PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

18 November 2004

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By authority of the Victorian Government Printer

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

Hansard — Chief Reporter: Ms C. J. Williams

Library — Librarian: Ms G. Dunston

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

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Deputy Leader of the Government:
Mr GAVIN JENNINGS

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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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Darveniza, Hon. Kaye	Melbourne West	ALP	Rich-Phillips, Hon. Gordon Kenneth	Eumemmerring	LP
Davis, Hon. David McLean	East Yarra	LP	Romanes, Ms Glenyys Dorothy	Melbourne	ALP
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
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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, 18 November 2004

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

MILDURA COLLEGE LANDS (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

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

PAPERS

Laid on table by Clerk:

Auditor-General — Report on the Finances of the State of Victoria, 2003-04, November 2004.

Austin Health — Report, 2003-04 (two papers).

Bayside Health — Report, 2003-04.

Calvary Health Care Bethlehem Limited — Report for the period 27 June 2003 to 30 June 2004 (two papers).

Dental Health Services Victoria — Report, 2003-04.

Eastern Health — Report, 2003-04.

Health Services Act 1988 — Report of Community Visitors for 2003-04.

Intellectually Disabled Persons' Services Act 1986 — Report of Community Visitors for 2003–04.

Melbourne Health — Report, 2003-04.

Mercy Public Hospitals Incorporated — Report, 2003-04 (three papers).

Northern Health — Report, 2003-04.

Peninsula Health — Report, 2003-04 (two papers).

Peter MacCallum Cancer Centre — Report, 2003-04.

Royal Victorian Eye & Ear Hospital — Report, 2003-04.

Southern Health — Report, 2003-04.

Statutory Rules under the following Acts of Parliament:

Fair Trading Act 1999 — No. 138.

Fisheries Act 1995 — No. 136.

Land Conservation (Vehicle Control) Act 1972 — No. 140.

Magistrates' Court Act 1989 — No. 137.

Wildlife Act 1975 — No. 139.

St Vincent's Health [incorporating the financial statements of Caritas Christi Hospital Limited, St. George's Health Service Limited and St Vincent's Hospital (Melbourne) Limited] — Report, 2003-04 (four papers).

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 136 to 140.

Victorian Law Reform Commission — Final Report on Defences to Homicide.

Western Health — Report, 2003-04.

Women's and Children's Health — Report, 2003-04.

MEMBERS STATEMENTS

Greater Geelong: elections

Hon. BILL FORWOOD (Templestowe) — I rise today to talk a little bit about the Greater Geelong City Council elections. As we know, members of the Labor Party are always up to their armpits in slime when it comes to elections. I have a picture of Gavan O'Connor, the federal member of Parliament for Corio, with Ben Davison, the council candidate, and Ian Trezise, the member for Geelong in the other place. Under the picture it says, 'Your candidate for Cheetham ward'.

Ben Davison is, of course, well known in the Geelong area as being the president of the student association at Deakin University. He is the person who authorises fees being used for free beer, barbecues and tarot card readings; and in an article Mr Davison says that free massages and tarot card readings before exams were 'to have a little bit of fun, to have students a little more relaxed and let out some of that tension'. He is also the person who says that he supports the use of double-sided printing and recycled paper, and who described the buildings and grounds department at Deakin University as 'a bunch of' — expletive deleted — 'fruit balls' who are 'screwing' everyone. This is the person that Gavan O'Connor and Ian Trezise are supporting, and there is a picture of all three of them in an advertisement for the Cheetham ward of the Geelong council. That is the sort of person the mob opposite wants to have on the council — a fruit ball like Ben Davison!

International Day for the Elimination of Violence Against Women

Ms MIKAKOS (Jika Jika) — In 2000 the United Nations designated that 25 November be recognised as the International Day for the Elimination of Violence

Against Women. This day is also known as White Ribbon Day. Wearing a white ribbon is a personal pledge to not commit, condone or remain silent about violence against women and children. Men who wear a white ribbon demonstrate their opposition to violence against women and their commitment to equality between women and men. Worldwide one in three women are beaten, raped and/or attacked. More women die as a result of violence than are killed by cancer, road accident or disease.

As of last year 54 countries still had laws that actively discriminated against women, 79 countries had no laws against domestic violence and 127 countries had no laws against sexual harassment. Violence or the threat of violence against women is not confined to other nations. Australian research has established that more than 1 million Australian women have experienced violence during a relationship, with 60 per cent reporting they lived in fear during the relationship. Some 23 per cent of women who are in a current relationship or have been in a relationship have experienced physical and/or sexual violence from a partner. Violence affects the ability of all women to exercise their civil, political, social, economic and cultural rights and diminishes all of our lives. I call on all members and indeed the Victorian public to show their opposition to violence against women by wearing a white ribbon next Thursday, 25 November.

Hospitals: chief executive officers

Hon. D. McL. DAVIS (East Yarra) — My 90-second statement today concerns the churning and turnover of chief executive officers in our major health care networks and services. What is clear is that there has been a massive loss of talent and knowledge: Chris Fox, gone from Eastern Health; Michael Walsh, a huge loss from Bayside Health; Stan Capp, off to the Middle East from Southern Health; George Shaw was not able to cut the funds at Western Health as the government would not let him run the service properly, and he has gone; Kathy Alexander, gone; and David Hillis, gone. It is interesting to hear what they have said. Some say a huge amount of bitterness has been blamed for financial problems they felt were beyond their control. One chief executive officer said:

> It is a massive turnover. And it really does demand some explanation from the Department of Human Services because to turn over a CEO has the capacity to upset organisations.

Another comment is:

> There would certainly be recriminations against your organisation if you spoke out against the public system.

There have been 'unpleasant discussions and behaviour and shouting' and 'strategic bullying' by the department. It is a disgrace. It is a vote of no confidence in this minister as people walk out the door. It is a vote of no confidence in this department as people move, and the moving from one network to the next is just churning them over. The revolving door is going, the networks are slowly sinking and the standard of service to the people of Victoria is declining.

Victorian Tamil Cultural Association

Mr SOMYUREK (Eumemmerring) — My contribution today is going to be a little bit more temperate. I rise to commend the Victorian Tamil Cultural Association and its affiliated school on its professional organisation of the Navaratni Cultural Festival which I and my state parliamentary colleagues in the other place Luke Donnellan and Dale Wilson were fortunate enough to attend last month. This festival commemorates the faculties of human life, wealth and education. For nine consecutive days Goddesses Saraswathy, Luxmy and Thurga were worshipped with prayers for the blessings of all three powers in order to quell evil forces and tyrannical acts. During the night we witnessed the great artistry and skill of Tamil dancers and musicians performing their craft superbly before we were asked to present awards to students at the school, which also claims to be the leading weekend ethnic school in Victoria.

Since the formation of the Victorian Tamil Cultural Association in 1993 the organisation, through people such as Mr Wickiramasingham, has facilitated the settlement in Victoria of thousands of Tamil migrants from all over the world. The association also does great work in disseminating information to the Tamil community by holding social events which assist in breaking the social isolation that is a problem with migrant communities. In conclusion I acknowledge the hard work of the secretary of the Victorian Tamil Cultural Association, Mr Wickiramasingham.

Police: Emerald

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I again draw the attention of the government to the lack of police resources in Emerald. Despite having a modern police station, for more than four years the government has failed to adequately staff it. Most recently this failure to provide adequate police resources manifested itself when a police response to an incident in Avonsleigh had to come from Narre Warren, more than 30 kilometres away. The government's pathetic response to this situation has been to install a magic call button at the Emerald police

station which allows residents to talk to Pakenham police station, more than 23 kilometres away when Emerald is unmanned, as is frequently the case. If the residents of Emerald wanted to call Pakenham police, they would do so in the comfort of their own homes. The people of Emerald need more police in their police station. The government claims to have recruited more than 800 new police. If this claim is to be believed, the people of Emerald should be allocated their fair share.

Industrial relations: workplace excellence awards

Ms ROMANES (Melbourne) — Last Friday the Minister for Industrial Relations in the other place presented the 2004 workplace excellence awards in recognition of the valuable contribution that good workplace partnerships make to successful businesses and to the Victorian economy. The stories of how each finalist had creatively encouraged strong partnerships in their workplaces and attained excellence in people management were very inspiring. The new regional workplace excellence award went to the Alcoa World Alumina Australia smelter at Point Henry, one of the largest regional employers in Victoria with 608 people on staff and which features the latest technology and environmental monitoring programs. The plant uses a quarterly survey tool to monitor the workplace climate to help guide future decisions about policies and procedures.

This year the winner of the better work and family balance award was given to the Building Commission for its commitment to enable employees to achieve a balance between work and non-work responsibilities. These principles are incorporated into its enterprise agreement. It is not surprising therefore to read more about this in the 2003–04 annual report of the Building Commission and to see that its commitment to work and family balance has helped improve access to employment opportunities for women in the commission and to experience better gender balance in the workplace.

Planning: Waverley Province

Hon. ANDREW BRIDESON (Waverley) — Inappropriate planning decisions are emerging as the single biggest political issue among constituents of Waverley Province. Three out of every four complaints currently received in my office concern planning. My constituents simply do not want inappropriate developments, whether it be a two-storey addition to a neighbouring property that causes overshadowing, the bulldozing of a family home to make way for three or four-storey units or townhouses with consequential parking problems and jamming of arterial roads, or if it goes ahead multistorey developments such as The Peak, planned for Wheelers Hill, which will have 9 storeys and 111 apartments. They want to get on with their lives, free from the complex, time-consuming, often emotionally draining and sometimes expensive task of fighting planning decisions.

I want to commend Steve Jones, David Dickens and members of the Wheelers Hill Action Group who helped gather a petition with over 700 signatures objecting to The Peak development. This petition was tabled by Mr Kim Wells, the member for Scoresby in the other place, on Tuesday. I also want to commend John Shrives and the Brandon Park Residents Action Group. These two genuine grassroot groups have grown out of local concerns that the Bracks government's 2030 strategy is flawed and is smothering Melbourne's communities with uncertainty.

Stonnington and Port Phillip: councillors

Mr SCHEFFER (Monash) — On the last sitting day before the municipal elections in the cities of Port Phillip and Stonnington I pay tribute to the fine councillors of both cities who have served their communities well for the past three years and whose terms will come to an end later this month. I commend Stonnington councillors Melina Sehr, Sally Davis, Anne O'Shea, Chris Gahan, Judy Hindle, Sarah Davies, John Chandler, Claude Ullin and Leon Hill for their contributions. I also commend Port Phillip councillors Dick Gross, Liz Johnstone, Julian Hill, David Brand, Carolyn Hutchens, Peter Logan and Darren Ray for the efforts they have made on behalf of their communities.

I am personally grateful for the willingness of each and every councillor to share their wisdom with me and to work cooperatively on matters important to the communities we were elected to represent. Both cities in their own ways are leaders in Victoria in fostering their diverse, articulate and demanding communities. Both cities value the indigenous community and give support, for example, to their citizens for reconciliation groups. Both take seriously and make a positive contribution to complex planning issues they manage; and both work hard on finding innovative solutions to emerging challenges. As Cr Liz Johnstone said in her farewell speech last Monday evening, Port Phillip — I think this also applies to Stonnington — is financially well off but its real wealth is in the ingenuity of its people. It has been an honour working with these fine representatives, and I wish all councillors well in their futures.

Port of Hastings: strategy

Hon. R. H. BOWDEN (South Eastern) — Last Friday I had the welcome opportunity to attend the *Ports Agenda 2004 — Overview* meeting at the Hyatt which was arranged by the government. I found it most interesting and informative, and the audience was responsive to it. The statement regarding the long-term planning and strategy for the port's infrastructure in Victoria is extremely important, and I assure members that the news that the planning and long-term use of the port of Hastings was well received. Indeed, as part of the port strategy for the state for the use of Western Port in the medium to long term is extremely critical to our trade wellbeing.

I suggest that as part of this long-term planning and strategy that the infrastructure and road system leading to Hastings need special care. Members will recall that from time to time I mention the Western Port Highway. I am continuing to be very concerned that if the criticality of the port of Hastings is recognised for the future and benefit of Victoria then the Western Port Highway, particularly the Lyndhurst section and the recalcitrance and poor performance of the City of Casey, should be noticed. I ask that the government be mindful of the need to contain restrictions on the Western Port Highway and improve it.

Peter Lalor

Ms HADDEN (Ballarat) — Peter Lalor was born on 5 February 1827 at Tenekill, Queens County, Ireland, and died on 9 February 1889 at Richmond, Victoria. He arrived in Melbourne in 1852 and worked on the Melbourne–Geelong railway line, and arrived in Ballarat in 1853. He was elected the commander-in-chief of the Eureka rebellion which took place on 3 December 1854, and he suffered the loss of an arm. He was elected to the Victorian Legislative Council representing Ballarat in November 1855 and was subsequently elected to the Legislative Assembly representing North Grenville in November 1856. He was elected Speaker in July 1880 and served the Parliament until September 1887 in that role, retiring from public life due to ill health.

The Parliament, in recognition of his eminent service over 32 years, passed a grant to him of £4000. On Foundation Day 1893 Premier Duncan Gillies unveiled the bronze statue of Peter Lalor attired in his Speaker's robes, acknowledging the honourable gentleman's humour, knowledge and determination. This grand bronze statue stands in the Sturt Street gardens positioned between St Patrick's Cathedral and St Andrews Kirk in Ballarat, and it faces to the east looking over the South-East Asia war memorial. So the name of Peter Lalor and Eureka are synonymous with Ballarat and in many ways shaped the governance and character of Victoria.

Christmas Island: children's rights

Hon. S. M. NGUYEN (Melbourne West) — Australian Olympic champion, Betty Cuthbert, will be visiting the detainee children on Christmas Island to celebrate the 50th anniversary of the United Nations Convention on the Rights of the Child and Universal Children's Day. The visit will commence today, 18 November 2004. Betty will be visiting the local school and meeting the kids there and presenting awards at the year 12 graduation ceremony. The eight Vietnamese asylum-seeker kids on Christmas Island will also get an opportunity to talk to Betty about her life achievements. Betty will also open an exhibition of national children's artwork compiled from submissions from over 300 schools Australia-wide, including local Christmas Island schoolchildren.

There will be an interfaith memorial service for the 353 people who died trying to reach Christmas Island. The local community will dedicate a memorial seat of remembrance with a memorial plaque overlooking Flying Fish Cove in front of the colonial administrators house. Dr Mary Crock will be visiting from 22 to 25 November the Hao Kiet asylum seekers now held on Christmas Island for over 19 months. There are eight children among this group, the youngest being a six-month-old baby. Dr Crock is conducting an international research project on separated and unaccompanied children with Professor Jacqueline Bhabha at Harvard University. Senator Andrew Bartlett — —

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

Small business: western region awards

Hon. KAYE DARVENIZA (Melbourne West) — I want to let the Parliament know how delighted I was to represent the Honourable Marsha Thomson, the Minister for Small Business, at the Western Region Business Excellence Awards for 2004. The awards dinner was held at the Telstra Dome at Docklands and was very well attended by a wide range of business people from throughout the west as well as local government representatives. The Victorian government was a proud sponsor of the inaugural Western Region Business Excellence Awards and is part of its commitment to encourage and recognise business excellence and achievement.

Small business entrepreneurs are a vital part of Victoria's economy. I want to congratulate all the award nominees of the nine categories, especially the winners. I would like to congratulate the businessperson of the year, Mr Vern Fettke, who is the director of the Homestead Financial Group. I would like to commend the president of the Greater Western Chamber of Commerce and Industry, Darren Grey, for organising such a great night. It was truly enjoyed by everybody who attended. It gave great opportunity to showcase many of the excellent businesses that are currently operating, prospering and doing so well in Melbourne's west. I encourage the Greater Western Chamber of Commerce and Industry to continue its good work.

Woodbine, Warracknabeal

Hon. D. K. DRUM (North Western) — Last Saturday night I had the opportunity to attend the 50th anniversary of Woodbine over at Warracknabeal. Woodbine offers a whole range of services for people with intellectual disabilities. Some of those services have shared supported accommodation, a day service, respite care that is available for people in the area, and they also offer a special development school.

The history of Woodbine goes back to 1954, when it opened up a service for people with intellectual disabilities. It was 20 years ahead of the next institution that started up to care for those people. My colleague in the other house the member for Swan Hill, Peter Walsh, was also there. The evening was organised by the meticulous chief executive officer, Ric Walsh, and I commend him on the job he is doing.

The history of Woodbine was spoken about by the guest speaker, and he did a good job. The point was made by the guest speaker that due to regulations those people with intellectual disabilities in Victoria who are receiving a service at the moment are receiving a Rolls Royce service. However, the problem with so much regulation and the policies of the current government mean that unfortunately only a small percentage of people with disabilities are receiving any service at all. This point was very well made by an outstanding organisation that is catering and working in this field. This government has a long way to go with its policies.

STATEMENTS ON REPORTS AND PAPERS

The PRESIDENT — Order! The question is:

That reports and papers tabled in the Council be noted.

Library Board of Victoria: report 2003–04

Hon. ANDREA COOTE (Monash) — I have a great deal of pleasure today to speak on the *Library Board of Victoria Annual Report 2003–04*. The State Library of Victoria is one of our greatest institutions, and this year it celebrated its 150th anniversary. The Library is one of the gems in the crown of this state. I suggest to members in this chamber who are not familiar with the state library, that they spend some time there and familiarise themselves with it because it holds some wonderful treasures. This week we saw the Ned Kelly armour being displayed, and I encourage all members to go and have a look at it first hand. Members should make sure they look at the original Burke and Wills diaries, which describe poignant events. I know them very intimately. They are handwritten on small pieces of paper, and you can see on one piece of paper where it was nailed to the tree where they died.

However, this report has some warning signs in it. The warning signs come from the excellent librarian, Anne-Marie Schwirtlich, who said in her review:

> The library will face challenges in the coming years. One of these is to manage and augment the library's resources so that the calibre and range of its collection, programs and services are maintained and their reach extended.

I would like to talk about the collection because many members will not understand what the library collects and it is important to look at the types of things involved. For example, this year, the library acquired 17 silver gelatin photographs by Ian Hill documenting the demolition of the Melbourne Cricket Ground grandstands and 16 photographs documenting the Royal Park redevelopment project for the 2006 Commonwealth Games. We talk about these things on a regular basis, but it is interesting to note that they are being captured so they can be kept in perpetuity. The library has also collected the papers and book collection of the late B. A. Santamaria in the period 1915 to 1998. Mr Santamaria was a Catholic activist and writer and was the founder of the National Civic Council.

The diversity is shown by the presence in the collection of a walking stick and shirt which belonged to Henry Lawson, the shirt having been inscribed by Mary Gilmore as a gift to the Henry Lawson Memorial and Literary Society. But if we take a closer look at the total amount of acquisitions in the collection, we can see a decrease happening. For example, the total number of purchases of monographs for the Latrobe rare books collection for 2003–04 declined by over 58 purchases on the previous year, which is significant. If we want to make sure this collection is maintained it is incumbent

on the government to make certain that the collection continues to be enriched well into the future.

Another problem exists with purchases of monographs for the rare books collection. In 2002–03 it was 144, but this year it was only 59. That is not good enough; Victoria has to be a real player in the broader spectrum. Indeed I challenge this government to give more funding for acquisitions. The Kennett government gave funding for the infrastructure — we have seen the redesign of the domed reading room, which is fantastic — but we need to have strength and depth in the collection, and we are not seeing this government recognising that and giving adequate funding for the collection and for ongoing work within the state library.

Having said that, I commend the library, despite the fact that the funding is not there and it is not getting the support it needs from the state government, for meeting its key performance indicators on quality measures and user satisfaction to a very high degree. For example, the user satisfaction target in 2002–03 was 90 per cent, while the actual was 93 per cent. The library target for user satisfaction to specialists was 45 per cent, while the actual was 57 per cent. The professional satisfaction target was 90 per cent, while the actual was 94.5 per cent. The reality is that the performance of library staff has gone up on its actual performance. They have done extremely well under very difficult circumstances. I congratulate all staff at the state library for doing an excellent job. Their service provision is second to none, and they do it under difficult circumstances. This government needs to put in more money to the State Library of Victoria.

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

Victoria Legal Aid: report 2003–04

Ms MIKAKOS (Jika Jika) — I take this opportunity to make some brief remarks in respect of the Victoria Legal Aid annual report 2003–04. In particular I congratulate Victoria Legal Aid for the very important work it performs on behalf of the Victorian community. Members would be aware that Victoria Legal Aid is intended to benefit the most disadvantaged members of our community. It is interesting to look at page 15 of the report, which gives a profile of VLA's clients. The statistics quoted clearly demonstrate that it is the most disadvantaged members of our community who are utilising legal aid.

The report says that 90 per cent of legal aid applicants were unemployed; 70 per cent were receiving a government benefit; 12 per cent were aged under 15 years; 77 per cent were born in Australia; and applicants came from 149 countries. That gives an indication of the variety of clients. VLA's clients include people on low incomes and those who have backgrounds ranging across the cultural diversity of our community. The people who are accessing legal aid are often the most disadvantaged members of our community.

The report indicates that during the last year VLA has: provided a record 54 481 duty lawyer services; had 43 089 face-to-face legal advice sessions; had a 52 per cent increase in the number of legal education publications distributed to the community; and had an 85 per cent increase in the number of publications downloaded from the Internet. In total 615 990 publications were distributed via hard copy through the VLA web site. This is very important because VLA has an important community education role and seeks to educate all the community about the law and the types of services that people can access.

I note also that Victoria Legal Aid provides funding to community legal centres. It administers funding to the 36 community legal centres (CLCs) and to the secretary of the Federation of Community Legal Centres. During 2003–04 the total funding to Victorian CLCs was $7 982 966. I note in particular how very pleased I was that in my local community the Whittlesea legal centre opened through funding from Victoria Legal Aid and that I was able to attend the official opening by the Attorney-General on 6 August together with a number of my local parliamentary colleagues.

The other aspect I want to note, which is highlighted in the opening remarks of the chairperson, John Howie, is the continuing problem that we face in this state due to the lack of an increase in commonwealth funding for legal aid. In particular, I note that funding to the VLA by the commonwealth government has remained at the same level since 1998. By comparison New South Wales has had a 33 per cent increase in funding over the past five years and Queensland legal aid has had an incredible 42 per cent boost. Unfortunately we in Victoria are being short-changed by the commonwealth government in relation to legal aid and now 42 per cent of VLA's annual budget comes from the state government with only 33.5 per cent coming from the commonwealth. It used to be the case that we had a fifty-fifty percentage allocation of funding. This is an unacceptable situation that must be addressed by the commonwealth government as a priority.

I will quickly touch upon the proposed tendering out of legal services to indigenous Victorians by the commonwealth government, which again is talked

about in the chairperson's comments. I think that would be a retrograde step because indigenous legal services were something recommended by the Royal Commission into Aboriginal Deaths in Custody as an important way to reduce overrepresentation of indigenous people in our criminal justice system.

In conclusion I take this opportunity to congratulate John Howie, the chairperson of Victoria Legal Aid; Tony Parsons, the managing director; and all the staff for the very important work that they perform on behalf of the Victorian community. I commend the report to the house.

Department for Victorian Communities: report 2003–04

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I rise to speak to the report of the Department for Victorian Communities for 2003–04. I raise in particular the section of the report relating to the Melbourne 2006 Commonwealth Games. As in 2002–03, the report of the department contains a consolidated report on the preparations for the Commonwealth Games. I understand this is done at the request of the Minister for Commonwealth Games, and it is an initiative I welcome because as members will be aware the organisation of the Commonwealth Games is being carried out by a number of agencies: the organising committee; the Melbourne 2006 Corporation; the Office of Commonwealth Games Coordination; certain activities are being undertaken by the Department of Infrastructure; and elsewhere in the Department for Victorian Communities.

It is a welcome addition to this report to have an appendix which consolidates whole-of-government expenditure on the Commonwealth Games. The basis for this consolidation, as is outlined in the annual report of the department, is expenditure incurred by government on Commonwealth Games-related activities that would not otherwise have been incurred had Victoria not been hosting the games.

Some interesting items arise in this annual report in relation to the Commonwealth Games. Most notable is the actual expenditure on certain infrastructure development projects. The report shows that for the 2002–03 year the government had appropriated $60.6 million for infrastructure work on the Melbourne Sports and Aquatic Centre and the Commonwealth Games village at Parkville, but only $24 million of that was in fact expended during the 2003–04 year.

Less than half the money that was budgeted was actually spent. While the government states in the report that both the Melbourne Sports and Aquatic Centre and the Commonwealth Games village will be completed on time, it is a matter of concern that less than half of the funding appropriated has been spent. There is no doubt that the contractors on those sites would not be doing the work they are contracted to do without receiving those periodic payments. The fact that those payments have not been made suggests that not as much work was done as was originally intended. While the government claims everything is on schedule for completion, it is a matter of concern.

Another area of interest in the report relates to the disclosure of contingent liabilities. One of the key liabilities the government has assumed in hosting the games is the liability which arises under the endorsement contract with the Australian Commonwealth Games Association, the Australian body responsible for the Commonwealth Games. One of the key clauses of this contract is that it requires the state government to underwrite any operating deficits that may occur with the Commonwealth Games. Despite the government and the Minister for Commonwealth Games having said that the government is capping its contribution at $697 million, the reality is if there is an operating deficit in organising the Commonwealth Games the state is obliged under that contract to meet the shortfall.

Ms Romanes — And it will be on time and on budget, won't it?

Hon. G. K. RICH-PHILLIPS — We hope it will be, Ms Romanes, but that remains to be seen.

Another of the liabilities the government has assumed relates to the redevelopment of the Melbourne Cricket Ground. Earlier this week the Minister for Commonwealth Games told the house that the government does not have any exposure arising from the potential relocation of the Boxing Day test away from the MCG due to the ground not being available. However, the minister did not tell the house that the government has agreed to underwrite any trading shortfalls by the MCG Trust in the event that the MCG is not able to meet its debt repayments for the redevelopment of the ground. The reality is the Boxing Day test is one of the most significant events hosted at the MCG and it contributes a significant amount of revenue to the MCG.

If that event does not take place and the trading surpluses of the trust are less than expected, there is a very real prospect of the government having to make up the shortfall to ensure the trust can meet its obligations with respect to the loan facility for the MCG

redevelopment. The consolidation on the Commonwealth Games provides a lot of information about the government's commitment to this event and I encourage all members to give it their full attention.

Hepburn Health Service: report 2004

Ms HADDEN (Ballarat) — I wish to note the Hepburn Health Service annual report 2004. Hepburn Health Service provides health services and incorporates the Daylesford, Creswick, Trentham and Clunes hospitals. Those hospitals and health services have been providing health care to the district since 1860. I want to acknowledge the president, Margaret Edgar; vice-president, Peter Anderson; honorary treasurer and junior vice-president, John Turnbull; and the chief executive, David Lenehan. I also want to acknowledge and express thanks for the tireless volunteer work of the board, and thank especially Carole Oliver who has retired after three years service to Hepburn Health, and Colin Wrigley of Creswick who has recently retired after providing more than 35 years selfless and tireless volunteer work to the Creswick hospital and Hepburn Health Service. I also want to acknowledge and thank Max O'Shea, who has given 15 years good service to Daylesford hospital and the Hepburn Health Service.

The redevelopment of the Daylesford campus, affectionately known still as the Daylesford hospital, was completed in October 2003. It is now a functioning, modern and efficient hospital and community health centre. The new facilities were opened by the Minister for Health in another place, Bronwyn Pike, last December; it was a great occasion. The total cost of that project was in excess of $6 million. The amazing thing is this country community contributed more than $500 000 to the building appeal. The health service is now focusing its attention on the upgrading of facilities at the Trentham campus.

Given the amazing amount of fundraising that the hospital auxiliaries do in their communities, I want to acknowledge and thank the president, Betty Wilson, Cath Robbins and the members of the Daylesford hospital auxiliary; president, Joan Neil, and the members of the Creswick hospital auxiliary; and president, Mrs Cath Pye, and the members of the Trentham hospital auxiliary for their tireless volunteer support and commitment to raising money for the betterment of the health of communities across Daylesford, Trentham, Clunes and Creswick.

A special fundraiser that the auxiliaries run each year is the Murray-to-Moyne cycle relay. That took place in March, and it was the 13th year in which the Hepburn Health Service has been represented in this great relay event, which starts in Echuca and ends at Port Fairy. Amazingly — and it was a supreme effort by the team representing the service — over $9000 was raised and presented to board members, the president, Marg Edgar, and the chief executive officer, David Lenehan. Those funds have gone towards airconditioning a number of rooms in the acute wing. This is just an example of the tireless and unsung work of country communities in making sure that health services remain in country Victoria and provide a highly professional and efficient service to their communities.

I commend Hepburn Health Service and wish it all the best. Having attended its annual general meeting recently I know that people hold the service dearly; they own it as their community health service, and people go out of their way to support it at every opportunity. I hope the service continues to go from strength to strength in the Hepburn region.

Public Accounts and Estimates Committee: budget estimates 2004–05

Hon. J. A. VOGELS (Western) — I want to say a few words on the Public Accounts and Estimates Committee's report on the 2004–05 budget estimates. If members look at the pie chart labelled 'Exhibit 15.1' on page 648 of the report, which deals with the budget for the Department for Victorian Communities (DVC), they will see that it has a total budget of $441.2 million. This chart also shows that local government received 8.3 per cent of this budget, which is a pittance.

Turning to page 650, which contains a table titled 'Exhibit 15.2: Department for Victorian Communities output group costs', we see a heading 'Supporting local government' and a figure of $36.6 million. Under the heading 'People, community building and information services' the report indicates that $135.3 million was spent — four times what was received by local government. It appears to me that local government is already ideally placed to handle the $135 million itemised under the 'People, community building and information services' heading; that is its core role. This government continually talks about empowering local government et cetera, and surely the people who know most about their local communities are local councils. They know much more about their local communities than some department based at 1 Spring Street, Melbourne.

If we look at page 647 of this report we see the heading 'Department for Victorian Communities', and the

subheading 'Key findings of the committee'. Item 15.3 reads:

> The timing of payments to local government has resulted in an underspend of $2.5 million in the Jobs for Young People program in 2003–04 because the program's implementation did not match the budget cycle of local government ...

