

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Thursday, 11 August 2005  
(extract from Book 1)**

**Internet: [www.parliament.vic.gov.au/downloadhansard](http://www.parliament.vic.gov.au/downloadhansard)**

**By authority of the Victorian Government Printer**



## **The Governor**

JOHN LANDY, AC, MBE

## **The Lieutenant-Governor**

Lady SOUTHEY, AM

## **The ministry**

Premier and Minister for Multicultural Affairs .....	The Hon. S. P. Bracks, MP
Deputy Premier, Minister for Environment, Minister for Water and Minister for Victorian Communities .....	The Hon. J. W. Thwaites, MP
Minister for Finance, Minister for Major Projects and Minister for WorkCover and the TAC .....	The Hon. J. Lenders, MLC
Minister for Education Services and Minister for Employment and Youth Affairs .....	The Hon. J. M. Allan, MP
Minister for Transport .....	The Hon. P. Batchelor, MP
Minister for Local Government and Minister for Housing .....	The Hon. C. C. Broad, MLC
Treasurer, Minister for Innovation and Minister for State and Regional Development .....	The Hon. J. M. Brumby, MP
Minister for Agriculture .....	The Hon. R. G. Cameron, MP
Minister for the Arts and Minister for Women's Affairs .....	The Hon. M. E. Delahunty, MP
Minister for Community Services and Minister for Children .....	The Hon. S. M. Garbutt, MP
Minister for Manufacturing and Export, Minister for Financial Services and Minister for Small Business .....	The Hon. A. Haermeyer, MP
Minister for Police and Emergency Services and Minister for Corrections .....	The Hon. T. J. Holding, MP
Attorney-General, Minister for Industrial Relations and Minister for Planning .....	The Hon. R. J. Hulls, MP
Minister for Aged Care and Minister for Aboriginal Affairs .....	The Hon. Gavin Jennings, MLC
Minister for Education and Training .....	The Hon. L. J. Kosky, MP
Minister for Sport and Recreation and Minister for Commonwealth Games .....	The Hon. J. M. Madden, MLC
Minister for Gaming, Minister for Racing, Minister for Tourism and Minister assisting the Premier on Multicultural Affairs .....	The Hon. J. Pandazopoulos, MP
Minister for Health .....	The Hon. B. J. Pike, MP
Minister for Energy Industries and Resources .....	The Hon. T. C. Theophanous, MLC
Minister for Consumer Affairs and Minister for Information and Communication Technology .....	The Hon. M. R. Thomson, MLC
Cabinet Secretary .....	Mr R. W. Wynne, MP

## Legislative Council committees

**Privileges Committee** — The Honourables W. R. Baxter, Andrew Brideson, Helen Buckingham and Bill Forwood, Mr Gavin Jennings, Ms Mikakos, the Honourable R. G. Mitchell and Mr Viney.

**Standing Orders Committee** — The President, the Honourables B. W. Bishop, Philip Davis and Bill Forwood, Mr Lenders, Ms Romanes and Mr Viney.

## Joint committees

**Drugs and Crime Prevention Committee** — (*Council*): The Honourable S. M. Nguyen and Mr Scheffer.  
(*Assembly*): Mr Cooper, Ms Marshall, Mr Maxfield, Dr Sykes and Mr Wells.

**Economic Development Committee** — (*Council*): The Honourables B. N. Atkinson and R. H. Bowden, and Mr Pullen. (*Assembly*): Mr Delahunty, Mr Jenkins, Ms Morand and Mr Robinson.

**Education and Training Committee** — (*Council*): The Honourables H. E. Buckingham and P. R. Hall.  
(*Assembly*): Ms Eckstein, Mr Herbert, Mr Kotsiras, Ms Munt and Mr Perton.

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

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

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

**Law Reform Committee** — (*Council*): The Honourables Richard Dalla-Riva, Ms Hadden and the Honourables Geoff Hilton and David Koch. (*Assembly*): Ms Beard, Ms Beattie, Mr Hudson, Mr Lupton and Mr Maughan.

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

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

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

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

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

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

## Heads of parliamentary departments

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

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

*Parliamentary Services* — Secretary: Dr S. O'Kane

**MEMBERS OF THE LEGISLATIVE COUNCIL**  
**FIFTY-FIFTH PARLIAMENT — FIRST SESSION**

**President:** The Hon. M. M. GOULD

**Deputy President and Chair of Committees:** Ms GLENYYS ROMANES

**Temporary Chairs of Committees:** The Honourables B. W. Bishop, R. H. Bowden, Andrew Brideson, H. E. Buckingham,  
Ms D. G. Hadden, the Honourable J. G. Hilton, Mr R. F. Smith and the Honourable C. A. Strong

**Leader of the Government:**  
Mr JOHN LENDERS

**Deputy Leader of the Government:**  
Mr GAVIN JENNINGS

**Leader of the Opposition:**  
The Hon. PHILIP DAVIS

**Deputy Leader of the Opposition:**  
The Hon. ANDREA COOTE

**Leader of The Nationals:**  
The Hon. P. R. HALL

**Deputy Leader of The Nationals:**  
The Hon. D. K. DRUM

Member	Province	Party	Member	Province	Party
Argondizzo, Ms Lidia	Templestowe	ALP	Jennings, Mr Gavin Wayne	Melbourne	ALP
Atkinson, Hon. Bruce Norman	Koonung	LP	Koch, Hon. David	Western	LP
Baxter, Hon. William Robert	North Eastern	Nats	Lenders, Mr John	Waverley	ALP
Bishop, Hon. Barry Wilfred	North Western	Nats	Lovell, Hon. Wendy Ann	North Eastern	LP
Bowden, Hon. Ronald Henry	South Eastern	LP	McQuilten, Hon. John Martin	Ballarat	ALP
Brideson, Hon. Andrew Ronald	Waverley	LP	Madden, Hon. Justin Mark	Doutta Galla	ALP
Broad, Ms Candy Celeste	Melbourne North	ALP	Mikakos, Ms Jenny	Jika Jika	ALP
Buckingham, Hon. Helen Elizabeth	Koonung	ALP	Mitchell, Hon. Robert George	Central Highlands	ALP
Carbines, Ms Elaine Cafferty	Geelong	ALP	Nguyen, Hon. Sang Minh	Melbourne West	ALP
Coote, Hon. Andrea	Monash	LP	Olexander, Hon. Andrew Phillip	Silvan	LP
Dalla-Riva, Hon. Richard	East Yarra	LP	Pullen, Mr Noel Francis	Higinbotham	ALP
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	Nats	Smith, Mr Robert Frederick	Chelsea	ALP
Eren, Hon. John Hamdi	Geelong	ALP	Somyurek, Mr Adem	Eumemmerring	ALP
Forwood, Hon. Bill	Templestowe	LP	Stoney, Hon. Eadley Graeme	Central Highlands	LP
Gould, Hon. Monica Mary	Doutta Galla	ALP	Strong, Hon. Christopher Arthur	Higinbotham	LP
Hadden, Ms Dianne Gladys	Ballarat	Ind	Theophanous, Hon. Theo Charles	Jika Jika	ALP
Hall, Hon. Peter Ronald	Gippsland	Nats	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	Ind	Vogels, Hon. John Adrian	Western	LP



# CONTENTS

## THURSDAY, 11 AUGUST 2005

BUSINESS OF THE HOUSE	
<i>Sound system</i> .....	125
CASINO CONTROL (AMENDMENT) BILL	
<i>Introduction and first reading</i> .....	125
PETITION	
<i>Hazardous waste: Nowingi</i> .....	125
INSPECTOR OF MUNICIPAL ADMINISTRATION	
<i>Glen Eira City Council</i> .....	125
PAPER .....	125
MEMBERS STATEMENTS	
<i>Aboriginals: Won Wron rehabilitation centre</i> .....	125
<i>Housing: Kensington community liaison committee</i> .....	125
<i>Schools: science, technology and mathematics project</i> .....	126
<i>Benalla Pony Club: grant</i> .....	126
<i>Employment: rate</i> .....	126
<i>Adult Multicultural Education Services: community jobs program</i> .....	127
<i>Clyde Road–Enterprise Avenue, Berwick: traffic control</i> .....	127
<i>Australian International Airshow</i> .....	127
<i>Tertiary education and training: voluntary union fees</i> .....	128
<i>Schools: sustainability programs</i> .....	128
<i>Trams: East Burwood line extension</i> .....	128
<i>Members: Independents Charter Victoria</i> .....	128
STATEMENTS ON REPORTS AND PAPERS	
<i>Family and Community Development Committee: development of body image among young people</i> .....	129, 130, 137
<i>Cancer Council Victoria: report 2004</i> .....	130
<i>Public Accounts and Estimates Committee: Auditor-General — rural ambulance services</i> .....	131
<i>Justice: report 2003–04</i> .....	132
<i>Economic Development Committee: labour hire</i> .....	133
<i>MAV Insurance: report 2003–04</i> .....	133, 136
<i>Rural and Regional Services and Development Committee: cause of fatality and injury on farms</i> .....	134
<i>Youth Parole Board and Youth Residential Board: report 2003–04</i> .....	135
<i>Human Services: report 2003–04</i> .....	136
ACCIDENT COMPENSATION AND TRANSPORT ACCIDENT ACTS (OMBUDSMAN) BILL	
<i>Second reading</i> .....	138
OWNER DRIVERS AND FORESTRY CONTRACTORS BILL	
<i>Second reading</i> .....	139, 165
<i>Committee</i> .....	176
QUESTIONS WITHOUT NOTICE	
<i>Hume and Banyule: councillors</i> .....	156
<i>Information and communications technology: broadband access</i> .....	157
<i>WorkCover: self-insurance</i> .....	157

<i>Housing: affordability</i> .....	159
<i>Gas: South Gippsland supply</i> .....	160
<i>WorkCover: farm safety</i> .....	160
<i>Bayside Health: rental charges</i> .....	161
<i>Wind energy: Portland</i> .....	162
<i>Parliament: petitions</i> .....	163
PAPERS	
<i>Commonwealth Games: community participation</i> .....	164, 129, 130, 137
<i>Supplementary questions</i>	
<i>Hume and Banyule: councillors</i> .....	157
<i>WorkCover: self-insurance</i> .....	158
<i>Gas: South Gippsland supply</i> .....	160
<i>Bayside Health: rental charges</i> .....	162
<i>Parliament: petitions</i> .....	164
QUESTIONS ON NOTICE	
<i>Answers</i> .....	165
PRIMARY INDUSTRIES ACTS (AMENDMENT) BILL	
<i>Introduction and first reading</i> .....	177
ENVIRONMENT AND WATER LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL	
<i>Introduction and first reading</i> .....	177
VICTORIA STATE EMERGENCY SERVICE BILL	
<i>Introduction and first reading</i> .....	177
WORKING WITH CHILDREN BILL	
<i>Introduction and first reading</i> .....	177
ADJOURNMENT	
<i>Banyule: councillors</i> .....	177
<i>Geelong bypass: traffic impact</i> .....	178
<i>Seymour District Memorial Hospital: obstetric services</i> .....	178
<i>Commonwealth Games: economic impact</i> .....	179
<i>Trams: East Burwood line extension</i> .....	179
<i>Monash Primary School: future</i> .....	179
<i>Melbourne: garbage collection</i> .....	180
<i>Willow Grove bridges: maintenance</i> .....	180
<i>Responses</i> .....	181

## QUESTIONS ON NOTICE

### TUESDAY, 9 AUGUST 2005

1697.	<i>Corrections: prisoner escorts</i> .....	183
1706.	<i>Corrections: community-based offender supervision orders</i> .....	184
3351.	<i>Innovation: ministerial staff — mobile telephone services</i> .....	184
4386.	<i>Innovation: Haystac Public Affairs Pty Ltd — payments</i> .....	185
4413.	<i>State and regional development: Shannon's Way Pty Ltd — payments</i> .....	185
4645.	<i>State and regional development: Innovation, Industry and Regional Development — stress-related leave</i> .....	185

# CONTENTS

<p>4689. <i>Education and training: students — participation rate</i>..... 186</p> <p>4824. <i>Innovation: Baker Medical Research Institute — advertising and credit card expenditure</i>..... 187</p> <p>4919. <i>Housing: Maidstone-Braybrook estate — redevelopment</i>..... 187</p> <p>4926. <i>Housing: neighbourhood renewal project — Seymour estate</i>..... 188</p> <p>4983. <i>Education and training: Victorian Qualifications Authority — communications staff</i>..... 189</p> <p>4984. <i>Education and training: Victorian Schools Innovation Commission — communications staff</i>..... 190</p> <p>4986. <i>Education and training: Council of Adult Education — communications staff</i>..... 190</p> <p>4991. <i>Education and training: Office of Training and Tertiary Education — communications staff</i>..... 190</p> <p>5066. <i>Consumer affairs: Business Licensing Authority — communications staff</i>..... 191</p> <p>5214. <i>Treasurer: Emergency Services Superannuation Scheme — communications staff</i>..... 191</p> <p>5221. <i>Treasurer: Transport Accident Commission — communications staff</i>..... 192</p> <p>5240. <i>Victorian communities: Victorian Grants Commission — communications staff</i>..... 192</p> <p>5242. <i>Commonwealth Games: Melbourne 2006 Commonwealth Games Pty Ltd — communications staff</i>..... 192</p> <p>5257. <i>Victorian communities: people and community advocacy division — communications staff</i>..... 193</p>	<p>4608. <i>State and regional development: Innovation, Industry and Regional Development — advertising</i>..... 196</p> <p>4627. <i>State and regional development: Innovation, Industry and Regional Development — interstate trips</i>..... 197</p> <p>4690. <i>Education and training: indigenous students — participation rate</i>..... 197</p> <p>4715. <i>WorkCover: Victorian WorkCover Authority — advertising and credit card expenditure</i>..... 198</p> <p>4823. <i>Innovation: Prince Henry’s Institute of Medical Research — advertising and credit card expenditure</i>..... 198</p> <p>4881. <i>Innovation: Innovation, Industry and Regional Development — advertising</i>..... 198</p> <p>4915. <i>Housing: Richmond estate — redevelopment</i>..... 199</p> <p>4917. <i>Housing: Kensington estate — redevelopment</i>..... 200</p> <p>4920. <i>Housing: Wodonga estate — redevelopment</i>..... 201</p> <p>4922. <i>Housing: Carlton estate — redevelopment</i>..... 202</p> <p>4930. <i>Housing: neighbourhood renewal project — Morwell east estate</i>..... 202</p> <p>4946. <i>Victorian communities: Victorian Communities — communications staff</i>..... 204</p> <p>4982. <i>Education and training: Victorian Learning and Employment Skills Commission — communications staff</i>..... 204</p> <p>5069. <i>Consumer affairs: Estate Agents Council — communications staff</i>..... 205</p> <p>5219. <i>Treasurer: parliamentary trustee — communications staff</i>..... 205</p>
---	---

## WEDNESDAY, 10 AUGUST 2005

<p>4125. <i>State and regional development: Overseas Projects Corporation of Victoria — interstate and overseas travel</i>..... 195</p> <p>4372. <i>State and regional development: Haystac Public Affairs Pty Ltd — payments</i>..... 195</p> <p>4373. <i>Treasurer: Haystac Public Affairs Pty Ltd — payments</i>..... 195</p> <p>4451. <i>Finance: Social Shift Pty Ltd — payments</i>..... 196</p> <p>4599. <i>State and regional development: Innovation, Industry and Regional Development — external legal advice</i>..... 196</p>
---

## THURSDAY, 11 AUGUST 2005

<p>3403. <i>Innovation: private sector gifts</i>..... 207</p> <p>3699. <i>Major projects: Innovation Building — tenants</i>..... 207</p> <p>4044. <i>Treasurer: alcohol purchases</i>..... 208</p> <p>4411. <i>Finance: Shannon’s Way Pty Ltd — payments</i>..... 208</p> <p>4414. <i>Treasurer: Shannon’s Way Pty Ltd — payments</i>..... 209</p> <p>4427. <i>Innovation: Shannon’s Way Pty Ltd — payments</i>..... 209</p> <p>4822. <i>Innovation: Howard Florey Institute of Experimental Physiology and Medicine — advertising and credit card expenditure</i>..... 209</p> <p>4884. <i>Innovation: Innovation Economy Advisory Board — meetings</i>..... 210</p>
---

# CONTENTS

---

4916.	<i>Housing: Ashburton estate — redevelopment.....</i>	211
4925.	<i>Housing: neighbourhood renewal project — Wendouree west estate .....</i>	212
4929.	<i>Housing: neighbourhood renewal project — Traralgon east estate.....</i>	213
4931.	<i>Housing: neighbourhood renewal project — Moe east estate .....</i>	214
4932.	<i>Housing: neighbourhood renewal project — Churchill estate .....</i>	215
4933.	<i>Housing: neighbourhood renewal project — Fitzroy estate .....</i>	216
4935.	<i>Transport: Tivendale Road–Station Street–Princes Highway, Officer .....</i>	217
4977.	<i>Education and training: Adult, Community and Further Education Board — communications staff.....</i>	218
4981.	<i>Education and training: Victorian Institute of Teaching — communications staff.....</i>	218
5067.	<i>Consumer affairs: Coordinating Council on Control of Liquor Abuse Business Licensing Authority — communications staff.....</i>	218
5223.	<i>Treasurer: Victorian Government Purchasing Board — communications staff.....</i>	219
5237.	<i>Victorian communities: Public Records Advisory Council — communications staff.....</i>	219
5245.	<i>Victorian communities: Victorian Communities — communications staff.....</i>	219



**Thursday, 11 August 2005**

**PAPER**

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

**Laid on table by Clerk:**

Subordinate Legislation Act 1994 — Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 95.

**BUSINESS OF THE HOUSE**

**Sound system**

The **PRESIDENT** — Order! Before starting today's proceedings I remind honourable members that we are still having some difficulties with the on-off buttons of the sound system. I ask members to be very careful when spreading papers because the buttons are very sensitive and can be switched on easily. People have been working on it until late last night and we hope to have it rectified with the new computer arriving and downloading the programs so it will be ready for our sitting next week. When I call members to speak I ask them to turn the microphone on and to turn it off when they conclude.

**CASINO CONTROL (AMENDMENT) BILL**

*Introduction and first reading*

Received from Assembly.

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

**PETITION**

**Hazardous waste: Nowingi**

**Hon. D. K. DRUM** (North Western) presented petition from certain citizens of Victoria requesting that the Legislative Council abandon the proposal to place a toxic waste dump facility in the Mildura region (30 signatures).

Laid on table.

**INSPECTOR OF MUNICIPAL  
ADMINISTRATION**

**Glen Eira City Council**

**Ms BROAD** (Minister for Local Government), by leave, presented report, July 2005.

Laid on table.

**MEMBERS STATEMENTS**

**Aboriginals: Won Wron rehabilitation centre**

**Hon. PHILIP DAVIS** (Gippsland) — I would like to welcome the decision by the Minister for Corrections to hold a public information meeting as a result of representations by me and others in regard to the Koori diversion program at the former Won Wron prison site. Community members have been very concerned about a lack of information and have been kept in the dark on this matter for some time. I understand that the meeting has been scheduled for next Tuesday, a parliamentary sitting night. That will mean local members of Parliament will not be able to attend without absenting themselves from and neglecting their obligations to the Parliament of Victoria.

It surprises me that the Minister for Corrections can choose to take a night off Parliament. That is his own discretion. What is of real concern to me is that when the minister's office contacted my own office advising that the meeting would proceed, in response to the question as to whether I could participate and speak in the meeting, the minister's office indicated that it would not be possible. I am concerned that local members of Parliament are being gagged at public meetings by ministers of the Crown. I think it is absolutely outrageous — —

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

**Housing: Kensington community liaison  
committee**

**Ms ROMANES** (Melbourne) — On Tuesday evening at Parliament House we celebrated five years of dedicated service and commitment by members of the community liaison committee (CLC) of the Kensington redevelopment project. The Minister for Housing, Ms Broad, thanked the CLC for the vital community input it has provided during the first five years of the Kensington redevelopment, which will see the upgrade or replacement of ageing public housing stock and the construction of around 420 privately owned properties. The minister also remarked on the

contribution of the CLC to the success of the eight-year project so far.

The CLC consists of around 20 members drawn from the Kensington Public Tenants Association, local residents and community agencies, representatives of the City of Melbourne, and representatives of the Office of Housing and the Department of Human Services. I have been chair of the committee since its inception and consider it a privilege to work with such a hardworking group. The CLC is committed to the best outcomes for those who have lived in public housing on the site and those who will live in public and private housing on the site in future. The CLC has given Kensington locals a voice and an involvement in the decision making about the significant changes that are slowly transforming this key site in the Kensington area. The CLC's contribution has been marked by a number of achievements, including supporting community building programs as well as physical rebuilding, disability access and many others.

### **Schools: science, technology and mathematics project**

**Hon. ANDREW BRIDSON** (Waverley) — Today I want to highlight the Australian government's Australian schools innovation in science, technology and mathematics project. Mathematics and science in Australian classrooms are going to be revitalised as part of a \$33.7 million Australian government initiative which was launched in July. Initially 103 school clusters comprising 623 schools and partner organisations from the scientific community, universities, industry, education authorities and the wider community will receive grants of between \$20 000 and \$120 000 to develop new approaches to science, technology and maths education. The initiative will ultimately employ around 1300 teacher associates, including university students, researchers and other specialists in these fields, who will provide project support, excite student interest and act as role models. The first phase of the project will employ about 320 classroom associates.

The Howard government believes science education is critical to building a strong and inventive society and to ensuring our future prosperity. If Australia is to build upon its scientific and technological abilities, it is essential to foster high-quality maths and science teaching in our schools. This is in stark contrast to the Minister for Innovation in the other place, John Brumby, who has been criticised by leading science academics in Melbourne for suggesting that science courses be dumbed down to attract students.

### **Benalla Pony Club: grant**

**Hon. R. G. MITCHELL** (Central Highlands) — The Bracks government, as we well know, is delivering across Victoria projects that help communities, such as the \$3 million Victorian small grants program. Recently the Benalla Pony Club received a grant to carry out work to build an all-weather horseriding arena for the kiddies who attend the pony club. I have received a letter from Ann Sloan, whose 10-year-old daughter, Kate, has been a member of the pony club for the past four years. At the July rally Kate fell off her pony, which cantered away and in doing so stood on her. Kate's only injury was slight bruising and swelling. Mrs Sloan says she has no doubt that because the incident occurred on the sand-covered arena and not on the former solid ground Kate escaped with only bruising and scratches instead of having fractured bones. As a parent she is extremely grateful that such a facility was made available through the government grant. This grant was funded through the Community Support Fund, and it is another way that communities can access CSF funds for real local community needs and benefits. I congratulate the minister for supplying the grant, enabling the club to be helped and also making sure Kate can ride her horse in safety from now on.

### **Employment: rate**

**Hon. BILL FORWOOD** (Templestowe) — Last year at a Public Accounts and Estimates Committee hearing on 18 June 2004, the Minister for Employment and Youth Affairs, in talking about Victoria's unemployment rate, said:

When you look at that graph and trends, which are important, the trends for Victoria are going down. We are continuing to perform more strongly than the national rate and have been below the national unemployment rate for 47 of the last 48 months so it has been a strong performance.

Why is it that we do not hear that rhetoric any more? The answer is obviously that we are no longer below the national rate. For 13 of the last 14 months to May this year Victoria's unemployment rate has been higher than the national average. What does that mean? It means that in relative terms Victoria is going backwards under Bracks. We are not surprised at all about that, because we know of the incompetence of this government in everything it does.

**Hon. T. C. Theophanous** — You are making it up!

**Hon. BILL FORWOOD** — Mr Theophanous suggests I am making it up, but I refer him to the Australian Bureau of Statistics — the official recorder

of unemployment statistics. If he checks he will see that for 13 of the last 14 months the Victorian unemployment rate has been above the national average, as I said, leaving Victoria in a parlous state compared with the rest of Australia.

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

### **Adult Multicultural Education Services: community jobs program**

**Mr SOMYUREK** (Eumemmerring) — Last Friday my colleague Mr Viney and I had the pleasure of representing various ministers — I represented the Minister for Education Services and Minister for Employment and Youth Affairs in the other place — at the graduation for the jobs and training project under the community jobs program, led for the first time by Adult Multicultural Education Services, better known as AMES.

In the past 10 to 15 years there has been a dramatic increase in the number of outworkers in the textile and clothing industry. Throughout Australia home-based workers now outnumber their factory-based counterparts by 15 to 1. The situation in the Greater Dandenong area also reflects this. Many women who came from South-East Asia to live in the Greater Dandenong area are employed in the clothing industry, mostly as outworkers.

According to research conducted by the Ethical Clothing Trades Council of Victoria, being a Vietnamese-born outworker in the clothing industry is not easy. Through this community jobs program project, 12 Vietnamese-born former outworkers in the clothing industry gained skills and experience in the child-care industry to help them embark on a new career.

I have identified four reasons why this particular program has been so successful. The first is that it provides real wages. The second is that it provides accredited training. The third is that it provides real work experience, and the fourth is what the participants have done — —

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

### **Clyde Road–Enterprise Avenue, Berwick: traffic control**

**Hon. G. K. RICH-PHILLIPS** (Eumemmerring) — The Bracks government is to be condemned for its continuing failure to provide vital infrastructure in the

Gembrook electorate. For the last five years residents and traders in Berwick have been calling for a solution to the problem of traffic congestion at the Clyde Road and Enterprise Avenue intersection. Rapid growth in the area has made a solution to this problem a high priority over the last 12 months.

The ultimate solution to the problem is a multimillion dollar grade separation which is many years away. To its credit, the Berwick Village Chamber of Commerce sought an interim solution to address the immediate need. It took advice from VicRoads that the installation of so-called temporary traffic lights would cost \$1.5 million. The chamber then sought to raise funds from local traders and stakeholders, including Monash University and Chisholm Institute of TAFE, as well as a contribution from the Victorian government. It is therefore disappointing that the government has now told the people of Berwick that there will be no funds for the traffic lights because the solution is temporary, and that at some point in the future — some time off in the distance — they might get a multimillion dollar grade separation. VicRoads proposed the temporary traffic lights; the government now says it will not fund them.

The member for Gembrook in the other place is also to be condemned because rather than conveying this decision herself to the chamber, she sent along her electorate officer. The member for Gembrook is happy to appear for photo opportunities when there is good news but sends along her electorate officer to convey the bad news. The people of Berwick need this infrastructure — —

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

### **Australian International Airshow**

**Hon. J. H. EREN** (Geelong) — I am pleased to say that a report commissioned by the state government has shown that this year's Australian International Airshow at Avalon Airport generated 222 local jobs and a \$15 million boost for the Geelong economy. The Australian International Airshow is now firmly established as one of the world's greatest air shows and the event has a hugely positive impact on the economy of Geelong and surrounding regions.

Added to the great success of the airshow is the fact that Linfox and Jetstar are using Avalon as their base, which is also adding to the economy of the region. The benefits to Geelong from the Avalon airshow were numerous, especially for small business operators in the

hospitality industry, providing accommodation, restaurants and tourism services.

The additional business generated by the airshow pumped Geelong's gross regional product up by \$15.6 million and created 222 full-time equivalent jobs. It is a wonderful result for the Geelong region. This year's Australian International Airshow was held in March and attracted more than 172 000 people, including 17 141 interstate and 3349 overseas visitors. I take this opportunity to congratulate all involved and look forward to the next airshow scheduled for early 2007.

### **Tertiary education and training: voluntary union fees**

**Hon. P. R. HALL** (Gippsland) — I want to congratulate the federal National Party for its forthright representation of its rural constituencies. In particular, I want to applaud the aggressive stand taken by new Queensland Nationals senator, Barnaby Joyce, on the topic of voluntary student unionism because there is no doubt in my mind that the federal Minister for Education, Science and Training, Brendan Nelson, has got it wrong. For reasons based on ideology rather than logic, some federal coalition members of Parliament seem to deliberately mix the concept of union membership with student services. Student union membership in Victoria has been voluntary for some 10 years, and so it should be. Compulsory general amenity fees fund student services and apart from activities of a frivolous or political nature this is not only a legitimate but an absolutely necessary use of such fees.

The Victorian Nationals were the first to advocate a fairer voluntary student union model which enshrines the concept of voluntary union membership while still allowing universities to collect fees to fund essential student services. So I again call on federal minister Nelson and his bevy of misguided coalition supporters to abandon this legislation and put in place the Victorian student union model, which I might add was introduced by the previous Liberal-National coalition government in Victoria.

### **Schools: sustainability programs**

**Hon. J. G. HILTON** (Western Port) — On Saturday I was pleased to represent the Minister for Environment in the other place at the Mornington Peninsula shire's sustainability forum and announce that the government will provide \$273 000 to establish sustainability programs in 70 schools throughout the Mornington Peninsula shire. The money, which is a

substantial contribution to environmental education, is provided through the government's newly established Sustainability Fund. The program will turn every school into a sustainable school. Every school will aim to generate zero waste and cut water consumption and greenhouse gas emissions by at least 10 per cent.

A pilot of the Sustainable Schools program conducted with 140 schools throughout Victoria has shown that not only are there thousands of dollars worth of cost savings for the schools involved but the levels of waste significantly decline. For example, certain schools have saved almost \$9000 in electricity costs, 50 per cent on their water bills and 50 per cent in waste disposal. That is great for the schools but also great for the environment. The learning that the Sustainable Schools program will provide in the classroom will also have broader benefits for the community. The schools involved in the program will work with local businesses and the Mornington Peninsula council, making this a journey for the whole peninsula. I congratulate all involved.

### **Trams: East Burwood line extension**

**Hon. B. N. ATKINSON** (Koonung) — President, you can imagine my surprise as I drove down Burwood Highway one day and found a tram hurtling along beside me. It was a surprise because the tram from East Burwood to Vermont South had been opened by the Minister for Transport in the other place, without inviting any members of Parliament from the Liberal Party or The Nationals.

I am absolutely dismayed at this lack of protocol by a government that insists on opening major public facilities for my constituents without any reference to me, without supplying any information that I can pass on to those constituents and without allowing me to participate in the opening of projects like this. Perhaps the government was a little concerned that this project was over budget, and indeed another \$2 million has recently been added to its cost because the government has been unable to manage it properly. It is interesting to note that Mr Lenders does not take responsibility for this project because, as this house has discovered, he does not take responsibility for any bad news. He prefers that somebody else announce the bad news so he can stick to the good news. The problem is that no matter what he does, neither he nor this government will be able to deliver projects on time and on budget.

### **Members: Independents Charter Victoria**

**Ms HADDEN** (Ballarat) — As an Independent member of Parliament I am entitled, like any other

member, to be treated with courtesy and respect in a democratic parliamentary system. These principles are endorsed in Labor's policy of integrity in public life, the purpose of which was to restore the credibility, integrity and effectiveness of Parliament in order to win back public respect for the political process. The Bracks Labor government made much fanfare about the Independents Charter Victoria which aimed to provide for stable, open and accountable government. One of the four main pillars of the charter is to offer assurances of increased levels of cooperation with Independent members and treat them with courtesy and respect and allocate Independents a higher level of staffing and resources in order to assist them in dealing with their significantly greater level of responsibility.

With this in mind I wrote to Premier Bracks on 28 April asking that as an Independent member of the Legislative Council I be the extended the same courtesy and respect and extra staffing entitlements that the government extends to the two Independent members of the Legislative Assembly. The Premier has just written to me and, to my astonishment, says that he is unable to accede to my request. The Premier refers to a staffing principle the government has applied. I have no knowledge of that principle and cannot locate any such principle in the Independents charter nor indeed on the ALP web site. Premier Bracks's so-called 'government principle' appears to discriminate against me as an Independent member of the Legislative Council.

## STATEMENTS ON REPORTS AND PAPERS

### **Family and Community Development Committee: development of body image among young people**

**Hon. ANDREA COOTE** (Monash) — I would like to speak on the Family and Community Development Committee report on the development of body image among young people and associated effects on their health and wellbeing, which was tabled yesterday by Mr Smith. First of all I would like to congratulate him and his committee on an excellent report. I think it is well timed here in Victoria and I was very pleased to see its recommendations.

I would like to highlight one recommendation which involved the media. Page 23 says that Oz Child submitted to the committee suggestions:

that advertising codes be enhanced to require the inclusion of a variety of body sizes, that media be encouraged to reduce the number of stories based around body size and shape, and to apply a warning ...

There is also a recommendation that:

a code of conduct for the media industry be developed, recognising the media's social responsibility to display images that are representative of the community.

I really hope the government follows this up with the media because I think they are responsible for in fact portraying very thin and unrealistic models with digital enhancement, and it causes me some concern. It is very important that that is followed up and pressure put on the media to be responsible for once. That would be most unusual.

There is also a recommendation that the Department of Human Services work with the federal Department of Health and Ageing to establish a trial for the Karolinska Institute treatment method for eating disorders in Victoria. This is a Swedish method. Although parts of it sounds quite extreme and radical, it looks as if it has a lot of merit. Its success rate seems to have merit. I think it would be interesting to have that implemented and I hope the committee follows it up. I would be pleased to see the government's response. The Karolinska Institute for treating disorders claims that 75 per cent of its patients enter remission after 14 months. So it is to be commended and I hope to see something like that happening.

Although I have not read it all the way through, I am concerned about a lack in the report. It does not seem to contain any mechanism for helping young people help their peers. There is an issue with peer group pressure about developing an eating disorder, but I think young people are often aware that their friends are anorexic or bulimic or are suffering from some other problems, but they have nowhere to go. They do not know who to approach or indeed how to approach an authority without seeming to do it on their own. I would like to feel that the committee in talking to the government could look at that as well.

There was a lot of support from the community. I was encouraged to see the excellent work that a couple of the schools have done. One was Clifton Springs and the other was Princes Hill, I think. They have done some excellent work with — —

**Mr Smith** — Karingal.

**Hon. ANDREA COOTE** — Thank you, it was Karingal Primary School. They have done excellent work with the community, with both parents and children, working on healthy eating, healthy exercise and an awareness of what it means to be healthy as a young person in Australia today. I was extremely concerned to see the research showing that children as

young as four or five are aware of body image and are concerned with dieting. I think that is an indictment of all of us as a community.

I would like to put on the record my acknowledgment of the Butterfly Foundation. Claire Vickery, who made a submission to the committee on its behalf, established the foundation to assist people with anorexia. She has received an enormous amount of philanthropic assistance and has helped raise the awareness of anorexia in the community. She has been a vigorous lobbyist on behalf of anorexia sufferers and their families.

I encourage the community, the department, philanthropic and children's organisations across the state to work together to make certain that children have a healthy attitude to life and eating into the future, and that we can look at not only young women but young men. The report brings to the attention of members that men are also suffering from eating disorders and the importance of encouraging them to eat correctly and make certain that they do not abuse themselves in their attempt to obtain a particular body image. I encourage everyone in this place to read the report. It is one of the better reports I have seen come to this chamber, and I congratulate all those involved.

