would like to comment on the Attorney-General's report on freedom of information (FOI), and I would like to congratulate the Bracks government on the report. It has done a good job, and the Victorian public would be aware of that. They would know that the Bracks government has performed better than the previous government on this issue.

The report makes it clear that in 2002–03 the number of freedom of information requests again increased, and for the first time the number reached the 20 000 mark. The government is trying to provide the information by making sure it is more accessible and more affordable to the public. Therefore it has provided an online service — the first in Australia. It is a good initiative, because people can follow it up and learn more about FOI through the online network.

These days there are not many things you can rely on on the Internet, because a lot of what is there is only for fun. Not many governments are serious about providing a service to the public online. Yet this government has created an online service. You can go to the FOI web site at www.foi.vic.gov.au — have you ever tried this? You should. It was launched two years ago, in July 2002. People can see the whole thing; that is part of this government's openness and accountability to the public.

An honourable member interjected.

Hon. S. M. NGUYEN — It may be funny to you, but this is true.

Hon. T. C. Theophanous — Under Kennett it was called freedom from information!

Hon. S. M. NGUYEN — I agree with Theo Theophanous; that is a good comment. The government is looking at ways it can help the public by waiving the fee or helping to reduce the cost. There are many people who cannot afford to pay the fee and want it to be waived, so the government is seeing what it can do to make some discounts available to the public.

As the report clearly shows in paragraph 4 at page 9 under the heading 'Fees and charges for requests', the reduction in charges was huge. It states:

The statistics provided suggest that fees are being waived or reduced in approximately 27 per cent of cases.

The fee revenue was \$292 095, reduced from \$401 260. That is a big reduction. About 20 000 people requested that the prices go down, because many agencies that want to access FOI cannot afford to pay the full amount. The government has tried to encourage them to do that and is keen to provide a service to the public. The very comprehensive report clearly details requests from health services, universities, councils and government departments, and especially from Victoria Police. We can see that Victoria Police is at the top of the top 30, and that the health services — —

The ACTING PRESIDENT (Ms Hadden) — Order! The member's time has expired.

Auditor-General: Our Forests Our Future policy report 2004

Hon. P. R. HALL (Gippsland) — This morning I want to make some comments on the Auditor-General's report entitled *Measuring the Success of the Our Forests Our Future Policy October 2004*. This is phase 2 of an audit undertaken by the Auditor-General, the first of those phases being a report tabled 12 months ago entitled *Managing Logging in State Forests*. The initial report signalled that there would be a subsequent phase 2 of this audit, which would go to a number of matters.

I will first take the house to what the first phase report said the audit would do in the second phase. At page 45 the initial report says:

The results of the second audit phase will be a reporting framework ...

Indeed, that is what we have in front of us. It also says:

An audit of the implementation of the Our Forests Our Future commitments could be undertaken subsequently.

I have always been a great admirer of the reports tabled in this Parliament by the Auditor-General, but I have to say I am disappointed at this report because of the fact — not the quality — that it does not go to the signalled issues it was going to address. Many people in the timber industry had great faith that after the production of his first report 12 months ago, dated October 2003, his subsequent report would nail down some of the outstanding issues that were identified, but it does not go to any of those issues at all.

Hence I am disappointed, and I know those out there in the industry are greatly disappointed by this report. As I say, I was of the belief that this report would identify some of those outstanding issues identified in the first report. In the interim period I have had some correspondence with the Auditor-General about some of the outstanding matters. It seems to me that nothing has been done by this government to progress those reports. In my comments today the one thing I want to urge is that the Auditor-General undertake what was flagged in that initial report — that is, a subsequent audit on how some of those matters in the first report are going to be followed up.

I want to turn to some of those matters because they remain outstanding today and are of serious concern to the people out there. Firstly I want to look at what the Our Forests Our Future policy was all about. It was first announced in February 2002 — over two and half years ago — and was aimed at achieving a 31 per cent reduction in timber harvesting over a four-year period. If you look at page 27 of the October 2003 report the Auditor-General identifies that within 18 months of that four-year period being announced, those targets had already been exceeded.

It also signalled that some further areas were going to be reduced for timber harvesting. Our Forests Our Future is going to lead to close to a 50 per cent reduction in timber harvesting activity in Victoria, and that statistic alone is alarming particularly given the fact that Australia as a nation continues to have a trade deficit of over \$3 billion per year on timber and timber-related products.

So what this government says is, 'It is okay for us to rape and pillage the rainforests of countries overseas; we are going to ignore that and continue to lock away our forest resources in this country'. That is simply an unsustainable position. It is selfish of the Victorian government to continue to lock away those areas.

Hon. T. C. Theophanous — That is not our position. You are misrepresenting us.

Hon. P. R. HALL — I am not misrepresenting it at all. This is almost a 50 per cent reduction in timber harvesting in this state. Also in his October 2003 report the Auditor-General identified that 119 applications under the contract for assistance program were still pending and awaiting some outcome by the government. I think that about a dozen of those applications have now been successfully approved; they were for timber harvesting in the Central Gippsland forest management areas. It is my belief that at least 100 applications from people out there who have

qualified for assistance under this program have been refused because the government has run out of money.

That comes to the final point that I want to make: I think this report is a damning indictment of this government's policy. All it does, which is typical of this government, is announce that it is going to do something and then does not commit the resources or the follow-up to ensure that it implemented fairly and properly. This simply has not happened in this particular case. Many timber workers have been hung out to dry because this government has absolutely no commitment to the timber industry in Victoria.

Hon. T. C. Theophanous — Rubbish!

Hon. P. R. HALL — It has not; not a bit!

Question agreed to.

STATE SPORT CENTRES (AMENDMENT) BILL

Second reading

**Debate resumed from 6 October; motion of
Hon. J. M. MADDEN (Minister for Sport and
Recreation).**

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I am pleased as Liberal Party spokesman on the Commonwealth Games to rise this morning to speak in support of the State Sport Centres (Amendment) Bill which alters the administrative arrangements surrounding the Melbourne Sports and Aquatic Centre, which will be one of the key pieces of infrastructure for the Melbourne 2006 Commonwealth Games. I note that we do not have the Minister for Commonwealth Games with us this morning in the chamber, which is a disappointment given the importance of this legislation to both his portfolio as Minister for Sport and Recreation and more significantly at this time, in his role as Minister for Commonwealth Games.

The Commonwealth Games in March 2006 will be the single largest event ever staged here in Victoria. It will eclipse the Australian Grand Prix held at Albert Park; it will eclipse the Melbourne 1956 Olympic Games, I am told, and it will be second only to the Sydney Olympics in terms of events held anywhere in this country. It is a very significant event for Victoria and a very significant event for Australia. The Commonwealth Games in March 2006 will involve more than 4500 athletes, and around 1500 visiting officials from overseas.

The majority of these people will be accommodated at a new athletes village to be constructed at Parkville. That is a project that I am pleased to say is finally under way. It is an interesting development, and I understand that this week we will see the first public release of housing on that site. The model that the government has chosen to employ out at Parkville involves the construction of what is essentially a private sector housing development which will then be taken over by the Commonwealth Games Corporation for the duration of the games and used for athletes and officials' accommodation. After the games have concluded those shells of houses, as they will be at that time, will be taken back by the developers, fitted out for occupation and then either passed on to their purchasers or put on the market for sale.

It is a very interesting development out at Parkville — a mix of semi-detached, detached and apartment accommodation in towers along the freeway reserve, and it is a project that unfortunately has been subject to many delays. Back in 1999–2000 the government gave an estimate of when construction on that site would commence, and it is unfortunate that that time line set by the government has slipped by about 12 months, and it was not until late last year that we saw the land handed over to the developer for construction on that site to commence. So there have certainly been delays on the village site out at Parkville but we are hopeful that those delays will be picked up and that we will have the village finished on time for the Commonwealth Games in March 2006.

Back in 1999–2000, the government gave an estimate of when construction on that site would commence, but it is unfortunate that the time line set by the government has slipped by about 12 months. It was not until about late last year that we saw the land handed over to the developer for construction on that site to commence. There have certainly been delays on the village site out at Parkville, but we are hopeful that those delays will be picked up and that we will have the village finished on time for March 2006.

Another major piece of infrastructure that is being redeveloped for the Commonwealth Games is the Melbourne Cricket Ground (MCG). That development is costing upwards of \$400 million in partnership with the Melbourne Cricket Club (MCC), the Australian Football League (AFL) and the Victorian government. As honourable members will be aware, it is a project to which the newly re-elected Howard government was willing to contribute some \$99 million back in 2000. Curiously, the state government decided to reject the commonwealth's contribution to this project, so we now have no commonwealth contribution taken up by

the state government for that project. As a consequence the Victorian taxpayer has had to find an additional \$77 million to contribute to the MCG redevelopment, with a further \$13 million coming from the MCC to make up the \$90 million that the state government chose to reject.

The redevelopment project at the MCG is the most significant infrastructure project of the Commonwealth Games. It is where the opening and closing ceremonies will be held as well as being the site for the athletic events. Again, I have to say that the opposition has some concern to learn that the most recent estimate for completion of the MCG redevelopment, to quote the Minister for Commonwealth Games, is the first quarter of 2006. Obviously, January to March 2006 does include the time when the games will be running, so we now have a situation where it is going to be a very tight time frame between completing the redevelopment of the MCG and starting the games on 15 March 2006.

Assurances given by the minister are that the work that will be done in 2006 on the MCG relate only to finalising the athletics track, which is a very complex and expensive piece of infrastructure. But I have to say that from this side of the house we watch with interest and not without a little concern because the time frame between the scheduled completion of the redevelopment and the launch of the games on 15 March 2006 is very tight.

That brings me to the third major piece of infrastructure being constructed for the Commonwealth Games, and that is the redevelopment of the Melbourne Sports and Aquatic Centre (MSAC), which is undergoing a \$51 million redevelopment on the site at Albert Park. Part of that redevelopment will include the construction of a new 50-metre outdoor swimming pool, which will be used for the major competition during the Commonwealth Games and will also be used the following year, 2007, for the Federation Internationale de Natation or FINA world swimming championships. The 50-metre outdoor event pool will be built with 3000 permanent seats and the capacity to expand to cater for the 12 000 spectator seats which will be used during the games and no doubt during the swimming championships in 2007. That temporary seating is able to be removed, leaving a base or core capacity of 3000 seats.

Obviously these developments cost a lot of money, and the budget the government has set for the Commonwealth Games is now some \$1.1 billion. That is a mix of both capital expense and operational budget for the games. The minister and the Premier have said that the state contribution for the games will be capped

at \$697 million. The majority of this will go to operational costs, but substantial infrastructure costs will be picked up as well, such as the state contribution to the village, the state contribution to the MCG and the \$51 million required for the construction at MSAC. I am pleased to say that the commonwealth has made a substantial cash contribution to the games budget of more than \$100 million as well as a very substantial contribution in terms of security and other government services to the event. It is a reality of the times in which we live that the Melbourne 2006 Commonwealth Games will be the first major event held in Australia since we have been forced to refocus on security issues. It will be the first major event held in the post-September 11 environment, and that has dictated that security for 2006 will be a far bigger issue than it was for the Sydney Olympic Games in 2000. As a consequence, both state and federal governments have had to make substantial — —

The ACTING PRESIDENT (Mr Smith) — Order! I remind the Honourable Andrew Olexander of the rules about mobile phones in the house.

Hon. A. P. Olexander — What's the rule?

The ACTING PRESIDENT (Mr Smith) — Order! Mobile phones are not permitted in the house. They are not needed.

Hon. A. P. Olexander — I need it.

The ACTING PRESIDENT (Mr Smith) — Order! They are not needed in here.

Hon. A. P. Olexander — Don't tell me!

Hon. D. K. Drum — That is a harsh ruling, Acting President.

The ACTING PRESIDENT (Mr Smith) — Order! Your mother's son not happy, Mr Drum?

Hon. Bill Forwood — Is that a new ruling?

An honourable member — It's probably not a ruling at all.

Honourable members interjecting.

The ACTING PRESIDENT (Mr Smith) — Order!

Hon. G. K. RICH-PHILLIPS — As a consequence, Acting President, both state and federal governments have had to make substantial financial contributions to the security aspects of the

Commonwealth Games far and above what was required in Sydney in 2000.

That brings me to the key provisions of the legislation before the house, which alter the structural and management aspects of the Melbourne Sports and Aquatic Centre. As most honourable members will be aware, MSAC is located in the north-west corner of Albert Park and has operated on that site very successfully for what must be approaching eight or nine years now. Under the current arrangements the Melbourne Sports and Aquatic Centre is managed by the State Sport Centres Trust, which also has responsibility for the State Netball and Hockey Centre at Parkville, which will also be a major piece of infrastructure that will be employed during the Commonwealth Games.

Unfortunately the situation that has developed around MSAC is a hotch-potch of different land arrangements and a fairly convoluted management arrangement. This legislation will consolidate those parcels of land associated with MSAC and will simplify the management arrangement. Currently on the MSAC site there is what is known as the Melbourne Sports and Aquatic Centre land, which is the parcel of land on which the current centre is located. In addition to that and adjacent to that site, we have the former Distance Education Centre land, which is a parcel of land that was added to the MSAC land in 2002, but only as a temporary reservation. Next to that we have separately the car park that was associated with the Distance Education Centre land. It is also a temporary reservation, but rather than being a reservation of the MSAC land, it was made a reservation of Albert Park. The final piece of land that this bill considers is a sliver of what the bill identifies as railway land along the Canterbury Road side of the site which was used when the light rail in Middle Park and Albert Park was established. This land has been reserved as part of Albert Park. So we have four pieces of land, two of them reserved as Melbourne Sports and Aquatic Centre land and two of them reserved as part of Albert Park.

The land we currently know as the Melbourne Sports and Aquatic Centre land is held by Parks Victoria and leased by it to the State Sport Centres Trust. So we have four pieces of land, some of it leased from Parks Victoria, which is the land manager for Albert Park, and some of it held by Parks Victoria as part of Albert Park.

This bill will consolidate those four parcels, so on the passage of this legislation, what is known currently as the Melbourne Sports and Aquatic Centre land, the Distance Education Centre land, the Distance

Education Centre park and the railway land will all be consolidated as a new reservation known as the Melbourne Sports and Aquatic Centre land. To simplify the management arrangements, the current MSAC land will cease to be a lease from Parks Victoria to the State Sport Centres Trust, and the trust will become the land manager of the new Melbourne Sports and Aquatic Centre land.

The purpose of this is to greatly simplify the administrative arrangements on that parcel of land in Albert Park, which primarily relates to the operation of the sports and aquatic centre. To the extent that this bill simplifies the land arrangements so that it is one single, consolidated parcel and provides a mechanism that clarifies the management so that it is no longer a lease arrangement from Parks Victoria to the trust, the opposition welcomes that. It is in my view long overdue, and it is something I would like to see pursued as a policy elsewhere in consolidating the operation of our major sporting centres.

As a consequence of making those two primary changes and simplifications, the legislation has had to make a number of consequential amendments.

An honourable member interjected.

Hon. Bill Forwood — On a point of order, Acting President — —

The ACTING PRESIDENT (Mr Smith) — Order! Mr Forwood is out of order.

Hon. G. K. RICH-PHILLIPS — It is getting to be very interesting, Mr Acting President.

As a consequence of the consolidation of the land and the change to the management structure, the bill before the house makes a number of consequential amendments. One of these relates to the repealing of the two temporary reservations which were created for the Distance Education Centre land in 2001 and the railway land. Obviously, the legislation designates the trust as land manager, and then the bill makes consequential amendments that allow for the continuation of existing leases and commercial arrangements that have been put in place with respect to the existing MSAC land. It allows all existing arrangements on that site to continue uninterrupted by the change of land designation and management structure.

A further provision of the bill creates a new relationship between the Australian Grand Prix Corporation, which has responsibility for running the formula one grand prix at Albert Park, and the trust, because under the

current arrangements there is a relationship between Parks Victoria as land manager for Albert Park and the Australian Grand Prix Corporation, but with the creation of a new land manager in the trust, as land manager for MSAC, there is a need for the continuing relationship between Parks Victoria and the Australian Grand Prix Corporation, and a new relationship between the Australian Grand Prix Corporation and the trust as land manager for the north-west corner of what is commonly known as Albert Park. This legislation creates that relationship.

One of the other key provisions of the legislation is that it changes one of the functions of the trust. The current principal legislation gives the trust a number of functions, one of which is gaming. This legislation before the house removes gaming as a function of the trust and inserts education, so in future the trust will not be able to undertake gaming operations on the sites for which it is the responsible manager. Although it is a cosmetic change to the extent that it does not undertake gaming activities now, it is one that reflects the government's emphasis on this matter.

I would like to highlight one thing that the legislation does. In creating a relationship between the trust and the Australian Grand Prix Corporation, the government has inserted a section 85, which limits the jurisdiction of the Supreme Court. I raise this for only one reason — and I am not saying it is unjustified — but I raise it simply to make the point that in opposition the Labor Party consistently attacked the former government on its use of section 85s limiting the jurisdiction of the Supreme Court, yet now that it is in government, it seems to have no qualms at all about introducing legislation into this place which uses section 85 clauses to limit the jurisdiction of the Supreme Court. In this case section 85 prevents a dispute between the Australian Grand Prix Corporation and the trust as land manager from being taken to the Supreme Court. The rationale given for that is it provides a mechanism. The bill provides that any disputes between the trust and the corporation are to be resolved by a joint decision of the two responsible ministers, being the Minister for Tourism for the grand prix and the Minister for Sport and Recreation for the trust.

The government's rationale in preventing an appeal from that decision to the Supreme Court is that the ministers' joint decision — by virtue of both being ministers of the one government — should be the final decision, and we should not have a situation where two ministers in the one government are having a dispute in the Supreme Court. But I highlight that this is yet

another example where the government has used a section 85 statement in a bill in this house.

In considering the legislation the opposition consulted with a number of relevant parties including the Australian Grand Prix Corporation, the State Sport Centres Trust, Parks Victoria and Save Albert Park. I place on record the responses I received, including one on 4 October from Brian Lowrie, the chairman of the State Sport Centres Trust, indicating that the trust was supportive of the bill and seeking the support of the opposition in the passage of the legislation. I am pleased to reiterate that the opposition strongly supports the bill.

The second response I received was from Parks Victoria, and I have to say that I was very disappointed in the nature of the response from that body. Parks Victoria is a very significant participant in this legislation, and given that it is losing both land to the trust and its role as land manager, and indeed losing the lease from the trust for MSAC I thought it appropriate that we receive an indication of Parks Victoria's view on this legislation. Parks Victoria is a statutory authority with its own independent board, and having written to the chairperson of Parks Victoria, Kathryn Fagg, I was disappointed to receive a response from the board and ministerial officer at Parks Victoria saying that all requests seeking Parks Victoria's views on the legislation should be directed to the Minister for Environment in the other place, John Thwaites.

Parks Victoria's board is constituted as a statutory board under the act. Last year in the annual report the members of the Parks Victoria's board claimed more than \$80 000 in fees, and it is appropriate that the Parks Victoria's board express a view on legislation that has a very significant impact on one of its key sites. For one of the bureaucrats at Parks Victoria to simply say that requests of this nature should be directed to the minister is, in my view, unacceptable. When a statutory board has been put in place, independent from the minister, for it simply to — —

Hon. Bill Forwood — They don't understand governance, do they?

Hon. G. K. RICH-PHILLIPS — Mr Forwood raises a very interesting question on governance. What is the point of having a board if it will not express a view on matters of great significance to its operation? If the board's view is: 'We won't say anything; you will have to ask the minister', what are the taxpayers paying board members \$80 000 a year for? I place on record that I was disappointed at the response received from Parks Victoria on this matter.

The opposition believes the bill is a step in the right direction in consolidating the land at the Melbourne Sports and Aquatic Centre. It simplifies the management of the centre, and I wish the bill a speedy passage.

Hon. D. K. DRUM (North Western) — I congratulate the previous speaker on a thorough examination of the bill and advise the house that we will not oppose it. I will be rather brief in my summation of what is contained in it. We have been well briefed by the Department of Victorian Communities, and I would like to thank it for that briefing. Quite clearly the bill is rather procedural and has as its main purpose the streamlining of the management processes of the four parcels of land that will, in effect, become part of the Melbourne Sports and Aquatic Centre (MSAC) land. The bill also provides the framework for any dispute resolution that may result from the restoration work that is carried out on an annual basis by the Australian Grand Prix Corporation. This work is done immediately following the grand prix on an annual basis, and as members would be aware, the grand prix has currently just completed its 20th consecutive year in Australia, after starting in Adelaide and moving across to Melbourne. It is contracted to Melbourne until 2010.

Currently the Australian Grand Prix Corporation, MSAC, and the management which is part of Parks Victoria have a lease agreement, which is quite convoluted and confusing. It has been more or less operating on an informal basis, just through verbal agreements that the land would be used for the two or three weeks preceding and immediately after the grand prix each year. This legislation is certainly going to tie that up, simplify it, and make it easier for the grand prix organisation to deal with the one body with that parcel of land.

It is worth noting, as touched on by Mr Rich-Phillips, the difference of opinion held by the government now as opposed to when it was in opposition. I had a chance to read back through *Hansard* when the original grand prix bill was introduced into the house. The honourable member for Albert Park in another place, who is now the Deputy Premier, was scathing of the legislation that came into the other place. Effectively, he said that the bill would turn the honest citizens of Albert Park into common Victorian criminals, yet he was the very minister who second read this bill in the other chamber. So it is a dramatic about-face.

We often hear the opposition talk about how certain parties will do or say anything to get elected. There is a certain minister who is highly thought of by his own

people in the other place and who is certainly guilty of saying and doing anything in opposition but changing his tack once elected to government. If that is the way he wished to carry himself in opposition, that is his business, but I would like to think that the people in opposition now have a little more credibility than was previously shown by the now Deputy Premier.

The legislation will amend the State Sport Centres Act 1994 and make amendments to the Australian Grands Prix Act 1994, which I have just been talking about. This is a procedural bill. The four parcels of land that we are talking about are part of what is already known as the Melbourne Sports and Aquatic Centre land. The Distance Education Centre will also be caught up in this new legislation, as will be the car park to the Distance Education Centre and the railway land which is only a very slight slither of land. They will all be parcelled together.

Hon. Kaye Darveniza — A slight slither?

Hon. D. K. DRUM — It is called a slither of land in the second-reading speech. The streamlined management processes certainly will be better than having Parks Victoria lease land to another body and then having two or three different bodies contacted and negotiated with for the yearly use of the land come the grand prix.

Those relationships are already in place, so the bill will not create concern. The use of Albert Park is worth mentioning. Not only is the grand prix held at Albert Park but also football and cricket are played at the precinct, and the golf range is used extensively. We are all aware how many people use the lake itself and jog and walk around it on a daily basis. It is a heavily used area. There will be no net loss of open public space with the redevelopment, which is not only for the Commonwealth Games but Victoria will be hosting the world swimming championships in 2007. Preparation is well under way for both the Commonwealth Games in 2006 and the world swimming championships in 2007.

While The Nationals are supportive of everything that is happening in relation to the Commonwealth Games, such as the building of the village at Royal Park, the redevelopment of the Melbourne Cricket Ground and the Melbourne Sports and Aquatic Centre, we must keep our eye on the ball with regard to sport and recreation throughout the rest of Victoria. It has been said in this place before that there has been a dramatic cutback in funding for small and major facilities in regional Victoria over the past 12 months. Some millions of dollars have been cut back in regional Victoria.