I do not think the budget cycle of local government has changed as long as I have been around; the cycle has always been the same, so how is that possible? Item 15.4 of the key findings reads:

> While the Office for Youth issued a whole-of-government report which was intended to demonstrate progress in achieving milestones established in 2002, the report did not show progress on most milestones.

Item 15.5 states:

> Although the Victorian Office of Multicultural Affairs published a whole-of-government report purporting to show achievements in multicultural affairs in 2002–03, the report actually only lists activities that occurred and shows few outcomes.

Another finding was:

> The department did not meet its target in 2003–04 of tabling a whole-of-government report on Aboriginal affairs.

I think the department, with its 625-odd staff, is basically failing in its duties. If members go back to the issue of local government, which I am obviously more interested in than some of the other issues, because that is my portfolio, they will see on page 696:

> Local Government Victoria — a business division of the Department for Victorian Communities — is responsible for the administration of the Local Government Act. In undertaking this function, Local Government Victoria's role is ...

It goes on to talk about what the role of local government is, which we all know. It continues:

> The committee notes that Victorian government funding to Local Government Victoria is relatively minor in comparison to grants from the commonwealth government to local government of $367 million —

compared to Victoria's $33.6 million, as I said. That is less than 10 per cent. We continually hear the minister bagging the commonwealth government for not adequately funding local government when, as can be seen, it is actually the other way around.

In conclusion the $135 million earmarked for people, community-building and information services would be much better handled by local government, for each and every council in Victoria understands their local communities much better, and would spend the money much more wisely than some bureaucrat sitting in 1 Spring Street, Melbourne. From reports I am receiving this $135 million is being used as a Labor Party slush fund to support Labor Party agendas in marginal and Labor seats, rather than on programs where all councils are treated equally. It smacks of the whiteboards used by the federal Labor government during the Hawke-Keating eras. This needs to be closely monitored by local councils, because what they are telling me is, 'The money should be coming to us. We are at the coalface; why is it being distributed by some bureaucrat at 1 Spring Street?'.

Goulburn-Murray Water: report 2003–04

Hon. W. R. BAXTER (North Eastern) — I will make a few remarks on the annual report 2003–04 from Goulburn-Murray Water, which honourable members will know is our largest rural water authority, one which services much of northern Victoria and provides the water for our major irrigation industries, particularly dairying and horticulture. It is a very informative report, and I commend the authority for putting it together. I also commend the outgoing board and wish the recently appointed incoming board all the best in its deliberations in what is a very tough environment with this ongoing series of dry years that we are all suffering from. I pay particular tribute to the chief executive, Mr Dennis Flett, and his senior management team.

The issue I want to talk about this morning goes to making more information available in the annual report, which would better inform irrigators. I have noticed a good deal of concern in the irrigation industry with the apparent growth in the work force at the authority's head office in Casey Street, Tatura. I understand that some 600 persons are now employed, many at that head office, which is an extremely large number for a small town like Tatura, and is no doubt of great economic benefit to the town and the surrounding district. The concern amongst irrigators is that they are paying the full cost of the large number of employees working in administration at the head office.

It is my view — although I am not entirely certain of this — that the cost of some of the employees is met from other sources, rather than being entirely borne by the irrigators, but the annual report needs to make that issue clearer. For example, if one examines the statement of financial performance, one can see that rates bring in a little over $51 million and consumptive charges a little over $16 million. That totals $68 million that is being paid by the irrigators, and appropriately so. There is a further amount from other external clients, of $16.5 million, which I understand is mainly coming from the Murray-Darling Basin Commission, because Goulburn-Murray Water is the operating agency for a

number of large irrigation dams in the system, so that is a service cost. There is further Victorian government funding of $18.2 million, and the report refers readers to note 6, which says:

> The salinity program, the National Landcare Program, the water savings program and some other works are performed under an agreement with the Victorian government. Costs reimbursed by the Victorian government, and amounts paid for works not yet commenced, are included as Victorian government service fees in the statement of financial performance.

There is nothing wrong with that at all, but in future I would like the report to provide a better breakdown of the sum, how many people's employment it pays for and whether the full on-costs are being recovered for the provision of that service on behalf of the Victorian government, so that irrigators can be assured that they are not paying for aspects of the activities of Goulburn-Murray Water that have been put on the authority by government for the good of the community at large — I do not deny that — but which it would not be appropriate for irrigators to fund directly. I do not think they are funding it directly, but the perception is that they are. The appeal I make is that when the next annual report is put together — and I look forward to that — some attention might be given to explaining this aspect of the authority's operations so that irrigators can see for themselves that they are not being required to fund works that are not directly their responsibility.

Greyhound Racing Victoria: report 2003–04

Hon. J. G. HILTON (Western Port) — I would like to make a brief statement on the Greyhound Racing Victoria's annual report of 2003–04. I must make an admission: in the 30 years I have lived in Australia I have only been to the greyhounds once — that is in contrast to some members of the opposition, who have been going to the dogs for many years!

Hon. C. D. Hirsh interjected.

Hon. J. G. HILTON — Thank you, Carolyn. Racing in all its forms — horses, harness and greyhounds — is a very important activity for the Victorian economy. Obviously, horses have the highest profile with the very excellent Spring Racing Carnival, but the other sectors are important as well. The annual report tells us that over 140 000 people attended greyhound race meetings and oncourse turnover was over $15 million. There was approximately $17 million in stake money, which included starters' fees. Obviously these figures indicate that we are discussing a significant business enterprise.

I cannot cover all the details in the report, but I would like to pick out a couple of points that I think are appropriate. Greyhound Racing Victoria has instituted a greyhound adoption program which opened in new facilities in Seymour in the last financial year. The purpose of this program is to look after greyhounds who have come to the end of their racing lives.

Hon. C. D. Hirsh — A retirement home.

Hon. J. G. HILTON — Yes, a retirement home. But it also puts greyhounds into contact with people who want to adopt them as pets. I understand that program is working very successfully, and it indicates that Greyhound Racing Victoria is very committed to the animals who produce the income and enjoyment. In October 2003 the grandstand at the Sale Greyhound Racing Club was destroyed. It was a great demonstration of the team spirit that racing was hardly affected, and the community and stakeholders came together to make sure there was minimum disruption to the racing calendar. Additionally, the board approved a $500 000 investment in the Sale Greyhound Racing Club track which included the upgrading of track lighting and fencing.

In the last financial year the board made a profit of $1.3 million, which was a significant improvement over the result for 2002–03. This result was supported by an increase of 8.4 per cent in offcourse wagering. The board completed its long-term financial planning which complemented a strategic review with the support of the individual greyhound clubs and all the other stakeholders. I compliment the board under the excellent chairmanship of Jan Wilson — who I believe was a former member for Dandenong in the other place for about 15 years — John Stephens, the chief executive officer, the management team and all the people involved in this excellent sporting activity.

Finally, I will quote from the annual report's mission statement which states:

> To effectively manage, promote and develop a vibrant industry to ensure expansion and future wagering growth to maximise opportunities and returns for all participants.

In conclusion, I wish the board every success in this present year, and I hope it realises its objectives and continues to make a significant contribution to the Victorian economy and greyhound racing in this state.

Melbourne Cricket Ground Trust: report 2003–04

Hon. B. N. ATKINSON (Koonung) — I wish to make some remarks about the annual report of the

Melbourne Cricket Ground Trust. There are some matters in it that the Minister for Sport and Recreation ought to pay particular heed to, because some areas of concern have been highlighted by the trust. I first record my commendation of all those people who are involved in the management of the Melbourne Cricket Ground. It is one of the sporting icons of Australia and probably of the world. It is a very significant venue that has been responsible for a great deal of economic gain for this state in terms of tourism, and it is the venue at which some of our most notable sporting achievements have occurred, not just football and cricket but events such as the Olympic Games, and of course, we now look forward to the Commonwealth Games in 2006 being held at this flagship stadium.

The Melbourne Cricket Ground is undergoing a redevelopment program at the moment, in large measure to accommodate the Commonwealth Games in 2006 but also as part of a progressive redevelopment of this ground which aims to modernise the facilities for members and to ensure that it retains its place as one of the foremost sporting venues in the world. Yesterday the Minister for Sport and Recreation assured us that that process is on track, and there will be no difficulty in terms of the venue meeting its commitments and being ready for the Commonwealth Games and, as the minister said, being able to accommodate the Boxing Day tests and football's requirements for the ground in terms of its annual fixtures, particularly during 2005.

One of the concerns that I had about the minister's answer yesterday was that whilst he tended to dismiss the need for any compensation agreement with the cricket associations and the people holding the Boxing Day Test — the Australian Cricket Board — they have concerns, because they were promised that a compensation agreement would be in place ahead of the Boxing Day test, and its seems that the government has reneged on that. I have little doubt that the 2004 test will be okay, but I have some concerns about 2005, and so does the board.

Turning to the report, I want to pick up on the comments made by the Melbourne Cricket Ground Trust about a trend, which suggests a significant decline in attendances for football matches at the MCG. That can be attributed to a number of things, including the rise of the interstate clubs as powers in football and certainly in part even to the redevelopment itself. But as the trust notes, the figures suggest a trend decline, not simply a decline in a particular year caused by any one event, and that is a matter of concern. In 1999, 2.9 million people attended football matches at the MCG with an average crowd size of 44 000. In 2003, that was down to 1.8 million people — 1.1 million people less attending football at the MCG — and the average crowd size was down to 40 000. So there has been a significant dip. As the Melbourne Cricket Ground Trust points out, the public will probably be surprised to learn that after just three years, Telstra Dome already has more home and away matches than the MCG and larger than average crowd sizes — a trend that the MCG trust noted will continue with the Carlton Football Club having made a decision to relocate to that ground.

The Melbourne Cricket Ground Trust points out that this is a difficult position for it, because clearly it has undertaken a significant part of the funding of the redevelopment of the ground for the benefit of all Victorians and for the effective conduct of the Commonwealth Games. It points out that the relationship with the Australian Football League and the Australian Cricket Board also needs to be carefully monitored and perhaps tweaked going forward to ensure that the MCG can continue to meet its commitments as a ground and to fulfil its role as the premier sporting venue in Melbourne so far as major events go. I certainly support it in its efforts to maintain the focus of the Melbourne Cricket Ground.

Building Commission: report 2003–04

Ms ROMANES (Melbourne) — I rise to take note of the 2003–04 annual report of the Building Commission. The report showcases the many achievements of the Building Commission over the past financial year and the many priorities that it has set for itself in the year ahead. Since the appointment of commissioner Tony Arnel a few years ago, the Building Commission has played an increasingly strong leadership role in the building industry. In 2004 it is playing an important role in the Year of The Built Environment, in both awareness raising of important issues in the built environment and celebrations of the built environment.

The role of Tony Arnel has been critical in terms of leadership in significant changes within the Building Commission and a transformation of culture in the organisation. Earlier this morning I mentioned in my members statement the work and family balance initiatives that have been recognised in the workplace excellence awards by the Minister for Industrial Relations in the other place, Rob Hulls, in the past week.

The introduction in the Building Commission of more flexibility and work and family balance initiatives such as increased part-time and job-sharing work has borne fruit. It is very reassuring to see that there has been an

increase in the percentage of women employed by the Building Commission from 39 per cent of the work force in 1999–2000 to 49 per cent in the past financial year 2003–04. It is significant that the team of volunteers within the Building Commission who promoted work and family balance initiatives included the commissioner, Tony Arnel. I am sure many members would be aware that nothing is more likely to succeed in an organisation in terms of cultural change or new initiatives than those initiatives that enjoy the strong commitment of the person at the top of the organisation.

Yesterday we discussed in this house the strengthened consumer protection the Building Commission provides in collaboration with Consumer Affairs Victoria through Building Advice and Conciliation Victoria and through improved compliance and conciliation procedures. This is core business for the Building Commission, as its prime concern is quality assurance and regulation in the industry. An important achievement in the past year has been the preparation by the Building Commission, together with the Sustainable Energy Authority of Victoria and the Plumbing Industry Commission, for greater sustainability in the building industry through the five-star standard to be implemented in the building industry. The commission has been involved in providing information sessions that have reached well over 9000 building practitioners and also in consumer education across the state.

It was interesting for me to see the next steps the Building Commission has in mind for the promotion of greater sustainability, which are outlined on page 19 of the report. The objectives are to develop energy standards for commercial buildings, to extend the five-star standard for new housing to alterations and renovations, and to examine options for disclosing the energy efficiency of existing homes when they are sold.

Another important aspect of the work of the Building Commission has been to address the growing shortage of practitioners and professionals in the building field, which has been highlighted by strong growth in the industry. Mr Atkinson referred to this yesterday. The Building Commission has been very active in the promotion of careers in building and a strategy to attract new recruits to building surveying. Very importantly it has supported three trainee positions — an IT trainee, an indigenous youth office trainee and a one-year industry-based building surveying placement.

Department of Human Services: report 2003–04

Hon. D. McL. DAVIS (East Yarra) — My comments refer to the annual report of the Department of Human Services for 2003–04, and in particular I will look at the acute health services outputs on page 27. It is interesting to reflect that today we have also seen the tabling of annual reports of statutory authorities under the control of the Department of Human Services. It is the responsibility of the department to manage overall those annual reports, and they show a woeful financial result for Victoria.

It is important that those numbers be put on the record. Austin Health returned a deficit of $13.647 million; Bayside Health returned a deficit of $15.491 million; and Dental Health Services Victoria returned a positive of $3.957 million. Eastern Health claims a positive of $1.862 million, but I will come back and talk about Eastern Health in a moment. Melbourne Health claims a negative of $1.909 million — almost $2 million. Mercy returned a slight positive of $676 000; Northern Health is $4.759 million in the negative; Peninsula Health is $2.493 million in the negative; the Peter McCallum Cancer Centre is $8.935 million in the negative; the Royal Victorian Eye and Ear Hospital is $1.229 million in the positive; and Southern Health is in the negative by a whopping $27.323 million — a massive deficit that should concern all Victorians in the southern and eastern suburbs. St Vincent's Health returned a positive of $1.536 million; Western Health returned a massive negative of $13.844 million, and Women and Children's Health — a network that has now been disaggregated into Women's Health, the Royal Women's Hospital and the Royal Children's Hospital — returned a deficit of $12.491 million.

I want to say something about these results because they reflect on the overall performance of the department as reported in its annual report this year. The calculation of those figures suggests to me a result exceeding $90 million in the deficit for our major metropolitan health services. That is a disastrous result for Victoria because it means our services are not being properly managed or they are being underfunded — or a combination of both. It will mean cuts and closures and reductions in services as the government struggles to meet these arrangements.

Mismanagement is part of the story. I note the article in today's *Age* which talks about the walk-outs of many of the chief executive officers (CEOs) of our metropolitan health services. The government has sought to blame the metropolitan health services CEOs and boards for the problems and the financial woes in these large

networks. That would be believable if it were a one-off or even a two-off case where a network was clearly a feral or out-of-control network. But when you read that list it is very clear that the department has a problem across the metropolitan area. Very few networks are in the positive. Southern Health has finally had to come clean. Last year it declared a deficit of just over $13 million, but the Auditor-General pinged it for a sleight of hand — an accounting trick — where it was forgiven $13 million of rent, bringing its true deficit in the 2002–03 financial year to more than $26 million. Now the chickens have come home to roost at Southern Health. It is a network in crisis. It is a network that needs to come clean with the problems down there — the cuts and closures and the reductions in bed numbers. The Casey Hospital is being bought by cannibalising the bed numbers at Dandenong Hospital and elsewhere in the network. I am very concerned about the performance of Southern Health.

Eastern Health, to its credit, has stood up to some of the accounting tricks that this government is employing. In the report of the chairman and the CEO of Eastern Health, they admit that the true operating deficit is $3.9 million as opposed to the $1.862 million positive return that is declared in its financial statements. That is because of a new arrangement through which this government is washing capital money and topping up those networks in the dying days of the financial year to make the results look better. Eastern Health is just one of the networks doing that. It happens to be more honest than some of the other networks. We need to get to the bottom of the fudging of the figures which suggests a massive mismanagement of arrangements that is very unsatisfactory across our state.

Victims of Crime Assistance Tribunal: report 2003–04

Hon. C. D. HIRSH (Silvan) — I want to speak today about the Victims of Crime Assistance Tribunal annual report for 2003–04. VOCAT and a lot of its associated victim services were set up partly as a result of the work of the Victorian Community Council Against Violence, and I commend its chair and then director, Judy Dixon, a former member of this place, for the work she did in alerting the community to the needs of victims and to the fact that victims of crime often require a lot of services.

The purposes of VOCAT are to help victims of violent crime recover from their ordeals and to assist with expenses that may have resulted from the crimes. The objectives of the tribunal are to:

> assist victims of crime to recover from the crime by paying them financial assistance for expenses incurred, or reasonably likely to be incurred, by them as a direct result of the crime;
>
> pay certain victims of crime financial assistance (including special financial assistance) as a symbolic expression by the state of the community's sympathy and condolence for, and recognition of, significant adverse effects experienced or suffered by them as victims of crime; and
>
> allow victims of crime to have recourse to financial assistance under the act where compensation for the injury cannot be obtained from the offender or other sources.

These special payments as an expression of sympathy were not made previously, and it is important for victims to appreciate that the state understands their problems.

One of the functions of VOCAT is to ensure that those victims of crime who require it receive counselling and assessment, where needed, by qualified psychologists, psychiatrists and in some cases social workers.

Recently the Chief Magistrate, Ian Gray, issued practice direction 9 of 2003 on counselling and assessment to enable the tribunal to implement new procedures in relation to awards for counselling and assessment. The new procedures are very good as far as I can see in that they place strong, built-in accountability requirements on the private service providers to whom the victims may very well be referred.

It seems to be becoming more and more apparent that the psychological methodology of cognitive behavioural therapy is of great value to many victims of crime. I recall in the 1990s when I had a psychological practice I did some training in forensic psychology and through the victims referral service, of which again Judy Dixon was the director, I did some work with victims of crime using cognitive behavioural therapy. Some of those victims had suffered enormous crimes; some of them were primary victims in that they themselves had suffered the crime; others were families of victims who had been murdered or who had undergone some pretty violent crimes.

In the financial year 2003–04, 4075 applications were lodged with the tribunal, with the majority of people having their employment listed as students, pensioners, or home duties. The majority of crimes committed were assault, indecent assault and attempted rape. Murder was quite high, and rape was quite high.

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

Economic Development Committee: economic contribution of Victoria's culturally diverse population

Hon. B. W. BISHOP (North Western) — I wish to make a few comments on the Economic Development Committee's report on the economic contribution of Victoria's culturally diverse population. This is an excellent report. I note that the committee members have travelled substantially, having taken evidence in public hearings in Melbourne, Mildura, Swan Hill, Shepparton, Mulwala, the Latrobe Valley and Canberra.

I have spoken briefly on this report before. I really wish the committee had had the time to travel to Robinvale, which would have provided it with a very good example of our culturally diverse population in that particular area. I again put on the record my appreciation, and I am sure that of Australians and Victorians generally, of the huge contribution our multicultural people have made to our communities. As I have said before, there is no better example of that than Mildura, Swan Hill or Robinvale.

The report contains 22 recommendations, and I pick up on recommendation 4.5:

> The Victorian government review the Victorian overseas trained doctor recruitment scheme (VORRS) with a view to both reappraising its current geographical limits and including Shepparton and Mooroopna.

I urge that the government in looking at that recommendation take it far wider than that and look at other areas of Victoria as well — for example, Robinvale. There is a very good example of that issue in an article in the *Sunraysia Daily* of Thursday, 4 November, which raises concerns about the retention of doctors in that area. The article states:

> Robinvale could be without a full-time doctor early next year.
>
> Three of the town's four general practitioners are believed to be considering leaving early in 2005, but it is understood they have not stated exactly when they intend to leave.

Obviously that creates uncertainty, with the area facing the challenge of attracting and retaining new medical staff. Obviously this also makes it very difficult for the future of the remaining doctor, who wants to stay on in the community but requires support and supervision for him to be able to continue his services. Unfortunately this is a common story throughout country Victoria, but I think it is particularly pertinent to the Robinvale area. In the Robinvale area Graem Kelly, who is the chief executive officer and director of nursing of the Robinvale Hospital, has certainly done a great job in trying to overcome many of the difficulties of health services in that area. The article goes on to state:

> Mr Kelly said the predicament facing the Robinvale community highlighted the need for the three levels of government, communities and local health services to work together to develop a model for the provision of medical services in rural and regional Australia.
>
> 'It has gone on far too long with much grandstanding and political rhetoric leading to small communities still being held to ransom with the most vulnerable in our community — the sick and the elderly — being played as emotional footballs,' Mr Kelly said.
>
> 'It is time the cases like the one Robinvale faces became a thing of the past. We in rural and regional Australia do have a right to be able to access medical services in our communities and not continue to be treated as afterthoughts.

Mr Kelly has not only said that; he has worked very hard to ensure the provision of medical services throughout rural Victoria but particularly at Robinvale. He has had an innovative process to put forward a local committee to form a collective view of how those services could be better put into place and how that local committee could best allocate resources in health care, because, given the unique situation we all believe Robinvale holds with a rapidly expanding horticultural industry and also certainly being a true multinational community, we need those sorts of structures in place to best realise and to best manage the resources that are there. I look at it as a large multipurpose service but one that would include, as I have said before, not only medical services but education and many other services throughout the area.

I urge the government to have a decent look at the recommendations in this report, particularly the one I am speaking about today, recommendation 4.5. It is particularly pertinent to areas such as Robinvale, and I urge the government to take a close look at that recommendation and act on it as quickly as possible to ensure the provision of medical, allied health and primary health services and that all the issues that go with that are sustainably applied to areas such as Robinvale.

Commissioner for Public Employment: report 2004

Hon. S. M. NGUYEN (Melbourne West) — I would like to make a contribution on the annual report of the Commissioner for Public Employment — —

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

Question agreed to.

ELECTRICITY INDUSTRY (WIND ENERGY DEVELOPMENT) BILL

Committee

Resumed from 17 November; further discussion of clause 3.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — Prior to the committee reporting progress yesterday Mr Forwood raised the issue of four wind farms being located in a particular area. He asked me whether the pioneer wind farm would pay one-quarter of the augmentation costs and how the minister would determine what percentage of the augmentation costs they would pay. The answer to this is probably not exactly as the member would like, but the way I respond is to say that the pioneer wind farm would pay a reasonable share of the cost which would be substantially less than the full cost, but it might not be as low as 25 per cent. It could be a different figure. Connection charging principles will be developed by the government in consultation with the distributors, wind developers and the Essential Services Commission (ESC) in an effort to try to work out what would be a reasonable cost in those circumstances.

At the end of the day the exact amount the wind developer will pay will be determined by those principles, and a different question that was asked of me by Mr Forwood about the financial viability or commerciality of the project would also be determined. That would also come into consideration as to what would be a reasonable amount to pay, but the 25 per cent figure in the member's example would be the absolute minimum amount.

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his response. It is not my intention to keep the committee going for a long time, because we will get to the principles in a later clause, and I will save that question until then. I wish to finally draw out some issues about this funding imbroglio because it seems to me, particularly given the minister's last answer, that there is capacity for the distributors to bear the cost for some time. In a response to me yesterday the minister indicated that ultimately they could go to the Essential Services Commission to recoup costs if other wind farms did not come in.

To take the minister's response to the last question, if, for example, the pioneer wind farm pays 35 per cent under the principles that are developed, then 65 per cent is worn by the distributor and no other wind farm might come along. The question becomes: what is the period of time before they are entitled to go to the ESC and what would be the process then for recovering the costs? This also ties in with the response the minister made yesterday that there will not be an augmentation without agreement by the distributors. It seems to me that if the cost is going on to the distributors, the distributors will not agree if there is not some process for them to recover, say, the 65 per cent. How long do you wait until you decide whether other wind farms will proceed?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — Perhaps the best way to satisfy the member in relation to this question is to say that in normal circumstances — and what we would expect to happen — the principle would be that the distributor should not normally be out of pocket. However, the distributor may be out of pocket for a period until such time as costs are recovered. Refinancing costs would have to be capitalised and recovered, but they may not be recovered until the next or subsequent period. It might not be an immediate pass through, but it would be something that would take place at the next point that the ESC does its pass-through allocations. It would not be immediate, but it would be when the ESC did its annual pass-through allocations, which would mean that there would be a small period when the distributor would not have the capacity to pass through.
Mr Forwood should bear in mind, as I said before, once the pass through takes place there is a reversing principle as well, because when the next wind farm comes on stream the distributor's allocation is reversed and that discount, which goes through to the retailer, is then put in place.

Hon. BILL FORWOOD (Templestowe) — I do not want to put words in the minister's mouth, but the way I understand what he said is that distributors will be able to relatively quickly, after a pioneer wind farm has had its augmentation done, go to the ESC and get its costs passed through to the consumer at the next round in, say, three or four years, even if the following wind farm does not come on for seven or eight years and then there would be a reversal of that later down the track.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — Essentially that is correct. During the next regulatory period it would be able to apply to have that payment, and if the wind farm came on stream, it would then have to be discounted back.

Hon. BILL FORWOOD (Templestowe) — I make the point in passing that what that means is that the cost will be passed through to the consumer in those areas and not the broad community at large because it will only be in the distribution areas where the

augmentation takes place obviously because of the rollback period later on. I stand by the comment I made in the second-reading debate that there will be a cost in some cases probably passed through to the consumers of the particular areas in the country where the wind farms are and not to the general public across Victoria.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I shall make two points: that pass through is mitigated for the next four years because of the pricing agreement, so there would be no pass through over the next four years while the four-year pricing agreement is in place.

But in any case in the past we have had a network equalisation process — a network tariff rebate — which has applied in regional Victoria and which has equalised prices between the country and the city. That program would have to consider these issues as well if it were to continue into the future.

Hon. BILL FORWOOD (Templestowe) — I am still addressing clause 3 and more specifically the insertion of proposed section 15C (1). I do not want to labour this point, but I am interested in knowing why the government decided that the most appropriate way to do this whole process was through the minister and an order of Governor in Council rather than having, firstly, an independent body deciding which augmentations should be done in the first place, and secondly, an independent body — I do not mind which it is: the Essential Services Commission, the Victorian Energy Networks Corporation or the National Electricity Market Management Company; any of those organisations seems appropriate — doing the transmission into the future. It is putting it in the position where accusations could be made that there is the possibility of there being other than economic reasons behind the decisions. I would just be interested to know the rationale behind a decision being made in that way rather than it being done through independent third-party means.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I do not want to labour the point either, but the attraction of wind development is a matter of getting investment from the private sector into an emerging industry. There are sensitivities about the locations of wind farms. There are decisions that a government might want to take into account about those sensitivities. A government might wish to try and mould the development of wind farms to at least ensure that they were not put in those sensitive areas. It has always been the case that governments have become directly involved in trying to attract investment, whether it is in wind farms or developments in the coal industry. As the member is aware, I am doing a lot to try and get investment into new technologies in coal, gas and so on.

When we try and do that, we do not normally get an independent regulator to consider those issues. That consideration is normally done when the application is made or when a proposal comes up. The way we have structured this is that it will allow the government to consider the appropriateness of a development in a particular area while bearing in mind a range of other factors — whether we might want augmentation of the electricity grid in that particular area and the location of the wind farm itself. Putting all those things together, the government took the view that this would be more appropriately directed by the minister to ensure that all those community, investment and other issues were taken into account.

Hon. BILL FORWOOD (Templestowe) — My final question on this particular part of the bill is: does the minister have applications in front of him at the moment that he is considering — for example, Waubra**,** Pacific Hydro at Portland, or Bald Hills? Are these proposals that he anticipates will be used both by this clause and the augmentation process or are we saying that the list that I have of the existing pending and proposed projects will apply not to those ones but to ones that are yet to be proposed?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — The current proposals were put up without this legislation being in place. I would not want to say to the proponents of what are sometimes nothing more than expressions of interest that they could not make applications under the legislation. Remember that these applications that have come up have been for one particular wind farm and have been on the basis that we think this is an area where it is appropriate to develop three or four wind farms**.** If an application were to come to us, it would have to be for an area that has the potential to have not just one wind farm but three or four wind farms, and consequently an allowance can be made on that basis. I do not have any applications before me at the moment. We would consider anything on a case-by-case basis.

Hon. BILL FORWOOD (Templestowe) — I will ask this finally, and I mean it this time: does the minister have any particular areas in the state where he thinks augmentation of this type will be used that he would be prepared to name now?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I am not prepared to do that. There will be an exhaustive process, and advice would have to be

given to me in respect of any particular development. I have not done that analysis, and I am not in a position to be able to name those locations at the moment. As I have indicated before, a pretty exhaustive process would have to be gone through. We have not done that for any particular location.

Hon. BILL FORWOOD (Templestowe) — I would like to address clause 3, which inserts proposed section 15D and is headed:

> Charging principles applicable to the connection of wind energy generation facilities to distribution systems

This clause enables the Governor in Council to specify the principles. In an earlier response I think the minister talked about those principles. Could he give the committee some idea of the principles he has in mind in relation to the application of this clause?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — The reason I consulted with representatives from the department was to see whether we had moved any further in relation to these principles, but the department is saying it would be premature to identify the principles without having first had the full consultation process that I indicated to you earlier we would be undertaking with the distributors, with wind developers and with the Essential Services Commission. I do not think I want to identify the principles involved at this point because, as the member pointed out in his comment to me, on face value you could say that if there are going to be four wind farms you will have to pay a quarter, but that may not be the outcome once you work on the principles that you put in place. What I said to Mr Forwood was that that would be the best-case scenario from the point of view of a pioneer wind farm, but if we are going to not necessarily give that amount, then we need some principles that allow us to give something less than what that face value example is. Those principles will have to be developed in consultation with all of the players involved.

