

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Thursday, 17 November 2005**

**(extract from Book 8)**

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JOHN LANDY, AC, MBE

## **The Lieutenant-Governor**

Lady SOUTHEY, AM

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

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**Family and Community Development Committee** — (*Council*): The Hon. D. McL. Davis and Mr Smith.  
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**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.

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(*Assembly*): Mr Harkness, Mr Langdon, Mr Mulder and Mr Trezise.

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(*Assembly*): Ms D'Ambrosio, Mr Jasper, Mr Leighton, Mr Lockwood, Mr McIntosh, Mr Perera and Mr Thompson.

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

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

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**FIFTY-FIFTH PARLIAMENT — FIRST SESSION**

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## COLAC

**Thursday, 17 November 2005**

**The PRESIDENT (Hon. M. M. Gould) took the chair at 9.32 a.m. and read the prayer.**

**ACKNOWLEDGMENT OF TRADITIONAL OWNERS**

**The PRESIDENT** — Order! The Legislative Council of Victoria formally acknowledges the traditional owners and Aboriginal communities of the Gulidjan, Katabanud, Wathaurong, Djargurd Wurrung and Kirrae Whurrong peoples and welcomes their descendents here today.

**PROCLAMATION**

**The PRESIDENT** — Order! The Clerk will read the proclamation of the Governor varying and altering the place for holding the current session of Parliament.

**The Clerk** — The proclamation reads:

WHEREAS:

- A. By proclamation made on 4 February 2003 by me, John Landy, Governor of Victoria, pursuant to section 8 of the Constitution Act 1975, fixed 25 February 2003 at 11.00 a.m. as the time for the commencement and holding of the first session of the 55th Parliament of Victoria for the dispatch of business, at the Parliament houses, Melbourne.
- B. Pursuant to section 8(1) of the Constitution Act 1975 the Governor is empowered to vary and alter the places fixed within Victoria and the times fixed for holding every session of the Legislative Council and of the Legislative Assembly.

I, John Landy, Governor of Victoria, acting under section 8 of the Constitution Act 1975 and all other powers vested in me:

1. hereby vary and alter the place for holding the first session of the Legislative Council:
  - i. from 17 November 2005 to the Colac Otway Performing Arts and Cultural Centre at Rae Street, in the city of Colac; and
  - ii. thereafter, when the Legislative Council has completed its business on that day, or on the following day if necessary, to the houses of Parliament, Melbourne.
2. hereby vary and alter the place for holding the first session of the Legislative Assembly:

- iii. from 17 November 2005 to the Deakin University Geelong waterfront campus at 1–11 Gheringhap Street in the city of Geelong; and
- iv. thereafter, when the Legislative Assembly has completed its business on that day, or on the following day if necessary, to the houses of Parliament, Melbourne.

Given under my hand and the seal of Victoria, at Melbourne this 15th day of November 2005.

JOHN LANDY

Governor

By His Excellency's Command

**BUSINESS OF THE HOUSE**

**Televising and photographing of proceedings**

**The PRESIDENT** — Order! I advise the house that I have given approval for the proceedings today to be televised by Wide Eyed Video Production Specialists. A photographer, Simon Williams, will also be taking photographs in the chamber during the sitting. In addition, photographers from the *Colac Herald* and the Warrnambool *Standard* will be taking photographs during the proceedings.

**ADDRESS BY MAYOR OF SHIRE OF COLAC OTWAY**

**Mr LENDERS** (Minister for Finance) — I move, by leave:

That this house invites Cr Warren Riches, mayor, Colac Otway shire, to attend on the floor of the house today, to address the house.

I move this motion because I think it is a great privilege for the Parliament to be sitting today in Colac. As we are aware, this is the fourth time the Parliament of Victoria has sat outside Melbourne. The Legislative Council has previously sat in Ballarat and Benalla and the Legislative Assembly has sat in Bendigo. As we heard in the Governor's proclamation, the Legislative Assembly will be sitting in Geelong today. We, as members of Parliament, were welcomed last night by the traditional owners, the indigenous people, at a smoking ceremony and by the mayor on behalf of the community.

All members have received a great welcome from the Shire of Colac Otway. We have seen its hospitality and we all enjoyed it last night. This is a way of our letting the mayor present to this Council his views and his vision for the shire. On behalf of the government and

the Labor Party, I thank the shire for its welcome and support this motion to allow the mayor to speak to the Council.

**Hon. PHILIP DAVIS** (Gippsland) — President and members of this chamber — which is a very special chamber today — this is something we have experienced before but it is certainly unique for Colac. I am pleased to be able to support the motion moved by the Leader of the Government and welcome Cr Warren Riches to speak on behalf of the Shire of Colac Otway. I know we will receive a welcome today, but I would like to respond to the welcome we received last night at the Colac Bowls Club on the shores of Lake Otway —

*Honourable members interjecting.*

**Hon. PHILIP DAVIS** — Sorry, I erred. Interjections in this place are not recorded because there is no microphone to catch them so fortunately I can correct the record and say Lake Colac. It was a delightful venue. We are privileged to have learnt that the town and the community are revitalising that lake area.

It is important for us to recognise, as the Leader of the Government said, that we are here as part of an initiative of the Victorian Parliament to reach out to the community. This initiative commenced in 2001 with coinciding sittings of the Legislative Assembly in Bendigo and the Legislative Council in Ballarat. I would like to recognise that the late Bruce Chamberlain, a former member for Western Province, was a great initiator of this outreach program. Indeed Bruce was so enthusiastic about it that, notwithstanding the fact that the Assembly did not sit outside Melbourne in 2002, the Legislative Council did — we went to Benalla. Bruce Chamberlain drove that process and recognition needs to be given of that.

It is appropriate for me to recognise the local members of the Legislative Council in this place — the Honourables John Vogels and David Koch, the members for Western Province. I know they were great supporters of that initiative of Bruce Chamberlain's and worked very closely with him, whom we sorely miss.

I would like to conclude by saying that I have great empathy personally for Colac and its community. It is reflective of my own community, Sale, which has a similar-sized population and many similar sorts of industries. Indeed, I did some research two weeks ago when I came to Skenes Creek and stayed for a couple of days during cup week. I am really impressed by the magnificence of the vista of this community, not just its

primary and traditional industries but it is a remarkable community. I think we are going to enjoy the day here in Colac.

**Hon. P. R. HALL** (Gippsland) — The Nationals join with the government and the opposition in welcoming the invitation extended to Cr Warren Riches to make a short address to the chamber this morning. I think it is appropriate that we are down here in Colac. It is something that we and The Nationals look forward to — travelling around our areas that we are very familiar with in country Victoria. It was great driving down here yesterday to note the condition of the countryside and the good season that is being enjoyed by the people in the western district after some tough years — —

**Hon. Bill Forwood** — You are not taking credit for the rain, are you?

**Hon. P. R. HALL** — No, I cannot take credit for the rain, but it is great to see that after some tough years in rural Victoria, through drought conditions et cetera, that this year has started off pretty well, and we trust that will continue for people who make a living off the land. I also want to say that in coming to Colac it is all happening. It was terrific to be able to walk here today and see the festival outside the building, following the very warm welcome extended to us last night.

We hope we can perform to the level of some of the performances that are going to be held outside this performing arts centre today. I did offer to register at the desk as I came through the building, but the people there were a bit doubtful about whether we would meet their standards.

I hope we do, and I hope that the public of Colac and the 500 or so schoolchildren whom I believe will be passing through this chamber today learn something about and gain from the experience of the Legislative Council's sitting here today. We think it is more than appropriate for Cr Warren Riches to make a short address to the Parliament, and we certainly endorse the motion moved by the Leader of the Government.