While the money being spent in metropolitan Victoria has not changed significantly, I urge the Minister for Sport and Recreation to not become totally consumed by the Commonwealth Games, because we have to do all we can to make the games a great games, and I am sure they will be, but we also have to keep an eye on the minor and major facilities funding. I know the minister will argue that it has been made up by a program of \$2.4 million for improvements to the Robinvale swimming pool. One project in country Victoria does not make up for the many other projects that have been cut throughout the state. We must keep our eye on the ball in relation to sports assemblies, which already run on the smell of an oily rag. They deliver fantastic sport and recreational programs throughout Victoria.

They are not only underfunded and have to run exceptionally lean but in most cases they are paid after the due date and therefore payment is often three, six and sometimes up to nine months behind their funding allocation. I urge the minister to get his department to ensure that in future sports assemblies are funded on time and in an adequate fashion so they can provide the programs in a manner that will offer them some security. The Nationals do not oppose the legislation and fully support the Commonwealth Games. It is great to see the Commonwealth Games athletes village well under way at Royal Park, and it is great to see the Melbourne Cricket Ground starting to take shape as one of the great stadiums of the world. I am sure that once these redevelopments, particularly the provisions dealing with the management processes at the Melbourne Sports and Aquatic Centre, take place, it will be great to see Victoria and Melbourne truly become the sports mecca of the world.

Mr PULLEN (Higinbotham) — I support the State Sport Centres (Amendment) Bill. The overall objective of the bill is to streamline the management arrangements at the Melbourne Sports and Aquatic Centre in Albert Park by consolidating land used by the MSAC under direct management by the State Sport Centres Trust, and it will ensure that the MSAC land is reserved as part of Albert Park. Some of the important details of the bill include redefining the land shown as MSAC land in the State Sport Centres (Amendment) Act 1994 to encompass the areas of Crown land required for the MSAC, and it makes the State Sport Centres Trust the land manager of the consolidated site.

It removes all references to gaming as one of the recreational purposes of the MSAC and replaces them with references to education as one of the centre's key functions. It provides amendments to the Australian Grands Prix Act 1994 to reflect that the Australian

Grand Prix Corporation will in future be dealing with two land managers in Albert Park — they being Parks Victoria and the trust — instead of the one.

The MSAC is the premier aquatic venue in Victoria; it will be the venue for the 2006 Commonwealth Games and the 2007 world swimming championships. The centre is currently undergoing major redevelopment which will provide permanent seating for 3000 spectators with the ability to provide for up to 12 000 people.

Four areas of Crown land, as was referred to by previous speakers, are required for the MSAC. Because they are under different arrangements it is desirable to put them under the one body. The important thing to remember about this bill, which refers in particular to people who are against Albert Park redevelopments taking place, is that there will be no loss of public open space, and it does not affect the current rights of any other organisations or individuals who use the park.

The construction for the redevelopment of the MSAC will take place on land that is already built on. I know Albert Park pretty well. I played football there — but not that well. I also played cricket for my great club, the Brighton Union Cricket Club, which in 2007 celebrates its centenary. We played against a club by the name of Postal, which is now defunct. I have also played golf as well as table tennis at Albert Park. I have come to know the place very well over the years.

As members are well aware, this development is required for the Commonwealth Games in 2006 which will, as Mr Rich-Phillips said, be the biggest event ever held in Melbourne. Of course, the world swimming championships in 2007 is another magnificent coup for the Bracks government and in particular the sports minister, Justin Madden. I commend Mr Rich-Phillips on his contribution to the bill, but in the other place I was disappointed by opposition contributions, particularly from the members for Hawthorn, Brighton and Lowan. It reminds me of the story of old Liberals like Mr Forwood who in the sixties would get down on their knees every night, not to say their prayers but to look under their beds to see if there were any reds there! Nowadays I have no doubt they get down on their knees every night and first of all check if there is a Green under the bed. Now I think they secretly pray that the Commonwealth Games will be a flop. The facts are that the Commonwealth Games will not be a flop and will be delivered on time and on budget because of the fine efforts of the government, particularly the Minister for Commonwealth Games. I honestly believe that Jeff Kennett did one good thing for the state — he brought the Grand Prix to Albert Park. Although it still

runs at a huge loss, the benefits to the state outweigh this greatly.

As I said, I was participating in sport at Albert Park for a number of years before its redevelopment. The park was certainly looking tired, it lacked a lot of character and was barren. Since the grand prix there has been a magnificent improvement to the place. As Mr Drum mentioned, which was pathetic, the opposition in the other place decided to launch bitter attacks against the wonderful Deputy Premier of the state and member for Albert Park, the Honourable John Thwaites, about what he said when in opposition.

Hon. D. K. Drum — Please explain.

Mr PULLEN — Thank you for the interjection, Mr Drum, because I will give you the opportunity. I do not know about you people over there, but at times — —

Hon. Bill Forwood — Honourable members!

Mr PULLEN — I do not know about honourable members on the opposition benches, but if an issue comes up in your electorate, even though I am in government, you stand up for your electors as your no. 1 priority, and that is exactly what the Deputy Premier was doing at that time.

Hon. D. K. Drum interjected.

Mr PULLEN — I am coming to that, Damian.

The ACTING PRESIDENT (Mr Smith) — Order! I ask Mr Pullen to direct his comments through the Chair.

Mr PULLEN — Quite clearly, you stand up for your constituents and that is the no. 1 duty of a member of Parliament. Mr Thwaites had every right to oppose that issue at the time and to support his constituents who were members of the Save Albert Park group.

I will give a few examples. It is much the same as the GST debate. My party opposed the GST, but it is now a reality so we must support it.

Hon. D. K. Drum — You can always roll it back.

Mr PULLEN — I am coming to that. I am about to relate my argument to Victoria. I also want to take up the point of the member for Lowan, Mr Delahunty, in the other place. He claimed that there was not enough emphasis on sport and recreation by this government. Mr Delahunty may not have been a member of the Kennett government, but I can assure members that it sacked sports teachers all over the state and did it in

such a way that I had to take cricket for my local school because there was no sports teacher available to look after the kids for cricket. Fortunately now, sports teachers are back in that school and the kids do not have to put up with me as their cricket coach or running the cricket team. So the previous government sacked all the sports teachers. I took up the coaching and training although I do not think it helped them very much, but they were getting something that the education system was not providing.

Now I will turn to what Mr Drum raised in relation to the member for Albert Park in the other place. Let us not forget that the Liberal Party — and I do not know about The Nationals, or it might have been the Country Party in those days, or some other name — opposed the installation of the lights at the Melbourne Cricket Ground by the Cain government because it supported the Victorian Football League's taking the grand final out to Waverley Park. Where is Waverley Park today? It is no longer there. The first development of the Melbourne Cricket Ground would never have taken place.

Let us move on to another great development of the Cain government — that is, the National Tennis Centre. The opposition opposed construction of the National Tennis Centre. It wanted to keep Kooyong in order to keep all its mates happy out there. That is what opposition members opposed.

Hon. Bill Forwood — That was last century!

Mr PULLEN — It does not matter when it was. That is what opposition members did. I support the member for Albert Park who stood up for his constituents at that particular time. The grand prix is now a reality, and we are making sure that it works successfully. That puts Mr Drum's argument to death.

The member for Hawthorn in the other place got carried away about clause 15 of the bill which repeals all references to gaming. He claimed that the then Labor opposition opposed this section of the original act because all hell would break loose. We might have opposed that at the time; I am not denying that. Now we have a situation where the Leader of the Opposition in the other place is running around the place saying, 'We are going to do something about gaming, so we are going to slash the number of poker machines in the state from' — what is it, can someone tell me?

Hon. D. K. Drum — Five thousand.

Mr PULLEN — What the hell good would that do? Opposition members are hypocrites: it is as simple as

that. They have no idea what they are talking about when it comes to gaming.

Another issue raised by the member for Hawthorn in the other place was the lack of car parking. The bill allows for additional car parking in this area of Albert Park. It must be remembered that it is serviced by a magnificent tram and light rail service, and once again it was a Labor government that introduced a sensible light rail system down there. When he was transport minister, the Honourable Tom Roper introduced a magnificent system in that area. We are urging people to use the public system because it is this government's aim to have 20 per cent of trips made in the state by public transport by 2020 — and we will achieve it.

Members will see how magnificent our public transport system operates when the Commonwealth Games and the 2007 World Swimming Championships are here. It is quite clear what this bill is all about. As I said at the start, the situation is that the Commonwealth Games are going to be an absolutely magnificent asset to this state — —

Hon. Bill Forwood — Got by the Liberal Party!

Mr PULLEN — I do not deny that, but the facts are that we will do it properly. I know you people over there are hoping it will be a flop — —

The ACTING PRESIDENT (Mr Smith) — Order! I ask Mr Pullen to direct his comments through the Chair.

Mr PULLEN — Along with the World Swimming Championships, the Commonwealth Games will be an absolute asset to the state. As I said earlier, I commend the Kennett government for bringing us the grand prix, but we must listen to the Save Albert Park people to ensure that we do not encroach too much on the sporting organisations that are already there and the passive recreation that people use at Albert Park. Albert Park is a magnificent area; it has wonderful sporting facilities. This bill brings four pieces of land under the control of the State Sport Centres Trust. It will be an asset to the state and to the Commonwealth Games. There is no loss of public land whatsoever. I support the bill.

Hon. A. P. OLEXANDER (Silvan) — It gives me great pleasure to contribute to the debate on the State Sport Centres (Amendment) Bill and in doing so again state the opposition's position. In case members opposite have not noticed, we support this bill and have no reservation about that whatsoever. I make that point again because of the comments that have just been made by Mr Pullen who seems to believe that the

opposition is not entirely supportive of the initiative of the Commonwealth Games in Victoria and the holding and implementation issues associated with that. The actual facts are quite to the contrary.

The Liberal Party is incredibly supportive, and has been from day 1. Our spokesman for the Commonwealth Games, Mr Rich-Phillips, who was our lead speaker in this debate made that abundantly clear, and he has every right to do so because he has been largely responsible for the opposition's comments in this area over the last couple of years. He has made it enormously clear to everybody in Victoria that the Liberal Party is right behind the Commonwealth Games and wants to see them be the success that they should be to showcase Melbourne and the whole state of Victoria, because events will take place right throughout rural and regional Victoria and the outer suburbs.

We are very supportive of the entire Commonwealth Games program and will do anything we can to cooperate with any move that the Bracks government makes to strengthen the initiative and to make it the best Commonwealth Games on record, and we have certainly done so to date.

However, in a nutshell this bill which makes certain changes to arrangements governing land at the Melbourne Sports and Aquatic Centre consolidates four parcels of land in Albert Park as the Melbourne Sports and Aquatic Centre land.

The parcels are the existing Melbourne Sports and Aquatic Centre (MSAC) land, the former Distance Education Centre land, which was added to the MSAC land as a temporary reservation in 2001, the gravel car park adjoining the former education centre land, which is currently reserved as part of Albert Park, and about 517 square metres of land, which has been referred to as a sliver of land in this debate — —

Hon. D. K. Drum interjected.

Hon. A. P. OLEXANDER — That is the way, Mr Drum, it is referred to in the second-reading speech, but it is 517 square metres, and it is between the existing MSAC parcel of land and Canterbury Road in Middle Park. The bill repeals the existing temporary reservations and creates a new consolidated permanent reservation for the new MSAC land, it designates the State Sport Centres Trust as the manager of the consolidation and it makes consequential amendments to allow for the continuity of existing leases and commercial arrangements over that land.

The Australian Grands Prix Act 1994 is also amended to enable the Australian Grand Prix Corporation to deal with both Parks Victoria as the land manager at Albert Park and the State Sport Centres Trust as land manager of the MSAC land. The bill also removes 'gaming' as a function of the trust and inserts 'education', which is entirely appropriate.

All of these initiatives are supported by the opposition. It is disappointing, however, to note that despite the spirit of goodwill in this chamber — as breaks out from time to time when the opposition supports bills that deal with important changes brought forward by the government — the minister who is responsible for this legislation has not been in the chamber at all during any of this debate.

Hon. J. H. Eren interjected.

Hon. A. P. OLEXANDER — He should, Mr Eren. Mr Eren said he is busy getting on with the job. I respond directly to that interjection, because one of the most important jobs of this minister is the stewardship in this place of legislation which impacts on the Commonwealth Games. One of the most important jobs a minister can have is to inform himself or herself of the arguments that have been raised in the Parliament by the representatives of the people from both sides of the chamber and to take them into account in his stewardship of the legislation, or, for that matter, of any regulation which may arise to underpin this legislation. It is extremely important for the minister to be here for this debate. If he had the same commitment to his portfolio as Mr Rich-Phillips obviously does to his shadow portfolio, he would be here to participate in this debate.

I have a long association with the Melbourne Sports and Aquatic Centre, and even before that I was one of the more prominent badminton players at the old badminton centre. There were two centres on that land before the Melbourne Sports and Aquatic Centre was built. One of them was a basketball centre. Mr Baillieu in the other place was a frequent and regular user of the old basketball centre. On the other hand, I was a badminton boy! I enjoyed that sport enormously.

Hon. T. C. Theophanous — I can imagine you in shorts!

Hon. A. P. OLEXANDER — I was there, Mr Theophanous, in my shorts and T-shirt! I had my little badminton racquet and my packet of shuttle cocks! I would hit those shuttle cocks over that net! I would do that on a regular basis, and I became very good — —

Hon. Kaye Darveniza interjected.

Hon. A. P. OLEXANDER — I became very good, Ms Darveniza. I was one of the more respected badminton players. I am sure members have read about it in the state's media!

The ACTING PRESIDENT (Mr Smith) — Order! Mr Olexander should stick to the bill.

Hon. A. P. OLEXANDER — But moving on from my personal association with the MSAC area, I believe the bill is a sensible one. It is a rationalisation of the arrangements surrounding the land. It is a bill which is necessary and fully supported by the Liberal Party opposition; it will support any positive, forward initiative which assists the Commonwealth Games and their conduct in this state. As such, I wish the bill speedy passage.

Hon. J. H. EREN (Geelong) — I, too, rise to speak today in favour of this bill, being the State Sport Centres (Amendment) Bill. I will not take up much of the chamber's time. It is a very straightforward bill. It relates to the Melbourne Sports and Aquatic Centre, which is going to be one of the centres of excellence during the 2006 Melbourne Commonwealth Games.

The Melbourne Sports and Aquatic Centre is also going to be the site of the 2007 World Swimming Championships. It is an impressive centre, which is currently being redeveloped to cater for these major events and improve public access to the facilities. The redeveloped centre will include a roofed 50-metre outdoor competition pool with permanent seating for 3000 spectators and provision to cater for up to 12 000 people. There will be improved car parking, a hydrotherapy pool, a sports house and better public amenities.

We are sure to see some great action during the games at this impressive centre, but we have much to do to ensure that the Melbourne Commonwealth Games and the swimming championships are what we as Australians expect — namely, a world-class sporting event.

The overall objectives of this bill are to streamline land management arrangements at the Melbourne Sports and Aquatic Centre (MSAC) in Albert Park by consolidating the land used for the centre under the direct management of the State Sport Centres Trust and to ensure that all MSAC land is reserved as part of Albert Park. The reason we are doing this is to make the entire area more manageable through a more efficient and streamlined land management structure.

Currently four areas of Crown land are required for MSAC that are managed under varying arrangements. Basically it is a patchwork arrangement with various bodies looking after the area. We would much prefer to see that this is sorted out so we can more easily deal with the centre prior to the Commonwealth Games.

The first two areas in this plan are the original MSAC land designated in 1994 and the former Distance Education Centre land added to the site in 2001. These are already part of the MSAC site and are managed by the State Sport Centres Trust under lease and as a committee of management respectively. The other two areas — the car park adjoining the former Distance Education Centre and a sliver of the former railway land — are currently controlled by Parks Victoria and are not formally part of the MSAC site. They adjoin the Distance Education Centre land and are effectively isolated from the balance of Albert Park. This bill will expand the definition of what we know as the Melbourne Sports and Aquatic Centre land to encompass these four areas.

The bill also re-reserves two of the four parcels of land in a significant gain for Albert Park. Clause 10 of the bill revokes the existing reservation over the former Distance Education Centre land and permanently reserves it as a part of Albert Park. The bill also gives us a chance to update the description of the purpose of the MSAC. The State Sport Centres Act 1994 —

Hon. G. K. Rich-Phillips — On a point of order, Acting President, I have been listening to Mr Eren very carefully. The last couple of paragraphs he has read are word for word from the minister's second-reading speech. I believe Mr Eren is slavishly reading and not developing his own argument.

The ACTING PRESIDENT (Mr Smith) — Order! We know the standards in the house and that members are entitled to use extensive notes.

Hon. J. H. EREN — On the point of order, Acting President —

The ACTING PRESIDENT (Mr Smith) — Order! When I am on my feet Mr Eren is not on his and he is quiet. The member is entitled to use copious notes et cetera, and in my view that is what he has been doing. I will alert Mr Eren to the fact that he needs to be careful if he is indeed reading slavishly from any notes.

Hon. J. H. EREN — Thank you, Acting President. There is no intention for the centre to host gaming activities, so the bill deletes all references to gaming and replaces them with references to education as one

of the centre's key functions, which I think everyone in this chamber would approve of.

It is important to stress there will be no net loss of public open space in Albert Park, and this will be assured by consolidating this land under the direct management of the trust. The construction for the redevelopment is taking place on land that is already being built on and was previously used as an education centre and car park. As I have stated before, this decision will result in a net increase in the area of the park. I would also like to point out that the new provision specifies that the trust must — I underline 'must' — maintain MSAC land and facilities to a standard that complements Albert Park and reflects the trust's significant responsibility as a land manager to preserve the amenity of the park. I am sure a lot of people will be happy with that.

I understand there has been a considerable amount of consultation in relation to this matter with the State Sport Centres Trust, the Australian Grand Prix Corporation, the Department of Sustainability and Environment and Parks Victoria. The City of Port Phillip has been consulted extensively about MSAC redevelopment, with specific input into the project through the advisory committee process established under the Commonwealth Games Arrangements Act 2001 and key stakeholder consultations. Therefore I support the bill.

Mr SCHEFFER (Monash) — Albert Park, as the house is aware, has always been one of the best known and most used recreational parks in Melbourne. As Mr Pullen said earlier, this has never been a particularly flash park — it has never had flowerbeds or ornamental features — and it is not a botanic garden. There has always been a sort of unkempt, unmanicured feel to it. For a no-nonsense place, though, Albert Park has fuelled more than its share of passion and civil strife.

The area has gone through a number of transformations since Europeans came to it. Originally it was a wetland — a swamp with some wide lagoons that now form the lake. It was also used for grazing, duck shooting and even military exercises. The railway line was laid in 1857, and at about this time the area was declared a reserve and protected from development. But subsequent governments weakened and sold sections for housing allotments, which are now Middle Park, and over time the reserve was substantially reduced. Sporting clubs and associations have been on the site for more than 150 years. The lagoons were dug out and turned into the present lake that was connected to the Yarra River in 1890.

St Kilda Park Primary School was built on land cut out of the park, and at the time there was huge resident opposition. Locals see themselves — in my view quite rightly — as the stewards of the park. Even though we have all got used to the school — it is a fine school; I enjoy working with it and it does a great job for the kids in the community — on balance I probably would agree with those objectors of 100 years ago. The park should not have been used for this purpose. Later the land for South Melbourne Technical School was also shaved off, as was the area for MacRobertson Girls High School in the 1930s. The army occupied the land during World War II.

Members might be interested to know that several car races were held in the park but they were stopped by the Bolte government in 1958. I wonder what Sir Henry would have thought of the grand prix!

In the 1960s, restaurants such as the Carousel were built alongside the lake, and in December 1993 the Kennett government let the Australian Formula One Grand Prix motor race be held there, which of course led to the massive, highly creative, and sometimes dramatic protest actions of the Save Albert Park group.

Save Albert Park is one of the most enduring community organisations in my electorate. It has lost none of its passion and produces an interesting and informative newsletter that I always make a point of reading. Despite the disruption to the works the thousands of protesters caused, the first grand prix started on schedule in 1996. But hundreds of trees were axed, roads were laid, and the old facilities were knocked down. The community strategy plan was junked and the park was transformed almost beyond recognition. They put the palms in, gave the park a short back and sides, laid the racetrack and pronounced it an improvement. Each year when the race is run people in the local community shun the race generally, and there is still a fairly high level of resentment.

The massive Melbourne Sports and Aquatic Centre that dominates the northern section of Albert Park was built in the 1990s. Local residents had always wanted a pool in the area, but I remember the dismay at the time when the plans for this vast and intrusive complex were first exhibited. Further community heartache followed as residents saw more and more of the park taken over by super facilities. Stage 2 of the development is now under way in preparation for the Commonwealth Games in 2006. Some of these developments have not gone easily, either.

I know that many people from all over Melbourne use the facilities at Albert Park and that it is more than a

local venue. But I am bound to say that many local residents feel that their views and needs are often not fully recognised. This is why the advisory committee process is so important. While we have not always got our consultation right, residents and the Port Phillip council respect the Bracks government and Minister Madden for the good working relationship that has gradually been developed. That is in stark contrast to the Kennett years of discord and strife.

As members know, the Melbourne Sports and Aquatic Centre will be the aquatic venue for the Commonwealth Games and will also be the venue for the World Swimming Championships in 2007.

The purpose of this bill is to streamline the way the sports and aquatic centre land is managed. As people have said earlier, four areas of Crown land are needed for the redevelopment of the centre site. Two areas are already part of the centre, and two more, the area along the light rail and the area on Albert Road, will be added. These two parcels will be managed by the State Sport Centre Trust.

The bill means that all Melbourne Sports and Aquatic Centre land will now be reserved as part of Albert Park. The management of different parcels of land has always been complicated and impractical, and this bill clarifies the position. There will be no net loss of open space in Albert Park by consolidating this land under the trust's management. I think it is a sensible bill, and I commend it to the house.

Motion agreed to.

Read second time.

Third reading

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

That the bill be now read a third time.

In so doing, I thank members for their contributions.

The PRESIDENT — Order! I am of the opinion that the third reading of the bill requires to be passed by an absolute majority. I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The PRESIDENT — Order! I am of the opinion that the third reading of this bill requires to be passed by an absolute majority. In order that I may ascertain whether the required majority has been obtained I ask

those members who are in favour of the question to stand where they are.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

STATE TAXATION ACTS (AMENDMENT) BILL

Second reading

Debate resumed from 12 October; motion of Mr LENDERS (Minister for Finance).

Hon. BILL FORWOOD (Templestowe) — This is a bill that comes in each session to deal with state taxation. It follows bills we dealt with on state tax in December 2003 and again in May 2004.

I want to make a few preliminary comments about the structure of the bill and what is in it, I want to raise some concerns we have about some clauses, and, as the minister knows, I intend to take the bill into the committee stage so we can deal with some of those clauses in more detail.

On the fourth page of the second-reading speech, when talking about amendments that clarify a range of definitions including the definition of 'corporation', it says:

The changes demonstrate the willingness of the government to listen and respond to industry concerns.