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his answer. I know he will not be surprised when I say that I think it is unsatisfactory legislation that brings in a regime that does not fill out the sort of detail that the Parliament ought to have in front of it when it considers the legislation. The minister also will not be surprised when I say that this particular piece of legislation has no appeal clauses in it — that is, no-one can do anything and the Parliament has no say. All we are doing is enabling the minister to decide these matters through a set of principles that the Governor in Council ultimately produces without any input from the Parliament. Frankly I do not think that that is satisfactory. I do not hold the minister responsible for it, but I do think that it is an unsatisfactory way of dealing with legislation before this house. Today we are passing legislation flying blind because of the particular constriction that is put on the minister at the moment. There are major principles here that ought to be adumbrated to the committee, but I accept that the minister will not be able to do that.

Let me make two final points in relation to this. Is it possible that there will be different sets of principles for different augmentations? In other words, there will not be one set of principles that will be applied but one set for some wind farms in the Mallee, a different set for wind farms in a different part of the state and another set for one elsewhere — there will be more than one set of principles. Is it not also possible that among those principles you could say, for example, that the cost of augmentation could be passed on automatically to consumers?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — Although the member is saying that there are no principles — and I have indicated that I have not got the formal principles — the first point I would make is that I would be happy to make them available to the member as soon as they are worked out.

My second point is that I do not envisage that those principles would be different in different parts of the state. But I have also made some other points which are important to put on the record. I have said that it is not the government's intention that relevant augmentations would be declared without a distributor's agreement. That is a pretty important commitment from the government from the point of view of the distributors to buttress those principles. I have said that the principles would be employed only to help determine the exact amount that a wind development will have to pay, but I have also said that they are not going to pay any less than what their proportion of their overall development, the overall number of wind farms, might be. I have already indicated a number of principles through the course of this debate.

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his response. I note that there is a role for the Essential Services Commission in settling argy-bargy disputes between distributors and wind farm generators. If the minister and the department have not developed the principles, how does the minister envisage there would be disputes? What does the minister anticipate the role of the Essential Services Commission will be in those circumstances?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I will ask representatives from the department. I have a view, but it might be worth asking them.

I would envisage that the Essential Services Commission would be looking at disputes in relation to the application of the principles as opposed to the determination of the principles.

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his response. I turn briefly to new section 15E, which is also inserted by clause 3, which deals with pricing principles in relation to relevant distribution systems. When I looked at this clause I thought the drafting was broad. I guess my question to the minister is: is the minister saying that the pricing principles, once developed, will only be applied to wind farm developments?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — Yes, that is correct.

Clause agreed to.

Clause 4

Hon. BILL FORWOOD (Templestowe) — Clause 4 inserts new section 23B in the Electricity Industry Act. Could the minister outline to the committee what market failure has led the government to decide it needs this clause?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — The government is very happy to support this particular clause, and I am a bit surprised that particularly The Nationals have not come out strongly in support of this proposal. It relates to the use of four small turbines. A 100-watt turbine is pretty small compared to the turbines that are being put down at Toora and in other places, which are 2 megawatts. This is about one-twentieth of the size.

Hon. Bill Forwood interjected.

Hon. T. C. THEOPHANOUS — It is the sort of thing that an individual farmer might put on his property in order to have access to some of his own supply — that is, generate his own electricity. Not only is that good for the environment but it might make financial sense from the point of view of the farmer. Given the history of having windmills on farms, which goes back hundreds of years, I would have thought that The Nationals would strongly support this provision, which essentially empowers farmers, if they do put a small windmill on their property, to sell back into the grid the excess power that they do not use on their property. That is what this does. It is very simple.

I would have thought it would have got universal support. It does not necessarily force the issue in any other way except by forcing large retailers to publish the price that they are prepared to buy the electricity for and offer that for purchasers of electricity at that price which has been published for these small wind turbines. I would expect this would be one turbine on a farm somewhere, so I do not know why there is such an issue about it.

Hon. BILL FORWOOD (Templestowe) — I note that the minister did not say there was any market failure, so presumably there is not. Will each retailer who falls into this category be able to publish a different price for a different generator — in other words, Mr Viney has a generator and I have a generator, and they put two prices up and my price is double what his is because I am a better entrepreneur?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — The option to this, which I am sure Mr Forwood would not have supported and would have strongly opposed, would have been to regulate a price. We were not going to do that, so Mr Forwood is correct — it is a market situation. The only thing we are saying is that when you set your price, whatever that price might be to the distributor, you then have to accept the power. You cannot just say this is the price that we put on offer, but we will not accept the power from you. So it really is just a way of empowering the small owner to be able to actually sell in. So if a price is published, they then have to accept the power at that price.

Hon. BILL FORWOOD (Templestowe) — I thank the minister. One would hope they put on sensible prices and not ridiculous prices, because I suspect the minister would then want to revisit his regulation commitment.

Mr Viney — Would you want more regulation?

Hon. BILL FORWOOD — No, I would not. I would not support that. I believe in the market setting the price. The issue then becomes though — and my understanding is — that there are technical problems about the connection of a small wind farm to other than the closest distributor, and while there is a process known as wheeling, this is a very difficult one. What will happen is that the only person who can practically buy the electricity from a generator under 100 kilometres will be the distributor who is actually

physically there at the time. Is that the minister's understanding?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — That is correct — it is a function of the fact that the previous government when it privatised the electricity industry established five monopoly distribution systems.

Clause agreed to; clauses 5 and 6 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

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

That the bill be now read a third time.

In so doing, I would like to thank members for their contributions to what has been a significant and sometimes heated debate. I particularly thank the opposition for the reasonable questions that were asked during the committee stage and the way that was handled.

The ACTING PRESIDENT (Hon. B. W. Bishop) — Order! The question is:

That the bill be now read a third time and that the bill do pass.

House divided on question:

Ayes, 22

Argondizzo, Ms	Madden, Mr
Broad, Ms	Mikakos, Ms
Carbines, Ms	Mitchell, Mr
Darveniza, Ms (*Teller*)	Nguyen, Mr
Eren, Mr	Pullen, Mr
Hadden, Ms	Romanes, Ms
Hilton, Mr	Scheffer, Mr
Hirsh, Ms	Smith, Mr
Jennings, Mr	Somyurek, Mr
Lenders, Mr	Theophanous, Mr
McQuilten, Mr (*Teller*)	Viney, Mr

Noes, 16

Atkinson, Mr	Drum, Mr
Baxter, Mr	Forwood, Mr
Bowden, Mr	Koch, Mr
Brideson, Mr	Olexander, Mr
Coote, Mrs	Rich-Phillips, Mr (*Teller*)
Dalla-Riva, Mr (*Teller*)	Stoney, Mr
Davis, Mr D. McL.	Strong, Mr
Davis, Mr P. R.	Vogels, Mr

Pairs

Buckingham, Ms	Lovell, Ms
Thomson, Ms	Hall, Mr

Question agreed to.

Read third time.

Remaining stages

Passed remaining stages.

TRANSPORT ACCIDENT (AMENDMENT) BILL

Second reading

Ordered that second-reading speech be incorporated on motion of Mr LENDERS (Minister for Finance).

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a second time.

This bill is the result of the government's commitment to maintain sound financial management to the Transport Accident Commission's personal injury compensation scheme. The solid financial position and sound management of the TAC scheme over the last five years enables the government to further improve benefits for those Victorians who are tragically injured in motor vehicle accidents. I wish to thank the board, senior management, and policy staff of the TAC for their efforts in contributing to outcomes that deliver on the social and economic goals that are central to the government's vision for the future.

The prime purpose of the bill is to improve the operation of the TAC scheme and enhance the equity of benefits available to Victorians seriously injured in motor vehicle accidents and eligible for compensation under the Transport Accident Act 1986. The bill will:

(a) promote independence and self-determination for TAC claimants with severe injuries through the introduction of individual funding agreements;

(b) modernise and enhance existing benefits to improve access and efficiency in the delivery of income, impairment, home services and child-care benefits;

(c) amend the TAC impairment process and benefit structure to improve efficiency and to increase impairment benefits paid to permanently injured TAC claimants; and

(d) address anomalies and improve the clarity of the Transport Accident Act.

The changes are consistent with the broad thrust of government policy to maintain a financially viable TAC scheme, and to improve decision-making time lines and further improve the management of disputes through the use of alternative dispute resolution protocols.

The Victorian state disability plan launched by the Department of Human Services (DHS) in 2002 identifies as a guiding principle of the plan the reorientation of disability supports and their funding towards individuals.

Consistent with the state disability plan, the TAC's philosophy of lifetime support contains an initiative enabling severely injured claimants to obtain services to meet their needs through self-purchasing. This involves claimant-directed purchasing, rather than the TAC being the funder and the purchaser of services on behalf of the claimant.

This initiative promotes greater choice, autonomy and ease for claimants in accessing support services. Currently, severely injured claimants are required to be assessed by independent therapists for each aspect of their treatment and support needs. Even minor alterations to approved services can sometimes be administratively cumbersome and disempowering for the claimant.

The bill enables the TAC to package specific services for severely injured claimants with stable needs. The claimant and the TAC will be able to enter into an individual funding agreement that allows the TAC to make prospective periodic payments to the claimant who can then make his or her own choice about the purchasing arrangements for the services.

Appropriate controls have been considered to minimise the risk to either the claimant or to the TAC and the potential for any misuse of funds.

Severely injured claimants will be eligible to enter into an individual funding agreement if:

> they have stable needs;
>
> an individual plan has been agreed between the claimant and the TAC; and
>
> an understanding by the claimant has been reached that support from the TAC is provided to assist with injury-related needs; and that the funding provided is in accordance with the legislation.

The TAC has conducted a successful pilot program to test the concept, and these changes are based on the experience of this pilot. It is expected that about 200 major injury claimants will be eligible to enter into individual funding agreements, with eligibility reviewable by VCAT.

Improvements to permanent impairment benefits

Following consultations with stakeholders on improvement to the impairment assessment system, the government has decided to legislate to provide increased impairment benefits to permanently injured TAC claimants. These increases in benefits follow the development of improved dispute resolution protocols with legal stakeholders. The new protocols are in line with the justice statement and promote the early exchange of information and the use of informal dispute resolution. These initiatives affirm the government's commitment to affordable, faster and less complicated justice and to resolving disputes outside the adversarial system.

The government has determined that the benefits arising from efficient dispute resolution, which will create savings, enables introduction of provisions to increase compensation for impairment benefits. The benefits of more efficient processes for determination of benefits will be passed on to injured Victorians in increased benefits.

The bill also contains other measures to improve the timing of assessment and payment of impairment benefits by making stabilisation the principal criterion for impairment determination, rather than requiring the TAC to defer assessment until at least 18 months after the injury, regardless of stabilisation.

The bill will enable the TAC to make interim payments at any time in cases where an injury is substantially stabilised or where it is likely that it will stabilise with an impairment assessment of at least 30 per cent.

If a claimant's injury has not stabilised by three years after the accident, the TAC will be required to ask the claimant whether they want the TAC to assess the current impairment or wait until their injury has stabilised. This will ensure that in most cases impairment will be resolved within three years, rather than between four and five or more years, as is currently the case.

The bill will enable claimants who are eligible both for the impairment lump sum and the impairment annuity benefit to combine these into a single lump sum benefit that may, at the election of a claimant, be paid as a periodic payment. The proposal is designed to eliminate the administration of two separate impairment benefits and will improve claimant choice.

Finally, the government has taken a prudent approach to delivering these additional benefits to TAC claimants. The government is committed to ensuring that the additional costs resulting from these changes to impairment compensation are delivered by well-managed alternative dispute resolution protocols. Independent actuarial advice has been obtained on the estimated impact of the impairment changes to benefit entitlements on the TAC scheme's liabilities and annual costs. This advice has confirmed the sustainable affordability of this improvement to benefits.

Reform of home services, child-care benefits

Historically, both child-care and housekeeping benefits were only available to claimants who were 'mainly engaged' in this activity in the month before the accident. This precluded child-care and housekeeping support being provided to people who were working at the time of the accident.

This bill substantially reforms and improves these benefits in two major respects:

(a) A new separate child-care benefit will be created and made available to clients engaged in this activity before the accident.

(b) A new home services benefit will be created that combines the current non-child-care aspects of the housekeeping benefit with the domestic services benefit, creating a single widely available benefit for TAC clients who need support in the home.

The government believes that this new approach will, for the first time, provide adequate home support and child-care services to working parents.

The government has taken a prudent approach in ensuring that appropriate limits will apply where a claimant is also in

receipt of income benefits. The bill also introduces an access test that addresses the capacity of others in the household to perform these tasks. The TAC estimates that up to 1500 additional claimants per year will gain access to new child-care and home services benefits.

Post-hospital support benefits

The bill addresses a gap in the existing benefit structure where an entitlement to child-care, home services or income benefits has ceased under the act. Some claimants require further hospitalisation and surgery after a return to work — for example, to remove pins or plates inserted during initial surgery following their accident. Currently the act does not enable the TAC to pay home services or loss-of-earnings benefits in circumstances where hospitalisation occurs more than three years after the accident.

To fill this gap, the bill introduces a new post-hospital support benefit that will provide claimants with up to $3500 of support, which approximates to four weeks of home services or income benefits. This benefit will be indexed and will be available to both new and existing claims for compensation.

Improved loss-of-earning-capacity benefits

Currently, severely injured claimants who participate in supported employment programs have their loss-of-earning-capacity (LOEC) payments reduced on a dollar-for-dollar basis for any earnings they receive from supported employment. This is a disincentive to promoting a return to work for those who are able to, which is a fundamental tenet of any best-practice compensation scheme. The bill enables severely injured claimants to retain up to $120 a week of their earnings from supported employment without affecting their ongoing entitlement to TAC LOEC payments. It is intended that this provision will apply to both new and existing claims.

Improved LOE payment arrangements for the self-employed

The bill addresses the issue of delays in providing loss-of-earnings payments to self-employed claimants. The delays occur because of the difficulty in providing business information and details of personal earnings that the TAC needs to establish the appropriate rate of compensation. The bill provides that for the first 12 weeks after an accident, self-employed claimants will receive interim loss-of-earnings payments equal to 75 per cent of the maximum rate of loss of earnings. This means that a self-employed claimant would receive $677.25 gross per week. If loss-of-earnings compensation is received beyond 12 weeks, then a full assessment and reconciliation of payments will be made.

The TAC will be entitled to seek recovery of any overpayment by offsetting it against future loss-of-earnings or loss-of-earning-capacity payments. The TAC will be required to have appropriate administrative mechanisms to ensure that recovery of overpayments will not result in hardship to claimants.

Simplifying calculation of PAWE for multiple, part-time and casual workers

Consistent with the government's aim to simplify the provisions of the Transport Accident Act, the bill simplifies the calculation of loss of earnings to make the benefit more generous and to reflect the changing nature of work in Victoria. The existing calculation of pre-accident weekly earnings (PAWE) is complicated, particularly where claimants have multiple part-time or casual jobs or have changed jobs frequently and have intermittent periods of unemployment.

The bill addresses the complexity by linking the calculation to average gross earnings in the 12 months before the accident. This will benefit claimants by including additional allowances and all earnings from multiple jobs in the average gross earnings. It is intended that this provision be applied to new claims after the commencement date of the provision.

The bill also addresses PAWE for seasonal workers to allow for a more flexible approach by using actual earnings at the time of the accident to determine the appropriate compensation rate.

Travel allowances

To assist with the administration of transportation benefits, the bill introduces the concept of an allowance to enable a severely injured claimant's entitlement to transportation costs to be rolled up, in place of the existing provision that requires each individual trip to be receipted and claimed. This allowance will be available to both new and existing severely injured TAC claimants.

At the same time, the bill introduces a new travel-to-work benefit to assist other claimants to return to work in the weeks after their accident where the key impediment to their return to work is travel related. This benefit, up to a maximum of $1000, will also be available to new and existing TAC claimants.

Other amendments

In addition, the bill makes a number of machinery amendments to the Transport Accident Act, including:

(a) enabling suppression of automatic annual indexation of the medical excess;

(b) clarifying the TAC's obligations to fund home and vehicle modifications;

(c) clarifying the use of imaging in evidence, and particularly the use of imaged documents on the TAC's e-file system;

(d) extending the TAC's 28-day grace period policy for no-fault claims to common-law claims;

(e) extending benefits to cover family and grief counselling services and acupuncture services;

(f) reinforcing the TAC's right to be indemnified by a negligent third party;

(g) providing for flexible payment arrangements for road accident rescue (RAR) services;

(h) appropriately referring professional misconduct by providers to relevant professional bodies;

(i) providing for agreements for funding of expensive medical equipment;

(j) clarifying entitlements of claimants in respite care to ensure that they do not miss out. This is

necessary to ensure that new benefits created in 2003 for temporary accommodation and food costs are available for claimants in receipt of respite care;

(k) clarifying the definitions of hospital, rehabilitation and disability services;

(l) providing a new definition of 'vocational rehabilitation services' that is in closer conformity with the provisions in the WorkCover system; and

(m) modernising the definition of severe injury to align the Transport Accident Act with the current medical practice.

These administrative and clarification changes will be applied to both new and existing claims after the legislation comes into operation.

This bill delivers on important government commitments, and makes other changes that adjust benefits in a way that is both responsible and affordable. At the same time it maintains the ongoing viability of the TAC scheme. This bill once again places Victoria at the forefront of innovative reform of statutory insurance. The commitment to promotion of independence through self-purchasing and to sharing the benefits of improving processes through increased benefits provide a very clear indication of this government's commitment to efficient, socially progressive and financially prudent reform.

I commend the bill to the house.

Debate adjourned for Hon. BILL FORWOOD (Templestowe) on motion of Hon. Andrea Coote.

Debate adjourned until next day.

WORLD SWIMMING CHAMPIONSHIPS BILL

Second reading

Ordered that second-reading speech be incorporated on motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

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

That the bill be now read a second time.

I am very pleased to introduce this bill to the house to facilitate the staging of the 2007 World Swimming Championships in Melbourne. This is particularly so given Australia's wonderful results in the pool in Athens Olympics and at the World Short Course Championships in Indianapolis.

It was a very proud moment for all Victorians, when in Barcelona in July 2003, it was announced that Melbourne had won the right to host the prestigious 2007 FINA World Swimming Championships.

Alongside the Olympics, World Cup Soccer, World Cup Rugby, IAAF World Athletics Championships and the Commonwealth Games, the World Swimming Championships are a coup for any city.

About 2500 elite athletes from around the globe will be at the championships, which will be broadcast to a worldwide audience of an estimated 600 million people and shown on prime time television in the major tourist markets of Japan and South-East Asia.

The event is expected to generate up to $100 million in economic benefits and provide about 2000 jobs.

The world championships involve the five aquatic disciplines of swimming, diving, water polo, synchronised swimming and open water events. The open water swimming will be at St Kilda beach, which will also become a centre of activity during the two weeks of the championships. The government aims to create a festival atmosphere that will attract an estimated 12 000 interstate and international tourists to Melbourne.

In the bid document, the Melbourne Sports and Aquatic Centre, which is currently being redeveloped in time for the 2006 Commonwealth Games, was proposed as the major site for the championships. Additional temporary pools will also be built to ensure there are appropriate event and training pools for swimming, water polo and synchronised swimming.

The biennial event will be held over two weeks in 2007, with the final date yet to be determined.

The purpose of the bill now before the house is to provide for the staging, conduct and management of the 2007 World Swimming Championships, to establish the 2007 World Swimming Championships Corporation and provide for its powers and functions, to provide for authorisations and protections in relation to the use of logos and images, broadcasting, filming and advertising in relation to the championships and for the enforcement of those matters.

An advisory committee chaired by Mr Steve Vizard, who is also chairman of the Victoria Major Events Company, is currently overseeing the staging of the championships. The bill will provide for the establishment of a corporation to take over the role of the committee and to plan, organise and deliver the championships together with FINA and Swimming Australia. The objectives of the corporation, as set out in the bill, include enhancing the reputation of Melbourne and Victoria as a venue for major international sporting events, the promotion of the sport of swimming and the safe delivery of the championships in a way that demonstrates a high standard of financial responsibility, probity and transparency.

The functions of the corporation, as set out in the bill, include assuming existing obligations in relation to the staging of the championships, to enter into agreements for the staging of the events, to establish and source venues and to do all things necessary for or in connection with the conduct and financial and commercial management of the championships.

The corporation will report to the minister, who will have power to require the board of the corporation to provide him with information and who may also give written directions to the board of the corporation. The board of the corporation will consist of no less than 9 and not more than 11 members appointed by the Governor in Council. Of the members of the

board, four must be persons nominated to the minister by Swimming Australia and must include the president and the chief executive officer of Swimming Australia. The bill specifies that the board is responsible for the management of the affairs of the corporation and may exercise the powers of the corporation. The bill gives the corporation power to establish committees to assist it in its work and to appoint a chief executive officer and other staff as necessary.

The championships are classed as one of the 10 premier events on the world sporting calendar. Once a championships date and final venue sites have been notified and agreed with FINA, there is no discretion to run the event at another time. Absolute certainty must be able to be ensured for an event that is expected to attract some 2500 athletes from around the world who will be looking to the 2007 World Swimming Championships as an integral part of their preparations leading up to the 2008 Beijing Olympics.

For this reason, it will be necessary to modify the effect of a number of pieces of legislation including the provisions of the Planning and Environment Act.

However, it is not the government's intention to exclude the opportunity to consider relevant planning, environment and heritage considerations in relation to staging the championships and locating venues for championships events. The bill provides a mechanism whereby the minister may establish one or more 2007 World Swimming Championships advisory committees to consider matters referred to it relating to the declaration of championships venues and the development and establishment of championships facilities. The bill makes provision for public consultation as appropriate and specifies that appointments to the advisory committee should include persons with expertise in planning, environment or heritage matters.

The bill sets out procedures for the making of various orders by the minister declaring the specific title of the championships or events or activities forming part of the championships. Part 4 also allows the minister to make declarations identifying the location of championships venues and designated access areas for the championships. If a championships venue or a designated access area or any part is to be on land which is reserved under the Crown Land (Reserves) Act 1978, the minister must consult with the minister administering that act before making an order in respect of that land. Part 4 also allows orders to be made by the minister declaring the event period for the championships and the designated access period to allow the setting up and disassembly of the championships facilities. The bill provides that any orders made under part 4 by the minister are to be published in the *Government Gazette* and tabled in Parliament.

It is the government's aim to ensure that the championships can be delivered on time but also safely and securely. The government is striking a balance to ensure that all these objectives can be achieved. For example, although the operation of the Building Act 1993 is modified by the bill, the requirements for the safe construction of championships facilities must still be complied with in full.

The bill draws on the model contained in the Commonwealth Games Arrangements Act 2001 to protect the use of World Swimming Championships logos, images and references for commercial and other uses to ensure that the corporation can effectively manage all the commercial aspects of the staging of the championships and ensure that the general public is not mislead in the purchase of fake products purporting to have an authentic connection with the championships. The bill also ensures that the 2007 World Swimming Championships Corporation will have all powers necessary to ensure that it can comply with the requirements of the host agreement with FINA designed to protect the integrity of the championships as a world-class sporting event. These powers include power to control broadcasting and telecasting of championships events and the display of advertising associated with championships venues and events.

The final part of the bill deals with miscellaneous machinery matters such as the power to make regulations and the expiry of the act on 31 December 2009 to ensure that the wind up of the corporation and the championships can be carried out as required under the agreement with FINA after the hand over to the host city of the 2009 championships.

Schedule 1 to the bill sets out the provisions relating to the terms of appointment of members of the board of the corporation. Appointments are to be for a period not exceeding five years and on terms and conditions determined by the Governor in Council. Schedule 1 also sets out provisions for meetings of the board, regulation of proceedings, requirements for a quorum and the disclosure of interests by members of the board.

Schedule 2 to the bill sets out provisions relating to the terms of appointment of the members of an advisory committee. Appointments are for a period not exceeding three years and fees and allowances are as fixed by the minister. Schedule 2 also deals with procedures at meetings of an advisory committee and requirements for a quorum.

Schedule 3 to the bill sets out provisions to ensure that the corporation is abolished and all remaining assets and liabilities transferred to the state on expiry of the act on 31 December 2009, if this has not already occurred.

The 2007 World Swimming Championships will continue the momentum built up from the Commonwealth Games in 2006 and further cement Victoria's reputation as a major events world leader. Victoria's calendar of major events is in a league of its own, and these championships provide yet another opportunity for international media exposure of our state.

It will be a fantastic opportunity for our great Australian role models, such as Ian Thorpe and Victoria's own Brooke Hanson, to swim before Australian crowds and compete against the cream of world swimmers.

It is also hoped that the securing of the championships will increase participation in swimming by children. This links to the government programs developed to lift the profile of swimming through the Learn to Swim program and the Play It Safe By Water initiative.

I would like to acknowledge the enormous support of Swimming Australia Limited in winning this international event, especially the former president John Devitt, and I look forward to working with the recently elected president, Mr Neil Martin. Swimming Australia will continue to play an integral part in the successful staging of the championships. I am also pleased that major events chairman Steve Vizard, who played such an important role in Melbourne's successful

bid for the championships, continues to oversee the development of the event.

I commend the bill to the house.

Debate adjourned for Hon. B. N. ATKINSON (Koonung) on motion of Hon. Andrea Coote.

Debate adjourned until next day.

ELECTORAL LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed from 16 November; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. C. A. STRONG (Higinbotham) — In rising to speak on the Electoral Legislation (Amendment) Bill I would like to put on the record the position of the opposition. Basically we do not have any significant problems with the substance of the bill, but we do have very great concerns about the amendments being made to the Constitution (Parliamentary Reform) Act, which we believe will have extremely detrimental consequences for the administration of electoral reform and electoral redivisions in the future.

This bill makes amendments to various acts. It amends the Electoral Act 2002 in respect of homeless people, it makes various amendments to the Electoral Boundaries Commission Act 1982, and as I said earlier it seeks to amend section 45 of the Constitution (Parliamentary Reform) Act 2003.

Dealing first of all with the Electoral Act 2002 and its provisions with respect to homeless people, the purpose of these amendments is to ensure that homeless people can be included on the electoral roll. I must admit that the opposition is somewhat bemused by these amendments because quite clearly homeless people should be entitled to vote and quite clearly it would have been a very significant breach of the democratic principles in which we believe and which we practice if they had been denied a vote in the past. The reality is they have not been denied a vote in the past because they can enrol as itinerant electors, pursuant to section 96 of the commonwealth Electoral Act. These itinerant voter provisions in the commonwealth act also apply in Victoria and are set out in section 22(4) of the Victorian Electoral Act.

The bill, and particularly the minister's second-reading speech, goes on at some length about homeless people and the importance of their being on the electoral roll and able to vote, and claims that all this needs to be clarified. However, under both the commonwealth act and the state act for many years homeless people have been accepted for inclusion on the roll through the itinerant elector provisions in the legislation. Claims that this bill clarifies the situation may or may not be true, but in any event those claims are fundamentally irrelevant because homeless people are already on the roll.

As I said, we are somewhat bemused about all this. Although we are led to believe that the 2001 census showed something like 20 000-odd homeless people in Victoria, in truth probably a relatively small number of those people choose to vote, because homeless people are more concerned about getting a roof over their head, their next meal and things like that rather than getting themselves on to the voters roll. Nevertheless, if they had chosen to get on to the voters roll to avail themselves of their democratic right they would have been able to do so for many years under the provisions that already exist.

People may be concerned that any move to get itinerant or homeless people on to the roll might be some form of gerrymander or something like that, but that is not the case because the enrolment of itinerant electors is clearly set out under the act. There is a strict hierarchy that sets out which particular electorate and subdivision they can be enrolled in. For the information of members that hierarchy is: firstly, they are entitled to enrol where they were last enrolled, if they were previously enrolled; secondly, they can enrol where the applicant's next-of-kin is entitled to be enrolled; and if neither of those options is applicable they can vote where they were born. If none of the previous criteria applies, an applicant can vote where they have the closest connection

Homeless people have been and still are included on the electoral roll. Under the current provisions of the legislation, when they have resided in a subdivision for a period of one month or more they cease to be eligible for treatment as itinerant electors and then come under the normal provisions that apply for the registration of electors. As I said earlier, one is left to wonder what this is all about. However, it does not do any damage or cause any problems; it simply allows the status quo to continue, so the opposition has no problems or concerns with any of those provisions.

I turn now to the amendments to the Electoral Boundaries Commission Act 1982. Once again this is all about finetuning and better defining how the Electoral Boundaries Commission will carry out its functions. It needs to be said — and I will come back to

this point — that when we talk about the entrenching provisions, how the Electoral Boundaries Commission does its work will always be a function of learning and improving as things happen. Members come into this place again and again to pass legislation which, as it were, amends acts of Parliament because of lessons learnt. In other words, as people find a new or better way to do something we legislate for that. As in any process, if there are found to be flaws or omissions or the like, we legislate to correct those flaws or omissions. In any activity there are lessons learnt. Redistributions occur on a regular basis, and each time it takes place lessons are inevitably learnt; or if they are not, there is certainly the potential for that to happen.

We are led to believe the amendments that are before us today were recommended by the Electoral Boundaries Commission in reports on its work in the Victorian electorate in 1990–91 and 2000–01. It has understandably recommended that these amendments be made before the next redistribution. They are all about refining the process, making it work better and making it clearer.

The clear issues regarding any redistribution are that as far as possible you want to achieve the situation that whoever and wherever you are, your vote basically has the same value — the one vote, one value principle — which should be enshrined in legislation. The other important point is that any electoral redistribution should be independent and impartial. It is not appropriate for politicians to get their sticky fingers into this process, because they may want to adjust the electoral boundaries to suit their purposes. Since the 1980s the Electoral Boundaries Commission has had the responsibility for redistributions under the Electoral Boundaries Commission Act.

The commission consists of the Chief Judge of the County Court, or whoever that person delegates; the electoral commissioner and the Surveyor-General. This is one of the reasons why the opposition was particularly concerned about any attempts to undermine the independence of the Surveyor-General. He is an important party in this very important process of setting electoral boundaries, which must be independent. Clearly the deliberations of this commission are absolutely critical to democracy, because there needs to be an understanding that the boundaries under which we are elected are fair and reasonable — based on the principles of one vote, one value and put together by an independent commission that is not seeking to curry favour with one party or another. So it is very important to democracy and to us as individuals that this is correctly done. Currently the act requires a redistribution when there is a substantial difference between the number of voters in electorates. The act spells out a substantial difference as:

> more than 10 per centum deviation from the average enrolment of all provinces or districts ...