**Motion agreed to.**

**The PRESIDENT** — Order! I welcome Cr Warren Riches, mayor of Colac Otway Shire Council, to the chamber. Members, guests and residents of Colac Otway district, let me say how wonderful it is to see so many people here today taking an active interest in the Parliament and its proceedings and in particular the schoolchildren in attendance. I would like to thank the mayor of Colac Otway Shire Council, Cr Warren Riches, and his fellow councillors for allowing us to use

this fantastic facility to hold the third regional sitting of the Legislative Council of Victoria, and I express the appreciation of the house for the hospitality shown by the shire to the Parliament.

I would also like to take this opportunity to acknowledge the presence of the President of the Tasmanian Legislative Council, the Honourable Don Wing, and the Clerk of the Tasmanian Legislative Council, Mr Scott McKenzie. I note that this regional sitting holds a special significance in that it also marks the launch of the 150th anniversary celebrations of the Victorian Parliament — of the state's democracy — a truly remarkable milestone in the state's history. The fact that we are living in a state that has enjoyed 150 years of uninterrupted democracy shows the benefits and beauty of not only this state but also the country that we live in. Once again I very much thank the mayor, Cr Riches, for his hospitality and invite him to address the house.

**Cr RICHES** — The Honourable Monica Gould, President of the Legislative Council of Victoria, ministers, party leaders and members of the Legislative Council, fellow councillors, members of the media, ladies and gentlemen: on behalf of the council and the community I would like to take this opportunity to once again welcome the Legislative Council of the Parliament of Victoria to the Colac Otway shire.

We believe that we live in one of the most magnificent areas of the state. We are proud of the way this shire has contributed to the growth of provincial Victoria. We have a strong and positive vision of how this growth can continue. We see key projects such as Lake Colac, with its link to economic development, the growth opportunities that improved infrastructure in our hinterland will provide, including encouraging emerging industries and well-managed forestry activities, and the development of the Apollo Bay harbour as providing further opportunities for us to contribute to the region's standing as one of the best places in which to live, work and invest.

This regional sitting of the Legislative Council of the Parliament of Victoria is a great opportunity for our shire to see Parliament in action. This is something that probably will not happen again in our lifetimes, and I am sure our community, as well as the many schoolchildren who will come here today, appreciate the opportunity to participate. I hope you all have a wonderful day, not only for yourselves but also for our community, on what is a momentous occasion for the region of Colac Otway — that is, being chosen as the location for the launching of the Parliament's

150th celebrations, this being only the third time the Legislative Council has sat outside Melbourne.

As you are aware, today we are also hosting a multicultural Living in Harmony festival outside on the Colac Otway Performing Arts and Cultural Centre lawns. I encourage you all to enjoy the program, if you have the time. Once again, the Colac Otway shire is honoured to be hosting this regional sitting and is pleased to be able to work in partnership with the upper house of Parliament to bring this momentous sitting of the Legislative Council to the people of our region. We look forward to continuing this partnership with you in the future. Thank you.

*Honourable members applauding.*

## PETITIONS

### Hazardous waste: Nowingi

**Hon. B. W. BISHOP (North Western) and Hon. D. K. DRUM (North Western) presented petitions from certain citizens of Victoria requesting that the Legislative Council abandon the proposal to place a toxic waste facility in the Mildura region (266 and 280 signatures respectively).**

**Laid on table.**

## COUNTY COURT JUDGES

### Reports 2002–03 and 2003–04

**Hon. J. M. MADDEN (Minister for Sport and Recreation) presented, by command of the Governor, reports for 2002–03 and 2003–04.**

**Laid on table.**

## AUDITOR-GENERAL

### Reports 2004–05

**Mr LENDERS (Minister for Finance) presented response of Minister for Finance.**

**Laid on table.**

## FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

### Regulation of funeral industry

**Mr SMITH (Chelsea) presented report, including extracts from proceedings and minority report, together with minutes of evidence.**

**Laid on table.**

**Ordered that report be printed.**

**Mr SMITH (Chelsea)** — I move:

That the Council take note of the report.

In doing so I would like to thank the staff of the committee for the great help it has provided to us in putting together this report. I must say that this has been an industry crying out for some form of regulation. There have been numerous attempts over the decades to bring a responsible form of regulation to the funeral industry. It is fair to say that there has been a minuscule amount of regulation of the industry to date, restricted only to the Occupational Health and Safety Act and some regulation through Consumer Affairs Victoria.

This government has recently established councils, for instance, for the small business traders industry and owner-drivers. We are here this afternoon to debate the Veterans Bill which will include the establishment of a veterans council. These councils have one particular important role to play — that is, to communicate and accurately reflect on what is happening in their areas of responsibility to the government, to allow the government to make the relevant decisions necessary for the smooth transition of business and action within that industry.

I am disappointed that there is a minority report; however, that is the right of the opposition to do so. It would be remiss of me if I did not make comment on that. I think it is almost pathetic that opposition members who put together a minority report could not find time to attend the last four meetings of the committee when it was making the decisions that this report includes. They were not in attendance at the last four meetings. It is a disgrace. How can the committee actually reflect what the opposition was on about when it does not attend the meetings?

The industry itself and senior companies within the industry are supportive of what we are doing. In fact they have asked for it. I have no compunction in saying that this report contains appropriate recommendations. It is my sincere hope the minister will take note of the

recommendations. I am convinced that the industry and the public at large will be significantly better off as a result of the recommendations contained within this report. The public at large in my opinion would be horrified to know that the lack of regulation within the funeral industry means that anyone could decide tomorrow that they are going to be a funeral director. There is nothing to prevent them. There are no qualifications required, et cetera. They could use a tow truck, a tray, a ute, a plastic bag anything they like. There is nothing to prevent it. As a result of these recommendations we will bring this industry into the 21st century.

**Hon. D. McL. DAVIS (East Yarra)** (*By leave*) — I rise to make comment about this inquiry into the funeral industry and, first of all, to thank the staff for what was a very difficult inquiry. As Mr Smith has pointed out very clearly, it was an inquiry where opposition members, the honourable member for Caulfield in the other place, Helen Shardey, and I, and the member for Shepparton in the other place, Jeanette Powell, who represented The Nationals, were not able to agree with many of the recommendations that the government wanted to push through. The reason we could not agree was simply that this was a grab for union power that would put small country funeral directors out of business. It would close down the funeral industry in smaller towns. In those small country towns the excessive regulation and the attempt to impose union controls would close down that industry to the great detriment of country Victoria.

Premier Bracks talks about country Victoria — and the government launched a package this week — but the fact is that at the same time the Labor members of this committee were seeking to impose controls on a small but important industry. I want to make it very clear that the government's recommendations will impose unnecessary, costly and foolish regulations that will simply not help Victorians in country Victoria.

I also want to make the point that this inquiry is very important in light of the ageing of the population and the need to have proper and reasonable costs in the funeral industry. The government members' proposals will lead to higher costs for families and that would be very unfair. I know that many of the large funeral industry players also sought certain regulations for this industry, but I have to say that the smaller funeral industry participants would be the ones to suffer most from these recommendations, and that would be passed through in lower options and higher costs for people in country Victoria.

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

**Motion agreed to.**

## PAPERS

### Laid on table by Clerk:

Food Safety Council — Minister's report of receipt of 2004–05 report.

Freedom of Information Act 1982 — Report of the Attorney-General on the operation of the Act, 2004–05.

Gippsland Southern Health Service — Report, 2004–05 (two papers).

Health Services Act 1998 — Report of Community Visitors for 2004–05.

Housing Guarantee Fund Ltd and Domestic Building (HIH) Indemnity Fund — Report, 2004–05.

Parliamentary Committees Act 2003 —

Government Response to recommendations in Road Safety Committee's report on the Inquiry into the Country Road Toll.

Government Response to recommendations in Scrutiny of Acts and Regulations Committee's report on Victorian Electronic Democracy.

Police Appeals Board — Report, 2004–05.

Public Prosecution's Office — Report, 2004–05.

South Eastern Medical Complex Limited — Minister's report of receipt of 2004–05 report.

Special Investigations Monitor's Office — Report, 2004–05.

Victoria Law Foundation — Report, 2004–05.