### **Cancer Council Victoria: report 2004**

**Hon. J. G. HILTON** (Western Port) — I am very pleased to make a brief statement on the Cancer Council Victoria report to the Victorian Parliament for 2004. Of course, cancer is a disease which touches all of us. I suspect there would not be a person in this chamber who has not had a friend or relative who has suffered from or at some time died from the disease. Of course our friend the Honourable Helen Buckingham had her own battle throughout most of 2004, and the warmth of the welcome she received from all sides when she returned was an indication of the understanding that most of us have of the disease and what it can result in.

The Cancer Council Victoria is an icon in our state and has for many years been very effective in raising awareness of the disease in all its forms. One of the reasons for the disease being so feared is that it can affect all parts of a body and the progress of the disease can be so painful and unrelenting.

The statistics relating to cancer are so frightening, and I would like to quote from the report. It states:

By the age of 75 at least one in three Victorians will develop a cancer other than non-melanocytic skin cancer. Statistics released in December 2004 by the Cancer Council's Victorian

cancer registry show that in 2003 a total of 12 286 men and 10 212 women presented with new cancers, and 5351 men and 4340 women had died of cancer in 2002.

In 2003 as many as 9766 Victorians lost their lives to cancer, the leading cause of death (48.9 per cent of total) in the state. More Victorians died from cancer (8564 or 25.4 per cent) than from the totality of coronary diseases.

The annual report describes many of the initiatives and programs with which the council is associated. I would like to highlight the Quit Victoria campaign, which all members will know is the program to help people stop smoking. At the risk of offending some members I believe smoking to be a disgusting and revolting habit which has absolutely no merit. It is one of my regrets as a parent that our son took up smoking and unfortunately still smokes. I am convinced that if the effects of smoking had been as well understood when the habit was first introduced as they are now, nicotine would be a banned substance.

The report identifies a number of initiatives in relation to Quit Victoria, and I would like to highlight one, which is Quit packs. It states:

Quit packs are available free of charge and include 13 languages other than English. Over the year there were more than 13 000 Quit packs distributed from calls to the Quitline and more than 5000 requests for packs via the Quit web site. A free web-based smoking cessation support (The Quit Coach), which tailors advice for individual smokers, has been made available online. Quit Victoria's multicultural service, using bilingual staff, supported key multicultural festivals and events. There were 500 health promotion activities-information sessions showcasing Quit's multicultural resources, with 5000 resources distributed.

Last year, 33 Fresh Start community courses and 23 workplace courses, 12 short courses, 37 prison courses and 77 workplace seminars were conducted. Quit's Fresh Start short course was evaluated and feedback incorporated, as were aspects of the Quitline service.

Other programs conducted by or closely associated with the Cancer Council Victoria include the SunSmart program, PapScreen Victoria, breast cancer and bowel cancer programs and, increasingly, the men's cancer program. I would like to commend the council; it does terrific work. In closing I would like to compliment all the board members and staff who contribute to such a wonderful organisation.

### **Family and Community Development Committee: development of body image among young people**

**Hon. W. A. LOVELL** (North Eastern) — This morning I rise to make a statement on the parliamentary Family and Community Development Committee report on the development of body image among young

people. In doing so I would like to congratulate the government for undertaking this inquiry. It is a very important issue that faces many young people in the state of Victoria, and indeed around our country and throughout the world. It is an issue that can lead to the death of many young people, and I have seen the effects of eating disorders at very close quarters. I would like to see our young people not exposed to the development of a negative body image because I know that it can lead to very serious illnesses.

As I said, body image is one of the most serious health issues facing our young people. A report published on page 3 of the *Age* of Friday, 22 July, indicated that Deakin University had conducted a survey at six of our secondary colleges. That survey revealed that 57 per cent of students at one secondary college alone listed body weight as one of the biggest problems in their school lives. We all know that having a negative body image does lead to eating disorders. The report of the government's inquiry shows that the self-perception of poor body image can lead to the development of an eating disorder. This report also details how serious some eating disorders can be and identifies that some of the more serious clinical disorders — such as anorexia nervosa and bulimia nervosa — can even be fatal. In fact it shows the mortality rate for anorexia nervosa as being up to 25 per cent of sufferers and for bulimia nervosa being up to 1 per cent of sufferers.

I would like to talk about recommendation 3. It recommends that advertisers, media owners and governments develop a code of conduct to reduce media pressure on young people to be thin. I would like to suggest that the Bracks government actually leads the way in doing this by removing the reference to Lemony Sustainable's derrière looking more like a ciabatta than a Bakers Delight country loaf on the web site of the Department of Sustainability and Environment. Since I first raised this issue in the last sitting week of Parliament the DSE has gone to enormous lengths to paint my concerns as being raised out of political correctness, but I can assure the department that political correctness had nothing to do with it. I am concerned because this web site is aimed at young people, and it is just another example of how young people grow up facing an inordinate amount of pressure to conform to what is considered to be the ideal body image. But rather than removing the offensive remarks the DSE has hit back with an addition to the web site.

The addition to the web site is a report on Lemony Sustainable after she was confronted by the press in which she is quoted as saying that she:

... should be allowed to keep trim just like the next person.

That is not anybody's argument — she should be allowed to keep trim just like the next person. But the references to keeping trim could have been confined to her walking in her high or low heels or to her doing her bit for the greenhouse. The article on the web site says:

In high heels or low heels, Lemony prefers to walk than using the car. Not only is she doing her little bit for the layer upon layer of greenhouse, she is also keeping her derrière looking more like a ciabatta than a Bakers Delight country loaf.

There did not need to be any reference to Lemony's derrière at all.

Following the tabling of the report it is time for the minister to stop hiding behind the skirts of a cartoon character and admit that the country loaf reference is a serious mistake on the part of the Department of Sustainability and Environment and remove it from the Sustainables web site.

I also congratulate the member for Mordialloc in the other place, Janice Munt, and all the other parents and sufferers who gave evidence at this inquiry. As I said, I have had some close experience of seeing someone I love go through an eating disorder and I know that it would not have been an easy thing for Janice, the other parents and sufferers to do.

#### **Public Accounts and Estimates Committee: Auditor-General — rural ambulance services**

**Ms ROMANES** (Melbourne) — I would like to make a statement on the government's response to the recommendations contained in the 58th report of the Public Accounts and Estimates Committee (PAEC) on Victorian rural ambulance services.

Back in 1997 the Auditor-General identified many areas in the rural ambulance service area across the state that were desperately in need of improvement. The former Kennett coalition government took some time to act but in March 1999 formed Rural Ambulance Victoria but then failed to address the other extensive needs for effective rural ambulance service delivery in Victoria.

Since 1999 the Bracks Labor government has invested significantly in both capital items and recurrent funding to address those needs in rural Victoria. Recurrent funding has doubled, with the government injecting an extra \$102 million per annum into the service. Page 2 of the government's response to the PAEC report has an impressive list of improvements. It lists many areas where the capital and recurrent funds have made a difference: an extra 453 operational paramedics,

50 extra ambulances, a substantial upgrade in air ambulance services, a new ambulance helicopter service in Bendigo, an upgrade of 17 single paramedic stations to two-officer crewing, upgrades at 10 stations across the state, three new mobile intensive care ambulance, or MICA, units, and 12 community emergency response teams that provide basic life support and first aid care in the local community until the ambulance arrives. In addition, seven new stations have been established at Torquay, Lorne, Bright, Romsey, Ballan, Irymple and Mooropna.

Referring to new stations reminds me that when the Bracks government was first elected in September 1999 I was contacted by a friend from Bright, a woman who is a pillar of her community in the activities she engages in. She recounted to me that the local member had been asleep for some years. It was not Mr Baxter she was referring to; it was a former member for Benalla, Pat McNamara. She said that he had been uninterested in the pleas of the community for a new ambulance station in Bright, despite the many tourists who visit that area month by month. She was very keen that the Bracks government address that issue, as indeed it has.

Alongside those resourcing issues that are critical to the system, the PAEC follow-up report is about many other issues that underpin an efficient and effective system, such as financial management, industrial relations and overtime, communications, performance management and measurement, clinical standards, subscriptions, and whether Rural Ambulance Victoria should be amalgamated operationally with the Metropolitan Ambulance Service and disaggregated for reporting purposes.

The government accepted 80 per cent of the Public Accounts and Estimates Committee's recommendations. In particular it was pleasing to see that the Bracks Labor government responded quickly and addressed as a matter of urgent priority the recommendation for funding for a computer-aided dispatch system for Rural Ambulance Victoria. Funding of \$6.8 million was included in the 2005–06 budget for completing the upgrade of the rural ambulance services system. It follows on from the 2002–03 contribution of \$5 million for the transition program to rectify major telecommunications deficiencies in the network. That is ahead of the coming whole-of-government telecommunications strategy for rural Victoria. That strategy is pleasing to see but that matter has already been acted upon. This is a very important report. It highlights the rhythm of scrutiny and accountability through the Parliament and the

continuous improvement that is able to happen as a result of our processes.

### **Justice: report 2003–04**

**Hon. RICHARD DALLA-RIVA** (East Yarra) — I rise to make my statement on the Department of Justice annual report 2003–04. Given that we are now in 2005 it is important to reflect on some areas that have changed substantially, in particular the references on page 4 to the justice ministers. I note that during the period covered by the report the Honourable Andre Haermeyer was Minister for Police and Emergency Services and Minister for Corrections. Earlier this year he was dumped from his portfolios and replaced with a junior minister, the Honourable Tim Holding. Since the new minister has taken on the regime of corrections, which is my portfolio area, I have been sadly disappointed with the level of commitment he has shown to the prison system compared with the zeal shown by the former minister. I must say that the Honourable Andre Haermeyer had gusto and showed a lot of zeal in his performance in his portfolio. He may have stepped over the line on the odd occasion but at least he was punching away — —

**Hon. T. C. Theophanous** interjected.

**Hon. RICHARD DALLA-RIVA** — I would like to take up the honourable member's interjection, but he is out of his place and Hansard will not record the interjection. If Hansard were to record it, it would be another inane interjection. I want to look at the performance of the department in some areas.

**Hon. T. C. Theophanous** interjected.

**Hon. RICHARD DALLA-RIVA** — The honourable member has made another inane interjection. The depth and quality of the former minister was such that he was dumped from his portfolio. The depth and quality of the current minister is such that you never hear of him. We have a crisis in the police department and the Office of Police Integrity, but we have the minister swimming against the tide of public opinion, if not drowning in it. He is not managing his portfolio properly. In some way I am disappointed to see the Honourable Andre Haermeyer go. I say bring him back, because he had some understanding of the issues given that he had been there for some time. I also note that the report talks about the work done in respect of the number of prisons in our system. I cannot help but continue to raise the issue of overcrowding in our jails. I find it amazing that every other state has a reporting system that records the design capacity of the prison system. Victoria records

only what it calls an operational capacity. For the benefit of those dunderheads on the other side, that means you are taking into account the bunk beds and portable jails that you have slammed into the already overcrowded prisons.

There are examples of the stupidity of this government. It went through the charade of saying for four years that it would close the Won Wron prison. The annual report said this was an ineffective jail according to the corrections long-term management strategy. It was closed in February but six or seven weeks later it was reopened, and the government tried to avoid media attention with a 4 o'clock announcement on a Thursday afternoon. What a disgrace. This is the way this government manages the prison system. Since May 2001 the government has been saying it will build three new jails but in every budget since then we have seen how it builds jails. All the government has done so far is replace a 132 bed medium-security prison at Beechworth with an ultra-minimum 120 bed prison on the outskirts of Beechworth. We have had a net loss in terms of prison beds. The way the government manages corrections is a farce, and its law and order policy is a joke in the community.

### **Economic Development Committee: labour hire**

**Mr SCHEFFER** (Monash) — I wish to comment on the Economic Development Committee's final report on labour hire employment in Victoria. Labour hire is a growing employment arrangement that involves a host employer, a labour hire agency and a labour hire worker. The final report entitled *Labour Hire Employment in Victoria* points out that labour hire is not a new phenomenon, even though the dramatic increase in the industry since the early 1990s and the proliferation of agencies and employees, many of whom are blue-collar workers, makes it important that the arrangement is examined to ensure that employment standards are maintained and workers are protected. There are concerns that the practice, largely driven by employers, is negatively impacting on the employment and financial security of workers and increasing the casualisation of the work force.

The Economic Development Committee was asked to draw a broad picture of labour hire employment in Victoria. The final report states that according to the Productivity Commission labour hire employees numbered around 270 000 in 2002, equivalent to about 2.9 per cent of all employed people, and that labour high employment grew strongly between 1990 and 2002. The rapid growth of this form of employment could be attributed to how firms manage their work

force rather than to the changes in the economy's structure. The committee was asked to look at the implications of this form of employment as it relates to the employment conditions of workers, at which industries and areas are more likely to use it and at how it affects workers' health and welfare. The committee was asked to look into the important areas of the rights and obligations of labour hire employees, labour hire agencies and host employers as they relate to industrial relations, occupational health and safety and workers compensation. Finally the committee was asked to form an assessment of these issues and make recommendations on the limits of Victoria's power to legislate in the area of industrial relations, on the relevant developments in New South Wales and on how labour hire legislation has affected the practice in other Australian states.

It is understandable that a main focus of the committee was occupational health and safety, which is a critically important issue for the thousands of individuals employed through labour hire agencies and which affects the wellbeing and prosperity of families. The committee found that although some agencies have achieved very good outcomes, the labour hire industry has a higher than average injury and compensation claim rate, especially for blue-collar workers. Unsurprisingly, the committee found that the factors that influence this were economic stresses that make workers reluctant to raise safety issues in the workplace possibly out of a fear that the employer will see this as an irritant. The committee identified fragmented lines of responsibility as another factor affecting poor work safety outcomes. The overlap between the duties of the host employer and the agencies are unclear and can lead to confusion and even non-compliance. The committee recommends that the responsibilities between hosts and agencies should be clarified. The final report deserves attention, and I have every confidence that the government will give it very serious consideration.

### **MAV Insurance: report 2003–04**

**Hon. J. A. VOGELS** (Western) — I would like to congratulate MAV Insurance on its report of 2003-04 which was tabled in the house yesterday. This year the opening remarks by Jenny Dale, the acting president of MAV Insurance at the time, and Rob Spence, the chief executive officer, were somewhat like the calm after the storm. They say:

While previous years had proven tough and, at times testing, 2003-04 saw the return to balance and order with both the CMP scheme and the municipal officers fidelity guarantee fund adjusting to operate effectively and smoothly within a new insurance environment created mostly by external factors.

The report also states:

The focus this year was on new regulatory regimes for local government. The introduction of tort reform has had a positive impact on the scheme's operating costs while the application to ASIC —

the Australian Securities and Investments Commission —

for an Australian financial services license, once granted, will give provision for the MAV Insurance business to grow.

The report says various things about what has happened since these reforms were brought in. One of the issues that is mentioned is the road management plans. The Municipal Association of Victoria and Civic Mutual Plus have assisted councils in developing road management schemes. I think the jury is still out regarding road management schemes. Ratepayers now regularly come into my Warrnambool office. They say they and their families have paid rates for up to 100 years and live along a certain local road. When the road needs maintenance or upgrading, they find they have to pay for it out of their own pockets because the council now has classes of roads — 1, 2, 3, 4 and 5 — and if your road is at the bottom end, a minor local road, you are no longer covered. Council will no longer do the work on that road and you have to foot the bills yourself. Councils have divested themselves of responsibility so they cannot be sued.

I do not think anyone has had an accident on these roads yet and tested that case in a court of law, but it will be interesting to see what happens when the first test case goes to court. I would have thought if you or your family have been paying rates for 100 years along a certain road you would think that the local council or municipality would have to pay some of the maintenance for that road.

Another interesting issue is the not-for-profit community scheme. We know that we live in a society where everybody wants to sue everybody for anything that happens to them. This has a huge impact on councils. Events such as senior citizens festivals, fetes, theatre and drama group performances and Carols by Candlelight often have to be cancelled. If somebody got hurt, fell over or got hurt by a candle they would sue. A lot of these events were under real threat of disappearing from our towns and right across the state.

I think the new tort reform has actually had a good impact on that, because now residents have to prove that their whole body impairment is more than 5 per cent before they can take a council to court. The report also says:

The Wrongs and Limitation of Actions Acts (Insurance Reforms) Act 2003 requires claimants injured on or after 21 May 2003 to obtain a serious injury certificate from an accredited medical practitioner, certifying permanent whole body impairment of more than 5 per cent for physical injuries and 10 per cent for psychiatric injuries.

From 2003-04 this had a huge impact because:

As at the 30 June 2004 CMP has received just 23 notifications of incidents —

of people falling on a footpath or tripping on a road et cetera.

The previous year it was 176, so there has been a huge decrease in the number of people making small claims. I think everybody understands that if somebody falls, maybe they have got a case, but it had got to the stage where the rate base was being smothered by paying insurance premiums, so somebody had to take some action. I commend the report and I think it is a —

**The ACTING PRESIDENT (Hon. H. E. Buckingham)** — Order! The honourable member's time has expired.

### **Rural and Regional Services and Development Committee: cause of fatality and injury on farms**

**Hon. W. R. BAXTER** (North Eastern) — I want to make a comment or two this morning on the *Inquiry into the Cause of Fatality and Injury on Victorian Farms* tabled on Tuesday this week by the Rural and Regional Services and Development Committee. I commend the committee for this report as I think it is a very useful document indeed. It was a report which I was anticipating, I would have to say, with a deal of apprehension because I suspected it might contain a range of recommendations along the lines that some members of this government often want to propagate — that is, to extend the nanny state further and further into private businesses and take this opportunity to take it onto farms on the pretext that we have an undue level of farm injury and fatality. I am glad that by and large the report does not do that. I have to pay a great deal of credit to the honourable members for South-West Coast and Swan Hill in another place, who I am sure were able to steer the committee away from making those sorts of recommendations.

In my view one of the most useful things that the report does is it begins to quantify farm fatalities. So often we hear it alleged that farms are unsafe places. We hear from the point of view of the proponents of occupational health and safety that farms are dangerous and they need a lot more supervision. We need to note

along the way that farms, as well as being workplaces, are also the homes of families, so there is a bit of a difficult crossover there in any event.

This report has quantified some of those fatalities and injuries and given us a better handle on their source. It is interesting to note, for example, that in the three years 2000–03, 48 per cent of farm fatalities were not farm related. They were either accidents that occurred by visitors to the farm or accidents on the farm that had nothing whatsoever to do with the farm activity. That is a quite different complexion to what one might have taken from many of the public statements that are made from time to time, particularly by WorkSafe.

It is very encouraging to note, as I have already noted in a members statement earlier, that there have been no farm fatalities at all for the first six months of this year. That is very good news indeed. There is no doubt there is an increasing awareness of safety on farms. Modern day machinery is much better and safer than it used to be. There are more guards, there are less chains, there are less moving parts that are exposed, and they need less maintenance and adjustment on the go than earlier machines did. One would hope to see a decrease in injuries from that point of view alone.

Recommendations 9 and 11 go to the issue of helmets on all-terrain vehicles. I am very pleased that the committee has not advocated the compulsory wearing of helmets on all-terrain vehicles because that would be totally impractical, but I am very pleased to see that they are encouraging the use of helmets. They particularly make, in recommendation 11, the point that television shows have often portrayed all-terrain vehicles in unsafe circumstances and that the producers of those programs should be much more aware of safe work practices and not propagate misuse of those particular machines for the purposes of making some graphic illustration of how much fun they can be.

The recommendation that concerns me most is recommendation 27, which recommends that municipal health plans be extended to take into account safety on the farm. I do not think that is practical. It is cost shifting by this state government in an attempt to divest the state of its responsibility in these issues and it is piling upon local government another responsibility which it is not equipped to handle, particularly not financially, but also in other respects as well. It simply does not have the skills to do that. It does not seem appropriate that the municipal health plan should include farm workplaces, for example, but not other sorts of workplaces. Where is the logic in that? There is no logic in that particular recommendation. I would implore the government not to take up that

recommendation and to explain in its response to this committee why it is not practical to do so.

### **Youth Parole Board and Youth Residential Board: report 2003–04**

**Hon. S. M. NGUYEN** (Melbourne West) — I would like to congratulate the board, which has done good work with young people in Victoria. I know it is not an easy task dealing with young people who have problems, who are at risk and who need support to improve their lives in the time they are spending in the juvenile system. The report has said a lot of things. A lot of people in the past have had problems. Young people of Cambodian and Vietnamese backgrounds in the past have had a lot of problems, especially with drugs, and have been sentenced here.

The Bracks government has done a lot of work in the high school system to encourage young people to stay at school longer and also to help the welfare officers and nurses working in the school to keep an eye on the young people. A lot of young people from Cambodia and Vietnamese backgrounds have degrees. That is a good sign. We are keen to work with young people, especially those at school, to ensure that parents and the school keep an eye on them to make sure they stay at school. If they cannot continue with school, they can go for training or apprenticeships.

The board has created a system so that people who are on drugs must go to see counsellors — for example, there are recommendations that you must attend substance abuse counselling. This means that a young person has to attend alcohol and drug counselling. They must also submit to drug testing as and when directed. These young people were sent to the centre because they were on drugs.

We are also helping them to move out and go back to their family, providing accommodation, education, employment and recreation to ensure that young people after leaving will not be left with nowhere or no family to go to. They will be engaged with the community and get back to their families. It is a good program. I know some of the local community welfare centres are keen to help these young people. I strongly commend the work they have done and I will make sure these programs will be available for those young people. The program also helps with problems of mental health, sex offences, gambling and anger management, especially with young people with a violent background. There are also multicultural programs.

### Human Services: report 2003–04

**Hon. D. McL. DAVIS** (East Yarra) — I am pleased to make a contribution today on statements on reports and papers, in this case the Department of Human Services report 2003–04. I note the acute health output which funds most of our large public hospitals around the state. In particular I want to draw the house's attention to Bayside Health which over the last few years has had significant budget deficits. It is clear that in its efforts to reduce its budget deficit Bayside Health has been prepared to search for every source of revenue, to scratch around and find every new source of revenue that is available. The application of car parking fees on a number of the hospitals at Bayside Health, including Sandringham, will have a significant impact on patients, but what is particularly concerning to me is the decision by the Bayside Health board to recover rent from the International Diabetes Institute of more than \$100 000 a year.

**Hon. T. C. Theophanous** — The microphone works!

**Hon. D. McL. DAVIS** — I would be happy without the microphone, Minister. I used to prefer it without the microphone in this chamber, but we have this system now and we need to use it.

The point I am making is that diabetes is a very significant disease in this community now and it is growing. Both diabetes type 1 and type 2 are of significant concern in our community and the impact of the increase in diabetes as our population ages is going to be greater and greater. Yet this government has seen fit to penalise the International Diabetes Institute by slugging it for more than \$100 000 a year in rent. I make the point that Professor Paul Zimmet and his team at the International Diabetes Institute have an international reputation and are regarded as among the best teams of researchers and advocates in this area of activity in the world. For this Bracks government to slap that important research centre with a huge hit of more than \$100 000 a year in additional rent is just extraordinary.

I am not sure what is going through the minds of the health minister, the Bayside Health board or the Treasurer on this matter, but the desperate search to wind back a budget deficit at Bayside Health has reached new proportions when it is prepared to penalise the research effort of this internationally recognised research institute. As I said, this is a particularly foolish step given the growing significance of diabetes.

It is worth putting some figures on the record. The prevalence of doctor-diagnosed diabetes by sex in 2003 was 4.5 per cent in males and 3.8 per cent in females, an average of 4.2 per cent of persons. The growth in diabetes is also significant, as I said. This is a condition with consequences of serious morbidity that has the potential to shorten life for so many Victorians. Further, as the population ages, the percentage of people with diabetes increases, and as the impact of that increases, the economic cost to our community will be very significant. Every dollar that is charged to the International Diabetes Institute is likely to reduce its research effort, and every reduction in this effort will result at the other end in higher costs for our community in future years. If we can manage to reduce diabetes, we can reduce the personal and family impact of this terrible disease. If we can reduce the economic cost to our community, that will be of huge benefit. This government has got its priorities very wrong in slugging on that important research institute.

### MAV Insurance: report 2003–04

**Mr PULLEN** (Higinbotham) — I would like to make some comments on the MAV Insurance report. This comes from the report of the chief executive officer, Rob Spence, and the acting president, Jenny Dale:

Both the CMP —

Civic Mutual Plus —

scheme and the municipal officers fidelity guarantee fund reported healthy financial positions. This was partly due to the prudential financial and investment management by our committee, an ongoing commitment towards risk management by our members and the Victorian government's introduction of tort reform which has greatly reduced the number of claims.

That is very important and credit should be given to the Leader of the Government in this house, Mr Lenders, because the criticism he received in working through that issue, particularly from the opposition, was a disgrace. Now we get the results in the report. The report also states:

CMP's external and internal resources were stretched to the limit during September 2003 when a record 124 public liability writs were received. This influx of writs was a direct reaction to the introduction of tort reforms in May 2003. Under the reforms, injuries sustained after 21 May 2003 received a four-month relief period to make a claim by 1 October 2003 and avoid the serious injury threshold of more than 5 per cent permanent impairment for physical injury and 10 per cent damage for psychiatric injury.

The sudden increase in writs received caused an increase in claims estimates and resulted in a surge in claims. Before the Victorian government passed the Wrongs and Limitation of

Actions (Insurance Reforms) Act 2003, the scheme received an average of 20–25 writs per month.

When we look at the financial aspects of the report we find that claims on Civic Mutual Plus alone have fallen from \$11.683 million to \$7.164 million, a drop of over \$4.5 million which shows the benefits of the legislation passed by the Bracks government.

Further in the report the chair, Anne Murphy says:

Our partnership with ourcommunity.com.au has provided constructive dividends for community-based organisations under the umbrella of our member councils. Resources have been allocated to ensure that facilitation of public liability insurance for these groups is enhanced.

I have had a bit to do with ourcommunity.com. It does a fantastic job for certain organisations. The report continues:

The public liability insurance market is showing signs of stabilising with insurers now reviewing not-for-profit groups with renewed interest. Through a partnership between the MAV, CMP, Jardine Lloyd Thompson and ourcommunity.com, the Community Groups Insurance Scheme has provided a lifeline to not-for-profit organisations since its inception in 2002.

I noticed under the heading 'Risk Management' the report states:

The City of Glen Eira won the 2003 CMP Risk Management Award for Excellence for the design and construction of the Birdie Cage public golf practice facility at Caulfield Park in Balaclava.

The council's submission detailed how the golfing facility managed potential risk by recreational golfers to passers-by as well as public and private property. The facility allows golfers of all ages and levels to safely practice their sport without posing a threat to others, ...

I have seen a number of other golf practice ranges. I mention Glen Eira because today we received the report from the Inspector of Municipal Administration into its investigation of the Glen Eira City Council, which says that 'the council is badly run'. It is a Liberal Party-run council. It is a shambles and today it has been kicked out, and so it should have been. However, it also says that 'the council is very well managed. The high standards achieved are directly attributable to the corporate vision, strategic direction, leadership and professional competence provided by the CEO, directors and the management team'. I commend the report and commend the workers of the Glen Eira City Council.

## **Family and Community Development Committee: development of body image among young people**

**Mr SOMYUREK** (Eumemmerring) — I wish to talk about the report entitled Inquiry into Issues Relating to the Development of Body Image Among Young People and Associated Effects on their Health and Wellbeing. I am not on the committee responsible for this report, but I want to congratulate all members who are, as well as the people who have been influential in getting up the terms of reference. Members on the committee are Mr Smith and Mr David Davis from the Legislative Council, and the members for Shepparton, Evelyn, Bellarine and Caulfield in the Legislative Assembly. While there is increasing social awareness about some of these issues, it will become more of a priority to various levels of government in the future.

I will read the table of contents because its headings sum up what this report is about. Chapter 1 deals with body image, body dissatisfaction and eating disorders, understanding body image and body image disturbances; the link between body image and eating disorders and an integrated approach to addressing negative body image. Chapter 2 deals with the development of body image among young people including what is body image; biological factors; social and cultural factors, and other factors. Chapter 3 covers the negative effects of problematic body image including the effects of negative body image, eating disorders, and other negative effects. Chapter 4 again deals with eating disorders as well as treatments and access to services.

A particularly pertinent section of the report deals with the media and the way it portrays an ideal body image. Under the heading, 'Influence of the media' it states:

There is a predominance of images of thin glamorous women —

I am glad it states —

and muscular athletic men in the current media.

That is often overlooked. It continues:

These are presented as the aspiration and are associated with happiness and success. However, they are unrealistic and unrepresentative, often the product of a rare body shape, image manipulation or a combination of both. These body types are also difficult to attain for most people and the difference in the ideal and what is attainable is thought to be a significant source of body dissatisfaction.

I understand that a lot of things are blamed on the media, including political issues; it is easy to wax

lyrical about the media. The fact is that some members of the media have a bit to answer for in terms of portraying unrealistic body image to some of our younger generation.

The report includes an in-depth discussion about young females suffering from anorexia nervosa. I am glad the report points out that young males also suffer from body image problems. It is no fun being a fat kid at school. You do not get picked for the footy team and you do not get the girl. I can identify with that a little bit, but I was good at footy so that was some compensation. It is not easy to achieve the masculine physique and the six-pack stomach. It took me a long time to get that! But without trivialising, let me say it can lead some young men towards unpalatable things like steroid use and abuse and that is a real issue which needs to be emphasised in our community. I do not think the discussion is strong enough on that topic, and in the future we will need to look more closely at young men as well.

## ACCIDENT COMPENSATION AND TRANSPORT ACCIDENT ACTS (OMBUDSMAN) BILL

### *Second reading*

**Ordered that second-reading speech be incorporated for Mr LENDERS (Minister for WorkCover and the TAC) on motion of Hon. J. M. Madden.**

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

That the bill be now read a second time.

### **Incorporated speech as follows:**

The bill implements this government's commitment to establish a specialised office of the Ombudsman to deal with complaints in relation to the administration of WorkCover and TAC. It is consistent with the government's objective to ensure that Victoria continues to lead Australia in the provision of soundly administered and fully funded compensation schemes for workplace and transport accidents and will ensure that compensation claims by persons injured in our workplaces and on our roads are managed efficiently and fairly. The bill also complements the ongoing reform agenda of both the VWA and the TAC, and in particular their recent adoption of the model litigant guidelines and the TAC's new dispute resolution protocols.

The provisions in this bill clarify the jurisdiction and enhance the role of the Ombudsman in a number of respects and provide a mechanism for funding these new responsibilities.

Specifically, in respect of WorkCover the bill ensures that, from 1 October 2005, the Ombudsman will not need to rely

on administrative arrangements to establish his jurisdiction to inquire into or investigate the conduct of the VWA's claims agents or self-insurers, because the jurisdiction will now be clearly spelt out legislatively. The VWA retains primary responsibility for regulating its claims agents and Victorian self-insurers but, where required, the Ombudsman will clearly have exactly the same statutory authority to investigate their conduct as he currently has in respect of complaints about the conduct of the VWA itself. This will ensure that all injured workers receive the same high standards of efficiency and fairness in compensation claims management, irrespective of their employer's insurance arrangements.

The ability for the Ombudsman to review the conduct and procedures of claims agents and self-insurers reflects some existing situations, for example contractors providing prison and prison-related services. The bill does not give the Ombudsman jurisdiction to consider the substance of compensation claims, which will continue to be determined as they are currently. However, by ensuring there is a clear mechanism for independent and impartial review of compensation claims management and handling, the bill provides an incentive for the VWA and its claims agents, self-insurers, and the TAC, to make sure compensation claims are managed efficiently and fairly.

Secondly, to complement the changes made by the bill, the Ombudsman has agreed to place an increased emphasis on the WorkCover and transport accident schemes. This is expected to include:

data collection;

review of complaint handling processes within the VWA and the TAC;

identification of systemic issues arising from the administration of both schemes;

recommendation of solutions to enhance the administration of both schemes;

undertaking a broader educative role to improve public awareness; and

outreach, including the development of complaint handling literature and resources for the agencies concerned.

Thirdly, the bill addresses how the costs associated with the changes are to be met. The Ombudsman reports to Parliament and receives appropriation funding to enable him to carry out his existing statutory functions, including investigating complaints about the administrative actions of VWA and TAC, and this will not change. However, the expanded role of the Ombudsman will be funded from the WorkCover Authority Fund and the Transport Accident Fund. Managing and resolving complaints about claims handling is a fundamental aspect of compensation claims administration, and forms part of the VWA and the TAC's normal claims management expenses. The changes will not be funded through premium increases.

Improved complaints handling systems within WorkCover and the TAC should result in longer term efficiencies being generated from systemic improvements across both schemes, and in the administration of the statutory authorities, their claims agents, and self-insurers generally. I hope that this in turn will lead towards improved relationships between all

agencies and complainants, decreased disputation and, ultimately, reduced overall costs of the schemes to employers and motorists respectively.

Since coming to government, we have restored common law rights for seriously injured workers, delivered successive boosts to workers entitlements, and introduced reforms to make it easier for injured workers to return to work. Following these initiatives, this bill provides a simple, cost-effective and efficient means of delivering the government's commitment to establish a specialised office of the Ombudsman to deal with complaints in relation to the administration of the WorkCover and TAC schemes, and one which is fully supported by stakeholders. The establishment of this specialised office, and the emphasis on independent review, complements and supports a number of the reforms to workplace and transport accident compensation already introduced by this government in order to ensure Victoria leads the way in this vitally important area.

I commend the bill to the house.

**Debate adjourned for Hon. BILL FORWOOD (Templestowe) on motion of Hon. E. G. Stoney.**

**Debate adjourned until next day.**

## OWNER DRIVERS AND FORESTRY CONTRACTORS BILL

*Second reading*

**Debate resumed from 9 August; motion of Mr GAVIN JENNINGS (Minister for Aged Care).**

**Hon. C. A. STRONG** (Higinbotham) — In rising to speak on the Owner Drivers and Forestry Contractors Bill I must say that it gives me some regret to think that in 2005 in a Parliament in an advanced country like Australia we are dealing with a bill that seeks to put this particular segment of the industry back into the dark ages that we saw totally discredited in Eastern Europe and Russia and so on. We really have a situation of rolling back in time. Throughout the world, economies and industrial relations systems are seeking to encourage enterprise from individuals. We see everywhere this move to small contractors, to get initiative and innovation. But here we have a bill that really puts us back 50 or 60 years, because this bill aims to install in this key industry the failed socialist, communist system here in Victoria.

*Honourable members interjecting.*

**Hon. C. A. STRONG** — Members may laugh, but it is a fact. The bill tries to install a system where you need union and government permission to work. It is a system in which the government enforces a rule that you are not allowed to compete against the unions. It is a disgrace. The Liberal Party opposition will be

opposing this, and when it comes into government this sort of legislation will not exist. This is a system where you are not free to prosper and grow your business by offering better price and service than your competitors. You will be forced to do it at union rates. The system will result in the homogenised system which proved to be a failure over many years in so many countries. All these countries where this sort of homogenised, state-controlled system has been a failure are trying to reform their way out of it.