The act spells out the broad parameters of what is required. The electoral commission has adopted various standards which it uses to determine when a redistribution is required, what figures are to be used for the redistribution et cetera. By and large this bill codifies the parameters the commission has been using. I will run through the principles. They are that a redistribution should take place after every second election; or when at least 30 per cent of districts or regions have fallen outside the 10 per cent tolerance range for a certain time period; or when at least 25 per cent of districts or regions have been more than 10 per cent outside the average for a minimum of two months and at least 5 per cent of these electorates have been more than 20 per cent outside the average for a minimum of two months; or, obviously, if there is a change in the number of electoral regions or districts, there needs to be a redistribution. All of us in this place know about that, because we face that redistribution with the change from provinces to regions. It also codifies the figures to be used by the electoral commission, saying it will use the most up-to-date figures, codifying that by saying that the commission will use the number of electors as at the end of the month preceding the notice that a redivision will take place.

The bill also makes some changes to the process by which the electoral commission will make a redistribution. The most relevant of those concern the process by which it carries out its hearings. Most of us have probably been involved in a redistribution and know that basically the electoral commission goes through its number-crunching process and the various parties and individuals involved make submissions to the commission as to what they think the appropriate redistribution would be. The electoral commission takes all this evidence in public — all the evidence is on the public record — and as a result of all these submissions and all its own work the commission comes up with its recommendation of what the redistribution and redivision should be. When it puts this proposal, as it were, out into the public arena, there is the opportunity for people who disagree with it or would like to further finetune it to make objections or make submissions to the commission that further changes should be made.

The commission then takes those on board and comes up with a final proposal. The second stage, when its first proposals have been put on the table and people

have an opportunity to make objections or further submissions on those for change, has in the past been done directly by the commission and not as a public process. The bill changes that so that second stage of objections and the second round of submissions will be a public process and the information will be available to the public.

Currently the act requires that when the boundaries commission has finished all of its work and has come up with its final proposals they be forwarded to the minister, who under the act is then obliged to place them in front of the Parliament and go through all the procedures of gazetting the information and making the formal divisions for the next election. The bill changes that slightly insofar as the commission forwarding the proposals to the minister to do the work is concerned. The commission will now be responsible for laying the new proposals in front of the Parliament and ensuring that they go through the gazettal and other procedures. The opposition has no problems with any of that; we think that is all extremely positive and appropriate.

The next part of the bill amends the Constitution (Parliamentary Reform) Act 2003 by inserting a new subsection (3A) into section 45(3). Subsection (3A) amends section 5 of the Electoral Boundaries Commission Act and will come into operation on the dissolution of the current Parliament. Section 5 of the Electoral Boundaries Commission Act will then become entrenched and from that point any changes will require a referendum. When these changes have been made and at the dissolution of this Parliament they will automatically be entrenched and will not be able to be changed without a referendum. The opposition does not think that is wise.

To entrench important parts of the constitution which set out rights and obligations of citizens and parliaments et cetera to be changed by referendum is not unusual and is acceptable, but here we are talking about a whole series of mechanistic provisions — by going through the provisions I have tried to detail what they do — which this bill amends and refines as a result of lessons learnt over the last couple of redistributions. If this bill entrenches those so they can never be changed again except by referendum — and realistically if they can never be changed again except by referendum they will probably not be changed very often — it will make it pretty hard if 5 or 10 years from now the Electoral Boundaries Commission after a couple of redistributions says, 'Really we think this ought to be finetuned. Given Victoria's increasing population there should be an 8 per cent tolerance rather than a 10 per cent tolerance'. Alternatively the commission might say, 'We want to somehow change the gazettal process'. Perhaps the commission would say, 'Rather than having a draft report and one review, we feel there ought to be separate reviews'.

If at some time in the future the commission wanted to make any of those changes, which would be quite reasonable and would help make the system better, it will not be able to do it because changes will only be able to be made if a referendum is carried out and the people agree. I think we all know the trouble that referendums run into and how difficult it is to carry them; regardless of how appropriate a referendum proposal may be there will always be one or two people who will take the opposite view and run a very strong campaign against it. The understandable reaction of the citizens of Australia — or of any country — is that if any government wants to change the constitution and you have some people saying it is a bad thing, then safety says that you leave it the way it is — you do not change it. It would make it very hard to change these provisions. I repeat that they are mechanistic provisions; they are not high-flown constitutional principles.

So many times we come in here to amend legislation because a word was wrong, a provision was incorrect or a comma was in the wrong place. In this case if a very small drafting error were taken to court and that court decided that that particular provision should be interpreted differently from the way the legislators and the draftsman intended it to be interpreted, we would be stuck. We could not, as we often do, come back in and amend those provisions or change the position of a comma, a semicolon, a clause number or something like that to clarify what was meant. We could not come in and make those sorts of amendments because it would have to be done through a referendum, even if they were drafting errors — and God knows lots of drafting errors come before us over the years which we have to fix up by changing from a dash to a comma or adding a word or something like that. That is quite a common event. Again we understand that could not be done without a referendum.

This is rather a silly thing to do, and the opposition urges the government to rethink this amendment which seeks to entrench these processes so they can only be changed by a constitutional referendum. We think that is unnecessary and will cause any government in the future a very significant problem. Who knows? In 20 years when the people opposite are back in government after 16 years of a successful Doyle government they may want to make some changes, but they will not be able to without holding a referendum. It is a crazy situation. We appeal to the government to hold back on this legislation and to take it no further

today. We ask the government to simply adjourn it and spend a little time with lawyers and constitutional experts thinking about what this can mean and about how it can bring in these mechanistic provisions without the entrenching process.

There seems to us to be no hurry to do this. The next redistribution, which is for the regions, is not due to start until later this year, so there does not seem to be any reason why this bill could not be held over and simply not proceeded with at this stage to allow time for this issue to be very, very carefully considered. That is fundamentally what the opposition would like the government to do, and to that end I intend to move the reasoned amendment in my name which in essence seeks to achieve what I have outlined. I move:

> That all the words after 'That' be omitted with the view of inserting in their place "this house refuses to read this bill a second time until the government confers with all political parties, independent members of Parliament, and other persons interested in the electoral process with a view to developing an acceptable model by which the Electoral Boundaries Commission conducts redistributions, without entrenching mechanical provisions into the Constitution Act 1975 in a way that makes it difficult to adapt to future changes of circumstance, or to correct errors or unforeseen consequences".

The sense of that is quite clear: it is simply to give us time to seriously consider these issues — time which I suggest we have and which it would be madness for us not to use. If we go ahead today and entrench these provisions in the constitution, they will be extremely difficult to change. That will surely be to the ultimate disadvantage of the smooth running of democracy. As I say, there is nothing wrong with entrenching basic constitutional provisions, but there are very significant risks in entrenching such mechanistic provisions, which in time experience may prove need to be refined. There is nothing wrong with entrenching the independence of the Electoral Boundaries Commission, for instance. That is an appropriate thing to be entrenched. The fundamental principles of the job of the commission could also be entrenched, but to entrench the microscopic dot-point details of how the commission will best carry out those fundamental principles is very dangerous. The opposition urges the government very strongly not to proceed with this bill but to allow time for further consideration of the issue. I therefore urge all members to support the Liberal opposition's reasoned amendment.

This amendment is not in any way about the opposition disagreeing with the principles and the processes set out in the act. We in opposition do not have any problem at all with these mechanistic provisions. They seem to us to be most appropriate, and we agree with them. We have no problem with that at all. Our problem is that we do not know what might happen. We do not know if there is some little twitch in there that will cause us a problem in the future; if there is, we need to have the ability to change that. This amendment — and, if this amendment is lost, our opposition to this bill — is all about trying to save this Parliament from enormous problems that could well occur in the future as a result of entrenching in the legislation detailed provisions as distinct from principles.

Hon. W. R. Baxter — And to save the taxpayers.

Hon. C. A. STRONG — And to save the taxpayers, as Mr Baxter says.

With those few comments I strongly commend my reasoned amendment to the house. I make as passionate and as non-partisan a plea as I can to the government to just stop. There is no problem about adjourning this bill; we do not even have to deal with our amendment. The government should adjourn the matter to the next session to allow a bit more thought on this issue. If it does not, the legislation will potentially have very difficult ramifications in the future. If the government rushes this bill through, the people sitting opposite in 10, 15 or 20 years time will think back to this day and say, 'Maybe that was a silly thing to do'. I urge the government to just cool it for a little while and think carefully. With those few words, I commend my reasoned amendment to the house.

Hon. W. R. BAXTER (North Eastern) — Like Mr Strong, I basically support the intent of most of this bill, but it has one glaring deficiency — that is, as Mr Strong has so eloquently explained to the house, it entrenches mechanical provisions which at this moment are entirely unobjectionable but which do not take any account whatsoever of the fact that our society evolves over time. What might seem a sensible way of implementing the law of the land and applying the constitution today might be totally inappropriate in 20 years time, and there might well be great pressure not only from the government of the day and the Parliament itself but also from a large number of the population to streamline matters or to move in a different way in the application of the basic law.

As Mr Strong has said, the Liberal opposition and certainly The Nationals have no objection at all to the entrenchment of the principles in the constitution, and that was done by the upper house reform bill of 2003. We cannot understand why the government is including in this bill an amendment to that act which will, as a consequence of the entrenchment provisions in that act, entrench the amendments to the electoral law being

made by this bill. They are simply mechanical provisions, and it seems short-sighted in the extreme to commit the people of Victoria to the expense and the heartache of a referendum to correct what may be some very minor point in the future. We know that referendums are very difficult indeed to get passed — and that is not a criticism of the people. There is an innate conservatism and suspicion in the community that if politicians are wanting to do something to — in the community's view — meddle or fiddle with electoral law or the constitution, it must be to the advantage of politicians, and therefore it votes no.

That is a silly attitude, but we have to acknowledge that it is one that is deeply entrenched in the psyche of our community. Why the government wants to make things even more difficult by requiring referendums to be held on minor and superficial changes which might become absolutely imperative in the future is beyond me. I am therefore pleased to support Mr Strong's reasoned amendment, and I hope the government either takes it up or takes up his suggestion to adjourn this legislation for the time being to have another look at it. It has perhaps been a decision taken without thinking through the implications it might entail not for this government but for future governments, be they Labor governments or governments of another persuasion. It is not only the government that is likely to be affected in the future; it could well be the community as a whole and at large.

Turning to the provisions of the bill, it certainly clarifies and makes more certain the events that will trigger a redivision of electoral boundaries in this state. In the past the act has referred to the requisite number of districts and provinces being beyond the tolerances by a substantial extent. I suppose what is a substantial extent has always been a bit of a subjective judgment in the past, so I do not oppose the putting in place of a number of trigger mechanisms in this bill. Most of them will not necessarily come into operation because the principal trigger will be that no redivision will now last beyond two elections — the second election will automatically trigger a redivision.

It has been my experience over the years that by and large that has been the circumstance even under the current law. I can recall one redivision which lasted for three polls, but certainly all the others that I have experienced have only lasted two elections at most. Of course we all take a keen interest in redivisions because they can have a dramatic effect on one's chances of re-election to this place, as some of us have found to our cost over time.

Mr Lenders — Only once for you!

Hon. W. R. BAXTER — Yes, for me, only once, Mr Lenders.

Mr Lenders interjected.

Hon. W. R. BAXTER — I am happy to acknowledge that those changes are quite okay. No, that was another, for want of a better word, stupid move.

Mr Lenders — Self-inflicted.

Hon. W. R. BAXTER — Self-inflicted, yes.

The provision requiring submissions to the Electoral Boundaries Commission upon a draft redivision to be made public is a very commonsense and worthy initiative, as is the requirement that hearings on those submissions be made public as well. I have always thought it curious that initial submissions to the boundaries commission upon a proposed redivision were public documents but that those that commented upon the draft were not. That seemed to me not only curious but in some respects a little unfair in that you could not see what was being put in.

I recall on one occasion when I was responsible for putting in the submissions on behalf of my party that one of my colleagues put in a contrary submission without me knowing, and because it was a secret document I was not able to see it. It was even more galling when the Electoral Boundaries Commission took up his suggestion and rejected mine! But it did actually have a comeuppance for the particular member because by his proposal he inadvertently reduced his electorate in size below the benchmark for a certain level of electorate allowance, so it proved somewhat costly to him at the time. I therefore think it is quite right that they should be public documents.

I have no objection to the minor administrative changes of turning references to 'commissioner' into references to 'commission' and having a commission circulate the maps to members rather than the minister and so on. They are all quite sensible arrangements.

The provision for homeless persons, which I think has been dressed up in the second-reading speech, draws mainly on the circumstances of commonwealth law, but it goes much further than that. Section 96 of the Commonwealth Electoral Act has a hierarchy of points which are taken into account when enrolling someone as an itinerant elector. It provides for the name of the applicant to be added to the roll for the subdivision for which the applicant last had an entitlement to be enrolled and, if he has never had such an entitlement, for a subdivision for which any of the applicant's next

of kin is enrolled. If that does not apply, then he is enrolled for the subdivision in which the applicant was born. If none of those applies, it is the subdivision with which the applicant has the closest connection. But then section 96 goes on to provide in subsections (8) and (9) the circumstances where the itinerant elector ceases to be an itinerant elector — that is, if he resides in a subdivision for one month or longer he ceases to be so and would be expected to enrol under the normal provisions applying to anyone else.

This amendment goes further than that because it increases the definition of a homeless person to include anyone who is living in crisis accommodation, transitional accommodation or accommodation provided under the Supported Accommodation Assistance Act 1994 of the commonwealth. It is actually saying that if you are residing in any of those premises, no matter for how long, you will be able to be regarded as an itinerant elector. I wonder why that distinction needs to be made. Why do we need to go further than the commonwealth act? It seems to me that if members are residing in that class of accommodation, that is their residence. Why can they not be registered at that residence, the same as any other citizen who is required under the act to enrol after the residential qualifications in regard to time at that address have been met?

The second-reading speech does not explain why that has been done, and to me it is a little curious. If I were a cynical person I would suggest it is to help the Labor Party in marginal seats, because it will assist the party to have more people registered on the roll who may not otherwise register; and Labor might be of the view that those persons are more likely to vote for their candidate than another candidate. Who is to know?

Ms Mikakos — The Nationals do not care about homeless people.

Hon. W. R. BAXTER — That is the sort of allegation that you would expect to get from Ms Mikakos. If you come in here and draw attention to things this government is doing, and if you look behind what it is doing and come up with perhaps the reason, you get the throwaway line that The Nationals do not care about homeless persons. What a lot of rot! Nothing could be further from the truth.

I want to return finally to the matter of cementing one vote, one value in the constitution by entrenchment. That is basically what the amendment to the upper house reform act, to which Mr Strong alluded, does, because it sets in concrete how the quotas are to be obtained. That is the way they have always been obtained since one vote, one value was finally introduced across the board in this state, by the Cain government as I recall. I am not objecting to one vote, one value; we have moved on from the times when weighting for country electorates was justified. Certainly now with improved communications, fast transport and so on, the old arguments in favour of rural weighting are very difficult to sustain, and I do not try to sustain them. Therefore I say that the method of determining the quota for a division and for a region is quite appropriate, but I see no reason why it needs to be entrenched, because it is not a precise deciding of the quota. If you look at the way the Electoral Boundaries Commission is to draw the boundaries, not each electorate will be precisely of that number that is obtained by that mathematical calculation. It therefore seems to me in the future the tolerance might well be changed by Parliament, or it might want to change it, but there could well be a difficulty in doing that because of the entrenched provision.

I well remember the great debates we had about one vote, one value back in the 1980s and the hypocrisy of the then government and its failure to keep its promises. I well recall the undertakings that were given by then deputy premier, the Honourable Robert Fordham, a man for whom I have a lot of respect, who assured the members in the other place — country members in particular — that, yes, one vote, one value would lead to larger geographic electorates than had hitherto been the case and that that would be compensated for by additional staff.

Country members were to have additional staff to compensate them for having much larger electorates under the new system. Did that extra staff ever come to pass? No, it did not. In fact under this government, electorate staff for all members, upper house members in particular, were cut significantly for city and country. I would have thought if the government of the 1980s did not keep its promises, perhaps this government might be prepared to honour that commitment given all those years ago. That commitment was simply not acted upon at the time, despite all the undertakings given in the other place by the then Deputy Premier.

There are a couple of other matters I shall comment on regarding electoral law generally — and one is the issue of compulsory voting, lest it be thought comments of one of my colleagues in another place were National Party policy set in concrete, because I do not think they are. I am becoming increasingly uncomfortable with compulsory voting. I do not know whether it is right that we are one of the few democracies in the world, if not the only one, to require people to appear at the polling booth and they can then decide whether they

actually vote or not. I acknowledge political parties like compulsory voting because it gets the vote out. If we did not have compulsory voting political parties would have to spend a lot of money to marshal huge volunteer work forces to get the vote out, but I am not sure that that in itself is a reason for having compulsory voting.

The recent United States of America election, it would appear from this far afield at any event, was one of the most hotly contested elections in decades, yet still they only had a turnout of around the 60 per cent mark. That seems to me to be sending a message from the people at large that they do not want to vote. Why are we forcing them to vote? Why are we not saying, 'It is a democracy and you can vote if you wish and we will do everything to encourage you to vote', but I am not so sure any longer that should we be forcing them to vote. I am not making a definitive decision today, but it is one of those issues that we have to turn our minds to over the next decade and not take the view that because we have had compulsory voting since 1924, or whenever it was around that time, that we will have it forever. I, like many other members here, stood at the polling booth at the 9 October federal election and it would be fair to say that I was strengthened in my view that I am not sure any longer that it is wise that we force people to attend a polling booth. I simply put it on the table.

The other aspect I have some concern about is the increasing incidence and use of prepoll voting. We now have prepoll voting for a fortnight before polling day. It seems to me that increasing numbers are using that mechanism quite early in that fortnight, usually for a whole list of reasons which have nothing to do whether they are able to vote on polling day. They simply want to avoid the crowds on polling day so they go along to a prepoll, which is all right so far as it goes, but what if there is a major event or a major change in policy after they have voted but before polling day and they may wish they had not voted a certain way? I am not sure that that is good for democracy if we have that situation. Secondly, I cannot see any need for it to go on for a whole fortnight. I would be much happier if we had prepoll voting only for the final week at most, or the final three days. The other thing is that it is difficult to be equitable as to where you establish prepoll voting centres because, particularly in country electorates, you can have them in a couple of towns, which is great for those towns, but not much good for people in more distant towns. I am certainly not advocating prepoll voting in every town, but an equity issue comes into it. We need to be careful that prepoll voting does not get out of hand and come polling day we already have most of the populace having already voted. We need to keep that in mind.

I support the concept of keeping electoral law up to date, so I welcome some of the proposals in the bill, but my support for them is overtaken by the principle that I am opposed to entrenchment of mechanical provisions in the constitution. None of these amendments are of such import that they should overrule that principle — that we are opposed to the entrenchment of mechanical provisions. On that basis I support the reasoned amendment and oppose the bill.

Ms MIKAKOS (Jika Jika) — I am pleased to speak in support of the bill and indicate at the outset that the government will be opposing the opposition's reasoned amendment, which I will come to in a moment. The bill amends the Electoral Boundaries Commission Act 1982 and the Electoral Act 2002. As members would be aware, since 1982 the electoral boundaries in this state have been established by the Electoral Boundaries Commission under that act of Parliament. The role of the commission is to divide the state of Victoria into electoral provinces which, following the dissolution of the current Parliament, will be called regions for the Legislative Council and electoral districts for the Legislative Assembly with the object of establishing and maintaining electoral regions and districts of approximately equal enrolment.

Mr Baxter in his contribution indicated that he no longer had concerns with the principle of one vote, one value. I certainly am a strong supporter of that concept because it is important in a democracy that every citizen has a vote of equal value, and it is important that we have a process of establishing boundaries that are independent, impartial and transparent. The legislation seeks to strengthen the independence, impartiality and transparency we have in our current system of establishing electoral boundaries.

The amendments to the Electoral Boundaries Commission Act were proposed by the Electoral Boundaries Commission in its redivision reports in 1990–91 and 2000–01, and were requested also by the electoral commissioner in 2003. Briefly the bill provides that while conducting a redivision the Electoral Boundaries Commission will publish details in the *Government Gazette* which will specify the date of commencement of the redivision, the trigger for the redivision and the quota which is to be used as the basis for the redivision.

It also sets out the conditions for figures for a redivision. I do not want to go into the trigger in great detail because it has already been explained by previous speakers and set out clearly in the second-reading speech, but it is the government's view that the triggers are not sufficiently clear in the current legislation. The

Bracks government wants to bring greater clarity to the legislation and to ensure that future decisions by the Electoral Boundaries Commission to hold a redivision is clear and is beyond political controversy. I note that the opposition has criticised the fact that some of these provisions will be entrenched, and I shall come to that issue.

Part 4 of this bill amends section 45 of the Constitution (Parliamentary Reform) Act 2003, which is timed to commence on the dissolution of the current Parliament around November 2006. Therefore the provisions in part 4 of the bill will not commence before the dissolution of the current Parliament. As members would be aware, the Constitution (Parliamentary Reform) Act — a historic piece of legislation that will impact on how this chamber will operate in the future — was assented to on 8 April 2003. It entrenched section 5 of the Electoral Boundaries Commission Act 1982. As the provisions in part 4 will be incorporated into section 5 of the Electoral Boundaries Commission Act, it follows therefore that these provisions in part 4 of this bill will also be entrenched in the Constitution Act on the dissolution of the current Parliament. A referendum would therefore be required for any proposed changes to these entrenched provisions.

The opposition and The Nationals have indicated their opposition to the entrenchment provisions. The Honourable Chris Strong has spoken about unknown and enormous problems. He has not indicated what these potential problems may be and he has argued that these unknown and unquantifiable problems may impact on the smooth running of democracy in the future.

Hon. C. A. Strong interjected.

Ms MIKAKOS — I say through you, Deputy President, to Mr Strong: what is wrong with giving the people of Victoria a say and what is wrong with requiring a referendum on these matters in the future?

We took a very strong view that it was important that we avoid situations where future governments could tinker with the composition of this chamber. We wanted to entrench the provisions relating to the Legislative Council in the constitution. It also important that we put the independence and impartiality of how redivisions occur for this chamber and the other house beyond political considerations. I have no qualms in saying that the entrenchment of these provisions is fundamental to protecting our democracy in this state and that the opposition's amendment is an ill-considered one. It raises a lot of question marks about what its future agenda might be in relation to this chamber and democracy in this state. The people of Victoria would be absolutely shocked to learn that the opposition is calling for political discussions to take place between political parties that are hidden away from the people of Victoria to work out how redivisions can occur in this state in the future. The people of Victoria expect us to have open public debates about these fundamental issues in this Parliament where they can read the arguments and can come to informed conclusions about the merits of both sides. We have seen an absolutely half-baked proposal by the opposition with respect to this. It has not indicated where the problems lie. If opposition members are saying that there are potential problems, let them come to this debate and indicate where those problems lie.

Hon. C. A. Strong interjected.

Ms MIKAKOS — I advise Mr Strong that if there are typographical or other drafting problems, that is what these second-reading debates in this house are meant to be about! They are meant to provide members of this house with an opportunity to come here and indicate what the problems with the drafting are. So if there are problems, we want to hear them today.

The Bracks government is seeking to make the redivision process more open and transparent. The bill also provides that any written submissions or transcripts that are lodged in relation to public hearings on proposed redivisions become public documents. This change will bring Victoria into line with all jurisdictions with the exception of the Northern Territory. The bill proposes that redivision reports prepared by the commission be provided to the Parliament, all members and the central plan office located within the Department of Sustainability and Environment, and that a notice to this effect must be placed in the *Government Gazette*. That makes the redivision process more independent by transferring the reporting responsibility from the responsible minister to the Electoral Boundaries Commission.

I want to briefly turn to the changes relating to the Electoral Act itself. The bill seeks to clarify the laws that allow itinerant people to enrol to vote to also apply to homeless people. Research collated by the Public Interest Law Clearing House and the Homeless Persons Legal Clinic makes for some rather confronting reading. Based on data from the 1996 census it was reported that there were 17 840 homeless people in Victoria, and nationally that figure was 105 304 people. Between 60 and 70 per cent of them had been homeless for six months or longer. Members all know that homelessness comes in many forms. Homelessness can take the form of people without any conventional

accommodation who may sleep on park benches, cars or derelict buildings; people who sleep in temporary shelters such as hostels, refuges or a friend's sofa; and people living in boarding houses on a medium to long-term basis.

On the whole, homeless people are itinerant and that can make it difficult to collate data on their enrolment and participation in voting. The best estimates suggest that the proportion of homeless people who are eligible to vote but are not registered to vote vary from 33 to 90 per cent. On that basis anywhere from 4640 to 12 800 homeless Victorians did not vote in the 2002 Victorian election. That figure should concern us all because almost 13 000 Victorians were not able to have a voice. The Bracks government strongly believes in giving every Victorian adult the opportunity to have a say in how their state, local council and the country is governed. That is an incontrovertible foundation of any democracy.

As we know, homeless people are the most disadvantaged and disempowered members of our community. They face a raft of issues, such as poor health, unemployment, family breakdown, mental health disorders, poverty and personal safety — the list goes on. On that basis it must be said that enrolling to vote or actually voting may not be high on their list of priorities. This legislation seeks to remove some of the administrative burdens on homeless people and make it easier for them to participate in the electoral process. It recognises that the electoral process must be flexible and responsive to the needs of all Victorians. Not having stable accommodation should not be a barrier to being able to vote.

This bill seeks to give a voice to the voiceless members of our community. By exercising their right to vote it is anticipated that the collective needs of homeless people will be more effectively recognised and met by this Parliament. For Mr Baxter's information, that is something I do not have a problem with; it is something that we should all welcome.

The bill will clarify the entitlement of homeless Victorians to enrol to vote as itinerant electors according to a hierarchy of connection to place that is set out in section 96 of the commonwealth Electoral Act 1918. That section provides that enrolment for itinerant electors is processed for the subdivision where the highest order of criterion is satisfied. The criteria for being able to enrol to vote at a particular location are as follows: where the applicant was last entitled to be enrolled; where the applicant's next of kin is entitled to be enrolled; where the applicant was born; and, if none of the above applies, where the applicant has the closest connection.

I note that the commonwealth Joint Standing Committee on Electoral Matters recommended that section 96 of the commonwealth Electoral Act be amended to make it clear that that section applied to homeless people. Unfortunately although the Howard Liberal government has supported this recommendation in principle it is yet to amend the legislation. As there is no guarantee that the commonwealth act will be amended, the bill achieves the greatest possible benefit for homeless Victorians without severing the current commonwealth-Victorian joint electoral enrolment nexus. I call on members of the opposition to lobby their parliamentary colleagues in Canberra to seek clarity on the federal government's intentions on this matter.

Homelessness can occur for many reasons, and potentially can affect any Victorian. As I said, not having a permanent address should not restrict the ability to participate in our democratic process. The Bracks government has made these changes as part of a wider range of reforms that aim to protect and enhance the rights of poor and disadvantaged people, and they are changes that I am sure all of us would welcome.

In conclusion, I cannot but quickly address the issue of compulsory voting after its having been raised by Mr Baxter. Compulsory voting is a misnomer. All that is required is attendance and for a person to have their name marked off a roll; an elector is not required to cast a ballot paper. We should all be strongly support compulsory voting. I certainly do. It encourages members of the public to become aware of issues, and that is something we should all encourage in a democracy. American elections clearly demonstrate that a huge amount of money and effort is required to get people out to vote. Those elections can be taken over by vested financial interests, and I do not think the Americanisation of Australian politics is something that we should be following. As I said, compulsory voting is a misnomer, but compulsory attendance, as it really is, is something we should all be strongly supporting. It encourages people to attend and become informed.

In relation to prepolls, which were mentioned by Mr Baxter, they give voters flexibility to vote if they cannot actually vote on election day. If The Nationals cannot find volunteers to staff polling booths that is a sign of where the party is going in the future in this chamber. As members of Parliament we should also strongly support prepolling because it gives voters greater flexibility.

In conclusion, I strongly support the bill. The amendment is completely unnecessary and I urge the opposition to have a strong rethink about these issues. I commend the bill to the house.

Hon. A. P. OLEXANDER (Silvan) — It gives me pleasure to make a brief contribution to the debate on this bill and to reiterate the Liberal Party's position. In all respects we do recognise the sense of making these amendments in the current context and under the current political circumstances in Victoria. We have already stated very clearly on the public record that we do not have any significant problem with what we see as mostly technical and mechanical arrangements dealing with redistributions, enrolment and so on. I also say though that opposition members have a problem with the entrenchment provisions which the government seeks to bring as part of this bill, and with good reason.

In her contribution Ms Mikakos challenged the opposition, I think in a very illogical way, and asked for concrete and quantifiable — I think that was the word she used — issues to demonstrate what these concerns would be about entrenching a set of rules and mechanical provisions today which may not be appropriate for the future. But of course no-one, unless they had a crystal ball, could possibly do that, and that is exactly our point. Opposition members oppose the entrenchment provisions because nobody is able to predict or quantify what the prevailing political circumstances will be 5, 10, 20 or 50 years from now. It is impossible to do that. Because we live in a dynamic and changing world and in a society where those circumstances could change rapidly there may need to be changes to the mechanical provisions governing elections. Those changes may be necessary in the interests of democracy, and the entrenchment provisions in this bill will make it much harder for any future government to respond appropriately and in the democratic interest to those changes. It is precisely because nobody has a crystal ball that the entrenchment provisions in this bill are inappropriate.

Opposition members do not object to entrenching issues of high principle in the constitution — issues in which we have a great deal of confidence and which are fundamental to our democratic system and to the values we hold dear in the Westminster system. We do not have any objection to those sorts of issues being entrenched, but when we come to mechanical and technical things governing the rules by which elections may or may not be conducted we do not see that as being appropriate. It removes from the system a necessary flexibility which may be required in the very interests of the democratic system which Ms Mikakos says this bill and this entrenchment seek to uphold. It is very important for government members to understand the opposition's position on this. Sitting here today as legislators we do not have any problem in the current context with what is proposed within this bill, although when we look at the homelessness provisions we do not see that they make any change to the prevailing circumstances in fact or law because itinerant voters are already enrolled on the commonwealth electoral roll, and there are rules governing that now. We do not oppose the changes, and further clarification does not worry us, but we do believe that future parliaments should have the ability to respond to changes in society in an appropriate way.