Victorian Civil and Administrative Tribunal — Report, 2004–05.

Wimmera Health Care Group — Report, 2004–05 (two papers).

## MEMBERS STATEMENTS

### Police: numbers

**Hon. J. A. VOGELS** (Western) — President, I have actually lost my voice a bit — I was barracking too hard at the Austral Hotel last night!

**The PRESIDENT** — Order! I do not think you are alone there.

**Hon. J. A. VOGELS** — I raise an issue concerning the lack of police numbers and the low morale of police

in the Corangamite region. We continually hear from the Bracks government that police numbers have increased since the 1999 election. Nothing could be further from the truth in south-west Victoria. Geelong, Torquay, Colac, Camperdown, Terang, Cobden, Warrnambool, Port Fairy and many others are all undermanned. Many of these towns have no policing at night at all. If you require help you ring the police station and receive a voice message. Police command, of course, parrots the Bracks government's line that there are no problems. Police working in these shifts complain bitterly that they are understaffed.

Two councillors from the Corangamite shire — the neighbouring shire — have just resigned from council. They are both policemen and great community-minded members, but they are leaving the district. Cr Costin said changes within the Corangamite cluster of police stations have forced him to look elsewhere for employment. He is quoted in an article by Hanna Mills in the Warrnambool *Standard* as having said:

Things have changed in relation to my work at Camperdown.

I'm not happy with changes that have been made there. They've affected the workplace in a fairly dramatic way.

I call on the Bracks government to spend some of its \$2 billion surplus, which it has been trying to hide but which the Auditor-General has picked up, and to start spending it in rural and regional Victoria.

### Rail trails: Gellibrand

**Ms CARBINES** (Geelong) — Last month I was absolutely delighted to join with Mayor Warren Riches to officially open the new pedestrian bridge along the Old Beechy rail trail at Gellibrand in the Otways. The new Gellibrand pedestrian bridge completes the 46-kilometre Old Beechy rail trail and is part of the Bracks government's \$7 million commitment to tourism in the Otways. Much of the Old Beechy rail trail follows the route that the original forestry rail line took when it opened in 1902, 103 years ago. The trail from Colac railway station to Beech Forest takes in tall forests, fern gullies and spectacular waterfalls. The completion of the Old Beechy rail trail is testament to the vision of Tony Grogan, chair of the Old Beechy Rail Trail Committee, and all of its members.

The opening of the new bridge at Gellibrand last month was a very special community event indeed. I think everyone from Gellibrand was there to mark the historic occasion. We were treated to an historical re-enactment and the fabulous Colac city band led the procession of local senior citizens, followed by

community members, across the new bridge over the Gellibrand River.

Congratulations to Tony Grogan and all Old Beechy Rail Trail Committee members for their dedication over the last 10 years. The Bracks government is delighted to support their vision and endeavours by providing over \$1 million in funding to make their dream a reality.

### **Rail: Warrnambool line**

**Hon. DAVID KOCH** (Western) — The Warrnambool to Melbourne passenger rail service, which passes through Colac, is failing Western Victorians. The current timetabling arrangements are seeing many passengers late or missing out on medical, specialist, court and job appointments in Geelong and Melbourne. Current transport reports indicate that 11 per cent of trains on this line ran late in October 2005, further inconveniencing users and demonstrating the line's unreliability as a transport service.

Regular rail passengers are still waiting for the promised review of the current timetable. Inefficient timetabling, combined with delays, cancellations and the deterioration of rolling stock, is of major concern to those patrons who have no option but to use this service. While these issues remain unresolved patrons will continue to be severely disadvantaged and the service will continue to lose patronage.

Further pressure will be exerted on passengers who might find themselves on buses with other country rail passengers during the Commonwealth Games as Connex has stated it will need to second an extra 30 to 40 drivers, probably from country rail services, to provide Melburnians with a reasonable service during the games.

This government's rhetoric of supporting country Victorians proves yet again to be nothing more than hollow words. Surely it is not too much to ask or expect that country Victorians have access to a reasonable and user-friendly passenger rail service.

### **Bulla Dairy Foods**

**Mr VINEY** (Chelsea) — This morning I had the pleasure of visiting Colac's Bulla Dairy Foods with the Minister for WorkCover and the TAC, Mr Lenders. In recognition of the great work being done there by a workplace health and safety committee, which has undertaken extensive work, the company recently won a Victorian WorkCover Authority award for its commitment to consultation and to improving occupational health and safety in the workplace.

That was a stunning example of how cooperation between management, unions and workers in a plant can work effectively to reduce the number of accidents in the workplace. In particular I want to acknowledge the safety coordinator, Joanne Blurton, and the many representatives of the occupational health and safety committees who were there and who explained how they have an extensive process of consultation, and how they have effectively reduced the number of accidents in their workplace. I congratulate them all.

I remind members opposite that this is an example of how cooperation in the workplace will succeed, unlike the Howard government's industrial relations changes, which are going to drive division and chaos in workplaces. Opposition members need to decide whether they want to support people being sacked for no reason. That is where this is going: this is an example of cooperation in the workplace, and I commend it to the house.

### **Timber industry: sawlogs**

**Hon. E. G. STONEY** (Central Highlands) — Blue gum chip plantation forestry in the Western District is expanding rapidly. Plantations create employment and commercial activity. They are the subject of strong community debate because of many issues cited by residents, including changing land use, water, roads and the effect they have on communities. The Liberal Party has announced a small but significant policy that identifies land not presently in agricultural production that could be utilised to grow high-quality hardwood sawlogs into the future.

Owners of small rural living properties of about 40 hectares will be encouraged through incentives to plant high-quality sawlogs, and the Liberal Party will provide an incentive of \$1000 per hectare to establish these plantations. It will also provide an incentive to plant firewood plantations of a minimum of 2 hectares and will also utilise thinnings from the sawlog plantations for firewood.

Contrary to wild claims by some people, in the foreseeable future sawlog plantations can never replace the harvesting of sawlogs from public land; however, they will assist in providing supply to sawmills, and in turn we hope this will reduce imports from Asian rainforests, which are often logged unsustainably.

### **Colac High School: staff**

**Hon. C. D. HIRSH** (Silvan) — I want to speak about Colac High School, which I attended from 1949

to 1954 — long before many here were even thought of!

**Hon. Bill Forwood** — What did you learn?

**Hon. C. D. HIRSH** — I learned a lot; it is a very good school. My two brothers also attended during the 1950s. We were the Murphys from Cressy, and came in by bus each day from Cressy to Colac. The principal then was James J. Tyler, and the deputy Nina L. Carr, to whom I owe a great debt for a wonderful contribution to my education. There were 400 students in those days, with only 6 or 8 in year 12. I still recall the motto of the school, 'Carpe diem', which means 'Seize the day', which is something I have continued to try to do — on and off! — since then.

I had a great education at Colac high and look forward to visiting the school again and meeting the principal, Mike Holland, later this morning. One of the teachers at the school in those days was Ian Cathie, who later became a minister in the Cain government.

Others were Bill Peel, John Munro and a range of other teachers who did a great job of providing an education back in those days.

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

### **Casey: traffic congestion**

**Hon. R. H. BOWDEN** (South Eastern) — The City of Casey has asked for my help in relation to congestion on the Monash Freeway, and some public transport issues. A letter I received dated 13 October from the City of Casey seeking my help in getting resources noted by the government is most welcome. The city is concerned about congestion on the Monash Freeway and indicates that it is less than pleased with the prospect of further traffic loads into the city with the completion of the Pakenham bypass and the EastLink programs, which are welcomed by it. The City of Casey states that according to surveys there are at least 135 000 vehicle movements a day.

In my opinion the state government is doing nothing to improve the absolutely disgraceful situation. The Monash Freeway is not a freeway; it is a car park for a lot of the day. The city is also concerned that the government understands that with the growth in the area it has to provide improved public transport, frequent rail services, better scheduling of bus services and secure parking at stations. Members of the public are in for a bad surprise when the new congestion tax is introduced by the Bracks government.