It is about time members opposite got a grip and used their brains on these issues. They should look at what the world is doing rather than slavishly following what their union bankrollers tell them to do. Fundamentally with this bill they are following their union mates' instructions to the detriment of the Victorian economy. This bill will wipe out any competition to the unions in transport and forestry areas. It seeks to ensure that independent small businesses do not contract at less than union rates. Let me repeat this: this bill seeks to ensure that independent small businesses do not contract at less than union rates. It is a disgrace. It is anticompetitive, it is anti-Australian, it is anti the lessons of history, it is counter to the experience of successful growing economies and it seeks to mimic the failed social experiments of Eastern Europe and Cuba. It is doomed to failure, and it is a tragedy.

The fact is that Australia is a very big country, and it depends upon an efficient transport system. In fact an efficient transport system is a large element in the whole factor of the price of goods and services throughout Australia, and that is very important to the success of our prices internally. It is incredibly important to our export sector and, of course, it is very important to the industrial and rural sector that there be an efficient transport system to get goods to ports for export. Competition by independent contractors which we have had for many years is important in two ways: it brings about efficiencies in its own right insofar as these people are in many cases smaller and more nimble on their feet, and it is able to react more quickly to new markets and new challenges. Also, where there are very big operators — many of whom are unionised — it keeps those people honest because if they let their prices creep up too much the small, nimble subcontractors get in and take their market share away from them. This competition which has been exercised by subcontractors in public transport and forestry has been very positive over many years for our economy.

As I have said, the bill aims to put the unions back at centre stage in transport. We all know that union membership is in terminal decline. Unless you are

working in a regulated or non-contestable area or the government, then people know, workers know, that the unions serve no useful purpose. Unions only serve a useful purpose where there is nowhere else to go, where there is no competition, like the government sector. Unions are strong in the government sector simply because there is no competition. That is why the unions still have some residual strength in the regulated areas of the economy. But where the economy is contestable there are no unions at all, and that is why union numbers are in terminal decline. That is why this government, at the behest of the unions, is out there trying to regulate as many sections of the economy as it can to give its union mates the chance to be less in terminal decline.

The bill severely limits the rights of business to tender competitively. The government has done this not only in this bill. We saw barely 12 months ago a similar situation introduced in respect of outworkers, with independent contractors in the clothing industry by law not being allowed to tender at rates less than the union rates. That is absolutely ridiculous. I shall reflect on some of the comments coming across the chamber from our good union representative, Mr Smith, who talks about upstairs, downstairs. I am amazed that he has not yet got into child labour working in the mines and pit ponies, but he will in the introduction to his speech. He does not realise that the world has moved on from those days and that we have a successful economy.

I shall divert for a moment from the bill to say that I have read a lot of information on the genesis of this bill, and I shall go through some of that. It has fundamentally come about as the result of union pressure, but the supposed genesis goes back to the infamous so-called independent industrial relations task force into the Victorian industrial relations landscape chaired by Professor Ron McCallum, which talks about how you give that industrial relations landscape back to the unions. That is clearly what it does. It is important to understand that the genesis of this is that the report made various recommendations on the issue of transport and forestry. I shall quote a couple of parts of it. It says in part:

The majority report of the task force made a number of recommendations with respect to dependent contractors ...

This is the area, of course, that the unions wanted to wipe out because they were in competition with them. The report continues:

There should be provisions to register multicontractor arrangements, such as owner-drivers in the transport and forestry industries, in order to bring stability to these types of employment arrangements.

For 'stability' I guess we should read 'union control'. It continues:

Such arrangements should be able to be entered into by employers and/or employer associations —

read 'unions' —

on their behalf, and independent contractors and/or unions on their behalf.

That resulted in the Minister for Industrial Relations, Mr Rob Hulls, in March 2004 appointing an inquiry into the situation of owner-drivers and log haulage contractors in Victoria. The February 2005 report of Industrial Relations Victoria was basically the genesis of this bill.

It is instructive to ask who made contributions to that report. Point 4 at page 22 of the report is headed 'Process of Industrial Relations Victoria inquiry into owner-drivers and forestry contractors'. The second paragraph states:

The minister wrote to a number of organisations seeking submissions to the inquiry. Submissions were subsequently made by the following organisations.

This was not an invitation to everybody to make a submission. The minister wrote to selected organisations to make submissions. Surprise, surprise! The selected organisations were the Transport Workers Union of Australia (TWU); the Victorian Transport Association; the Construction, Forestry, Mining and Energy Union; the Independent Contractors Australia; the Victorian Trades Hall Council; the Victorian Employers Chamber of Commerce and Industry; and the Victorian Forest Harvesting and Haulage Council. You can see that is a skewed sample. We do not have anybody representing small subcontracting organisations or people representing consumers served by subcontractors, particularly in the transport courier area and so on. That is not to mention those who service rural communities in the forestry area. It is a skewed sample so you would not be surprised at the outcome from that.

The report goes on to say at point 7.3 on page 30, and this is what I would like to labour a little:

The Transport Workers Union submitted that most owner-drivers in the Victorian and transport industry do not have formal written contracts, and only verbal agreements apply.

Personally I have a significant and deep knowledge of the transport industry because in the late 1960s I worked with one of the world's largest computer organisations to develop and install the first computer system in an owner-driver transport company, a system

that did the billing, paid the owner-drivers and so on. From the late 1960s I worked with many transport companies on their computer systems and most of them were to various degrees reliant on subcontractors. I must say that in that close to 15 or 20 years of experience of working with those companies and their computer systems in that area before I came to this place, building into those systems the mechanisms for the paying of owner-drivers, I have seen in most of the reputable companies I have worked with that these organisations always had a written agreement with the owner-drivers as to what they would be paid, how they would be paid, what were expected minimums, what deductions would be made and how cash jobs would be dealt with et cetera. Frankly it is nonsense and contrary to the experience of most reputable companies to say, as this report does, that the majority of contractors in the owner-driver area do not have written agreements with the organisations.

It is fair to say that there may or may not be a few non-reputable companies out there who try to take advantage of people. That will always be the way — that is life; there are always a few outliers who want to bend the rules — but the majority of companies who use owner-drivers to a significant extent have always had written agreements, and it is a nonsense for this report to say that they do not. Through my various contacts in this area I have collected a few comments on this particular bill from people who are involved in the transport industry. I would like to make a potpourri of some of those because they really do reflect the views of most people in this industry. I will quote some. As I said, they are quotes that have come to me from various correspondents. The first is:

This bill is no doubt a payback to Bill Noonan (TWU secretary) for his undying support of the Labor Party, both in-principle and financial. It also will sound the death knell of owner-drivers in that it will be too onerous to employ them under the proposed new conditions.

It seems to me that there is no doubt that that is what is intended. And there is another comment:

Owner-drivers came into being because of their flexibility and willingness to work on incentives, something the rank-and-file of the unions were loath to do.

In terms of what this will mean for Victoria and Australia there is another comment:

Costs will definitely increase as owner-drivers exit the system because of the lack of incentives. The number of wage-paid driver positions available will increase with no-one available to fill them.

What is a fact, which I think has been neglected by many of the people opposite, is that these people who

are owner-drivers are owner-drivers by choice. They have had experiences with the union and want absolutely nothing to do with it. They do not want to work with union organisations. It is not that they are being forced to work as owner-drivers. Many of them by choice want nothing to do with the union, and nothing to do with companies that have large segments of union wage-paid drivers. They simply do not want to work with those companies because it is a different culture which they do not like and which they have rejected.

Another comment says:

You will be aware of the rapid drop off in union memberships in recent years; well, Bill Noonan is well renowned for blaming this to a large degree on the growth in owner-driver numbers.

It goes on to say that this is quite clearly a payback.

Comment has also been made to me by various people that a lot of drivers out there are wage-paid drivers who, as with many of the owner-drivers, have had experience with the Transport Workers Union and would not go near them, and although they are wage-paid drivers there is no way they will be union members. The whole objective of forcing these people back into the union may well fail on those grounds.

I would like to turn to some of the other rationale that has been put forward for introducing this bill. I would like to paraphrase a couple of things that the minister said in his second-reading speech. He said:

The road transport industry is characterised by small family-run businesses, and over 85 per cent of transport businesses have less than five employees.

Classic small businesses.

There is significant evidence to show very low levels of earnings from owner-drivers and forestry contractors lead to high rates of business failure and working conditions and hours that do not meet a fair community standard.

Just think about that statement! If you go down to the main street in your suburb and look at the small businesses that run milk bars and shops in that street, how many of those are working long hours? How many of those probably often do not get the same rates of pay as union members, and how many of those, as those statistics clearly show, go into bankruptcy? The truth of the matter is that a large number of small businesses in main street shopping centres — small businesses everywhere — are characterised by those comments. They are family-run businesses and have few employees. They work a lot harder than your average union member and they probably earn less money, but

people work in them because they want the opportunity to succeed, they want their freedom and they want to be their own bosses. And yes, in many cases they do not understand finance as well as they should. The incidence of bankruptcy is much larger in these small businesses. We all know that and the statistics show that, so what is the government going to do with them? Is it going to regulate milk bars? Is it going to regulate small consultants and accountancies? These are smaller businesses which are family run, have high rates of bankruptcy and are run by people who work longer-than-normal hours, and if that is the rationale for regulating an industry, I can think of lots of other industries that should be regulated. That is an absolute nonsense justification.

In his second-reading speech the minister went on to wax lyrical about what he calls 'information imbalance' between the parties — that is, that these small businesses in the transport and forestry area perhaps do not understand business as well as a large multinational. Get real! Do you expect them to? Clearly many of them do not understand the risks and they do not understand the overheads, and that is why many of them have financial troubles. The rationale of information imbalance applies to the vast majority of small businesses. Many people who open up a small business clearly do not understand the ramifications of what they are doing. If they are good they make it through, they succeed and they have a profitable business; and if they do not, they often fail. That is what small business is about, and that is what the competitive economy is about. That is what giving incentives is all about. To talk about these things in isolation as though they apply only to the transport industry is a nonsense.

Turning to some of the details of the bill, the question is: how does the government intend by this bill to give control back to the unions? First of all I would like to touch briefly on who will be covered by the bill. If a contractor is engaged for 30 days in a row by a hirer, then his contract will be regulated. So anybody who works for the same person for more than 30 days in a row will be regulated; or if a contractor is engaged by a hirer not for 30 consecutive days but for more than 30 days in a three-month period, then likewise he will be regulated. This is going to catch a lot of people. This is going to catch almost everybody in the subcontracting area of transport and forestry.

What device will the government use to ensure regulation by the industry unions? That is going to be achieved by setting up industry councils. There will be an industry council for transport, and there will be another industry council for forestry. These industry councils, which will masquerade as being independent,

will be appointed by the minister, so will be at his behest. According to the spin the industry councils will consist of a balance of representatives of employers and contractors. But on looking at the actual numbers that will be involved in the Transport Industry Council of Victoria that will be set up, one sees that the chairman will be appointed by the government, so he will be dependent on the minister; the Victorian Employers Chamber of Commerce and Industry will have one representative, as will the Australian Industry Group; there will be two representatives from the Victorian Transport Association; two from the Victorian Trades Hall Council; two from the Transport Workers Union; and another one from VicRoads. On looking at those numbers, one can see quite clearly that the council will be dominated by the unions or those people responsible to the minister — and one must remember that the minister takes his instructions from the unions

The Forestry Industry Council of Victoria will be made up in exactly the same way, once again dominated by the Construction, Forestry, Mining and Energy Union and other union representatives.

The new councils will allegedly be independent but they will be dominated by the unions and people appointed by the minister who, of course, will take his instructions from the unions in setting up the councils. What will the councils do? They will make recommendations to the minister on codes of practice, they will produce an information booklet to be given to contractors in the area so they better understand their rights and obligations and they will determine rates and costs schedules that will tell the contractors basically what they should tender. I will address the rates and costs schedules in some detail later. The councils will produce model agreements that people can use to enter into a contract or arrangement. Most importantly, they will advise the minister on any matters relevant to commercial practice relating to contractors in the industry. That is a pretty wide ambit — they will advise the minister on anything, basically. The industry councils, through the codes of practice and rates and costs schedules, will be the device to control the industry.

How will the councils work? The bill clearly says that the councils will be subject to the direction of the minister. They will not be independent.

**Mr Pullen** interjected.

**Hon. C. A. STRONG** — They can advise the minister. They can collect all the information, using their power in any way they like, but they will always

be subject to the minister's direction. The words in the bill are quite clear:

... subject to the control and direction of the minister.

On looking further into the mechanisms of control, the bill provides that one thing the industry councils will do is produce codes of practice.

**Mr Pullen** — Do you agree with making a code of practice?

**Hon. C. A. STRONG** — Listen to this: on the advice of these tame industry councils, the minister may recommend to the Governor in Council to make one or more of the codes of practice regulations. The situation will be that these tame councils appointed by the minister will make recommendations to the minister and the minister can then take those recommendations and turn them into regulations, so they will not be codes of practice; they will not be voluntary. Regulations will be made which will have the force of law and people will be obliged to follow them, and if they do not there will be legal and financial sanctions. Members may think that codes of practice are okay, but when they are taken by the minister and turned into regulation and law and used against independent contractors, we do not agree with that!

**Hon. J. M. Madden** — You have never been so passionate about anything!

**Mr Pullen** interjected.

#### **The ACTING PRESIDENT**

**(Hon. J. G. Hilton)** — Order! The minister! Mr Pullen will have his turn. I suggest Mr Strong ignore the interjections and continue with his contribution.

**Hon. C. A. STRONG** — Thank you, Mr Acting President. I would love to ignore them, but Mr Pullen really does not understand, and sometimes I feel I need to try to educate him.

The so-called codes, which can become regulations, are very important because the bill clearly provides that they will be taken into account by the Victorian Civil and Administrative Tribunal (VCAT) in determining whether there has been unconscionable conduct and that they will be used by adjudicators in determining whether there has been any unfair action by hirers, for which there are very significant financial sanctions. These are very important issues. I will address dispute resolution and unconscionable conduct in a little more detail later.

Members have heard, not only about this bill but other bills, talk of the much-hyped smokescreen about information imbalance. Owner-drivers or forestry contractors who enter into contracts must have in writing information so that they do not have an information imbalance. That information will include the codes of practice and the rates and costs schedules of minimum payments that they should ask for. They will be developed by the industry councils and given to the contractors. It needs to be said that in many cases minimum payment conditions — and we do not know what they will be — carry with them very great risks for both sides.

In many cases contractors work when work is available. That is why they are contractors. They might be contracted to one particular hirer but that hirer does not necessarily have work for 12 hours a day, 5 days a week. That hirer will have a variable workload which the contractors meet. That is why they are contractors. If onerous minimum payment conditions are imposed which may not be adequately covered by the work that is coming in for the hirer to meet that payment, quite clearly the hirer is going to ask, 'Why should I have a contractor? I might as well have a paid union operator' — which, of course, is the object of the bill — because the flexibility of using contractors to meet a variable workload is taken away by the minimum payments. This is just another device by which the bill seeks to drive independent contractors out of the business, because hirers will not be able to employ them.

The industry councils will prepare commercial contracts for general use. Addressing the information imbalance is considered to be a great way to make the system work better by cutting out problems and other hassles and disputes. I point out to members opposite that exactly the same thing has applied in building contracts for many years. They have standard building contracts in place, and one does not need to be a genius to understand that that has not made the building contracts any better — that is, less subject to disputes or other hassles. We have more complaints and problems about building contracts than about any other contractual form that exists. These are regular standard contracts, so standard contracts are not a panacea to these problems, as the bill and the minister try to imply.

The bill goes on to say that it is essential that each new owner-driver must be given a rates and costs schedule three working days before entering into a contract, and that these rates will be developed by the industry council. The schedules will set out typical overhead costs based on the type of vehicle and work they are doing, and the schedules will include a base hourly rate

and a casual rate lifted straight from the union awards that the contractor could typically earn as an employee, once again comparing him to an employee.

I want to quickly deal with the very important rates issue. Clause 14, dealing with rates and costs schedules, states in subclause (1):

The Minister, in consultation with the industry councils, must —

- (a) develop rates and costs schedules for contractors ...

And the minister must keep those schedules up to date. Subclause (2) states:

Each schedule must —

- (a) specify the class of contractor ...
- (b) contain the following information —
  - (i) typical fixed and variable overhead costs for that class of contractor and vehicle or equipment; and
  - (ii) the base hourly rate and casual hourly rate that would typically apply to that class of contractor if a contractor of that class were performing substantially similar work as an employee.

There you have it all. These people are trying to force contractors onto an hourly rate as if they were employees. The clause goes on to say that the schedule must bulk up these hourly rates with such things as self-funded superannuation and so on.

In that context I turn now to page 79 of volume 1 of the February 2005 report and recommendations of the inquiry into owner-drivers and forestry contractors, which gives a clear indication of what is intended to happen and what the cost effects will be. Point 26.2.2 headed 'Rates case study 1: Brian (metropolitan courier driver)' states:

He works 7.00 a.m. to 6.00 p.m. Monday to Friday —

it does not say he is actually available for work; it says he works, but anyone who knows this industry knows that he is available for work —

that is, 55 hours a week. He averages 360 kilometres a day. His and other drivers' earnings are usually around \$850 a week gross ...

It goes on to compare that as if he were an employee:

Using the Victorian Transport Association model rates for a 500 kilogram delivery van, Brian's labour and running costs would be calculated as follows:

Labour: (award plus annual leave, leave loading, sick leave):  
\$15 54 per hour ...

It then sets out fixed costs, variable costs and fuel levy, with a total hourly rate of \$25.56. The analysis goes on to make some estimates of Brian's weekly running expenses under the agreement. It takes that out and divides the net result by 55 hours a week. The conclusion is that he is getting \$8 an hour. This compares with the current safety net award base rate for a 38-hour week of \$18.14 if superannuation is taken into account. This case study of Brian says that if you take it over 55 hours a week — remember he is not working 55 hours a week, he is available to work 55 hours a week; he could be at home reading the paper waiting for a call on the radio or having a cup of coffee waiting for a call — for that availability, after taking out all his costs for being available and working, he is getting \$8 an hour. It then compares that with the base rate of \$18.14 he would get if he were working as a base-grade driver. These rates the council will be given will tell Brian he has been underpaid \$10 an hour. Think of what that will do to the costs of the industry and to Brian. It will certainly totally change things. This system will not work because the flexibility that is in the industry today will not be there. This will be the death knell of owner-drivers in the transport and forestry area. It was clearly aimed to be the death knell so that these people will be back with the union.

The other incredibly important part of these rates schedules is the question of so-called unconscionable conduct and dispute resolution. If there is a dispute that can be resolved in favour of the contractor by saying, in the Brian case, that when he is getting \$8 an hour for the agreement he has been underpaid and should be paid \$18 an hour, the Victorian Civil and Administrative Tribunal (VCAT) can award him an extra payment. Have you ever of a greater disincentive for anybody to employ a contractor? Under the terms of the dispute resolution and unconscionable conduct provision, the details of which I will come to in a minute, people will get a bill for twice what they expect to pay someone and they will not enter into contracts. That is the intention — to wipe out contractors.

I refer briefly to the unconscionable conduct provision, because this is a major risk for anyone who seeks to employ a contractor. Clause 31 headed 'Unconscionable conduct by hirers' is an important provision. Clause 31(1) states:

A hirer must not engage in unconscionable conduct with respect to a contractor.

Subclause (2) states:

Without in any way limiting the matters to which the Tribunal may have regard for the purpose of determining ...

It then lists some of those issues. Clause 31(2)(c) states:

... whether the contractor was able to understand any documents relating to the acquisition or possible acquisition by the hirer of services from the contractor ...

So the hirer must make an assessment when he employs a contractor whether they were able to understand the documentation. Talk about a joke! Remember that this documentation will be the standard documentation that has been prepared by these industry councils. You can imagine many cases where an aggrieved contractor will say, 'I did not understand all the documentation I was given, therefore I do not think I have been dealt with fairly'. That is the clause that will give effect to the unconscionable conduct provisions.

What are the bases under which an award can be made? Clause 31(2)(e) says:

the amount for which, and the circumstances in which, the contractor could have supplied identical or equivalent services to a person other than the hirer, including as an employee ...

In other words, it quite clearly says that if there is any case for unconscionable conduct, the contractor can be awarded the difference between the contract and some assessment based on union wages and conditions. If there are any dispute resolutions, likewise VCAT and the dispute resolutions are not referred back to the contract documentation that the contractor entered into with the hirer. They are referred back to the conditions that would exist if that person was an employee.

I do not know if I have ever seen a clause more intended to put off anybody from entering into a contract. We can go on and flesh that out a little bit more. Clause 31(2)(h) says:

the extent to which the hirer unreasonably failed to disclose to the contractor —

...

- (ii) any risks to the contractor arising from the hirer's intended conduct being risks that the hirer should have foreseen would not be apparent to the contractor ...

If the poor hirer is not able to foresee costs in an industry which has a variable workload and dramatically changing costs — in petrol and so on — it would be a claim for unconscionable conduct. The main problem is that any award would be in accordance with union rates rather than the contract which was entered into. Of course there are also conditions in the

bill which will now allow unions to negotiate on behalf of contractors.

All I can say is that this bill turns back the clock. The clear objective of this bill is to finish both the transport subcontracting area and the forestry contracting area. The intention is to put all these people back as union-based employees. The intention is clearly to try and stem the terminal decline in union membership by making another area of our economy regulated. Members should bear in mind that it is in these regulated areas that unions have their power.

We are taking one of the most efficient, free and flexible areas of our economy that has been incredibly important to the growth of Australia and Victoria over many years because of the importance of transport and we are intending to regulate it — making it the law that people are not allowed to contract at less than union rates, putting private contractors out of business by making it impossible for those people to operate. Although the bill does not specifically say that those people cannot be contracted at less than union rates, the whole regime of these industry councils, codes of conduct, rates, unconscionable conduct, dispute resolution clauses — all of which go back to union rates for drivers who are paid wages — make it quite clear that one false step and any hirer or contractor who causes any little problem will be up for very significant costs. The net result of all of that is that the hirer simply will not hire these subcontractors, or alternatively the only hirers that will use subcontractors — and this is the issue that this government fails to understand all too often — will be the super shonks who know that if anything goes wrong they will just declare bankruptcy and run.

The only people who are going to be left in the subcontracting area will be the real crooks. The people who have used this area very successfully for many years will give it away. Cost structures will change. The flexibility that has been available to the subcontractors will not exist any more, and the only people who will use them will be those who know that if they feel they are going to get caught, they have a solution by simply disappearing or going bankrupt.

This bill is an absolute disgrace. It is a shame that an advanced economy like Victoria's — and Australia's — should be considering such legislation. I would urge the house to reject this piece of legislation.

I would like to put on record again that on attaining government the Liberal Party will certainly be changing things to ensure that there will not be in future this sort of prejudice against independent contractors. It is my

hope, too, that the industrial relations changes, which will protect private contractors and which are currently in the works in Canberra, will render this sort of legislation where it should be — on the scrap heap of history.

**Hon. B. W. BISHOP** (North Western) — I am pleased to rise on behalf of The Nationals to speak on the Owner Drivers and Forestry Contractors Bill. This bill has a wide range of purposes. It establishes a framework to deal with matters associated with the employment of owner-drivers and forestry contractors, including dispute resolution. It puts in place a couple of councils — the Transport Industry Council of Victoria and the Forestry Industry Council of Victoria. The legislation provides for the development of codes of practice, information booklets, rates and costs schedules and model agreements. It also deals with disputes and other industrial relations matters, such as unconscionable conduct and joint negotiations.

The Nationals, as they have always done, have consulted widely on this bill. We have received substantial feedback on the bill we are debating today from people who we see as independent operators, contractors and subcontractors. The Nationals oppose this bill. Members might ask: why? That is always a reasonable question to ask when we debate issues in this house. It might be asked: are we not about fairness and equity? I would argue we certainly are. Do we want owner-drivers and forestry contractors to do well? We do. Do we want them to be better equipped? Yes, we do. Do we want our transport industry to be flexible, responsive, self-reliant and have the spirit of free enterprise? We do.

We also want our transport industries in today's age, which is a very competitive age, to be innovative. This can be achieved in other ways without the heavy-handed approach of this bill, which we believe will eventually lead to price fixing and will become another step in the chain of fulfilling the government's ambition for all contractors to become employees. We believe contractors can be innovative as are small business people. If they wish to become employees of their own free will, they can certainly do that, but we do not see that they should be forced into that by the imposition of a bill such as this.

As we in The Nationals see it the transport industry is a very diverse industry that ranges across many industries. It might be livestock, it might be timber, it might be grain; it could be grapes, wine, general cargo, manufacturing inputs and manufacturing outputs as well. It is highly efficient and highly effective and Australia cannot do without a good mix of road and rail

transport, particularly those of us who live in country areas in Victoria and Australia. When we looked at this bill we were in no doubt that the net that is cast for owner-drivers is very wide. It almost gathers up everyone. Again, we might ask the question: why oppose the bill? One of the reasons was that our wide consulting net threw up those issues. I will come back to that later. But we had another good look at the second-reading speech. The second paragraph says:

This bill takes up the recommendations of the *Report of Inquiry into Owner Drivers and Forestry Contractors* undertaken by Industrial Relations Victoria.

I suspect when some of our very innovative small business people in the transport industry read that it would have sent a shiver up their spine. It goes on further to say:

That report is the result of extensive research and consultation with industry parties.

Many of the people we spoke to would certainly challenge that. Mr Strong, in his contribution to the debate, clearly said that the consulting process was very narrow. A bit further on it says:

... the report built upon the findings and recommendations of a report prepared on behalf of the (then) Department of Natural Resources and Environment.

That department is now the Department of Sustainability and Environment. I can assure members that if they talk about the DSE in country areas, all people will say is, 'They will bury you in red tape, will not let you do anything and certainly increase your costs of running your business, whatever it might be'. That is one reason.

Then we go to a second reason — and this is again in the second-reading speech:

Owner-drivers are involved in a range of transport activities, including as couriers and in the transport of raw materials, manufactured products and parts, waste and landfill and agricultural products.

That is true.

The road transport industry is characterised by small family-run businesses, and over 85 per cent of transport businesses have less than five employees.

I suspect that is true, too. It just shows the wide impact that this bill will have across all of those other sectors.

Mr Strong made a very interesting comment that in Australia most of our businesses are classed as small businesses. They are run by innovative people. It is often a tough grind in small business, but it is often also very good as well. The reason people do that, of course,

is that they want to have the freedom to show their own innovation, to show their own expertise, add their own abilities and run their own businesses. They are prepared to work hard, to be inventive and show that initiative to make their businesses successful. It is tough going — we all know that — and we see that particularly in country Victoria.

The third part of the second-reading speech I wish to refer to talks about tackling the key issue of information imbalance, which shrouds, we think, the real intent of the bill. Then it goes on to say:

There is a clear market failure in that owner-drivers and forestry contractors have a lack of adequate and accurate information about the reality of the commercial relationship they are proposing to enter. There is limited understanding among these small business people of the true costs of running the business. The result of this information imbalance is ill-informed and poor business decision making, leading to low and unsustainable levels of incomes.

I would challenge that. I know a lot of people in small business and a lot of people in the transport industry, and I believe that in the main they would be on top of those issues. In the main most of them know their business, how it operates and the requirements of that business. As I said before, they are often quite diverse requirements.

But the other issue is that there is plenty of assistance there if they get into strife. It is assistance they can choose to get, not have imposed upon them as this bill will do. There are plenty of organisations in the trucking industry. There is the Australian Trucking Association, the Australian Livestock Transporters Association and many others, I am sure. They are just examples, so there is plenty of assistance available for people who believe they might seek some help from time to time. I suggest to the house that those industry associations know very well what is going on and they represent their members' interests well because they are up to the mark with the latest happenings all the time. It is pretty straightforward stuff, but I am sure that all those small businesses in the transport sector we are talking about have good accountants and that their business skills are quite reasonable, and if not they could easily go and do a program, for example, at TAFE, to bring their skills up to the standard they believe they need.

**Hon. P. R. Hall** — Small Business Victoria could put on a program.

**Hon. B. W. BISHOP** — That is true, Mr Hall, a very good comment. Small Business Victoria could put on a program especially designed for the transport operators we are discussing today. It is an excellent

idea. It is something they would have a choice to go to and they could design the course to suit their own businesses. Some might say they have not got time. We have all heard that; we all must be aware of what our businesses are and how we manage them. Whatever the business is, it does not matter whether it is the transport industry, a shop, a farm, a taxi business, trucks, couriers, builders, painters, bakers, mechanics — the list goes on — you must know where the business is. I make the point that it is far better that you as the small business person know where it all is before someone else lets you know — for example, the bank. I know from personal experience that that can be done, and I know many businesses which have done that very well. What we are suggesting would be a win-win situation. We would have programs in place to help our transport industry people to have better knowledge, if they require, of their transport industry business, but they could choose what they want to do. They would be better equipped, they could see things coming, plan for the future and, most importantly, they would be in charge and it would be their choice.

The bill talks about putting out and making available an information booklet, but we would argue that business planning, business schools, advice and assistance on all those issues would in fact achieve that end as well. It is interesting to note that the health and safety issues have been well and truly debated in this place and certainly are talked about all around our communities. It is a good idea to have information on that, and I am absolutely sure there is plenty of it. I am sure people would have no doubt where that information is and, if not, where they could get it.

The bill says each new driver will be provided with a rate and cost schedule three days before the contractual task. The first thing we who live and work in country Victoria would point out is that most of the transport sectors are different. They all have different tasks and they all have different lengths of tasks. They also have different trucks. I will deal with that difficulty later in relation to some of the consulting work we did with some of the operators. We will bring out what some of our research indicated.

The Nationals believe this bill removes choice and has a thrust of turning these contractors into employees. Second-reading speeches often bring up the real intent of a bill. Page 8 of the minister's second-reading speech states:

Also the schedules will set out the base hourly rate and casual hourly rate that the contractor would typically earn as an employee, as a reference for the contractor to assess the rate offered.

We would argue that those telling few words in the second-reading speech are in fact a bit of a slip; you can see the philosophical difference between the government and where we stand. The government wants to make no choice available and take away the inventiveness, initiative and free enterprise of a highly efficient and highly effective sector of our economy.

The dispute resolution parts of the bill deal with an interesting issue in transport. As I have said before, we have occupational health and safety rules which some of us say are too intrusive; they are certainly very strong. We in The Nationals strongly support occupational health and safety in the workplace. In some of these issues we have debated in this place there has been a bit of overkill, but by the same token those rules are there, so a lot of those dispute resolutions would be sorted out in that arena.

Another bill we have debated in the house is the Transport Legislation (Amendment) Bill, the chain-of-responsibility bill that put strong regulation on the transport industry. This bill reminded me of earlier discussions with my colleagues. Here is a government saying, for example, that it wants to protect owner-drivers. However, the chain-of-responsibility bill, which was wrapped up as a transport omnibus bill and forced through the house, talked about drivers and operators but did not allow those drivers and operators any reasonable steps of defence. The Nationals put forward an amendment to correct that and give them the opportunity of reasonable steps of defence, but the amendment was not accepted. The government has now put this bill up and says it is looking after owner-drivers and forestry contractors. It is a bit hard to reconcile in my mind. It should come out and say what it is really going about, as I said before.

We want to give owner-drivers a go. When that chain-of-responsibility bill was in the house, The Nationals put up a proposal supporting the Victorian Farmers Federation's grain harvest transport scheme. It is a self-regulating scheme which works very well in Queensland, where it started. It provides a lot of certainty to contractors, owner-drivers and farmers.

Anyone familiar with the grain industry would know that you cannot accurately load grain trucks in a paddock; there are no scales available, the grain weights are different and it is very difficult to load accurately. So during that debate we called on the government to put the system in place, and we had the precedent of it working very well in Queensland. We had the precedent of a self-regulating scheme, which I thought the government would have been pleased to accept. In fact, during the debate on the Transport

Legislation (Amendment) Bill the government said that while it would not accept our amendment to put the grain harvest transport scheme into place, it would look at putting it in in time for this harvest. I call on the government to get on with it, because even though our crops have a bit to go, the harvest will soon be here. I call on the government to stand by its promise in this house during the committee stage of that bill that it would put the scheme in place.

**Hon. P. R. Hall** — I hope it is going to be a good harvest.

**Hon. B. W. BISHOP** — Yes, Mr Hall, I too hope it is going to be a good harvest. After the last eight or nine seasons we certainly need a good harvest for all of our people in country Victoria, not only farmers but the service industries that support our communities as well.

Another instance a bit similar to the Victorian Farmers Federation grain harvest transport scheme is that of the wine grape transporters. They are generally owner-drivers and contractors and are affected by the Transport Legislation (Amendment) Bill as well. During the transition process the New South Wales Road Traffic Authority and VicRoads have been quite tolerant. However, some of the wineries have been a bit frightened by this legislation, fearing they could end up wearing the blame. The ramification has been that if a truck inadvertently turned up slightly overweight it would in some cases be turned away. Wineries load their trucks on the side of the road, sometimes at night, and it is quite difficult to get the exact weights.

This is another opportunity for the government to support owner-drivers and contractors. The grape bins on the trucks are all the same size. They hold between 2.5 and 2.7 tonnes of grapes, depending on the grapes, how much sugar is in them, how full the bin is and a lot of other things. But the weight of the bins varies by that small difference. There was a code of conduct which worked very well, and there was good cooperation among the whole of the industry in relation to the spillage of grapes when the bins were too full. The industry worked together, including the growers, the harvesters, the transporters and the wineries to put the code of conduct in place, so spillage does not now occur. So again there is an opportunity for the government, and I call on it to have a good look at putting a volumetric loading process in place for the grape harvest. It could be the same as the one in place for livestock and could go across Victoria, New South Wales and South Australia. It is a positive thing to do rather than imposing rules on people as is done by this bill.

A lot can be done without the heavy hand of government, without the threat of price fixing or the threat of forcing our contractors to become employees. Why are we fearful about that? One of the reasons is that the bill establishes a couple of councils. People in the industry that members of The Nationals spoke to say that those councils will be quite interesting but are weighted against the industry. The new Transport Industry Council of Victoria has no representation from the livestock transporters. There is no doubt the council will be weighted against the industry. The new councils will have a lot of power. They may provide advice and make recommendations to the minister, even if the minister has not requested them to do so. They can advise about rates and costs schedules, and develop, publish and promote model owner-driver contracts. They will be able to do a lot of things; they will be quite powerful.