No, they do not. What they do is demonstrate that the government got it wrong before. I make the point that the bill before the house today makes amendments to, firstly, legislation this house passed in December 2003, and secondly, legislation it passed in May 2004. So, no, this does not demonstrate the willingness of the government to listen and respond to industry concerns. It illustrates that it does not get it right sometimes.

Hon. W. R. Baxter — It might be third time lucky.

Hon. BILL FORWOOD — Thank you. One of the reasons it does not get it right is that it is not prepared to consult properly on the development of this legislation.

Honourable members in this place understand, and I know the Minister for Finance understands this very

well, that there are some parts of the tax system that need to be kept in-house. We understand and accept that. But other bits of this bill, other bits of the bill in May 2004 and other bits of the legislation in 2003 were non-controversial — they were things that needed to be done, and which could well have been done by consultation at a wider level with groups. The minister knows as well as I do the groups which contribute to this sort of stuff — they are particularly the Property Council of Australia but also equally the Taxation Institute of Australia.

I would like to put on record two comments made by the taxation institute in its contribution to me on this bill:

As a general comment we ask the government to consider providing professional bodies such as the Taxation Institute of Australia an opportunity to contribute to the development of state tax legislation.

And it said it last time as well. It states:

We would welcome the opportunity to make submissions on amending legislation before it is introduced into Parliament. Such an opportunity could be created if legislation were initially released in draft form for public comment, or if the government thought it more appropriate, circulated it amongst selected professional bodies.

I make the point again: sometimes you cannot do that, but this is a sensible proposal by the professionals in the industry that they should have some input into it.

I turn to its comment that deals with clause 22 of the legislation before the house today. Its letter refers to a 'corporate reconstruction exemptions amendment' and says:

Section 22 substitutes a new definition of corporate group in section 250 of the act as a result of defects in the drafting of this provision when it was first inserted in the act in December 2003 ...

Specifically, what constitutes a stapled security? And then in brackets it says:

That deficiency in drafting resulted from the policy of not consulting interested groups on draft legislation before it is introduced into Parliament, a policy which it is recommended should be reconsidered to avoid repetition of such simple drafting mistakes.

This is its words — 'such simple drafting mistakes'. We are happy to support the clause; we do not think there is anything wrong with it. Obviously it needs to be done. What we say is, 'Do not bring in half-baked legislation when there is a better way of doing it'. This also goes to another matter that I will deal with in a moment. At the outset I want to make this point. Yes, we expect to get a state tax bill each sitting. Yes, they

are important, but let us get it right. Let us involve the professionals more in the day-to-day operation of these complex areas — they are very complex areas, as the minister knows — so that we get legislation before the house that is appropriate and right the first time.

I turn to some other areas of the bill. The first clause I want to touch on is the clause that deals with the Accident Compensation Commission. As honourable members in this place know, as the shadow Minister for WorkCover, I have some interest in this. I make the point at the outset that part 2 of the bill before the house is deemed to have come into operation on 1 July 1994 which by my calculation is over 10 years ago. This is an interesting situation that goes to the definition of 'fringe benefits tax' and to amendments that were made in 1994 and 1997. The intention was that for charitable organisations fringe benefit tax would not be added to the remuneration for the purpose of calculating workers compensation premiums. What happened was that on a reading of the act that has just come to light it could now mean that no remuneration whatsoever — wages, salary or superannuation — would be counted for the purposes of calculating remuneration before working out the premium for workers compensation.

This was never the intention and it has never happened. We understand that it was brought to the attention of the state revenue office by people who are interested in its prospects and possibilities. We, of course, support this clause in making it very clear, that while they do not have to pay premiums on the basis of the fringe benefits that are applied, they need to pay their premiums based on remuneration that is inclusive of the wages and salaries of their workers. That is entirely appropriate.

I have had a quick conversation with the minister about this, and I do not want to labour the point. However, I want to make the point and say that my party is totally opposed to retrospective legislation. It is all very well to say that this is deemed to have occurred on 1 July 1994, particularly in circumstances where we know there are no cases before the courts so it does not actually catch anyone, but my view remains that there is a better way of doing it. I said this in the briefing. The way you do it is to say, 'We will not entertain any court cases in relation to this matter into the future'. There are none in place now, so we do not need to worry about them. We do not need to take the law back to 1994. We should bring in a piece of legislation now — as I suggested to the minister — going forward from the date of the second-reading speech or the date of the announcement or whenever he cares to make it. In that way we would not have retrospective legislation; we would just be stopping people going backwards in time. It achieves

exactly the same result but without the necessity for using retrospective legislation as a blunt instrument.

There are a number of issues in this bill that I will not deal with, but I particularly want to turn to the imposition of duty on certain transactions concerning dutiable property. Again I am indebted to the Taxation Institute of Australia for its input into this particular area. I have let the minister know that we will be having a quick chat about this clause in committee as well.

Clause 5 of the bill, as described in the explanatory memorandum, is an amendment to the Duties Act to impose duty on a disclaimer of an interest or right under a deceased estate and on vesting of land by statute in certain circumstances. The taxation institute goes on to say:

We note that the commissioner's longstanding view has been that a disclaimer to an interest in a deceased estate is subject to duty if the deceased estate includes dutiable property.

It goes on to talk about the rulings — specifically stamp duty ruling no. 98 and later states that:

The current position is therefore that a transfer of property under a will or intestacy to a beneficiary of the deceased estate is free of duty as a transfer to a person who has made a successful testators family maintenance claim but a person whose entitlements to a deceased's assets are enlarged as a result of a disclaimer by another potential beneficiary is subject to duty.

They are different circumstances. So the issue that now comes with the change — and it can be argued that this is an extension of the tax base — is that we are going to find circumstances where children or other people in this position will find themselves at war and seeking legal remedy where in the past this did not need to occur. The institute goes on to say in its contribution to me:

... if a disclaimer is made for consideration, it is consistent with the policy of the Duties Act to impose duty on the transaction.

I think we would all agree with that. It continues:

... if a disclaimer occurs for no consideration, it is not easy to discern the rationale for imposing duty. It would be consistent with the policy underlying the exemption in section 42 and ruling DA018 to treat a disclaimer for no consideration as an exempt transaction.

This looks to me like an extension of the tax base. If there is a transaction taking place for no consideration but you are still going to charge duty on it, then I would be interested to ask the minister during the committee stage the reason he deemed it necessary to bring this to the Parliament at this time. We were told at the briefing that it would reintroduce clarity, that the translation

from one act to another had not worked as well as we had hoped it would and that it was unclear. But to my understanding it seems we now have an extension of the tax base by these means.

I make the point that was eloquently made in the other place by the member for Box Hill, Mr Clark: it is a sensitive time in people's lives when they are dealing with these sorts of circumstances, and we should not be looking at putting things in the way of this. If it were possible for these things to be done clearly and frankly without recourse to lawyers and tax accountants, then it would be of benefit to the testators who are dealing with these sorts of issues. I think this is one of those circumstances where a rethink is probably appropriate, but as I said, I will be asking the minister in the committee stage the policy reasons behind that situation.

There are numerous clauses in the bill which I do not intend to go through in detail. Many of them, as I said, give us no problems at all — for example, Shariah law or demonstration vehicles — but we have some concerns with clause 18. Clause 18(1)(a) excludes the registrar of titles from the application of provisions relating to tax avoidance schemes in section 69D in part 6 of the act. I again make the point that we put this part into the legislation in May 2004. I am not very good at counting, but I reckon that is four months ago, and here we are again fixing it up. I have not gone back to the contribution I made to the debate in this place in May 2004, but my memory works well enough to let me state unequivocally that I mentioned this at the time. So I should be saying 'We told you so', but I am not. All I am saying is, 'I told you so!'.

Clause 18 provides for the addition to section 69D of provisions relating to the forthcoming introduction of electronic conveyancing to exclude the registrar of titles from its application. Let me read this. The institute says:

The need to exclude the registrar of titles from its application indicates how far-reaching and ill-conceived this provision was in the first place. It needs to be amended because it is fundamentally flawed, as the need to penalise persons for the provision of false or misleading information is already dealt with in the Taxation Administration Act 1997 (which was apparently overlooked in drafting section 69D in the first place) and which is specifically limited to circumstances where false and misleading information is knowingly provided. If section 69D is to be retained, it should be similarly limited.

In the case of the exclusion of the registrar of titles from these provisions, no provision has been included for circumstances where a person provides false and misleading information as a result of reliance on information provided by the registrar of titles.

No wonder the government wants to get the registrar of titles out of here. What happens is, if some bloke goes and does a title search, he gets the information, he provides it to the State Revenue Office and — oops, all of a sudden he is caught under section 69 relating to tax avoidance for providing wrongful information. Can he turn around and say, ‘Excuse me, I got it from the registrar of titles’? No, he cannot. Why not? Because in the bill today we are taking him out. That is a bit rich! Surely even Mr Lenders would agree that that is a bit rich. We will discuss that as well when we get to the committee stage.

Let me go on and finish this contribution from the tax institute. It says:

... if an adviser admits or fails to include information in an instrument, material or data provided to the commissioner because of an omission or failure by the registrar of titles to provide accurate information to the adviser ... the adviser will be guilty of an offence under section 69D ...

I ask the minister to consider that and the reasons we would be doing such a thing.

There are other parts of the tax administration system in this state that enable the heavy boots to go in and fix up people who are out there rorting the system. We support that wholeheartedly, and I know our colleagues in the National Party do as well. We have to protect the tax base of the state. Let’s do it, but let’s not draft legislation that is so wide, so all-embracing and all-encompassing that we allow things like this to occur. Frankly I think that is a very bad clause.

The other area that I need to touch on, as the minister knows, is the issue of the Port of Melbourne Corporation and land tax, and the changes that are being made to the Valuation of Land Act by clause 42 and the various rights of individuals in relation to this. This goes back to the port of Melbourne case, and I have provided the minister with some legal advice that was provided to me by — would you believe it? — the barrister who was involved. He says in paragraph 5 that he appeared in the matter of the Port of Melbourne Corporation versus the MCC and the Valuer-General.

This goes to the issue of when people can appeal in relation to their land tax. This is a complex area of the law. Land tax is calculated on site value but nowhere in Victoria are your rates. So there is a real problem about the disconnect between a value that you get on your rate notice or your valuation of land notice for rating purposes, which includes capital improved value and site value, and what you may get in relation to your land tax bill at a later date.

As honourable members in this place would know, the obligation to pay land tax rests on the owner of the land. We have systems for aggregating it et cetera, but in many cases land tax is passed through so that tenants and occupiers will pay the tax. This is complex, so let me read paragraph 9 of the advice:

One of the impacts of the decision of Balford J in the Port of Melbourne case is that according to Her Honour’s reasoning unless the council imposes rates based on site value (none that I am aware of) until a person receives their land tax assessment they have no right or ability to object to site value.

And the time disconnect between when the valuation is done and when people receive their notice can be at least two years, if not longer in some circumstances. This causes a major problem in relation to people who ultimately find themselves subject to this circumstance. In this advice Mr Delany says:

My attention has been drawn to section 15(3) of the Valuation of Land Act and the suggestion that in consequence of that provision both an owner and an occupier will receive details of valuations and be in a position to object. The land tax office does not regard itself as bound by section 15(3) and only gives notices to owners. During the recent Port of Melbourne case it became apparent from the evidence of the city valuer, Mr Marsh, that the City of Melbourne only gives notices of valuation to tenants or occupiers when asked to do so by the owners pursuant to the Local Government Act. When it gives notice to a tenant if requested pursuant to that act the practice of the City of Melbourne is only to give notice to the nominated tenant and not to give notice to the owner. There is no penalty imposed upon any rating authority for failure to give notice as contemplated by section 15(3), and my direct experience is that the provision is ignored. I have little doubt that Mr Marsh, if contacted, would confirm this to be so. Further, he would no doubt inform the person making the inquiry that it would be physically impossible and simply not feasible for the city council to give copies of valuation notices to all occupiers. The identity of occupiers changes regularly and there is no obligation on the part of occupiers or owners to inform the council of these changes.

So we find ourselves in a situation where people who are subject to these changes will not be in a position where they can object to them, and I think that is a matter of grave concern, and that is also a matter which we intend to discuss when we go into committee on this bill.

As I said, we do not object to much of this bill. There are some areas in it that we believe require some clarification, and I look forward to doing that when we move to the committee stage.

Hon. W. R. BAXTER (North Eastern) — As Mr Forwood has outlined, this bill has numerous amendments to various acts and most of them are unexceptional, and I certainly accept most of them at face value. As to the amendment to the definition of ‘remuneration’ in the Accident Compensation Act, I

think it is unfortunate that it goes back 10 years, but it is understandable because I think the intent of Parliament at the time was clear, and it has been clear since.

I was interested in Mr Forwood's contention of how else it might have been done, but I am not sure that that would not have encouraged people then to run a case to seek a refund going back 10 years. So in that sense, Mr Forwood, I am happier to go down this track despite my normal view of retrospective legislation as being repugnant, but I think in this case it is justifiable. Other changes include a small amendment to the first home buyers grant — again unobjectionable — an amendment to land tax clarifying the principal-place-of-residence provisions and unexceptional amendments to the Pay-roll Tax Act, modernising some of the forms and terms used.

Some of the more significant amendments are in the Duties Act and the Valuation of Land Act, and Mr Forwood has alluded to those. I am less sanguine than he is with the amendments introducing Shariah law. I do not object to them, but I do have some concerns as to just how far as a society and as a Parliament we are expected to go in dressing things up to cater for the whims of a religion, regardless of what the religion is, because it seems to me that all religions are very adept at constructing words to suit their particular values, which are often meaningless.

There is no doubt that what we are doing here is putting our name to a sham construction — not a sham transaction, but a sham construction — because what happens, as I understand it, in the case of people who think they should not be paying interest is that they end up constructing a form which means in reality that they pay a sum which equates to interest; it just does not happen to bear that name. One wonders why they do not object to paying rent, for example, because in my view there is no difference in renting a house and renting money to buy a house, and I find it somewhat strange that the Parliament is being asked to put its name to what for all intents and purposes is a sham construct.

I have noted the reference to stamp duty on motor vehicles, and I acknowledge that maybe there are some tax avoidance issues going on with high-value luxury cars, and this will overcome that. That cannot be objected to. On the other hand, I think it is worth noting that we have a fairly complex stamp duty arrangement for motor vehicles in this state unlike all other states which I believe have a standard and flat rate of duty on motor vehicles regardless of value or whether they are new or used. In Victoria we have a rate of duty on a new vehicle up to a certain value, which has not been

indexed for many years, and a higher rate of duty for new vehicles above the value of \$35 000. You do not get much of a car for \$35 000 these days. For used cars it is a flat rate of 4 per cent, as I understand it.

Hon. Bill Forwood — You can get three Echos.

Hon. W. R. BAXTER — I am talking about vehicles, Mr Forwood, that can be used in my electorate! I have some sympathy for the request and submission to government of the Victorian Automobile Chamber of Commerce that it is high time the matter of vehicle stamp duty application was reviewed, particularly now that we have the GST and the stamp duty levied on the GST, because in a sense we have a tax on a tax. I know, however, that the government does this in other respects — we have a tax in respect of fire insurance where stamp duty is levied on the fire insurance levy component of the premium as well, and I think that is unfair, and I have said so in the house before.

In particular, with motor vehicles, we are reaching an anomalous situation where we are now encouraging more private transactions, whether they are from backyard car dealers or private persons selling a car from one to another. I do not want to interfere with people's rights to sell vehicles privately, but there is pretty clear evidence that some people are beginning to engage in it as a business in order to avoid the GST implications of the transfer. If one looks at the number of vehicles sold by dealers as compared with the number sold privately, one will notice that since the GST has been introduced there has been a reversal in the graph — there are now far more vehicles sold privately than through dealers, and I think that is a pretty fair indication that people have worked out a way to avoid the GST implications, and in the process the state is missing out on some stamp duty receipts as well.

We should not have in place a situation which encourages that sort of behaviour, and I certainly would impress upon the government that it might be high time, as part of the next budgetary considerations, that stamp duty on motor vehicles be reconsidered with a view to introducing a new system which will preclude the sort of incentives that the current system provides for those who want to construct a transaction in a way that will avoid the attraction of certain rates of duty.

The bill also exempts duty on the homes of bankrupts which are being transferred by the administrator of bankruptcy to the spouse of the bankrupt. That is fair in terms of protecting the rights of dependants of the

bankrupt, particularly spouses and children. I do not object to that.

I have had some concerns about the valuation of land amendments that Mr Forwood also referred to. I find the ruling by Justice Balmford to be peculiar, to put it mildly, and to that extent I do not object to the government attempting to rectify this. I know the government is appealing the decision, and from a completely layman's point of view I would have thought there was a fair chance that it will be overturned on appeal.

Nevertheless the whole exercise has thrown up a difficulty which I do not think this bill addresses. Perhaps it is not designed to address it, but it is something we will have to address. That is something Mr Forwood pointed out — that land tax is levied on site value. You do not get your land tax assessment until sometimes two years after that particular site value has been established, and therefore on the literal interpretation now, you will not be able to object to that site valuation because the 60 days will have elapsed perhaps 18 months previously. Clearly, if you are a tenant or an occupier, even though you may be responsible for the payment of land tax you may not have been privy to that municipal valuation when it was sent to the owner for municipal purposes, and therefore you had no opportunity to object in any event unless the owner drew your attention to it.

The owner is not obliged to do that and probably would not even think of doing that, and therefore it seems to me that we need some changes to this law to enable fairness and natural justice to be accorded to people who might be responsible for fairly significant amounts of duty and might have reasonable grounds for objecting to a valuation if they knew about it within the time limits that are currently allowed for objections.

We need a system which is failsafe in drawing those people's attention to that valuation — and that might be difficult to achieve. A far better way may be to introduce a separate appeal provision in terms of land tax assessments. It may be that if you get a land tax assessment on a site value that has been made some time previously, you get the opportunity to object.

I realise this means we potentially have the same valuation being objected to twice — once by the landowner or ratepayer at the time he gets it and within the 60 days he is entitled to object, and later on you might have an objection again when land tax comes to be paid — but in lieu of finding some other solution it seems to me that we have to be fair to all those persons who find themselves liable to pay a tax, whether it is a

municipal rate or a land tax. They must have a fair and reasonable opportunity to lodge an objection. I do not think the current situation provides that. I do not think what Justice Balmford has ruled will provide that either.

Going back to the status quo I would hope is only a temporary circumstance until the appeal is decided, and then the government will have an opportunity to look at it and come back to the house with some amendments to the Valuation of Land Act. That will achieve what, I think, the Parliament always intended in the first place — that there would be fair opportunity to object. It has been found wanting out there in the marketplace, and we have a responsibility and a duty to do something about it.

Mr SOMYUREK (Eumemmerring) — I support the State Taxation Acts (Amendment) Bill. I am sure every member will acknowledge that administration of taxation is a very important function of government. Therefore governments need to ensure that the integrity of the taxation system is maintained. This bill demonstrates the government's commitment to maintaining not only the integrity but the fairness of our taxation system in making a number of amendments to the following acts: the Accident Compensation Act 1985; the Duties Act 2000, the First Home Owner Grant Act 2000; the Land Tax Act 1958; the Pay-roll Tax Act 1971, and the Valuation of Land Act 1960.

I will now briefly touch on some of these provisions. The Accident Compensation Act brings the definition of remuneration into line with previous and current government policy intentions. The definition of remuneration is prescribed in section 5 of the Accident Compensation Act 1985. The Victorian WorkCover Authority calculates an employer's annual WorkCover premiums according to this definition. These amendments are necessary due to the loose wording of the amendments to the definition of remuneration instituted by the previous governments in 1994 and 1997.

As other members have already mentioned during the course of the debate, the definition of remuneration was amended in 1994 to include fringe benefits as defined by the commonwealth government's Fringe Benefits Tax Assessment Act 1986. This aligned the definition of remuneration with the definition used for payroll tax. The intention was, for the sake of simplicity, that employers could use the same remuneration figures as a basis for calculation of payroll tax and WorkCover premiums.

Similarly in 1997 amendments were made to include superannuation within the definition of 'remuneration' for the purpose of consistency with payroll tax legislation.

It is obvious therefore that it was not the government's policy objective or intention when making the amendments in question in 1994 and 1997 to exclude wages, salaries and superannuation contributions from the remuneration base used to calculate WorkCover premiums payable by employers who are exempt from commonwealth fringe benefits tax purposes.

Despite the flawed wording of the 1994 and 1997 amendments, it is important to note that all employers have had premiums calculated on the same basis. It is also worthwhile noting that no employer will be disadvantaged by these amendments. The amendments therefore improve the underlying financial viability of the WorkCover system.

I now move to part 4 which amends the First Home Owner Grant Act 2000. The first home owner grant came into effect in July 2000 and provides for a grant of \$7000 to be paid to first home buyers who buy or build their first home. The merits of how the grant came into place in the first place is beyond the scope of discussion on the bill, but it is prudent to mention some of the reasons why the grant came into place in the first place. It was due to the boom in housing as a result of the goods and services tax. After the GST was implemented, in the space of a couple of years house prices more than doubled which squeezed out potential homebuyers.

Hon. W. R. Baxter — It is interesting to hear that the GST is responsible for the home boom.

Mr SOMYUREK — That is why the first home owner grant was introduced so that people could get back into the housing market. What is at issue is housing affordability. It was interesting that the last federal election campaign was run on interest rates and scare tactics against the very people that the grants seek to protect. Over the next few years housing affordability will certainly be on the agenda. I think the state is beyond the scare campaign against interest rates. As people realise that they cannot get into the housing market, they act accordingly by showing their level of discontent with the Howard government.

There has been some fraud associated with the first home owner grant, and the amendment will help control some of that. Time constraints preclude me from talking to each amendment. They all have in common, as I said at the outset of my contribution,

maintenance of the integrity of the taxation revenue base.

While I am on the subject of taxation revenue, Victoria needs to start getting its fair share of GST revenue. Victoria will receive \$7 billion less than its fair share of GST revenue over the next four years. This system of distributing GST money is holding back not only Victoria but Australia's economic growth by penalising states that deliver more efficiently and overcompensating states that do not need the charity, therefore there are tradeoffs in the efficiency of delivering services.

For every dollar of GST paid by Victorians, only 80 cents comes back to the Victorian taxpayer. Every year \$1.8 billion of GST paid by Victorians is siphoned off to other states, which is more than \$7 billion over the next four years. Victoria also pays 25 per cent in road taxes and only receives about 16 per cent. The Howard government has been returned to office, so Mr Baxter might lobby his federal colleagues in getting more money for Victoria. New South Wales receives about 40 per cent of revenue when it only contributes 30 per cent. That situation needs to be remedied. I am sure Mr Baxter will help in that matter.

This is a sensible bill which aims at protecting the integrity of the state's revenue base from which we fund key services such as health and education. I commend the bill to the house.

Hon. RICHARD DALLA-RIVA (East Yarra) — The previous speaker should take up archery because the bow was being pulled hard to try to draw a distinction between this bill and the federal government. Concerns have been expressed by the Honourables Bill Forwood and Bill Baxter. The previous speaker referred to the first home owner scheme and how it was necessary because of government concern about housing.