I hope the City of Casey will keep its enthusiasm for Western Port as well.

### **Legislative Council: Colac sitting**

**Hon. KAYE DARVENIZA** (Melbourne West) — I want to congratulate the Colac community for taking the opportunity while the Legislative Council is sitting here to celebrate in Colac's cultural diversity. I am looking forward to joining in the celebrations that will take place later today in front of the Colac Otway Performing Arts and Cultural Centre, and I encourage all members to do the same. I am sure all members are looking forward to joining in those celebrations.

Included in the celebration of cultural diversity will be the recently arrived Sudanese community, which is made up of some 50 families. They have been very warmly welcomed and supported by the community in Colac, which has done all it can to encourage them to come and settle in the area, and has made them feel welcome. Historically, Colac has not experienced the many waves of migration that some other rural and regional areas in Victoria have, but many individual families have come to Australia and settled in Colac. I am looking forward to joining in all the celebrations today, including those that celebrate our cultural diversity here in Colac.

### **Kate DeAraugo**

**Hon. D. K. DRUM** (North Western) — I rise to congratulate Kate DeAraugo, who will be in the final of *Australian Idol* to be held at the Sydney Opera House this weekend. Kate was born and raised in Bendigo and educated at Catholic College Bendigo, where for two years in a row she was the winner of the musician of the year award. Kate has become an absolute cult figure in Bendigo over the last few months, and the support of the Bendigo community has been crucial in her reaching the final. It will again be crucial to her success in that final.

*Honourable members interjecting.*

**Hon. D. K. DRUM** — I wish members of the Labor Party would be quiet and support her a little more!

**An honourable member** — We are supporting Kate!

**Hon. D. K. DRUM** — I think the entire Australian public has warmed to Kate's inner strength in singing during the last couple of months while she has had a throat infection, an illness that would have stopped many other less courageous performers in their tracks. Congratulations also go to Kate's parents, Paul and

Sue. I am sure her brother and sister, Alex and Eliza, are just as excited as everybody else. I was talking to Paul recently, and he said he was amazed by the number of well-wishers in the Bendigo community. He would like to thank everybody for their support.

Well done to Kate so far. Well done to the people of Bendigo for supporting her. The challenge is for everybody in Victoria, especially the young people of Colac, to do what Mr Hall says and vote 1 for Kate DeAraugo this Sunday night. Well done!

### **Federal Minister for the Environment and Heritage: performance**

**Mr SMITH** (Chelsea) — I refer to Senator Ian Campbell, the federal Minister for the Environment and Heritage, and his continued meddling in Victorian state planning responsibilities. Senator Campbell wants to introduce his own planning code for wind farms, which will add another layer of responsibility. It is another example of the cheap political stunts, with which we are familiar. Last week we saw him riding his brumby around the grounds of Parliament House in Canberra, threatening to reinstate cattle into the high country. That little stunt failed; he knew it was an absolutely foolish thing to do, yet he continued.

This federal government has killed off renewable energy by dumping the mandatory renewable energy target (MRET). The federal minister has put in danger 140 jobs at Keppel Prince and the blade factory in Portland with his decision. Wind farms in responsible community-supported locations like Waubra will not go ahead because he has nobbled the MRET, and now he comes into this debate wanting to introduce new federal planning regulations. There will be no industry left if he gets his way. If Senator Campbell succeeds he will continue to ride roughshod over Victorian planning issues in the same way that the federal government is trying to ride roughshod over workers.

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

### **Socceroos: World Cup**

**Hon. BILL FORWOOD** (Templestowe) — That is a hard act to follow but let me today, not only on behalf of every member of this chamber but also on behalf of millions of Australians, and the 83 000 who were present last night at Telstra Stadium, congratulate the Australian football team on making the World Cup. For the first time in 32 years we will be able to stay up late at night in 2006 to watch the Australians play football on the world stage.

**Mr Gavin Jennings** — Aren't you allowed to stay up late?

**Hon. BILL FORWOOD** — I don't; you probably do!

I know that many of us were heartbroken when at the Melbourne Cricket Ground four years ago we lost to Iran in a match — —

**An honourable member** interjected.

**Hon. BILL FORWOOD** — Eight years ago? We lost a match which we probably had every expectation that we would win, but last night I know that all of us were proud of the extraordinary effort the team put in.

**Hon. J. A. Vogels** — They've got a Dutch coach now!

**Hon. BILL FORWOOD** — Yes, they have got a Dutch coach. The other thing is that they ran their guts out and they played with skill and ferocity. I know that all of us here and millions of Australians are very proud of the effort that they made last night.

### **Rural and regional Victoria: *Moving Forward***

**Hon. J. G. HILTON** (Western Port) — I would also like to join with Mr Forwood in congratulating the Australian soccer team on qualifying for the World Cup and point out to the house that it was done under a Bracks Labor government!

*Honourable members interjecting.*

**Hon. J. G. HILTON** — The Bracks Labor government is totally committed to investing in provincial regional Victoria and in making provincial regional Victoria a great place to live and — dare I say it? — raise a family. Recently the Bracks government issued the *Moving Forward* document, which makes a number of commitments to the development of regional Victoria, including a new \$100 million Provincial Victoria Growth Fund to drive economic and population growth across provincial Victoria, and a \$12 million extension of the successful Make It Happen in Provincial Victoria campaign, including a new campaign to showcase regional businesses, sponsorship for regional events and the appointment of provincial investment ambassadors. There are many other things in this report and if anyone has not read it I commend it to them.

We are committed to making provincial Victoria more than just the toenails of Victoria, as it was described

previously, and making it a significant contributor to the total Victorian economy.

### **Bendigo Exhibition Centre: funding**

**Hon. W. A. LOVELL** (North Eastern) — I rise to condemn the Bracks government for its failure to pay an outstanding debt of \$1.1 million to the City of Greater Bendigo. As I outlined in my adjournment contribution the other night, this \$1.1 million has been outstanding for a number of months. It has cost the City of Greater Bendigo about \$1000 a week to finance the outstanding money due to it from the Bracks government, which so far amounts to \$20 000. That is \$20 000 that cannot be spent on services within the city of Greater Bendigo.

I am told that the finance committee met this week and that the situation in Bendigo has now worsened with the council coming towards the end of its finances for the year, with rates due in February. In this situation the council will have to withdraw money from a term deposit in order to continue to finance the outstanding debt from the Bracks Labor government. I call on the Treasurer to immediately pay the money that is outstanding to the City of Greater Bendigo to allow it to continue to deliver the services it needs to deliver to the people within the municipality.

### **Legislative Council: Colac sitting**

**Hon. S. M. NGUYEN** (Melbourne West) — I am delighted to be here today in Colac to be part of the 150th year anniversary of the Victorian Parliament. The Colac community has a great opportunity to meet all members of the Legislative Council and government ministers and to raise concerns. Colac is a great rural town and has much to offer all Victorians.

This first visit of the house to Colac marks the celebration of the Victorian Parliament's 150th anniversary, and the community has organised a multicultural festival outside the building. I express thanks to the Colac community, the mayor and councillors for cooperating with us to achieve this goal. There are many activities around the town including, as part of its statewide journey, the travelling exhibition Bills, Bells and Ballots, which depicts 150 years of Victoria's Parliament.

### **Socceroos: World Cup**

I join with other MPs in celebrating the victory of the Socceroos versus Uruguay soccer match in Sydney last night. For the first time in 32 years the Australian team has qualified for the World Cup in Germany. I thank

the Socceroos stars who worked hard to win the match, and I also thank the Dutch coach who trained the Australian team. Next year there will be a big celebration. I hope Australia will do better than it did many years ago. There is a big future for soccer — —

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

### **Pest plants: control**

**Hon. PHILIP DAVIS** (Gippsland) — Most country Victorians who have an interest in public land, particularly farmers who interface with Crown land, know the Victorian government as the neighbour from hell. As I have previously alluded to it, the Victorian government is negligent in its management of public land, but importantly agencies of the Victorian government who are responsible for public land have failed to deal with a major problem for rural communities — that is, the issue of weeds.