The new Forestry Industry Council of Victoria has similar, if not exactly the same, powers. Again, the industry has said to us that it is weighted against representation from it, and that is one of the reasons why we will be opposing this bill. The industry has said that due to the imbalance of representation on the councils they are hardly likely to promote efficient, flexible, responsive industries whenever they might be advising the minister. The operators tell us that it will increase the cost and it will certainly increase the complexity of the industries. Surely that is what we are all trying to avoid? We have also heard comments that the bill appears to challenge the federal Trade Practices Act, and I invite the minister to make some comment on that during the summing-up process.

We have consulted widely, and I will quote some of the observations made to us. The Australian Livestock Transport Association has similar concerns to those raised by the Livestock Transporters Association of Victoria. One of its comments is that:

Owner Drivers and Forestry Contractors Bill — a new little empire for bureaucracy and unions

That is the information we have been getting back from those people. It also says:

The bill represents a grab for power by Victorian-based transport unions in association with selected employer associations.

It continues:

The bill stops short of setting freight rates, but provides for state-endorsed rate schedules to be promulgated with an implication that it should be paid. Negotiations can depart from the scheduled rate. Negotiators can organise groups of owner-drivers.

The association also has a view that the bill contains some unworkable features which include:

All but a few contracts to be in writing.

The information booklet to be provided three days prior to the contract commencing or the haulage contractor can be subject to severe commercial penalties.

I will explain that a bit better later on. It continues:

'Owner driver' is so broadly defined as to capture most family road transport businesses.

Customers like farmers and abattoirs are caught, as well many contracts extending well outside Victoria.

And it goes on and on. Quite a number of concerns have been expressed by the livestock-carrying organisations. Grave concerns regarding the implementation of this bill were also expressed by the Livestock Transporters Association of Victoria and it is continuing to seek an exemption from the bill. Again, it goes through a number of issues, which are far too numerous to mention in today's debate. It states:

Livestock transporters work in a community based on trust, reputation and word of mouth.

That is true, and has been so for many years. It raises a number of other issues and I will mention a couple of them. The association says that:

Rather than seeing themselves as being similar to employees or a city-based owner driver requiring close direction, livestock transporters actually run a business where they operate one or 50 trucks.

Livestock transporters are far better informed than those people described by the department of industrial relations as being drawn in by advertisements in Melbourne media promising '\$1500 cash a week'.

It goes on and on about many of those sorts of issues. So there is real concern in that particular area as well.

Another group that responded to us was the Australian Plantation Products and Paper Industry Council, or A3P. In its letter it states that it is:

... writing to express serious concerns about the implications of the above legislation for the plantation products and paper industry in Victoria. The legislation has impacts far broader than the issues it purports to address. It will have unintended consequences for the plantation industry including stifling innovation and increasing costs in an industry that is exposed to substantial competitive pressures from other suppliers in Australia and internationally.

It has raised five major points in opposition to this bill, and I will just pick up two or three of them. It objects to:

... the suggested composition of the forest industry council. Of the nine voting members, only two are from the industry and only one of those from the plantation industry.

On another issue it says there is:

... no threshold on the application of the act to harvesting contractors (though thresholds apply elsewhere).

Another issue it raises is:

... The potential for standard rates, schedules and contractual arrangements to be imposed. This will prevent the development of tailored, innovative contracting structures that meet the needs of specific situations and are acceptable to both parties.

That is exactly what we have said before. It also says there is an:

... anticompetitive nature of the proposed framework in an industry where there is no demonstrated market failure.

In relation to the consulting process the government said that it had put a process in place very well. The A3P view is:

The plantation industry would also like to note its objection to the process that has been followed thus far. There has been a lack of genuine consultation with, and consideration of the concerns of, the plantation industry. The offer of a departmental meeting after the legislation had been drafted was the only contact with this association.

That is signed by Belinda Robinson, the then chief executive officer of the organisation. The minister responded to that and rebutted some of the areas of concern. I have read through the letter, and I do not think the minister's rebuttals are all that strong. He virtually overrides the concerns the organisation has raised and really does not take account of its objections.

Probably one of the most compelling consultative responses we had came from a firm of livestock carriers operating in the Western District. It employs over 20 people and operates a number of prime movers, four-deck and B-double trucks. It has three full-time subcontractors, and a fourth one towing a B-double will join this month. At certain times of the year it uses the services of up to 10 other casual subcontractors in suitable areas on a day-to-day basis, so it is well qualified to make comments. Its letter says:

The livestock transport industry does long haul and short haul work. Every job is different and priced from job to job depending on distance, loading facilities, time taken to do the job, and number of sheep/cattle on the load. Set prices between prime contractor and ... an abattoir are often set on a per head basis and that price is reviewed periodically. A meat processor requires a per head price to enable the costing and different sizes and types of animals attract a different per head rate. There is little uniformity in pricing because every job is different.

It has sent a huge amount of documentation. I am not going to read it out, but I think that paragraph explains its concern on this bill, which takes away its capacity to operate with innovation and efficiency. The letter is signed by Anthony Boyle. It is quite a good letter but it is far too long to read given the process we have today.

The Nationals believe we have compelling reasons to oppose this bill, and that is why our position is such. We believe it is a power grab from the unions and a first step towards price fixing. We believe it is a thrust from the government to get contractors phased out and to have them become employees. We think it will add to costs and complexity in a very competitive industry, and we had no choice therefore but to oppose the bill.

**Mr PULLEN (Higinbotham)** — I rise to support the bill before the house. I want to make a couple of comments on Mr Strong's contribution, because he basically said what the opposition said in the lower house. His performance in here today has been as effective as a fly on the backside of an elephant. Really it was pretty ordinary. I was disgusted when I read in *Hansard* what people in the lower house said in relation to this bill and particularly in relation to the Labor Party. The member for Kew in the other place, Andrew McIntosh, complained about creeping socialism — the same words used by Mr Strong — and communism. If this bill is creeping socialism then bring on more of it, because it is protection for the most vulnerable people in society.

The member for Kew complained about members of the trade unions always trying to preserve their membership. He went on to say the TWU — the Transport Workers Union of Australia — and the CFMEU — the Construction, Forestry, Mining and Energy Union — have contributed more than \$1 million to the Labor Party. As Mr Smith said yesterday — I see he is returning to the chamber — — the Liberals actually want to lift the threshold at which donations to political parties must be declared. The *Herald Sun* of 9 August said:

Companies and individuals should be able to secretly donate up to \$10 000 to political parties, Liberal Party federal director Brian Loughnane said yesterday.

The Liberal Party wants the threshold at which political donations must be publicly disclosed lifted from \$1500 to \$10 000 — and for more donations to be made tax-deductible.

I am proud that the trade union movement donates to the Labor Party. We are proud to advertise the amount that it puts into the party.

I often wonder why the opposition hates the trade union movement. There is nothing to suggest that we, on this side of the house, attack or single out any particular vulnerable or exploited groups. We do not attack any groups. But every opposition speech that has anything to do with workers attacks the trade union movement. The Prime Minister and the federal coalition government's attack on workers with their changes to the industrial relations laws will see a great effort by the trade union movement to build on its membership. During my contribution to the recent debate on the occupational health and safety bill I said at that time that I was not a member of a trade union. I have been so concerned about the federal government's attack on the trade union movement that I have rejoined a union. I was a member of the Commonwealth Bank Officers Association but I have now joined the Construction, Forestry, Mining and Energy Union to stand shoulder to shoulder with my colleagues against attacks from the Howard government.

The member for Kew in the other place said that thousands and thousands of independent contractors are scared about the operation of this bill. Name me one? I only ask for the name of one. Regardless of what Mr Strong says, none of them go to see him — he has never even met a truck driver let alone driven a truck.

The member for Swan Hill in the other place was even worse when he criticised the trade union movement. It annoyed me that he spoke about the Berlin Wall coming down and about this legislation being communistic and attacking the basis of what we are all on about. I will tell you people over there one thing — it is an absolute disgrace to talk about the Labor Party in that way because it has a proven history as a party that defends this country.

I can go back to the Second World War when the conservatives were in charge and ran away when this country faced its greatest attack. We were sent to the Vietnam War where 500 young Australians died on the lie that the Chinese were coming to get us. You have now sent troops to Iraq under the absolute lie of finding weapons of mass destruction. You people should not come into this place or the other chamber and talk about the Labor Party in relation to communism or any other sort of ism you want to talk about. I will talk about a particular trade union that you people over there talk about.

**The DEPUTY PRESIDENT** — Order! Mr Pullen will address his remarks through the Chair.

**Mr PULLEN** — I thought I was. Mr Bishop introduced some good farmers to me in April 2004

when they wanted to talk about the waste containment facility. I met with members of the Victorian Farmers Federation (VFF), Cathy Tischler and Alastair Dawson, who said that they had a number of concerns. I asked them what their concerns were, and they said that the ministers were not answering their questions. I asked them to send me the questions. Some 16 months later I am still waiting. That is the sort of representation the Victorian Farmers Federation give to their particular members.

I also want to rebut what Mr Baxter said in this chamber not long ago about no members of the government being interested in the annual conference. I happened to be in New Zealand when the annual conference was held. I was with Mr Atkinson, a member for Kooyong Province, and Mr Delahunty, the member for Lowan in the other place — two decent opposition members, I might add. I happened to say that I could not attend and I sent an email letter to the Victorian Farmers Federation which said:

I am unable to attend the conference as I will be in New Zealand with the all-party Economic Development Committee which is undertaking an investigation into the horse breeding industry in Victoria.

Mr Baxter said none of us were at the conference or even cared about it. I received an email back from Simon Price, executive manager of policy of the Victorian Farmers Federation, who said:

Thank you for your email from Paul Weller advising of your apologies for the VFF annual conference.

This will be recorded for the meeting as requested.

I put that on record because I do not want to be accused of this sort of stuff.

I now want to concentrate on the owner-drivers in particular. I will not talk about forestry contractors because I do not have any in my electorate. I am proud that I have listened to members of the Transport Workers Union who raised this matter with me last year. I was provided with a copy of a brochure that the TWU put out. I will read the brochure into *Hansard*. It is signed by Bill Noonan, secretary of the TWU, and dated 30 April 2004. It states:

The TWU has lobbied for many years for a fair deal for owner-drivers. The Bracks government has now set up a review into the owner-driver sector which is being conducted by Industrial Relations Victoria.

It goes on to say:

1. Introduce a contract review mechanism allowing for review of contracts to ensure owner-drivers receive a fair return for work performed;

2. Provide a forum for owner-drivers to challenge or review unfair contracts and unfair conduct relating to such contracts; and
3. Provide a forum for settlement of disputes.

All those things have been introduced, and I congratulate the TWU for bringing those issues to us.

As members know I spent some time in the finance industry. With the loans and leases that truck drivers had to get, there was a lot of uncertainty in the industry, and many times I had to go out to try to rearrange repayments for these people. This bill will bring a lot of certainty into the industry. Owner-drivers are very important to our economy, and this bill will protect owner-drivers in the industry. It takes up the recommendations of the report of the inquiry, which I mentioned earlier. It must be remembered that a lot of these owner-drivers have a low level of earnings at the moment because they work very long hours. I know a lot of them. Even worse, they are working longer hours for less money and a lot of them have poor health. A great mate of mine who played Australian Football League football is an owner-driver, and he has had more injuries as a result of being an owner-driver than he ever did when he was playing AFL footy.

Owner-drivers must only accept the work from the one hirer, which is subject to a lot of direction and control. Owner-drivers have the fourth highest business-related insolvency rate of any occupational group. I ask the opposition to get out into the real world to realise exactly what is going on.

My time runs out shortly; I wish I had 54 minutes like Mr Strong. I could go for at least 1 hour on this sort of stuff because it is close to my heart. Clause 10 of the bill refers to the information booklet. I cannot understand why opposition members are going crook about an information booklet — it has me beat.

I turn to the clause notes regarding notice of termination, because there is a lot of uncertainty in this particular industry, and they state:

Minimum notice will ensure the viability of contractors' businesses on determination, given their higher finance costs.

This leaves owner-drivers very vulnerable to business failure and insolvency as they are unable to secure alternative work when finance payments are due —

as I mentioned earlier.

It places a terminated driver in a very weak bargaining position with a new hirer, with pressure to accept any job at any price in order to meet these overheads.

There is a difference, of course, in the period of notice. It is one month for the owner-drivers and three months for the forestry contract workers. The difference is basically because they drive a bigger truck and have to do a lot more work and so on.

I want to touch on the codes of conduct, which I mentioned earlier. The codes will apply to all industry participants within the scope of the bill and will not rely on parties voluntarily signing up to the code. The codes will be made by the minister on advice from the Transport Industry Council of Victoria, and that has been covered by other speakers today as regulations. Codes are therefore expected to have a higher degree of acceptance from all stakeholders in the industries, more so than if particular matters were prescribed in the act. The codes are taken into account by the Victorian Civil and Administrative Tribunal in determining whether unconscionable conduct has occurred.

In the couple of minutes I have left I want to refer to this month's *Auto Industry News*. It contains an article headed 'Liberals support mandatory code of practice' by the Honourable Bruce Atkinson. It goes on to say:

The Victorian Liberal Party has thrown its support behind calls by the VACC —

the Victorian Automobile Chamber of Commerce —

and small business body repairers for a mandatory code of practice for the crash repair industry.

They have been dragged kicking and screaming towards this, because I know the amount of work that was put in by the former Minister for Small Business, the Honourable Marsha Thomson, on this particular code of conduct in the past.

**Hon. B. N. Atkinson** interjected.

**Mr PULLEN** — The Liberals have been dragged kicking and screaming to this code of conduct, but they will not even say why they oppose it in relation to this bill. I also want to say on the subject of the appeal mechanisms that there also appears in this magazine an article in relation to the small business commissioner. It says:

The Victorian Minister for Small Business, André Haermeyer, has announced the reappointment of Mark Brennan as small business commissioner for a further three years.

...

During this time the commissioner's office has handled 1200 disputes.

By using mediation and alternative dispute resolution, and thus avoiding litigation, the office has assisted Victorian small businesses reduce costs significantly in sorting out grievances with big business. These disputes have been resolved with a 70 per cent success rate.

The rest of Australia is now following Victoria's lead —

Again we are the leader in that in the world —

with the ACT recently appointing its own small business commissioner and other states also considering similar appointments.

...

VACC executive director, David Purchase, said the success of the small business commissioner in representing small business in resolving disputes and moderating the power balance of big business over small is evidence of its effectiveness.

...

The introduction of a fair mediation system to resolve disputes has helped many of —

their members. That will also help this particular industry. I want to give the good news and the bad news. Opposition members say they will repeal this bill if they ever come to government. They will not, because they will never come to government — and if they did — —

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

**Hon. E. G. STONEY** (Central Highlands) — I was tempted to move an extension of time to hear Mr Pullen's good news, because most of his speech was absolute bad news. In fact I am almost speechless. You would think no-one on this side of the house had ever driven a truck for a living!

I rise to speak on this bill as the Liberal spokesman for forestry. I do not intend to make a long contribution because the member for Kew in the other place, Mr McIntosh, and Mr Strong in this place have covered the Liberal position very well. I also think Mr Bishop summed up The Nationals' position well in his contribution. Our position is that we oppose the bill, and we oppose it simply because it goes against the principles of free enterprise. Mr Pullen, who is the lead speaker for the government, clearly demonstrated that he does not understand what this bill will do to owner-drivers — the people who own trucks and drive trucks. He certainly has no understanding of what this bill will do to clients and the difficulties it will cause to the free flow of commerce around this state.

The basic principle of free enterprise that applies in this case is that owner-drivers are people who have bought their trucks in the first place. That is the basic principle on which people such as mill owners established their mills. It is also the basic principle on which those businesses run today. The fact that the government is interfering with that free flow is of great concern to the future of the industries that will be affected.

As the opposition spokesman for forestry I have become very close to the forest industry. There are huge problem sections of the industry, including the contracting and harvesting sectors. I can say with some knowledge that a lot of these problems are caused by government policy over the last five or six years. This government has used legislation to control the forestry and logging industry to demonstrate its environmental credentials to the green movement. It has reduced access to our public land forests to cultivate the green vote. It has increased royalties sharply, causing major concerns — financial concerns — to individual sawmillers for exactly the same reason. There are many mills that are absolutely considering their future. They have looked at the economics, at the new pricing structure and at their diminishing access to resource, and most of all they have looked at the attitude of the government to their industries. That attitude is anti-forestry and anti-logging. Despite its protestations the government is anti a sustainable forest industry because it keeps closing down the areas available for logging, which puts pressure on the remaining areas, and which reduces the sustainability of the overall forest.

Every decision that has been made in the last five years has led to more imports, and this leads me to the contractors. Forestry contractors have massive problems. They have become so efficient that I suppose you could say that they are now desperately competing against each other for diminishing jobs, if you like — the diminishing work that is available. This has been caused by the Our Forests Our Future program. There were simply too many contractors — and too many efficient contractors — for the amount of forestry work available. Coupled with that, mills have seen their returns dropping and access to their logs dropping away, and that makes them keener than ever to obtain the best price so they can stay in business and pay their contractors. Often the best price is perhaps below the cost of the production of the contractors, and many contractors are going out backwards. Probably they are just marking time, but it cannot be solved by ministerial or government intervention in a free market.

The house will remember the huge rally of contractors some years ago at Parliament House. The house was

ringed with trucks for days. I went out and spoke to the contractors because I know a lot of them personally. They are great people — responsible, hardworking and decent — and some of them told me they were actually losing less money parking their trucks for a few days at Parliament House rather than being out on the road. There is a huge problem, and we all understand that. As I said, it is a problem that cannot be solved by government intervention. I think all this bill will do is weaken the market further and weaken the mills further and create fewer and fewer jobs for the contractors. It will decrease the ability of the mills to pay, and the contractors will suffer, as will the overall forest industry.

Having said that, in Victoria the Liberal Party is committed to working with the forestry industry and the contractors and hauliers when it is back in government to overcome a lot of these problems, which it acknowledges do exist. But this bill will not solve the problem of the contractors and it will not solve the problems of the forestry industries. It will be left to a Liberal government to sort that out in due course.

I want to move on to the livestock industry. The implications of this bill on the livestock cartage industry were first brought to me by my own livestock carrier, Mr Merv Shaw of Gobur. I would like to tell a little story. Just before the winter I had to shift my 40 cows from the country where we live, which is in the bush, out to some open country for the winter. The season was on the turn. I watch the weather pretty closely — in fact I have the weather sites and maps on my computer to keep a bit of an eye on it. It had not rained for months. Merv and I arranged that we would shift the cattle on a Saturday. I rang him on the Thursday before and said, 'I think it's going to rain, Merv. Can you do it on the Friday?'. He said, 'Oh, yes. I'll shift things around a bit'. That was on Thursday night. He turned up on Friday morning. We loaded the cattle, got them down to the new country and jumped them off the truck. That afternoon we got two inches of rain and it rained all night.

We would not have had the cattle loaded or unloaded if we had not been able to quickly change the time for shifting those cattle. That became clear to me in the conversation we had after we had jumped the cattle off, when Merv said to me, 'Can I have a few minutes of your time?'. He showed me a few papers, which included what the bill is proposing. We agreed that we would not have been able to do what we had just done if the bill were law. Merv said, 'I've never actually lobbied a politician before, but today you look more like a cattleman than a politician, so I'll lobby you'. We had a good chat about it. We talked about things like

the fact that livestock movements are done on trust and to impose the least stress possible on the stock. They are often done with a quick phone call from the stock agent to a truckie, saying, 'There's cattle in the saleyards. We want you to drop them off somewhere' — probably at a remote property and in the middle of the night. It is often done with the weather as a main consideration, as I have just indicated. Many livestock carriers and livestock agents will be forced to ignore the requirements of the bill to get stock shifted in the best interests of the stock. Once again the Bracks government has gone against the people of rural Victoria by bringing in a lot of red tape that is just not welcome.

An article in the *Country News* of 1 August headed 'Transport dilemma' reflects that. It states:

Farmers would be required to sign written contracts with transport companies taking their livestock to markets, under new legislation before the Victorian Parliament.

...

Owners of Gooiker Stock Transports in Mooroopna, Bill and Leanne Gooiker, believe the legislation would mean unnecessary paperwork and time wasting for livestock transporters.

'We have a lot of clients we do work for who ring us on the day,' ...

'Under the new rules, we can't do that job for three days.'

It goes on to quote the new Victorian Farmers Federation livestock president, Ailsa Fox. It states:

... livestock transporters 'do not need government interfering unnecessarily'.

...

'Farmers and truck drivers do not need the government to tell them they must use written contracts.'

The article goes on to state later:

Mrs Gooiker, who runs most of the administrative side of the company as well as looking after five young children, said many businesses like the Gooikers's were family run and owned.

'The trouble is we don't know how much that job is going to be until after it's done,' ...

That goes to the nub of the problem: often you do not know how much it will cost to move stock or anything much about the contract or the deal, if you like, to shift the stock until it has actually been done, so how on earth can it be decided three days before?

The reaction to the debate in the lower house that has been referred to today has been quite interesting. The

Australian Livestock Transporters Association devoted most of its weekly newsletter of 25 July to discussion about the debate in the lower house. The article states:

We had a brilliant result in the Victorian Parliament last week.

Almost half of the *Hansard* on Tuesday was occupied by a powerful, driving debate on the Owner Drivers and Forestry Contractors Bill. Our objections to be wrapped up in damaging, discriminatory red tape were argued strongly by the opposition. Government members responded feebly.

The opposition parliamentarians who spoke demonstrated that livestock transporters have a real case with real support.

The newsletter expresses the hope that the government will see reason in the three-week break between the debates and introduce amendments to the bill in this house, which at this stage does not look like happening. The newsletter goes on:

We are simply arguing that rural carriers should be exempt.

...

... when the bill was debated almost half of parliamentary time on the day was spent with the opposition launching a strong, informed and determined critique of the bill. Government members, by contrast, lamely read out departmental briefing notes.

We see that here every day, with members of the government reading out departmental briefing notes as their contribution to a debate and having no understanding of the legislation. I must acknowledge that Mr Pullen did give his own speech — which also was quite obvious. The article states also:

Each opposition speaker was able to back up their points by referring to individual livestock transporters with whom they had contact in their electorates.

It goes on to compliment opposition speakers, who are mentioned in the newsletter, including the member for Kew, Andrew McIntosh; the Deputy Leader of The Nationals, Peter Walsh; the member for Polwarth, Terry Mulder; the member for South-West Coast, Dr Napthine; the member for Benalla, Bill Sykes; the member for Bass, Ken Smith; and the member for Lowan, Hugh Delahunty. At the end the article states:

The opposition contribution positively zinged. It was full of life and energy and ripped the bill apart.

Government members' response could cite not one individual who actually supported the legislation, just anonymous associations.

In conclusion, despite very good debate in the other house and very good reasons being put as to why substantial amendments should be made to the bill — especially that the livestock industry should be exempt

from the bill — no government amendments will be made to clean up the bill. The government stands condemned for just barging on and bringing in the bill in its current form when so many people in rural Victoria will be affected by it. It is a bad bill and, as Mr Strong said earlier, it brings unions back to the forefront of the transport industry. I oppose the bill.

**Mr SOMYUREK** (Eumemmerring) — I rise to speak in support of the Owner Drivers and Forestry Contractors Bill. The purpose of the bill is to seek to ameliorate the situation of owner-drivers and forestry contractors while maintaining healthy and competitive industries. The bill tackles the key issues in information imbalance between the contracting partners. There is a clear market failure, in that at the moment owner-drivers and forestry contractors have a lack of adequate and accurate information about the reality of the commercial relationship they are proposing to enter into. There is limited understanding among those small business people who, in large part — I think 85 per cent of cases — have less than five employees. I understand the majority are one-person operations. The result of the information imbalance is ill-informed and poor business decision making, therefore leading to low and unjustifiable levels of income.

As I have said, the bill addresses the problems of disadvantage of small business operators. It does so in a commercial law framework. It is based on existing business-to-business trading laws drawn from the Fair Trading Act 1999 and adds low-cost mediation by the Office of the Small Business Commissioner. The bill does not alter the legal status of contractors as small businesses. It does not treat them as if they were employees.

The mediation process conducted by the Office of the Small Business Commissioner is highly successful in the retail leases area, with over 70 per cent of the disputes being resolved and major positive economic impacts and benefits to both parties. There are parallels between the situation of owner-drivers and forestry contractors and the problems faced by small shopkeepers, those being a lack of information, security and bargaining power. The bill applies the successful model used in the Retail Leases Act 2003.

This bill is a light touch. It does not interfere too much in the process in that it does not unduly interfere in the commercial relationship but focuses on the identified market failure of information imbalances between the contracting parties and the need for genuine dispute resolution. The bill also does not prescribe or regulate commercial terms, except for prescribing certain improper practices. The bill will put upward pressure

on low and unsustainable rates paid to contractors. Owner-drivers are working longer hours for less money these days. There is plenty of evidence to support this both nationally and internationally. We have seen the repercussions in that owner-drivers, certainly truck drivers, are working extraordinarily long hours, in some cases aided by artificial means. We have also seen the dire consequences of these actions. This needs to be looked at. In the case of the trucking industry each of those vehicles is potentially a weapon of mass destruction. I recall a case in my electorate of Berwick where a truck driver did not know where he was. He thought he was going to Benalla, but he ended up in Berwick. The owner-driver sector is an important component of the road transport industry, which is crucial to the economy as a whole. Owner-drivers are an important component of a competitive and efficient industry, and the low and declining levels of earnings of this group are not only unjust but are well below an acceptable community standard.

Before I finish I would like to get to the crux of the bill. The bill covers owner-drivers in the transport industry, including short and long-haul couriers, trucks, taxi trucks and so on, who provide a vehicle in addition to the proprietor operating the vehicle; companies and partnerships; forestry contractors, being small businesses that are either harvesting contractors or contractors that fell trees and grow sawlogs; and haulage contractors who transport sawlogs in both state and privately owned forestry plantations. This is a sensible piece of legislation. It is legislation that could have been introduced earlier.

I believe taxidrivers are underpaid. They are owner-drivers. Some of them work for \$6 or \$7 an hour, and that is clearly not good enough. Like truck drivers, they work long hours. I believe they should be remunerated better. Except for me, members on this side of the house have been succinct in commenting on this bill. The case for the bill has been compelling. I recommend that the house pass this bill.

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

**Business interrupted pursuant to sessional orders.**

## QUESTIONS WITHOUT NOTICE

### Hume and Banyule: councillors

**Hon. J. A. VOGELS** (Western) — I direct my question without notice to the Minister for Local Government. Hume ALP councillor, Mohammed Abbouche, a factional ally of the Treasurer, the

Honourable John Brumby, and federal frontbencher Stephen Conroy, has been charged over his failure to declare a \$5000 donation he received from the developer. This same developer received approval to rezone a suburban boundary in Hume.

In addition, Cr Colin Brooks, electorate officer for the Minister for Community Services in the other place, the Honourable Sherryl Garbutt, is under police investigation — —

**Mr Smith** — On a point of order, President, this issue is a matter of sub judice. It is before the courts.

**The PRESIDENT** — Order! With respect to sub judice, I remind honourable members, as I informed the house after a point of order was raised during the last sitting week, that if charges have been laid, a matter is sub judice and should not be referred to; if there is a civil action and a court date has been set, that is sub judice and should not be referred to. If a member wishes to bring a matter before the house, the sub judice rules provide that if a hearing date has been set they are not to do that. Members should check the facts before presenting the argument or raising the matter. I am advising the house of these rules. If those rules apply, the member cannot continue raising the matter. If sub judice is not in question, the member is entitled to continue raising the matter with the minister.

**Hon. J. A. VOGELS** — In addition, Cr Colin Brooks, electorate officer for Sherryl Garbutt, is under police investigation for alleged corruption in the Banyule City Council. The Banyule City Council is widely known as being dysfunctional, with the member for Ivanhoe's four tame councillors continually attacking three other members of the ALP. Will the minister now appoint a municipal inspector to investigate these councils with the same rigour as the Glen Eira City Council was investigated?

**Ms BROAD** (Minister for Local Government) — In relation to the last matter referred to by the member opposite, the government has acted to accept the recommendations of the municipal inspector appointed at the request of Glen Eira City Council. Those recommendations are to suspend the council and to appoint an administrator in the best interests of the local community.

In relation to other matters which the member has raised, there was a municipal inspector appointed to investigate certain allegations which were made in relation to Cr Abbouche. That investigation has been concluded and a charge has been made arising from that investigation. As the President pointed out in her

ruling, that matter is before the courts. It is up to the courts to take appropriate action.

In relation to matters concerning police investigations, I am quite sure that the police are more than capable of fulfilling their responsibilities in relation to any police matters.

*Supplementary question*

**Hon. J. A. VOGELS** (Western) — Does the minister believe it leads to good local government to have Anthony Carbines, the senior adviser to the Minister for Health; Amal Ayoub, the adviser to the Minister for Employment and Youth Affairs; and Scott Crawford, the member for Ivanhoe's electorate officer, already running in the November local elections for the Banyule City Council?

**The PRESIDENT** — Order! It is questionable whether the matter raised by the honourable member in his supplementary question is relevant to the original question. The supplementary question asks the minister to express an opinion, and I rule it out of order under rule 1.03(a).

**Information and communications technology: broadband access**

**Ms CARBINES** (Geelong) — My question is to the Minister for Information and Communication Technology, the Honourable Marsha Thomson. Can the minister please provide the house with an example of how the Bracks government is growing all Victoria and providing first-class services using broadband to improve services to families in regional Victoria?

**Hon. M. R. THOMSON** (Minister for Information and Communication Technology) — I thank the honourable member for her question. Earlier this year the Bracks government released a comprehensive broadband framework. The framework creates a vision about the Victorian government's role not only in assisting with and providing broadband access but also improving services that it delivers to Victorians through the use of broadband technology. Through the telecommunications purchasing and management strategy (TPAMS) project, broadband services are now accessible and affordable to all government agencies.

Broadband is a means of delivering online applications to provide better services to Victorians. That is why the Bracks government has actually committed \$15 million to the Broadband Innovation Fund, which is about developing those innovative applications for service delivery for Victorians. One of the projects developed under the fund provides cutting edge videoconferencing

technology via broadband networks to provide residents across south-west Victoria with 24-hour access specialist health care services. The project will link 29 sites throughout south-west Victoria, many of which are in remote areas and do not have access to health care services and certainly do not have access to what can be provided by major base hospitals.

The project will deliver services such as a virtual reception, a virtual assessment, remote clinical monitoring and virtual communications for the deaf. That means a farmer in Lavers Hill — —

**Hon. Bill Forwood** interjected.

**Hon. M. R. THOMSON** — You will hear about it. They could go to the virtual reception at the community facility in the middle of the night and receive advice as to whether they need to go to a hospital or whether they can wait to see their local doctor. People might remember Tim from Timboon. If Tim got sick in Timboon and went to the hospital there but required more expert diagnosis, the staff would have access to the best doctors and specialists in the region to assist with that case assessment. Similarly, remote clinical monitoring will allow patients' vital signs to be monitored remotely by cardiac specialists in locations where there are no local cardiac specialists. More importantly, specialists will be able to react to emergencies from wherever they are. This means they can give immediate specialist attention rather than having to travel to the patient.

The virtual communications for the deaf will mean that families with deaf children who live in the region will have access to improved support and educational programs that are currently being run in that community. Being able to access these important services locally, particularly at a time when people are ill, is not only convenient but helps in a speedier recovery because it lowers the stress factor when they have their family and loved ones around them.

This demonstrates the Labor government's commitment to making Victoria a great place to raise a family, not just in Melbourne, not just outside — —

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

**WorkCover: self-insurance**

**Hon. BILL FORWOOD** (Templestowe) — My question without notice is to the Minister for WorkCover and the TAC, Mr Lenders. I refer to the draft report of the review of self-insurance arrangements in Victoria, which was circulated to

stakeholders in May last year and which says on page 8 that the final report will be circulated in the second half of 2004. It also says:

The recommendations requiring legislative amendment could ... be applied to ... self-insurers simultaneously... implemented by 1 July 2005, assuming that legislative change was sought at the autumn 2005 session of Parliament.

I ask: given that we are now in the second half of 2005, could the minister advise the house when stakeholders will receive the final report?

**Mr LENDERS** (Minister for WorkCover and the TAC) — I am delighted to yet again receive a question from Mr Forwood on WorkCover. I always welcome the opportunity in this house to talk about WorkCover, this great Victorian scheme that gets this great balance in place between safety in the workplace and insurance, and obviously as an adjunct to the WorkCover scheme we have the self-insurers that Mr Forwood talks about.

I am also delighted that Mr Forwood is vigilant on these things and is reading the documents. This is a trait I would urge all his colleagues opposite to take on board. We will miss Mr Forwood's vigilance when he leaves this place, because he does read his documentation and likes to show that he does read his documentation.

**Hon. D. McL. Davis** interjected.

**Mr LENDERS** — Unlike his colleague Mr David Davis, he says good things about the state and does not always talk it down like Mr David Davis does. Taking up Mr Forwood's point, how self-insurers fit in the general scheme is obviously important. The information Mr Forwood is talking about was a paper that was circulated last year.

*Honourable members interjecting.*

**The PRESIDENT** — Order! I ask Mr Mitchell and Ms Hadden to stop interjecting or I will use sessional orders to remove them.

**Hon. W. R. Baxter** interjected.

**The PRESIDENT** — Order! Mr Baxter knows better. I ask all members to stop interjecting.

**Mr LENDERS** — Mr Forwood has raised a legitimate question about the time lines of this happening and when will we get this advice out to industry. I can assure Mr Forwood and the house that I have met with the Self Insurers Association of Victoria and discussed its concerns. However, as Mr Forwood is certainly aware, while it is of critical importance to the

state that we get this right, the state has been somewhat distracted on the issue of self-insurers by the intervention of his friend Mr Kevin Andrews, the federal minister, who, without any consultation with the state, has been interfering in the issue of self-insurance by his unilateral intervention on the issue of Optus and the toll companies, about companies exiting the Victorian scheme and moving into the commonwealth scheme.

As I said to Mr Andrews at the ministerial council last Friday, if he wants to have a dialogue with the state, we would welcome that dialogue. But I would advise him, as I have advised this house before, that this state has a good occupational health and safety regime. This state does not just have a model occupational health and safety regime, I would say it also has the best workers compensation scheme in the country. We have gone through an enormous and elaborate dialogue with Chris Maxwell — I should call him Mr Justice Maxwell now. We have had input from the Victorian Employers Chamber of Commerce and Industry, the Australian Industry Group, the Victorian Farmers Federation — you name the employer organisation — and obviously from employee organisations. We have had dialogue across the board, and out of that we have come up with the regime. In the wholesale rewrite of occupational health and safety, which has been our priority, we have been dealing with things.

We will continue to work with the self-insurers, but in response to Mr Forwood's comment on timeliness, this is obviously affected by us dealing with the unilateral actions of the Sydney-centric commonwealth government. We will continue to work on these areas. I will continue to meet with the self-insurers and to have dialogue with other stakeholders so that we get this correct and have a balanced response, like we did on occupational health and safety. We are concerned about safety in the workplace, we are concerned about affordable premiums and we are concerned with getting the best outcome to make this a good place to bring up a family and a safe place for workers to work.