Today in this Parliament obviously there is a large amount of agreement about the appropriateness of these provisions — not about the entrenchment, but about the substance of this bill — but this may not be the case in future parliaments. On the point Ms Mikakos posed in her question, which I think was, 'What is wrong about going back to the people and giving Victorians a say about the electoral process?' I ask members of the government why they did not do that in the first place when they introduced massive changes to the way this place is going to be constituted. If it was so important to have that form of endorsement from the community by way of referendum or plebiscite, why did they not go to the community with a referendum or plebiscite about the changes to the upper house in the first place? They did not do it, and those changes were just as fundamental, and possibly more fundamental, to the democratic system in this state than these are.

Ms Mikakos has a fundamentally hypocritical position. On the one hand she said that we have to rush back to the Victorian people to work out whether a 5 per cent or 10 per cent variation, or whatever it might be, is appropriate for a quota, which is really an arithmetical formula which should not require endorsement by referendum, but on the other hand she is quite happy with the position of her party — that is, that we do not go to referendum when we change the whole structure of the voting system itself, change the number of members and change the electorates in a very fundamental way.

Ms Mikakos unwittingly in her contribution is probably the best speaker in favour of our position that we have had in this debate so far, because she demonstrated clearly our point on a number of issues. Our point is a valid one: we do not believe any of the provisions in this bill are worthy of entrenchment, nor should they be.

There is also another very important argument which has not been raised in this debate so far, and it should be raised. It should be considered by all members of this place now in the current political context — that there are three political parties represented in this chamber today: The Nationals, the Liberal Party and the Australian Labor Party. We also have one Independent member. In the future the very nature of this chamber and its political representation will change as well.

Mr Lenders — There will only be one party in the future!

Hon. A. P. OLEXANDER — I take up the interjection from the Leader of the Government, who says there will only be one party in future parliaments. While that might be his preferred option — a one-party state — and while some in the Labor Party may relish the opportunity to establish a one-party state in Victoria, I do not want to burst the balloon, but I just do not think it is likely to happen, certainly not under the new voting system that we will have in the upper house.

We are likely to have more political parties represented after November 2006, not less. We are likely to have a greater diversity of political thought and opinion being represented in this chamber, not less, and we are likely to have more Independents as well. The high likelihood — and the logical consequence of the amendments that were made to the voting system here in what Ms Mikakos describes as historic electoral legislation — is that we will have much greater diversity of political opinion in this place.

What the government says with this bill is that, whilst we now have the ability to change the rules and the mechanics by which these elections will be held, we are not going to provide that same sovereign right to future parliaments. It is saying to community Independents who may sit in this place after November 2006, 'You will not have the same rights as we had' and it is saying to the Greens political party, which may have representation in this place after November 2006, 'You will not have the same rights as we had', and the same applies to other political parties which may rise and fall from time to time.

The point here is fundamental to our democratic system. Governments make decisions in this Parliament on the basis of parliamentary sovereignty. Only on very rare occasions should they take away that sovereign right of parliaments to make decisions. Parliament and the nature of Parliament and the nature of our society and the political system change. We are going to see, I believe, enormous changes in this very chamber on that basis after November 2006. It is in the interests of democracy that these provisions are not entrenched, because that future Parliament would have and should have as much right as this one to make changes to these rules. I see that as fundamental to our democracy.

We in the Liberal Party do not oppose any of the specific machinery provisions in the bill. However, we oppose very strongly the entrenchment provision. I urge members of the government in the interests of a changing and dynamic democracy to support our reasoned amendment and tell future parliaments that they will have sovereign rights which equal the rights of this Parliament. I support the reasoned amendment. I call on members of the government who have an interest in preserving democratic principles to support it. Given that the government has already foreshadowed that it will be opposing what is a fundamental and right amendment, we will then oppose the bill.

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

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Public sector: enterprise bargaining agreements

Hon. PHILIP DAVIS (Gippsland) — I direct my question without notice to the Minister for Finance. Given the advice to the government that all enterprise bargaining agreements (EBAs) recently entered into between the Victorian government and its nurses, teachers and public servants are invalid due to the inclusion of union-friendly terms and therefore the effect on the state's finances of requiring to renegotiate, I ask: has the government done a financial assessment of the impact of the invalid EBAs as a result of the High Court Electrolux decision?

Mr LENDERS (Minister for Finance) — I am always happy to take questions in this chamber on any area which deals with my portfolio. I am delighted to do that; it is the role of any government to do it. It is delightful to actually get a question which verges on parts of my portfolio, so I will certainly answer the parts of the question Mr Davis has asked which are relevant to my portfolio. On the issue of enterprise agreements and whether I am the minister responsible for them, they are questions for the respective portfolio ministers. On the broader picture of whether the government's finances are correct and whether we have made assessments of that, the Department of Treasury and Finance will periodically review economic issues which are brought to its attention. In relation to the

issue raised by Mr Philip Davis, I am not aware whether any modelling or work has been done in that particular area. However, I welcome questions in this place. One of the good things about a democracy is that we can take questions at any time from the opposition. When they are directed to our portfolios — which is very novel in this place — I particularly welcome them.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — What a delight it is that the minister has been prepared to rise and attempt to verge on an answer. In relation to that answer I ask: does the Victorian government support the commonwealth government's Workplace Relations Amendment (Agreement Validation) Bill 2004?

Mr LENDERS (Minister for Finance) — I am not the Minister for Industrial Relations so I certainly will not purport to comment on hypothetical or other federal legislation. However, what I am delighted to comment upon as the Minister for Finance is that our state's finances are in a robust situation. We have a AAA credit rating, we are managing prudently our finances and, unlike those opposite, we do not promise the sun, moon and stars.

Hon. Philip Davis — On a point of order, President, there are, in fact, two points of order. The first is the minister is debating the question. However, I point out that the commonwealth Workplace Relations Amendment (Agreement Validation) Bill 2004 is not hypothetical — it is a bill in the federal Parliament on which the minister's federal colleagues are commenting at the moment. Rather than the minister avoiding the question and debating it, could you, President, ask the minister to address the question?

The PRESIDENT — Order! The first part of the member's comments were not a point of order. Whether he claims something is hypothetical or not is not a point of order. With respect to the minister being responsive to the answer, the minister has completed his answer. The Leader of the Opposition has been here long enough to know the rulings of the house when it comes to — —

Hon. Bill Forwood interjected.

The PRESIDENT — Order! Mr Forwood will not interject while the President is on her feet! The Leader of the Opposition knows that a minister cannot be directed how to answer a question: a minister's response to a question is at the call of the minister.

Hon. Philip Davis — On a further point of order, President, I did not challenge whether the minister was responsive — I asserted that he was debating the question.

The PRESIDENT — Order! There may have been a couple of points of order in the Leader of the Opposition's remarks and some comments. With respect to debating, ministers are aware that they should not debate questions, and I draw their attention to that fact.

Eureka: rebellion anniversary

Hon. J. G. HILTON (Western Port) — My question is for the Minister for Energy Industries. Will the minister inform the house whether there have been any recent demands upon the government by prospectors and miners in this state? Can the minister assure the house that there will not be a repeat of what Sir Charles Hotham called 'a serious riot and collision' of the sort encountered by the government of the day on 3 December 1854 and that there will be a continuation of the recent return to prosperity in the Victorian mining industry?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for his — —

Hon. Philip Davis — On a point of order, President, I hate to spoil a good party, but on this occasion I feel obliged to take a point of order, recognising that the standing orders do not explicitly deal with what is a matter of practice and procedure and that, therefore, this matter lies entirely in your hands, President, as has always been the case when it comes to the proper decorum of members in this place. There are occasions when the President deems to give leave for a headdress to be worn, such as the opening of Parliament when guests are in this place. I am not aware of any other occasion in the past two centuries when members have come into this place without bare heads. I ask you, President, to advise the member who appears to be improperly attired to conform with the practices and procedures of this place.

Hon. T. C. THEOPHANOUS — On the point of order, President, my understanding of practice in this house is that it is no longer the case that it is necessary to have one's head covered in the way that was previously the case.

The PRESIDENT — Uncovered.

Hon. T. C. THEOPHANOUS — Uncovered. One is not required to have an uncovered head in the house, as was the case in times gone past. I am also of the view, President, that if you go back far enough you will

find that members came into the house wearing head attire. Since this is in some respects a bit of a re-enactment of an event that took place 150 years ago when miners came and put a case to the government — —

The PRESIDENT — Order! I think we will wait until the minister's question is answered.

Hon. T. C. THEOPHANOUS — I think it is appropriate that you rule that I be allowed to continue to have my head covered.

The PRESIDENT — Order! Prior to the rewriting of the standing orders of this house there was under the old standing order 55 and there still is under rule 4.01 a provision that requires members to attend the service of the Council unless given leave of absence by the Council. The old standing order went on to say that during such attendance members' heads must remain uncovered. However, honourable members who were in this house in the previous Parliament would be well aware that the standing orders and rules of practice of this Council were rewritten and brought up to date with appropriate language. In rule 4.01, which replaced old standing order 55, the requirement for members attending the chamber to be uncovered was removed. It is no longer included in a standing order and is no longer a requirement of the house.

With respect to members being covered while in attendance, it is not a practice that is against the standing orders. For religious reasons and a number of other reasons there may be cause for members to be covered — there might be health reasons why they might need to be covered. There is no provision that prevents the minister from wearing his headwear. I appreciate the minister's sense of history in wearing the attire he has on today, and I will give him leave while responding to this question to wear his head covering, but I ask him to remove it when he has responded to the question.

Hon. T. C. THEOPHANOUS — Thank you, President. I can assure you that this is in no way an attempt to cover up the answer.

I can confirm that on this day at 10.00 a.m. I was pleased to receive delegates from the Prospectors and Miners Association of Victoria, who made certain representations and demands upon Her Majesty's government of Victoria — the Bracks government. These demands and the meeting today are part of the celebration of the 150th anniversary of the Eureka rebellion, the central role that miners played in that event and the democratic structures that we have in Victoria — indeed, in Australia — today.

It is worth reminding ourselves of some of the demands that miners made of the then government 150 years ago through the Ballarat Reform League. They included full and fair parliamentary representation, manhood suffrage and no property qualification for members of the Legislative Council. We should be thankful those demands were achieved — and women have also, of course, been included — and that many of us who would otherwise have failed the original tests are able to now qualify and be in this place.

The objectives of the reform league included an immediate change in the management of the goldfields and the total abolition of the diggers and storekeepers licence tax. While the government never quite abolished fees and miners today still pay $26.50 for a two-year miners right, it is a far cry from the 30 shillings for three months that it cost for a miners licence in 1854 — today's equivalent is about $1600 for a similar period. You can imagine the difficulty miners would have had in trying to find that sort of sum to be able to prospect for gold.

Today's demands by the PMAV concentrated on issues for prospectors in Victoria. Unlike the government of 150 years ago, we will listen to the demands of the Prospectors and Miners Association of Victoria, as we do with all people and organisations. I can assure the house there will be no bloodshed but lots of discussion and consultation. I think I can assure the house that there will not be a repeat of the tragedy that befell the then colony on that day in December 1854 when miners had to take up arms to make themselves heard and 22 miners and 4 troopers lost their lives. Just as the miners were central to the events of 1854 and in a real sense Victoria is built today very much on the mining industry, I am pleased to be the minister responsible at a time of boom in that industry. I finish by saying, as Archimedes said as he got out of the bath: Eureka!

Local government: funding

Hon. J. A. VOGELS (Western) — I direct my question without notice to Ms Candy Broad, the Minister for Local Government. The Public Accounts and Estimates Committee's report on the 2004–05 budget estimates reveals that the Department for Victorian Communities, with its 625 staff and a budget of $441 million, will spend $136 million on so-called people, community building and information services. Why does this money not flow to local government instead of being disbursed by Spring Street bureaucrats to their pet projects?

Ms BROAD (Minister for Local Government) — I welcome the question. I am pleased to say that the Department for Victorian Communities also includes Local Government Victoria, which is responsible for grants to local government. In addition I am also responsible for the Victoria Grants Commission, which has responsibility for oversighting the distribution of commonwealth funds to local government. Through the Department for Victorian Communities both state and commonwealth funding is distributed to local government.

It is also the case that grants are distributed to local government by a number of my ministerial colleagues, both in the Department for Victorian Communities and, I am pleased to say, in other departments in the Victorian government, because in a whole range of areas we see opportunities for working in partnership with local government — where local government contributes funding alongside the state government. We believe grant programs are a very effective way for the state government to work with local government and local communities to get better outcomes than either could achieve separately.

We will continue to support a whole range of grant programs, not only through the Department for Victorian Communities but also across the Bracks government.

Supplementary question

Hon. J. A. VOGELS (Western) — The same report states that the Department for Victorian Communities will only provide $36 million, or 8.2 per cent of its budget, to the support of local government, and that is only a quarter of what the department doles out to its favourites. What is the minister doing about this pitiful level of funding for local communities throughout local government?

Ms BROAD (Minister for Local Government) — The member referred to the funding through the Department for Victorian Communities, which is the output called 'Supporting local government'. I am pleased to say — and the member acknowledged this in the amount he referred to — that there has been a significant increase in that amount. That is due to the increased support this government has provided to libraries. In addition there will continue to be very substantial amounts of funding to local government through the Department for Victorian Communities and other departments in the Bracks government. That is an important way in which we work with local government, and we will continue to fund in that way.

Automotive smash repairers: code of conduct

Mr PULLEN (Higinbotham) — My question is for the Minister for Small Business, the Honourable Marsha Thomson. Given the Bracks government has led the way in supporting the body repair industry in this state, can the minister outline any recent developments the government has been involved in to support small business in this sector?

Hon. M. R. THOMSON (Minister for Small Business) — I thank the honourable member for his continuing interest in small businesses in the body repair industry. Today the Productivity Commission has delivered its report into the smash repair industry. It is pleasing that the commission has recommended that if insurers and repairers cannot voluntarily agree on an industry-wide code of conduct, it should be mandated by the federal government. This is a vindication of the fight that the Victorian Automobile Chamber of Commerce (VACC), its members — —

Hon. B. N. Atkinson — On a point of order, President, my understanding of the standing orders is that a minister is required only to answer questions and must confine answers to questions to matters that are within their personal jurisdiction. Ministers have certainly used that requirement to try to avoid a lot of scrutiny from the opposition. On this occasion the minister is talking about a federal report that is presented to a federal minister. The recommendations of that report would be implemented by the federal government, and are clearly not — —

Hon. R. G. Mitchell — How do you know?

Hon. B. N. Atkinson — Because I am a bit smarter than you, dill!

The fact is that all the recommendations of this report are to be implemented by a federal minister and are therefore not within the jurisdiction of this minister. I ask you, President, either to direct that the minister come to an answer that describes very quickly what her jurisdiction is regarding this matter, or to rule the question out of order.

Hon. M. R. THOMSON — On the point of order, President, I was asked what the government had been involved in doing to support this sector, and I am responding to that.

The PRESIDENT — Order! The minister has been on her feet for 45 seconds out of the 4 minutes allocated to her. The question asked of her was about the body repair industry and what the Bracks government had

done with respect to small business in that particular field — —

Hon. Bill Forwood — Nothing!

The PRESIDENT — Order! That is the second time Mr Forwood has interjected while I have been on my feet today. If he does it again, he will be leaving the chamber. I ask the minister to respond to the question that was asked of her in her allotted time remaining.

Hon. M. R. THOMSON — As I was saying, it is a vindication of the fight of the VACC, its members and the Bracks government, which has led this fight for the last four years. It has been four years since I addressed the body repair division of the VACC on the back of a tow truck at the front of Parliament House, and since then the government has been consistently calling for a national code of conduct for this industry.

The Bracks government brought the industry together, involved the Australian Competition and Consumer Commission in discussing the issues around the code and continued to keep it as an item for discussion on the national agenda. Clearly the Bracks government has led the way. In July this year I again raised the issue at the small business ministerial council meeting, which led to a unanimous agreement between state, territory and the federal ministers for a voluntary code as a minimum.

A code of conduct will lead to greater transparency and certainty for the smash repair industry. It will help repairers in their dealings with insurers, and the commission report states that it will be of benefit to consumers and repairers. Some insurance companies have avoided fair and transparent relationships for far too long. Indeed, given the recommendations of the draft report, the industry should finalise an industry-wide voluntary code of conduct now while it still can.

It is also pleasing to note that the commission recommended a transparent and realistic quoting system and has discredited the so-called funny time, funny-money system that has applied in some parts of the sector to date. In its submission to the Productivity Commission the Bracks government asked for the consideration of a number of issues. Specifically, they were around a national voluntary code to be developed as a minimum solution to address the commercial dealings between insurers and smash repairers; transparent criteria requirements for insurance company schemes involving preferred smash repairers; more effective dispute resolution mechanisms; insurers to provide adequate time to smash repairers to consider and make informed decisions on contracts; improvements to quoting methods to reduce pressure on smash repairers to misquote the number of hours worked; and systems introduced to ensure that insurers pay their invoices within 30 days.

I thank the Minister for Consumer Affairs, who has also been mounting the campaign. I thank the member for Narre Warren North in the other place, Luke Donnellan, who conducted the consultations that were the basis of our submission. I also take this opportunity to thank those — —

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

Planning: native vegetation amendment

Hon. W. R. BAXTER (North Eastern) — I direct my question without notice to the Minister for Local Government. I refer to planning scheme amendment VC29 tabled in this house last week, which declared centre pivot irrigators not to be farm buildings. I note that there was no notice given of the amendment, and responsible authorities were not consulted either. Bearing in mind this decision will reduce land values and consequently municipal rate revenue in struggling rural shires, I ask: was the minister consulted by her colleague before this amendment was made?

Ms BROAD (Minister for Local Government) — As the member has acknowledged in his question, this is clearly a matter which is the responsibility of the planning minister. He has also acknowledged in his question, by virtue of his reference to the parliamentary process, that all members have been consulted through the Parliament on this matter, after it was laid before the Parliament. Clearly consultation is part of the process of the planning minister making decisions on this matter, which is as it should be.

Supplementary question

Hon. W. R. BAXTER (North Eastern) — It is a new definition of consultation: the government tells us after the event and that goes down as consultation! In light of the minister's answer — and it is coupled with a very similar response to a question from Mr Bishop on Tuesday — I ask: how can local government have confidence that it is represented by a minister with clout when so many decisions that affect local government are being made without any reference to their minister?

Ms BROAD (Minister for Local Government) — Councils and shires across Victoria can have confidence that the Bracks government regards local government as an equal partner with the state government. That is why we have recognised local

government in the state constitution. Councils and shires across Victoria can have every confidence that unlike the former National-Liberal government we will not sack councils across the whole length and breadth of Victoria. We will treat them with respect, and we will work with them to deliver better outcomes for Victorians.

Information and communications technology: government initiatives

Mr SCHEFFER (Monash) — My question is directed to the Minister for Information and Communication Technology, Marsha Thomson. It is important to the community that information on government services is as easily available as possible. Can the minister provide an example of where the Bracks government is leading the way in using new and innovative technology to make government information on government services available to the public?

Hon. M. R. THOMSON (Minister for Information and Communication Technology) — I thank the honourable member for his question. For some time the Victorian government has led the way in e-government applications. We recognise that the new innovative technologies provide an opportunity to offer better government services to Victorians. That is one of the reasons the Bracks government led the way by being the first Australian government to appoint a whole-of-government chief information officer. I note that the federal government is following Victoria's lead by establishing a similar position. The Bracks government is the only government to have truly aggregated its purchasing for its telecommunications requirements, which will allow it to lead the way on how it utilises broadband to deliver online services.

Victoria Online is widely recognised as leading the way when it comes to government information portals. It is not surprising that when new and innovative technology becomes available, the Bracks government is able to capitalise on it immediately.

Mr Lenders — Leading the way!

Hon. M. R. THOMSON — We are leading the way. This is the case with Telstra's new i-mode technology. I-mode provides users with the ability to access a range of Web-based services with the touch of a button through their mobile phones. Users will be able to access content from sites such as EBay, Fox Sport, Flight Centre and now the Victorian government sites Victoria Online, Tourism Victoria and the Better Health Channel. This will add to the 160 or more sites that will be available through i-mode.

The Victorian government is now the only Australian government to have made its information available to its citizens on i-mode. It is part of the Bracks government's commitment to use the latest technology to make its information and services as widely available to Victorians as it possibly can. Victoria has led the way with its use of the new technology, and I am confident that other governments will follow.

Commonwealth Games: athletes village

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — My question is to the Minister for Commonwealth Games. Is the contingency allowance for the village included in the whole-of-games contingency announced by the minister, or is it separate?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the member's question in relation to the Commonwealth Games, as I always do. It is good to see that the member is conscientious in relation to the village, as we are in relation to delivering the village for the Commonwealth Games. As I have mentioned on a number of occasions, the village to be built at West Parkville, alongside the freeway and down beside Baltara, Turana and the Commonwealth Serum Laboratories, which was the former psychiatric centre site, is a project that we are particularly proud of. We are proud of having been through a process to make sure that we not only deliver the best site but also the best aspects of that proposal. The key attributes are that we are delivering public housing, heritage buildings, environmental initiatives and, of course, one of those components is a $5 million contribution to a wetlands development alongside the village.

All over, regardless of which way you look at it, this will be of fantastic benefit to the Melbourne and Victorian communities not only because it will house the 4500 athletes and the 1500 officials for the games but it will also leave a fantastic benchmark suburb post games for all of Victoria to appreciate. We are investing a little more closely to the city's heart rather than expanding to the suburbs and having to increase the levels of and commitment to infrastructure out there in the suburbs which are required for new housing estates and which can often place great demands on the state government and on the local community and those who live in that community.

There is an overall games contingency, as I have mentioned previously, and there is also a village contingency. But regardless of which way you look at it, I reinforce the fact that the use of any of these contingencies will not affect the cap on the operating

cost or the capital cost of the games. We are proud and we are pleased to be delivering a Commonwealth Games that all Victorians will be proud of and which will leave long-lasting legacies beyond the games for all Victorians.

Supplementary question

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I thank the Minister for Commonwealth Games for his answer, and I note that he has acknowledged that the contingency for the village is separate to the whole-of-games contingency. Previously the minister has advised the Public Accounts and Estimates Committee both verbally and in writing that the contingency of $21.8 million was in fact a whole-of-games contingency. He has now informed us there is a separate contingency. Has the minister in fact misled the Parliament?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I am not sure that the member appreciated what I said. I did not give the answer that he alleged I gave. What I have said is that there is an all-of-games contingency and within the overall games budget there is also a games village component. I will explain this in detail for the member. For each project there is a relative contingency within the project budget. I will reinforce that: within each project — bridge, village, Melbourne Cricket Ground, Melbourne Sports and Aquatic Centre — there is a component of the overall budget which is a contingency. That also forms an overall games contingency. I will repeat that: there are the games, there are the venues, and you can incorporate those figures into the respective contingencies.

Housing: affordability

Mr SMITH (Chelsea) — A sensible question at last. My question is to the Minister for Housing. Will the minister inform the house how the Bracks government is leading the way with innovative ways of expanding the supply of affordable housing available to low-income Victorian families?

Ms BROAD (Minister for Housing) — I thank the member for his sensible question and his continuing interest in the Bracks government's vision for affordable housing in Victoria. The Bracks government is committed to establishing housing associations as a means of increasing the availability of affordable housing choices to Victorians on low incomes. Recently I announced the six successful agencies that will be the prospective housing associations. The government is certainly looking forward to working with them to deliver this great set of choices.

Today the government is again leading the way by presenting the Housing (Housing Agencies) Bill 2004 to bring its plans another step forward. This innovative legislation will regulate the operation of the new affordable housing associations and eventually all other funded community housing providers through a registrar of housing agencies. It will provide certainty and clarity to not-for-profit housing providers, to private financial institutions and of course to the tenants who will benefit from the growth in affordable housing stock. It will also provide for the protection of public and community assets.

I take this opportunity to thank particularly the various stakeholders who have responded to the exposure draft of the bill that the government released last month through consultations held in Melbourne and regional Victoria. The Bracks government has listened and responded to reflect the sector's views, and it has made some significant changes to that draft to accommodate its views. I believe the version that has been presented to Parliament today is a better bill because of that input.

Key changes include giving organisations greater independence to enter into social partnerships and joint ventures and the director of housing having a registered interest in land belonging to the agencies only if that land is funded or provided by the director of housing. In addition the new framework will not apply to rental housing cooperatives until 1 July 2005. That change has been made to allow an additional six months for more discussion and work with those organisations.

One of the great strengths of the housing association model will be its ability to attract and to leverage from the private sector funding sources for affordable housing. By that being done under this model more housing will be provided for low-income Victorians than if the government just went out and spent its own funds separately. This is a very innovative model designed for growth in affordable housing well into the future. It shows that the Bracks government is once again leading the way in the creation of affordable housing choices. The Bracks government will continue to build a better future for low-income Victorian families by leading the way in expanding the choices available to them for affordable housing.

Fuel: prices

Hon. E. G. STONEY (Central Highlands) — My question is to the Minister for Consumer Affairs. When terminal gate pricing was introduced by the Bracks

government some years ago, he claimed it would reduce the price of fuel in country areas because terminal gate prices would provide transparency. I ask: what evidence does the minister have that proves that terminal gate pricing has reduced the price of fuel in country areas?

Mr LENDERS (Minister for Consumer Affairs) — I have certainly not said as a minister at any time that terminal gate pricing will by itself reduce the price of fuel in country areas. What terminal gate pricing will do — and does do — is make it absolutely clear and transparent what that price is. As Mr Stoney and the house will know, when pricing is determined in these areas we start off with the base price of Singapore crude — we start at a certain base point which we know all the oil companies use when they set a price. From there, on a daily basis the wholesale price of fuel is transparent on the web site so that when retailers purchase fuel they know what that wholesale price is. The government has endeavoured to respond to that community need and community demand to make this process more transparent.

A lot of studies have been done over time as to the causes of fuel prices going up and down and a range of other issues. They are studies that we as a government have monitored closely and that hopefully the federal government has monitored closely since the states referred those powers of fuel price monitoring to the federal government under the Prices Surveillance Authority some years ago. Of course the federal government has abdicated those responsibilities.

In direct reply to Mr Stoney, I state that our government's objective with terminal gate pricing is to make fuel prices more transparent. By the fuel price being more transparent, motorists and retailers can make more informed decisions on a daily basis on the information that is made available. That assists the market, and a good, vibrant and transparent market is more likely to have lower prices than one that is clouded in secrecy and hidden dealings.

Supplementary question

Hon. E. G. STONEY (Central Highlands) — I am sure the house is aware of how fuel is priced, and I remind the minister that my question had nothing at all to do with the federal government. What I am interested in is the value of terminal gate pricing for country people and country business especially, and I am really wondering: what is the value of terminal gate pricing if it cannot be shown that it has reduced country fuel prices by even 1 per cent?

Mr LENDERS (Minister for Consumer Affairs) — In his supplementary question Mr Stoney poses the question: what is the value of terminal gate pricing if it has not brought down fuel prices. It is a valid question and a legitimate question for him to bring forward. What I would say to Mr Stoney, to the house, to the electors of Central Highlands Province, to the Victorian community and to every retailer is that transparency by itself is of considerable value, because it lets retailers and wholesalers make an informed decision as to what is happening.

We as a government want fuel prices to come down. We want the federal government to exercise its responsibilities. The value of terminal gate pricing legislation is that it makes fuel pricing more transparent; more transparency gives confidence to the markets and that is a very good thing for consumers.

Aboriginals: government initiatives

Mr VINEY (Chelsea) — My question is to the Minister for Aboriginal Affairs. Can the minister advise the house what action the Bracks government is taking in response to recent media reports of proposed changes by the federal government in the provision of support to indigenous Victorians?

Mr GAVIN JENNINGS (Minister for Aboriginal Affairs) — I thank the member for jumping to his feet to ask this question and for his commitment to ensuring that Victorian Aboriginal people are involved in the decisions that affect their daily lives. Certainly I have seen that this is an issue of concern to Victorian people as I have travelled around and consulted with them about the changes to the administrative arrangements that follow from the federal government's decisions resulting from the abolition of the Aboriginal and Torres Strait Islander Commission.

As I have reported to the house previously, a degree of concern that has been generated within Aboriginal communities about the potential vacuum that could be created by lack of involvement in the decision-making process. I have reported to the house previously that Aboriginal people in Victoria are seeking an elected body that will play a role beyond advising the federal government about making some decisions on the programs with which they may guide their future. It is therefore with some alarm that I report to the house that Victorian Aboriginal people are very concerned given the recent announcement of the federal government concerning the National Indigenous Council that has been appointed through a process of selection by the federal government about the way in which the federal

government will receive advice on Aboriginal policies in the years to come.

While the Victorian government wishes the council well and wishes the individuals who are involved in the council well, it is very timely that all in the Victorian community should understand that the person who was nominated to represent the aspirations of Victorian Aboriginal people is an excellent young man by the name of Adam Goodes. He is excellent young man for many reasons — and skill in football is one of his attributes. He is an outstanding exemplar of a modern Aboriginal young man seeking excellence in his form of life, and that is very useful. However, the difficulty that Mr Goodes is confronting is that as a young man he left Victoria and now resides in Sydney. It is very difficult to represent the aspirations of Aboriginal people in this state as somebody who resides in Sydney. It would be a bit like Mr Drum representing his constituents in north-western Victoria while still living in Western Australia and coaching Fremantle. It is a very difficult thing to do — to have that social isolation and then purport to do the job that you have been selected to do.

There are major problems confronting Aboriginal people in Victoria and around the nation in relation to other policy directions that are currently being pursued by the commonwealth government. They relate to the nature of what is described as mutual obligations or behavioural contracts that the commonwealth government may be interested in introducing. They have led to many conflicts between Aboriginal people because a number of those in the Aboriginal community around Australia realise that we need to have a new paradigm for the way in which we relate to Aboriginal welfare and Aboriginal issues. Lowitja O'Donohue has been fairly positive in her support of the quantum leaps in those arrangements, but unfortunately great schisms are being created within the Aboriginal community around Australia about this.