Today's *Age* refers to the tax grab of the government. Stamp duty on property in the last financial year was 15.5 per cent above what was estimated, being \$2.45 billion, which is an extraordinary figure. Mr Somyurek spoke about the GST, but federal grants now account for \$12.63 billion — that is, a 4.3 per cent increase. Does the government want more?

Hon. W. R. Baxter — He has gone and does not want to know.

Hon. RICHARD DALLA-RIVA — He has gone to update his key lines document. He has been listening to the arguments on this side and realises what he is saying needs to be updated. I look forward to receiving

another discrete copy at some point. The total operating revenue for Victoria is \$28.34 billion, which is \$10 billion more over the five painful years we have had to live with the Bracks government.

Where is the benefit? There is no benefit because if you want to go to hospital, you are still struggling. Government members talk about reducing the opportunity of making claims and opposing land tax evaluations. This omnibus bill covers a variety of acts, and the trend of the government is to slot in the pointy bits with the nice bits, which makes it difficult to oppose or support the bill.

This bill is another demonstration that when the government wants to be secretive and avoid scrutiny it creates these mixes of legislation as a diversionary tactic. The opposition looks forward to discussing it in further detail in the committee stage, and I will let it go until that point in the debate.

Hon. A. P. OLEXANDER (Silvan) — It gives me great pleasure to make a very brief contribution to the debate on the State Taxation Acts (Amendment) Bill. This bill makes a variety of amendments to taxation legislation, and as Mr Baxter said, most of them are unremarkable. It amends the Accident Compensation Act and the Valuation of Land Act. The opposition understands that it clarifies the definition of remuneration for various charitable bodies and for WorkCover premiums. The exemption from duty for corporate reconstructions is provided for. There is an exemption on the transfer of an interest in the family home to a bankrupt spouse or partner and a provision about duty on disclaimed interests under deceased estates and on property vested by statute. This bill also abolishes the duty exemption for transfers in consideration of marriage. It restricts the demonstrator exemption for motor vehicle duty. It removes multiple duties on arrangements such as Shariah law-compliant transfers, which has been referred to previously, and it allows greater disclosure of information regarding first home owners grants. There are changes with regard to land tax in cases of temporary absence from a principal place of residence and where vacant land is subsequently used as a principal place of residence but was used to derive income.

However, the opposition has some concerns about the right of objection to valuations under the Valuation of Land Act 1960. Mr Forwood has very clearly outlined to government members the concerns the opposition has about this aspect of the legislation. I will try to explain it philosophically, if you will. When a government seeks to raise revenue in the form of taxes, charges, levies and fees imposed on the general

population and the incidence of those taxes, charges, levies and fees is related to the status of a particular group in the population — in this case people who own such land — we very strongly believe it is incumbent on the government to allow for appeal or challenge against those charges being levied on the basis of fact. If people are able to demonstrate that the valuation that has been undertaken is not accurate or is not legitimate or valid in some way and that therefore they are being charged a levy, fee, fine, charge or tax that is not legitimate in their circumstances, they should have the right to complain and object to it. There should be a mechanism by which the legitimacy or otherwise of their claim can be determined. Mr Forwood made our case on that very clear, and we certainly have concerns about that aspect of this legislation.

I probably agree with Mr Baxter more than Mr Forwood on the retrospectivity element of the legislation. I am not as concerned about it, given that it is clear that for many years that was the intention of the legislation but possibly it was not given effect to. That is corrected by this bill. That is reasonable and appropriate. But in a general sense the opposition also opposes retrospectivity.

I note again that we will not be opposing this legislation. We wish it a weedy — —

Honourable members interjecting.

Hon. A. P. OLEXANDER — Not a weedy passage, President. We are not talking about national parks in this instance. I wish the bill a speedy passage. We are concerned about some aspects of it, but in the interests of expediting the debate I will conclude my contribution.

Motion agreed to.

Read second time.

Ordered to be committed later this day.

Sitting suspended 1.01 p.m. until 2.02 p.m.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Brothels: illegal

Hon. BILL FORWOOD (Templestowe) — I direct my question without notice to Mr John Lenders, the Minister for Consumer Affairs. Is the minister aware that a person recently convicted of paedophilia and

child pornography has used sections 23 and 24 of the Prostitution Control Act to set up in business a prostitution service provider and is now operating an illegal brothel?

Mr LENDERS (Minister for Consumer Affairs) — I will have to get a copy of the act to know specifically what is in the two sections Mr Forwood referred to. It would not surprise me if allegations are made periodically about people covered by the consumer affairs portfolio, whether they be in any of the licensed industries — liquor, motor car trading, brothels or estate agencies. In many of the licensed industries allegations are often made. My standard response to all of them — if my office or I am advised of them — is: if someone has allegations, they should certainly raise them with the appropriate authority. They should certainly raise them with the police. If they are formally referred to me, I will always refer them to the police.

But I would be interested to know about that particular instance. If my recollection of those sections of the act is correct, they are the sections that deal not with licensed brothels but with exempt operators whose exemption came out of the Neave report of the 1980s. Professor Marcia Neave provided a clear report on the issue of prostitution, and the advice the government took at the time was to separate the actual licensing of brothels from exempt operators. Exempt operators are small business operators in the sex industry where there are one or two people only — not a licensed brothel. However, there is a regime in place whereby people can get their names registered. It is a voluntary system for people wanting to put their names forward. That also arose out of the Neave report, so people can be advised of certain issues and all types of things. If a person is caught by those sections, I would have to take advice on what action we would take. My understanding is that there are no government sanctions on them; it is simply about how the government advises people. There is no licensing requirement, and there are no probity checks. I will be interested in Mr Forwood's supplementary question, which will undoubtedly bring more information forth for me to respond to.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — The minister's chief of staff and senior advisors were alerted to this matter in personal meetings on 2 and 10 September and 6 and 13 October and on the telephone on 6 September and 4 and 12 October. Dr David Cousins, the director of Consumer Affairs Victoria, was advised in person of an exempt registered person who is a convicted paedophile operating an

illegal brothel at a meeting on 29 September this year. How come the minister does not know about it?

Mr LENDERS (Minister for Consumer Affairs) — I am still trying to work out whether Mr Forwood is saying they are operating a licensed brothel or they are an exempt operator.

Hon. Bill Forwood — Unlicensed, an illegal brothel!

Mr LENDERS — If it is, I have certainly been advised, as I said earlier, of a number of occasions of people making allegations, but they have never been made to me. My response is always that if someone wishes to make an allegation about another person, they need to make it. It is totally unhelpful in government if someone comes forward and says, 'Someone in the system is doing wrong, fix it!'. I will stick to my earlier response — if someone has an issue with a person and they ask the government to deal with it, they should at least give the name of the person to either the government or the police so it can be dealt with.

If that is what Mr Forwood is referring to, my response is absolutely consistent — if someone has a name, they should come up with it, because it is unhelpful to say, 'Something is wrong in the system. We will not tell you what it is. Find the needle in the haystack and deal with it'.

Kardinia Park: redevelopment

Hon. J. H. EREN (Geelong) — My question is directed to the Minister for Sport and Recreation. I ask the minister to update the house on how the Bracks government's financially sound commitment to the upgrade of Kardinia Park in Geelong will pay dividends to the whole of Victoria and will translate into an investment in the future of the Geelong region.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I welcome the member's particular interest in sport in the Geelong region and his advocating on behalf the redevelopment of Kardinia Park. It is great to know that the redevelopment of Kardinia Park is proceeding well and will be completed by the Geelong Football Club's first home game next season. It is a fantastic redevelopment. The construction program is well on track. During the 2004 home-and-away season the football club was able to host eight home games while the building took shape.

The redevelopment of Kardinia Park will include a number of items, and I just want to reinforce them. There will be a new eastern grandstand with approximately 6000 seats; a 600-seat function centre,

and that is very important for the economic impact of this development in the Geelong region; and a sports house to assist community sports organisations with management and promotion of sport in Geelong, which will certainly help the wider Geelong community. The state government is contributing \$13.5 million, of which \$6.75 million is being funded through the Regional Infrastructure Development Fund and \$6.75 million is being funded through the Community Support Fund.

The tremendous thing about this redevelopment is that it will ensure that the Geelong Football Club will continue to maintain its national television exposure and receive state exposure through having its home games played and continue to be played at Skilled Stadium. It means that in the Geelong region 70 jobs have been created with significant flow-on effects to the broader Victorian community — but more specifically to the Geelong community and somewhere in the order of \$42 million.

The project is proceeding particularly well. The first major milestones were completed and included staging the Geelong Football Club's first home game this year while the works were proceeding and the delivery of the structural steel on site during June. It is also worth noting that not only is the construction of the stand itself on time and being well delivered, the project has come well within budget. It is of significant benefit to the Geelong community, the Geelong Football Club and the greater surrounding amenity of those who live around the Kardinia Park reserve. We have seen \$1.75 million confirmed from within that budget to be spent on additional features, including better community outcomes in the way of the development of a new western entry, a gym and a relocated players amenity. The overall project is proceeding well. We look forward to it being finished by the first game of the 2005 football season for the Geelong community. We wish the Cats well.

This redevelopment shows that investment in sport and recreation — the strategic investment in regional facilities as was shown in a number of regional centres, particularly in the lead-up to the Commonwealth Games — reinforces that not only is the government investing in the greater population areas but also throughout regional and provincial Victoria, thereby growing the whole of the state.

Brothels: illegal

Hon. BILL FORWOOD (Templestowe) — I address my question to the Minister for Consumer Affairs. Given that there are no police or probity checks

on service providers operating under section 23 of the Prostitution Control Act, how can he be sure there are no other inappropriate providers among the 3000 to 5000 persons who are registered under section 24 of the act?

Mr LENDERS (Minister for Consumer Affairs) — Mr Forwood asks me: if there are no checks, how can I be sure? We need to go through, firstly — assuming he has the correct sections of the act — exactly what this register is for and to look at what the industry is. We have a series of standards that we impose with probity checks across our community. Prostitution, as we all know, is the oldest profession, and it is one that communities did not even attempt to deal with in a legal or regulatory sense until the Neave report in the 1980s in Victoria. What came out of that report — there were a number of areas, and let us get this absolutely clear — was, firstly, that for the licensing of brothels, the managers, owners and licence-holders are subjected to probity checks. There are extensive probity checks involving police checks and all that you would expect in those areas. However, from the Neave inquiry onwards in the 1980s there are no probity checks done on the workers in that industry. We have the probity checks on the employers, on the managers and on the licensees; we do not have them on the workers.

The registered exempts who Mr Forwood refers to are those workers — mainly women — who work in small business in the sex industry. So it is one or two people, and some of them have optionally chosen to be registered under the Prostitution Control Act. They are not obliged to be registered. The nature of the registration is not that it is some sort of symbol out there in the community saying here is a list of providers who have some sort of sanction. That is assuming that Mr Forwood says a policy question should be there in government — that there are checks.

I stand to be corrected and will take advice on this, but my understanding is that there is no requirement for registration for the exempts — that is, the small business sex workers. There is no requirement for probity checks on sex workers in the legal prostitution industry, because the probity checks are actually on the employers and licensees. Mr Forwood is seeking — if we take it right down to principles and take all the values and the rest out of it — that in the regulated big business part of industry you do not have licence checks on workers, but in the small business sector you do. So with big business you do not, and with small business you do. Let us first get some consistency there.

Secondly, on the more substantive issue why do we do checks on probity? If Mr Forwood is suggesting that

every worker in the sex industry needs probity checks and that we deviate from the policy of the last 20 or more years, then he should say so. If he thinks we need the probity checks, I am certainly happy to refer that to the advisory committee on these issues and seek its advice. But the message out of industry all along with regulation has been: to protect the workers — overwhelmingly women — in this industry; to license the industry — the big providers; and to exempt the small providers.

Now we have issues, which Mrs Coote and Ms Lovell have raised in this house, over the licensed area, the illegal area, and that is an area the government is dealing with separately. Mr Forwood needs to seriously think whether he is seeking a broad policy change in this area. If he is — it is a very difficult social area where we have had a remarkable degree of bipartisanship — that overturns the presumptions of Marcia Neave's report, which were put into legislation by the Cain government, and amended and updated by the Kennett government under then Attorney-General Jan Wade; it changes the policy significantly. If we need a serious debate on it, we should have it, but there are forums to do that in, and I hope Mr Forwood is aware that these are very significant issues he is raising.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — As my supplementary question I ask: if section 23 and section 24 allow a convicted paedophile to operate an illegal brothel, which is what is happening at the moment and what was happening last night, will the minister take action to prevent it?

An honourable member — Was happening when?

Hon. BILL FORWOOD — Last night.

Mr LENDERS (Minister for Consumer Affairs) — Mr Forwood has changed it from an illegal exempt operator to an illegal brothel. If it is an illegal brothel where he is saying it is happening, I ask him and his source to give the name to either me, Victoria Police or the federal police so we can act.

It is impossible — it is a case of the needle in a haystack. It is fine for any member of this house to say to the police minister, 'Someone broke the speed limit, catch them' — but they should identify them, give a name. It is fine for someone to say to me that a motor car trader is breaking the law. If Mr Forwood has the name of someone he says is acting illegally in the prostitution industry and operating a brothel illegally, I ask him to give that name to me, to the director of consumer affairs, to the Chief Commissioner of

Police — whoever he chooses to. But give us a name! Do not just throw these allegations and think that somehow or other the government will know who he means, how he means it, and find it. Because no name has been given.

**Information and communications technology:
Intelligent Home Show**

Mr VINEY (Chelsea) — I refer my question to the Minister for Information and Communication Technology. The minister often refers to the rapid changes in the global information and communications technology industry. Can the minister inform the house of any events that will assist Victoria to keep in touch with the rapid changes in technology?

Hon. M. R. THOMSON (Minister for Information and Communication Technology) — I thank the honourable member for his question and I know how interested he is in the information and communications technology (ICT) sector and the development of the sector in Victoria.

Members will be aware that this year I led a trade mission of Victorian ICT firms to CeBit in Hanover, the largest of the IT trade fairs in the world. I think I have mentioned to the house that if it was not for Victoria and the businesses we took to CeBit, there would not have been an Australian presence at CeBit at all. I am sad to say that the federal government has not seen that need to commit to our ICT industry in the same way that the Bracks government has. I hope with the re-election of the Howard government that attitude will now change. But we were there, and we understand how vital the ICT industry is to Victoria's economic future, not just as a sector in its own right but as an enabling sector to the other financial, manufacturing and retail sectors within this state.

While I was there I was able to secure for Victoria the Intelligent Home Show, which opens at the Melbourne Exhibition Centre tomorrow. The Intelligent Home Show is the first show of its kind. It features the latest in digital lifestyle gadgets and technologies. The show will have a focus on smart and sustainable technologies for consumers and for businesses. An intelligent home is actually being constructed as part of the exhibition to demonstrate how these gadgets can work in your home at this point in time.

The show will both educate and excite the public by showing how these technology products can enhance people's daily lives, as well as increase energy and water efficiency in the home. As I said, this is the first

show of this kind anywhere in Australia, and it is a great coup to have Victoria stage it.

Consumer technology is one of the fastest-growing areas of consumer spending. In fact, in the first quarter of this year alone Australians spent more than A\$429 million on digital products, and it is predicted that global consumer electronic sales will grow to US\$280 billion by 2006.

The Intelligent Home Show also provides a great opportunity for Victorian companies to showcase to the world what they are achieving and what their products are. Of course, when it comes to new lifestyle solutions and innovative technologies Victoria is up there with the best. Victorian companies exhibiting at the Intelligent Home Show include Opulent, Smart Home Technology, Majitek, A/V Notes, Bluebox, IR Gurus Interactive and Torus Games.

The Intelligent Home Show is further evidence of how the Bracks government is being economically responsible and focusing on the future — on growing Victoria's economy, growing our innovative industries, delivering future jobs to Victorians and ensuring Victoria is the smartest place to be.

Schools: physical education

Hon. D. K. DRUM (North Western) — My question without notice is to the Minister for Sport and Recreation. Can the minister explain how Sport and Recreation Victoria can better promote sport and physical activity through the school system, given the dramatic increase in obesity rates amongst our children and the fact that there is currently a proposal to drop physical education as a key learning subject?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I particularly welcome the member's question and his interest in this matter, because there is a degree of misinformation out there in the community about physical activity, physical education and sport in schools. Whilst they are not necessarily the domain of the Minister for Sport and Recreation — they sit with the Minister for Education and Training in the other place — can I say that my discussions with the education minister have seen that reinforced just yesterday with a press release to say that sport, physical education and physical activity are and will continue to be mandated in schools. Let us just recount what is the case. Much of that came out of the Moneghetti report on the mandating of sport and recreation in the school curriculum. That will continue.

For prep to year 3 it is 20 to 30 minutes a day of physical education; for years 4 to 6 it is 3 hours per week of physical education and sport education, with at least 50 per cent being a physical education component; for years 7 to 10 it is a minimum of 100 minutes each week of physical education and a minimum of 100 minutes each week of timetabled sport, or the number of periods that most closely approximate that time. It should be appreciated that not only is that mandated time reinforced, it has been reinforced as recently as yesterday through a press release.

It is also worth appreciating that the performance of this government has seen a greater average increase in physical activity across the board — I will reinforce that: a greater increase in physical activity across the board — than in any other state in the time frame we have been in government.

I reinforce that at the end of the Kennett government's term we had one of the lowest rates of participation across Australia. What we have seen in the time of this government is not only a higher rate of increase than in any other state in Australia but in all the indicative areas we are at or above — —

Honourable members interjecting.

The PRESIDENT — Order! There is enough interjection across the floor from both sides. I have called for order on three occasions and no-one has taken any notice. If members continue to interject they will be leaving the chamber. I ask them to desist and allow the minister to conclude his answer.

Hon. J. M. MADDEN — Just to reinforce some of those figures, we are at or above the national average in all indicators. That shows that our investment in facilities, particularly in rural, regional and suburban areas, has seen greater uptake of physical activity right across the board. There will always be challenges in relation to the school curriculum, but we have reinforced the mandating of that as recently as yesterday, and I look forward to working with my colleague the Minister for Education and Training to make sure that we continue to increase the level of physical activity in this state for all the significant benefits that it brings to the entire Victorian community.

Supplementary question

Hon. D. K. DRUM (North Western) — I hope the minister can help us when we ask him how he is going to guarantee and monitor the rates of physical activity so that they will not dip below the 100 to 180 minutes per week.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Again I welcome the member's interest in the issue. No doubt it will be a challenge to maintain the degree of increase that we have shown in terms of physical activity right across the community. President, can I just reinforce, because it is worth stressing — and I do not want to speak on behalf of the Minister for Education and Training — that there are three areas where key educational outcomes have been set, and they are numeracy, literacy and physical education. So not only is it mandated but there will be key outcomes by which the measures will be undertaken. Given that it is a key learning outcome — —

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

Energy: government initiatives

Ms HADDEN (Ballarat) — I direct my question to the Minister for Energy Industries and Minister for Resources, the Honourable Theo Theophanous. Given the two major energy sector announcements this week that the minister has already reported to the house, can the minister explain how the financially responsible Bracks government has played a key role in attracting these and other investments, and is the minister aware of any alternative policies?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for her question and for her interest in these important areas. I think it is important for me to mention some of the achievements in the energy and resources portfolios over the last five years in attracting investment and new developments in this state.

Recently I announced the \$200 million Santos investment in gas in the Otway Basin. I also announced the \$150 million Snowy Hydro development of a new gas-fired power station. You can add to that other recent developments, including the \$1.1 billion development by Woodside Offshore Petroleum down in that area; the \$5 million investment by TXU; the \$2 million investment in Loy Yang B by International Power; the AGL and Tokyo Electric investment of \$3.5 million; the Pacific Hydro \$270 million development in Portland; the \$250 million mineral sands development planned in Victoria; and the hundreds of millions of dollars of new investment in goldmining in this state. The list could go on and on for Ballarat, Bendigo and other parts of the state. I invite honourable members to stay tuned, because there will be even more good-news stories in these areas.

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — So why have these companies been attracted to Victoria? Mr Baxter says, 'Yes, it is private sector investment'. Private sector investors have a choice. They do not have to come to Victoria. They could go somewhere else, but they come to Victoria because of a number of factors. It is because of our great natural resources and skilled work force, because we have the world's most livable city and because we have a strong democracy. It is also because we have a strong economic climate, a healthy state and a AAA financial status, so we are getting on with the job of attracting all these investments.

I ask members to consider the remote possibility, if they can, of what would happen if Robert Doyle, the Leader of the Opposition got into power one day. Do not laugh! Do not laugh!

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — It is partly serious, because the policies of the opposition in relation to investment in this state in relation to development and to maintaining a financial strength that will attract that investment are reduced to one policy that has been put out that says that poles will go underground.

Hon. Philip Davis — On a point of order, President, the minister knows full well that he is exceeding the bounds of question time. It is not appropriate for the minister to make comments about opposition policy, because the question directed to him was a matter relevant to his own portfolios. He should respond according to the requirements of ministers to respond to questions on public administration.

Hon. T. C. THEOPHANOUS — I am pleased that the Leader of the Opposition has raised this point of order, because ministers are able to respond to questions which are directed to them in their own portfolio areas. I was specifically asked in the question whether I am aware of any alternative policies. I am therefore directly responding to that question, which was about alternative policies in this area. I was about to talk about a policy which is related to my portfolio area, and therefore it is relevant for me to point that out to the house in terms both of responding to the question and in terms of my portfolio area.

The PRESIDENT — Order! The minister was clearly asked about investments within the state and within his portfolio area and other policies. He is entitled to answer the question as long as it remains within his portfolio responsibilities. I draw the minister's attention to rulings in the house that such

comments are not to be critical of the opposition, but the minister is entitled to respond to the question about other policies that relate to his portfolio.

Hon. T. C. THEOPHANOUS — You find there is a policy position called *Poles Go Underground*. It is not about the new Warsaw underground; it is about putting all the electricity underground, and the cost of that is going to be between \$5 billion and \$10 billion to the state of Victoria. If you go on, there is the other policy — the one that was announced just today by the Leader of the Opposition in another place, Robert Doyle. He is going to buy back the \$2.5 billion Scoresby freeway, so there is \$7.5 billion already.

The PRESIDENT — Order! When I ruled on the point of order, I asked the minister to keep his comments within his portfolio area. I remind all ministers of that. The minister's time has expired.

Housing: funding

Hon. PHILIP DAVIS (Gippsland) — I direct a question without notice to the Minister for Housing. I am sure the minister would be aware of the story in today's *Herald Sun* newspaper highlighting the plight of 22-month-old toddler Jaiden Ronan. According to the story Jaiden's health is being affected by the terrible condition of the Office of Housing property in which he lives. Jaiden suffers from a heart condition requiring surgery, and according to his doctor his 'present dwelling is contributing to his retarded growth and delaying his surgery'. Therefore I ask: why will the minister not show the same generosity to the Ronan family of Reservoir that her office has shown to the Scott family of Shepparton, and help save this boy's life?

Ms BROAD (Minister for Housing) — I welcome the member's question, and I am pleased to see that the opposition is able to arrange questions without notice on the basis of daily stories in the *Herald Sun*. I have been advised that the family in question has been working with the Department of Human Services for some time and that offers have been made to the family. The Department of Human Services will continue to endeavour to find a solution which is satisfactory to that family as well as possible in terms of what the Department of Human Services is able to offer, given that the family has been listed for some time as a high priority and offers have been made on that basis.