*Supplementary question*

**Hon. BILL FORWOOD** (Templestowe) — I thank the minister for his detailed answer. I understand that the final report has been on the minister's desk and the desk of his predecessor for over nine months now. Is there any reason for that delay other than the fact that they have been distracted by the commonwealth government, or are there other problems in the report which he would care to adumbrate?

**Mr LENDERS** (Minister for WorkCover and the TAC) — I do not have a lot of things that build up on my desk. I deal with them expeditiously, but when there are things on my desk that need detailed consideration and work with stakeholders — and there are a lot of stakeholders in this, as Mr Forwood knows, because in my time as minister I have already had one thorough meeting with the stakeholders involved here, the association — I obviously discuss those with them. We will proceed through this area. We will deal with them when we have analysed all the stakeholder comments and have talked to interstate colleagues in the federal jurisdiction. Again, it is a bit hard to talk to the federal jurisdiction when the federal minister has dodged three meetings in a row — not one, not two, but three meetings in a row — with the workplace relations ministerial council. We will continue to work through it. We will get a good outcome with stakeholders and report to the Parliament on it.

**Housing: affordability**

**Mr SCHEFFER** (Monash) — My question is addressed to the Minister for Housing. Can the minister advise the house how the Bracks government is growing all of Victoria by getting on with the job of establishing affordable housing associations in regional Victoria?

**Ms BROAD** (Minister for Housing) — I thank the member for his very good question. The Bracks government is getting on with the job of establishing affordable housing associations in regional Victoria, helping to grow the whole of the state. I am pleased to advise that Loddon Mallee Housing Services Ltd is the first housing association to be registered in Victoria, an achievement it can be extremely proud of. Loddon Mallee Housing Services would be well known to some members of this house as an outstanding provider of social housing in regional Victoria. The agency manages over 230 crisis, transitional and long-term housing properties across north-west Victoria and provides supported accommodation and assistance program services to more than 6000 people each year who are in housing crisis from Bendigo right through to Mildura.

I am also pleased to advise the house that the Bracks government will invest more than \$16 million towards a \$20 million Loddon Mallee Housing Services project to develop 92 new homes for families and single people in regional Victoria. Loddon Mallee Housing Services will leverage the government's \$16 million capital development contribution with a further \$4 million. Low-income families and single people in regional Victoria are certainly the real winners of this initiative

of the Bracks government in partnership with Loddon Mallee Housing Services. We know that families can sometimes find it tough in regional Victoria to find affordable accommodation and this project is a very practical demonstration of what can be done to tackle that problem.

These new homes will be built in Bendigo, Echuca, Mildura, Swan Hill, Kyneton and Castlemaine, and I am pleased to say they will be available within 12 months. Loddon Mallee Housing Services has already identified a preferred builder and once the individual sites have been determined and permits received building will get under way. The project demonstrates that Victoria is leading the way in seeking innovative and collaborative solutions to the housing affordability crisis including regional Victoria and that the government is working with community agencies, putting dollars on the table and generating construction jobs in the building sector in regional Victoria, and that it is helping to grow all of Victoria by delivering homes for regional Victoria.

Our actions are in stark contrast to the devastation that would be inflicted on regional Victoria by the Liberals' \$7 billion black-hole promise to tear up contracts, a promise that it cannot even get The Nationals to support, which is going to make its ambitions — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! Members on both sides of the house will stop interjecting and allow the minister to conclude her answer and allow Hansard to take it down. I have indicated to the house today and on a couple of occasions yesterday that we are having difficulties with the recording of the proceedings. I ask members to be a little cognisant of the extra strain that Hansard is under to ensure that they can record members' comments during the course of the day's proceedings. I ask members to bear that in mind. As I indicated yesterday, I do not mind a bit of robust debate during question time, but there is a difference between that and pure rudeness in just trying to shout people down. I ask members to stop interjecting and allow the minister to continue her answer.

**Ms BROAD** — The Bracks government will continue to get on with the job of establishing more affordable housing for families and single people in regional Victoria who require access to housing. That will be without any assistance whatsoever from the Liberal government in Canberra which continues to cut back funding for affordable housing to Victorians who need it.

### Gas: South Gippsland supply

**Hon. P. R. HALL** (Gippsland) — My question is directed to the Minister for Energy Industries and Resources. I refer him to the government's announcement that five South Gippsland towns will be connected to natural gas. I want to remind the minister that The Nationals was the first party to propose such a natural gas extension fund, so without qualification I join my leader in the other place, Peter Ryan, in welcoming this announcement to South Gippsland towns.

Also, in response to a quip made by the minister yesterday, I would have gladly been there at the announcement had the minister advised me he was coming down to South Gippsland to do so. As it was I spent a pleasant Friday morning in Yarram with the Minister for Environment in the other place, the Honourable John Thwaites.

I ask the minister: why is work to connect these towns not starting for another two years — that is, 2007 — and why will it not be completed until 2010?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries and Resources) — I thank the honourable member for his question. I am happy that he was with the Minister for Environment instead of me on this particular occasion, but it just shows that we are a busy government and we have lots of announcements in Gippsland. It means that the local members face a difficult choice of going to all these functions where they have to listen to these fantastic announcements by the government. I am not going to say that Mr Hall made the wrong choice, but I thank him for his interest anyway.

The member asked me a question about the time lines. The time line is that this project will commence in 2007. The reason that this project is going to commence in 2007 is — and this is something people need to understand — the magnitude of the infrastructure program in the five areas we are talking about. This is a program that is going to cost \$50 million in total. The amount of negotiation that took place prior to this announcement was, as Mr Hall can imagine, very detailed, very comprehensive and very intense.

Before the pipes begin to be laid a whole range of processes have to be gone through, including all sorts of planning issues. If you are laying major pipelines through towns and regions involving all sorts of questions and issues associated with making sure that the right routes have been developed and all that kind of detail, planning has to take place. When we went down

there not one of the three local councils raised the issue of the time lines, because they know how complicated this program is. They know it is a massive \$50 million program to deliver gas into their region, and they are very appreciative of the outcome in this circumstance.

Mr Hall cannot bring himself to say, 'This is a good thing: we support it'. He has to find a way to be harping, negative and critical about a program that is being developed with a major company down there. All he does is sit and squawk in the background. He keeps squawking about a fantastic program. When this program is delivered, and when 10 000 people in that region are ultimately connected to gas, they will save somewhere between \$6 million and \$10 million between them. That is not because of a single action of members on the opposite side, but because of the actions and visions of this government in putting it into place.

#### *Supplementary question*

**Hon. P. R. HALL** (Gippsland) — It amazes me that it is going to take two years before even the planning processes for this project take place, as the minister suggested. But he did say in his answer that this is a \$50 million project out of the \$70 million natural gas extension program, which, I remind the minister, the Bracks government promised would be spent during the current term of this Parliament. I note with interest that the majority of this \$70 million fund will not be spent within the current term of Parliament but rather not until after the election after next. Does this not amount to a further broken promise by the Bracks government?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries and Resources) — The attempt by The Nationals to downgrade and criticise this project has no limits whatsoever, including the deceptive way in which that question was asked.

**Hon. P. R. Hall** interjected.

**Hon. T. C. THEOPHANOUS** — Mr Hall knows that the \$50 million is not the sole government contribution, it is the combined contribution of Multinet Gas and the government. He knows that to be the case but by his question he tried to pretend that it would make up the majority of the \$70 million that the government was putting in. He is attempting to mislead this place, and he should stop it.

### WorkCover: farm safety

**Hon. S. M. NGUYEN** (Melbourne West) — My question is to the Minister for WorkCover and the TAC. Will the minister advise the house of any

occupational health and safety outcomes in regional areas that demonstrate the Bracks government acting to grow all of Victoria?

**Mr LENDERS** (Minister for WorkCover and the TAC) — I thank Mr Nguyen for his question and for his ongoing interest in safety, and in particular his request for advice on safety initiatives operating in regional Victoria

The safety of workers is obviously a prime concern for any WorkCover or WorkSafe organisation. The Bracks government has targeted areas with the greatest number of injuries in workplaces. One area with high rates of injury has been among workers on farms. Farmers and farm workers have had the highest rates of injury in this state. One of the areas the government and the Victorian WorkCover Authority (VWA), under its corporate plan, have been targeting to bring down is an unacceptable rate of injury on farms. In doing so a lot of analysis has been done as to the causes, and we are all acutely aware of some of the features of farms — certainly in my case having grown up on a dairy farm — whether it be the machinery or the conditions under which people work. In particular, farmers are often out on properties by themselves, so that when injuries happen they are alone and there is nobody to assist them.

We have looked at a number areas where we can assist. The government has adopted a collaborative, tripartite approach with the farmers, the farmer organisations and the employer organisations to try to find ways to do it. A number of things have been done, including information campaigns run in farming areas by the VWA, through country netball and football or in other ways, to get the message through into rural communities. There has also been a hands-on approach with individual farmers where a WorkCover-funded consultant goes out to a farm and makes positive suggestions to farmers about how to make their farm safe, and that has had a big uptake from the farming community. Under the new regime the role of the WorkCover inspectors is primarily to provide solutions as well as enforcement, and we have seen a big uptake of that by farmers.

I am very pleased that we have had such a positive response from the Victorian Farmers Federation and the Australian Workers Union, from employers and from employees who have got together with the government and the Victorian WorkCover Authority to work through these areas.

One should never be complacent about where things are going. Any rate of injury or death in a workplace is

too high. But it is worth noting that as a result of this collaboration over the last four years between the Victorian government, the VWA, the farmers organisations, the employee organisations and individual farmers and their employees, for the first time since statistics have been kept there has not been a work-related death on a farm this year. We are also seeing the rates of serious injury on farms coming down. This is of particular significance. We cannot stop our vigilance. We cannot stop working collaboratively with people on these outcomes.

I take great delight in responding to Mr Nguyen's question about where these things are going. We are seeing a marked improvement, which is good for farmers, good for regional Victoria and good for Victoria as a whole. Every one of the statistics referred to represents a person. Every farmer who is not injured is one more farmer who goes home uninjured to his family. It is one more person who is not disadvantaged or who is not suffering from the trauma, stress and strain that comes from being knocked out in the workplace. It is also another person playing country football or country netball. It is a great outcome for Victoria. We hope it continues and that we can replicate it in all sectors. I congratulate Victorian farmers, the Australian Workers Union and WorkSafe on a great outcome.

### **Bayside Health: rental charges**

**Hon. D. McL. DAVIS** (East Yarra) — My question is to the Minister for Finance, Mr Lenders. John — —

*Honourable members interjecting.*

**The PRESIDENT** — Order!

**Hon. D. McL. DAVIS** — I draw the minister's attention to the decision of Bayside Health to charge the International Diabetes Institute more than \$100 000 in rent, and the consequences of its decision for the fight against diabetes. Can the minister indicate to the house if there has been any change in government policy, directions or guidelines about the recovery by public sector entities of rent from third parties, and if so, the nature of that change?

**Mr LENDERS** (Minister for Finance) — I thank Comrade Davis — I mean Mr Davis — for his question. I am always delighted to take questions on general government policy. In general terms I will answer his question and say that this government will always look for a prudent way to manage its finances. We are acutely conscious of the Victorian community's trust in us to manage finances well. We are delivering

services at a level that the Kennett government would only have dreamed of. We are maintaining a budget in the black and we are operating under the strictest financial guidelines, with an empowered Auditor-General with greater accountability and disclosure, and every single minister appearing before the Public Accounts and Estimates Committee. This government is under scrutiny.

In response to the parts of Mr Davis's question which refer to directions, accountability and the like, this government continues to get the balance right between effective and efficient service delivery. However, on the specifics of the policy of Bayside Health, I suggest he put that question on notice to the Minister for Health in the other place, as it is her portfolio area.

*Supplementary question*

**Hon. D. McL. DAVIS** (East Yarra) — I do not think the minister's answer actually went to the specifics of my question about general government policy. Can he confirm that there is no whole-of-government policy direction or guideline that would prevent Bayside Health waiving its new and extraordinary rent?

**Mr LENDERS** (Minister for Finance) — I think I answered the question from my colleague opposite, Mr Davis, in my substantive answer.

**An honourable member** — You could have said 'friend'!

**Mr LENDERS** — Yes, a Quaker, a Friend, that is right.

I would say that on all these important issues for a government, we like all governments think responsible authorities should be managing the trust they have from the taxpayer adequately and well. Large budgets are administered by these health authorities. I have absolute confidence that within the general guidelines of government the Minister for Health and the Department of Human Services will administer them efficiently and effectively. Again, for specific answers I invite Mr Davis to put a question on notice for the minister, but I can tell him in general policy terms we are a flexible government that has general directions and guidelines that make efficient use of resources.

**Wind energy: Portland**

**Mr VINEY** (Chelsea) — My question is directed to the Minister for Energy Industries and Resources. Can the minister inform the house of recent developments in the Victorian wind energy industry that will help grow

the whole of Victoria and lead to more jobs and more investment, in particular in the south-west of the state?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries and Resources) — I thank the member for his question and his interest in wind energy development. I am pleased to inform the house that on Wednesday last week I officially opened a wind blade factory in Portland. This factory will supply blades for one of the largest wind farms in the southern hemisphere. It has already been able to secure contracts to provide blades as far away as Western Australia. This is a \$9 million facility constructed by Vestas which has already delivered major benefits to the local economy through increased employment.

This development paves the way for further development opportunities in and around the Portland region. Sixty new jobs have been created as a result of this initiative and all of those jobs have received TAFE accreditation for a certificate II in plastics, which brings a new skill base to that region. The blade manufacturing facility is the first of its kind in Australia and will manufacture about 225 blade sets per year — enough blades for 75 wind turbines every year. We expect that there could well be an expansion in capacity as well.

This initiative did not occur on its own. It occurred because the Portland community, the local council and the state government have consistently had a policy of promoting the development of wind energy and including the industry, not just wind farms, in particular locations. This is the result of those initiatives. It adds to the Keppel Prince facility in the same region and employs a further 80 people approximately. We are talking about a significant number of jobs that have been created in country Victoria. We look forward to the expansion of those jobs and for Victoria to become the centre of Australia's wind and renewable energy investment in the future.

This is a very important project. I am happy to say that two federal members came to the opening and I welcome that. Greg Hunt, the federal parliamentary secretary for the environment, as well as David Hawker, the local federal member, came to the opening of an important facility which will assist with the development of wind energy. The hypocrisy was not lost on the people there, because the company and the people who are out there trying to get these wind developments for Victoria recognise that there is only one obstacle —

**Hon. Bill Forwood** interjected.

**Hon. T. C. THEOPHANOUS** — Mr Forwood knows what that obstacle is. It is the obstacle of expanding the renewable energy targets so that these kinds of developments can go on into the future. It is one thing to turn up and try to pretend that you somehow support a project at its opening; it is a very different thing to support it by change of policy. I call on the federal government to come on board with wind development, change the mandatory renewable energy target and allow us to develop an important new industry in this region.

**Parliament: petitions**

**Ms HADDEN** (Ballarat) — I direct my question to the Leader of the Government, Mr Lenders. I will give it a rest today because I was going to ask a question about toxic waste.

**The PRESIDENT** — Order! Could the member identify the minister's portfolio area? She is well aware that the minister has a number of portfolios.

**Ms HADDEN** — As Leader of the Government.

**The PRESIDENT** — Order! As Leader of the Government — it is not a portfolio.

**Ms HADDEN** — It is as Leader of the Government. I note a policy commitment published on the Labor web site that to improve the democratic functioning of the Parliament, Labor will reform the petition process to make it more meaningful and will require a formal response to petitions tabled. A minister will be required to provide by the end of the next sitting a written response to an MP tabling a petition with fewer than 5000 signatures, and the Premier will be required to respond in the same time frame for petitions with more than 5000 signatures. When will the government implement this policy in the upper house, or is this another case of rhetoric over substance and another broken promise?

**Mr LENDERS** (Minister for Finance) — It is an unusual question from the member in the sense that it does not relate to any of my three ministerial portfolios.

**Hon. B. N. Atkinson** interjected.

**Mr LENDERS** — I take up Mr Atkinson's interjection, or some of it anyway — not the vegetable part of it. It is a fairly fundamental principle in this house, he says, that I am Leader of the Government and therefore I should answer for all questions. As Mr Atkinson well knows, ministers must answer specifically for their portfolio area. All six ministers on this side of the house will broaden their portfolios as far

as possible to be of assistance to members opposite, because we believe in a very open and transparent government and will answer the questions. I am struggling to see where an issue on a political party's web site, which is probably in the purview of the Premier, becomes an issue of government administration. Certainly members opposite have periodically counselled —

**Hon. Bill Forwood** — On a point of order, President, I draw the minister's attention to standing order 6.01, which says:

Questions may be put to ministers of the Crown relating to public affairs with which the minister is connected or to any matter of administration for which the minister is responsible.

I put it to the minister fairly and squarely that he is responsible as Leader of the Government for the administration of this chamber, and the matter of how petitions are dealt with falls completely within his responsibility.

**The PRESIDENT** — Order! With respect to Mr Forwood's point of order, I do not uphold the point of order.

**Hon. Bill Forwood** — That's right!

**The PRESIDENT** — Order! Is Mr Forwood reflecting on the ruling I just gave?

**Hon. Bill Forwood** — No.

**The PRESIDENT** — Order! I should hope not. With respect to the standing order that Mr Forwood referred to, the member has raised a matter and the minister can say if it is not within his purview. The minister is entitled to do that. I do not uphold Mr Forwood's point of order, and I ask the minister to continue with his response to the member's question.

**Mr LENDERS** — To the pertinent part, where it is part of my administrative responsibility, I take this seriously because members opposite have strongly held a view when an executive government dominates a legislative chamber about what is the purview of the chamber and what is the purview of the executive government. I certainly have heeded the advice of Mr Forwood, the Leader of the Opposition and other people on this, that there is a very fine line. After serious consideration I would contend that for a government minister to presume to determine as the executive government, without seeking the support of the house of Parliament, what a house of Parliament does with petitions — which in the end are the property of the Parliament itself and not of the executive government — and a range of other matters would be

inappropriate. It would be inappropriate for a minister of the Crown to presume to speak for the Legislative Council without that Council having made a decision. I decline to answer because it is outside my ministerial portfolio.

*Supplementary question*

**The PRESIDENT** — Order! I will call the member on a supplementary question and listen carefully to it, since the minister has answered it by saying that is not within his purview.

**Ms HADDEN** (Ballarat) — Given the minister's very lengthy answer, is the minister prepared to amend the standing orders to require ministers to provide a written response to members on matters raised in petitions the members have tabled in this place to improve accountability and democracy, openness and transparency, as the minister has just relayed to the chamber?

**The PRESIDENT** — Order! With respect to the supplementary question asked of the minister, the minister answered that in the major part of his answer, but the standing orders of the house and how the house deals with petitions are matters for this house and not matters for an individual minister. The minister may move something to that effect, but the house will deal with that. It is inappropriate for the minister to answer that supplementary question, and I rule it out of order.

**Commonwealth Games: community participation**

**Ms MIKAKOS** (Jika Jika) — My question is to the Minister for Commonwealth Games. I ask the minister to advise the house what action the Bracks government is taking to maximise opportunities for sporting and community groups throughout Victoria to take part in the Melbourne 2006 Commonwealth Games?

**Hon. J. M. MADDEN** (Minister for Commonwealth Games) — I welcome the member's interest in the Commonwealth Games, particularly in community involvement and engagement in the Commonwealth Games. We know that the Commonwealth Games are about much more than just sport. In particular we want to develop an event where everyone is invited and everybody feels welcome. I have spoken at length on many occasions about the Equal First program in relation to encouraging groups that are often underrepresented in these major events, whether they be young people, older people or indigenous or other cultural groups that are not widely represented in these events. We want them to be

represented and invited to these events and reflected in the delivery of the events.

We are also implementing the Up and Running program which is a blueprint for getting more people involved, whether it be physically active or more active in their communities. We are doing that by having specialist training for 1000 games volunteers who will become coaches at their respective clubs after the Commonwealth Games. It is also about hosting come-and-try days to give people of all ages and all abilities hands-on experience of a new sport. It might even be the Future Athletes program, which consists of 60 clinics being held across Victoria with a focus on the 16 Commonwealth Games sports.

There is a range of initiatives which will give around 2000 secondary school students a more tailored pathway to elite sporting development. As well as that we have a Warming Up for the Games day, which will be a very exciting day because it combines not only the opportunity for everybody in the community to get physically active and physically involved, but also combines the Getting Involved program.

I will give an example of one of the initiatives — and Mr Baxter might be interested in this example because it is in his electorate. On the Warming Up for the Games day the City of Wodonga is hosting a massive Jamaican dance class. It has already organised 400 to 500 people who will be available to learn how to Jamaican dance and be involved. I look forward to the Honourable Bill Baxter gyrating his hips when it comes to a bit of Jamaican dance. It is a great opportunity for all members from all parties right across the community to get involved and get active. I encourage Mr Baxter to put up his hand for a bit of Jamaican dance.

As well as that we have seen thousands and thousands of Australians — almost hundreds of thousands in fact — take up the ticket offer, but we recently announced a special group ticket offer. I encourage members of the Parliament to encourage their community groups to take up the offer. That offer means a variety of tickets are still available, whether they be for the ceremonies, the athletics, the Rugby 7s or some of the preliminary events in the hockey, the boxing or the weightlifting. That is where community groups could take up the offer and apply for 20 tickets as a community group. Under that they are offered an additional two tickets, which are being provided by Woolworths in a sponsorship arrangement. This is a great initiative. It means that community groups right across Victoria — Victorians, no matter what their backgrounds or abilities are — can be involved in the

Commonwealth Games, making the games a great event for families.

## QUESTIONS ON NOTICE

### Answers

**Mr LENDERS** (Minister for Finance) — I have answers to the following questions on notice: 3403, 3699, 4044, 4411, 4414, 4427, 4822, 4884, 4916, 4925, 4929, 4931–33, 4935, 4977, 4981, 5067, 5223, 5237, 5245.

**Hon. ANDREA COOTE** (Monash) — I ask the Minister for Commonwealth Games if there are any answers from the Minister for the Arts in another place? I have been asking since October, and I still have had no replies. I believe the Minister for the Arts is treating this Parliament and this chamber with contempt.

**The PRESIDENT** — Order!

**Hon. ANDREA COOTE** — Are there any answers, and when will they come?

**Hon. J. M. MADDEN** (Minister for Sport and Recreation) — I have referred that request to the minister, and I look forward to being able to reflect positively on it as soon as possible. I am being quite conscientious about that. I will take up the request and make sure that we get the answers as soon as possible.

## OWNER DRIVERS AND FORESTRY CONTRACTORS BILL

*Second reading*

**Debate resumed.**

**Hon. B. N. ATKINSON** (Koonung) — I am a bit surprised that Mr Somyurek did not continue his contribution from before lunch. I would have thought that over the luncheon adjournment he might have had a chance to actually read the second-reading speech, or at least glance at the bill, and inform the house with a bit more clarity of what the government's intentions are rather than filibustering as he did before lunch.

I indicate to the house that I support the opposition's position on this legislation because I am most concerned about this government's penchant for trying to introduce industrial relations regimes via back doors — in other words, about its trying to use this type of legislation to bring in a de facto industrial relations scheme to rope in companies and businesses —

family-owned businesses — that see themselves very clearly as businesses and not as employees. What this legislation seeks to do is establish a definition in Victoria that is at odds with what the Australian Taxation Office would have us apply to these types of contractors and businesses. That simply imposes greater and more onerous responsibilities on those small businesses and creates confusion and additional administration, which costs them extra money. The fact is that these are businesses. Under the definitions in the bill the government might have had a point perhaps as if it had talked about people who were owner-drivers who had a single van or a single truck and were operating just on that basis, but the definition the government has applied covers businesses that have multiple vehicles and can employ other people to be engaged in owner-driver activities, forest haulage and so forth. This is very clearly designed to capture small businesses and not simply to introduce some measure that might protect workers from exploitation.

I am on record as saying previously, and I say it on the record again today, that there is no way I support the exploitation of workers. I do not believe we ought to be in a position where people are used in a way that is inappropriate and outside proper workplace practices if they are employees. The fact is that there are already an apparatus and mechanisms in place in legislation to cover those people who feel that their rights are being violated and that they are being exploited by workplace practices that are not kosher and not proper small business engagements. Therefore to have the Big Brother attitude this government has and try to impose a regime on people who clearly see themselves as small businesses is just not on. This is very poor legislation in that context, and I think it ought to be rejected outright by this house. There are some aspects of this legislation that I feel are perhaps worth while, but by and large there are probably a lot more areas I have real concerns about.

Personally I do not have problems with codes of conduct being introduced in industries. They are an effective way of addressing in a not-so-prescriptive way the arrangements that may well control or regulate the activities of certain industries. I know that in his contribution to debate on the bill, in which I took a great interest, Mr Pullen mentioned codes of conduct in regard to the motor repair industry. I agree with him. I think that codes of conduct are an effective way of putting people on notice, if you like, that their behaviour ought to be appropriate, that they ought to have due regard for workplace legislation and that they ought to have due regard to other areas of legislation concerning the way they conduct their activities.

Using codes of conduct is not a heavy-handed process, and that it is one of the reasons why I am attracted to them. The government having incorporated those in this legislation as a possibility — in other words, it says that there may be codes of conduct — has gone right outside that sort of attitude or that sort of regime of a light touch regulation, if you like, and introduced a whole lot of other areas that are very heavy handed. I find some of them peculiar, including, for instance, the provision in this legislation that there ought to be information kits prepared and the detailing of what those information kits ought to have in them. One would actually say, 'Okay, if that is what the legislation says, perhaps if one of these industry advisory councils wanted to put an extra piece of paper in that information kits arguably they would be acting outside the legislation'. This is just too prescriptive — prescriptive to the point of being nonsense.

What this legislation ought to do is look at establishing an overall framework within which issues in the industry might be addressed. There is no doubt there are some issues in the industry, and there is no doubt that not every employer is a good employer. There are issues to be addressed, but I think there is a better way of doing that. I do not think this legislation does that effectively. I am concerned about the possibility that the union movement in being involved in more negotiation on some of these contracts might well intrude on the rights of small businesses. I do not have a problem if a union is representing individual employee because that is entirely at the election of each employee, or if it is representing a person who even though they might be providing their own vehicle in a contract situation still see themselves as having an employment nexus with the person they are working for and not a bona fide contractor. I do not see a problem with negotiation in that situation but the legislation opens it much wider.

I note that Mr Pullen mentioned that members of the Liberal Party have some concerns about the union movement and voice those frequently. I guess the concern we have — and it is a matter of public record — is that obviously the Labor Party and the unions work together; they are members of the same political party. It is very difficult for us to work with the unions because whatever we talk to them about obviously goes straight back to our opposition in a government sense. I advise the house that on some eight occasions, probably in 2003, I repeatedly contacted the Victorian Trades Hall Council, trying to seek a meeting to talk to them about the issues that they considered involved small business. On none of those occasions were any of the calls returned and none of the letters I sent to them were responded to. They were not interested in talking to me as a Liberal Party person.

That makes it very difficult to have a constructive dialogue. I dare say that some of my other colleagues have experienced similar situations.

I am concerned about the definitions in this legislation that apply to owner-drivers. As I said, there is no doubt that some owner-drivers are arguably employees and they do deserve protection and coverage. I am not sure that that does not already exist in the laws that we have. This legislation also pulls in unconscionable conduct provisions. I wonder if we will see them in bill after bill. I would have thought that the unconscionable conduct provisions already available to this Parliament and agencies of this government in other pieces of legislation, including fair trading legislation, would suffice. They ought to be sufficient to address whatever issues the government might envisage in this industry sector.

I certainly have some enthusiasm for the Office of the Small Business Commissioner being involved in the mediation of disputes between owner-drivers and those who contract their services. It has certainly been my experience that the small business commissioner and the team he leads have been very effective in settling disputes, particularly in the retail industry, which has been the main area of disputation taken to his office. He has been very successful in that and he and his team are held in very high regard by members on this side of the house, as indeed I am sure he is held in high regard by members of the government. I am keen to see the Office of the Small Business Commissioner play a greater role in any issues that might arise in this industry, with or without this legislation.

The contradiction that I find in this legislation, though, is that, having established that many owner-drivers are not small businesses, by virtue of the definitions and the general thrust of the legislation which seeks to suggest that they are employees, it becomes extraordinary that the Office of the Small Business Commissioner would be involved in arbitrating what ought to be industrial relations and employee relations matters rather than small business matters. There is a contradiction in terms of the role that he is expected to perform but certainly he is capable of developing a mediation process that would help to settle many issues and concerns in the industry. In most cases those issues and concerns would in fact relate to small businesses and people who elect to be small businesses and contractors, rather than to people who see themselves — as this government tries to insist — as employees.

I am concerned also about the nature of regulated contracts. Whilst the provisions relating to the contract provisions as set out by the government are obviously

considered to be a minimum standard, I am not sure that they will suit all the arrangements that are likely to be in place for owner-drivers. As a number of speakers have said, this a very diverse sector. It goes from the courier industry right through to forestry contractors. It includes people driving refrigerated vans and delivering food products to various supermarkets and specialty stores and people involved in quite significant transport operations in terms of the products that they move. Dare I suggest that quite a number of people involved in moving cars and other long-haul haulage contractors are also owner-drivers and see themselves as business operations and partnerships, as is provided by the legislation, rather than employees? I am concerned about how the regulated contracts will be set out because of the diversity of the industry and the fact that the needs of individual companies — and I suggest those of owner-drivers as much as companies that might engage their services — may not necessarily be covered by the legislation. There is a problem in being prescriptive in that sense as well.

I have concerns also about the nature of this legislation in its failure to address issues such as seasonal work, size of load and some of the other issues that are so crucial for owner-drivers. One of the issues that has been in the news in New South Wales has been road safety standards for owner-drivers. There have been suggestions that a number of major corporations have put in place delivery schedules that are basically unsafe for owner-drivers — that put them at significant risk.

**Hon. R. G. Mitchell** — That's where the union can help!

**Hon. B. N. ATKINSON** — Yes, certainly the Transport Workers Union is involved in discussions and actions in regard to those safety issues. Again, I would not want to see people risking their lives on unrealistic delivery schedules simply to satisfy some sort of commercial imperative. A mate I lived with years ago was a truck driver. I know that some of the work that he undertook between Melbourne and Sydney and the turnaround times that he had to work to were just ridiculous in terms of any sort of occupational health and safety standards and his good health.

The reality is that at the same time the government's legislation does not address those issues properly but otherwise seeks to bind up many owner-drivers in a red-tape nightmare. Many of those people are simply not interested in sitting down and doing further administrative work to try to comply with yet another layer of legislation, particularly when, as I have said, many aspects of the legislation are already covered — for instance, the unconscionable conduct provisions.

Certainly trade practices legislation covers that as much as some of our fair trading legislation — and small business legislation as well, for that matter, in terms of the role of the Office of the Small Business Commissioner. The government already has in place the occupational health and safety legislation that enables it to address those sorts of issues in this industry.

As I said, this legislation is not the best way to go. I cannot help thinking that what the government is really trying to achieve is roping in more and more owner-drivers as employees rather than recognising that in many cases — not in all cases —

**The ACTING PRESIDENT (Mr Smith)** — Order! The member's time has expired.

**Hon. R. G. MITCHELL** (Central Highlands) — I rise to speak in support of the Owner Drivers and Forestry Contractors Bill 2005. This bill takes a very large steps in protecting owner-drivers across the state of Victoria. It provides some very basic protections and will improve the position of valuable small businesses, our own-drivers in the transport industry, as well as contractors in the forestry industry. The background of the bill comes from the Industrial Relations Victoria report on the inquiry into owner-drivers and forestry contractors, published back in March. The report refers to some very serious problems, which this bill addresses.

Our state relies on our owner-drivers, who transport raw materials, manufactured goods, cars and their parts, food products, waste products and parcels — all the items that we rely on them to transport around the state. The industry is dominated by small businesses that are family run and the vast majority — I think 9 out of 10 — have less than five employees.

These businesses are run by decent, hardworking people who invest huge amounts of money and passion into building their businesses. There is significant evidence to show the very low levels of earnings for owner-drivers leads to considerably higher business failure; in fact the fourth highest of any occupational group and four times higher than the rate for electrical contractors. ACIL Tasman found that in 1999–2000 owner-drivers earned an average profit before tax of only \$20 637. That income covered labour, return on capital and profit.

The cost of running these vehicles is often overlooked. A tyre probably has an average cost of about \$800 and in some cases there are 32 of them. The cost of fuel is escalating because the federal government wants to

keep its grubby hands in people's pockets and will not offer relief to help small businesses. The cost of a tie rod end, a gearbox, a service, lease payments and insurance is extremely high. These people work very hard to keep their vehicles on the road, and they do it under a lot of stress and duress. Escalating costs also increase the time owner-drivers have to spend behind the wheel just to make a quid.

In his appalling contribution Mr Strong quoted an example of someone driving 360 kilometres a day and averaging 55 hours a week. He implied that meant the driver was available but not actually working. He said the driver would be sitting around reading a book or having a cup of coffee. Mr Strong's pure ignorance of how this industry works or what these people do is second to none. I could not believe he said what he did. He is a person who has never been in the industry or been involved with it, and he has no understanding of how it works. If you use the figures of 360 kilometres a day and 55 hours a week it averages out at 32.7 kilometres an hour. If Mr Strong could jump in his car and use a meter he would know that adds up to well over 8 hours of driving a day — and a truck does not normally get to 100 kilometres an hour as quickly as a car. The suggestion that these owner-drivers are sitting down having a cup of coffee or reading a book is pure rubbish. Mr Strong should apologise to the people in this industry for his outrageous comments.

The longer hours mean there is an increased chance of owner-drivers suffering fatigue. There is an unfair push for decent, hardworking people to overload vehicles and push beyond the road rules just so they can feed their family and cover their overheads. We know that opposition members are against any form of protection for owner-drivers and against the chain of responsibility, yet they come in here and say that they know the industry, that they understand. I am tipping that they could not even spell the word 'understand' let alone know its meaning. The poor rates of pay for owner-drivers add to the difficulty of replacing older trucks and equipment such as trailers with newer, more fuel-efficient, comfortable and safer vehicles. It also adds stress and may lead to owner-drivers experiencing poor health when they are simply trying to feed their families and carve out a decent living. Fortunately the Transport Workers Union of Australia has long supported the industry and helped maintain the conditions of owner-drivers. It has made a solid commitment to its members by being involved in the process that has led to the development of this bill. The TWU has shown that unions are needed as a voice for working people. The draconian philosophical measures the federal government proposes to put in place will only harm the ability of people getting a fair day's pay

for a fair day's work. I wish the bill a speedy passage, and I commend it to the house.