An article in the *Australian* of 11 November quotes Pat Dodson as responding to these issues by saying:

> This is not mutual obligation — nothing like it ... It's fascism gone mad. It's crazy stuff. Two hundred years of enlightenment and this is the best they have been able to deliver.
>
> This is not reform — this is social engineering at its worst.

It is a very timely reminder by Pat Dodson of the need to make sure that if you are pursuing reform it has to be with the agreement and at the behest of the Aboriginal community. If it is to involve behavioural change, it has to be in a partnership arrangement that allows for determination of the appropriate mechanisms to achieve that. That is what the Victorian Aboriginal people expect.

ELECTORAL LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed.

Mr SCHEFFER (Monash) — I speak in support of the Electoral Legislation (Amendment) Act 2004 that will strengthen electoral democracy in the state of Victoria, ensuring that homeless persons are not excluded from voting, and clarifying conditions that will need to be met to trigger an electoral redivision. The changes provided for in this bill are important in themselves but should also be understood as part of the Bracks government's commitment to developing democracy in Victoria in the context of the global development of democracy in the many forms that this takes.

The government has already made significant legislative changes in the area of democratic reform. The Electoral Act 2002 thoroughly revised electoral arrangements in the state by creating a new act that deals in a rational way with electoral matters. The government's objective was to make elections fairer by providing limited funding of election campaigns and requiring full disclosure of all donations to political parties. Previously electoral provisions had been included under the Constitution Act, which was somewhat confusing. The Electoral Act created a new statute specifically focused on electoral matters and that improved procedures for running elections, made it easier for voters and candidates to understand the rules, and provided for the funding of political parties and set out the duties and obligations of those parties.

In its present term the government turned its attention to parliamentary democracy. It introduced and the Parliament passed the Constitution (Parliamentary Reform) Act 2003, which made the most significant democratic reform in Victoria since the establishment of parliamentary democracy in this state. The act was informed by the recommendations of the Constitution Commission Victoria's report *A House for Our Future*, which was in turn based upon statewide consultations through which people contributed their views as to how they wished to be represented in this Parliament. The act introduced fixed four-year terms and elections to the Legislative Council on the basis of proportional representation in multimember electorates that would

improve the capacity of the council to perform its role as a house of review. It is fair to say that all future legislative councils will comprise members who are more representative of a range of organised opinion in this state, and that is a good thing.

Earlier this year the Parliament made significant improvements to the legislation concerned with local democracy under the provisions of the Local Government (Democratic Reform) Act. The Parliament recognised the integrity of local government and safeguarded the democratic rights of people in communities, ensuring that council elections are effective, transparent and fair. The act included changes to make local government elections more democratic and to ensure that election results were representative. In particular this referred to the requirement that the proportional representation system should be used where there were multimember wards, thereby maximising the spread of representation on local councils.

The act also strengthened the governance of councils to improve transparency and probity and made a range of changes relating to financial management and the way councils report that to their communities.

The Electoral Legislation (Amendment) Bill extends access to democracy to homeless people by enabling them to enrol as itinerant electors. As well, this bill will enable the Electoral Boundaries Commission to establish quotas to be used as a basis for electorate redivisions. The bill also sets the conditions that trigger a redivision. One of the great advantages we have in this country is an excellent and impartial electoral system that is separate from the Parliament and the government. The establishment of electoral boundaries that guarantee that there is, as far as practicable, the same number of voters in each electorate is fundamental to ensuring the equal value of every vote.

The bill tightens up the procedure requiring a redivision to be conducted after every second state election, or when certain specified percentages of districts or regions exceed a 10 per cent tolerance for a corresponding range of time periods. The bill also ensures that the commission's procedure and deliberations are open to public participation and scrutiny. As well, under this bill, the commission must provide the redivision report to Parliament, members of Parliament and not only to the responsible minister.

The Attorney-General in his second-reading speech notes that in 2001 it is estimated that approximately 6700 to 18 275 homeless people did not vote at the 2002 state elections. Currently, the Australian Electoral Commission and the Victorian Electoral Commission include homeless people on their respective rolls but neither admits the category of homeless persons, and the present bill corrects this and therefore assists in the enfranchisement of homeless people living in Victoria.

Sound electoral and parliamentary arrangements enshrined in law are of course necessary for democracy but are not in themselves sufficient for a rich and sophisticated democratic culture to thrive. Successive Victorian governments have responded positively to changes in society and to community demands to improve accountability and facilitate the ongoing dialogue between citizens and their parliamentary representatives. As well, governments increasingly understand the importance of signalling and negotiating their policy and legislative directions to stakeholders ahead of time to ensure better outcomes and smoother implementation.

Notwithstanding the many advances that have been made in strengthening democracy, western states face significant challenges as their populations become more diverse and their needs more complex. The institutional forms of our parliamentary democracy were laid in the 19th century. It is a system characterised by territory-based competitive elections for control of the legislature and executive office that works in conjunction with technocratic bureaucracies. How will this system serve democratic demands that will confront us in the 21st century?

Each member of this Parliament is aware of the public demand for active political involvement in devising and implementing public policies. The number of organisations in each of our electorates is growing, and they all rightly insist not only on information about what government and parliamentarians are doing they also want to be engaged and consulted by government authorities and business interests that impact on their lives. People are using their democratic voice to demand more of government — health, education, public transport, infrastructure, legal aid, community services, pensions and so on.

One solution that is widely advocated is to shrink government — reduce the scope and depth of its activities. This view argues that the activist state infringes on property rights and individual autonomy and that it is too costly and inefficient. The response to these concerns has been to deregulate, privatise, and reduce social spending rather than look for ways to foster greater community participation in decision making and to try to find more creative and effective forms of democratic state intervention. The challenge is

to grow democracy so that it consists of more than just elections held every four years.

In Victoria there are good signs, and I think the Victorian government, many local councils, the non-government community-based sector as well as public authorities, businesses and some tertiary institutions are doing very good work in eliciting the energy and interests of so-called ordinary local people to participate in developing solutions to a range of issues that confront them.

It was therefore disappointing to read Cardinal Pell's unhelpful remarks in last Friday's *Age*. Cardinal Pell believes good democracy services a moral vision and rejects what he calls 'secular democracy' on the ground that it has no transcendent moral vision. He says that democracy is not a good in itself but that its value is only instrumental. Cardinal Pell poses an alternative to secular democracy that he calls 'democratic personalism' and says it is:

> ... democracy founded on the transcendent dignity of the human person.

The concern here is that in Cardinal Pell's very muddled piece of writing he attributes the pornography industry, the rate of abortions, marriage breakdowns, family dysfunction, legalised euthanasia, in-vitro fertilisation and embryonic stem cell research to secular democracy.

Hon. W. R. Baxter — That is a long bow.

Mr SCHEFFER — That is what he says, Mr Baxter. Cardinal Pell believes his 'democratic personalism' can take all these things 'out of the picture'.

This is frightening stuff. What is the particular power of this 'democratic personalism' that can, of itself, eliminate what we do not like without any reference to evidence-based public debate? In a democracy the only way that evil acts should be stopped is through persuasion, through evidence and reason, in the context of mutual respect for fellow citizens.

It is worth restating therefore that the great value of democracy is not what it may or may not aspire to, as Cardinal Pell believes, but the investment it has in each member of the community — namely, that each is equally valued and that each has the right and duty to form an opinion on the issues of the day.

Victorian electoral legislation implicitly values the right of each citizen to his or her opinion and seeks to extend and protect their right to express that opinion both through the ballot box and as citizens actively engaged in peaceful community organisation to persuade others to their view. The critical thing is to strike a balance between the value and self-perceived rightness of our own convictions and the need to strengthen the democratic system so that the contest of issues can continue to be identified, debated, clarified and provisionally resolved. The Electoral Legislation (Amendment) Bill 2004 is an important legislative change that strengthens democracy in Victoria, and I commend it to the house.

Hon. J. G. HILTON (Western Port) — I would like to make a brief contribution to the bill today which essentially amends the Electoral Boundaries Commission Act of 1982 to improve its operation and the Electoral Act 2002 to clarify the eligibility of homeless Victorians to vote. As has been said in the debate and mentioned by the Attorney-General in his second-reading speech, homeless people tend not to vote in Australia because they are not enrolled to vote. The reasons for that are obvious. To enrol to vote you have to be able to state an address. To put down an address as a park bench or the Salvation Army hostel, if there is a spot available, is hardly a reasonable thing to include on the official form asking for an address. There are also fines for not voting. If you are enrolled to vote, but do not vote or pay the standard fine you can be taken to court and asked to pay, I believe, $50 plus court costs for not paying the original fine. Of course the reason you did not pay the original fine is that you did not receive it because you are homeless, and they did not catch up with you. There are those barriers to voting.

It is also fair to say that homeless people as a group would tend to have a rather low opinion of the value of exercising their democratic right to vote in any event. Some recent research by the Hanover welfare centre indicated that homeless people have a very low opinion of politicians. They think politicians do not really understand their needs and they do not really have any appreciation of their circumstances. We are not really talking about small numbers. I believe in Victoria between 6000 and 18 000 did not vote at the last state election, and across Australia it is estimated there are about 90 000 homeless people. In total that would represent a federal electorate. So if those people are not voting, it is a significant number in terms of the overall population.

We need to try and engage those people to vote, impress on them that their vote counts and also make it easier for them to be registered to vote. It has already been said in the house that there is a category of voter called the itinerant voter. My understanding is that there

are only 4000 of these people. They tend not to be homeless; they tend to be fruit pickers and other seasonal workers. The task in front of us is to do two things: firstly, to make the registration or the enrolment process easier; and secondly, to engage the homeless so that they see merit in voting.

As has been mentioned previously, if homeless people are registered to vote, one has to determine where they should be registered. The Attorney-General said that according to existing commonwealth government legislation, registration is an order of precedence: where the applicant was last entitled to be enrolled, where the applicant's next of kin is entitled to be enrolled, where the applicant was born and, finally, where the applicant's closest connection is if none of the above applies. That is fair and reasonable.

In the UK it is done differently on the basis of a person's connection with a place. If a person has a connection with a park bench, the electorate in which that park bench is situated would be the place where the person is enrolled to vote. That is an inferior system to the Australian system because it fails to acknowledge that itinerants or homeless people tend to move around. The Australian system is preferable to the system in the UK.

I would like to make some brief comments on the first part of the bill which amends the Electoral Boundaries Commission Act 1982. I would like to commend my colleague Ms Jenny Mikakos in respect of this. She gave a very erudite and clear presentation of the government's view. She also very effectively dealt with the arguments of the opposition. I would like to address some of those arguments as well, particularly in respect of compulsory voting which was mentioned in this debate. It is a great testament to Australian democracy that we have compulsory voting. I come from the UK, and we did not have compulsory voting there. When we migrated to Australia and found we had to vote I thought that this was a good system. People are required to participate in the democratic process, but, as has been pointed out, they are not required to vote. What they are required to do is to attend a voting place and have their name crossed off a roll. What they actually do in the voting booth is really up to them. If they want to spoil the paper because they do not like any of the candidates that is perfectly legitimate. At the least, they are required to participate in the government of their country and have some say whether that is informal or not.

I do not think any of us want to go to the situation like applies in the USA where at the last presidential election approximately 55 to 60 per cent turned out to vote. Although that was a good turnout, it meant that 40 to 45 per cent of people did not bother to have a say about the most powerful position in the world. That is rather unfortunate. People should be required to exercise their democratic right and responsibility.

Hon. W. R. Baxter — Why should they?

Hon. J. G. HILTON — I will address Mr Baxter's interjection: I believe we have duties and responsibilities as Australian citizens. When I took out Australian citizenship I am sure that I had to agree — and I cannot remember the exact words — with the duties and responsibilities of being an Australian. One of those duties and responsibilities is to have some say in the way this country is governed by voting for a party. If you do not like any of the parties you can say, 'A plague on both your houses', or something similar, and not have a formal vote.

I have some concerns as to the way democracy is going in this country. In the federal election in October 10 per cent of people in one federal electorate registered an informal vote. In an opinion poll conducted amongst 18 to 24 year olds, 40 per cent of people in that category said they would not vote unless they had to. That is very sad because the democratic right to vote is something we should cherish. We should make it clear that it is important to cherish it.

I would like to make brief comments on some of the remarks made by Mr Chris Strong. Mr Strong was following the Donald Rumsfeld school of rhetoric. He was talking about unknown unknowns: that at some stage in the future there could be an event, of which he was not sure, which could mean that possibly we may have to have a referendum to change the wording of what we are going to enshrine in the constitution! He was talking about whether we needed a full stop or a comma, as if we would have a referendum to change punctuation! The arguments were absolutely ridiculous. What we are having today is a second-reading debate. If Mr Strong has some concerns with the legislation he should say what those concerns are. He should not project into the future that we may have some concerns of an unknown quality.

I would also like to take up a comment made by Mr Baxter. He said that referendums in Australia historically tend not to be carried. Then he made some comments that people were reluctant to change the constitution possibly because they were not adequately informed.

If they are not adequately informed then it is our responsibility as legislators to inform them. We cannot

dismiss the people's view because it is founded on incorrect information; it is up to us to give them the correct information and win the argument. If there is a problem of some unknown nature in the future with this legislation and it does go to a referendum — to the people, to change the legislation — and the case is clear enough, then I am confident the change will be made. I believe it is most appropriate to enshrine in the constitution these changes, which essentially talk about one vote having one value, so that they cannot be interfered with by governments that follow this one. I believe this legislation is based fairly on sound democratic principles. It acknowledges the issue of homeless people. It is good legislation, and I am very pleased to commend it to the house.

Mr SOMYUREK (Eumemmerring) — I also rise to make a contribution to the Electoral Legislation (Amendment) Bill. Its purpose is set out in clause 1 — that is, to amend the Electoral Act 2002 in order to clarify the eligibility of homeless people to enrol as itinerant electors; to amend the Electoral Boundaries Commission Act 1982 in order to improve the operation of that act; and to amend section 45 of the Constitution (Parliamentary Reform) Act 2003 so that when that section comes into operation it will amend section 5 of the Electoral Boundaries Commission Act 1982.

Previous speakers on our side have been quite eloquent in their descriptions in support of the government case for this bill, so I will confine my comments exclusively to new section 3A of the Electoral Act, which is inserted by clause 3. New section 3A deals with the inadvertent disfranchisement of homeless people in our society. I am sure people are probably saying, 'The homeless have other issues to contend with', and they are right. The right to vote is probably not a high priority for homeless people, and if you asked them they probably would say that. Homeless people have other urgent and necessary matters to attend to in life, such as having roofs over their heads and food to eat, and I understand that. But the bill does not impose a penalty on homeless people who fail to vote. The last thing homeless people need is to be fined for not voting, so I am happy that this bill explicitly precludes a penalty from being imposed on any homeless person.

Notwithstanding that, the notion of enfranchisement, universal suffrage or the right to vote is sacred in every liberal western democracy in the world, including Australia. There has been a lot of pain and a lot blood shed throughout the world so that people could gain the right to vote. It is also highly symbolic that the first movement for male suffrage was in the late 19th century and that in the early 20th century females galvanised the movement for universal suffrage. Initially in the 19th century the movement for male suffrage focused on the removal of the requirement that a citizen own property in order to have the right to vote. Historically the right to vote has been a very important component of democracy, and in some respects it is a barometer, or one of the barometers, of how liberal or true a democracy is. Those societies that have acted to disfranchise sections of their community have ended up usurping or violating the rights of those sections of their communities.

According to the 2001 census 20 305 people were reported to be homeless in Victoria. It is estimated that between 33 per cent and 90 per cent of those homeless people are eligible to vote but are not enrolled. It is also estimated that between 6700 and 18 273 homeless people failed to vote at the last state election. This bill follows a submission being made to the Victorian state government by the Homeless Persons Legal Clinic regarding homelessness and the right to vote, and the tabling of a report in 2003 by the commonwealth Joint Standing Committee on Electoral Matters, which supported the participation of homeless people through the improvement of existing provisions for itinerant voters in the commonwealth Electoral Act 1918. The commonwealth government has yet to implement this recommendation, but I sincerely hope that it acts at some stage in the near future.

In clause 3 'homeless person' is defined as meaning a person living in crisis accommodation, transitional accommodation or any other accommodation provided under the commonwealth Supported Accommodation Assistance Act 1994, or any person who has inadequate access to safe and secure housing. The effect of these amendments will be to clarify the entitlement of homeless Victorians to enrol to vote as itinerant electors according to the hierarchy of connection to a place, which is set out in section 96 of the commonwealth Electoral Act. These are listed in the second-reading speech; thus a homeless person cannot just enrol to vote in any subdivision they may want because they are transients and can move from one division to another.

Australia's voting system is widely acknowledged to be one of the best and fairest in the world. It is the envy of other countries, including critics in the United States of America who put forward the Australian model as a great example — or the least worst example, I should say! This bill will make our electoral system a little bit better. I believe one of the things that contributes to our electoral system being so good is our compulsory voting system. Mr Baxter went through some of the issues. Quite fairly he went through some of the pros and cons of compulsory voting. He made the point that

a lot of people were disaffected with the system in that there is a lot of apathy and people do not like turning up to vote, but so far as safeguarding our democracy is concerned I think we will have to take a hit with respect to people being a little bit cheesed off at having to turn up to vote. But I understand what Mr Baxter has said; a lot of people walk past and are pretty angry that they have to vote yet again.

Senator Minchin put the issue of compulsory voting back on the national agenda after the federal government won a majority in both houses of Parliament. I presume he was flying a kite, but I hope he was not. I hope various senior ministers do not have carte blanche to canvass various issues, such as playing with our compulsory voting system, because it is a good system. I will not go into the intricacies of the compulsory system, but Senator Minchin's central argument was based on the ground that compulsory voting impinges on the civil liberties of individuals.

It is important to remember that there is compulsion in our society for jury duty, and by making jury duty compulsory we uphold the proper function of our courts. There are other compulsory things in our democracy, too, such as compulsory education, paying taxes and a plethora of other instances where compulsion is an issue. Therefore I do not think the civil libertarian argument stands.

If you compare Australia's voting turnout rate with the United States of America you can really see the difference and you can see the mandate at play. In the USA elections normally you get about 50 to 55 per cent of the population turning out to vote. The last election was atypical in that it was a very emotive election. When you compare that to the Australian system where you would normally get about 96 per cent of the electorate turning out to vote, you can see which government has the greater mandate — that of the United States of America or that of John Howard's Australia.

Hon. D. McL. Davis — My mandate is bigger than your mandate. John Howard gets the biggest mandate of all!

Mr SOMYUREK — That is true, Mr Davis, 96 per cent of the people voted, but you could look at Mr Bush's mandate and say 60 per cent of the population voted so what type of mandate is that?

An honourable member interjected.

Mr SOMYUREK — Or even registered voters!

The ACTING PRESIDENT (Mr Smith) — Order! Through the Chair.

Mr SOMYUREK — No, I agree that the Prime Minister does have a mandate.

Hon. W. R. Baxter — We are having a debate forum for the exchange of ideas.

Mr SOMYUREK — That is good. In conclusion I would like to reiterate that homelessness should not be a reason to be deprived of the opportunity to have a say with respect to who governs you. This bill might be narrow, but given the history of our democracy it is symbolically very important. I commend the bill to the house.

Hon. D. McL. DAVIS (East Yarra) — I am keen to make a contribution to the debate on this very important Electoral Legislation (Amendment) Bill and to make a number of comments about it. The opposition has real concerns and will express those as the time to vote arises. The electoral system we have in Australia and in Victoria in particular is a precious one. It is founded on fairness, it is founded on a system that is open and transparent and it is able to ensure that people have the right to vote when they legitimately should vote. Of course all electoral systems are a balance between the rights of people to vote and guaranteeing those rights, and security to ensure that there is no untoward voting, so that the voting that does occur is proper and in line in every respect.

We have seen around Australia situations where voting has occurred which ought not have occurred. There have been the infamous examples of Labor Party activity in Queensland that was brought to light by the Shepardson inquiry. That makes one concerned and nervous to see changes in the electoral system that loosen the requirements for certain types of voting patterns. Where there is not a strict tying of voting to electoral addresses one has every right to be concerned that the system can be abused. Whilst I am very keen to see that homeless people are able to vote and exercise their proper rights, I also need to place on record my concerns about potential abuses of the system that allow those voting rights to occur. The system is always a balance between ensuring and fostering the right to vote, the ability to vote and the ability to exercise full democratic rights, but there is also on the other side of the balance a necessity to guarantee the purity, the certainty and the confidence with which the final vote occurs so that it is not in any way compromised.

That security has been looked at in great detail. I direct people who wish to examine many of these issues to the

federal committee on electoral matters on which Petro Georgiou served and made a contribution. That is perhaps the most recent example in this country of a committee that has looked at many of these issues closely. I have to say that that committee recommended a number of tightening steps to ensure that voting could not be abused at a federal level.

I am not so certain that the changes that this bill makes will lead to that sort of tightening. The bill clarifies the eligibility of homeless people to enrol as itinerant voters, it amends the Electoral Boundaries Commission Act to improve the operation of the act and amends section 45 of the Constitution (Parliamentary Reform) Act so that when that section comes into operation it will amend section 5 of the Electoral Boundaries Commission Act enabling the Electoral Boundaries Commission to establish quotas to be used as a basis for the redivision of Victorian state electorates and to specify the conditions when the Electoral Boundaries Commission must conduct its redivision process.

Some members of the Labor Party have had some difficulty in terms of voting. Peter Garrett has had problems with his ability to vote. He appears to have moved house a lot or whatever and I challenge him to release publicly — —

Ms Mikakos — What about Dr Dean?

Hon. D. McL. DAVIS — The treatment of Dr Dean was rather less generous than the treatment of Peter Garrett on this issue of him not voting for 10 years. I have rung the Australian Electoral Commission to try to obtain a copy of the letter it sent to him to explain to him why he had not had his votes recorded. It appears that he just did not vote.

Honourable members interjecting.

Hon. D. McL. DAVIS — Indeed, I find it interesting that a member of the federal Parliament, Acting President, would fail to enrol properly and would fail to check those sorts of details.

Honourable members interjecting.

The ACTING PRESIDENT (Mr Smith) — Order! Mr Davis should speak through the Chair.

Hon. D. McL. DAVIS — I am very happy to speak through the Chair and make the point that Mr Garrett should have been censured by the Labor Party and more strongly, I believe, by the press for his failure to vote.

Hon. J. M. Madden — You are just making this up as you go along.

Hon. D. McL. DAVIS — You think I am making up the failure of Mr Garrett to vote for 10 years?

The ACTING PRESIDENT (Mr Smith) — Order! Mr Davis should speak through the Chair.

Hon. D. McL. DAVIS — Do you support — —

Hon. J. M. Madden — Where do you get this from? You are just making it up as you go along.

The ACTING PRESIDENT (Mr Smith) — Order! Mr Davis should speak through the Chair. The Minister for Sport and Recreation will refrain from interjecting.

Hon. D. McL. DAVIS — I think it is a matter of public record that Peter Garrett failed to vote for more than 10 years before he was parachuted into that ALP seat. There are others in the Labor Party whose actions could be questioned.

Hon. J. M. Madden — Who?

Hon. D. McL. DAVIS — Kaiser and people like that in Queensland.

Mr Somyurek — This is Victoria.

Hon. D. McL. DAVIS — I am talking about Queensland here. You asked me who, and I have named one — —

The ACTING PRESIDENT (Mr Smith) — Order! Again, Mr Davis should speak through the Chair.

Mr Somyurek interjected.

The ACTING PRESIDENT (Mr Smith) — Order! Mr Somyurek will stop interjecting; he has had his say.

Hon. D. McL. DAVIS — He would like me to talk about someone connected to Queensland. The current Victorian Attorney-General was formerly the federal member for Kennedy and all sorts of issues were raised about the Kennedy elections in the 1990s — late voting and — —

Mr Somyurek — You are moving away from Victoria.

Hon. D. McL. DAVIS — You challenged me to make this contribution.

The ACTING PRESIDENT (Mr Smith) — Order! I know members of the house are having trouble hearing me, but I will say it again: Mr Davis will speak through the Chair, and members on my right will cease interjecting.

Hon. D. McL. DAVIS — I pick up the interjections of members opposite who asked me to suggest some names. I have suggested Mike Kaiser was one who was involved with electoral rorting in Queensland. He was the subject of action by the Shepardson inquiry into electoral fraud and others.

The ACTING PRESIDENT (Mr Smith) — Order! Mr Davis is being wound up from all directions in the house.

Ms Mikakos — On a point of order, Acting President, on the question of relevance, this bill is about changes to the Electoral Boundaries Commission legislation and it is about giving homeless people the vote. I do not think I have heard the member make any contribution on those matters to date. He is engaging in a wide-ranging spray on electoral matters which have absolutely nothing to do with the bill. I ask you, Acting President, to draw him back to the bill.

Hon. D. McL. DAVIS — On the point of order, Acting President, I was responding to interjections — I took up those interjections. Further, I was talking very directly on the bill. At the beginning of my contribution I made the point that there was a balance required between the right of people to vote, including homeless people, and the need to encourage them to do so, and the issues of security of the electoral system. They are the points I was making.

The ACTING PRESIDENT (Mr Smith) — Order! I remind the house that interjections are disorderly, but it does not help if Mr Davis responds to them. In relation to the point of order, I remind Mr Davis that while he has just started his contribution and is allowed a little licence, he needs to concentrate and get back to the bill.

Hon. D. McL. DAVIS — Indeed, the security of our electoral system and the boundary redrawing process concern me greatly. I place on record my concern about the government's processes with respect to the Electoral Boundaries Commission. I have spoken about this in this house a number of times and quoted from things like the *Age* editorial, which dealt with the issues around the former Surveyor-General. As we know, in Victoria the boundaries commission consists of a judge, the electoral commissioner and the Surveyor-General. Those three people are entrusted with the role of fairly and independently drawing boundaries. I have placed on record in this house and more widely my concerns about the state government's treatment of the previous Surveyor-General, Mr Keith Bell, in his process of redrawing federal boundaries, and the practice of this government of keeping the Surveyor-General on a short-term contract. I want to make the point very briefly that the position of Surveyor-General is not secure, which leaves it open to influence — —

Ms Mikakos — On a point of order, Acting President, I again ask you to draw the member back to the bill. He is now seeking to engage in debate on the position of the Surveyor-General. While I acknowledge that the Surveyor-General is a member of the Electoral Boundaries Commission, the tenure of that office-holder has nothing to do with this legislation.

Hon. D. McL. DAVIS — On the point of order, Acting President, the Electoral Boundaries Commission Act is amended by this bill. The bill is about deciding who can vote and who cannot, and about the process of when redraws occur and the triggers for those redraws. That is precisely the decision which will be made by the Surveyor-General, the judge and the electoral commissioner.

The ACTING PRESIDENT (Mr Smith) — Order! The member is entitled to expand on his contribution. I think he is within his rights, therefore I do not uphold the point of order.

Hon. D. McL. DAVIS — Thank you, Acting President. My contribution is almost complete but I want to reiterate my concern that all three of those positions have real risks attached to them in this period. The Attorney-General in another place has sought to introduce a system — and has only temporarily backed off — of temporary justices. I express my concern — —

Ms Mikakos — What does that have to do with the bill?

Hon. D. McL. DAVIS — Those temporary justices could be on the boundaries commission, Ms Mikakos. I would regard that as a great concern — —

The ACTING PRESIDENT (Mr Smith) — Order! I ask Mr Davis to speak through the Chair.

Hon. D. McL. DAVIS — I say through the Chair that I would regard with great concern the situation where a judge who was subject to a short-term appointment and potentially may not be reappointed could be influenced, threatened or sat upon by a government which was determined to manipulate and

influence an electoral boundaries redraw. That is of great concern. The Attorney-General has a bill before the lower house of this Parliament to introduce temporary justices, and I believe that is of great concern.

This bill is a further attempt to weaken the protections in our constitution and shift the balance away to a less secure and less democratic electoral system. I believe the weakening of the boundaries commission is a concern. I believe the weakening of a number of the qualifications required at the time of voting is potentially open to abuse and misuse. Twenty thousand homeless people have a right to vote and should have a right to vote, but there needs to be proper security to ensure that there is no opportunity for the Labor Party Queensland-style, Shepardson commission-style, to round up those people and ensure they vote in certain marginal seats and thereby influence the result of a state election.

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

Ayes, 22

Argondizzo, Ms	Mikakos, Ms
Broad, Ms	Mitchell, Mr
Carbines, Ms	Nguyen, Mr
Darveniza, Ms	Pullen, Mr
Eren, Mr	Romanes, Ms
Hadden, Ms (*Teller*)	Scheffer, Mr
Hilton, Mr (*Teller*)	Smith, Mr
Hirsh, Ms	Somyurek, Mr
Jennings, Mr	Theophanous, Mr
Lenders, Mr	Thomson, Ms
Madden, Mr	Viney, Mr

Noes, 17

Atkinson, Mr	Drum, Mr
Baxter, Mr	Forwood, Mr
Bishop, Mr	Koch, Mr
Bowden, Mr (*Teller*)	Olexander, Mr
Brideson, Mr (*Teller*)	Rich-Phillips, Mr
Coote, Mrs	Stoney, Mr
Dalla-Riva, Mr	Strong, Mr
Davis, Mr D. McL.	Vogels, Mr
Davis, Mr P. R.	

Pairs

Buckingham, Ms	Hall, Mr
McQuilten, Mr	Lovell, Ms

Amendment negatived.