In relation to the reference to the Shepparton family, that matter has been raised in this place on a number of occasions, and I have indicated that the Department of Human Services will continue to support the high needs

of that family, including those of the children, and to act in their best interests.

I point out that in contrast to the opposition's concerns about access to public housing and in particular early access to public housing for families with high needs, which is certainly the case in the two instances that have been raised, the Bracks government has demonstrated clearly through the substantial investments it has made — more than \$280 million over and above its obligations as a state government — its commitment to continue to grow public housing in Victoria. At the same time the federal government has stripped more than \$760 million out of Victoria over the past decade.

Honourable members interjecting.

Ms BROAD — I will give opposition members some free advice: if they are so concerned about public housing, now that the Howard government has been re-elected I would urge them to talk to their federal colleagues about the federal government meeting its obligations to low-income Victorians who desperately need access to affordable housing.

Hon. Bill Forwood interjected.

Mr Viney interjected.

Ms BROAD — If the federal government would meet its obligations, we could have had more than 5000 — —

Honourable members interjecting.

The PRESIDENT — Order! Mr Forwood and Mr Viney will stop interjecting across the floor and allow the minister to conclude her answer.

Ms BROAD — More than 5000 Victorian families in need of access to affordable housing could be housed today if the federal government had not stripped those funds from Victoria.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — In respect of the minister's answer, I further ask: why has the minister cut \$30 million from new public housing projects this year when 9811 families are on the public sector housing waiting list in the northern metropolitan region alone, including Jaiden Ronan's family waiting for a transfer?

Ms BROAD (Minister for Housing) — I refer the Leader of the Opposition to page 1 of the 2004–05 public sector asset investment program which says very

clearly that minor asset investments where the total estimated investment is less than \$100 000 et cetera are not listed. He knows very well that that figure, which his opposition spokesperson has been using, is quite wrong. Turning to page 1 of the report would have given him the accurate information.

Motor vehicles: government fleet

Ms ROMANES (Melbourne) — My question without notice is to the Minister for Finance, John Lenders. Can the minister outline to the house how changes in policy to the Bracks government car fleet have been effectively implemented, especially in relation to the government's commitment to reducing greenhouse gas emissions, which was made in February this year?

Mr LENDERS (Minister for Finance) — I thank Ms Romanes for her ongoing interest in vehicles with low emissions that are particularly suitable for areas in the inner metropolitan area. As the house would be aware, the government has brought in some policy changes to achieve a number of things. One was clearly to meet our responsibility to reduce greenhouse gas emissions. We obviously are cognisant at all times when we are doing this of Australia's great automotive manufacturing industry, particularly in Geelong and Melbourne's northern suburbs in Victoria.

Two years ago the government brought in a new policy on vehicles which did a number of things. One of them was to try to reduce those emissions and have more energy efficient vehicles. The policy had three main strings to its bow. One was that the government allowed some 110 imported vehicles — the Prius, the Toyota vehicle — to be used in environmental portfolio areas. A number of members are probably familiar with them. There have been a number of these cars around, and I think I have informed the house before that I had the great pleasure of being driven around with the Treasurer at one of our community cabinets in Banyule in a Prius. So that was one small area.

But far more significant is what we have managed to do in our fleet to increase the usage of Australian manufactured vehicles.

Hon. Andrea Coote — What is your car?

Mr LENDERS — An Australian manufactured car. We have brought in a policy where, if a vehicle travels more than 30 000 kilometres a year, we require it to be one of two things. The lesser is an operational requirement. One, that it be an LPG dedicated vehicle or that it be a vehicle under 2500 cubic centimetres.

Coincidentally, there are a lot Australian manufactured vehicles that fall into this category, so what we are finding now, in response to Ms Romanes, is that two years ago there were 41 of those LPG dedicated vehicles in our fleet. It is a big number — more than the parliamentary Liberal Party — but a small number in terms of the fleet. There were 41, but now there are 365 of these LPG dedicated vehicles, so we have gone from 41 to 365 by behavioural change because of a government policy change within fleet buyers.

Secondly, with the four-cylinder vehicles, the small ones — these are mainly Camrys — we have gone from 231 vehicles two years ago to 1634 vehicles, so again we have gone from a small number to a much larger number. Ms Romanes asked the question here about what we are doing in these areas about responsible emissions. We have brought a lot of these smaller vehicles into the fleet. They are Australian manufactured, energy-efficient vehicles, so that is a great start to where we can go in these areas.

The important thing is our commitment remains overwhelmingly to support the Australian industry with Australian manufactured cars. All sorts of new cars come onto the market all the time, and we consider them as they come on, but we have by behaviour in our fleet achieved those two important figures — that is, an increase from 41 to 365 for LPG vehicles and from 231 to 1634 on the other ones. They are important things that we are doing. It all goes to the government's triple bottom line.

We are very serious about being prudent economic managers. We have a AAA credit rating. We look after our budget. We deal with it, unlike the prodigal federal government which spends what it does not have. Secondly, we have very strong environmental credentials, a triple bottom line; and thirdly we have important social credentials. We will continue to act in these areas, we will continue to be environmentally responsible, we will continue to support Australian industry and we will continue to have a better economic record than the irresponsible Costello government.

Housing: funding

Hon. PHILIP DAVIS (Gippsland) — I direct a further question without notice to the Minister for Housing who is also the Minister for Local Government. I refer to the public service asset investment program for 2004–05 released last week. Given that public housing waiting lists in Gippsland have risen by 123 per cent since June 2000 under the Bracks government, can the minister explain why the Office of Housing will be acquiring just 20 new units

over the coming year while 1371 families are without a roof over their heads in Gippsland?

Ms BROAD (Minister for Housing) — I am pleased to advise the house that over the period of the Bracks government waiting lists have gone down. That is in no small part due to the investment the Bracks government has made in public housing since it came to office.

This government has followed exactly the same practices as the former Kennett government in relation to responsible maintenance of housing waiting lists, and it will continue to do so to ensure that the people in greatest need of access to public housing are given the earliest access possible to it.

It is the case that there are variations across Victoria in terms of waiting times and access to public housing. It is also the case generally speaking that the supply of public housing in regional and rural Victoria is considerably better than it is in metropolitan Victoria. That said, as I indicated in the answer to the previous question from the Leader of the Opposition, despite the fact that the Bracks government has made very substantial investments in growing public housing in Victoria since it came to office, given that it is doing that at a time when the federal government continues to strip funding from Victoria for public housing, this means it is not able to do as much as it would like to do, whether it is in Gippsland or whether it is in other areas where there are people waiting for affordable housing.

That is the reason why on Monday this week the Bracks government took another initiative in the form of my announcement to select some six organisations to take the next step, to become housing associations, with an investment of a further \$70 million from the Bracks government but without a cent from the federal government. This is supposed to be a shared responsibility between federal and state governments in order to look for more innovative ways of continuing to grow the stock of public housing and affordable housing in Victoria.

This government will continue to do that; it will continue to make efforts, despite the funds that continue to be stripped out of housing in Victoria by the federal government. I reiterate my invitation to those opposite: if they want to see more affordable housing in Victoria and more public housing in rural and regional Victoria, I urge them to talk to their federal colleagues about turning around their attitude on the sorts of funds they have stripped out of public housing in Victoria. The Bracks government has demonstrated its bona fides. It will continue to make the investments, but it would

make a very big difference if the federal government would come to the party.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — The minister recites matters relating to funding arrangements between the state and the commonwealth — and I will come to that in a moment — but given that the Barwon region will have five new public housing units built this year to tackle the 2440 families on the waiting list in the region, a rise of 61 per cent since June 2000, is she advising the house and the people of both the Barwon region and Gippsland who need public housing that none of the \$170 million GST windfall going to Victoria this year will be available to help them in public housing?

Ms BROAD (Minister for Housing) — I reiterate that since the Bracks government came to office waiting lists have decreased across Victoria by around 15 per cent — that is, they have reduced from more than 41 000 in June 1999 to around 35 000 in June of this year. It is all very well for those Liberals opposite to cry crocodile tears about this, but they do a lot about this — —

Honourable members interjecting.

The PRESIDENT — Order! If Mr Viney and Mr David Davis want to hold a conversation, they can go out. Otherwise I ask them to desist and allow the minister to answer her question uninterrupted.

Ms BROAD — The Bracks government has an undeniable commitment to affordable housing in this state, and we will continue to act to ensure that Victorians needing to access affordable housing are able to do so. But it is very hard for the government to continue to make inroads when we have a federal government intent on stripping out public housing.

Home and community care program: funding

Mr SCHEFFER (Monash) — My question is directed to the Minister for Aged Care. I refer the minister to recent calls from the national Community Care Coalition for governments of all persuasions to recognise the importance of community care services, especially home and community care. Can the minister advise the house of how many people are assisted by the home and community care program in Victoria?

Mr GAVIN JENNINGS (Minister for Aged Care) — I thank the member for his question and the opportunity to let the house know of the important role

that home and community care (HACC) plays in the Victorian community.

Yesterday I outlined to the house the role that healthy and active living programs, provided by the state of Victoria, play in encouraging older members of the community to be active participants in their communities and stay happy and healthy while living at home. Today I want to let the house know about the great contribution that home and community care makes, again in supporting quality, independent living for older members of our community. Indeed I recently released a report titled *Who Gets HACC?* which outlines for the community and service providers the range of service provision and the range of clients of the home and community care service.

In excess of 200 000 Victorians receive home and community care during the course of any given year, and those services are provided out of 470 agencies right across Victoria. Of the people who receive that service, 42 per cent live alone at home. Home and community care plays an important role in terms of social connection within the community life of Victoria.

More than half of all members of our community over the age of 75 years receive a service from home and community care, so in terms of its penetration, of providing a breadth of service right across the community it has been very successful in providing for quality care and a quality interaction with older members of our community.

There are questions about how diverse that community is, because all members of our community would be aware that our society is comprised of people who have come from many nations across the globe, and home and community care has clients from 150 different backgrounds. We need to ensure that those services are respectful of cultural differences and expectations, whether they be meal services, language services, and other services that are accessible.

Hon. P. R. Hall interjected.

Mr GAVIN JENNINGS — That is a very good question. Mr Hall has asked me the question, ‘When has the money been increased for home and community care?’. It is increased consistently on the basis of annual growth that comes into the figure; but the glaring contribution of the Bracks government over five years has been to more than match our component in what is a commonwealth-state 60:40 program, and the state of Victoria has recognised consistently over our five years in office that that level of investment, significant as it is,

should be more than matched by unmatched, state-only funds. Indeed in the most recent budget more than \$42 million was unmatched state contribution to the home and community care program. I therefore thank Mr Hall for his supplementary question, by interjection, to provide me with the opportunity to say that this is a priority for the Bracks government.

We recognise that there is a need to more than match the commonwealth component and to ensure that there is inter-regional equity. We know that there are reasons to increase the coverage of people from diverse backgrounds to make sure the services are respectful and responsive to the diversity of their needs.

There is a great challenge confronting our community, and members of the Parliament will now be well armed with some statistical evidence when they may be petitioned by some of their constituents in relation to the national Community Care Coalition. They may be seeking the support of politicians of all persuasions to meet the rise in need for home and community care. I hope all members will be aware of the contribution the Bracks government has made to ensuring we rise up and meet those challenges.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 1492, 2085, 2086, 2088, 2316, 2317, 2319, 2405, 2407, 2409, 2411, 2412, 2546, 2547, 2549, 2777, 2781, 2782, 2784, 2870, 3015, 3017, 3320, 3685–87, 3793.

The PRESIDENT — Order! Mr David Davis has written to me seeking my ruling in relation to a number of answers to questions on notice.

In respect of question 1338: in my opinion the question has not been answered, and I therefore direct that it be reinstated on the notice paper.

In respect of question 1426: in my opinion parts (f) and (g) of the question have not been answered, and I therefore direct that they be reinstated on the notice paper.

In respect of question 1439: in my opinion parts (a), (c), (d), (e), (f), and (g) of the question have not been answered, and I therefore direct that they be reinstated on the notice paper.

In respect of question 1440: in my opinion parts (c), (d), (e), (f), and (g) of the question have not been answered,

and I therefore direct that they be reinstated on the notice paper.

In respect of question 1441: in my opinion parts (c), (d), (f), and (g) of the question have not been answered, and I therefore direct that they be reinstated on the notice paper.

In respect of question 1453: in my opinion parts (a), (c), (d), (e), (f), (h), (j), (l), (m), (n) and (o) of the question have not been answered, and therefore I direct that they be reinstated on the notice paper.

In respect of question 1460: in my opinion parts (a) and (b) of the question have not been answered, and I therefore direct that they be reinstated on the notice paper.

In respect of questions 1466 to 1478: in my opinion the questions have not been answered, and I therefore direct that they be reinstated in the notice paper.

In respect of questions 1336, 1391, 1412, 1413, 1414, 1454, 1455, 1459 and 1461: I consider those questions have been answered in the minister's response.

**ESSENTIAL SERVICES COMMISSION
(AMENDMENT) BILL**

Introduction and first reading

Received from Assembly.

**Read first time on motion of Mr LENDERS
(Minister for Finance).**

**STATE TAXATION ACTS (AMENDMENT)
BILL**

Committed.

Committee

Clauses 1 to 5 agreed to.

Clause 6

Hon. BILL FORWOOD (Templestowe) — Clause 6, as the minister knows, inserts proposed section 7A into the act and deems various circumstances to be a vesting of land under statute law. The Taxation Institute of Australia says:

The explanatory memorandum gives no reason for making such a change, which involves no transfer of dutiable property as the same person who beneficially owned the land before the vesting continues to do so after the vesting of land. The

explanatory memorandum should set out reasons for the change in policy in respect of such vestings, which have traditionally been treated as not being a dutiable transaction by the commissioner ...

Why are we doing this?

Mr LENDERS (Minister for Finance) — I am advised that this simply brings us into line with all other jurisdictions that treat these transactions in exactly the same way. So it harmonises us with all other jurisdictions.

Hon. BILL FORWOOD (Templestowe) — Could the minister outline what happens in the case of charities, churches or school bodies where there is legislation before the house which transfers these lands from one entity to another? And what about the reorganisation of government business enterprises or Crown entities where one is deemed to be a successor of the other?

Mr LENDERS (Minister for Finance) — This brings them all to duty, but then the normal exemptions apply. It simply clarifies it administratively as with every other arrangement, and then the exemptions that are in place under other acts, statutes and instruments apply.

Clause agreed to; clauses 7 to 13 agreed to.

Clause 14

Hon. BILL FORWOOD (Templestowe) — These are the clauses that abolish the exemption from duty for transfers and consideration of marriage. I do not need to go into it in detail. As I mentioned in the second-reading debate, assets are often passed from one generation to another, and these amendments certainly seem to cut across that. I am not sure the government has given adequate justification for abolishing this exemption or even given an analysis of cases in circumstances where it has been improperly applied. Will the minister outline the justification for this? I can think of circumstances where intergenerational transfer of assets on consideration of marriage would seem to be eminently sensible and in the past would not have been dutiable.

Mr LENDERS (Minister for Finance) — There are a number of issues. The first and fundamental one is again administrative consistency with other jurisdictions. Above and beyond that, there is an obligation, if it is on consideration of marriage, firstly, for the State Revenue Office (SRO) to then start making a determination whether a marriage is bona fide or not. There is a whole range of issues, but as we well know from immigration law this is a well-contested

legal issue with many precedents and investigations. Fundamentally it puts it into line with other jurisdictions. It also deals with the issue of whether it is a duty of the commissioner of the SRO to start determining bona fides. It certainly deals with some avoidance issues. I believe that answers Mr Forwood's question.

Clause agreed to; clauses 15 to 17 agreed to.

Clause 18

Hon. BILL FORWOOD (Templestowe) — As the minister knows, this clause is the one that deals with excluding the registrar of titles from culpability for providing misleading information which gets some poor adviser burnt by the SRO. Will the minister outline what he intends to do to fix this anomaly?

Mr LENDERS (Minister for Finance) — I listened with great interest to Mr Forwood's very eloquent contribution on this issue in the second-reading debate. On the face of it what Mr Forwood said was a very accurate description, but the reality is that this clause is being introduced subject to the May bill. The most significant thing is that the Electronic Transactions Act has come into place which substantially changes some of the onuses. Firstly, that was not in place when the last one was introduced. Secondly, it also changes the role of the registrar. What is now happening is that the registrar is a conduit of information. If Mr Forwood is the vendor and Mr Baxter is the purchaser, then they both provide information to the registrar saying what they have bought and sold a property for. Then the registrar simply forwards that information on to the commissioner of taxation who then calculates the dutiable amount. In a sense the registrar is a post box; it is not his information the registrar is passing on.

By exempting him from it, it is a new form of transaction where it is not his intellectual property. If the wrong information is there, as Mr Forwood said in the second-reading debate, it is really between the vendor and purchaser. They have given the information and jointly signed the contracts before passing them on to the registrar who then, in post-box fashion, passes it on to the commissioner. That is why the exemption is in place for him. I think that answers some of Mr Forwood's question.

Hon. BILL FORWOOD (Templestowe) — I accept and thank the minister for that. In these days of imperfect information technology systems, is the minister saying that it is not possible for information to be provided accurately by the vendor or the purchaser and then to be wrongly dealt with by the registrar,

because in those circumstances you would have a third party that has made the mistake, but the people who would be culpable would be the advisers further down the track?

Mr LENDERS (Minister for Finance) — I am advised that the information that goes to the electronic file is certified by the parties. Mr Forwood's further point is: even if it is certified, can there be some corruption of the data? I will take that on board and refer it to the Treasurer as a constructive comment from Mr Forwood for us to look at in a further sense. His point is whether the information is corrupted, but our assumption is that it is simply passed-on information. I will take on board Mr Forwood's comment.

Hon. BILL FORWOOD (Templestowe) — I thank the minister for that. Is the minister satisfied that the anti-adviser clause is operating effectively at the moment?

Mr LENDERS (Minister for Finance) — It is not my portfolio responsibility, but I am advised that on the face of it, it is.

Clause agreed to; clauses 19 to 21 agreed to.

Clause 22

Hon. BILL FORWOOD (Templestowe) — We discussed clause 22 in the second-reading debate. This is the clause that substitutes a new definition of corporate group. Section 250(2) of the act limits corporate reconstruction relief involving staple entities to staple entities which are listed. It should be understood that staple securities may be issued by unlisted entities. What is the rationale for restricting the exemption to unlisted entities?

Mr LENDERS (Minister for Finance) — In response to Mr Forwood's question, and also in response to his second-reading comment about consultation on some of these areas where he, and Mr Baxter, said that clearly there were some areas that you do not want to consult on because you need to act quickly — leaving aside the areas where you could, and arguably there would be a difference as to what they are — I completely agree with the principle.

This is a long answer to Mr Forwood's question, but there is a group called the state taxes consultation committee, and periodically the commissioner seeks advice from that group. It includes all sorts of industry groups. Without taking the committee through all of them, they are all the groups you would expect to be there. It has been consulted about this area, and quite frankly only the unlisted have been suggested. If there

is a case for the listed groups to be in there, then I will certainly ask the Treasurer if he will refer it back to that committee for further advice. But the advice that I have is that the only one that has been on the agenda has been the unlisted, and that is the one that we have responded to.

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his comments in relation to that. This issue was brought to me by the Taxation Institute of Australia, and it will be far more capable of arguing its position than I.

Mr Lenders — It is on that committee, and it will undoubtedly argue that.

Clause agreed to; clauses 23 to 41 agreed to.

Clause 42

Hon. BILL FORWOOD (Templestowe) — Clause 42 deals with the rights of objection under the Valuation of Land Act, and again this issue was canvassed in some detail during the second-reading debate. The first general question I would like the minister to address is whether or not he thinks the regime that is being brought in here, firstly, meets the government's objectives, and secondly, is fair to people who on the face of it do not appear now to be able to lodge objections at an appropriate time.

Mr LENDERS (Minister for Finance) — It is probably worth spending a minute on where this has come from. Obviously, this is in response to a single judge in the Supreme Court — —

Hon. Bill Forwood — With an appeal to come.

Mr LENDERS — As Mr Forwood said, with an appeal to come. But we need to put it in the context of why this has happened. There used to be two different sorts of valuations, and the State Revenue Office is now relying on a municipal valuation, the site valuation of land, for land tax consistently, so that in a sense taxpayers do not have two lots. Also in a policy sense the temptation for the SRO, as the organisation setting the revenue, to do the valuation has been completely removed. It is now valued independently by another source. The first point is that the original policy position to use the municipal site valuations is good policy. The issue in contention here is: what is the appeal process if a municipal valuation notice goes to someone and as a consequence someone who is a municipal ratepayer gets a land tax increase?

I think the first and foremost thing here — and it is what clause 42 seeks to do — is simply to restore the

law to what it had been for a number of years before this particular Supreme Court decision. So in a policy sense, all it does is restore the practice to what everybody has operated under for a period of time.

Mr Forwood asked whether it is appropriate to restore it to the status quo. Again I am quite happy to ask the Treasurer to refer that to the state taxes consultative committee, which advises on tax matters, which is probably an appropriate vehicle to look at it. I am happy to ask the Treasurer to do that. Really all we are doing here is restoring the law to what it had been for a long time and what practitioners have operated under.

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his answer and for his offer. During the second-reading debate I canvassed at some length material from Jim Delany, the barrister involved in the court case in question. He talked about the capacity of the City of Melbourne to issue notification to occupiers and tenants throughout the city. As a matter of natural justice I wonder if that is not also an area that the SRO might look at.

Mr LENDERS (Minister for Finance) — Again I am happy to ask the Treasurer, but I would imagine that some of this is beyond tax policy. There is an existing thing in place, and some of it goes to the next level of what is the role, if any, of the commissioner of state revenue in requiring municipalities to carry out things under acts that the commissioner is not responsible for.

Hon. BILL FORWOOD (Templestowe) — I accept that, except that in these circumstances they will be relying on the actions of the municipality in order to raise the tax that is required. As I think we all recognise, there will be people who do not know about it because they have not been informed. Surely, if you are going to get a form like this, as a matter of natural justice you are entitled to know that it is coming or have the opportunity to object.

Hon. W. R. BAXTER (North Eastern) — I accept the minister saying that the amendment takes this back to the position prior to the court decision, and I think we all agree that that appeared to work fairly well. But in technical terms what we have assumed in the past has been the way to do it may well have been found wanting for the future. There now seems to be a question mark over that, notwithstanding whether the court decision is overturned on appeal. So we need to have the committee look into this so we can all be satisfied that people who are going to get an assessment, at whatever point in time, actually have the right to object to that valuation within a statutory period, and I am not so sure that just going back to what

we believed to have been the situation is going to achieve that in the long run.

Mr LENDERS (Minister for Finance) — I am willing to ask the Treasurer to refer that to the committee for its advice as well. As this committee is aware, we periodically deal with amendments to various tax acts, so if the Treasurer takes that up, there is certainly an option to deal with it in the near future.

Hon. BILL FORWOOD (Templestowe) — During debate in the Legislative Assembly the parliamentary secretary suggested that aggrieved people — and I take it that means occupiers and tenants — could use section 16(5) of the Valuation of Land Act as a mechanism for objecting. Is that true?