**Hon. W. R. BAXTER** (North Eastern) — This is an extraordinary piece of legislation. It harks back to the early days of control, when governments believed they had to put in place all sorts of measures that regulated the economy, regulated what people did and regulated how they should conduct their businesses and so on. It flies in the face of individual initiative. One only has to look at the history of Australia to know, understand and appreciate that it is individual initiative when it is allowed unfettered reign which has built this nation to what it is today and particularly which has given us the booming economy. To that extent I pay tribute to the Hawke and Keating governments because they really set the scene in terms of deregulating the economy and the labour market. In many respects that has led to the booming economy, the record stock market and the lowest unemployment for many years that we are now enjoying.

I commend the current federal government for taking the next step in freeing up the labour market. Clearly when we see the federal legislation, and we have not seen it yet — we are suffering at the moment from a very dishonest and misleading campaign being run by the Trades Hall Council and the Australian Council of Trade Unions — we will all be able to observe that it is another step along the way in the direction started by Prime Minister Hawke.

What have we got in this legislation? We have an attempt by the unions to, in one way or another, grab back some control under the guise of looking after and supporting the alleged oppressed. It is a way for the unions to regain some relevance. It is a way for them to bolster their flagging membership and to trade on people's misfortune, lack of knowledge and propensity to take risks without proper advice. I think the transport industry is the epitome of the Australian psyche. We can think of the people in this country who made their way and their fortunes by starting in a very small way in the transport industry. In the trucking industry you can think of people like Lindsay Fox, who has done a very good job. I can think of Rob Finemore in my area, who started with one truck and is a person about my age. He built a tremendous business because he had initiative, was a good manager and was not held back by government control. If we go back further we still see L. A. Arthur trucks running around Melbourne three generations after Mr Arthur started with one truck. You can go back to the founders of Brambles and Mayne Nickless, who were individuals who started off in the transport industry and made a go of it. Now we

have a situation where there is an attempt to control, regulate and stifle.

I was fascinated to read the government report produced to support this legislation. The report of inquiry into owner-drivers and forestry contractors of February 2005 was compiled by Industrial Relations Victoria. It is an interesting document, but it reminds me of the famous document that was produced earlier in the first term of the Bracks government, the independent report of the industrial relations task force. Honourable members will recall that many of us got multiple copies of the report. I still have 30 of them. They were delivered individually to my office in Wodonga. I use them as a doorstop. I have used this report on many occasions in this house to demonstrate how the government has a total lack of understanding how business works.

A moment ago we just heard Mr Mitchell give a few more examples — it is a pity he has left the chamber — of his total ignorance of how the business world works and how people go about constructing a successful and entrepreneurial business. Let us look at this legislation and what it actually requires — for example, clause 10 says that if you are proposing to hire a contractor to transport your goods you are going to have to give him an information booklet three days before you hire him.

**Mr Pullen** — What is wrong with that?

**Hon. W. R. BAXTER** — Most times when you want to actually hire a contractor you do not contemplate hiring him three or four days in advance. Quite often you contemplate hiring a contractor because your truck has broken down and you want to get someone fast.

**Mr Pullen** — If you give him one booklet they will be all the same after that; you know that.

**Hon. W. R. BAXTER** — That might be so, but why should I have to give it to the character three days before I engage him?

**Mr Pullen** interjected.

**Hon. W. R. BAXTER** — It is not me who needs to know what is in it, Mr Pullen. I am supposed to give it to the guy I am going to hire. He has to know what is in it.

**Mr Pullen** — If he gets one booklet he will know.

**Hon. W. R. BAXTER** — If that is the case, why does the government not produce the booklet here and now? Why is it imposing all these extra tasks upon

people in industry who might want to engage contractors to transport their goods? I acknowledge you do not have to do that for short engagements if you are employing people for less than 30 days, or less than 30 days in three months. Therefore to some extent I suppose it is not going to interfere in the livestock transporting industry, for example.

**Hon. E. G. Stoney** — It is.

**Hon. W. R. BAXTER** — I fear that it is the thin end of the wedge. I am saying to some of my contractors who are particularly concerned at the moment that it will not immediately affect them. It is another illustration of the misunderstanding of this business of how farmers and contractors work.

I have never engaged a livestock carrier in writing in my life. I go up to Hay, buy a triple decker of young ewes and speak to the transport operator who is there. There may be 20 or 30 trucks lined up. We make an arrangement to deliver the livestock to the farm for so much a kilometre. That is all about that. Nothing needs to be in writing. It is a matter of trust. That has gone on for years and years. I do not pay the transporter either. He renders the bill to my stock agent. The stock agent pays the bill. I do not have anything to do with it. I engaged him without the necessity of putting anything in writing or giving him some damn booklet.

There is probably an issue with some people who operate as couriers and operate taxi trucks who get into the business because they have been taken in by an advertisement that has been in the newspaper which says, 'We will finance a truck for you and we will give you a certain amount of work'. Some people find that that is not quite as good or attractive as they thought it would be when they get into it. I know why they want to get into it. They see themselves as having some independence by being their own boss. Often they are poorly advised. They do not get sufficient advice from their accountant and the like. It is pretty easy to borrow money to buy the truck. Even if it is not easy to borrow it from the banks, there are other sources of finance out there that are prepared to lend money on the basis of very little collateral. These people get themselves into a truck. They find it is a pretty lonely existence, particularly if they are long-distance drivers sitting in a truck all day. They begin to spend too much time at truck stops. They get behind. They then find they are driving too fast and run foul of the law. They become fatigued trying to make up time and have accidents. They are not taking into account lost time, accident repair, breakdowns and so on. They find that it is very difficult keep up the payments on the truck. The financier moves in and takes the truck back.

I notice in this report that with respect to insolvency rates an analysis has been made of the numbers of business-related personal bankruptcies in Victoria by occupational categories in 2003–04. It says that road and rail transport drivers had the fourth highest rate of business-related bankruptcies, with 43 individuals declaring a business bankruptcy in 2002–03. By comparison the rate for electrical and electronics business proprietors was much less than that. My answer to that is: so what? These people are going into it with their eyes open. This is how private enterprise works. If you are unable, for whatever reason, to operate an efficient business, you are going to go broke.

What this bill wants to do is put in some sort of price-fixing mechanism so that these operators are going to be underpinned. What is that going to do? It will put the cost of transport up, which will increase the cost of food to every family in Victoria. This is what this Labor government is advocating — that the price of food in the supermarket is going to go up because it will cost more to get the product from the farm to the processing plant and from the processing plant to the warehouse and from the warehouse to the supermarket. That is what the government wants to do. It wants to stifle initiative and efficiency and wants to remove the incentive to keep the costs down.

I remember when I was a teenager we had in our district a well-known local citizen by the name of Daley K. Murray, who operated a sawmill in the Barmah forest. He had been doing it all his life. He used to tell me about the wartime regulations when everything was worked on a cost-plus basis. He said it was just marvellous. He made more money than ever during the war because all he had to do was demonstrate that his costs had gone up and the rates went up and he got paid more. There was no incentive at all for him to keep the costs down in his business. It did not matter because he was being paid on a cost-plus basis.

Frankly, that is what this bill advocates. It means we are going to have some sort of organisation — a union-dominated council — that is going to go around and try and assess what it should cost, what the fees should be and what the rates should be to run a transport business, and that somehow or other is going to become the norm. In other words, it means there is no incentive to keep costs down. It will all get built into the formula and into the equation, and the costs will go up.

**Mr Pullen** — You are just making that up.

**Hon. W. R. BAXTER** — I am not making it up, Mr Pullen. I am speaking from experience because I

know this is what happens. If you want to know what happens in a planned economy, just go over and have a look at Eastern Europe and you will see what happens in a planned economy.

I say that this bill has no substance at all in terms of delivering anything to the community of Victoria other than increasing the costs of doing business. What will that mean? We will begin to drive business out of Victoria; businesses will go elsewhere. Unemployment will rise and the downward spiral will gather pace. That is the reality of the situation because once you involve union officials in the setting of prices and the setting of rates, we are not going to end up with any efficiency at all. I say this bill has been drawn up by those who have never run a business. They want to treat everyone as an employee. They want the lowest common denominator. They want equality of outcomes. It reminds me of what a former education minister, Joan Kirner, did to the education system. Life is not like that. If we are going to have a situation where we put everyone on the lowest common denominator, God help us.

This is a dreadful piece of legislation. It has been drawn up by people who have no idea of running a business, who are not interested at all in having any competition and who are not interested in having any efficiency. They do not believe it is necessary to drive costs down. They think production is something that grows on trees anyway. They think it does not matter what your costs are, that you can continue to sell your product and someone will buy it. That is not the way it works. If we go down this track, we will be driving industry out of this state and doing a disservice to those people in the transport industry who really want to make a go of it.

**Hon. J. A. VOGELS** (Western) — I rise to join in the debate on the Owner Drivers and Forestry Contractors Bill. The Liberal Party opposes this legislation because it seeks to impose by way of regulation a regime that could cover every single transport industry in the state. The purpose of the bill is to regulate the relationship between persons who contract to transport goods in a vehicle or harvest forest products using motorised equipment supplied by them and persons who hire them — in other words, people who own their own truck and want to contract to supply those services, or people who own their own forestry and haulage equipment, will now find government bureaucracy and red tape in the way. Instead of letting the marketplace and business people negotiate contracts amongst themselves, we will have members of this controlling and regulating Bracks government sticking their noses in. Three days before a business, or anyone else for that matter, decides it wants to engage an owner-driver to cart goods and services from one point

to another, the hirer has to supply an information booklet to the contractor. This information booklet to the contractor — —

**Mr Pullen** — What is an information booklet?

**Hon. J. A. VOGELS** — I am just going to tell the house. This information booklet has to include the current rates and cost schedules, the rights and responsibilities under the legislation, a code of conduct, details in relation to occupational health and safety laws and advice about the government's training program. The bill imposes regulated contracts on owner-drivers and forestry contractors if the arrangements are ongoing. Under the bill 'ongoing' means, firstly, having no end date; secondly, the contractor is engaged for 30 days in a row by the hirer; or thirdly, the contractor is engaged by the hirer for more than 30 days in a three-month period. A regulated contract must be in writing and must guarantee a minimum number of hours or income, must specify rates to be paid and must specify the termination of the contract arrangements. Many transport groups from haulage contractors to livestock and grain carriers have contacted the Liberal Party voicing their concerns. Mr Smith may laugh. For many, even though they will not be affected at this stage, once this legislation is passed it will be by the stroke-of-a-pen regulation that the minister of the day from then on can bring anybody into this regime. Any owner-driver could be caught in this ambit once this legislation has gone through Parliament.

While I have sympathy and acknowledge that there is a problem for owner-drivers hauling forestry products, this is a direct result of the Bracks government's tearing up of the regional forest agreements. The Bracks government promised to financially assist those people displaced and affected by the no-logging policies. However, it is a case of much too little being done much too late.

I intend to concentrate more on my neck of the woods, and that is livestock, grain, hay, silage, harriers. The proposed information booklet will contain determined rates set by the minister on the advice of a to-be-established Transport Industry Council of Victoria. The livestock transport industry does long-haul and short-haul work. Every job is different and is priced differently, depending on distance, loading facilities, time taken, terrain traversed and the number of sheep or cattle on a load.

**Mr Pullen** — Who wrote that?

**Hon. J. A. VOGELS** — It is my writing. Set prices between contract and, say, abattoir are often set on a per

head basis rather than mileage. There is little uniformity in price because every job is different. The livestock transport industry has live freight. They cannot sit around and wait for three days while someone reads an information booklet. Saleyards, for example, have their own rules and regulations and require all livestock to be moved within 48 hours. Livestock transport is very seasonal with an unknown number of stock to be moved on a day-to-day basis.

The bill talks about written contracts which must be signed, establishing responsibility of both operators and owner-driver subcontractors. The livestock transport industry has never operated on signed contracts. They have oral contracts and handshake deals. These have been going on forever and have worked very well. Members of this Labor government cannot see that they are true socialists who want to regulate and control even when the outcomes will be flawed.

The bill says that it guarantees minimum hours of work or income. Livestock is very much a supply-and-demand industry with seasonal fluctuations. Contractors do not know until 24 hours before, or even sometimes on the same day, what livestock is to be transported. It is not possible for a prime contractor to give a guarantee of minimum hours or income. The price of fuel, for example, can vary enormously between one town and another and even from state to state. It is impossible to know what the cost of fuel will be, and repairs are also an unknown cost. Not every livestock transport operator runs his or her business in the same way. Costs and incomes vary. Some contractors have their own workshop for repairs while others contract their repairs out.

These same arguments apply for owner-operators who move grain and fodder. In most cases in country Victoria a livestock operator removes his stock crate between saleyard days and starts shifting around hay, silage, grain or whatever. They deal directly with their customers. They know what the job is worth and what rates are needed for them to receive a fair income. Most transport operators and owner-drivers et cetera feel this legislation is not warranted. I have spoken to many livestock and transport operators in the south-west of Victoria and not one of them agreed with this legislation. They do not believe the Transport Industry Council of Victoria can be responsible for setting rates and controlling costs in such a large, complicated and varied industry when people within the industry, with all their experience, have problems to deal with on a daily basis. This legislation is a minefield of legal ramification in this already overregulated industry. The Liberal Party will vote against this legislation and

repeal it — members should listen to this — after it wins the 2006 election.

**Hon. S. M. NGUYEN** (Melbourne West) — I am disappointed today that the opposition does not support the Owner Drivers and Forestry Contractors Bill. This bill looks after the interests of not only the workers but the whole industry. The bill is aimed totally at making conditions fairer for everyone. It is not just for one side, but for all involved in the industry, ensuring its survival and enabling those who work hard and long to do so under better conditions. That is what it is all about. We are not bringing any politics or unionism into the matter. We are keen to see hard workers better looked after. At the moment the industry is not helpful to small business drivers who own their own truck.

This bill is a large one; it is very comprehensive and it contains a lot of information for people who work in the forestry industry. We want to see that industry grow and be there for a long time. I remember that every time we have talked about environmentally friendly products we have talked about the forestry industry. Forestry workers play a very important role in the survival of the forestry industry for the long haul, and the government is very interested in looking at it.

The bill takes up the recommendations of the *Report of Inquiry Into Owner Drivers and Forestry Contractors*. Those recommendations deal with many specific things and important points relating to transport workers. Owner-drivers of trucks have wanted to see this information and have it clarified. This will help them. The road transport industry has many small, family-run businesses with less than five employees. They are hardworking people and they want to see their problems identified by the government.

We have looked to see what we can come up with and we are going to appoint two councils — the Transport Industry Council of Victoria and the Forestry Industry Council of Victoria. We will set up committees which include representatives of both sides of the transport industry, the hirers and the contractors. They will come up with recommendations and produce a code of practice and an information booklet, develop model agreements and advise the minister on any matters relevant to commercial practices relating to the contractors in the industries, such as small business training programs. The minister needs to know all the information and to hear from the hirers and contractors, so they will play an important role in supporting both workers and hirers.

We will make sure that everyone gets a fair go. The bill sets out a speedy dispute resolution system. It will be a

simple, straightforward and not too costly means of settling disputes. They will be handled by the Office of the Small Business Commissioner who will help solve disputes without them going to court, which takes a long time, becomes very expensive for both parties and generally does not help anyone. I am sure that a lot of information will come from the two councils set up by the bill. Their functions include making recommendations on codes of practice. The government encourages people involved in the industries to make themselves heard.

In conclusion, I support the bill. I am disappointed that the opposition does not support it. It opposes anything to do with workers. It does not want to know anything about their rights and conditions. When we talk about industrial relations we should look at the matter from both sides. As the Labor government in Victoria we are keen to develop communication between the two parties. That is why the bill sets up the two industry councils. It is also why a dispute tribunal will be set up to ensure a simple means to resolve disputes when they occur. I commend the bill to the house.

**Hon. PHILIP DAVIS** (Gippsland) — What a delight to be invited to participate in this debate on the Owner Drivers and Forestry Contractors Bill. In joining the debate I indicate that I do not intend to reiterate the effective case put by the lead speaker for the opposition, the Honourable Chris Strong, or indeed to deal in detail with matters to do with forestry, which were put by the Honourable Graeme Stoney. But I want to make some brief points.

The purpose of the bill is set out in clause 1 and states:

The purpose of this act is to regulate the relationship between persons who contract to transport goods in a vehicle, or harvest forest products using motorised equipment . . .

Clearly, this bill substantially changes the basis of the law of contract as it applies to people who work in the transport industry. It is a change which will significantly increase the cost base for those people engaged in the use of transport and for the transport operators themselves. It will have a stultifying effect on economic participants in the transport industry. The opposition opposes the bill because it does not believe, as clearly the government believes, that patronising an industry sector is the way to determine how best that industry sector ought be regulated.

The contributions from a number of government speakers, including Mr Somyurek and Mr Mitchell, were in my view, patronising and implied that the people who operate in the transport industry should not be free to determine how they go about doing their

business, and that the only way that they should be able to undertake their contracting activities should be through a prescriptive, regulatory framework where third parties arbitrarily determine the basis of the contracts they engage in. Conceptually, that is a long way from the notion of contract law as it has operated not just in the transport sector but in industry and in life under the system of contracts as we understand it.

I will comment on two specific areas: the rural transporters, particularly the livestock industry, and separately the forest industries. I acknowledge that there is a significant problem in the forest industries in terms of the harvesting and haulage sectors, and I will say something which I do not think has yet been acknowledged in this debate, which is that it has been a problem for a long time. It has been exacerbated by the ongoing changes to the resource availability in that industry because of changing government policy under the Bracks government. In my days as parliamentary secretary for natural resources I recall meeting with representatives from the Construction, Forestry, Mining and Energy Union and the harvest and haulage sector and discussing these issues, but there was no readily apparent solution to the competitive issues then.

The problems have been exacerbated by the fact that in Victoria over the last period of time we have seen a significant reduction of timber resource available to the forestry industry. Therefore, there is a significant oversupply of both harvest and haulage contractor equipment and personnel. The government failed to honour its commitment in the Our Forest, Our Future policy initiative and clearly provided inadequate funding to facilitate industry exit, which exacerbated the problem, because instead of having a rational adjustment in terms of the supply and demand relationship, we were left with an overabundance of industry stakeholders who could not leave the industry.

I further acknowledge that the problems in the sector have been well articulated to me by the secretary of the harvest and haulage association. I have also received correspondence from the East Gippsland Logging and Carters Association which asks the opposition to support this legislation. It is important to be clear that the opposition is not unsympathetic to the problems in that industry, but it does not believe that the construction of this bill and its regulatory nature will in the long run serve that or any other industry well; in fact quite the opposite. The opposition thinks it is impossible for the relationship of contracting parties to be effectively regulated in the manner in which the government is proposing with this legislation. However, notwithstanding it opposes the bill and intends to repeal it at the first opportunity when in

government, it will seek to work with the harvest and haulage sector and the forest industry to find more appropriate remedies for the challenges in that sector.

I want to turn to the livestock cartage industry, about which I have some real knowledge by virtue of having been a client of the livestock transport sector over many years on many, many occasions. I have engaged in short and long-term relationships with transporters of livestock, and in the tradition of rural people all of those contracts have been on the basis of trust. Several generations of my family have been associated with the livestock industry, and I have grown up with an understanding of the ethics of people who work in that sector: that business is done on the basis of one's reputation and word of honour and that transactions for the purchase or sale of large numbers of livestock at large values are often and generally undertaken by word of mouth — that is, on the telephone — or with a handshake. So, too, the transport arrangements are undertaken on the basis of a relationship born of trust and usually experience. Having used a livestock transporter in a satisfactory manner, one comes to the view that that is a reliable relationship and it continues until or unless there is some substantive reason to change it. That has been my personal experience.

Under the provisions of this bill many of those livestock transporters will be caught by the act in terms of their longstanding relationships with their clients, and they will become regulated under the terms of this bill. The livestock transport industry does not want to be so regulated. Almost universally representations have been made by both individuals and the industry association to that effect. The industry has sought an exemption from the government for that industry sector. Regrettably the government has not heeded that desire and is going to impose, with this bill, a regulatory framework which will diminish the capacity of the independent businesses to enter into contracts of their own free will in a manner which they determine is best for their competitive position in providing services to the rural clients. It will diminish significantly the capacity for that relationship of trust to remain, which has been a wonderful feature of rural communities. The prescriptive regulatory nature of the changes in this bill will diminish the code of conduct of personal responsibility and integrity that individual contractors, who base their contracts on a personal relationship, can entertain.

I am opposed to this bill for a number of reasons: firstly, because it does change the nature of the law of contract insofar as it affects the transport industry. It changes materially the relationship between individuals who have a business relationship based on personal

undertakings between one another which are enforced under the tort of contract which we understand and which has the notion of recognition at common law. Further, the bill will so proscribe a framework of bureaucratic behaviour that it will limit the economic benefits from driving efficiencies in the transport sector over time.

The Liberal Party is committed to repealing this bill, but it gives an assurance to the forestry, harvesting and haulage sector that at the earliest opportunity, having repealed this bill, it will put in place arrangements by agreement with the industry that will better resolve some of the matters of industry safety and competitive dysfunction which I understand have been a problem for some time. However, I reiterate that mostly they have come to the fore because of an oversupply in the provision of services as a result of the failure of the Bracks government to provide sufficient exit packages under Our Forests Our Future.

**Hon. P. R. HALL** (Gippsland) — I welcome the opportunity to make a couple of comments on the Owner Drivers and Forestry Contractors Bill. I have listened to a fair amount of the debate through the day. A lot of it has been political comment — people have spoken about the so-called political motivations for this piece of legislation. I am not going to make further comments about that. I do not particularly find that always so productive. I want to talk about the practical applications of this legislation and how I believe it will impact upon owner-drivers in the electorate I represent.

In consideration of the practical applications of the legislation, I think a good start is to look at the purpose of the legislation, which is described in the second-reading speech as to provide some basic protections for owner-drivers in the transport industry and also the harvesting and haulage contractors in the forest industry. As I said, it looks at providing some basic protections. If we look at the bill itself, the purpose is to regulate the relationship between persons who contract to transport goods. The second-reading speech describes the purpose as being to provide basic protections. The bill says the purpose is to regulate the relationship. I do not think those two things are always compatible. Protection and regulation do not always necessarily mean the same thing. If you are going to achieve some level of protection, that is dependent on the way things are regulated. Therein lies the concern I have with this bill. This bill could probably best be described at best as a very vague regulatory regime much of which is unknown, and I particularly refer to the codes of practice that this bill gives rise to being very much unknown. I have heard other contributors to this debate make comments about those codes and

express some concern. Moreover, in many ways this bill will be counterproductive and work against owner-drivers in some instances, and I will elaborate on those as I make my contribution.

Firstly, I want to talk about what I believe is the vagueness of the bill. The circumstances around the requirement for a written contract between a hirer and an owner-driver are very loosely defined, and in some cases that has left me wondering exactly what are the circumstances in which a written contract is required between an owner-driver and somebody who hires their services. On searching for an explanation as to exactly when a written contract is required, the best I can do is to go to clause 19 of the bill, which talks about the requirements for ongoing engagements and the application of division 3. The division sets out the contract provisions and says:

- (1) This division applies to any ongoing engagement of a contractor that is —
  - (a) of no fixed duration; or
  - (b) for a period of at least 30 days.

In respect of that I am still not sure whether, for example, a farmer who regularly employs one of my constituents who is a transport carrier in South Gippsland, Mr Norm Geary, to take his stock to and from market on an irregular basis actually falls into this category of being required to enter into a written contract with the transport carrier. The situation is that we have many farmers who regularly use the same carrier. They do not use them every week — they might use them every second week or every third week — but they use them continually over a period which might be for a year or for 10 years. In those circumstances I am not sure whether they fit under clause 19(1)(a) of this bill or whether they are deemed to have an ongoing engagement of a contractor that is of no fixed duration. The same could be said about the cartage of timber products by a person engaged on a casual basis. Under what circumstances are they required to have a written contract? I am not sure of those circumstances.

Clause 11 of the bill gives some information about when a booklet is required to be handed over to somebody. It states:

- (1) Section 10 does not apply if the contractor is engaged for a period of less than 30 days.
- (2) However, if a contractor is engaged by the same hirer or through the same freight broker for a total of at least 30 days in any 3 month period, the information booklet must be given to the contractor on the 30th day ...

That provides more specific conditions about when an information booklet is required to be passed over to a contractor. But clause 19, which I spoke about earlier, is so vague as to leave up in the air scenarios where people are not sure whether they are required to enter into a written contract. Just last Friday when speaking to Mr Norm Geary, one of my constituents who operates his own livestock-carrying business in South Gippsland, I found he was completely unaware of this legislation being introduced. I would say there would be many owner-drivers in the transport industry who would be equally unaware of this legislation going through the Parliament.

I shall make mention of the codes of practice that are contained in part 3 of the bill at page 24. Clause 27 states basically that the Governor in Council, on the recommendation of the minister, may make regulations enshrining in legislation codes of practice, which may become mandatory. I feel uncomfortable about passing legislation which contains these regulation-making powers providing for codes of conduct of which we have absolutely no knowledge at this time. I know the second-reading speech describes basically the subject headings which the codes of practice might cover, but they give us no detail of what might be required. This is vague legislation, and I feel uncomfortable having to stand here and pass comment on something which will become law but of which I am completely unaware at this time.

I made the comment before that in many regards this legislation may be counterproductive to the interests of owner-drivers. I cite the example I used before of a farmer who regularly uses a livestock carrier. The arrangement, as Mr Baxter described it in his contribution, is that frequently farmers will attend a sale, decide to buy sheep or cattle and then engage a livestock carrier at the market to take those stock back to the farm. Or they might decide that next Friday they will sell cattle, so they will ring up a livestock agent and arrange for that carrier to pick up their stock and take it to market. The practice in country Victoria is that you use the same bloke you trust and have built up a relationship with over a period of years and whom you know will do the right thing by you. It is a regular fact of life in country Victoria that you tend to use the same livestock carrier you have come to know will do a good job for you.

Is that carrier deemed under this legislation to be a regular carrier of your stock and therefore required to enter into a written contract? If so, they would be reluctant to do so. For goodness sake, they have enough red tape to deal with at the moment, and they do not want the further burden of having to enter into written

contracts with everyone they engage to carry livestock for them. What they might do is simply say, 'Sorry, we have used you for the last five years and we want to use somebody different this time' so it is not deemed that they are using the same person on a regular basis to ensure that they are not breaking the law by not having a written contract. In that way it could be counterproductive.

It could be the same with people hauling in the timber industry. If they are employed on a casual basis it may be that if a harvester has eight weeks work or something they might say, 'We do not want to engage you for more than 30 consecutive days otherwise we need to enter into a written contract, therefore we will only give you 20 days work and split it up between a couple of people rather than give you the ongoing contract'. It could be counterproductive to their way of operating.

You might also find some potential hirers of owner-drivers could resort to using their own means of transporting their product simply because they do not want the paperwork. I say also that you could have some major hirers who may prefer to provide their transport services in-house rather than go to outside contractors. I know Murray Goulburn in Leongatha, for example, has just made a recent decision to undertake a lot of their own transport in-house at the expense of some of the local transport firms in the South Gippsland area. I am not sure of the reason for that, but I could envisage that potentially because of this legislation some traditional users of owner-drivers may choose to provide that service in-house rather than be caught up in this contract-making regime.

I want to talk about the education of owner-drivers, on which there has been some comment during this debate. I have no difficulty whatsoever about the sentiments expressed on page 3 of the second-reading speech that we should be making available material to educate people so that they are fully aware of the potential hurdles their business will face. I say simply on that matter that we do not need legislation to do that. That sort of information could be provided through the Department of Innovation, Industry and Regional Development, or any other government department, without the requirement to put in place legislation.

I finally want to make a comment about forestry contractors. I have received a copy of a letter from the East Gippsland Logging and Carters Association to the Minister for Agriculture in another place, the Honourable Bob Cameron, urging the government to adopt this legislation. The letter says in part:

This legislation if passed in its current form will give our members the security and confidence they need to be viable, to invest in new technology and to improve the safety of their operations.

Despite the genuine sympathy and support that I have always given people in the timber industry, in my own heart I cannot find the mechanisms in this legislation that give people in the timber industry the level of confidence they claim in this bill. With the vagueness of the contract provisions, the uncertainty and the counterproductive nature of some of the measures that I have just described, I cannot envisage in my own heart how this legislation will help timber haulage contractors in my electorate. As I said, I think it might well be counterproductive.

I agree with the Leader of the Opposition and his comment that, yes, some real problems need to be addressed in the timber haulage industry — there is no doubt about that — but I also agree with his comment that much of that concern has been brought on by this government and its withdrawal of timber resource, particularly in east and west Gippsland. Under the Our Forests Our Future program we saw something like a 50 per cent reduction in resource availability, and consequently there has been no work for many of the contractors in the timber sector. And there was not enough money put into the Our Forests Our Future program to compensate or buy out the work undertaken by these people. I know personally of a number of timber haulage people who made application under Our Forests Our Future — and who met all the criteria, mind you — but who had their applications knocked back simply because the government ran out of money in this program.

Consequently I agree with the Leader of the Opposition; there is an oversupply of contractors in the timber industry, and many of their financial difficulties have simply been brought about because of the lack of work and the cutbacks in resource availability under the Bracks government. Yes, there are structural issues that still need to be addressed, and yes, there are ways to support those people left in the timber industry, but, as I said, in my own heart I do not think that this bill before the house today is going to help them at all. I have not heard any argument from any member of the government that can convince me that this will be something super and will be the panacea for all the problems in the contractor sector of the timber industry. It simply will not. I think there are far more productive ways in which the government could be involved to help those people.

As explained by my colleagues Mr Bishop and Mr Baxter when they spoke on this legislation earlier in

the debate, The Nationals will be opposing this legislation simply because we do not think it delivers any of the claims made by this government that it is going to be better supporting owner-drivers in this state. I certainly believe in my own mind that in many ways it will be counterproductive.

#### House divided on motion:

##### *Ayes, 22*

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

##### *Noes, 20*

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

#### Motion agreed to.

#### Read second time.

#### Committed.

##### *Committee*

#### Clauses 1 to 3 agreed to.

#### Clause 4

**Hon. C. A. STRONG** (Higinbotham) — Clause 4 deals with who is covered by the bill. I seek clarification on this from the minister. In his contribution to the second-reading debate Mr Somyurek referred to taxis. He said that taxidrivers are paid significantly below award wages and do not earn much money. He said that the bill should apply to taxidrivers and went on to elaborate that taxi rates would increase as a result. Certainly on my reading of the bill I do not see that taxidrivers are included. I seek the minister's clarification as to whether taxidrivers are included and whether that will have any impact on taxi rates in Victoria.

**Mr GAVIN JENNINGS** (Minister for Aged Care) — From my perspective, this is a ricochet dorothy dixer, because the answer is: no, it does not apply to taxidrivers.

**Hon. C. A. STRONG** (Higinbotham) — I thank the minister for his clarification, which I must say I, and I think most Victorians, would be very pleased about. Perhaps some briefing by the minister of his backbench might avoid these sorts of problems arising in the future.

**Mr GAVIN JENNINGS** (Minister for Aged Care) — This is a government of members full of compassion and consideration for all members of the community, and sometimes they add to the second-reading debate in such a way.

**Progress reported.**

**Business interrupted pursuant to sessional orders.**

### PRIMARY INDUSTRIES ACTS (AMENDMENT) BILL

*Introduction and first reading*

**Received from Assembly.**

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

### ENVIRONMENT AND WATER LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

*Introduction and first reading*

**Received from Assembly.**

**Read first time for Ms BROAD** (Minister for Local Government) on motion of **Mr Gavin Jennings**.

### VICTORIA STATE EMERGENCY SERVICE BILL

*Introduction and first reading*

**Received from Assembly.**

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

### WORKING WITH CHILDREN BILL

*Introduction and first reading*

**Received from Assembly.**

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

### ADJOURNMENT

**The PRESIDENT** — Order! The question is:

That the house do now adjourn.

### Banyule: councillors

**Hon. BILL FORWOOD** (Templestowe) — I wish to raise through the Minister for Aged Care a matter for the Minister for Local Government. First I quote from the report tabled today on the Glen Eira City Council. It says:

The council is very badly governed. There has been, and continues to be, a serious failure to provide good government. During the investigation it became clear that councillors were not providing effective leadership, showed no inclination to focus on strategic direction and were almost completely immersed in divisive point scoring and interpersonal conflict. Their failure to provide good government is due to a breakdown in working relationships, characterised by a total absence of goodwill, respect and trust between councillors, and an inability or unwillingness on their part to seriously attempt any remedial action.

Those words apply equally to the Banyule City Council, which is completely riven in dispute between the member for Ivanhoe's four lackeys and three disgruntled members of the Labor Party — Crs Sean Rawson, Dean Sherriff and Dale Peters. The council is dysfunctional.

More to the point there are serious breaches of governance. The mayoralty of this council has been divided over the last four years, twice to Cr Ryan and twice to Cr Jenny Mulholland. At the council meeting last year when Cr Ryan became the mayor I stood up and asked whether it was true that as part of the deal of Cr Ryan becoming the mayor that night, he would give the mayoral car to the newly created position of deputy mayor to be held by Cr Jenny Mulholland. The answer I was given that night was that no decision had been made on the mayoral car. However, she drove it home that night, and she continued to drive the mayoral car right through until the middle of February, when the council legitimised the process using its numbers.

I made a freedom of information application on the process. I make the point that Cr Mulholland was forced to give the car back because of a public outcry, but despite that I discovered through FOI that she had spent a considerable amount — over \$1000 from memory — on petrol, cleaning and CityLink fees. She did not keep a log book or any details of who had driven the car apart from herself or what work she had done in the period between 6 December and 31 January — in other words, while she was on holiday, while the council was not doing anything. She used the mayoral car inappropriately for the whole of that period. This is a dysfunctional council. This is a council where there has been incredibly corrupt behaviour again by an ex-mayor, a Langdon lackey. I ask the minister to investigate the council by appointing a municipal inspector — —

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

### **Geelong bypass: traffic impact**

**Ms CARBINES** (Geelong) — I raise a matter with the Minister for Transport in the other place, the Honourable Peter Batchelor, concerning the Geelong ring-road. My region is fully supportive of the construction of the Geelong ring-road and is looking forward to its completion now that the federal government has finally allocated its share of the funding.

G21, an alliance of councils in our region — the City of Greater Geelong, the Borough of Queenscliffe, Surf Coast shire, Golden Plains shire and Colac Otway shire — has played its part in assisting the government in lobbying the federal government to come to the party. G21 continues to take a keen interest in the construction of the Geelong ring-road. A couple of weeks ago I met with members of their transportation pillar to discuss its progress. Concern was expressed by the members of the G21 transportation pillar about the impact of the Geelong ring-road on the existing road network in Geelong and the need for this impact to be assessed.