House divided on motion:

Ayes, 22

Argondizzo, Ms	Mikakos, Ms (*Teller*)
Broad, Ms	Mitchell, Mr (*Teller*)
Carbines, Ms	Nguyen, Mr
Darveniza, Ms	Pullen, Mr
Eren, Mr	Romanes, Ms
Hadden, Ms	Scheffer, Mr
Hilton, Mr	Smith, Mr
Hirsh, Ms	Somyurek, Mr
Jennings, Mr	Theophanous, Mr
Lenders, Mr	Thomson, Ms
Madden, Mr	Viney, Mr

Noes, 17

Atkinson, Mr	Drum, Mr
Baxter, Mr	Forwood, Mr (*Teller*)
Bishop, Mr	Koch, Mr
Bowden, Mr	Olexander, Mr
Brideson, Mr	Rich-Phillips, Mr
Coote, Mrs	Stoney, Mr
Dalla-Riva, Mr	Strong, Mr
Davis, Mr D. McL. (*Teller*)	Vogels, Mr
Davis, Mr P. R.	

Pairs

Buckingham, Ms	Hall, Mr
McQuilten, Mr	Lovell, Ms

Motion agreed to.

Read second time.

Third reading

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

That the bill be now read a third time.

I thank honourable members in the chamber for their contributions.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

LIQUOR CONTROL REFORM (UNDERAGE DRINKING AND ENHANCED ENFORCEMENT) BILL

Second reading

Debate resumed from 16 November; motion of Mr LENDERS (Minister for Finance).

Hon. B. N. ATKINSON (Koonung) — I rise to state the opposition's position on this bill on behalf of the Honourable Wendy Lovell, who has the portfolio responsibility in this area. She is on business in Papua New Guinea, attending a conference and representing the Victorian public and Parliament. She is to be

commended on the work that she is doing. Indeed I am indebted to her for the work she has done on this bill, particularly in regard to the consultation she undertook with a wide range of organisations and industry associations. She and I met with advisers to the minister to examine the bill, and both she and I had contact with a number of industry associations in regard to provisions of the bill. Much of the work I will touch on today represents her efforts in terms of developing the opposition's position.

The opposition's position is not to oppose this legislation but to put some amendments to the committee. We hope the government sees the merits of the amendments and supports them. The merits are related to an issue that was the key matter of concern that was raised consistently — that is, the issue of alcohol vending machines.

As members would probably be aware at this stage the Liquor Control Reform Act is silent on the issue of the sale of alcohol from vending machines; it does not have a provision specifically dealing with them, so the government has included a provision in this bill to deal with this issue. The opposition's position is that this provision is wrong, and that it is quite incongruous with what the government suggests is the purpose of this bill — the reduction of under-age drinking.

The opposition — and particularly the Honourable Wendy Lovell and I — regards it as outrageous that alcohol vending machines might be permitted by this legislation. This would give open access to many young people. There would be considerable difficulty in supervising the purchase of alcohol from these machines by under-age people, or indeed by associates of these young people who will pass it on to them without any supervision or control at all. That is the position that has been put to us by a number of groups, including the Salvation Army, the Victorian Alcohol and Drug Association, the Centre for Adolescent Health and a number of other organisations — community organisations in particular — that were consulted on the legislation.

Because it is worth while to understand the work the opposition has done regarding this bill, I will put on record some of the organisations that were consulted. They included industry associations such as the Australian Hotels Association; the Club Managers Association Australia and the Australian Bartenders Guild; the Victorian Alcohol and Drug Association; Associate Professor Susan Sawyer, from the Centre for Adolescent Health; Dr Michael Carr-Gregg; Clubs Victoria; the Liquor Stores Association of Australia; the Master Grocers Association of Victoria, the Australian Institute of Hospitality Management, the Youth Affairs Council of Victoria and the Salvation Army.

A couple of themes consistently emerged from the discussions held with those organisations. The first and perhaps most important one raised by the community groups was the problem of vending machines, as I described. Their position was shared by some industry associations, which also expressed concern about specific areas of the bill, which I will touch on, including things such as increased penalties and some of the enforced procedures. By and large, though, most industry associations are happier with the bill than they were with its original draft form.

It would also be true to note on this occasion that the consultation processes adopted by the government have been very good. The opposition is very quick to point out those occasions when the government does not consult widely with the community or with organisations that have an interest in legislation that is to come before this place. On this occasion the government produced a discussion paper which was quite widely circulated, and it posted the proposed draft bill on the Web so that people would have an opportunity to comment on it. The government has adopted a good process, and it would appear that in a number of respects the government has been prepared to listen to some of the feedback that has been provided, particularly by industry associations, in relation to the management of liquor and the enforcement of provisions associated with liquor.

The bill amends the Liquor Control Reform Act in a number of ways. As I have already said, it makes a number of changes in regard to under-age drinking. It enhances the enforcement powers of members of the police force under the act; it increases penalties and widens categories of infringement notices that can be served on people selling alcohol; it makes some improvements to the general administration of the act and also makes some amendments to the Business Licensing Authority Act in relation to minor changes to the constitution and the operation of the Business Licensing Authority, of which the liquor licensing commissioner is a member.

The bill contains a couple of interesting and worthwhile provisions. One of interest to me is the provision dealing with dry area polls, because as a resident and former municipal councillor of the City of Nunawading it has always been interesting to watch the dry area polls that had to be conducted each time a restaurant in Box Hill or Camberwell tried to obtain a liquor licence. Over a number of years most of them have been unsuccessful, although I notice that in a couple of

recent instances residents participating in those polls have supported them. One of the interesting things about the polls is that up to this point they have largely attendance polls. The provision in this legislation allows for a postal ballot and ensures that the conduct of that poll is paid for by the person seeking the change.

The provision in relation to under-age drinking is probably the most important and is of most concern to the opposition. The issue that we are concerned about — and it is the one that we share with a number of community organisations, and as I said, a number of industry associations — is the issue of vending machines. It is quite incongruous that we have a bill before us that seeks to reduce youth drinking — inappropriate drinking by young people — and yet we have a mechanism that is designed to dispense alcohol with limited supervision or control being proposed as part of the legislation. While the government might argue that there are a number of mechanisms in place that will ensure there will not be a problem with these machines, and that including the machines in the legislation where it has previously been silent is a step forward, the opposition would say that it is totally inappropriate.

The provision in the legislation can only lead to grief. It is outrageous; it does not have broad community support and the opposition can see many instances where alcohol abuse could occur as a result of the vending machine proposal. We can see situations where these machines could be installed in corridors in motels where young people could quite easily get access to them. We can see situations where they might be used indiscriminately in some bars. It is a rather ridiculous situation that a bar might contemplate using them, but it has certainly been put to us that there is a possibility that some bars, particularly crowded ones, might well put them in an area of a bar where patrons have difficulty in getting to the main servery bar, so that patrons who are at the back of a room, for instance, could buy alcohol without having to move back through a crowd to the bar.

It has been suggested to us that forms of control could be used in instances where people could perhaps buy tokens from the bar to use in the vending machines and therefore there would be a degree of supervision. That seems rather ridiculous. We suggest that it could not possibly work and that if somebody went up to buy, say, six tokens, where does the responsibility lie for the owner of those premises regarding intoxication levels of the young person who is using those tokens? Are the six tokens for a group of people or are they for one person? Is that one person going to be intoxicated if he or she uses all six tokens in that vending machine? What is the responsibility of the people serving the alcohol? That is of concern to hotel operators, and it is certainly of concern to club operators. It seems to us to be absolute nonsense to introduce that sort of concept as a means of defending the vending machine proposal or to suggest even that the Liquor Licensing Commission might work out how it could be used at a later time, or how we could somehow introduce this provision in the legislation but keep it under control through regulation or through Liquor Licensing Commission conditions at a later time. The opposition believes that this issue should be addressed here and now by this house, and we will be proposing amendments to achieve that.

In terms of under-age drinking there are some other key issues in the legislation which by and large are supported by the opposition. From our point of view the key issue is without doubt the position where there is a sterner provision, if you like, on under-age drinking as a result of people presenting false identity at a licensed premises. The legislation increases penalties applicable to young people who present any sort of false identification. It also introduces penalties for anyone who produces false identification that can be used by young people because we understand there have been instances of people producing and selling false identification that young people could use in licensed premises. The legislation has been tidied up to ensure that such people will be guilty of an offence, and penalties have been increased in respect of both of those issues.

The opposition has another area of concern in regard to under-age drinking, and it is certainly also a matter of concern for industry groups. Clause 5 relates to the extension of categories of premises not to be licensed. Under this clause a power is given to the director of the Liquor Licensing Commission that where in his or her opinion those premises are likely to be used by people under the age of 18 years they may decide not to issue a licence.

That seems to us to be a very subjective process that is open to some question as to how the government might enforce it. We have had some pretty cranky decisions in this whole liquor control area in the past two years under this government and some real knee-jerk reaction decisions that have not made sense. The provision relating to under-age drinking is a very subjective one. Whilst the opposition applauds moves to ensure that under-age drinking is reduced, whilst it recognises that harm can be caused by the indiscriminate use of alcohol and whilst it is most concerned about the lack of responsibility of some young people in drinking alcohol and drinking illegally, having those sorts of subjective

clauses in legislation can only create difficulty down the track. Perhaps the government ought to have been a little bit more clear in what its intentions were in regard to that particular clause.

I note that there is a key provision in the bill that shopping centre food courts and similar areas will now have a more streamlined licensing process. In the past a licensed premises that was a restaurant, or some sort of extended coffee shop within a shopping complex in particular, may well have served alcohol but as soon as any of its patrons moved out into a food court or a common area of the shopping centre it was required to have a separate licence for that area. Under this legislation there will be a recognition that under the licence of the premises alcohol can be taken into a food court area as long as that area is a designated area and as long as it is properly contained and meets the other requirements of liquor licensing controls.

There is also a clarification in this bill as to the people who can take an under-age person into a licensed premises. In the past that role has been essentially confined to a parent or guardian. Under this bill a wider range of people will be able to take an under-age person into a licensed premises, and opposition members think that is appropriate. It could well be a sibling, a grandparent, an uncle or an aunt, who at this stage are not covered by the legislation. We do not have a problem with that. The Liquor Control Act has sufficient and adequate controls in terms of the consumption of liquor to make that provision a sensible one, particularly for families who are attending venues that are increasingly not just hotels but indeed quite extended venues with entertainment and with a broader range of food options and so forth. It is a valid step forward to place this sort of provision into the legislation.

The bill also makes some significant amendments to the legislation to clarify the power to seek a warrant to enter and search a licensed premises. It provides powers for taking possession of any documents relating to the supply of liquor on premises, and in effect it increases some of the enforcement powers available to the police. Clause 33 inserts new section 130A, which provides that police must identify themselves if not in uniform and provide a copy of a warrant. Clause 34 amends section 133 to require an authorised person who is not a member of the police force to produce evidence of their authority to act. That clause adds that the chief commissioner and licensing inspectors are authorised people for the purposes of enforcement and for the purposes of investigations.

Clause 35 inserts new sections 133A to 133E, which set out the requirements that an authorised person must comply with when executing a seizure warrant. By and large these provisions seem to be reasonable, although there are concerns that documents could be seized and altered before copying. A number of people with licensed premises have indicated through their industry associations that they are concerned about the integrity of these investigative processes, and they have indicated that the nature of documents that might be taken and the use of those documents could be of concern to them. The opposition believes that by and large officers authorised under this legislation and people acting on behalf of the government would be expected at all times to act with integrity. I am not a great conspiracy theorist when it comes to these things, but it is certainly worth placing on record that people within the liquor industry have some concerns about those aspects, and the government would be well advised to ensure that at all times the integrity of the investigative and enforcement process is maintained.

As I indicated, the Business Licensing Authority Act is amended by this bill. It provides that the director of liquor licensing is to be appointed to the authority under the Liquor Control Reform Act 1998. It also provides that when the office of chairperson of the Business Licensing Authority is vacant or the chairperson is absent, the deputy chairperson will become the chairperson of that authority. The liquor licensing director has been a member of that licensing authority, but as I understand it that has not been a specified power.

There are some concerns among industry associations regarding new sections 101A and 101B inserted by clause 25. Those sections require a licensee to provide a current plan of the premises to the director and to keep the plan on site. New section 108A inserted by clause 29 provides that if it is a requirement of the licence that responsible service of alcohol courses be completed by staff, then police may request evidence that responsible service courses have been completed.

In the past there have been provisions in the legislation to delineate the areas where alcohol is allowed to be served and where alcohol is not allowed to be served in a venue. This has been particularly important when young people are likely to be on the licensed premises. There are obviously a great many licensed premises that young people frequent, particularly sports clubs. There is quite a range of sporting clubs right across Victoria that have alcohol served in parts of the premises, and so it has been very important for the Liquor Control Act to delineate those areas where alcohol can be served and can be taken for consumption

and those areas where it cannot because of the fact that young people frequent those premises.

Under the provisions in the bill that update this legislation the venue operators have to provide a current plan and ensure that it is available at any time for inspection by members of the police force. They also have to provide evidence of responsible service of alcohol.

The concerns that relate to these provisions, which on the surface seem more than reasonable, are that the new power for the police to demand plans and proof of responsible service course completion has been given to all police rather than simply to police who might have a reason for investigation of liquor licensing matters at a particular venue. The industry believes this power should be given only to police officers of a certain rank or a duly authorised officer so that that process might not be abused in any way or even frivolously, I suppose, in terms of the attitudes of some of the venue operators. They need to make sure that the information is required only in the course of a genuine investigation or examination of records by the police.

There is also a concern that the documents that might be required from proprietors would be difficult to produce on some occasions, because proprietors would want to leave them in areas where all staff had access to them, yet not all staff would have access to administrative areas to provide these documents on demand. In other words, those plans might well be in a locked office to which certain members of management have access, but not all members of staff on duty at any time would have access. In that context it would seem to be difficult for them to comply with an instant on-demand request from the police when that section of the premises that was a management area was not open at that time. It is an operational matter, but when it comes to the enforcement of legislation we ought to ensure that it is easy and straightforward for an industry to comply with that legislation. We ought to ensure that we do not make unreasonable demands on business people while still recognising the need to ensure that liquor is being sold and consumed on premises in accord with the provisions of legislation and that responsible service of alcohol is occurring at all times.

This legislation also makes some amendments to penalties and offences that can be taken before the Victorian Civil and Administrative Tribunal. I note that the government has modified the penalties that VCAT can levy from the draft bill. It still increases penalties substantially, but I note that penalties that VCAT can now impose on a venue that is perceived to be guilty of an offence under the legislation have been increased from $10 000 to a maximum of $30 000. It would come as no surprise to the house that the industry is concerned about the level of increase in the penalties, which represents six times their present value, and the fact that those penalties might well be applied by VCAT without sufficient opportunity for those hotels or liquor licence operators to appeal or to have fair consideration of the offences that are laid out.

The history of hotel licence issues that have been taken before VCAT is quite interesting, and industry certainly has concerns about the competence of VCAT at times to judge some of those matters. The fact that VCAT can levy very substantial penalties under this legislation, considerably increased from what they have been, is also a matter of concern to the industry.

The industry believes there is the possibility under this legislation of a double jeopardy situation where people could well face some on-the-spot notices from the police which might well require settlement in a Magistrates Court but could also find themselves at VCAT facing a separate hearing and a very substantial fine of $30 000. This legislation also provides that a club or body corporate must produce the names and addresses of all members of the committee of management and directors to the police within 48 hours of being requested to do so. It makes some amendments to clarify powers to seek warrants to enter and search premises and to take possession of documents, as we covered a little earlier. It certainly also seeks to extend the grounds on which applications can be made to VCAT for an inquiry and allows the Chief Commissioner of Police to apply to VCAT for a review of the decision of the director as well as increasing penalties, as I have already mentioned to the house; and it introduces a range of new fees for variations to licences, inserting additional offences under the act that can be enforced by way of infringement notices.

It occurs to the opposition that to an extent some provisions of this legislation have very little to do with the objective of reducing under-age drinking and a lot more to do with increasing fees and charges for the owners of licensed premises, and also perhaps having a more stringent enforcement regime, but not necessarily an enforcement regime that is mindful only of the problems of under-age drinking. As I said, the opposition shares the concern expressed by the minister in the second-reading speech and the concern of the community and a range of organisations that were consulted by the Honourable Wendy Lovell in particular — and no doubt a great many other organisations in the community — about the abuse of alcohol by some young people and the need for the

community to adopt at all points a far more responsible attitude to the consumption of alcohol.

One of the key things I am concerned about that is not in the bill before the house but indeed is a matter that has relevance to it is the promulgation by the government of a liquor code of conduct. That is a fascinating document for me, because a liquor code of conduct was promised by the Minister for Small Business earlier this year when we debated the cap on liquor licences. It was put to the house and, more importantly, to the industry that that liquor code of conduct would ensure that the conduct and behaviour of Coles and Woolworths in particular would not represent any market power abuse in terms of that process of deregulation for the liquor industry.

That was fairly clear, and I think the government's intention was clear also by the fact that a clause was inserted in the Small Business Commissioner Act that he would oversee that liquor code of conduct. The government did not produce that for more than two years. Now that liquor code of conduct has been promulgated and has been sent out to the industry. As I said, it also ties in with this legislation because it now talks about the ways in which the people in licensed premises should go about serving alcohol. It is a document that is very much about the conduct of licensed premises, how licensed premises are managed and how alcohol is made, sold or displayed.

That code of conduct is very different from the one that was promised to this house. It is more relevant to this bill. It has infuriated the industry that this has come out of nowhere, and it makes an absolute mockery that the Small Business Commissioner has to oversee this code of conduct, which is far more appropriately overseen by the director of liquor licensing. That is another matter of considerable concern to us and certainly to industry associations in the discussions we have had in regard to this legislation. I would be keen to seek an explanation from the government on what was to happen with that.

The opposition will not oppose the legislation, but it is certainly keen to pursue its amendment. The opposition believes the government should take the amendment on board, because no doubt government members, and certainly the minister, will have been advised of the concerns of community groups about the introduction of vending machines as a provision in the legislation. From that point of view we believe the government should take that up.

Organisations such as Clubs Victoria have expressed concern about this, and yet some of their clubs might have been thought to be involved. The Salvation Army has been very concerned, and the Victorian Alcohol and Drug Association has specifically drawn attention to the vending machine situation, as did the Centre for Adolescent Health and the Youth Affairs Council of Victoria. All those organisations were concerned and support the opposition's contention that the provision the government has included in the legislation for vending machines is totally inappropriate.

We believe the government will need, as it should with most legislation, to be cautious and judicious in the way it goes about implementing some of the other provisions of the legislation. It should always be mindful of the concerns of industry associations, because we believe those associations have represented a responsible and appropriate position in regard to the responsible serving and sale of alcohol. The government should take that into account. This legislation by and large is reasonable, but it will be so much the better when the government supports the opposition's amendment to eliminate the vending machine proposition.

Debate adjourned on motion of Hon. D. K. DRUM (North Western).

Debate adjourned until next day.

BUSINESS OF THE HOUSE

Adjournment

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

> That the Council, at its rising, adjourn until Tuesday, 30 November 2004.

Motion agreed to.

Business interrupted pursuant to sessional orders.

ENERGY LEGISLATION (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

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

CHILDREN AND YOUNG PERSONS (KOORI COURT) BILL

Introduction and first reading

Received from Assembly.

Read first time for Mr GAVIN JENNINGS (Minister for Aboriginal Affairs) on motion of Ms Broad.

CONSTRUCTION INDUSTRY LONG SERVICE LEAVE (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time for Mr GAVIN JENNINGS (Minister for Aged Care) on motion of Ms Broad.

ADJOURNMENT

The DEPUTY PRESIDENT — Order! The question is:

That the house do now adjourn.

Fernlea House: consultation

Hon. A. P. OLEXANDER (Silvan) — I seek the assistance of the Minister for Health in the other place, Bronwyn Pike, regarding the services available to terminally ill people in the outer eastern region of Melbourne. It is a very important issue for the community as there are currently insufficient inpatient palliative care services in the region, although we have a very well developed in-home care scheme, which is operated and staffed by very dedicated professionals who do a fine job.

However, given that the nearest services of this nature in the region are currently in Caulfield and Kew, the need for inpatient services is critical and acute. It creates enormous problems for family and friends of the terminally ill and dying in terms of their proximity to their loved ones in their final days. This can be very distressing for people. In the past I have requested that the minister fund and assist a group known as Fernlea House with its plan to establish such a facility, but on many occasions now the minister has declined to do that.

Today I seek specific action from the minister which arises as a result of a letter she sent to me on 7 October. In that letter she states:

> The Department of Human Services is currently developing a proposal for a pilot project to enable palliative care clients, who can no longer remain at home, to access residential care services in the outer east. This proposal has also been discussed with the Australian government and Fernlea, who were supportive of the project. Should this proposal proceed, it will assist in meeting the needs of some people who are dying and who cannot remain at home.
>
> The department is also working with Eastern Health to develop a proposal to establish a specialist inpatient palliative care facility in the outer east. The implementation of this new facility will obviate the need for residents in the eastern metropolitan area to travel to either Caulfield or Kew to access these specialist services.

This is a proposal of very great interest to me and my community. I ask specifically that the minister establish a public consultation process in the population centres of Lilydale, Ringwood and Croydon so that the community can guide and inform the government as to where and when this facility should be established and the size and model that the facility should take. I ask her to do this with the utmost urgency.

Taxis: driver identification

Mr SOMYUREK (Eumemmerring) — I raise a matter for the Minister for Transport in another place concerning metropolitan taxidrivers having to display their names on the dashboards of their vehicles. I understand this is the practice only for metropolitan taxis. As it stands, taxidrivers have to display their identification number, their taxi plate number, their photo and also — this has been introduced within the last few years — their names clearly on their dashboards. There is sufficient identification of the taxidriver without their names being displayed. We live in a culturally diverse society and therefore some numbers are easier to remember than some names. If I said to some people, 'Adem Kubilay Somyurek', they would say, 'Who?', but if I said, '24567' then those people would probably be able to remember that.

I have been approached by a number of taxidrivers who are concerned that their security has been compromised by their name being displayed on their dashboard. It is difficult to work out an individual's ethnicity or religious background from their physical appearance, but it is easy to work out what nationality, ethnicity or religious background an individual member of society has once their name is known.

Hon. D. K. Drum interjected.

Mr SOMYUREK — For example if Mr Drum hopped into a taxi and the driver's name was Mohamed, who would Mr Drum think he was?

Hon. D. K. Drum interjected.

Mr SOMYUREK — Mr Drum would think he was probably Muslim. Given the current international environment it is not helpful to be called Mohamed when you have got a group of tanked youths in the car who have just watched CNN. The driver would try to distance himself from Osama bin Laden or the rest of those terrorists. Nobody should be placed in a position where they are bullied in their workplace, and taxis should not be an exception to this rule. These people recognise that Victoria is a very tolerant society and that the overwhelming majority of people are fine people and good citizens — —

The DEPUTY PRESIDENT — Order! The honourable member's time has expired. I rule the question out of order because a question was not posed and action was not sought.

Calder Highway: funding

Hon. D. K. DRUM (North Western) — My adjournment question is to the Minister for Transport in the other place, Peter Batchelor. It concerns the Calder Highway duplication, the restrictive workplace practices that currently exist under the Victorian major highways and the Roads of National Importance programs and the call from the federal government for these restrictive workplace practices to cease so that the hundreds of millions of dollars of federal money can flow to the states.

The Calder Highway was possibly the biggest issue at the last state election of 2002, in which I campaigned. At that time I made a series of promises to the people of Bendigo and North West Province that I would work exceptionally hard to try to get funding from both the federal and state governments. I have lived up to every one of those promises since I have been in my position. As people would be well aware, early this year the federal government committed to a multibillion dollar road package as part of the AusLink package, and $140 million was earmarked for the duplication of the Calder Highway under a five-year program. In the event of the Victorian government being able to get its act together and duplicate the road at a date inside those five years the federal government has earmarked an additional $82 million to be brought forward — that is, should the state government build the road faster than is currently set out in the schedule. It seems there are planning issues which have not been addressed in respect of the road going through the Harcourt area, and that will certainly hold the project up.

I call on the minister in the other place to come clean and let the people of Victoria know whether he is going to accept those hundred of millions of dollars for roads of national importance throughout Victoria or whether he is going to leave that money on the table in a similar way to the way the state government left the Melbourne Cricket Ground money on the table just to ensure there will be a closed-shop situation and that union practices are encouraged and maintained with road builders throughout Victoria. Is the minister going to cease the restrictive workplace practices and accept the hundreds of millions of dollars that would come into Victoria through the AusLink program?

Consumer affairs: credit debt

Hon. KAYE DARVENIZA (Melbourne West) — The matter I wish to raise is for the attention of the Minister for Consumer Affairs, Mr John Lenders. The matter concerns the growing level of personal debt that so many Victorians are experiencing and finding themselves in. This debt is the result of people overextending themselves on a whole range of borrowings, including on credit cards. Recently members of the chamber would have heard the warnings that the governor of the Reserve Bank, Mr Ian McFarlane, gave at a recent public speaking engagement at a Committee of Economic Development of Australia function. Mr McFarlane outlined his concerns regarding the level of debt people were committed to and the consequences of that should interest rates rise. He was warning financial institutions, which provide the funds we borrow, to tighten up their lending criteria in an attempt to curb the level of debt that people are experiencing.

I am sure that in the electorates of all members in this chamber there are individuals who are overcommitted and who will experience some considerable financial difficulty if there is an increase in interest rates. The specific information I want from the minister concerns the programs he has initiated, including information regarding the pitfalls of getting into extended credit and into debt, particularly how those programs are being implemented in my electorate of Melbourne West, and how people from culturally and linguistically diverse backgrounds are able to access information in the hope they will not experience overextending in this way.

Hospitals: funding

Hon. D. McL. DAVIS (East Yarra) — I raise a matter for the attention of the Minister for Health in another place. It concerns the figures for hospital deficits that were released today for the major metropolitan hospitals and health services. These major

metropolitan hospitals and health services are in deficit to a total of more than $90 million. These deficits include over $13 million for Austin Health and $15 million for Bayside Health. Eastern Health claims a surplus of $1.8 million in the printed section of its annual report, but verbally claims more than $3.9 million in operating deficit. Southern Health has a $27 million deficit; Northern Health has a deficit of $4.759 million; and Melbourne Health is just under $2 million. What I refer to in particular with respect to Eastern Health are the minutes of the audit committee meeting of 27 August 2003. Those minutes state:

> The overall ... performance is improved by the reporting of the capital redevelopment income for the Maroondah and Angliss projects as income.
>
> The committee resolved to amend the going concern note to highlight that within the deficit from ordinary activities of $2.335 million 'the current year includes net capital income of $10.429' —

million. The minutes further state:

> The position was potentially misleading to a reader due to the level of capital income.

The minutes of the audit committee meeting of 24 July 2002 state:

> The committee expressed a view that the interpretation by the Auditor-General whereby Eastern Health is not matching income and expenditure within the year that both occur is a matter the committee believes does not as a result reflect appropriately the financial position of Eastern Health.

This is the history over the last two years in Eastern Health and other networks, where the use of capital to wash through the operating accounts is leading to a misleading position and the community is not seeing the full results. In fact the situation is so serious that a number of networks required letters of comfort from the Department of Human Services (DHS). I refer to the minutes of the board meeting of Eastern Health on 3 September, which state:

> The CFO

chief finance officer —

> indicated that DHS had provided a draft letter of comfort to the Auditor-General referring to Eastern Health providing a critical and ongoing —

concern. A letter of comfort is for an insolvent business that requires a guarantee to enable it to continue trading. Amongst other things, what I want to know from the minister is how many networks in this financial year — that is, 2003–04 — have been given letters of comfort by the DHS to enable the auditor to sign off on their accounts. I ask the minister to take action to ensure that hospitals are financially viable and that letters of comfort are not required. Financial viability guarantees services.

Housing: western suburbs

Hon. S. M. NGUYEN (Melbourne West) — I raise a matter for Minister for Housing, Ms Candy Broad. Today the minister announced the introduction of the Housing (Housing Agencies) Bill. The bill will support the creation of not-for-profit housing associations and eventually other community housing agencies to be registered as community housing agencies. This legislation represents a wonderful way the government has taken action to create more affordable housing for Victorian families. The government will spend $70 million on its strategy for growth in housing for low-income Victorians, which aims to support the creation of not-for-profit housing associations to expand the supply of affordable housing for low-income Victorians. The new associations will be able to attract additional funds through non-government borrowings and other sources of capital. The proposed legislation is a key element of the government's promise to increase the supply of housing for low-income people and families. It provides certainty and clarity for not-for-profit housing providers and private sector financiers while ensuring that public housing will remain the cornerstone of social housing in Victoria.

In Melbourne West Province there is a lot of concern from people who have lived there for a long time. Prices have increased in Melbourne's west and the housing market in Footscray, Yarraville and Williamstown, and nearby in Maidstone, has boomed so that it is now a very expensive place to live. A lot of people have lived in the area for many years, but now cannot afford to rent their places and sometimes are forced to move out further. A lot of young families with children have missed out because they cannot afford to buy houses in the area. I ask the Minister for Housing what benefit there will be for people in the west — those people who are low-income earners living in the western suburbs of Melbourne — who use this scheme? Many agencies should look at serving the west — —

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

Planning: Blackburn development

Hon. B. N. ATKINSON (Koonung) — I wish to direct a matter to the Minister for Planning in another place. I want to bring to her attention the concern that I have and share with residents of the Blackburn area in

particular about another development proposal within the City of Whitehorse. This is the city that members will recall had a proposal for construction of a 17-storey tower for the Mitcham shopping centre. It seems the minister has responded in the press lately and suggested that she is now going to change the planning scheme to ensure that there will be no more than three-storey developments in residential areas. That does not necessarily given any comfort to the Mitcham area or indeed to other centres of business, but perhaps it does give some comfort to residential areas, notwithstanding that a blanket three-storey height limit is not appropriate across the board.

The matter that I bring to the attention of the minister today is another development that already defies that three-storey height limit that the minister has promised and is a significant issue for people in Blackburn. The matter relates to a multistorey development at Lake Road, Blackburn, which has been proposed by the Regis Group. It is for the use and development of a nursing home and retirement village with three to five-storey buildings across the site, and the removal of a number of protected trees as well. The Blackburn area, particularly in the vicinity of the Blackburn Lake, has tree controls.