Mr LENDERS (Minister for Finance) — Nothing has changed. This amendment restores the rights people had previously under the act, but I will certainly seek advice on anything further to that. My reading is that nothing is altered from what was there before this, and if the Supreme Court case is overturned, then those rights are restored.

The issue in some of this has been that the Supreme Court decision has not only affected the commissioner in his capacity to receive revenue, it has also removed the capacity of citizens who wanted to access their rights in reverse, because they thought the valuation was wrong the other way. It has hindered them. My understanding is that these amendments will restore the rights that everybody had previous to this. The advice is that this restores section 16(5) so that the rights of a taxpayer wishing to receive a revaluation will be restored, as will those of the commissioner.

Hon. BILL FORWOOD (Templestowe) — I have been advised by the Property Council of Australia that it knows that the State Revenue Office does not allow objections under section 16(5). Its view is that the term ‘aggrieved parties’ is more limited. The Property Council of Australia suggested I put this question on the table: will the government override the existing State Revenue Office practice of not allowing objections under section 16(5) of the Valuation of Land Act and direct the SRO to allow tenants and other taxpayers who do not receive notices of valuation to object under section 16(5)? The guts of the question really is: if tenants and other taxpayers do not receive a notice of valuation, will they be able to use section 16(5) to object as aggrieved parties?

Mr LENDERS (Minister for Consumer Affairs) — I think part of Mr Forwood’s question relates to the earlier one about the general efficacy of this law and

whether that should be addressed, which I have said I will ask the Treasurer to refer to the committee. I think where the advice differs, if you think it through logically, is the SRO has no capacity to stop a tenant from seeking relief under section 16(5). We will be restoring the relief capacity of a tenant with these amendments, assuming they are carried through this Parliament. The SRO has no capacity to stop a tenant from seeking a revaluation in their own right. The issues of timing and notification are ones we have addressed separately. Tenants’ rights under section 16(5) will be restored to them. The avenue of redress for a tenant who believed a valuation was too high had been knocked out by the Supreme Court decision. This restores it for the tenant as well for the SRO.

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his response on those issues. I am not sure we made all that much progress.

Another issue I would like to clarify is: in her press release at the time the minister said that the legislation will apply to all objections in proceedings in the Victorian Civil and Administrative Tribunal and the Supreme Court other than the recent Supreme Court case in which the objection ruling was made. I have been advised that the drafting of the bill does not allow this, and the result is that the rights of taxpayers with matters that are currently under objection or under appeal have been taken away.

Mr LENDERS (Minister for Finance) — Clearly there is an interface here. If there is an appeal to the Supreme Court, what happens if the appeal is successful? If the appeal is successful, clearly everyone’s right to sue is restored. If we were to take away everyone’s right to sue, we would need to specifically list in this legislation everyone who has a case before VCAT. So those rights are not affected.

Clause agreed to; clause 43 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a third time.

In doing so I would generally like to thank the house and the committee for their cooperation. It has been a great process. It is a very complex and technical area. The second-reading speech has certainly assisted

considerably in addressing some of the questions raised in the committee stage. I thank the members and wish the bill a very speedy third-reading passage.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

TEACHING SERVICE (CONDUCT AND PERFORMANCE) BILL

Introduction and first reading

Received from Assembly.

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

ADJOURNMENT

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

That the house do now adjourn.

Enterprise Avenue—Clyde Road, Berwick: traffic control

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I wish to raise a matter for the attention of the Minister for Transport in the other place. I bring to the minister's attention the T-intersection of Enterprise Avenue and Clyde Road in Berwick. This intersection is the only entrance and exit from the Enterprise Avenue industrial estate in Berwick, and due to its location, which is adjacent to the Pakenham railway line and at a point where the Berwick—Clyde road narrows from a divided two-lane road each way to a single carriageway, it is subject to an extraordinary amount of traffic congestion, with many vehicles turning right when exiting from Enterprise Avenue onto the Berwick—Clyde road. Obviously because it is an industrial estate a lot of the traffic is heavy vehicles, which further exacerbates the problem.

Just south of this intersection is the Berwick campus of Monash University, which is located at the fully signalised cross-intersection of Kangan Drive. Therefore it has turning lanes and turning signals as well as a full set of conventional traffic lights. It seems incongruous that we have an intersection serving the

industrial estate, which does not have any form of traffic control and is therefore very congested, and this fully signalised intersection at Monash University, which has a very low traffic volume.

To address this problem I have spoken to traders in the Enterprise Avenue industrial estate, and I have come up with the solution of extending one of the roads in that estate — Venture Drive — to connect through to the main entrance in and out of Monash University. This would give people in the Enterprise Avenue estate the opportunity to connect with Clyde Road through the signalised intersection at Monash University and thereby alleviate all the current traffic problems at the T-intersection of Enterprise Avenue. This is a proposal that could be introduced at relatively low cost, and it has the support of traders. I have written to VicRoads and Monash University on this issue and received a positive response from VicRoads, and I now seek the assistance of the Minister for Transport to ensure this proposal is implemented at the earliest opportunity.

Golden Plains: community projects

Ms CARBINES (Geelong) — I raise a matter for the Minister for Victorian Communities in the other place. Recently I met with Cr Bill McArthur, mayor of the Golden Plains Shire Council, along with council officers David Madden and Lenny Jenner, to discuss their excellent work to strengthen the communities in their municipality. Golden Plains Shire Council has 35 separate townships, each with its own distinct character and community, varying from Bannockburn and Meredith, to Batesford, Rokewood, Linton and Smythesdale — just to mention a few.

The shire has facilitated the development of township plans whereby residents shape future priorities reflecting their views and aspirations for their town. This has been achieved with the assistance of an external facilitator employed by the shire and by the leadership of community coordinators from each township in Golden Plains.

The shire is seeking to extend this project into a new phase that facilitates and supports communities to understand and respond to more complex economic, social and environmental issues. A three-year Communities Leading the Way project is proposed by Golden Plains Shire focusing on four key elements: firstly, developing leaders who lead the agenda; secondly, working towards shared goals and outcomes; thirdly, building strategic partnerships; and lastly, becoming a community development council.

The shire has applied to the Department for Victorian Communities for funding of \$70 000 per annum over the next three years under the community strengthening grants program to allow the Communities Leading the Way project to proceed. In supporting Golden Plains Shire's most worthy application, I urge Minister Thwaites to favourably consider this funding request to allow this strong, community-focused shire to continue its great work and further build the capacity of its communities.

Barwon Health: performance

Hon. D. McL. DAVIS (East Yarra) — I raise a matter for the attention of the Minister for Health in the other place, and it concerns the failing performance of Barwon Health in Geelong — a very important health network. Barwon Health and the Geelong hospital are very significant for that community, as Ms Carbines will know. But the recent hospital services report shows a serious failure at Barwon Health. The number of people on the elective surgery waiting list has increased from 2065 in June 2003 to 2457 in June 2004 — a 19 per cent increase. The number of people on semi-urgent elective waiting lists is up to 963 from 690 — a 39.6 per cent increase. The number of people on waiting lists for non-urgent elective surgery is up just under 9 per cent, and the number of people on waiting lists longer than ideal for semi-urgent surgery is up by 57.8 per cent to 453 people. These are serious failures.

I note the number of people listed as waiting for 12 hours or longer is 356. But we know that those figures are not accurate and that the government does not declare all the people who wait for 12 hours or longer. We know that over 8000 people who have waited more than 12 hours in emergency departments in country Victoria are not listed in the government statistics. They are not listed because the statistics list only those who wait more than 12 hours on trolleys and are then admitted to the same hospital. People who are transferred, people who are discharged home, people who do not wait and leave and people who die in the emergency department — who have waited more than 12 hours, to die tragically! — are not counted in the statistics.

It is important that the health minister come clean with the true statistics so we know how many hundreds of other people — or perhaps thousands — in Barwon Health and other country centres wait more than 12 hours but are not counted in the official statistics. This is a government of spin, a government of lies and a government of deceit — covering up the true number

of people who are waiting in those emergency departments for extraordinary lengths of time.

The government should be declaring the number of people who wait 24 hours, 48 hours and even in some cases 96 hours. Some of those people, as I say, are not even counted in the statistics because the government uses a very narrow definition. The truth is Barwon Health's performance is failing, and we know that that is the case statewide. Some 42 120 people are now on the elective surgery waiting lists; the number of people staying in emergency departments has grown to a massive 6547! I call on the health minister to come back — —

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

Energy: mandatory renewable target

Ms HADDEN (Ballarat) — I raise for the attention of the Minister for Energy Industries an issue concerning renewable energy and the state government's policy to reduce greenhouse gas emissions and meet our mandatory renewable energy target of 10 per cent by 2010.

I was in New South Wales in the last week of September and in my travels I looked at a number of issues to do with water, the impact of drought and forest harvesting practices along the south-east coast. I also came across a project which has just been put into place in northern New South Wales by the state government and Country Energy Ltd.

The pilot project is for two years and involves a unit called an aquariator being submerged into the Clarence River in northern New South Wales. As some might know, the river starts in the Great Dividing Range in Queensland near Tooloom and flows south through Grafton, Maclean and Yamba to the Pacific Ocean.

The aquariator country energy unit looks a bit like a submarine with paddles all around its length, and these paddles move with the ocean currents. The good thing about this unit is that it is below the water, no fossil fuels are involved, it is run solely by the ocean currents which flow into the Clarence River, and there is no noise, no visual interference and no amenity disturbance. The aquariator unit can produce 1 megawatt, which can power around 750 houses.

The action I seek from the minister is for his department to explore the feasibility of conducting a similar pilot project in Victoria and to liaise with his New South Wales counterpart on the progress of its two-year pilot project in the Clarence River.

Plumbing Industry Advisory Council: chairman

Hon. B. N. ATKINSON (Koonung) — I wish to raise an issue with the Minister for Planning in the other place. My concern and that of the Master Plumbers and Mechanical Services Association of Australia is about the reappointment of commissioners — specifically, the reappointment of Bill Durham, who has been a fine servant of the Plumbing Industry Commission as a representative of the master plumbers. He has been a representative on and the chairman of the Plumbing Industry Advisory Council since 1999, and on 30 June 2004 his term of office as chairman concluded. To this point Mr Durham and the industry association, which nominated him initially because of his expertise, have yet to hear about any continuation of his services from the Minister for Planning.

I can understand that this minister is not particularly adept at answering her letters, but I would have thought that, given that this is October and that the Master Plumbers and Mechanical Services Association of Australia has been writing to her over a number of months, most recently on 30 August, the minister would have been in a position to confirm the recommendation of the master plumbers that Mr Durham's appointment should proceed.

Mr Durham has contributed a great deal to the plumbing industry, and I think he has helped governments of both colours with the advancement of the plumbing industry and in dealing with a wide range of issues concerning consumer interests, training, licensing and registration and so forth. It is most unfortunate that the minister has, in the first instance, allowed the chairman of this advisory council to be in limbo for such an extended period of time — already some four months — which shows a disdain for the committee itself and that she has also failed to even answer the correspondence of the master plumbers association and to address this issue.

It becomes an even more pressing issue in the context of the plumbing industry when one considers that the service of another current commissioner, Mr Kefford, is also about to come to an end. It is important that the minister address this, and I seek her urgent attention to this appointment.

Commonwealth Games: athletics track

Hon. KAYE DARVENIZA (Melbourne West) — The matter I raise for the attention of the Minister for Commonwealth Games regards the possible relocation of the all-weather athletics track at the Melbourne

Cricket Ground following the conclusion of the Commonwealth Games. The athletics track is currently being installed at the MCG, with a plan to cover the track for the 2005 football and cricket seasons and to then uncover the track at the conclusion of the Boxing Day test 2006 so that it can be ready for the Commonwealth Games. I understand that if it is financially viable, the minister would like to see the track relocated following the conclusion of the games.

If it is decided that the track be relocated, I ask the minister to consider locating it in the western suburbs, particularly in the municipality of Brimbank. I believe that would be an ideal location for an all-weather athletics track. The western suburbs is in need of athletics facilities. In fact, my research indicates that the city of Brimbank is the only municipality in metropolitan Melbourne that does not have an all-weather athletics track. I again ask that if the all-weather athletics track is to be relocated after the Commonwealth Games, the minister give very careful consideration to relocating it in the city of Brimbank and the western suburbs generally.

Glen Eira: councillors

Hon. C. A. STRONG (Higinbotham) — The issue I would like to raise is for the Minister for Local Government. It arises out of an article in the *Moorabbin Glen Eira Leader* of 13 October headed 'Advice sought on inspector'. It says:

Local government minister Candy Broad has sought advice from her department on Glen Eira Council's request for a municipal inspector —

to look at abuse of expenses, particularly phones. I would like to help the minister in making her decision. I would like to make available to her some freedom of information logs for council phones that have to be used under the Glen Eira council policy, which says they are only to be used for reasonable council use for dealing with constituents. I would like to turn, firstly, to the logs for Cr Rachele Sapir. Let me just quote some — there are virtually hundreds of these, which I will pass on to the minister.

Hon. M. R. Thomson — On a point of order, President, I am not sure where this is going, but when the member got to his feet on this he said that he was offering some information and advice to the minister. I thought that the adjournment debate is to be used to seek an action by a minister, not for the member to provide information to the minister.

The PRESIDENT — Order! The minister is right in her comments about what the adjournment debate is

about. The member has been going for about a minute, and I will listen carefully to his at some point, one would imagine, seeking some action of the minister. But if he does not fulfil the guidelines that I know he and all other members are well aware of, I will rule accordingly.

Hon. C. A. STRONG — I will be seeking action from the minister. I am just running through some of the reasons why I will be seeking that action. For instance, if we look at these phone logs we can see that on 18 September 2002 there is a series of phone calls running from 1.17 in the morning until 2.34 in the morning — some four phone calls, hardly the sort of thing you would be talking to constituents about. Again, on 20 September there were phone calls running from a quarter past midnight to 12.30 in the morning — once again, hardly the sort of thing you would be talking to constituents about.

An honourable member interjected.

Hon. C. A. STRONG — You may say that. On 7 October 2002 there were phone calls running from 5 o'clock in the morning until 7.31 in the morning — seven phone calls, hardly to constituents. Two days later, on 8 October, from 9.30 p.m. through until 8.00 a.m. there were nine phone calls — and so it goes on. I will not read all of these into *Hansard* because there are fundamentally too many. I request that the minister support the investigation into the abuses of, particularly, telephones supplied by Glen Eira council. If it is helpful to her, I will pass on this information to ensure that this investigation takes place.

Aquaculture: PrimeSafe

Hon. PHILIP DAVIS (Gippsland) — I raise a matter for the attention of the Minister for Agriculture in the other place concerning the yabby industry in Victoria. It is no secret that the Minister for Agriculture and Greg Williams, who is the president of the Australian Freshwater Crayfish Growers Association of Victoria, have locked horns on certain issues of state and local government significance in recent months. For some time Mr Williams has protested about the state government's inadequate implementation of its new PrimeSafe seafood safety laws, which have seen dozens of yabby farms permanently close their doors. He, along with 57 of the 60 yabby farmers throughout the state, has opted to cease live sales of yabbies from his farm to the restaurant trade since the implementation of the PrimeSafe laws. The minister agreed to meet with Mr Williams on one occasion on this issue, but the minister repeatedly refused requests to meet with yabby grower industry groups.

The City of Greater Bendigo, of which Mr Greg Williams is mayor, has lobbied the minister on matters in his Bendigo electorate, including the much-needed upgrade of three intersections and concern about the Bracks government's failure to release a timetable before beginning work on the Bendigo rail line. The local press quoted the minister as saying that this was a massive cover-up by the Liberal-dominated council and that it was failing in its responsibilities. One day before this, the minister organised PrimeSafe to raid the Heathcote property of Mr Williams, but he was not home at the time of the raid. Instead his wife copped the harassment of the PrimeSafe officers, who demanded to inspect the Williams's yabby operations, despite being previously advised that yabbies were no longer being sold for human consumption. The officers threatened to call in the police, but Mrs Williams stood her ground and refused access to PrimeSafe. Contrary to PrimeSafe's claims that the raids were to be conducted statewide, no more raids have occurred.

In the lead-up to the raid on Mr Williams's property, it was also well documented that there had been heated telephone conversations between the minister and council, with accusations that the minister had bullied and threatened the council. It is absolutely appalling that the minister would use his influence over PrimeSafe to pursue his political vendetta against Greg Williams by organising this raid. The minister is quite obviously afraid of criticism, and his actions in this ongoing political vendetta against Mr Williams have been totally unconscionable. I therefore ask the minister to cease using his political position to harass, threaten and bully his constituents and to stop —

Honourable members interjecting.

The PRESIDENT — Order! The Leader of the Opposition! Even if he keeps speaking after I call for order, it will not be recorded in *Hansard*. I ask the member to take heed of the President's call.

Hon. M. R. Thomson — On a point of order, President, the member has impugned a member in the other place and has not provided any evidence. I do not believe that this is an appropriate use of the adjournment debate. If he has an issue, he should raise it by way of substantive motion.

Hon. PHILIP DAVIS — In response to you, President, I thought that when you called 'Order' you were calling other members to be quiet so I could complete my contribution. I was not aware that you were calling me to order.

In respect of the point of order, I cannot understand what it is that the minister is suggesting about the facts that have been recited here. All the matters I have recited are on the public record. They are matters reported in the press. They are matters that are not in dispute, and they are from attributions in the media by the minister himself. There is no point of order, and I ask that you rule the minister out of order.

The PRESIDENT — The point of order the minister has raised is in reference to standing order 9.18 which says:

All imputations of improper motives and all personal reflections on members will be considered highly disorderly.

That is what the minister is referring to. She said the comments are inappropriate for an adjournment debate. The Leader of the Opposition said he is merely referring to articles that have been in the paper. However, the minister has raised a point of order in line with standing order 9.18. The other issue is whether the action the Leader of the Opposition is asking of the minister at the table to refer to another minister is appropriate and within the guidelines. The member only had another 25 seconds to go. I did not hear what the action was. My concern was about the imputations and improper motives. They are considered highly disorderly and ought to be withdrawn. I ask the member to withdraw those issues with respect to his adjournment matter. I do not think we have got to the bottom of that; we need to have it clarified.

Hon. PHILIP DAVIS — It is not evident to me what the minister is concerned with. I have some difficulty, President, with the particular matter the minister is seeking to have withdrawn. Were it clear to me, I would be willing to oblige. I am not aware, however, of the particular aspect of the contribution, which ran for 2½ minutes, the minister found offensive.

Hon. M. R. Thomson — The member impugned the motives of the minister in the conduct of an incident that he referred to. He impugned the motives of the minister, who is not here to speak for himself. Also, in relation to the adjournment, President, I clearly heard that his request was simply that the minister desist from the action that Mr Davis accuses him of engaging in, and the minister is not here to account for it. This is a most inappropriate use of the adjournment.

Hon. PHILIP DAVIS — On the point of order, President, quite clearly I had not completed my contribution because a point of order was taken by the minister. You, President, ruled that I should cease speaking, which I did, and quite rightly pointed out that

anything I had said after you had taken the point of order would not be admitted to *Hansard*. Therefore it is a matter of record that I have not yet concluded my adjournment contribution. Therefore, when I have the opportunity to proceed, I will be delighted to complete my adjournment request.

The PRESIDENT — Order! The original point of order was raised about the impugning of the minister. The Leader of the Opposition stated that a minister was harassing a constituent, and that is the part raised with respect to standing order 9.18 and the part of the contribution to which the minister took offence on behalf of the minister in the other place. That is the part I ask the Leader of the Opposition to withdraw. He has 25 seconds left to deal with the action he is seeking from the minister.

Hon. PHILIP DAVIS — I withdraw. I ask that the minister ensure that there is no further political agitation which would cause PrimeSafe to continue to harass yabby farmers and that he exhort PrimeSafe to ensure that no further raids are applied to yabby farmers who are going about their lawful business.

Jobs for Young People program: Brimbank

Hon. S. M. NGUYEN (Melbourne West) — I wish to raise a matter for the consideration of the Minister for Employment and Youth Affairs in the other place. I ask for action to ensure that the City of Brimbank will begin to support the Jobs for Young People (JYP) program. Although my local council was not able to be involved in the program in 2003–04, I will be encouraging it to support local young people by providing the program in this current 2004–05 year. I am very committed to young people in my electorate to ensure they are able to access employment opportunities through local government. I believe it is essential for councils to demonstrate their commitment to providing local jobs to local young people.

The Jobs for Young People program delivers on the Bracks government's commitment to provide employment opportunities to early school leavers and unemployed people aged 15 to 24, particularly those from indigenous and culturally and linguistically diverse backgrounds. There is a strong concentration of young people in the City of Brimbank. According to the Australian Bureau of Statistics 2001 census, 20 per cent, or approximately 33 400 young people aged 12 to 24, live there, compared with 18 per cent for the Melbourne metropolitan area. In 2001 the City of Brimbank had a youth unemployment rate of 15.9 per cent, which is 3.7 per cent above the Melbourne metropolitan rate of 12.2 per cent.

The JYP program aims to improve the employment prospects of young people through creating apprenticeship and traineeship opportunities for them in local government. It provides them with paid work, experience, training and qualifications. The positions address future skill requirements identified by local government and include business administration, information technology, child care, cultural services, sport and recreation, tourism, human resources, mechanics and gardening. This program helps to keep young people in employment, especially in regional Victoria. It will also create 1100 new employment and training opportunities for young people over four years and alleviate skill shortages in Victoria. Our government is committed to young people participating in the community, and I encourage all councils to ensure they provide the JYP program. It is a significant component of the Victorian government's \$155 million Jobs for Victoria initiative.

Responses

The PRESIDENT — Order! Before I call the minister to respond, I point out that during the adjournments debate this afternoon the Honourable David Davis did not seek action from the minister, so I direct the minister not to respond. Similarly the Honourable Chris Strong did not seek any specific action, so I direct the minister not to respond.

Hon. M. R. THOMSON (Minister for Small Business) — The Honourable Gordon Rich-Phillips raised a matter for the Minister for Transport concerning the junction of Enterprise Avenue and Berwick-Clyde Road, and I will pass that on to the minister.

Ms Carbines raised a matter for the Minister for Victorian Communities concerning the Shire of Golden Plains and the extension of its township plans project, and I will pass that on to the minister.

Ms Hadden raised a matter for the Minister for Energy Industries concerning renewable energy, and I will pass that on to the minister.

The Honourable Bruce Atkinson raised a matter for the Minister for Planning concerning an appointment to the Plumbing Industry Advisory Council, and that will be passed on to the minister.

The Honourable Kaye Darveniza raised a matter for the Minister for Commonwealth Games concerning the relocation of the all-weather athletics track. She said that if it is to be relocated, the Brimbank municipality

should be given serious consideration for that relocation.

The Honourable Philip Davis raised a matter for the Minister for Agriculture.

The Honourable Sang Nguyen raised a matter for the Minister for Employment and Youth Affairs concerning jobs for young people in the western suburbs.

Motion agreed to.

House adjourned 4.00 p.m. until Wednesday, 3 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.*

Tuesday, 12 October 2004

Treasurer: ministerial staff

1260. THE HON. W. R. BAXTER — To ask the Minister for Finance (for the Treasurer): Are any members of the Treasurer's staff listed in the *2003-04 Victorian Government Directory*, persons who have replaced those listed, or staff engaged since the Directory's publication, remunerated by way of consultancy fees in lieu of salary and allowances.