Key areas G21 had identified included access to the port of Geelong, access to and from the industrial precinct at Heales Road, the impact on Deviation Road and access to the centre of Geelong and the Purnell Road interchange. G21 is very keen to assist the government in any review of the ring-road's impact. I therefore ask Minister Batchelor to ensure that a review of the impact on our existing road network in Geelong of the Geelong ring-road takes place and that G21 is consulted as part of this process.

### **Seymour District Memorial Hospital: obstetric services**

**Hon. D. McL. DAVIS** (East Yarra) — The matter I raise tonight is for the attention of the Minister for Health in the other place and concerns the ongoing issue of obstetric services in country Victoria. I refer in particular to Seymour, which is one of the country towns that is facing difficulty under this government without proper obstetric services. I note that Ms Carbin's laughs, but it is not a joke for the people of Seymour. I point out that a number of obstetric services — I believe it is 20 — have closed throughout country Victoria. That has had a massive impact on country Victorians, with many women forced to drive long distances for obstetric services.

In Seymour the closure of the obstetric services last year was a huge blow to the town and the hospital. I make the point that the government's attempt to find an obstetrician was something the opposition supported strongly. What we did not support was the minister's failure to sort out the difficulties with medical services at the hospital and in the town. The fact is that a town like Seymour in central Victoria deserves proper obstetric services. It deserves the highest standards and deserves to have locum services available for its people. When the service closed women were forced to travel to Shepparton, Bendigo or the Northern Hospital in Epping. Those destinations entail long drives, and that raises the prospect that mothers would be forced to give birth by the side of the road.

My concern follows a report in the *Seymour Telegraph* of 10 August that the obstetrician that the government put in the town has decided not to renew her contract. Dr Alice van Royen, an American who came to the town to fill that hole in the obstetric services, has decided to quit. I am very concerned that there will not be ongoing services in the town. I am very concerned that people will be left without the option of local obstetrics. There are still difficulties in the town, which the minister has failed to address. Through much of last year the minister was sitting on her hands as the difficulties between the hospital and certain medical groups in the town continued. I understand the minister does not have the power to wave these things away, but she refused to get closely involved to fix the problem.

I seek from the minister a guarantee and an action. I seek that she guarantee these services, and that she intervene to make sure there is an obstetrician in Seymour and that services will not be closed.

### Commonwealth Games: economic impact

**Hon. G. K. RICH-PHILLIPS** (Eumemmerring) — I raise a matter for the attention of the Minister for Commonwealth Games relating to the estimated impact of the games. Victorians know the government is committed to spending \$1.1 billion on the Commonwealth Games, \$700 million of which is coming from Victorian taxpayers. Since those budget figures were released it has become apparent that the cost to Victorian taxpayers will far exceed that amount. It is possible it will exceed the estimated budget by several hundred million dollars. It is therefore very important that Victorian taxpayers know what they are getting for this money.

Two years ago the Minister for Tourism in the other place, the Honourable John Pandazopoulos, indicated that his estimate of the net economic impact of the Commonwealth Games was around \$800 million, which is concerning given that the cost of the games is more than \$1 billion. More recently the Minister for Commonwealth Games said the impact would be \$2 billion for the Victorian economy, and later revised his estimate to say it was \$2 billion for the Australian economy. Recently the government has been throwing around figures ranging from \$1.5 billion to \$3 billion, depending on which press release or ministerial comment one refers to. The basis for these later figures is apparently a study commissioned from KPMG. The government has released what it claims to be an extract from the report but which is a document prepared by the Department for Victorian Communities. The department has selectively picked out figures from the KPMG document and presented them with the spin the government desires. The government has not released the actual KPMG document.

On 6 June the Minister for Commonwealth Games appeared before the Public Accounts and Estimates Committee for 3 hours, and some of the things he said at that hearing were true. One of the things he said was that he would release the KPMG document. The minister has not done that. I now call upon the minister to release the full KPMG document on the economic impact of the Commonwealth Games so Victorians know what they are getting for their \$1 billion expenditure.

### Trams: East Burwood line extension

**Hon. A. P. OLEXANDER** (Silvan) — I seek the attention of the Minister for Transport in the other place, Peter Batchelor. The issue I raise is the Knox transit link and the extension of the East Burwood tramline to Knox City shopping centre. Members will

be aware that the East Burwood tramline has not been extended to Knox City but to Vermont South, which is about half the distance that was promised by the government in 1999.

It is a fact that the Labor Party made a promise of a comprehensive public transport plan for the outer east, including a commitment to extend the East Burwood tramline route to Knox City shopping centre. It was reaffirmed again in the Melbourne 2030 planning policy. It has not been done. There has been an extension to Vermont South. The Knox transit link is a bus shuttle service which links Vermont South at the end of the tramline to Knox City. It goes back and forth between those two centres. It has been pointed out by Knox City Council, the Whitehorse City Council, the Public Transport Users Association (PTUA) and the opposition that this is delivery of only half the promise made in 1999 to people of the outer east. There is great pressure in the community for the government to live up to the full promise and extend the tramline to Knox.

In the 26 July edition of the *Knox Leader* the member for Bayswater in the other place, Mr Peter Lockwood, is quoted as having said:

If Knox commuters get behind the Knox transit link, our chances of securing the (tram) extension to Knox are dramatically increased. I call on the PTUA to support us as we seek to boost public transport usage in Knox.

Clearly the member for Bayswater would like to see the fulfilment of the promise the Bracks government made in 1999. The PTUA agrees with him and so does the opposition. We would like to see it fulfilled as well. In the interests of full patronage, understanding whether the transit link has been successful and improving the chances of further funding in a future budget, will the minister commit to a survey and a usage and patronage study in the September quarter of this year, which are supported by the PTUA, to ensure we understand whether patronage is high enough and good enough, and whether the link is supported by the community? If so, will the minister commit in the next budget to funding the other half of the Labor Party's promise made in 1999 and extend the tramline all the way to Knox City?

### Monash Primary School: future

**Hon. ANDREW BRIDESON** (Waverley) — I wish to raise with the Minister for Education and Training in another place, Lynne Kosky, an issue in relation to Monash Primary School. I have been told by parents at that school that Minister Kosky will close it at the end of this school year. At the outset I would like to say that I raised issues in relation to this school

closure on 5 May and 15 June this year. I am still awaiting responses on those issues. This afternoon I am requesting that the minister meet with a delegation from the Notting Hill action group, which is a group of Monash Primary School parents. The group wants to discuss the future of their school with the minister.

Over the last couple of weeks new information has emerged which may assist the minister to reverse the decision to close the school. The new information concerns the formation of the Deutsche Schule, Melbourne. The Deutsche Schule is a German international school which wants to co-locate on the Monash Primary School site so that there will be a state-private partnership developed there. It is essential that the minister talk with the Notting Hill action group with a view to this new school being formed on that site. There would be great benefits not only to the Notting Hill community but also to the Clayton community.

The Monash Primary School is ideally situated. It is near Monash Secondary College and within walking distance of Monash University. It is not far from two of the biggest German companies in Melbourne: Mercedes-Benz and Bosch. There are many German executives working in those companies who want their children to attend a school that will better represent their culture and language. The Deutsche Schule has established an 11-member board, which is currently working on the issue of which best school model to choose. It is looking for a location, and I think it has settled on the Monash Primary School site as being ideal for its dreams. The board is organising the finances and public relations, finding sponsors and attracting new members. I think this would be a marvellous use for the site. I urge the minister, at very short notice, to meet the Notting Hill action group to further discuss this exciting proposal.

### **Melbourne: garbage collection**

**Hon. R. H. BOWDEN** (South Eastern) — I seek the assistance of the Minister for Local Government on an important health and safety matter in the central business district (CBD). On 19 November 2003 I made a members statement about the impact of the collection of garbage in the CBD, particularly the inappropriate noise levels through the late night and early morning hours. At that time I said that it was a genuine health and safety matter.

On Tuesday night of this week I was staying as usual at a nearby long-established and responsible place, and I got about 1½ hours sleep. I am only one of many hundreds of people in the CBD who are seriously

concerned about this health and safety matter. The Melbourne City Council is responsible for the policing and administration of aspects of the Health Act. I have had several personal discussions with the mayor, Cr John So. He is a fine gentleman, and I respect him very much. I have asked him to take action to make sure that something happens. In good faith the mayor has given me undertakings, but to date there has not been an improvement in the situation.

On 25 April this year an article in the *Herald Sun* stated that the Melbourne City Council had adopted a code. The article assessed that there are about 90 rubbish trucks in the central Melbourne area every night carrying out this function and that under the code it was illegal to collect garbage in the central business district between 11.00 p.m. and 6.00 a.m. I suggest it is about time the Melbourne City Council woke up to itself and got serious in addressing this and exercising its powers. I have observed that the Melbourne City Council and other councils are very fast to put resources where there is a dollar in it, such as for parking violations, but on a serious health and safety issue affecting potentially thousands of people the Melbourne City Council is not carrying out its responsibilities. I have no intention of sitting quietly in this chamber after having only 1½ hours sleep because the council is not carrying out its responsibilities.

I ask the Minister for Local Government to act urgently to require the Melbourne City Council to put resources in place and bring the full force of the Health Act down on these recalcitrant rubbish collection people, who know it is illegal to collect garbage in the CBD between 11.00 p.m. and 6.00 a.m. I want some action.

### **Willow Grove bridges: maintenance**

**Hon. PHILIP DAVIS** (Gippsland) — I raise a matter for the attention of the Minister for Environment in the other place. It concerns the maintenance of bridges in the Willow Grove area. Representations have been made to me from the Willow Grove Rural Fire Brigade about the diminishing condition of bridges within the state parks surrounding the brigade's area. The condition of the bridges in the area is of concern to the brigade, as it is quite often the primary response agency when fires occur in the parks close to the brigade's assigned area.

Recently bridges in poor condition were removed at the Latrobe River and Bull Beef Creek on the Blue Rock Road. With these bridges removed, access to areas surrounding these bridges has been severely hindered. Additionally the poor state of the bridge over the western branch of the Tanjil River on Rowleys Ridge

Road is of concern. It is currently questionable whether it is capable of carrying the weight of a Country Fire Authority tanker. The support beams are showing signs of rot, causing the bridge to sink substantially at one end.

It is unclear whether these bridges are to be replaced or left in ruins, as has been the case with the bridge over the eastern branch of the Tanjil River and the ravine on Mervs Track at Bull Beef Creek. The loss of the ability to cross these bridges has caused difficulties for the brigade in accessing fires in the past, and there is a perceived problem that the ongoing ability of the brigade to operate in this area is going to be curtailed.

It is understood that in the past bridges have not been replaced due to financial constraints. However, other means of crossing these rivers and creeks have been perfectly acceptable, such as fords or culverts in the case of the creeks. But it must be emphasised that the Willow Grove Rural Fire Brigade does not see crossings at the locations previously mentioned as optional — tankers need access to them as a means of crossing rivers and creeks. Could the Minister for Environment advise what action will be taken to maintain access to state parks for fire control by volunteer fire brigades in the Willow Grove area?

### Responses

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries and Resources) — The Honourable Bill Forwood raised an issue for the Minister for Local Government in relation to his well-known opinions about the Banyule council, referring to Labor lackeys but not Liberal lackeys. I will pass his comments on to the relevant minister for response.

Ms Carbines asked a question for the Minister for Transport in the other place in relation to the Geelong ring-road. This was about G21's interests and concerns in the area and about the impact of the ring-road on existing roads. I will pass those comments on to the Minister for Transport for response, including the member's request that this be looked at.

The Honourable David Davis asked a question of the Minister for Health in the other place in relation to obstetric services in country Victoria. I will pass his comments on to the Minister for Health for response, even though he is not present with us in the chamber.

The Honourable Gordon Rich-Phillips, who is in the chamber, asked a question for the Minister for Commonwealth Games about the economic impact of the games. He quoted a number of figures which may

or may not be accurate, but asked for the release of a KPMG document. I will pass that request on to the relevant minister.

The Honourable Andrew Olexander asked a question for the Minister for Transport in the other place about the Knox transit link and a tram extension in relation to that link. He has asked for a survey to be conducted. I will pass that request on to the Minister for Transport.

The Honourable Andrew Brideson asked a question for the Minister for Education and Training in the other place relating to the proposed closure of Monash Primary School and sought a meeting between the minister and the Notting Hill action group to see whether is another course of action may be taken by the minister. I will pass on that request to the minister.

The Honourable Ron Bowden told the house that he is getting only 1½ hours sleep at night in his city pad and was complained that this may have an effect on his performance in this house. We certainly would not want to see that happen. He is concerned that noise is being created at inappropriate times during the night by contractors to Melbourne City Council, and he wants the Minister for Local Government to intervene. I will pass that request on to the local government minister.

The Honourable Philip Davis has raised an issue for the Minister for Environment in the other place in relation to the state of bridges in the Willow Grove area. He is concerned about the structural strength of these bridges and other issues associated with them that might affect access by firefighting authorities. I will pass those concerns on to the Minister for Environment for his response.

**The PRESIDENT** — Order! The house stands adjourned.

**House adjourned 5.00 p.m.**



**QUESTIONS ON NOTICE**

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

**Tuesday, 9 August 2005**

**Corrections: prisoner escorts**

- 1697. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister of Corrections): In relation to prison officers escorting prisoners out of prison parameters:
- (a) What are the prison escort protocols for prison officers escorting prisoners.
  - (b) How did the Fulham Prison Officers report their arrival when they escorted a prisoner to the Australian Crime Commission headquarters on 16 February 2004 for an interview.
  - (c) What duties are prison officers given to perform while waiting for the interview to be completed on the escorted prisoner.
  - (d) What duties were the Fulham Prison Officers given to perform while waiting for the interview to be completed on the escorted prisoner on 16 February 2004.
  - (e) What procedures, protocols or rules are in place for prison officers to change into civilian clothes whilst on duty.
  - (f) In relation to the escort of a prisoner to the Australian Crime Commission on 16 February 2004, who performed the duties of the prison officers while the prison officers were allegedly away from their post and how was this incident first reported.

**ANSWER:**

I am advised as follows:

- (a) Corrections Victoria have procedures in place which require that escorting custodial officers are trained to implement and provide effective and secure prisoner escorts.  
  
External escorts of prisoners are to be conducted in a professional and humane manner taking into account the security requirements of the prisoner. Officers shall have regard to the safety of any person affected by the escort.  
  
The escort requirements for minimum security prisoners are: 2 prison officers both of whom are qualified in the use of Firearms, Oleoresin Capsicum Spray (OC) and Extendable Baton.
- (b) The Fulham prison officers referred to in the question reported their arrival at the Australian Crimes Commission (ACC) by telephoning the Commission Investigator on a telephone number identified in correspondence between the Australian Crime Commission and Fulham Correctional Centre.
- (c) Prison officers are not allocated alternate duties during escorts as they are expected to maintain the control and custody of the prisoner in question at all times. Staff are expected to remain with the prisoner.
- (d) The Fulham prison officers were not allocated any additional duties to perform as they were expected to maintain the control and custody of the prisoner.

- (e) No protocols or rules are in place for prison officers to change into civilian clothes whilst on duty as they are expected to display a security presence in the supplied uniform.
- (f) Although the escort officers were not permitted to be present during the ACC interview with the prisoner, there was a clear expectation that they would remain close-by. Notwithstanding that the officers failed in this duty, at no time was the security of the prisoner compromised.

Following preliminary enquiries, the prison reported the alleged circumstances of the incident to Corrections Victoria and on 9 March 2004 the Corrections Inspectorate launched a full investigation. The two officers were stood down and then dismissed from employment on 25 August 2004 as a result of their actions in leaving the prisoner unsupervised.

**Corrections: community-based offender supervision orders**

**1706. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Corrections):

- (a) What was the expenditure for 2002-03 in managing the 18,000 offenders who are/were on Community Based Offender Supervision Orders.
- (b) Why has one in four of these offenders (or 4,500 offenders) failed to successfully complete their orders.

**ANSWER:**

I am advised that:

- (a) In 2002-03 just over 18,000 new community corrections orders were received by approximately 12,800 individual offenders (offenders can have multiple orders during the year). However, the daily average number of offenders during 2002-03 was 7,407. The total recurrent expenditure on community corrections in 2002-03 was \$35,149,000 and the recurrent cost per offender per day was \$13.00 (as reported in the *Report on Government Services 2004*).
- (b) The breach rate, as published in the *Report on Government Services 2004*, in 2002-03 was 24%; of these, numerous offenders went on to complete their order/s successfully. An offender's lifestyle is often unstable, even chaotic and this remains a major factor in their inability to complete community based dispositions. However, Victoria finds itself at the lower end of the scale when compared with other jurisdictions. The majority of offenders fail to complete their order/s due to breach of conditions rather than breach as a result of re-offending. Examples of failure to comply with conditions include: Failure to notify change of address, failure to undertake community work as required, failure to complete a treatment or educational program, failure to report as directed and leaving the State without permission.

**Innovation: ministerial staff — mobile telephone services**

**3351. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Small Business (for the Minister for Innovation): What has been the cost of providing mobile telephone services to the Minister's staff since 1999-2000.

**ANSWER:**

I am informed as follows

This is one of a number of questions seeking information in respect of mobile phone use by the staff of Government Ministers, going back to 1999.

The Government cannot justify the diversion of public time and resources required to gather this information and answer these questions.

**Innovation: Haystac Public Affairs Pty Ltd — payments**

**4386. THE HON. GRAEME STONEY** — To ask the Minister for Small Business (for the Minister for Innovation):

- (1) What payments have been made to Haystac Public Affairs Pty Ltd by the Minister's department or private office or agency or statutory body under the Minister's administration since 26 August 2003.
- (2) On what dates were the payments made.
- (3) What are the details of the project for which payment was made.

**ANSWER:**

I am informed as follows:

No payments were made to Haystac Public Affairs Pty Ltd since 26 August 2003.

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

**4413. THE HON. GRAEME STONEY** — To ask the Minister for Small Business (for the Minister for State and Regional Development):

- (1) What payments have been made to Shannon's Way Pty Ltd by the Minister's department or private office or agency or statutory body under the Minister's administration since 28 October 2003.
- (2) On what dates were the payments made.
- (3) What are the details of the project for which payment was made.

**ANSWER:**

I am informed as follows:

No payments were made to Shannon's Way Pty Ltd since 28 October 2003.

**State and regional development: Innovation, Industry and Regional Development — stress-related leave**

**4645. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Small Business (for the Minister for State and Regional Development):

- (1) How many days have been taken as stress related leave by executive level staff and base line staff of the Department of Innovation, Industry and Regional Development in 2003-04.
- (2) What was the estimated cost.
- (3) What was the total number of staff involved.

**ANSWER:**

I am informed as follows:

- (1) There have been no days taken as stress leave by Executive level staff in the Department during 2003-04.  
There have been 425 days taken as stress leave by Non Executive staff in the Department during 2003-04.
- (2) The estimated cost of stress absences during the financial year 2003-04 was \$63,487, based on figures supplied by the Department's Insurer, QBEMM.
- (3) There were a total number of three staff members in the Department who were absent as a result of stress during 2003-04.

**Education and training: students — participation rate**

**4689. THE HON. ANDREW BRIDSON** — To ask the Minister for Energy Industries (for the Minister for Education and Training): In relation to the participation rate of Victorian children in primary and secondary education between the ages of 6 and 15 years:

- (1) What is the level of non-attendance of Victorian children of eligible age in State education for the years 2002, 2003 and 2004, respectively.
- (2) What follow up measures have been taken by the Department to support increased participation in State education in the compulsory years of Victorian children.

**ANSWER:**

I am informed as follows:

Information about the absence rates of students in Victorian government schools for 2002 and 2003 are available in the School Management benchmark files at <http://www.sofweb.vic.edu.au/standards/publicat/bench.htm>

Absence rates for 2004 are not yet available.

The Department has a number of system wide initiatives that support increased participation for all students. A number of these initiatives are outlined below:

- Curriculum Initiatives – Schools for Innovation and Excellence, Victorian Essential Learning Standards. Further Information can be found at <http://www.sofweb.vic.edu.au/blueprint/fs1/default.asp>
- *School Focused Youth Service* is a joint initiative between the Department of Education and Training and the Department of Human Services which focuses on the coordination of preventative and early intervention strategies for 'at risk' young people to be delivered through school and community clusters.
- *Primary Welfare Officer Initiative* which targets 450 high needs Government primary schools across the State and provides funds for the equivalent of 256 full-time Primary Welfare Officer positions (to the end of 2006/2007) to enhance the capacity of schools to support students who are 'at risk' of disengaging from school and who are not achieving their educational potential.
- *Student Welfare Coordinators* in secondary colleges are responsible for assisting students in issues of truancy, bullying, drug use and depression.
- *Student Support Services Officer (SSSO) Program* provides students with access to student counselling and welfare support services and includes Guidance Officers/Psychologists, social workers, visiting teachers, and speech pathologists.

The Department currently supports and funds a number of targeted initiatives to support increased participation in State education in the compulsory years of Victorian children. These are outlined below:

- *Student Attendance Guidelines* which aim to assist schools in supporting full student attendance - available at: <http://www.sofweb.vic.edu.au/wellbeing/welfare/attendguide.htm>
- *Keeping Kids in School: Issues in School* - a booklet which examines the issue of improving school attendance and suggests how the collection of information is an essential starting point.

- The *School Retention Initiative* which focuses on issues for young people under 15 years of age, who are currently not connected or are poorly connected to schools, and who are accessing Adult and Community Education (ACE) programs. The project will develop best practice guidelines.
- The *Retention and Reintegration Project* which will develop guidelines for principals regarding strategies and best practice in which a school, in collaboration with external agencies and families, can support, retain and reintegrate young people following episodes of drug use.
- The *Students at Risk of Complete Disengagement from Education and Training Project* aimed to gain a better understanding of the cohort of young people disengaging from education and training and to explore responses to improve engagement in education and training.
- The *Early School Leavers Pilot Program* targeted at young people subject to non custodial Juvenile Justice Orders, 12 to 15 years of age excluded from, or not attending school. The program aims to reconnect young offenders with educational pathways and will continue for a 12 month timeframe.
- The *Partnering Agreement: School Attendance and Engagement of Children and Young People in Out of Home Care (the Partnering Agreement)* which is a joint initiative between the Department of Education and Training and the Department of Human Services aiming to improve the educational experiences and outcomes of children and young people in out of home care, by reinforcing good practice and offering strategies to strengthen the response to educational issues, including achievements and attendance and social needs of children and young people in out of home care.
- The *Its not OK to be Away* resource kit developed in Gippsland which is being used by several regions.

**Innovation: Baker Medical Research Institute — advertising and credit card expenditure**

**4824. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Consumer Affairs (for the Minister for Innovation): In relation to the Baker Medical Research Institute:

- (1) What was the advertising expenditure in 2003-04.
- (2) What was the credit card expenditure in 2003-04.

**ANSWER:**

I am informed as follows:

The Baker Medical Research Institute is an independent statutory authority. The Minister for Innovation has no responsibility for the financial management role of the Institute.

The powers conferred on the Institute pursuant to the *Baker Medical Research Institute Act 1980* are vested in and are only exercised by its Board of Management. The Board has independent responsibility for the direction, expenditure and conduct of the Institute and its research programs.

Details of financial management and all relevant reporting can be found in records of the Annual Reports and Annual Research Reports of the Institute.

**Housing: Maidstone-Braybrook estate — redevelopment**

**4919. THE HON. WENDY LOVELL** — To ask the Minister for Housing: In relation to the proposed redevelopment of the public housing estate at Maidstone/Braybrook:

- (1) What is the time line for the redevelopment.
- (2) Has a developer been selected for this project; if so, who.
- (3) Has the Government received a planning permit for the redevelopment; if so, when.

- (4) If a planning permit has not been received for the redevelopment, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget for the redevelopment over the life of the project.
- (6) How much has been budgeted for this development in 2003-04.
- (7) How much has been spent so far on this development.
- (8) What is the expected completion date of the project.
- (9) Broken down by the number of bedrooms, how many units will be available as a result of this redevelopment for —
  - (a) public housing; and
  - (b) private housing.

**ANSWER:**

I am informed that:

- (1) The Office of Housing (OOH) has been undertaking redevelopment activities in the area over the last 9 years based on a Master Plan agreed with the City of Maribyrnong in 1995. It is anticipated that redevelopment within the Master Plan area will continue over the four year forward estimates period.
- (2) No single overall developer has been selected for this redevelopment. Many building contractors have been engaged for separate contracts throughout the area.
- (3) Planning permits have progressively been issued on numerous multi-unit developments in the area since 1995.
- (4) Town planning applications are lodged progressively as OoH properties become available for redevelopment.
- (5) Budget for the redevelopment works is determined annually, subject to the availability of sites. Inclusive of the forward estimate period, the total budget estimate is \$57.5 million.
- (6) Funding of \$4.36m was allowed in the 2003-04 budget.
- (7) Approximately \$46m has been spent on this project since 1997.
- (8) The redevelopment is expected to continue over the next four years.
- (9) As at April 2005, 530 new public housing units of various types have been constructed as part of this redevelopment.

**Housing: neighbourhood renewal project — Seymour estate**

**4926. THE HON. WENDY LOVELL** — To ask the Minister for Housing: In relation to the proposed neighbourhood renewal project at the public housing estate at Anzac Avenue, Seymour:

- (1) What is the time line for the project.
- (2) Has a developer been selected for this project; if so, who.
- (3) Has the Government received a planning permit for the project; if so, when.
- (4) If a planning permit has not been received for the project, has an application been lodged with the relevant Council; if so, when.

- (5) What is the budget for the project over the life of the project.
- (6) How much has been budgeted for this project in 2003-04.
- (7) How much has been spent so far on this project.
- (8) What is the expected completion date of the project.
- (9) Broken down by the number of bedrooms, how many units will be available as a result of this redevelopment for —
  - (a) public housing; and
  - (b) private housing.

**ANSWER:**

I am informed that:

- (1) There is no proposal for a new neighbourhood renewal project. There is an existing Neighbourhood Renewal project which commenced in 2002. The housing and physical improvement works associated with the Neighbourhood Renewal program were anticipated to take approximately five years. A three year extension was announced as part of the social policy action plan *A Fairer Victoria*.
- (2) Not applicable.
- (3) Not applicable.
- (4) Not applicable.
- (5) Within the forward estimate period, the total budget is estimated at \$8.6 million. As the works and activities to be undertaken in the three year extension period are in planning, a budget for the total extended project has not yet been defined.
- (6) (a) \$1.02 million was allocated for housing and improvement works for the 2003-04 financial year.  
 (b) \$0.25 million was allocated for all other elements of the Neighbourhood Renewal project in Seymour for 2003-04 financial year.  
 (c) \$1.27 million was allocated in total for the Seymour Neighbourhood Renewal project for 2003-04.
- (7) As at the end of April 2005, a total of \$3.74 million had been spent on this Neighbourhood Renewal project.
- (8) Allowing for the three year extension, the Seymour Neighbourhood Renewal project is now scheduled for completion at the end of the 2009-10 financial year.
- (9) Not applicable.

**Education and training: Victorian Qualifications Authority — communications staff**

**4983. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Education and Training): As at 30 June 2005:

- (1) How many officers in the Victorian Qualifications Authority are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

**ANSWER:**

I am informed as follows:

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

**Education and training: Victorian Schools Innovation Commission — communications staff**

**4984. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Education and Training): As at 30 June 2005:

- (1) How many officers in the Victorian Schools Innovation Commission are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

**ANSWER:**

I am informed as follows:

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

**Education and training: Council of Adult Education — communications staff**

**4986. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Education and Training): As at 30 June 2005:

- (1) How many officers in the Council of Adult Education are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

**ANSWER:**

I am informed as follows:

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

**Education and training: Office of Training and Tertiary Education — communications staff**

**4991. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Education): As at 30 June 2005:

- (1) How many officers in the Office of Training and Tertiary Education are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.

- (3) What is the job title for each of these officers.

**ANSWER:**

I am informed as follows:

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

**Consumer affairs: Business Licensing Authority — communications staff**

**5066. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Consumer Affairs: As at 30 June 2005:

- (1) How many officers in the Business Licensing Authority are engaged in communications, including public, corporate and media relations
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

**ANSWER:**

I am advised that:

As the financial year had not lapsed at the date the question was asked, accurate figures can only be provided as at the date the question was posted (17 June 2005). With reference to officers engaged in communications in the Business Licensing Authority as at 17 June 2005, the answers to the questions are:

- (1) Nil
- (2) Not Applicable
- (3) Not Applicable

**Treasurer: Emergency Services Superannuation Scheme — communications staff**

**5214. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance (for the Treasurer): As at 30 June 2005:

- (1) How many officers in the Emergency Services Superannuation Scheme are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

**ANSWER:**

I am informed that:

The organization to which you refer does not fall within my portfolio responsibilities.

**Treasurer: Transport Accident Commission — communications staff**

**5221. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance (for the Treasurer): As at 30 June 2005:

- (1) How many officers in the Transport Accident Commission are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

**ANSWER:**

I am informed that:

The organization to which you refer to does not fall within my portfolio responsibilities.

**Victorian communities: Victorian Grants Commission — communications staff**

**5240. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Aged Care (for the Minister for Victorian Communities): As at 30 June 2005:

- (1) How many officers in the Victorian Grants Commission are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

**ANSWER:**

I am informed that:

The Minister for Victorian Communities does not have portfolio responsibility for this matter.

**Commonwealth Games: Melbourne 2006 Commonwealth Games Pty Ltd — communications staff**

**5242. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Commonwealth Games: As at 30 June 2005:

- (1) How many officers in the Melbourne 2006 Commonwealth Games Pty Ltd are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

**ANSWER:**

I am informed that:

- (1) Melbourne 2006 Commonwealth Games Corporation has 8 staff engaged in communications including public, corporate and media relations.
- (2) Melbourne 2006 Commonwealth Games Corporation staff are not employed under the Victorian Public Service Certified Agreement, therefore VPS classification and salary bands are not applicable.

(3) The job titles of the staff engaged in communications are:

General Manager – Marketing & Communications  
 Group Manager – Publicity & Media Communications  
 Program Coordinator – Publicity & Public Relations  
 Program Manager – Public Relations & Publicity  
 Programs Manager – Issues Management and Public Liaison  
 Media Operations – Queen’s Baton Relay  
 Media & Marketing – Queen’s Baton Relay  
 Issues Management & Public Liaison

**Victorian communities: people and community advocacy division — communications staff**

**5257. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Aged Care (for the Minister for Victorian Communities): As at 30 June 2005:

- (1) How many officers in people and community advocacy division, Department of Victorian Communities are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

**ANSWER:**

I am informed that:

- (1) As at 30 June 2005 there were five Departmental officers (FTE) employed within People and Community Advocacy Division.
- (2) The salary bands for each of these officers ranged from \$44,580 to \$104,523.
- (3) The titles were:
  - Manager Communications
  - Strategic Adviser Marketing and Communications
  - Communications Adviser.



**QUESTIONS ON NOTICE**

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

**Wednesday, 10 August 2005**

**State and regional development: Overseas Projects Corporation of Victoria — interstate and overseas travel**

**4125. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Small Business (for the Minister for State and Regional Development): In relation to interstate and overseas travel by the members and staff of the Overseas Projects Corporation of Victoria in 2003-04:

- (1) How many trips were undertaken.
- (2) What costs were associated with the travel.

**ANSWER:**

I am informed as follows:

- (1) 93 trips were undertaken
- (2) Costs associated with these trips was \$224,968

As many of OPCV's project partners are located in Canberra, and the core business of the organisation is overseas projects, travel is a necessary part of the organisation's operation.

**State and regional development: Haystac Public Affairs Pty Ltd — payments**

**4372. THE HON. GRAEME STONEY** — To ask the Minister for Small Business (for the Minister for State and Regional Development):

- (1) What payments have been made to Haystac Public Affairs Pty Ltd by the Minister's department or private office or agency or statutory body under the Minister's administration since 26 August 2003.
- (2) On what dates were the payments made.
- (3) What are the details of the project for which payment was made.

**ANSWER:**

I am informed as follows:

No payments were made to Haystac Public Affairs Pty Ltd since 26 August 2003

**Treasurer: Haystac Public Affairs Pty Ltd — payments**

**4373. THE HON. GRAEME STONEY** — To ask the Minister for Finance (for the Treasurer):

- (1) What payments have been made to Haystac Public Affairs Pty Ltd by the Treasurer's department or private office or agency or statutory body under the Treasurer's administration since 26 August 2003.
- (2) On what dates were the payments made.
- (3) What are the details of the project for which payment was made.

**ANSWER:**

I am informed that:

There have been no payments in the time period specified.

**Finance: Social Shift Pty Ltd — payments**

**4451. THE HON. GRAEME STONEY** — To ask the Minister for Finance:

- (1) What payments have been made to Social Shift Pty Ltd by the Minister's department or private office or agency or statutory body under the Minister's administration since 26 August 2003.
- (2) On what dates were the payments made.
- (3) What are the details of the project for which payment was made.

**ANSWER:**

I am informed that:

There have been no payments in the time period specified.

**State and regional development: Innovation, Industry and Regional Development — external legal advice**

**4599. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Small Business (for the Minister for State and Regional Development): What has been the expenditure by the Department of Innovation, Industry and Regional Development on external legal advice since 1 January 2003.

**ANSWER:**

I am informed as follows:

From 1 January 2003 to 31 December 2004, the Department of Innovation, Industry and Regional Development's expenditure on external legal advice was \$2,005,400 which included legal fees, counsel fees, other disbursements and out of pocket expenses.

**State and regional development: Innovation, Industry and Regional Development — advertising**

**4608. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Small Business (for the Minister for State and Regional Development): In relation to advertising undertaken by the Department of Innovation, Industry and Regional Development in 2003-04:

- (1) What was the date of approval for each contract.
- (2) What was the cost of each contract.
- (3) What was the purpose of the advertisement.

- (4) What was the duration of the advertisement.
- (5) Where and when was each advertisement published or broadcast.
- (6) To whom was each contract awarded.

**ANSWER:**

I am informed as follows:

A detailed response to this question would be too voluminous and an unnecessary diversion of the Department's resources.

**State and regional development: Innovation, Industry and Regional Development — interstate trips**

**4627. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Small Business (for the Minister for State and Regional Development):

- (1) How many interstate trips were undertaken by executive level staff and base line staff of the Department of Innovation, Industry and Regional Development in 2003-04.
- (2) What were the destinations.
- (3) What was the purpose of visiting each destination.
- (4) What costs were associated with the travel.

**ANSWER:**

I am informed as follows:

A detailed response to this question would be too voluminous and an unnecessary diversion of the Department's resources.