We know what a wonderful resource our national parks and state forests are, but the agencies responsible have been negligent for a long time in regard to management of weeds. The Liberal Party is proposing a policy to name and shame by a report to Parliament, on an annual basis, the performance of weed management by public agencies.

**Mr Gavin Jennings** interjected.

**Hon. PHILIP DAVIS** — Indeed, as the Deputy Leader of the Government interjects, a noxious weed report — exactly so, and to apply the same rules to public land managers as apply to farmers — that is, that there will be a basis for the Department of Primary Industries to have forced entry to public land, to deal with the weeds that those agencies have been negligent — —

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

## **STATEMENTS ON REPORTS AND PAPERS**

### **Primary Industries: report 2004–05**

**Hon. PHILIP DAVIS** (Gippsland) — If I may continue where I left off in my member's statement: it is a fact that the Liberal Party is committed to dealing with weeds on public land, but I would like to speak directly to the Department of Primary Industries 2004–05 annual report. It is interesting to note that the report alludes to the various roles of the department, but

what I find surprising is the situation regarding a clear vision for agriculture in this state.

A number of issues that have affected farmers in recent times have been mentioned in this house, but importantly one of the matters the farming community is apprised of is that the Department of Primary Industries is being progressively downgraded — all you have to do is look at last year's budget to see that.

The annual report for the last financial year confirms that each year the Department of Primary Industries is losing access to the resources which are required to support agriculture in this state. I make the point that the *Weekly Times* editorial of 19 October said:

The Department of Primary Industries is being torn down. DPI is losing weed, extension and research staff and is increasingly becoming a contract service provider for the Department of Sustainability and Environment.

There are many issues confronting our farmers. It is not just farmers who are dependent upon the work of the Department of Primary Industries; it is the small rural communities whose local economies and their social infrastructure are substantially dependent upon the utilisation of our natural resources — whether they have an agricultural, farming base or have a natural resource base such as the minerals or forestry industries. Of course, today we are in an area where fishing is a particularly important natural resource industry as well. Regrettably, the support for these industries is in decline. I note further in the editorial in the *Weekly Times* to which I have referred, it said:

The agriculture ministry is what you make it.

But, so far, Bob Cameron has failed to leave any sort of mark on the portfolio.

In fact, Victorian farmers jokingly referred to him as 'Bob who?'.

It seems obvious that since becoming agriculture minister in 2002 Mr Cameron has shown very little interest in farming.

He rarely visits farms or goes to field days.

So far his greatest legacy seems to be a mounting pile of animal welfare legislation that he is planning to make even more stringent.

I note that these are the words of the *Weekly Times*, not my own words, but I would support the view of the *Weekly Times*. I would support the view — —

**Mr Gavin Jennings** — A letter to the editor!

**Hon. PHILIP DAVIS** — No, it was the editorial of the *Weekly Times*. Thank you for that interjection. I support the view of the *Weekly Times* because it is clear

that the Minister for Agriculture has failed to be an advocate for the farming community. The issue which I alluded to in my previous remarks about weed management is a classic example of the government's failure and the Minister for Agriculture's failure to protect the interests of the farming community. Recently the Liberal Party announced a policy commitment with regard to establishing sawlog plantations on farmland in association with the farming community, which is — —

**Mr Lenders** interjected.

**Hon. PHILIP DAVIS** — Indeed, it is costed. I take up the interjection of the Leader of the Government. All of the Liberal Party policies that have been released have been costed.

**An honourable member** interjected.

**Hon. PHILIP DAVIS** — In fact there are 40 policies which have been released by the Liberal Party over the last several months. I might say that another policy that was released, which the Minister for Agriculture was absolutely silent on, was the issue of dealing with feral animals, both foxes and wild dogs. While I will not speak to that again immediately because I have made comments about that not very long ago in this place, I make the point that the government has no position on dealing with foxes and wild dogs with regard to farming areas in the state. I make the third point that the *Weekly Times* editorial said:

When asked about alpine grazing, Mr Cameron remained silent. When asked about enforcing food labelling laws that helped promote Australian-grown produce Mr Cameron remained silent.

...

Victorian agriculture is suffering from his leadership vacuum.

All I can say is that I agree with the *Weekly Times* editorial of 19 October — —

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

### **Zoological Parks and Gardens Board: report 2004–05**

**Hon. H. E. BUCKINGHAM** (Koonung) — I wish to speak this morning on Zoos Victoria's annual report 2004–05 called *Building Momentum*. Victoria is very fortunate to have three world-class zoos — the Melbourne Zoo, the Werribee Open Range Zoo and the Healesville Sanctuary — all offering different experiences that connect visitors with animals and their

habitats. In fact Zoos Victoria is the most visited tourist attraction in the state, with a total of 1.6 million visitors. This is made up of over 1 million visitors to the Melbourne Zoo, 297 000 to Healesville and 290 000 to Werribee.

When you view the pie diagram in the annual report of visitor sources, it is clear that the largest number of visitors, about 60 per cent, come from metropolitan Melbourne, with 15 per cent from overseas and 15 per cent from regional Victoria — I hope everyone in Colac visits our zoos — and 10 per cent from interstate. With the Commonwealth Games next year I am sure the number of regional, interstate and, of course, overseas visitors will increase exponentially. I love zoos. I used to use my children as an excuse to visit, but now they have grown up I have to be more open about my commitment to viewing animals in as natural a habitat as possible and learning about them so that ultimately we conserve wildlife for future generations.

I have visited zoos elsewhere in the world and, as I have stated, our zoos are world-class. For the record, my favourite attraction is the butterfly house at Melbourne zoo.

One of the important roles zoos play is in education. The annual report informs us that Zoos Victoria is the largest non-school educational institution in Victoria with nearly 170 000 visiting students, which is about 13 per cent of all visitors to the zoo. An additional 12 000 participants were engaged in other programs such as School Holiday Programs, Vet for a Day, Curators at Melbourne zoo, Zoo Snooz and Sanctuary Adventures. In fact, Zoos Victoria has significantly contributed to the education of over 5 million Victorian children since 1969.

Not only do 1.6 million people physically visit our zoos, but in this age of cyberspace there are about 1 million online visitors, which is an increase of 38 per cent from the previous year. The annual report tells us that significant work has been undertaken on two projects to maximise the use of web technologies. They are the Zoos Victoria web site redevelopment and the Australian Wildlife Centre multimedia project, which will provide unique access to a veterinary database. Both of these are due for completion in the coming year.

Zoos have an enormously important role to play in the community — they increase the community's knowledge of the choices we can make to not only improve the environment but to save wildlife.

This is an exceptionally good annual report that is both informative and educative. I commend the chairman, Tina McMeckan, and the members of the Zoological Parks and Gardens Board and the chief executive officer, Laura Mumaw, for their commitment to community engagement and knowledge building. I quote from page 6 of the report:

We involve the community with us in actions to care for wildlife and the environment.

We set examples for an environmentally sustainable existence.

We share a sense of fun, and a sense that we are all part of the natural world.

We do research and gather knowledge to improve our understanding of the challenges facing the natural world and how we can help meet them.

I congratulate the organisation on a most successful year and look forward to the stage 3 redevelopment of the highly successful Trail of the Elephants project, the orang-utan sanctuary and hippo wetlands experience in 2006, as well as the Australian Wildlife Centre, due for completion at the end of this year. The work to fund these programs came from the government's 2002 \$32 million budget commitment. I wish Zoos Victoria continued success in the future.