ANSWER:

I am informed that:

No members of my staff listed in the *2003-2004 Victorian Government Directory*, persons who have replaced those listed, or staff engaged since the Directory's publication, are remunerated by way of consultancy fees in lieu of salary and allowances.

Industrial relations: public sector wage deals

1507. THE HON. PHILIP DAVIS — To ask the Minister for Aged Care (for the Minister for Industrial Relations):

- (a) What are the public sector wage deals that have been negotiated by the Government since October 1999.
- (b) For each wage deal agreement negotiated, what was the — (i) date the new agreement came into effect; (ii) employees covered; (iii) number of employees covered; (iv) percentage increases negotiated; and (v) financial expenditure and estimated financial expenditure of each new arrangement in each State Budget since October 1999.

ANSWER:

I am informed as follows:

(a) & (b [1 - iv]),

The research required to provide a response to this question would place an unreasonable burden on the time and resources of my office. However if the Minister wishes to be more specific in relation to particular agreements then the Member's request will be reconsidered.

Education services: Somerville secondary college — Aboriginal relics

1786. THE HON. RON BOWDEN — To ask the Minister for Energy Industries (for the Minister for Education Services): Has the Government agreed to compensate the people of the Victorian Boonerwung Elders Land Council Aboriginal Corporation, the Bunrong Land Council Aboriginal Corporation, the Wurundjeri Tribe Land Compensation and Cultural Heritage Council Inc or any other

interested group, for allowing the Somerville Secondary College Campus to be built; if so, in what form will this compensation take.

ANSWER:

I am informed as follows:

The Government has not agreed to compensate the people of the Victorian Boonerwung Elders Land Council Aboriginal Corporation, the Bunurong Land Council Aboriginal Corporation, the Wurundjeri Tribe Land Compensation and Cultural Heritage Council Inc or any other interested group for allowing the Somerville Campus of Mt Erin Secondary College Campus to be built.

Education services: Somerville secondary college — Aboriginal relics

1788. THE HON. RON BOWDEN — To ask the Minister for Energy Industries (for the Minister for Education Services): In relation to the Somerville Secondary College Campus:

- (a) What agreement exists between the Government and the representatives of the Victorian Boonerwung Elders Land Council Aboriginal Corporation, the Bunurong Land Council Aboriginal Corporation, the Wurundjeri Tribe Land Compensation and Cultural Heritage Council Inc and any other interested group.
- (b) What payments has the Government made or agreed to make with any of the representatives of the groups in (a) above.
- (c) What changes to the school design will be made as a result of any such agreements with the Government.

ANSWER:

I am informed as follows:

There are at this time no agreements between the Government and the representatives of the Victorian Boonerwung Elders Land Council Aboriginal Corporation, the Bunurong Land Council Aboriginal Corporation, the Wurundjeri Tribe Land Compensation and Cultural Heritage Council Inc and any other interested group.

The Department has made no direct payments to or agreed to make any payments to any of the representatives of the groups mentioned above.

Education services: Somerville secondary college

1789. THE HON. RON BOWDEN — To ask the Minister for Energy Industries (for the Minister for Education Services):

- (a) Is it expected that the Somerville Secondary College Campus will open as an all Portable / Transportable Classroom School.
- (b) Will there be a school oval and carpark when it opens.

ANSWER:

I am informed as follows:

It is not expected that the Somerville Campus of Mt Erin Secondary College will open with an all portable/transportable classrooms and it is planned that an oval will be provided as part of the development.

Arts: Australian Centre for the Moving Image — external legal advice

2868. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Arts): What has been the expenditure by the Australian Centre for the Moving Image on external legal advice since 1 January 2003 to date.

ANSWER:

I am advised that the Australian Centre for the Moving Image engages legal services when required as part of its routine business activities. These include matters such as contract and lease negotiations. The costs are included in the operational expenses reported in the agency's annual reports to Parliament.

Arts: Film Victoria — external legal advice

2869. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Arts): What has been the expenditure by Film Victoria on external legal advice since 1 January 2003 to date.

ANSWER:

I am advised that Film Victoria engages legal services when required as part of its routine business activities. These include matters such as contract and lease negotiations. The costs are included in the operational expenses reported in the agency's annual reports to Parliament.

Arts: Council of Trustees of the National Gallery of Victoria — external legal advice

2871. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Arts): What has been the expenditure by the Council of Trustees of the National Gallery of Victoria on external legal advice since 1 January 2003 to date.

ANSWER:

I am advised that the Council of Trustees of the National Gallery of Victoria engages legal services when required as part of its routine business activities. These include matters such as contract and lease negotiations. The costs are included in the operational expenses reported in the agency's annual reports to Parliament.

Arts: National Gallery of Victoria — external legal advice

2872. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Arts): What has been the expenditure by the National Gallery of Victoria on external legal advice since 1 January 2003 to date.

ANSWER:

I refer the honourable member to my response to question 2871.

Arts: Library Board of Victoria — external legal advice

2873. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Arts): What has been the expenditure by the Library Board of Victoria on external legal advice since 1 January 2003 to date.

ANSWER:

I am advised that the Library Board of Victoria engages legal services when required as part of its routine business activities. These include matters such as contract and lease negotiations. The costs are included in the operational expenses reported in the agency's annual reports to Parliament.

Arts: State Library of Victoria — external legal advice

2874. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Arts): What has been the expenditure by the State Library of Victoria on external legal advice since 1 January 2003 to date.

ANSWER:

I refer the Honourable Member to my response to question 2873.

Arts: Museums Board of Victoria — external legal advice

2875. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Arts): What has been the expenditure by the Museums Board of Victoria on external legal advice since 1 January 2003 to date.

ANSWER:

I am advised that the Museums Board of Victoria engages legal services when required as part of its routine business activities. These include matters such as contract and lease negotiations. The costs are included in the operational expenses reported in the agency's annual reports to Parliament.

Arts: Museum Victoria — external legal advice

2876. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Arts): What has been the expenditure by Museum Victoria on external legal advice since 1 January 2003 to date.

ANSWER:

I refer the Honourable Member to my response to question 2875.

Arts: Victorian Arts Centre Trust — external legal advice

2877. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Arts): What has been the expenditure by the Victorian Arts Centre Trust on external legal advice since 1 January 2003 to date.

ANSWER:

I am advised that the Victorian Arts Centre Trust engages legal services when required as part of its routine business activities. These include matters such as contract and lease negotiations. The costs are included in the operational expenses reported in the agency's annual reports to Parliament.

Arts: Victorian Council of the Arts — external legal advice

2878. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Arts): What has been the expenditure by the Victorian Council of the Arts on external legal advice since 1 January 2003 to date.

ANSWER:

The Victorian Council of the Arts is an advisory body therefore this question is not applicable.

Premier: Treasury place — gymnasium

3012. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Premier): What has been the annual operating cost of the 1 Treasury Place gymnasium for every year since and including 1999-2000.

ANSWER:

I am informed that:

As the operations of the 1 Treasury Place gymnasium falls within the responsibilities of the Minister for Finance, the member may wish to direct the question to the responsible Minister.

Victorian communities: ministerial staff — mobile telephone services

3333. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Aged Care (for the Minister for Victorian Communities): What has been the cost of providing mobile telephone services to the Minister's staff since 1999-2000.

ANSWER:

I am informed as follows:

Costs for provision of mobile phones for my ministerial staff are managed by the Department of Sustainability and Environment.

Women's affairs: ministerial staff — mobile telephone services

3340. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Local Government (for the Minister for Women's Affairs): What has been the cost of providing mobile telephone services to the Minister's staff since 1999-2000.

ANSWER:

I am informed as follows:

Costs for provision of mobile phones for my ministerial staff are managed by the Department of Sustainability and Environment. Information is not collected in a manner which allows for the data requested to be obtained without placing an unreasonable burden on the time and resources of the department.

Sport and recreation: ministerial staff — mobile telephone services

3341. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation: What has been the cost of providing mobile telephone services to the Minister's staff since 1999-2000.

ANSWER:

I am informed as follows:

The records of the cost of mobile telephone services provided to my staff since 1999-2000 are held by the Department for Victorian Communities and the Department of Innovation, Industry and Regional Development.

I am advised that the hours and labour required to extract and compile the data for Ministerial staff would be considerable and would unreasonably divert departmental resources.

Commonwealth Games: ministerial staff — mobile telephone services

3342. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Commonwealth Games: What has been the cost of providing mobile telephone services to the Minister's staff since 1999-2000.

ANSWER:

I am informed as follows:

The records of the cost of mobile telephone services provided to my staff since 1999-2000 are held by the Department for Victorian Communities and the Department of Innovation, Industry and Regional Development.

I am advised that the hours and labour required to extract and compile the data for Ministerial staff would be considerable and would unreasonably divert departmental resources.

Education services: private sector gifts

3410. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education Services): Has the Minister received any gifts from the private sector up to the sum of \$380 since being appointed a Minister of the Crown; if so — (i) who was the donor; (ii) what was the gift; (iii) what was the value of the gift; and (iv) was this gift disclosed in a declaration of a conflict of interest.

ANSWER:

I am informed as follows:

I refer the Member to the Register of Pecuniary Interests.

Education and training: private sector gifts

3411. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): Has the Minister received any gifts from the private sector up to the sum of \$380 since being appointed a Minister of the Crown; if so — (i) who was the donor; (ii) what was the gift; (iii) what was the value of the gift; and (iv) was this gift disclosed in a declaration of a conflict of interest.

ANSWER:

I am informed as follows:

The *Members of Parliament (Register of Interests) Act 1978* and the *Code of Conduct* for Members requires gifts with a value higher than \$500 to be reported to the Clerk of the Legislative Assembly.

It is customary to exchange small gifts with visiting dignitaries and delegations.

As the sum that is the subject of the Question is less than the reportable amount, no records are maintained of such gifts.

Treasurer: land tax — Shepparton

3637. THE HON. PHILIP DAVIS — To ask the Minister for Finance (for the Treasurer): What was the value of land tax collected in 2003-04 from the Greater Shepparton local government area.

ANSWER:

I am informed that:

The State Revenue Office does not keep data indicating the amounts of land tax collected on this basis. It is therefore not possible to respond to the question.

Treasurer: stamp duty — Shepparton

3638. THE HON. PHILIP DAVIS — To ask the Minister for Finance (for the Treasurer): What was the value of stamp duty collected in 2003-04 from the Greater Shepparton local government area.

ANSWER:

I am informed that:

The State Revenue Office does not keep data indicating the amounts of stamp duty collected on this basis. It is therefore not possible to respond to the question.

Treasurer: payroll tax — Shepparton

3639. THE HON. PHILIP DAVIS — To ask the Minister for Finance (for the Treasurer): What was the value of payroll tax collected in 2003-04 from the Greater Shepparton local government area.

ANSWER:

I am informed that:

The State Revenue Office does not keep data indicating the amounts of payroll tax collected on this basis. It is therefore not possible to respond to the question.

Treasurer: land tax — Bendigo

3645. THE HON. PHILIP DAVIS — To ask the Minister for Finance (for the Treasurer): What was the value of land tax collected in 2003-04 from the Greater Bendigo local government area.

ANSWER:

I am informed that:

The State Revenue Office does not keep data indicating the amounts of land tax collected on this basis. It is therefore not possible to respond to the question.

Treasurer: stamp duty — Bendigo

3646. THE HON. PHILIP DAVIS — To ask the Minister for Finance (for the Treasurer): What was the value of stamp duty collected in 2003-04 from the Greater Bendigo local government area.

ANSWER:

I am informed that:

The State Revenue Office does not keep data indicating the amounts of stamp duty collected on this basis. It is therefore not possible to respond to the question.

Treasurer: payroll tax — Bendigo

3647. THE HON. PHILIP DAVIS — To ask the Minister for Finance (for the Treasurer): What was the value of payroll tax collected in 2003-04 from the Greater Bendigo local government area.

ANSWER:

I am informed that:

The State Revenue Office does not keep data indicating the amounts of payroll tax collected on this basis. It is therefore not possible to respond to the question.

Treasurer: land tax — Ballarat

3653. THE HON. PHILIP DAVIS — To ask the Minister for Finance (for the Treasurer): What was the value of land tax collected in 2003-04 from the Ballarat local government area.

ANSWER:

I am informed that:

The State Revenue Office does not keep data indicating the amounts of land tax collected on this basis. It is therefore not possible to respond to the question.

Treasurer: stamp duty — Ballarat

3654. THE HON. PHILIP DAVIS — To ask the Minister for Finance (for the Treasurer): What was the value of stamp duty collected in 2003-04 from the Ballarat local government area.

ANSWER:

I am informed that:

The State Revenue Office does not keep data indicating the amounts of stamp duty collected on this basis. It is therefore not possible to respond to the question.

Treasurer: payroll tax — Ballarat

3655. THE HON. PHILIP DAVIS — To ask the Minister for Finance (for the Treasurer): What was the value of payroll tax collected in 2003-04 from the Ballarat local government area.

ANSWER:

I am informed that:

The State Revenue Office does not keep data indicating the amounts of payroll tax collected on this basis. It is therefore not possible to respond to the question.

Treasurer: land tax — Geelong

3661. THE HON. PHILIP DAVIS — To ask the Minister for Finance (for the Treasurer): What was the value of land tax collected in 2003-04 from the Greater Geelong local government area.

ANSWER:

I am informed that:

The State Revenue Office does not keep data indicating the amounts of land tax collected on this basis. It is therefore not possible to respond to the question.

Treasurer: stamp duty — Geelong

3662. THE HON. PHILIP DAVIS — To ask the Minister for Finance (for the Treasurer): What was the value of stamp duty collected in 2003-04 from the Greater Geelong local government area.

ANSWER:

I am informed that:

The State Revenue Office does not keep data indicating the amounts of stamp duty collected on this basis. It is therefore not possible to respond to the question.

Treasurer: payroll tax — Geelong

3663. THE HON. PHILIP DAVIS — To ask the Minister for Finance (for the Treasurer): What was the value of payroll tax collected in 2003-04 from the Greater Geelong local government area.

ANSWER:

I am informed that:

The State Revenue Office does not keep data indicating the amounts of payroll tax collected on this basis. It is therefore not possible to respond to the question.

Treasurer: land tax — Latrobe

3669. THE HON. PHILIP DAVIS — To ask the Minister for Finance (for the Treasurer): What was the value of land tax collected in 2003-04 from the Latrobe City local government area.

ANSWER:

I am informed that:

The State Revenue Office does not keep data indicating the amounts of land tax collected on this basis. It is therefore not possible to respond to the question.

Treasurer: stamp duty — Latrobe

3670. THE HON. PHILIP DAVIS — To ask the Minister for Finance (for the Treasurer): What was the value of stamp duty collected in 2003-04 from the Latrobe City local government area.

ANSWER:

I am informed that:

The State Revenue Office does not keep data indicating the amounts of stamp duty collected on this basis. It is therefore not possible to respond to the question.

Treasurer: payroll tax — Latrobe

3671. THE HON. PHILIP DAVIS — To ask the Minister for Finance (for the Treasurer): What was the value of payroll tax collected in 2003-04 from the Latrobe City local government area.

ANSWER:

I am informed that:

The State Revenue Office does not keep data indicating the amounts of payroll tax collected on this basis. It is therefore not possible to respond to the question.

Aged care: retirement villages

3727. THE HON. ANDREA COOTE — To ask the Minister for Aged Care: What steps have been taken by the Government to ensure private operators of retirement villages are able to maintain their long-term presence in the face of rising costs, and do so in a fair and equitable way.

ANSWER:

I am informed that:

The matter raised in the question does not fall under my portfolio responsibilities. The question should be directed to the Minister for Consumer Affairs.

Treasurer: payroll tax — Brighton

3799. THE HON. GRAEME STONEY — To ask the Minister for Finance (for the Treasurer): In relation to the businesses located in postcodes 3186 (Brighton) and 3187 (Brighton East):

- (a) How many businesses were levied with payroll tax in 2000-01, 2001-02, 2002-03, and 2003-04, respectively.
- (b) What was the total value of payroll tax for each postcode in 2000-01, 2001-02, 2002-03 and 2003-04, respectively.
- (c) How many individuals and businesses were levied with land tax in 2000-01, 2001-02, 2002-03 and 2003-04, respectively.
- (d) What was the total value of land tax for each postcode in 2000-01, 2001-02; 2002-03 and 2003-04, respectively.

ANSWER:

I am informed that:

The answer to all parts of your question is that the State Revenue Office does not collect data on this basis. It is therefore not possible to respond to the question.

Aged care: council rebates for pensioners

3837. THE HON. ANDREA COOTE — To ask the Minister for Aged Care: Will the Minister be raising the cap for the pensioner concession for council rebates within the next 12 months.

ANSWER:

I am informed that:

The matter raised in the question does not fall under my portfolio responsibilities. The question should be directed to the Minister for Community Services.

Aged care: council rebates for pensioners

3838. THE HON. ANDREA COOTE — To ask the Minister for Aged Care: Will the Minister be determining that the pensioner concession for council rebates will be a flat 50 per cent of council rates within the next 12 months.

ANSWER:

I am informed that:

The matter raised in the question does not fall under my portfolio responsibilities. The question should be directed to the Minister for Community Services.

Aged care: council rebates for pensioners

3839. THE HON. ANDREA COOTE — To ask the Minister for Aged Care: What plans does the Minister have to address the clawback of the pensioner concession for council rebates given that the \$160 cap is far below 50 per cent of most council rates.

ANSWER:

I am informed that:

The matter raised in the question does not fall under my portfolio responsibilities. The question should be directed to the Minister for Community Services.

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, 13 October 2004

Agriculture: Shannon's Way Pty Ltd — exemptions

1596. THE HON. GRAEME STONEY — To ask the Minister for Energy Industries (for the Minister for Agriculture): In relation to Shannon's Way Pty Ltd:

- (a) Since 20 October 1999, how many jobs awarded to the company were exempted from the Victorian Government Purchasing Board.
- (b) On what grounds were the exemptions given.
- (c) Was a certificate of exemption issued.
- (d) Who signed the documents granting exemption.

ANSWER:

I am informed that:

As the Minister for Agriculture I am the co-ordinating Minister for the Department of Primary Industries which was formed on 5 December 2002. My portfolio responsibilities only extend to that Ministry (excluding the Resources Division). Your question relates to the whole Government. With reference to Shannon's Way Pty Ltd I am not aware of how many jobs were awarded to the company that were exempted from the Victorian Government Purchasing Board and therefore on what grounds, whether a certificate was issued or who signed such exemptions.

Within my portfolio, however, there was one, due to the knowledge of the company, for the Government Royal Agricultural Society joint venture Showgrounds redevelopment.

Arts: Shannon's Way Pty Ltd — exemptions

1597. THE HON. GRAEME STONEY — To ask the Minister for Sport and Recreation (for the Minister for the Arts): In relation to Shannon's Way Pty Ltd:

- (a) Since 20 October 1999, how many jobs awarded to the company were exempted from the Victorian Government Purchasing Board.
- (b) On what grounds were the exemptions given.
- (c) Was a certificate of exemption issued.
- (d) Who signed the documents granting exemption.

ANSWER:

Since 20 October 1999 the Department of Premier and Cabinet, including Arts Victoria, has awarded no jobs to the firm Shannon's Way Pty Ltd. which were exempt from the Victorian Government Purchasing Board.

Attorney-General: Shannon's Way Pty Ltd — exemptions

1598. THE HON. GRAEME STONEY — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to Shannon's Way Pty Ltd:

- (a) Since 20 October 1999, how many jobs awarded to the company were exempted from the Victorian Government Purchasing Board.
- (b) On what grounds were the exemptions given.
- (c) Was a certificate of exemption issued.
- (d) Who signed the documents granting exemption.

ANSWER:

I am informed that:

Since 20 October 1999 the Department of Justice has awarded no jobs to the firm Shannon's Way Pty. Ltd. which were exempt from the Victorian Government Purchasing Board.

Education services: Shannon's Way Pty Ltd — exemptions

1604. THE HON. GRAEME STONEY — To ask the Minister for Energy Industries (for the Honourable the Minister for Education Services): In relation to Shannon's Way Pty Ltd:

- (a) Since 20 October 1999, how many jobs awarded to the company were exempted from the Victorian Government Purchasing Board.
- (b) On what grounds were the exemptions given.
- (c) Was a certificate of exemption issued.
- (d) Who signed the documents granting exemption.

ANSWER:

I am informed as follows:

Since 20 October 1999 the Department of Education and Training has awarded no jobs to the firm Shannon's Way Pty Ltd which were exempt from the Victorian Government Purchasing Board.

Finance: Shannon's Way Pty Ltd — exemptions

1608. THE HON. GRAEME STONEY — To ask the Minister for Finance: In relation to Shannon's Way Pty Ltd:

- (a) Since 20 October 1999, how many jobs awarded to the company were exempted from the Victorian Government Purchasing Board.
- (b) On what grounds were the exemptions given.
- (c) Was a certificate of exemption issued.
- (d) Who signed the documents granting exemption.

ANSWER:

I am informed that:

Since 20 October 1999 the Department of Treasury and Finance has awarded no jobs to the firm Shannon's Way Pty Ltd. which were exempt from the Victorian Government Purchasing Board.

Industrial relations: Shannon's Way Pty Ltd — exemptions

1614. THE HON. GRAEME STONEY — To ask the Minister for Aged Care (for the Minister for Industrial Relations): In relation to Shannon's Way Pty Ltd:

- (a) Since 20 October 1999, how many jobs awarded to the company were exempted from the Victorian Government Purchasing Board.
- (b) On what grounds were the exemptions given.
- (c) Was a certificate of exemption issued.
- (d) Who signed the documents granting exemption.

ANSWER:

I am informed as follows:

Since 20 October 1999, the Department of Innovation, Industry and Regional Development has awarded no jobs to the firm Shannon's Way Pty Ltd. which were exempt from the Victorian Government Purchasing Board.

Innovation: Shannon's Way Pty Ltd — exemptions

1615. THE HON. GRAEME STONEY — To ask the Minister for Small Business (for the Minister for Innovation): In relation to Shannon's Way Pty Ltd:

- (a) Since 20 October 1999, how many jobs awarded to the company were exempted from the Victorian Government Purchasing Board.
- (b) On what grounds were the exemptions given.
- (c) Was a certificate of exemption issued.
- (d) Who signed the documents granting exemption.

ANSWER:

I am informed as follows:

Since 20 October 1999, the Department of Innovation, Industry and Regional Development has awarded no jobs to the firm Shannon's Way Pty Ltd. which were exempt from the Victorian Government Purchasing Board.

Major projects: Shannon's Way Pty Ltd — exemptions

1617. THE HON. GRAEME STONEY — To ask the Minister for Local Government (for the Minister for Major Projects): In relation to Shannon's Way Pty Ltd:

- (a) Since 20 October 1999, how many jobs awarded to the company were exempted from the Victorian Government Purchasing Board.

- (b) On what grounds were the exemptions given.
- (c) Was a certificate of exemption issued.
- (d) Who signed the documents granting exemption.

ANSWER:

As at the date the question was raised, the answer is:

Since 20 October 1999 the Department of Infrastructure had awarded no jobs to the firm Shannon's Way which were exempted from the Victorian Government Purchasing Board.