**Education and training: indigenous students — participation rate**

**4690. THE HON. ANDREW BRIDESON** — To ask the Minister for Energy Industries (for the Minister for Education and Training): In relation to the participation rate of indigenous Victorian children in primary and secondary education between the ages of 6 and 15 years:

- (1) What is the level of non-attendance of indigenous Victorian children of eligible age in State education for the years 2002, 2003 and 2004, respectively.
- (2) What follow up measures have been taken by the Department to support increased participation in State education in the compulsory years for Indigenous Victorian children.

**ANSWER:**

I am informed as follows:

It is difficult to compare average attendance rates for Indigenous students by year level in Victorian Government schools over the period 2003-2004 because the actual data collection process has differed significantly in each of these years. More comprehensive data collection has now been implemented.

The Department has in place a range of initiatives and programs aimed at improving the attendance levels and overall educational outcomes for Indigenous learners including the Koorie Home School Liaison Officer program.

Nine Koorie Home School Liaison Officers provide support to targeted school communities so that attendance levels of Koorie students improve. In particular, the Officers provide assistance and advice to schools (such as the development of culturally sensitive school based strategies to support improved attendance), families (referrals to relevant services) and Koorie students.

The Department also employs 56 Koorie educators who play a valuable role in contributing to improved attendance and retention levels of Koorie students. They are supported to undertake the Certificate 3 in Aboriginal and Torres Strait Islander Education, (a national qualification specifically developed for Indigenous education workers) that supports their role in working with Koorie students, schools and families.

**WorkCover: Victorian WorkCover Authority — advertising and credit card expenditure**

**4715. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for WorkCover: In relation to the Victorian WorkCover Authority:

- (1) What was the advertising expenditure in 2003-04.
- (2) What was the credit card expenditure in 2003-04.

**ANSWER:**

I am informed that:

- (a) The advertising expenditure in 2003-04 was \$6.062 million.
- (b) The Victorian WorkCover Authority does not use corporate credit cards therefore, the expenditure was Nil.

**Innovation: Prince Henry’s Institute of Medical Research — advertising and credit card expenditure**

**4823. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Consumer Affairs (for the Minister for Innovation): In relation to Prince Henry’s Institute of Medical Research:

- (1) What was the advertising expenditure in 2003-04.
- (2) What was the credit card expenditure in 2003-04.

**ANSWER:**

I am informed as follows:

The Prince Henry’s Institute of Medical Research is an independent statutory authority. The Minister for Innovation has no responsibility for the financial management role of the Institute, other than ensuring the tabling in Parliament of its Annual Financial Report and an audited statement of its accounts.

The powers conferred on the Institute pursuant to the *Prince Henry’s Institute of Medical Research Act 1988* are vested in and are only exercised by its Board of Management. The Board has independent responsibility for the direction, expenditure and conduct of the Institute and its research programs.

Details of financial management and all relevant reporting can be found in records of the Annual Reports and Annual Research Reports of the Institute.

**Innovation: Innovation, Industry and Regional Development — advertising**

**4881. THE HON. GORDON RICH-PHILLIPS** — To ask the Minister for Consumer Affairs (for the Minister for Innovation): What are the details of all advertising campaigns relating to the Minister’s

department and each agency and authority within the Minister's administration, indicating the purpose and total cost of each campaign since 2 March 2004.

**ANSWER:**

I am informed as follows:

A detailed response to this question would be too voluminous and an unnecessary diversion of the Department's resources.

**Housing: Richmond estate — redevelopment**

**4915. THE HON. WENDY LOVELL** — To ask the Minister for Housing: In relation to the proposed redevelopment of the public housing estate at Elizabeth St, Richmond:

- (1) What is the time line for the redevelopment.
- (2) Has a developer been selected for this project; if so, who.
- (3) Has the Government received a planning permit for the redevelopment; if so, when.
- (4) If a planning permit has not been received for the redevelopment, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget for the redevelopment over the life of the project.
- (6) How much has been budgeted for this redevelopment in 2003-04.
- (7) How much has been spent so far on this redevelopment.
- (8) What is the expected completion date of the project.
- (9) Broken down by the number of bedrooms, how many units will be available as a result of this redevelopment for —
  - (a) public housing; and
  - (b) private housing.

**ANSWER:**

I am informed that:

- (1) This project is in the early stage of strategic assessment and planning. Secondly, time lines cannot yet be confirmed.
- (2) A developer has not been selected for the project.
- (3) A planning permit has not been received at this time.
- (4) A planning application has not been lodged with the City of Yarra.
- (5) A budget for the life of the project has not been determined.
- (6) An allocation of \$2.5 million was made for planning of this redevelopment project in the 2003-04 budget. This was revised to \$500,000 in the mid year review.
- (7) At the end of April 2005, a total of \$0.79 million had been spent on this project.

- (8) No completion date has been set at this stage. The project is expected to span a number of years.
- (9) As the mix of private and public units and the appropriate bedroom sizes are part of concept plan considerations, they have therefore not yet been determined.

**Housing: Kensington estate — redevelopment**

**4917. THE HON. WENDY LOVELL** — To ask the Minister for Housing: In relation to the proposed redevelopment of the public housing estate at Kensington Estate, Kensington:

- (1) What is the time line for the redevelopment.
- (2) Has a developer been selected for this project; if so, who.
- (3) Has the Government received a planning permit for the redevelopment; if so, when.
- (4) If a planning permit has not been received for the redevelopment, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget for the redevelopment over the life of the project.
- (6) How much has been budgeted for this development in 2003-04.
- (7) How much has been spent so far on this development.
- (8) What is the expected completion date of the project.
- (9) Broken down by the number of bedrooms, how many units will be available as a result of this redevelopment for —
  - (a) public housing; and
  - (b) private housing.

**ANSWER:**

I am informed that:

- (1) Construction of the new public and private housing which began in March 2003 is to be spread over several stages with final completion scheduled for 2008.
- (2) The Becton Group has been selected as the developer for this project.
- (3) A planning permit for the redevelopment was issued in 1999.
- (4) A planning permit has been received.
- (5) The estimated budget for the public housing component of the project is \$39.8 million.
- (6) A budget allowance of \$10.96m was made in the 2003-04 budget.
- (7) As at the end of April 2005, \$24.3 million has been spent on the redevelopment.
- (8) The redevelopment is expected to be completed in 2008.
- (9) (a) It is anticipated that the completed redevelopment will provide a total of 436 new and upgraded public housing units. These will comprise 226 bedsit and one bedroom units, 143 two bedroom, 62 three bedroom and 5 four bedroom units.

- (b) Up to 455 new private dwellings will be provided as part of this redevelopment. A breakdown by bedroom numbers for the private dwellings is not available.

**Housing: Wodonga estate — redevelopment**

**4920. THE HON. WENDY LOVELL** — To ask the Minister for Housing: In relation to the proposed redevelopment of the public housing estate at Mark/Rundle Estate, Wodonga:

- (1) What is the time line for the redevelopment.
- (2) Has a developer been selected for this project; if so, who.
- (3) Has the Government received a planning permit for the redevelopment; if so, when.
- (4) If a planning permit has not been received for the redevelopment, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget for the redevelopment over the life of the project.
- (6) How much has been budgeted for this development in 2003-04.
- (7) How much has been spent so far on this development.
- (8) What is the expected completion date of the project.
- (9) Broken down by the number of bedrooms, how many units will be available as a result of this redevelopment for —
  - (a) public housing; and
  - (b) private housing.

**ANSWER:**

I am informed that:

- (1) A development agreement was signed in April 2004 but construction has not yet begun. Construction is planned for completion by 2006.
- (2) The developer selected to undertake the project is Triquest Corporation Pty Ltd.
- (3) A planning permit has not yet been received.
- (4) The developer lodged a planning application in February 2005.
- (5) The budget for the public housing component of this redevelopment project is estimated at \$4.2 million.
- (6) An amount of \$30,000 had been budgeted for this development in 2003–04.
- (7) As at the end of April 2005, a total of \$49,000 had been spent on this redevelopment project.
- (8) The expected completion date of this project is June 2006.
- (9) The development is expected to yield a total of 79 housing units:
  - a) 20 two bedroom units for public housing and
  - b) 59 two and three bedroom units for private ownership.

**Housing: Carlton estate — redevelopment**

**4922. THE HON. WENDY LOVELL** — To ask the Minister for Housing: In relation to the proposed redevelopment of the public housing estate at Rathdowne St, Carlton:

- (1) What is the time line for the redevelopment.
- (2) Has a developer been selected for this project; if so, who.
- (3) Has the Government received a planning permit for the redevelopment; if so, when.
- (4) If a planning permit has not been received for the redevelopment, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget for the redevelopment over the life of the project.
- (6) How much has been budgeted for this development in 2003-04.
- (7) How much has been spent so far on this development.
- (8) What is the expected completion date of the project.
- (9) Broken down by the number of bedrooms, how many units will be available as a result of this redevelopment for —
  - (a) public housing; and
  - (b) private housing.

**ANSWER:**

I am informed that:

- (1) Master planning is underway. It is anticipated that the project may take approximately seven years subject to community consultation and statutory approval processes.
- (2) A developer has not been selected for the project.
- (3) A planning permit has not been received at this time.
- (4) A planning permit application has not been lodged.
- (5) A budget for the life of the project will be confirmed in the course of the preparation of the business case.
- (6) An allocation of \$500,000 was made for this redevelopment project in the 2003-04 budget.
- (7) At the end of April 2005, a total of \$603,000 had been spent on this project.
- (8) A completion date has not yet been set for the project.
- (9) The mix of private and public units and the appropriate bedroom sizes will be determined in the course of the planning and development approval process.

**Housing: neighbourhood renewal project — Morwell east estate**

**4930. THE HON. WENDY LOVELL** — To ask the Minister for Housing: In relation to the proposed neighbourhood renewal project at the public housing estate at Morwell East:

- (1) What is the time line for the project.

- (2) Has a developer been selected for this project; if so, who.
- (3) Has the Government received a planning permit for the project; if so, when.
- (4) If a planning permit has not been received for the project, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget for the project over the life of the project.
- (6) How much has been budgeted for this project in 2003-04.
- (7) How much has been spent so far on this project.
- (8) What is the expected completion date of the project.
- (9) Broken down by the number of bedrooms, how many units will be available as a result of this redevelopment for —
  - (a) public housing; and
  - (b) private housing.

**ANSWER:**

I am informed that:

- (1) There is no proposal for a new neighbourhood renewal project. There is an existing Neighbourhood Renewal project at Morwell East, together with projects at Traralgon East, Moe East and Churchill, which is part of the Latrobe Valley Neighbourhood Renewal, an initiative of the Latrobe Valley Ministerial Taskforce. The Morwell East renewal project commenced in 2002 and has been funded to June 2005. As part of the social policy action plan *A Fairer Victoria*, a three year extension was announced in May 2005.
- (2) Not applicable.
- (3) Not applicable.
- (4) Not applicable.
- (5) The total budget for the whole Latrobe Valley project is \$18.6 million. Separate budgets for the four areas within the Latrobe Valley project have not been defined. Further, as the works and activities to be undertaken in the three year extension period are in planning, a budget for the total extended project has not been determined.
- (6)
  - (a) \$3.96 million was allocated for housing and improvement works for the 2003-04 financial year for the overall Latrobe Valley project.
  - (b) \$0.57 million was allocated for all other elements of the Neighbourhood Renewal project for 2003-04 financial year.
  - (c) \$4.5 million was allocated in total for the Neighbourhood Renewal project in the Latrobe Valley for 2003-04.
- (7) As at the end of April 2005, a total of \$17.2 million had been spent on the Latrobe Valley Neighbourhood Renewal project as a whole.
- (8) The Morwell East Neighbourhood Renewal project is scheduled for completion at the end of the 2007-08 financial year.
- (9) Not applicable.

**Victorian communities: Victorian Communities — communications staff**

**4946. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Aged Care (for the Minister for Victorian Communities):

- (1) As at 31 May 2005 how many officers in the Department of Victorian Communities were engaged in communications, including public, corporate and media relations.
- (2) What is the salary band of each of these officers.
- (3) What is the job title of each of these officers.

**ANSWER:**

I am informed that:

- (1) As at 31 May 2005, 25 Departmental staff (FTE) were engaged in communications.
- (2) The salary bands of these officers ranged from \$44,580 to \$152,771.
- (3) The job titles of these officers were:
  - Director Corporate Communications
  - Director of Communications
  - Manager Strategic Communications
  - Manager Internal and Stakeholder Communications
  - Communications Manager
  - Strategic Adviser Marketing and Communications
  - Senior Communications Adviser
  - Communications Adviser
  - Speechwriter.

**Education and training: Victorian Learning and Employment Skills Commission — communications staff**

**4982. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Education and Training): As at 30 June 2005:

- (1) How many officers in the Victorian Learning and Employment Skills Commission are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

**ANSWER:**

I am informed as follows:

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

**Consumer affairs: Estate Agents Council — communications staff**

**5069. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Consumer Affairs: As at 30 June 2005:

- (1) How many officers in the Estate Agents Council are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

**ANSWER:**

I am advised that:

As the financial year had not lapsed at the date the question was asked, accurate figures can only be provided as at the date the question was posted (17 June 2005). With reference to officers engaged in communications in the Estate Agents Council as at 17 June 2005, the answers to the questions are:

- (1) Nil
- (2) Not Applicable
- (3) Not Applicable

**Treasurer: parliamentary trustee — communications staff**

**5219. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance (for the Treasurer): As at 30 June 2005:

- (1) How many officers in the The Parliamentary Trustee are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

**ANSWER:**

I am informed that:

The organization to which you refer to does not fall within my portfolio responsibilities.



**QUESTIONS ON NOTICE**

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

**Thursday, 11 August 2005**

**Innovation: private sector gifts**

**3403. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Small Business (for the Minister for Innovation): Has the Minister received any gifts from the private sector up to the sum of \$380 since being appointed a Minister of the Crown; if so — (i) who was the donor; (ii) what was the gift; (iii) what was the value of the gift; and (iv) was this gift disclosed in a declaration of a conflict of interest.

**ANSWER:**

I am informed as follows

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

**Major projects: Innovation Building — tenants**

**3699. THE HON. PHILIP DAVIS** — To ask the Minister for Local Government (for the Minister for Major Projects): In relation to the opening of the 5800 square metre 'Innovation Building', a part of the Digital Harbour Precinct in the Melbourne Docklands on 2 July 2004:

- (a) What tenants had committed to operating from this building at the time of opening.
- (b) What amount of floor space had each of these tenants committed to leasing.
- (c) Which of these tenants were operating from this building as at 2 July 2004.
- (d) Which of these tenants were operating from this building as at 2 August 2004.
- (e) Which of these tenants were operating from this building as at 2 September 2004.

**ANSWER:**

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

- (a) Tenants that had committed to operating from the building at the time of opening on 2 July 2004:

Signed leases:

- Trackburn; and
- Ossi

Heads of Agreement:

- Epicurio;
- BSI/ADI;

- AFTRS;
  - Telstra; and
  - General Mills.
- (b) What amount of floor space had each of these tenants committed to leasing:
- The amount of floor space committed to leasing by signed leases was 593.3m2.
- The amount of floor space committed to leasing by Heads of Agreement was 3,110.5 m2
- (c) Which of these tenants was operating from this building at 2 July 2004?
- Multi purpose theatrette
  - Trackburn
  - Ossi
- (d) Which of these tenants was operating from this building at 2 August 2004?
- Multi purpose theatrette.
  - Trackburn
  - Ossi
  - Telstra
- (e) Which of these tenants was operating from this building at 2 September 2004?
- Multi purpose theatrette
  - Trackburn
  - Epicurio
  - Ossi
  - BSI/ADI
  - Telstra

**Treasurer: alcohol purchases**

**4044. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance (for the Treasurer): In relation to alcohol purchased by the Treasurer’s Office since 1 January 2002, what was the —

- (a) date of each purchase;
- (b) value of each purchase; and
- (c) items purchased.

**ANSWER:**

I am informed that:

The research required to provide a response to the question would place an unreasonable burden on the time and resources of the department.

**Finance: Shannon’s Way Pty Ltd — payments**

**4411. THE HON. GRAEME STONEY** — To ask the Minister for Finance:

- (1) What payments have been made to Shannon's Way Pty Ltd by the Minister's department or private office or agency or statutory body under the Minister's administration since 28 October 2003.
- (2) On what dates were the payments made.
- (3) What are the details of the project for which payment was made.

**ANSWER:**

I am informed that:

There have been no payments in the time period specified.

**Treasurer: Shannon's Way Pty Ltd — payments**

**4414. THE HON. GRAEME STONEY** — To ask the Minister for Finance (for the Treasurer):

- (1) What payments have been made to Shannon's Way Pty Ltd by the Treasurer's department or private office or agency or statutory body under the Treasurer's administration since 28 October 2003.
- (2) On what dates were the payments made.
- (3) What are the details of the project for which payment was made.

**ANSWER:**

I am informed that:

There have been no payments in the time period specified.

**Innovation: Shannon's Way Pty Ltd — payments**

**4427. THE HON. GRAEME STONEY** — To ask the Minister for Small Business (for the Minister for Innovation):

- (1) What payments have been made to Shannon's Way Pty Ltd by the Minister's department or private office or agency or statutory body under the Minister's administration since 28 October 2003.
- (2) On what dates were the payments made.
- (3) What are the details of the project for which payment was made.

**ANSWER:**

I am informed as follows:

No payments were made to Shannon's Way Pty Ltd since 28 October 2003.

**Innovation: Howard Florey Institute of Experimental Physiology and Medicine — advertising and credit card expenditure**

**4822. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Consumer Affairs (for the Minister for Innovation): In relation to the Howard Florey Institute of Experimental Physiology and Medicine:

- (1) What was the advertising expenditure in 2003-04.
- (2) What was the credit card expenditure in 2003-04.

**ANSWER:**

I am informed as follows:

The Howard Florey Institute of Experimental Physiology and Medicine is an independent statutory authority. The Minister for Innovation has no responsibility for the financial management role of the Institute.

The powers conferred on the Institute pursuant to the *Howard Florey Institute of Experimental Physiology and Medicine Act 1971* are vested in and are only exercised by its Board of Management. The Board has independent responsibility for the direction, expenditure and conduct of the Institute and its research programs.

Details of financial management and all relevant reporting can be found in records of the Annual Reports and Annual Research Reports of the Institute.

**Innovation: Innovation Economy Advisory Board — meetings**

**4884. THE HON. GORDON RICH-PHILLIPS** — To ask the Minister for Consumer Affairs (for the Minister for Innovation):

- (1) Since 1 January 2004, how many times has the Innovation Economy Advisory Board met.
- (2) Which members have been absent from the meetings.
- (3) How many times has the Minister attended board meetings.

**ANSWER:**

I am informed as follows:

- (1) The IEAB has met four times since January 2004
- (2) Six members of the Board have attended all meetings since January 2004. Members who have not attended all IEAB meetings in that time, are:
  - Dr Bronte Adams
  - Dr Robin Batterham AO
  - Professor Adrienne Clarke AC
  - Professor Peter Doherty AC
  - Dr Jackie Fairley
  - Mr Jim Fox
  - Mr Carrillo Gantner AO
  - Mr Graham Kraehe
  - Hon Lynne Kosky MP
  - Mr Rob Hunt AM
  - Ms Fay Marles
  - Mr John McLean
  - Professor Sally Walker
  - Dr Rod Eddington
  - Dr Edward de Bono
  - Mr Kurt Liedtke

- (3) The Minister for Innovation has chaired all the IEAB meetings.

**Housing: Ashburton estate — redevelopment**

**4916. THE HON. WENDY LOVELL** — To ask the Minister for Housing: In relation to the proposed redevelopment of the public housing estate at Victory Boulevard, Ashburton:

- (1) What is the time line for the redevelopment.
- (2) Has a developer been selected for this project; if so, who.
- (3) Has the Government received a planning permit for the redevelopment; if so, when.
- (4) If a planning permit has not been received for the redevelopment, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget for the redevelopment over the life of the project.
- (6) How much has been budgeted for this development in 2003-04.
- (7) How much has been spent so far on this development.
- (8) What is the expected completion date of the project.
- (9) Broken down by the number of bedrooms, how many units will be available as a result of this redevelopment for —
  - (a) public housing; and
  - (b) private housing.

**ANSWER:**

I am informed that:

- (1) The construction of public housing began in November 2002 and was completed in June 2004.
- (2) Lorian Homes (Vic) Pty Ltd was engaged for the construction of the public housing.
- (3) The planning permit for the public housing was issued in June 2002.
- (4) Not applicable.
- (5) The original budget for this redevelopment was \$5.65m. This was subsequently revised to \$5.85m to accommodate an increase in units and to deal with unforeseen site conditions.
- (6) An amount of \$3.28 million was allocated for this development in the 2003–04 budget.
- (7) The total project expenditure was \$6.1m.
- (8) Construction of the public housing was completed on 29 June 2004.
- (9) The completed redevelopment comprises:
  - a. 37 two-bedroom older persons dwellings for public rental.
  - b. The sale of the remaining land will provide 10 private sector dwellings.

**Housing: neighbourhood renewal project — Wendouree west estate**

**4925. THE HON. WENDY LOVELL** — To ask the Minister for Housing: In relation to the proposed neighbourhood renewal project at the public housing estate at Wendouree West:

- (1) What is the time line for the project.
- (2) Has a developer been selected for this project; if so, who.
- (3) Has the Government received a planning permit for the project; if so, when.
- (4) If a planning permit has not been received for the project, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget for the project over the life of the project.
- (6) How much has been budgeted for this project in 2003-04.
- (7) How much has been spent so far on this project.
- (8) What is the expected completion date of the project.
- (9) Broken down by the number of bedrooms, how many units will be available as a result of this redevelopment for —
  - (a) public housing; and
  - (b) private housing.

**ANSWER:**

I am informed that:

- (1) There is no proposal for a new neighbourhood renewal project. There is an existing Neighbourhood Renewal project which commenced in August 2001. The housing and physical improvement works associated with the Neighbourhood Renewal program were anticipated to take approximately five years. A three year extension was announced as part of the social policy action plan *A Fairer Victoria*.
- (2) Not applicable.
- (3) Not applicable.
- (4) Not applicable.
- (5) The total budget for the original five year project is estimated at \$15.5 million. As the works and activities to be undertaken in the three year extension period are in planning, a budget for the total extended project has not yet been defined.
- (6)
  - (a) \$3.037 million was allocated for housing and improvement works for 2003-04 financial year.
  - (b) \$0.58 million was allocated for all other elements of the Neighbourhood Renewal project in Wendouree West for 2003-04 financial year.
  - (c) \$3.54 million was allocated in total for the Wendouree West Neighbourhood Renewal project for 2003-04.
- (7) As at the end of April 2005, a total of \$9.36 million had been spent in this Neighbourhood Renewal area.
- (8) Allowing for the three year extension, the Wendouree West Neighbourhood Renewal project is now scheduled for completion at the end of the 2008-09 financial year.

(9) Not applicable.

**Housing: neighbourhood renewal project — Traralgon east estate**

**4929. THE HON. WENDY LOVELL** — To ask the Minister for Housing: In relation to the proposed neighbourhood renewal project at the public housing estate at Traralgon East:

- (1) What is the time line for the project.
- (2) Has a developer been selected for this project; if so, who.
- (3) Has the Government received a planning permit for the project; if so, when.
- (4) If a planning permit has not been received for the project, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget for the project over the life of the project.
- (6) How much has been budgeted for this project in 2003-04.
- (7) How much has been spent so far on this project.
- (8) What is the expected completion date of the project.
- (9) Broken down by the number of bedrooms, how many units will be available as a result of this redevelopment for —
  - (a) public housing; and
  - (b) private housing.

**ANSWER:**

I am informed that:

- (1) There is no proposal for a new neighbourhood renewal project. There is an existing Neighbourhood Renewal project at Traralgon East, together with projects at Morwell East, Moe East and Churchill, which is part of the Latrobe Valley Neighbourhood Renewal, an initiative of the Latrobe Valley Ministerial Taskforce. The Traralgon East renewal project commenced in 2002 and has been funded to June 2005. As part of the social policy action plan *A Fairer Victoria*, a three year extension was announced in May 2005.
- (2) Not applicable.
- (3) Not applicable.
- (4) Not applicable.
- (5) The total budget for the whole Latrobe Valley project is \$18.6 million. Separate budgets for the four areas within the Latrobe Valley project have not been defined. As the works and activities to be undertaken in the three year extension period are in planning, a budget for the total extended project has not been determined.
- (6) (a) \$3.96 million was allocated for housing and improvement works for the 2003-04 financial year for the overall Latrobe Valley project.
- (b) \$0.57 million was allocated for all other elements of the Neighbourhood Renewal project for 2003-04 financial year.
- (c) \$4.5 million was allocated in total for the Neighbourhood Renewal project in the Latrobe Valley for 2003-04.

- (7) As at the end of April 2005, a total of \$17.2 million had been spent on the Latrobe Valley Neighbourhood Renewal project as a whole.
- (8) The Traralgon East Neighbourhood Renewal project is scheduled for completion at the end of the 2007-08 financial year.
- (9) Not applicable.

**Housing: neighbourhood renewal project — Moe east estate**

**4931. THE HON. WENDY LOVELL** — To ask the Minister for Housing: In relation to the proposed neighbourhood renewal project at the public housing estate at Moe East:

- (1) What is the time line for the project.
- (2) Has a developer been selected for this project; if so, who.
- (3) Has the Government received a planning permit for the project; if so, when.
- (4) If a planning permit has not been received for the project, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget for the project over the life of the project.
- (6) How much has been budgeted for this project in 2003-04.
- (7) How much has been spent so far on this project.
- (8) What is the expected completion date of the project.
- (9) Broken down by the number of bedrooms, how many units will be available as a result of this redevelopment for —
  - (a) public housing; and
  - (b) private housing.

**ANSWER:**

I am informed that:

- (1) There is no proposal for a new neighbourhood renewal project. There is an existing Neighbourhood Renewal project at Moe East, together with projects at Traralgon East, Morwell East and Churchill, which is part of the Latrobe Valley Neighbourhood Renewal, an initiative of the Latrobe Valley Ministerial Taskforce. The Moe East renewal project commenced in 2002 and has been funded to June 2005. As part of the social policy action plan *A Fairer Victoria*, a three year extension was announced in May 2005.
- (2) Not applicable.
- (3) Not applicable.
- (4) Not applicable.
- (5) The total budget for the whole Latrobe Valley project is \$18.6 million. Separate budgets for the four areas within the Latrobe Valley project have not been defined. Further, as the works and activities to be undertaken in the three year extension period are in planning, a budget for the total extended project has not been determined.

- (6) (a) \$3.96 million was allocated for housing and improvement works for the 2003-04 financial year for the overall Latrobe Valley project.
- (b) \$0.57 million was allocated for all other elements of the Neighbourhood Renewal project for 2003-04 financial year.
- (c) \$4.5 million was allocated in total for the Neighbourhood Renewal project in the Latrobe Valley for 2003-04.
- (7) As at the end of April 2005, a total of \$17.2 million had been spent on the Latrobe Valley Neighbourhood Renewal project as a whole.
- (8) The Moe East Neighbourhood Renewal project is scheduled for completion at the end of the 2007-08 financial year.
- (9) Not applicable.

**Housing: neighbourhood renewal project — Churchill estate**

**4932. THE HON. WENDY LOVELL** — To ask the Minister for Housing: In relation to the proposed neighbourhood renewal project at the public housing estate at Glendonald Estate, Churchill:

- (1) What is the time line for the project.
- (2) Has a developer been selected for this project; if so, who.
- (3) Has the Government received a planning permit for the project; if so, when.
- (4) If a planning permit has not been received for the project, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget for the project over the life of the project.
- (6) How much has been budgeted for this project in 2003-04.
- (7) How much has been spent so far on this project.
- (8) What is the expected completion date of the project.
- (9) Broken down by the number of bedrooms, how many units will be available as a result of this redevelopment for —
  - (a) public housing; and
  - (b) private housing.

**ANSWER:**

I am informed that:

- (1) There is no proposal for a new neighbourhood renewal project. There is an existing Neighbourhood Renewal project at Churchill, together with projects at Traralgon East, Morwell East and Moe East, which is part of the Latrobe Valley Neighbourhood Renewal, an initiative of the Latrobe Valley Ministerial Taskforce. The Churchill renewal project commenced in 2002 and has been funded to June 2005. As part of the social policy action plan *A Fairer Victoria*, a three year extension was announced in May 2005.
- (2) Not applicable.
- (3) Not applicable.

- (4) Not applicable.
- (5) The total budget for the whole Latrobe Valley project is \$18.6 million. Separate budgets for the four areas within the Latrobe Valley project have not been defined. Further, as the works and activities to be undertaken in the three year extension period are in planning, a budget for the total extended project has not been determined.
- (6)
  - (a) \$3.96 million was allocated for housing and improvement works for the 2003-04 financial year for the overall Latrobe Valley project.
  - (b) \$0.57 million was allocated for all other elements of the Neighbourhood Renewal project for 2003-04 financial year.
  - (c) \$4.5 million was allocated in total for the Neighbourhood Renewal project in the Latrobe Valley for 2003-04.
- (7) As at the end of April 2005, a total of \$17.2 million had been spent on the Latrobe Valley Neighbourhood Renewal project as a whole.
- (8) The Churchill Neighbourhood Renewal project is scheduled for completion at the end of the 2007-08 financial year.
- (9) Not applicable.

**Housing: neighbourhood renewal project — Fitzroy estate**

**4933. THE HON. WENDY LOVELL** — To ask the Minister for Housing: In relation to the proposed neighbourhood renewal project at the public housing estate at Atherton Gardens, Fitzroy:

- (1) What is the time line for the project.
- (2) Has a developer been selected for this project; if so, who.
- (3) Has the Government received a planning permit for the project; if so, when.
- (4) If a planning permit has not been received for the project, has an application been lodged with the relevant Council; if so, when.
- (5) What is the budget for the project over the life of the project.
- (6) How much has been budgeted for this project in 2003-04.
- (7) How much has been spent so far on this project.
- (8) What is the expected completion date of the project.
- (9) Broken down by the number of bedrooms, how many units will be available as a result of this redevelopment for —
  - (a) public housing; and
  - (b) private housing.

**ANSWER:**

I am informed that:

- (1) There is no proposal for a new neighbourhood renewal project. There is an existing Neighbourhood Renewal project at Fitzroy that started in 2002. The housing and physical improvement works associated with the

Neighbourhood Renewal program were anticipated to take approximately five years. A three year extension was announced as part of the social policy action plan *A Fairer Victoria*.

- (2) Not applicable.
- (3) Not applicable.
- (4) Not applicable.
- (5) An overall budget covering both physical improvements and other community building activities is estimated to be \$70 million.
- (6)
  - (a) \$8 million was allocated for housing and improvement works for 2003-04 financial year.
  - (b) \$201,500 was allocated for all other elements of the Neighbourhood Renewal project in Fitzroy for 2003-04 financial year.
  - (c) \$8.2 million was allocated in total for the Fitzroy Neighbourhood Renewal project for 2003-04.
- (7)
  - (a) \$19.744 million has been spent to date for housing and improvement works at Fitzroy as part of the Neighbourhood Renewal project.
  - (b) \$252,000 has been spent on all other elements of the Neighbourhood Renewal project to date.
  - (c) In total, \$20 million has been spent to date for the Fitzroy Neighbourhood Renewal project.
- (8) Allowing for the three year extension, the Fitzroy Neighbourhood Renewal project is now scheduled for completion at the end of the 2009-10 financial year.
- (9) Not applicable.

**Transport: Tivendale Road–Station Street–Princes Highway, Officer**

- 4935. THE HON. GORDON RICH-PHILLIPS** — To ask the Minister for Housing (for the Minister for Transport): In relation to the intersection of Tivendale Road, Station Street and Princes Highway, Officer, what is the total estimated cost of changes announced by the Member for Gembrook on 18 May 2005 intended to be installed at the above intersection, including —
- (a) the design and installation of flashing traffic light warning signs advising motorists to prepare to stop, including any ancillary road work costs;
  - (b) the design, altering and co-ordinating of the operation of the existing traffic signals including any ancillary road works costs; and
  - (c) reducing the speed limit to 70 kilometres per hour.

**ANSWER:**

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

The total estimated cost for works at the above intersection is \$71,000. This comprises \$65,000 for the design and installation of flashing signs, \$3000 for modifications to the existing traffic signals, and \$3000 for the signage required to reduce the speed limit to 70 km/h.

**Education and training: Adult, Community and Further Education Board — communications staff**

**4977. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Education and Training): As at 30 June 2005:

- (1) How many officers in the Adult, Community and Further Education Board are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

**ANSWER:**

I am informed as follows:

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

**Education and training: Victorian Institute of Teaching — communications staff**

**4981. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Education and Training): As at 30 June 2005:

- (1) How many officers in the Victorian Institute of Teaching are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

**ANSWER:**

I am informed as follows:

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

**Consumer affairs: Coordinating Council on Control of Liquor Abuse Business Licensing Authority — communications staff**

**5067. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Consumer Affairs: As at 30 June 2005:

- (1) How many officers in the Coordinating Council on Control of Liquor Abuse Business Licensing Authority are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

**ANSWER:**

I am advised that:

As the financial year had not lapsed at the date the question was asked, accurate figures can only be provided as at the date the question was posted (17 June 2005). With reference to officers engaged in communications in the Coordinating Council on Control of Liquor Abuse Business Licensing Authority as at 17 June 2005, the answers to the questions are:

- (1) Nil
- (2) Not Applicable
- (3) Not Applicable

**Treasurer: Victorian Government Purchasing Board — communications staff**

**5223. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance (for the Treasurer): As at 30 June 2005:

- (1) How many officers in the Victorian Government Purchasing Board are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

**ANSWER:**

I am informed that:

The organization to which you refer to does not fall within my portfolio responsibilities.

**Victorian communities: Public Records Advisory Council — communications staff**

**5237. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Aged Care (for the Minister for Victorian Communities): As at 30 June 2005:

- (1) How many officers in the Public Records Advisory Council are engaged in communications, including public, corporate and media relations;
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

**ANSWER:**

I am informed as follows:

- (1) None.
- (2) Not applicable.
- (3) Not applicable.

**Victorian communities: Victorian Communities — communications staff**

**5245. THE HON. RICHARD DALLA-RIVA**— To ask the Minister for Aged Care (for the Minister for Victorian Communities): As at 30 June 2005:

- (1) How many officers in the Department of Victorian Communities are engaged in communications, including public, corporate and media relations.

- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

**ANSWER:**

I am informed that:

- (1) As at 30 June 2005, 25 Departmental staff (FTE) were engaged in communications.
- (2) The salary bands of these officers ranged from \$44,580 to \$152,771.
- (3) The job titles of these officers were:
  - Director Corporate Communications
  - Director of Communications
  - Manager Strategic Communications
  - Manager Internal and Stakeholder Communications
  - Communications Manager
  - Strategic Adviser Marketing and Communications
  - Senior Communications Adviser
  - Communications Adviser
  - Speechwriter.