### **Rural Finance Corporation: report 2005**

**Hon. DAVID KOCH** (Western) — I wish to speak on the Rural Finance Corporation annual report 2005. The report indicates there has been a successful transition from the immediate past chairman, Donald McGauchie, to Jack Seymour, whom many would know in his joint role as chairman of the Royal Agricultural Society. We have seen another strong year of lending with a pre-tax profit of \$15.8 million — returning a government dividend of \$5.7 million, a tax commitment of \$5 million and retained earnings of \$5.1 million

Rural Finance had record new lending over the last year of \$200 million — \$165 million for farm loans and \$35 million for non-farm business loans. We all should acknowledge that Rural Finance is wholly owned by the Victorian government and specialises in rural lending for primary producers and rural businesses. Rural Finance is celebrating 60 years of service, having originally started as the administrator of the Soldier Settlement scheme in 1945 after the Second World War.

Today the Rural Finance Corporation is responsible for administering the young farmers finance scheme, the natural disaster relief schemes and the marine parks and

sanctuaries compensation program, along with the industry rationalisation program. They are all being administered on behalf of the state government.

Highlights of the year included the ongoing administration of the exceptional circumstances support scheme for drought-affected farmers, the introduction of a tiered high-volume interest rate rebate, the opening of another Rural Finance Corporation of Victoria office in Ballarat to join the other offices spread across Victoria at Bendigo, Horsham, Colac, Leongatha, Mildura, Swan Hill, Traralgon, Warrnambool and Wodonga, and looking at further options to assist young farmers into agriculture.

Two of the most important schemes that the Rural Finance Corporation has attended to in my opinion are the scholarship program, which sees \$1.3 million provided to undergraduates studying rural and related tertiary courses, and the young farmers finance scheme, which provides capital at concessional interest rates for land, livestock, plant and equipment to achieve commercially viable farming enterprises. This year \$13.9 million was approved to support 87 young farmers in farming pursuits, and since its inception in 1981 this scheme has approved 1422 loans worth over \$140 million for this purpose. I think in anyone's mind that is a staggering and great effort.

The Rural Finance Corporation is best known for its assistance in getting people onto the land and has supported over 6000 farmers to do so since 1945. Settlers and their families have made a great contribution to the rural landscape of Victoria both in agricultural production and the welfare of small rural communities. Nowhere was that demonstrated more than south of Colac with the Heytesbury settlement scheme, under which thousands of acres were opened up for profitable grazing and dairying enterprises. Many of the original soldier settler families and their children still farm that wonderful country. Importantly many have made additional contributions over the years, especially by participating on school committees, hospital boards, local government, pastoral and agricultural societies, Meals on Wheels and other valuable contributions on a continuing basis.

In closing, not only does the Rural Finance Corporation continue to play a major role in the Victorian landscape but people like John Fox, who is recognised by many as the human face of the corporation, and his colleagues, offer so much ongoing assistance to those on the land who require bridging support when nature deals a tough hand or when the opportunity is right for them to grow their farming opportunities. A book John gave me in 2004 called *Hard to Go Bung — World War II Soldier*

*Settlement in Victoria 1945–1962* by Rosalind Smallwood recounts the many challenges confronting those early settlers and the marvellous women in what must have been some pretty daunting times. I recommend that everyone read this book — it is very good reading. Again I say congratulations to the Rural Finance Corporation chairman, Jack Seymour, the chief executive officer, Dugald Graham, and the board for returning a profitable result while assisting both old and young farmers along with many rural businessmen over the last 12 months.

### **Barwon Region Water Authority: report 2004–05**

**Ms CARBINES** (Geelong) — I am pleased this morning as part of the Parliament of Victoria's historic sitting in Colac to speak to the 2004–05 annual report of the Barwon Region Water Authority. Barwon Water is the state's largest regional urban water authority and is led by the chair, Steven Vaughn, and CEO, Dennis Brockenshire. It covers a huge area, which incorporates several municipalities, including the City of Greater Geelong, the Borough of Queenscliffe, the Shire of Surf Coast, the Shire of Colac Otway and part of the Shire of Golden Plains. One of the hallmarks of Barwon Water as one of the state's leading water authorities is its commitment to community engagement. In fact our water authority is leading the state with initiatives which are now being taken up around the state and are being displayed by the Bracks government on a regular basis.

One of Barwon Water's main initiatives in recent years was the introduction of permanent water conservation measures. Our region suffered intensely from drought long before the drought hit metropolitan Melbourne. I remember when I was first elected we had had a very wet winter, so water restrictions were then able to be lifted. I remember constituents ringing me, as a member for Geelong Province, and asking, 'Why are you taking off the water restrictions? We think they make sense. We have got used to them after four years and we have now changed our behaviour'.

Barwon Water decided to engage and consult the extended Barwon region community on exactly what level of permanent water conservation measures our community would be prepared to accept on an ongoing basis. As a result of that extensive community consultation we introduced the state's first permanent water conservation measures at the beginning of 2003. I was very pleased to join the Minister for Environment in the other place, John Thwaites, in Geelong at the launch of those permanent measures.

Those measures operated in Colace, as they do in Geelong, Torquay and Queenscliff — all across our region. This means that you do not use a sprinkler between 10 o'clock in the morning and 5 o'clock in the evening; there is no hosing down of impervious surfaces; and if you are going to use a hose, you put a trigger nozzle on it. These are very sensible, commonsense rules that the Barwon Region Water Authority adopted and are now being implemented across the state. We know that our community supports Barwon Water's approach to managing our water supplies because it has a 95 per cent consumer satisfaction rating.

I was very pleased to read in the annual report that in the last year Colac has been a major beneficiary of significant infrastructure through Barwon Water. That has occurred with the coming online of a \$13 million water reclamation project on the shores of Lake Colac. That is a very important project, because it means that the water that is now coming into Lake Colac is clean. Over time this will significantly improve the health and the quality of water in Lake Colac.

Earlier this year I was delighted to join the chief executive officer of Barwon Water, Dennis Brockenshire, to open its ecologically sustainable display home, Sharland Oasis. This is a fantastic demonstration of what can be done to conserve water and energy. It is located on Ballarat Road, Geelong. It demonstrates how 80 per cent of energy can be saved through the use of energy-efficient devices, so I encourage everyone to go along and visit Sharland Oasis.

At the moment Barwon Water is conducting consultations throughout our region on the central region water strategy. It is looking at how we can sustainably manage water in the Ballarat and Geelong systems. This consultation will be extensive, and I encourage residents of Colac to get involved because we need to look at how we are going to ensure that in the next 50 years we will have enough water across our region to make sure our towns continue to grow and that our environment is managed sustainably. It is important that Colac residents get involved in that consultation, and I encourage them to do so.

We are certainly proud of Barwon Water's work, and I commend the leadership of its chairman, Stephen Vaughan, Dennis Brockenshire, all of its staff and its board members for their excellent work on behalf of our region.

### VicRoads: report 2004–05

**Hon. J. A. VOGELS** (Western) — I would like to make a few comments on the VicRoads annual report 2004–05. This is a typical Bracks government report: a glossy magazine. Up to page 82 it is about photos and spin-doctoring.

**Ms Romanes** interjected.

**Hon. J. A. VOGELS** — I will go to the financial part of this report because that is where the real figures are; not in the first 82 pages of spin with ministers and back benchers getting photo opportunities! The report goes on, and what it says will be very interesting to members of local government who are here today. I recommend that they get this VicRoads annual report and go to page 89 where it actually shows what is happening out there.

Let us have a look. In 2003 the state government put \$506 million into roads. In 2004 it put in \$411 million. In 2005 it put in \$379 million. There is a trend here; it is going backwards each year.

**An honourable member** interjected.

**Hon. J. A. VOGELS** — It is in this report — members should read it. When we look at the contributed capital appropriations, we see in 2003 it was \$48 million; in 2004 that went down to \$31 million; this year it is down to \$19 million. If you look at the Better Roads Victoria Trust Fund funding that has been put into roads — the 3 cents a litre we all pay — you see that it has gone from \$152 million, down to \$148 million, and then down to \$101 million. There has been a continual downturn. If you add them all up you find that there has been \$323 million less taken out of this funding.