The land that is to be developed is currently owned by an organisation associated with the adult deaf and dumb community. It is currently operated as a nursing home, but it is now to be sold, I understand, for redevelopment. The development is to be built on a piece of land that is contiguous to the Blackburn Lake site and an area that is regarded as a sanctuary in terms of planning schemes. It is a very important area for flora and fauna and a very important area in that entire Blackburn community as far as the sensitivity of the planning scheme is concerned. I ask the minister to call in this proposal and reject it.

Responses

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The Honourable Andrew Olexander raised the matter of inpatient services in the outer east relative to Fairlea House, and I will refer it to the Minister for Health in the other place.

Mr Adem Somyurek raised the matter of metropolitan taxidrivers and the display of their identification on the dash. I will refer this to the Minister for Transport in the other place.

The Honourable Damian Drum raised the matter of the Calder Highway duplication and workplace practices, and I will refer this to the Minister for Transport in the other place.

The Honourable Kaye Darveniza raised the matter of the level of private debt of Victorians and the ability to service that debt by overextending. I will refer it to the Minister for Consumer Affairs.

The Honourable David Davis raised a number of issues relating to metropolitan health services, and I will refer them to the Minister for Health in the other place.

The Honourable Sang Nguyen raised the matter of affordable housing in the western suburbs, and I will refer that to the Minister for Housing in the other place.

The Honourable Bruce Atkinson raised the matter of a planning proposal in Blackburn being dealt with by the City of Whitehorse. I will refer that to the Minister for Planning in the other place.

The DEPUTY PRESIDENT — Order! The house stands adjourned.

House adjourned 4.55 p.m. until Tuesday, 30 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, 16 November 2004

Tourism: Australian Grand Prix Corporation — stress-related leave

1879. **THE HON. RICHARD DALLA-RIVA —** To ask the Minister for Small Business (for the Minister for Tourism): In relation to staff members of the Australian Grand Prix Corporation on stress related leave in 2002-03, what was the — (i) number of days taken; (ii) estimated cost; and (iii) total number of staff involved.

ANSWER:

I am informed as follows:

No staff members of the Australian Grand Prix Corporation took stress related leave in 2002-03.

Treasurer: Land Tax Hardship Relief Board — stress-related leave

2054. **THE HON. RICHARD DALLA-RIVA —** To ask the Minister for Finance (for the Treasurer): In relation to staff members of the Land Tax Hardship Relief Board on stress related leave in 2002-03, what was the — (i) number of days taken; (ii) estimated cost; and (iii) total number of staff involved.

ANSWER:

I am informed that:

The answer is nil to all questions.

Planning: Greater Shepparton — rate revenue

3642. **THE HON. PHILIP DAVIS** — To ask the Minister for Sport and Recreation (for the Minister for Planning): What was the value of revenue collected in the Greater Shepparton local government area from rate revenue on commercial property collected in 2003-04.

ANSWER:

I am informed that:

Matters relating to rates on commercial properties do not fall within my portfolio responsibilities and should more appropriately be raised with the responsible Minister.

Planning: Greater Bendigo — rate revenue

3650. **THE HON. PHILIP DAVIS** — To ask the Minister for Sport and Recreation (for the Minister for Planning): What was the value of revenue collected in the Greater Bendigo local government area from rate revenue on commercial property collected in 2003-04.

ANSWER:

I am informed that:

Matters relating to rates on commercial properties do not fall within my portfolio responsibilities and should more appropriately be raised with the responsible Minister.

Planning: Ballarat — rate revenue

3658. **THE HON. PHILIP DAVIS** — To ask the Minister for Sport and Recreation (for the Minister for Planning): What was the value of revenue collected in the Ballarat local government area from rate revenue on commercial property collected in 2003-04.

ANSWER:

I am informed that:

Matters relating to rates on commercial properties do not fall within my portfolio responsibilities and should more appropriately be raised with the responsible Minister.

Planning: Greater Geelong — rate revenue

3666. **THE HON. PHILIP DAVIS** — To ask the Minister for Sport and Recreation (for the Minister for Planning): What was the value of revenue collected in the Greater Geelong local government area from rate revenue on commercial property collected in 2003-04.

ANSWER:

I am informed that:

Matters relating to rates on commercial properties do not fall within my portfolio responsibilities and should more appropriately be raised with the responsible Minister.

Planning: Latrobe City — rate revenue

3674. **THE HON. PHILIP DAVIS** — To ask the Minister for Sport and Recreation (for the Minister for Planning): What was the value of revenue collected in the Latrobe City local government area from rate revenue on commercial property collected in 2003-04.

ANSWER:

I am informed that:

Matters relating to rates on commercial properties do not fall within my portfolio responsibilities and should more appropriately be raised with the responsible Minister.

Premier: government assets — asbestos audit

3716. **THE HON. PHILIP DAVIS** — To ask the Minister for Finance (for the Premier): Has the Government completed an audit of Victorian Government assets that contain asbestos; if so, when was this audit completed and what was the estimated financial liability of those assets.

ANSWER:

I am informed that:

As Victorian Government assets fall within the portfolio responsibility of the Minister for Finance, the member may wish to direct his question to the responsible Minister.

Premier: government assets — asbestos audit

3717. **THE HON. PHILIP DAVIS** — To ask the Minister for Finance (for the Premier): Has the Government completed an audit of Victorian Government assets in the Latrobe Valley that contain asbestos; if so — (i) when was this audit completed; and (ii) what was the estimated financial liability of those Latrobe Valley assets.

ANSWER:

I am informed that:

As Victorian Government assets fall within the portfolio responsibility of the Minister for Finance, the member may wish to direct his question to the responsible Minister.

Premier: government fleet cars

3718. **THE HON. PHILIP DAVIS** — To ask the Minister for Finance (for the Premier):

(a) How many government fleet cars were in operation in 1999-2000, 2002-03 and 2003-04.

(b) What was the cost of providing the government fleet cars in 1999-2000, 2002-03 and 2003-04.

ANSWER:

I am informed that:

As Government Fleet Cars fall within the portfolio responsibility of the Minister for Finance, the member may wish to direct his question to the responsible Minister.

Water: advertising campaign

3720. **THE HON. PHILIP DAVIS** — To ask the Minister for Local Government (for the Minister for Water):

(a) What has been the monthly cost of the "Our Water, Our Future" water advertising campaign.

(b) Which media outlets were used for this campaign.

ANSWER:

I am informed that:

(1) The cost has varied from month to month with the total cost of advertising for the *Our Water Our Future* campaign from 1 September 2003 to 30 June 2004 being $3, 791, 859.80 excluding GST and media levy.

(2) Advertisements were placed on television, radio, transit signs, outdoor billboards as well as in metropolitan, local and ethnic press. The target market was metropolitan Melbourne and urban regional audiences.

Education services: Mount Hotham school

3722. **THE HON. PHILIP DAVIS** — To ask the Minister for Energy Industries (for the Minister for Education Services): In relation to the recently opened Mount Hotham school, an annexe of the Bright P-12 College, what is the estimated cost of providing this school for the 15 week period beginning on

the Queen's Birthday weekend 2004 until the end of term 3, 2004 for — (i) staff salaries; (ii) lease or rental expenditure; (iii) maintenance; and (iv) stationery and what is the total estimated cost.

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.

Arts: Wodonga funding

3737. **THE HON. ANDREA COOTE** — To ask the Minister for Sport and Recreation (for the Minister for Arts):

(a) Has $4 million been proposed as available for arts based development in Wodonga, providing the right development was proposed.

(b) What is the source of this funding.

(c) What guidelines exist to determine the right development to qualify for funding.

ANSWER:

NO.

Environment: Sustainability and Development — new buildings

3743. **THE HON. GRAEME STONEY** — To ask the Minister for Local Government (for the Minister for Environment):

(a) How many new buildings were constructed for the use of Department of Sustainability and Environment (DSE) in the past 2 years.

(b) Of these, how many were fitted with rainwater tanks and the water used on-site.

(c) How many existing DSE buildings have been retro-fitted with rainwater tanks and the water used on-site.

ANSWER:

I am informed that:

(a) The Department of Sustainability and Environment has constructed five new buildings for staff accommodation in the past 2 years, at Bendoc, Casterton, Epsom, Mansfield and Marysville. One further building, at Bairnsdale, is due to be completed in December 2004.

(b) Five of these six buildings have been fitted with rainwater tanks and the water used on-site. Bairnsdale has no tank, but stores rain water runoff for garden use.

(c) Two other sites, at Rushworth and Swifts Creek, have 'retro-fitted' rainwater tanks in this time. Fourteen other DSE sites use water from rainwater tanks on site, but all have been in use for greater than two years.

Education services: primary schools — new buildings

3744. **THE HON. GRAEME STONEY** — To ask the Minister for Energy Industries (for the Minister for Education Services):

(a) How many new buildings were constructed for the use of Primary Schools in the past two years.

(b) Of these, how many were fitted with rainwater tanks and the water used on-site.

(c) How many existing Primary School buildings have been retro-fitted with rainwater tanks and the water used on-site.

ANSWER:

I am informed as follows:

In 2003, the Department started to incorporate water tanks into schools undertaking major capital projects. The water from these tanks is being used on site for irrigation or toilet flushing purposes. New projects announced in the 2004/05 Budget will equip schools with water tanks where it is possible and feasible to do so.

It should be noted that many rural schools have water tanks, but the data on how many is not available centrally.

Education services: secondary colleges — new buildings

3745. **THE HON. GRAEME STONEY** — To ask the Minister for Energy Industries (for the Minister for Education Services):

(a) How many new buildings were constructed for the use of State Secondary Colleges in the past two years.

(b) Of these, how many were fitted with rainwater tanks and the water used on-site.

(c) How many existing State Secondary College buildings have been retro-fitted with rainwater tanks and the water used on-site.

ANSWER:

I am informed as follows:

In 2003, the Department started to incorporate water tanks into schools undertaking major capital projects. The water from these tanks is being used on site for irrigation or toilet flushing purposes. The projects announced in 2004/05 Budget will equip schools with water tanks where it is possible and feasible to do so.

It should be noted that many rural schools have water tanks, but data on how many is not available centrally.

Environment: Seymour bicycle-walking track

3749. **THE HON. GRAEME STONEY** — To ask the Minister for Local Government (for the Minister for Environment): In relation to the $447,000 grant announced in September 1999 to construct a bicycle/walking track linking Goulburn Park and New Crossing Place (Lions Park) in Seymour due for completion in 2002:

(a) As at 14 September 2004, how much funding has been actually allocated to this project, and what construction work has been carried out.

(b) When is the project scheduled for completion.

ANSWER:

I am informed that:

(a) The total grant of $447,000 has been allocated to the Mitchell Shire to manage the project. The funding was allocated over three years, $107,000 in 1999/2000, $117,000 in 2000/2001, and $117,000 in 2001/2002.

Construction works carried out over the three year period includes establishment of a sealed walking/cycling path from Whiteheads Creek to the new Goulburn River bridge (approx 3.7 kms), fencing along the private land/Crown land boundary, construction of fishing platforms, a viewing platform and a bridge, considerable revegetation works, eradication of pest plants and construction of interpretive signage.

(b) Survey work to establish the private land/ Crown land boundary revealed that the Goulburn River had moved to the extent that in some sections the Crown land had been completely eroded away preventing the construction of the track to Goulburn Park. In the circumstances it was decided to extend the path downstream to Whiteheads Creek and to construct a feeder track from Emily Street (Old Hume Highway) to the New Crossing Place reserve. The project which was a cooperative venture by the Mitchell Shire, the Goulburn Broken Catchment Management Authority and DSE has opened up sections of the Goulburn River not previously readily available to the public and has provided an excellent walking/cycling facility for the Seymour community and visitors to the region. The project is complete.

Premier: government assets — asbestos audit

3789. **THE HON. PHILIP DAVIS** — To ask the Minister for Finance (for the Premier): Does the Government intend to complete a revised audit of Victorian Government assets that contain asbestos; if so — (i) when will this audit be initiated; (ii) when will this audit be completed; and (iii) who will complete this audit.

ANSWER:

I am informed that:

As Victorian Government assets fall within the portfolio responsibility of the Minister for Finance, the member may wish to direct his question to the responsible Minister.

Treasurer: Emergency Services Superannuation — freedom of information requests

3874. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance (for the Treasurer): In relation to the Freedom of Information requests received by the Emergency Services Superannuation Scheme between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many of these requests were given to the Minister before being given to the applicant.

ANSWER:

I am informed that:

The organisation referred to in your question does not fall within my portfolio responsibilities.

Treasurer: Essential Services Commission — freedom of information requests

3875. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance (for the Treasurer): In relation to the Freedom of Information requests received by the Essential Services Commission between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many of these requests were given to the Minister before being given to the applicant.

ANSWER:

I am informed that:

The organisation referred to in your question does not fall within my portfolio responsibilities.

Treasurer: Government Superannuation Office — freedom of information requests

3876. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance (for the Treasurer): In relation to the Freedom of Information requests received by the Government Superannuation Office between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many of these requests were given to the Minister before being given to the applicant.

ANSWER:

I am informed that:

The organisation referred to in your question does not fall within my portfolio responsibilities.

Treasurer: Parliamentary Trustees — freedom of information requests

3879. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance (for the Treasurer): In relation to the Freedom of Information requests received by the Parliamentary Trustees between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many of these requests were given to the Minister before being given to the applicant.

ANSWER:

I am informed that:

The organisation referred to in your question does not fall within my portfolio responsibilities.

Treasurer: Rural Finance Corporation of Victoria — freedom of information requests

3880. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance (for the Treasurer): In relation to the Freedom of Information requests received by the Rural Finance Corporation of Victoria between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many of these requests were given to the Minister before being given to the applicant.

ANSWER:

I am informed that:

The Rural Finance Corporation is exempt from Freedom of Information legislation.

Treasurer: Victorian Funds Management Corporation — freedom of information requests

3882. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance (for the Treasurer): In relation to the Freedom of Information requests received by the Victorian Funds Management Corporation between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many of these requests were given to the Minister before being given to the applicant.

ANSWER:

I am informed that:

The Victorian Funds Management Corporation is exempt from Freedom of Information legislation.

Treasurer: Victorian Government Purchasing Board — freedom of information requests

3883. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance (for the Treasurer): In relation to the Freedom of Information requests received by the Victorian Government Purchasing Board between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many of these requests were given to the Minister before being given to the applicant.

ANSWER:

I am informed that:

The organisation referred to in your question does not fall within my portfolio responsibilities.

Treasurer: Victorian Managed Insurance Authority — freedom of information requests

3884. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance (for the Treasurer): In relation to the Freedom of Information requests received by the Victorian Managed Insurance Authority between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many of these requests were given to the Minister before being given to the applicant.

ANSWER:

I am informed that:

The organisation referred to in your question does not fall within my portfolio responsibilities.

Treasurer: Young Farmers Finance Council — freedom of information requests

3886. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance (for the Treasurer): In relation to the Freedom of Information requests received by the Young Farmers Finance Council between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many of these requests were given to the Minister before being given to the applicant.

ANSWER:

I am informed that:

The Young Farmers Finance Council have received no Freedom of Information requests in the period stipulated in the question.

Treasurer: Gascor Pty Ltd — freedom of information requests

3887. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance (for the Treasurer): In relation to the Freedom of Information requests received by the Gascor Pty Ltd between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many of these requests were given to the Minister before being given to the applicant.

ANSWER:

Gascor Pty Ltd (Gascor) is no longer a State owned entity. The ownership of Gascor was transferred to Victoria's gas retailers Origin Energy (Vic) Pty Ltd, AGL Victoria Pty Ltd and TXU Pty Ltd (now known as SPI Retail Pty Ltd), in September 2003 pursuant to put options exercised by the State in December 2002. Prior to this transfer Gascor was exempt from the *Freedom of Information Act*1982 (Vic) pursuant to the *Gas Industry (Residual Provisions) Act* 1994 (Vic).

Treasurer: State Trustees Limited — freedom of information requests

3888. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance (for the Treasurer): In relation to the Freedom of Information requests received by the State Trustees Limited between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many of these requests were given to the Minister before being given to the applicant.

ANSWER:

I am informed that:

State Trustees Limited is exempt from Freedom of Information legislation.

Gaming: Advocate for Responsible Gambling

3904. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Gaming):

(1) How many people applied for the position of Advocate for Responsible Gambling.

(2) How was the position advertised and on what dates.

ANSWER:

I am advised that:

As this matter is currently subject to a Freedom of Information request between yourself and the Department of Justice, it is not appropriate for me to respond to this Question on Notice until the Freedom of Information request has been finalised.

Gaming: Advocate for Responsible Gambling

3906. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Gaming):

(1) Who comprised the panel for the selection of the Advocate for Responsible Gambling.

(2) Who appointed the panel.

ANSWER:

I am advised that:

As this matter is currently subject to a Freedom of Information request between yourself and the Department of Justice, it is not appropriate for me to respond to this Question on Notice until the Freedom of Information request has been finalised.

Gaming: Advocate for Responsible Gambling

3908. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Gaming): Will the Government release all documents on the remuneration and contract conditions of Ms Kerrie Cross as the Advocate for Responsible Gambling.

ANSWER:

I am advised that:

As this matter is currently subject to a Freedom of Information request between yourself and the Department of Justice, it is not appropriate for me to respond to this Question on Notice until the Freedom of Information request has been finalised.

Gaming: Advocate for Responsible Gambling

3909. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Gaming): Will the Government release the summary evaluations of all candidates for the position of Advocate for Responsible Gaming.

ANSWER:

I am advised that:

As this matter is currently subject to a Freedom of Information request between yourself and the Department of Justice, it is not appropriate for me to respond to this Question on Notice until the Freedom of Information request has been finalised.

Gaming: Advocate for Responsible Gambling

3910. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Gaming): What are the performance indicators in the contract of Ms Kerrie Cross as the Advocate for Responsible Gaming.

ANSWER:

I am advised that:

As this matter is currently subject to a Freedom of Information request between yourself and the Department of Justice, it is not appropriate for me to respond to this Question on Notice until the Freedom of Information request has been finalised.

Premier: Spencer Street station — name change

3919. **THE HON. DAMIAN DRUM** — To ask the Minister for Finance (for the Premier): In relation to the Spencer Street Station redevelopment:

(1) What are the full details of the independent research that was undertaken by the Government which led to the name change from Spencer Street Station to Southern Cross Station.

(2) What was the name of the consultation firm used.

(3) How many submissions were received.

(4) How long were Victorians given to make submissions.

(5) Was retaining the name Spencer Street Station one of the options.

(6) Were regional rail travellers consulted.

ANSWER:

I am informed that:

As the Spencer Street Station redevelopment falls within the portfolio responsibility of the Minister for Major Projects, the member may wish to direct his question to the responsible Minister.

Premier: Kew Cottages land

3920. **THE HON. DAMIAN DRUM** — To ask the Minister for Finance (for the Premier): What is the current valuation of the 27 hectares of land on which the Kew Cottages facility is located.

ANSWER:

I am informed that:

As the Kew Cottages facility falls within the portfolio responsibility of the Minister for Community Services, the member may wish to direct his question to the responsible Minister.

Arts: regional touring Victoria destinations

3923. **THE HON. ANDREA COOTE** — To ask the Minister for Sports and Recreation (for the Minister for Arts):

(1) What were the specific 58 destinations in 2002-03 in the performance measure "Access to diverse range of supported projects: number of regional touring Victoria destinations" (p.187, Budget Paper 3, 2004-05).

(2) What are the specific 50 destinations in 2003-04 in the targeted and expected actual outcome performance measure "Access to diverse range of supported projects: number of regional touring Victoria destinations" (p.187, Budget Paper 3, 2004-05).

(3) What are the specific 50 destinations in 2004-05 in the targeted performance measure "Access to diverse range of supported projects: number of regional touring Victoria destinations" (p.187, Budget Paper 3, 2004-05).

ANSWER:

Destinations of funded Touring Victoria projects in 2002/03 were: Ararat, Bairnsdale, Ballarat, Bayswater, Beechworth, Benalla, Bendigo, Briagolong, Bright, Bundoora, Castlemaine, Churchill, Cobram, Colac, Corryong, Echuca, Frankston, Geelong, Hamilton, Horsham, Korumburra, Kyneton, Mallacoota, Mansfield, Marysville, Meeniyan, Mildura, Mirboo North, Moonee Ponds, Mornington, Morwell, Mt Beauty, Mt Macedon, Nhill, Nunawading, Orbost, Port Albert, Port Fairy, Portland, Queenscliff, Ringwood, Ruffy, Sale, Shepparton, Stawell, Swan Hill, Tallangatta, Traralgon, Wangaratta, Warburton, Warragul, Warrnambool, Wheelers Hill, Whitfield, Wilson's Promontory, Wodonga, Wonthaggi, and Yarrawonga.

Aged care: positive ageing strategy statement

3924. **THE HON. ANDREA COOTE** — To ask the Minister for Aged Care: When will the strategy statement to promote positive ageing be released.

ANSWER:

I am informed that:

Work is proceeding on the development of a strategy statement. The strategy will be finalised in stages with provision for separate components. This reflects the breadth of positive ageing issues which range from workplaces to recreation, to intergenerational initiatives. It is expected the initial statement will be finalised early in 2005.

Aged care: positive ageing strategy statement

3925. **THE HON. ANDREA COOTE** — To ask the Minister for Aged Care:

(1) Has community consultation been undertaken to develop the strategy statement for positive ageing.

(2) What organisations and other community groups have been consulted in developing the strategy statement for positive ageing.

(3) Will the strategy statement for positive ageing be released for public comment prior to finalisation.

ANSWER:

I am informed that:

(1) The Ministerial Advisory Council of Senior Victorians and key stakeholders such as CotaVic will advise on the content of the statement.

(2) Work on the preparation of positive ageing initiatives will continue to be conducted in consultation with older persons' organisations such as U3A and COTAVic and other key stakeholders such as employer organisations, CALD communities and the Municipal Association of Victoria.

(3) A general public consultation is not envisaged. However issue based consultation will be undertaken with relevant stakeholders.

Aged care: positive ageing research

3926. **THE HON. ANDREA COOTE** — To ask the Minister for Aged Care:

(1) Who will be undertaking the research, being one of the three arms for the initial year's investment into positive ageing.

(2) Who will be undertaking the partnership building and with whom will this be, being one of the three arms for the initial year's investment into positive ageing.

(3) What are demonstration projects, being one of the three arms for the initial year's investment into positive ageing.

ANSWER:

I am informed that:

Research and partnership building work will be undertaken by a range of stakeholders and staff from the Office of Senior Victorians.

The demonstration projects will promote positive ageing and learning initiatives in a variety of settings such as workplaces, local government, media and the community.

Arts: Australian Centre for the Moving Image — freedom of information requests

3963. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the Freedom of Information requests received by the Australian Centre for the Moving Image between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many were given to the Minister before being given to the applicant.

ANSWER:

The information sought will be available in the Attorney General's Freedom of Information annual report for 2003-04. The FOI annual report is generally tabled in Parliament during the Spring Sitting. Agency 2003-04 annual reports due to be tabled in early November 2004, will also contain information about requests received.

The Australian Centre for the Moving Image complies with the *Attorney General's Freedom of Information Guidelines of February 2000* and the *Improved Accountability Guidelines of October 2002*.

Arts: Film Victoria — freedom of information requests

3964. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the Freedom of Information requests received by Film Victoria between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many were given to the Minister before being given to the applicant.

ANSWER:

The information sought will be available in the Attorney General's Freedom of Information annual report for 2003-04. The FOI annual report is generally tabled in Parliament during the Spring Sitting. Agency 2003-04 annual reports due to be tabled in early November 2004, will also contain information about requests received.

Film Victoria complies with the Attorney General's *Freedom of Information Guidelines of February 2000* and the *Improved Accountability Guidelines of October 2002*.

Arts: Geelong Performing Arts Centre Trust — freedom of information requests

3965. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the Freedom of Information requests received by the Geelong Performing Arts Centre Trust between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many were given to the Minister before being given to the applicant.

ANSWER:

The information sought will be available in the Attorney General's Freedom of Information annual report for 2003-04. The FOI annual report is generally tabled in Parliament during the Spring Sitting. Agency 2003-04 annual reports due to be tabled in early November 2004, will also contain information about requests received.

The Geelong Performing Arts Centre Trust complies with the Attorney General's *Freedom of Information Guidelines of February 2000* and the *Improved Accountability Guidelines of October 2002*.

Arts: Trustees of the National Gallery of Victoria — freedom of information requests

3966. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the Freedom of Information requests received by the Trustees of the National Gallery of Victoria between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many were given to the Minister before being given to the applicant.

ANSWER:

The information sought will be available in the Attorney General's Freedom of Information annual report for 2003-04. The FOI annual report is generally tabled in Parliament during the Spring Sitting. Agency 2003-04 annual reports due to be tabled in early November 2004, will also contain information about requests received.

The Trustees of the National Gallery of Victoria comply with the Attorney General's *Freedom of Information Guidelines of February 2000* and the *Improved Accountability Guidelines of October 2002*.

Arts: National Gallery of Victoria — freedom of information requests

3967. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the Freedom of Information requests received by the National Gallery of Victoria between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many were given to the Minister before being given to the applicant.

ANSWER:

The information sought will be available in the Attorney General's Freedom of Information annual report for 2003-04. The FOI annual report is generally tabled in Parliament during the Spring Sitting. Agency 2003-04 annual reports due to be tabled in early November 2004, will also contain information about requests received.

The National Gallery of Victoria complies with the Attorney General's *Freedom of Information Guidelines of February 2000* and the *Improved Accountability Guidelines of October 2002*.

Arts: Library Board of Victoria — freedom of information requests

3968. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the Freedom of Information requests received by the Library Board of Victoria between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many were given to the Minister before being given to the applicant.

ANSWER:

The information sought will be available in the Attorney General's Freedom of Information annual report for 2003-04. The FOI annual report is generally tabled in Parliament during the Spring Sitting. Agency 2003-04 annual reports due to be tabled in early November 2004, will also contain information about requests received.

The Library Board of Victoria complies with the Attorney General's *Freedom of Information Guidelines of February 2000* and the *Improved Accountability Guidelines of October 2002*.

Arts: State Library of Victoria — freedom of information requests

3969. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the Freedom of Information requests received by the State Library of Victoria between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many were given to the Minister before being given to the applicant.

ANSWER:

The information sought will be available in the Attorney General's Freedom of Information annual report for 2003-04. The FOI annual report is generally tabled in Parliament during the Spring Sitting. Agency 2003-04 annual reports due to be tabled in early November 2004, will also contain information about requests received.

The State Library of Victoria complies with the Attorney General's *Freedom of Information Guidelines of February 2000* and the *Improved Accountability Guidelines of October 2002*.

Arts: Museums Board of Victoria — freedom of information requests

3970. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the Freedom of Information requests received by the Museums Board of Victoria between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many were given to the Minister before being given to the applicant.

ANSWER:

The information sought will be available in the Attorney General's Freedom of Information annual report for 2003-04. The FOI annual report is generally tabled in Parliament during the Spring Sitting. Agency 2003-04 annual reports due to be tabled in early November 2004, will also contain information about requests received.

The Museums Board of Victoria complies with the Attorney General's *Freedom of Information Guidelines of February 2000* and the *Improved Accountability Guidelines of October 2002*.

Arts: Museum Victoria — freedom of information requests

3971. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the Freedom of Information requests received by Museum Victoria between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many were given to the Minister before being given to the applicant.

ANSWER:

The information sought will be available in the Attorney General's Freedom of Information annual report for 2003-04. The FOI annual report is generally tabled in Parliament during the Spring Sitting. Agency 2003-04 annual reports due to be tabled in early November 2004, will also contain information about requests received.

Museum Victoria complies with the Attorney General's *Freedom of Information Guidelines of February 2000* and the *Improved Accountability Guidelines of October 2002*.

Arts: Victorian Arts Centre Trust — freedom of information requests

3972. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the Freedom of Information requests received by the Victorian Arts Centre Trust between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many were given to the Minister before being given to the applicant.

ANSWER:

The information sought will be available in the Attorney General's Freedom of Information annual report for 2003-04. The FOI annual report is generally tabled in Parliament during the Spring Sitting. Agency 2003-04 annual reports due to be tabled in early November 2004, will also contain information about requests received.

The Victorian Arts Centre Trust complies with the Attorney General's *Freedom of Information Guidelines of February 2000* and the *Improved Accountability Guidelines of October 2002*.

Arts: Victorian Council of the Arts — freedom of information requests

3973. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the Freedom of Information requests received by the Victorian Council of the Arts between 1 July 2003 and 30 June 2004:

(1) How many requests were received.

(2) How many were —

(a) denied in full;

(b) released in part; and

(c) released in full.

(3) How many were given to the Minister before being given to the applicant.

ANSWER:

The information sought will be available in the Attorney General's Freedom of Information annual report for 2003-04. The FOI annual report is generally tabled in Parliament during the Spring Sitting. Agency 2003-04 annual reports due to be tabled in early November 2004, will also contain information about requests received.

The Victorian Council of the Arts complies with the Attorney General's *Freedom of Information Guidelines of February 2000* and the *Improved Accountability Guidelines of October 2002*.

Education services: Registered Schools Board — interstate and overseas travel

4085. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Education Services): In relation to interstate and overseas travel by the members and staff of the Registered Schools Board in 2003-04:

(i) How many trips were undertaken.

(ii) What costs were associated with the travel.

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 — interstate and overseas travel

4087. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Education Services): In relation to interstate and overseas travel by the members and staff of the Victorian Institute of Teaching in 2003-04:

(i) How many trips were undertaken.

(ii) What costs were associated with the travel.

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.

Community services: Northern Metropolitan Region — disability services complaints

4140. **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Aged Care (for the Minister for Community Services): In relation to the number of residents living in community residential units in the Northern Metropolitan Region where Disability Services is the service provider:

(1) How many residents have lodged service level and quality complaints under Standard 7, Complaints and Disputes of the Victorian Standards for Disability Services for each month of —

(a) 2002;

(b) 2003; and

(c) 2004 to September.

(2) What was the reason for their complaints.

(3) When was the dispute resolved.

ANSWER:

I am informed that:

DHS regions are responsible for monitoring and reviewing complaints at a number of levels. The breadth of this question is such that to provide a response would be an unreasonable diversion of the Minister's departmental resources. A response is therefore unavailable.