Resources: Shannon's Way Pty Ltd — exemptions

1624. THE HON. GRAEME STONEY — To ask the Minister for Resources: In relation to Shannon's Way Pty Ltd:

- (a) Since 20 October 1999, how many jobs awarded to the company were exempted from the Victorian Government Purchasing Board.
- (b) On what grounds were the exemptions given.
- (c) Was a certificate of exemption issued.
- (d) Who signed the documents granting exemption.

ANSWER:

I am informed that:

The Department of Primary Industries (DPI) was formed on 5 December 2002 and since that time

- (a) DPI awarded 1 job to the firm Shannon's Way Pty Ltd. which was exempt from the Victorian Government Purchasing Board.
- (b) The exemption was given as Shannon's Way had a clear knowledge of DPI gained through previous, unrelated projects which was considered vital to the work required. Given this extensive knowledge of DPI and the Royal Agricultural Society, in the context of securing the Joint Venture arrangements without delay, it was agreed that an exemption from written quotations would be granted. In this instance it was impractical to seek written quotations, as the product was only available from this supplier.
- (c) A certificate of exemption was issued.
- (d) The duly authorised delegate signed the documents granting exemption.

Small business: Shannon's Way Pty Ltd — exemptions

1625. THE HON. GRAEME STONEY — To ask the Minister for Small Business: In relation to Shannon's Way Pty Ltd:

- (a) Since 20 October 1999, how many jobs awarded to the company were exempted from the Victorian Government Purchasing Board.
- (b) On what grounds were the exemptions given.
- (c) Was a certificate of exemption issued.

- (d) Who signed the documents granting exemption.

ANSWER:

I am informed as follows:

Since 20 October 1999, the Department of Innovation, Industry and Regional Development has awarded no jobs to the firm Shannon's Way Pty Ltd. which were exempt from the Victorian Government Purchasing Board.

State and regional development: Shannon's Way Pty Ltd — exemptions

1627. THE HON. GRAEME STONEY — To ask the Minister for Small Business (for the Minister for State and Regional Development): In relation to Shannon's Way Pty Ltd:

- (a) Since 20 October 1999, how many jobs awarded to the company were exempted from the Victorian Government Purchasing Board.
- (b) On what grounds were the exemptions given.
- (c) Was a certificate of exemption issued.
- (d) Who signed the documents granting exemption.

ANSWER:

I am informed as follows:

Since 20 October 1999, the Department of Innovation, Industry and Regional Development has awarded no jobs to the firm Shannon's Way Pty Ltd. which were exempt from the Victorian Government Purchasing Board.

Tourism: Shannon's Way Pty Ltd — exemptions

1628. THE HON. GRAEME STONEY — To ask the Minister for Small Business (for the Minister for Tourism): In relation to Shannon's Way Pty Ltd:

- (a) Since 20 October 1999, how many jobs awarded to the company were exempted from the Victorian Government Purchasing Board.
- (b) On what grounds were the exemptions given.
- (c) Was a certificate of exemption issued.
- (d) Who signed the documents granting exemption.

ANSWER:

I am informed as follows:

Since 20 October 1999, the Department of Innovation, Industry and Regional Development has awarded no jobs to the firm Shannon's Way Pty Ltd. which were exempt from the Victorian Government Purchasing Board.

Transport: Shannon's Way Pty Ltd — exemptions

1629. THE HON. GRAEME STONEY — To ask the Minister for Local Government (for the Minister for Transport): In relation to Shannon's Way Pty Ltd:

- (a) Since 20 October 1999, how many jobs awarded to the company were exempted from the Victorian Government Purchasing Board.
- (b) On what grounds were the exemptions given.
- (c) Was a certificate of exemption issued.
- (d) Who signed the documents granting exemption.

ANSWER:

As at the date the question was raised, the answer is:

Since 20 October 1999 the Department of Infrastructure had awarded no jobs to the firm Shannon's Way which were exempted from the Victorian Government Purchasing Board.

Treasurer: Shannon's Way Pty Ltd — exemptions

1630. THE HON. GRAEME STONEY — To ask the Minister for Finance (for the Treasurer): In relation to Shannon's Way Pty Ltd:

- (a) Since 20 October 1999, how many jobs awarded to the company were exempted from the Victorian Government Purchasing Board.
- (b) On what grounds were the exemptions given.
- (c) Was a certificate of exemption issued.
- (d) Who signed the documents granting exemption.

ANSWER:

I am informed that:

Since 20 October 1999, no jobs were awarded by the Department of Treasury and Finance to the firm Shannon's Way Pty Ltd which were exempt from the Victorian Government Purchasing Board.

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, 14 October 2004

Information and communication technology: consultancies

1492. THE HON. GORDON RICH-PHILLIPS — To ask the Minister for Information and Communication Technology: Since 1 January 2003 in respect of the department and each agency and authority within the Minister’s administration, what are the details of each consultancy commissioned, indicating the — (i) date; (ii) cost; (iii) purpose; (iv) name and address of the consultant; (v) recommendations made; (vi) action taken in response to any recommendations; and (vii) whether tenders were called.

ANSWER:

As at the date the question was raised, the answer is:

For the period to 31 March 2004 when this Question was raised, the answers to points (i), (ii), (iii), (iv) and (vii) for my portfolio as Minister for Information and Communication Technology are contained in the Attachment.

However the information requested for points (v) and (vi) of the question, is not readily available. I have determined that the time and resources necessary to obtain and process the information sought cannot be justified.

There are no relevant agencies or authorities within my administration.

Multimedia Victoria Consultancies (IIRD) 1st January 2003 to 31st March 2004						
Contract Name	Vendor Name	Vendor Address	Procurement Method	Public / Selective Tender Called Y/N	Start Date	Current Contract Value (includes Var and Ext)
Linux Skills research project	IT Skills Hub P/L	IT Skills Hub Pty Ltd, Level 7/ 124 Exhibition St Melbourne 3000	Exemption Granted	N	17/01/2003	\$20,000
Examination of regional and rural Victoria's telecommunications spend and demand	ACIL Tasman	LEVEL 6 224-236 QUEEN STREET MELBOURNE VICTORIA 3000 AU	Written Quote	N	18/03/2003	\$60,945

QUESTIONS ON NOTICE

Multimedia Victoria Consultancies (DOI) 1st January 2003 to 31st March 2004						
Contract Name	Vendor Name	Vendor Address	Procurement Method	Public / Selective Tender Called Y/N	Start Date	Current Contract Value (includes Var and Ext)
Review of current philanthropic and CSR activities directed at community use of ICT	DEAKIN UNIVERSITY (CORPORATE CITIZENSHIP RESEARCH UNIT)	MELBOURNE CAMPUS 221 BURWOOD HIGHWAY BURWOOD VICTORIA 3125 AU	3 or more Quotations	Y	15/03/04	54,395
Economic Impacts of Broadband Adoption in Victoria	ACIL TASMAN	LEVEL 6 224-236 QUEEN STREET MELBOURNE VICTORIA 3000 AU	Certificate of Waiver - from Quotations	N	01/03/04	36,025
ICT Industry/ Higher Education Partnerships	BDO CONSULTING PTY LTD	563 BOURKE STREET MELBOURNE VICTORIA 3000 AU	Public Tender	Y	13/02/04	165,000
Cubit Media Analysis	CUBIT MEDIA RESEARCH PTY LTD	53 VICTORIA STREET FITZROY VICTORIA 3065 AU	1 Quotation	N	02/02/04	8,500
Future trends in community uptake of the Internet	SMART INTERNET TECHNOLOGY CRC PTY LTD	BAY 8 SUITE 9/G12 AUSTRALIAN TECHNOLOGY PARK EVELEIGH NSW 1430 AU	Certificate of Waiver - from Quotations	N	20/01/04	108,405
VICNET - COMMUNITY NETWORKS PROJECT	VICNET	328 SWANSTON STREET MELBOURNE VIC 3000 AU	None of the above	N	08/12/03	352,000
Development of Entity & Directory Strategy	ACUMEN ALLIANCE	LEVEL 38 120 COLLINS STREET MELBOURNE VICTORIA 3000 AU	Certificate of Waiver - from Quotations	N	02/12/03	350,000
DoJ Identity Management Strategy (access control, authentication and authorisation to networks)	CONVERGENCE E-BUSINESS SOLUTIONS PTY LTD	5 LEESIDE ROAD NORTH AVOCA NSW 2260 AU	Certificate of Waiver - from Quotations	N	24/11/03	88,550
WoVG Identity Management Framework - access control- authentication and authorisation to networks	CONVERGENCE E-BUSINESS SOLUTIONS PTY LTD	5 LEESIDE ROAD NORTH AVOCA NSW 2260 AU	Certificate of Waiver - from Quotations	N	24/11/03	99,545
DOI Regional Reports - Examining Spend & Demand Telecommunications in Victoria	ACIL TASMAN	LEVEL 6 224-236 QUEEN STREET MELBOURNE VICTORIA 3000 AU	1 Quotation	N	27/10/03	36,369
Electronic Waste Recycling Industry Report	MEINHARDT PTY LTD	601 ST KILDA ROAD MELBOURNE VIC 3004	3 or more Quotations	Y	01/10/03	38,236
Evaluation of ICT Opportunities for the Transit Cities Program	THE MONTROUGE GROUP PTY LTD	ANDRE'S MEWS SUITE 1 89 CHURCH STREET RICHMOND VICTORIA 3121 AU	1 Quotation	N	22/05/03	14,520
Evaluation of eCommerce Roadshows 2003 Program	MARKET SOLUTIONS	17 NORWOOD CRES MOONEE PONDS VIC 3039 AU	3 or more Quotations	Y	27/10/03	54,704

QUESTIONS ON NOTICE

Thursday, 14 October 2004

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Contract Name	Vendor Name	Vendor Address	Procurement Method	Public / Selective Tender Called Y/N	Start Date	Current Contract Value (includes Var and Ext)
Software Metrics in Victoria	DANDOLOPARTNERS PTY LTD	LEVEL 34 360 COLLINS STREET MELBOURNE VICTORIA 3000 AU	1 Quotation	N	01/10/03	23,000
Review of the Provision of Public Internet Access in Victoria	WHITEHORSE STRATEGIC GROUP LTD	LEVEL 3 45 WILLIAMS STREET MELBOURNE VICTORIA 3000 AU	3 or more Quotations	Y	30/09/03	75,625
Evaluation of the My Connected Community Program	I & J MANAGEMENT SERVICES PTY LTD	PO BOX 845 SUNBURY VICTORIA 3429 AU	Public Tender	Y	05/09/03	50,050
Digital Media Fund (DMF) Program Evaluation	HANDSHAKE MEDIA PTY LTD	PO BOX 753 NEWTOWN NSW 2042 AU	3 or more Quotations	Y	02/09/03	79,310
Spend/Demand of Rural & Regional Telecommunications in Victoria	ACIL TASMAN	LEVEL 6 224-236 QUEEN STREET MELBOURNE VICTORIA 3000 AU	3 or more Quotations	Y	01/04/03	60,945

OCIO (DPC) Consultancies						
1st January 2003 to 31st March 2004						
Contract Name	Vendor Name	Vendor Address	Procurement Method	Public / Selective Tender Called Y/N	Start Date	Current Contract Value (includes Var and Ext)
EEPN - Education and Employment Pathways Network feasibility analysis	CONVERGENCE E-BUSINESS SOLUTIONS	5 LEESIDE RD NORTH AVOCA NSW 2260	Panel	N	15/10/03	\$150,000
OCIO Organisational Structure development	DAVID WRIGHT	11 HOBSONS BAY PDE PORT MELBOURNE VIC 3207	Exemption from 3 quotes.	N	6/08/03	\$27,500
Policy Development Framework development	MARKWORTH AND ASSOC	219/99 WHITEMAN ST SOUTHBANK VIC 3006	Written quote (below tender threshold).	N	1/12/03	\$29,700
Victorian Business Master Key feasibility analysis	FIVENINES CONSULTING	PO BOX 359, MT WAVERLEY VIC 3149	Panel	N	30/07/03	\$49,500
VicRoads Smartcard Business Case development	JONAS JORDI AND ASSOC	5 LEESIDE RD NORTH AVOCA NSW 2260	Panel	N	6/06/03	\$13,939

Contract Name	Vendor Name	Vendor Address	Procurement Method	Public / Selective Tender Called Y/N	Start Date	Current Contract Value (includes Var and Ext)
Whole of Victorian Government ICT Vision, Strategy and Work Program development	NOUS GROUP	12/45 WILLIAM ST MELBOURNE VIC 3000	Yes	Y	9/03/04	\$395,000
ICT Investment Evaluation Framework development	PRICEWATERHOUSECOOPERS	215 SPRING ST MELBOURNE VIC 3000	Panel	N	10/11/03	\$49,500
Website Management Framework development	SKM	PO BOX 2500 MALVERN VIC 3144	Yes	Y	15/10/03	\$431,603
Scoping and Resource Planning for OHE Project	SYNTHESYS CONSULTANCY	24 BUNNY ST WESTON ACT 2611	Panel	Y	28/08/03	\$12,000
ERC Independent Software Estimates development	TOTAL METRICS	SUITE 1, 667 BURKE RD CAMBERWELL VIC 3124	Panel	Y	24/03/04	\$16,738
Re-thinking Government Program Website development	VERDANT	LEVEL 2, 110 MURRAY ST HOBART TAS 7001	Panel	Y	11/02/04	\$28,267

Education services: Merit Protection Board — advertising

2085. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education Services): In relation to the Merit Protection Board’s advertising undertaken between 1 July 2002 and 30 June 2003:

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

ANSWER:

I am informed as follows:

There were no advertising contracts within the period.

Education services: Registered Schools Board — advertising

2086. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education Services): In relation to the Registered Schools Board’s advertising undertaken between 1 July 2002 and 30 June 2003:

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

ANSWER:

I am informed as follows:

The question does not fall within my portfolio responsibilities and should be directed to the Minister for Education and Training.

Education services: Victorian Institute of Teaching — advertising

2088. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education Services): In relation to the Victorian Institute of Teaching’s advertising undertaken between 1 July 2002 and 30 June 2003:

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

ANSWER:

I am informed as follows:

This question does not fall within my portfolio responsibilities and should be directed to the Minister for Education and Training.

Education services: Merit Protection Board — media research and public opinion polling

2316. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education Services): In relation to the Merit Protection Board’s media research and public opinion polling conducted since 1 January 2002:

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

- (g) Were any actions taken by the Department or Minister.

ANSWER:

I am informed as follows:

There has been no media research or opinion polling undertaken by the Merit Protection Board since 1 January 2002.

Education services: Registered Schools Board — media research and public opinion polling

2317. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education Services): In relation to the Registered Schools Board's media research and public opinion polling conducted since 1 January 2002:

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

ANSWER:

I am informed as follows:

The question does not fall within my portfolio responsibilities and should be directed to the Minister for Education and Training.

Education services: Victorian Institute of Teaching — media research and public opinion polling

2319. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education Services): In relation to the Victorian Institute of Teaching's media research and public opinion polling conducted since 1 January 2002:

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

ANSWER:

I am informed as follows:

This question does not fall within my portfolio responsibilities and should be directed to the Minister for Education and Training.

Arts: Council of Trustees of the National Gallery of Victoria — media research and public opinion polling

2405. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the Council of Trustees of the National Gallery of Victoria's media research and public opinion polling conducted since 1 January 2002:

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

ANSWER:

I am advised that the National Gallery of Victoria regularly conducts customer satisfaction exit surveys of its visitors as part of its normal business operations. The costs associated with this work form part of the organisation's operational expenditure reported in its annual reports to Parliament.

Arts: Library Board of Victoria — media research and public opinion polling

2407. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the Library Board of Victoria's media research and public opinion polling conducted since 1 January 2002:

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

ANSWER:

I am advised that the State Library of Victoria regularly conducts customer satisfaction surveys of library users as part of its normal business operations. The costs associated with this work form part of the organisation's operational expenditure reported in its annual reports to Parliament.

Arts: Museums Board of Victoria — media research and public opinion polling

2409. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the Museums Board of Victoria's media research and public opinion polling conducted since 1 January 2002:

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

ANSWER:

I am advised that the Museum of Victoria regularly conducts customer satisfaction surveys of visitors as part of its normal business operations. The costs associated with this work form part of the organisation's operational expenditure reported in its annual reports to Parliament.

Arts: Victorian Arts Centre Trust — media research and public opinion polling

2411. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the Victorian Arts Centre Trust's media research and public opinion polling conducted since 1 January 2002:

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

ANSWER:

I am advised that the Victorian Arts Centre conducts customer satisfaction surveys of both audiences and venue hirers as part of its normal business operations. The costs associated with this work form part of the organisation's operational expenditure reported in its annual reports to Parliament.

Arts: Victorian Council of the Arts — media research and public opinion polling

2412. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the Victorian Council of the Arts' media research and public opinion polling conducted since 1 January 2002:

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

ANSWER:

The Victorian Council of the Arts is an advisory body therefore this question is not applicable.

Education services: Merit Protection Board — funding

2546. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education Services): In relation to the Merit Protection Board's allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

I am informed as follows:

The Merit Protection Board undertook no capital works projects for the year 2002-03.

Education services: Registered Schools Board — funding

2547. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education Services): In relation to the Registered Schools Board's allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

I am informed as follows:

The question does not fall within my portfolio responsibilities and should be directed to the Minister for Education and Training.

Education services: Victorian Institute of Teaching — funding

2549. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education Services): In relation to the Victorian Institute of Teaching’s allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

I am informed as follows:

This question does not fall within my portfolio responsibilities and should be directed to the Minister for Education and Training.

Community services: disability services — shared support accommodation

2777. THE HON. BILL FORWOOD — To ask the Minister for Aged Care (for the Minister for Community Services):

- (a) How many people in each region have moved out from Shared Supported Accommodation with the assistance of funding from the Support and Choice/Individualised Planning and Support initiative as at 31 December 2003.
- (b) What is the amount of funding for the support required for each person who has moved.
- (c) How many of the places vacated by the people moving out have been filled by people on the Service Needs Register with urgent priority for a Shared Supported Accommodation place.

ANSWER:

I am informed that:

- (a) The Department is able to provide more recent figures. I am pleased to announce that as at 30 June 2004, 23 people with disabilities have moved from Shared Supported Accommodation to more independent accommodation and support options of their choice. Additional funding is available, and planning continues, to support a further 77 people to make similar moves.

The regional breakdown is as follows:

REGION	NUMBER RELOCATED
Eastern	2
Southern	2
North and West	7
Barwon South West	3
Grampians	1
Loddon Mallee	3
Hume	3
Gippsland	2
TOTAL	23

- (b) In line with the flexible nature of this initiative funding can be varied over time according to the need of the individual. The average funding for those who have moved to date is \$29,983.

- (c) It is anticipated that the target of 100 will be achieved over time as these transitions continue to occur. All 100 places will be filled by people from the urgent category of the SNR, however places are not filled until we can be certain that those people who have moved out have successfully transitioned to their new homes.

Education services: Merit Protection Board — external legal advice

- 2781. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Education Services): What has been the expenditure by the Merit Protection Board on external legal advice since 1 January 2003 to date.

ANSWER:

I am informed as follows:

There has been no expenditure by the Merit Protection Board on external legal advice since 1 January 2003 to date.

Education services: Registered Schools Board — external legal advice

- 2782. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Education Services): What has been the expenditure by the Registered Schools Board on external legal advice since 1 January 2003 to date.

ANSWER:

I am informed as follows:

The question does not fall within my portfolio responsibilities and should be directed to the Minister for Education and Training.

Education services: Victorian Institute of Teaching — external legal advice

- 2784. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Education Services): What has been the expenditure by the Victorian Institute of Teaching on external legal advice since 1 January 2003 to date.

ANSWER:

I am informed as follows:

This question does not fall within my portfolio responsibilities and should be directed to the Minister for Education and Training.

Arts: Geelong Performing Arts Centre Trust — external legal advice

- 2870. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Arts): What has been the expenditure by the Geelong Performing Arts Centre Trust on external legal advice since 1 January 2003 to date.

ANSWER:

I am advised that the Geelong Performing Arts Centre Trust engages legal services when required as part of its routine business activities. These include matters such as contract and lease negotiations. The costs are included in the operational expenses reported in the agency's annual reports to Parliament.

Education services: Registered Schools Board — office accommodation

3015. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education Services): In relation to the Registered Schools Board's leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

I am informed as follows:

The question does not fall within my portfolio responsibilities and should be directed to the Minister for Education and Training.

Education services: Victorian Institute of Teaching — office accommodation

3017. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education Services): In relation to the Victorian Institute of Teaching's leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

I am informed as follows:

This question does not fall within my portfolio responsibilities and should be directed to the Minister for Education and Training.

Environment: prescribed wastes

3320. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Local Government (for the Minister for Environment): In relation to prescribed wastes for each year since 1999:

- (a) What was the volume of prescribed wastes created in Victoria.
- (b) What was the Environment Protection Authority's annual volume target for prescribed wastes reduction.

ANSWER:

I am informed that:

- (a) The EPA are currently preparing a three-year review of the Industrial waste management policy (Prescribed Industrial Waste) which will detail the quantity of prescribed industrial waste sent to landfill for the period 1999-2003. It is anticipated that this document will be published in the near future and will be available on the EPA web site: www.epa.vic.gov.au.

Information on the volume of prescribed waste in Victoria can be found in EPA Publication 947 "Wastes Likely to Require Long-Term Containment - Technical Appendix" May 2004. This publication is available from the EPA web site.

- (c) No specific waste reduction targets for prescribed targets have been set since 1999. However, the EPA uses other statutory and voluntary programs to work with industry to reduce prescribed waste.

Health: hospital medical staff

3685. THE HON. PHILIP DAVIS — To ask the Minister for Aged Care (for the Minister for Health): What has been the number of nurses, doctors and hospital staff employed in Victoria for each calendar year since 1999.

ANSWER:

My answer is that to the extent the information is publicly available it will be published in hospital annual reports. Any information over and above this is not routinely published.

Health: hospital medical staff

3686. THE HON. PHILIP DAVIS — To ask the Minister for Aged Care (for the Minister for Health): What has been the number of nurses, doctors and hospital staff employed in Victoria for each calendar year between 1992 and 1999.

ANSWER:

My answer is that to the extent the information is publicly available it will be published in hospital annual reports. Any information over and above this is not routinely published.

Health: hospital medical staff

3687. THE HON. PHILIP DAVIS — To ask the Minister for Aged Care (for the Minister for Health): What has been the number of nurses, doctors and hospital staff employed in Victoria each calendar year between 1988 and 1992.

ANSWER:

My answer is that to the extent the information is publicly available it will be published in hospital annual reports. Any information over and above this is not routinely published.

Innovation: synchrotron project

3793. THE HON. GRAEME STONEY — To ask the Minister for Small Business (for the Minister for Innovation): In relation to the Synchrotron project:

- (a) What was the total amount of funding contributed by the company MiniFAB to the project.
- (b) What was the total amount of funding contributed by the company MiniFAB to the Beamlines for this project.

ANSWER:

I am informed as follows:

- (1) MiniFAB has committed \$600,000 to the project.
- (2) As already outlined in public statements, MiniFAB will pay for a clean room, which is a laboratory associated with the lithography beamline.