*Honourable members interjecting.*

**Hon. J. A. VOGELS** — Obviously you do not believe this annual report — read it! Go to page 89 and look at the revenue that VicRoads collects. Over the three years, revenue from driver licences was \$56 million, \$67 million and then \$68 million. From motor vehicle registrations it was \$491 million, \$555 million and then \$645 million. It is definitely raking it in. From stamp duty it collected \$1.064 billion, \$1.138 billion and then nearly \$1.2 billion, so revenue was roaring in. But what does this government do? It does not hand it back.

I refer to page 102 — and I advise Labor Party people to read this, because they obviously have not — which shows VicRoads revenue. Where does the revenue

come from? In 2004 the federal government gave VicRoads \$156 million, and that went up to \$217 million. However, revenue from the Victorian government has gone from \$148 million down to \$101 million. The federal government is increasing it — the state government is ripping it out the other end.

In 2006 when we get into government we will look after local government. We have a fantastic policy, and local government loves our policy. We will be putting \$156 billion into Roads to Recovery funding. That will not have to be matched by councils, and they will be able to spend it on the roads and bridges they want, not on what the VicRoads people say they should spend it on.

The Labor Party members opposite hate the truth. Obviously they cannot read their own documents, and that is absolutely outrageous. This brings it all to light.

Yesterday the Auditor-General's report was tabled in Parliament. It shows the government has a surplus of \$2 billion — a nest egg for next year's election, when we will hear all the promises once again. The promises it made in 1999 still have not been delivered. We call the fast rail program 'farce rail'. It keeps on —

**An honourable member** interjected.

**Hon. J. A. VOGELS** — No-one believes you. We are looking forward to getting our hands on the budget surplus — and we will deliver.

### **Human Services: report 2004–05**

**Ms ROMANES** (Melbourne) — I wish to make some comments on two reports, the Department of Human Services report 2004–05 and the Office of the Chief Commissioner of Police report 2004–05.

Firstly, the Department of Human Services report of 2004–05 had a particular focus. One part of the report is on expanding services to meet growth in demand in hospitals and health services and includes for 2004–05 a budget of \$578 million as an increase in bottom-line recurrent funding.

A number of annual reports tabled in the house in the past week have shown that that strategy is working. Victorian public hospitals are showing a major turnaround in budget bottom lines and have jointly recorded a net operating surplus — the first since the beginning of this decade.

There have been major improvements in net operating results both for metropolitan hospitals and health services and in country hospitals, with major

improvements in Ballarat Health Services, Central Gippsland Health Service, Goulburn Valley Health, Latrobe Regional Hospital and Wimmera Health Care Group, which moved from a \$335 000 deficit to a \$437 000 surplus.

Colac Area Health moved from a \$55 000 deficit to a \$49 000 surplus. I take the opportunity to congratulate Colac Area Health on that result and the excellent work it does in delivering a range of community-based primary care health services, which are integrated with excellent acute and aged care services to the community in this area. Colac Area Health services are also linked closely with wellbeing programs run by the neighbourhood house and neighbourhood renewal programs. The health service has also forged stronger links and partnerships with other regional facilities.

Colac Area Health has grown considerably in the years of the Bracks Labor government. In 1999 there were 68 staff involved in community-based services for Colac Area Health and now it has 110 staff covering a wide area around Colac. We have also seen an expansion of activities, with the building of an adult day activity centre under way in the Birregurra community health centre, as well as a community hub at the neighbourhood house, as part of the neighbourhood renewal program. Colac Area Health is to be congratulated on the important work it is doing servicing the health needs of the people of this area.

### **Victoria Police: report 2004–05**

I will also talk briefly about the report of the Chief Commissioner of Police. I note that the Bracks government's strategy of putting 1400 extra police into the force over the last few years and building 60 new police stations around Victoria, as well as the many other strategies outlined in this report, is producing results. One of the important results is the reduction in the overall crime rate in Victoria, measured per 100 000 population, which has continued to fall in 2004–05. The 7.3 per cent reduction achieved in this reporting year marks the fourth consecutive year in which the crime rate has been reduced. There has been a 21.5 per cent reduction since the year 2000–01.

The other issue I would like to talk about — and I will also do so on a future occasion — is the important community initiative of introducing a code of practice for the investigation of family violence. This makes it very clear to the police what is expected of them. In conjunction with the Office of Women's Policy and —

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

**Goulburn Valley Region Water Authority:  
report 2004–05**

**Hon. W. R. BAXTER** (North Eastern) — I make a statement on the annual report of the Goulburn Valley Region Water Authority, which was tabled in Parliament during the last sitting week. At the outset I mark the retirement of the long-serving chair of Goulburn Valley Water, Mr Mijo Darveniza, who is finishing up his career in the water industry after 32 years. Mijo and I were elected to adjoining water trusts in the 1970s. He was elected to the Shepparton urban waterworks trust and I was elected to the Nathalia Water Trust. I only lasted 7 years; Mijo has lasted 32 years, which is an extraordinary service to the water industry. He was closely engaged in the rationalisation of the water industry from when we both served on trusts in the 1970s, when there were 300 such trusts in Victoria — it is now down to 22.

Mijo has overseen that rationalisation under Liberal, Labor and coalition governments. He has done an extraordinarily good job, and I pay tribute to him. I was pleased to attend two farewell functions in Shepparton for him in the last month — one attended by the Premier and the other attended by the Minister for Water. I believe that was an indication of the high esteem in which he is held. I certainly welcome his successor, Jenny Houghton, and wish her well in the position at Goulburn Valley Water, one of the state's leading regional water authorities.

This is an excellent report, as is always the case, from the authority. The chief executive officer, Laurie Gleeson, who has also served the industry for many years, is a very competent operator and always presents the Parliament with a very informative report.

One of the concerns I have, though, on the government's policy is the fact that now water authorities are subject to regulatory overview by the Essential Services Commission under the water industry regulatory order of 2003. On 15 June the ESC issued its final determination in respect of prices and service standards for Goulburn Valley Water. As a result of that determination, Goulburn Valley Water was required to make some significant changes to the proposed pricing structure for the next three years, which resulted in an increase of between 4 per cent and 27 per cent in the volumetric charges across the region.

I thought it quite extraordinary that the ESC, which I thought was basically designed to make sure that

consumers were not overcharged, whether it was in water or power or whatever the commodity, is saying to one of our most competent water authorities, 'You have to charge more'. I think that is just ripping off consumers. Is that what this government intends? Is that what it wants? Surely it takes away any incentive for the authority and its staff to drive down prices, to be efficient, and to make sure they can deliver a very good service at the lowest possible price.

I understand the policy view that we need to save water, and that one of the ways of saving water is through price signals, but surely those price signals have to bear some resemblance to the actual cost of delivering the service. The fact that Goulburn Valley Water is forced to charge some consumers 27 per cent more than that which the authority believes it can provide the service at a full cost recovery and return on asset basis, I believe is absolutely sending the wrong sorts of signals.

Similarly, the ESC has required a substantial reduction in capping of the headwork charges on new developments that the authority has charged for the installation of new mains, new storage and so on. It has apparently put a cap on that. That may or may not be justifiable, but it seems to fly entirely in the face of the government's announcement of only yesterday where this government has now gone out and put a charge equivalent to a headworks charge on new suburban developments around Melbourne.

On the one hand the government is using one of its instrumentalities to stop a water authority recovering a fair amount in terms of the headworks charges, yet on the other hand this same government is going out and attacking the battlers building on the edges of Melbourne by putting a surcharge on their blocks of land. That is absolutely contradictory policy. The government ought to go back and have another look at it. I believe it is totally unfair that some water consumers under Goulburn Valley Water are being charged 27 per cent more than the authority thinks they need to be charged simply because this government has some peculiar policy that dictates that that be so.

**Victorian WorkCover Authority: report  
2004–05**

**Mr VINEY** (Chelsea) — I wish to make a statement on the Victorian WorkCover Authority annual report 2004–05. In opening can I remind the previous speaker, Mr Baxter, that the Essential Services Commission was part of this government's strategy to stop future coalition governments privatising the water industry, and indeed we enshrined the public ownership of water in the Victorian constitution.

The Victorian WorkCover Authority annual report is a statement of great success. It is a statement of the success of this government's initiative to put in place cooperative and sensible approaches to workplace safety. I highlight just a couple of the key facts in this report showing the benefits of cooperation between management and employees and their various representatives in the workplace. This report shows that in 2004–05 in Victoria there were the lowest numbers of workplace fatalities and injury rates on record. The family of any person who goes to work ought to be able to expect that that night they will come home safe. There has been far too much injury and death in our community. As a result of the initiatives of this government, in particular changes to legislation creating a more cooperative culture on safety in the workplace, we have those great results.

It is worth noting what improved workplace safety means in financial terms. In this case it has meant that the Victorian WorkCover Authority is now able to say that projections are that future claims will be \$1 billion less than they were four years ago. So as a result of improving workplace safety and having an improved culture of cooperation and attention on those issues in the workplace, we are seeing significant financial benefits. Earlier in my 90-second statement I mentioned a great example of that at Colac's Bulla Dairy Foods. When the Minister for WorkCover and the TAC and I were there this morning it was interesting to hear the National Union of Workers delegate Mick Morrissey say that their experience in that workplace is vastly different from the experiences that he hears about from other delegates and other workplaces. It is absolutely an example of the benefits of a cooperative approach in that workplace.

As I said, it is a stark contrast with what would take place under the Howard government's industrial reforms. In Victoria we are creating a culture of partnership and cooperation and getting benefits. The Howard government's approach is to take the big stick to workers, crunching down entitlements and allowing companies with 100 or fewer people to sack a worker for any reason. Not only that, it wants to allow a company with more than 100 people to sack a worker simply for operational reasons. In its detail the law says that such a worker will not be able to challenge that reason — —

**Hon. Bill Forwood** — On a point of order, Acting President, the matter that the Council is dealing with at the moment enables a member to speak to a report, and the report that the honourable member has selected to speak to is the report of the Victorian WorkCover Authority. That does not give him the right or authority

to comment on legislation before another parliament or to draw comparisons between industrial relations systems in one jurisdiction and Victorian occupational health and safety laws. I put it to you, Acting President, that the member should be immediately instructed to do what he said he would do and in his last 48 seconds speak on the Victorian WorkCover Authority.

**Mr VINEY** — On the point of order, Acting President, I was using the last 45 seconds or so of my contribution to draw a comparison between the approaches to workplace relations of the Victorian government and the commonwealth government. I believe it is in order. There is nothing under standing orders that provides a member cannot do that.

#### **The ACTING PRESIDENT**

**(Hon. J. G. Hilton)** — Order! I am prepared to rule on the point of order. The member is speaking to a report and he does have some licence to make other remarks. However, he should concentrate his comments on the report on which he is speaking. He has made his general comments, and in the next 48 seconds he should bring his comments back to the report.

**Mr VINEY** — It was interesting to hear in this morning's discussion the views expressed by the workers in that workplace about the benefits of cooperation in the workplace. Before I went down there I spoke to Greg Lee, the National Union of Workers organiser for this area. He said that it was an exemplary site and by far the best site he has. I know those sentiments were reflected by Martin Pakula, the state secretary of the National Union of Workers. It is interesting to see the great contrast between what is taking place under this culture and what the Howard government wants to do in crunching down on workers' entitlements across the country.

#### **The ACTING PRESIDENT**

**(Hon. J. G. Hilton)** — Order! The member's time has expired.

#### **Adult Parole Board: report 2004–05**

**Hon. RICHARD DALLA-RIVA** (East Yarra) — I have pleasure in making a statement on two reports which have been presented recently. The first I will refer to is the Adult Parole Board's recent report. If I have time, I will refer to the Department of Justice report.

It is a pleasure to make a contribution on the Adult Parole Board report. This report outlines the quite extensive work the Adult Parole Board has been undertaking. If you look at the last year, we have seen

quite a lot of issues about the release of prisoners and offenders in our community which have given rise to significant media exposure. We know the imminent, and subsequent, release of a paedophile into our community caused significant concerns. We also note the concerns raised about the number of people being released on parole and community-based orders. Recently the *Sunday Herald Sun* reported on the massive growth in community-based orders under this government. We have seen a substantial number of prisoners being released into our community because of this government, which continually demonstrates its soft-on-crime approach.

A previous speaker from the government side talked about the decline in the crime rate. However, she forgot to mention the major crime group that results in people going to prison — homicides and violent offences. We seem to have forgotten about that. The spin doctors in this government did not want to outline those figures to the people of Colac and Victoria. The fact of the matter is this is a government of spin and no substance. Everything its members get up and talk about, including the crime rate, is a lie. They cannot get away from the fact that more people are going through the court system and being released on community-based orders now than ever before. The government has created a situation where the Adult Parole Board is having to work under extraordinary circumstances. We see in its annual report — —

**Mr Pullen** interjected.

**Hon. RICHARD DALLA-RIVA** — If you take the time to read it instead of worrying about which union-factionalised group you are part of, Mr Pullen — —

**The ACTING PRESIDENT**

(**Hon. J. G. Hilton**) — Order! Through the Chair, Mr Dalla-Riva.

**Hon. RICHARD DALLA-RIVA** — He might take the opportunity to read some of the reports that are out in the community and painting a very sad and clear picture.

The first point the Adult Parole Board raises in its report is concerns about mental health issues. I think all of us would share this concern.

**An honourable member** — It is a serious concern

**Hon. RICHARD DALLA-RIVA** — I agree it is a serious concern — —

**An honourable member** — Don't play politics with it.

**Hon. RICHARD DALLA-RIVA** — I am not playing politics.

**An honourable member** — You are.

**Hon. RICHARD DALLA-RIVA** — I will read from the report if the member thinks I am playing politics. On page 6 it states:

It is clear and beyond argument that the mental health policies of the last two decades to deinstitutionalise mental health have had the effect of increasing the numbers of persons with mental illness in prison.

That is not a political statement. It continues:

This situation presents difficult challenges for Corrections Victoria ...

It says here — —

**Hon. Kaye Darveniza** interjected.

**Hon. RICHARD DALLA-RIVA** — This is your responsibility. It is no use placing it on us. You are in government, you have been in government for the past six years — get it right. It says here in the chairperson's message:

Of even greater concern to the board is the fact that the community mental health services that are available to parolees are scarce and do not provide the level of safety the community requires ...

This is what the Adult Parole Board is saying to the government. I am listening to government members saying this is a political statement but the fact of the matter is this government continually fails to listen to what the general community is saying.

The Adult Parole Board is quite clear in its view that we have some significant issues facing us in terms of mental health in the prison system. The government is not listening to what this board is saying; it is not listening to what those in the industry are talking about.

### **Justice: report 2004–05**

In the remaining 30 seconds available to me I refer to the Department of Justice annual report on the prison system in our state, which has been released: for six years this government has failed to understand the prison system. There are two failed ministers in Parliament — the Honourable André Haermeyer and the current incompetent junior minister, the Honourable Tim Holding, neither of whom understand the situation

with corrections. They cannot get any more stars than some of the weak ones here already have — —

**The ACTING PRESIDENT**

**(Hon. J. G. Hilton)** — Order! Mr Dalla-Riva's time has expired.

**Mount Buller Alpine Resort Management Board: report 2004**

**Hon. KAYE DARVENIZA** (Melbourne West) — I want to make statements on two reports: firstly, the Mount Buller Alpine Resort Management Board annual report 2004; later and secondly, the Falls Creek Resort Management Board annual report 2004, both of which are run by management boards.

**Hon. D. K. Drum** interjected.

**Hon. KAYE DARVENIZA** — I have as much experience up there, Mr Drum, as you do. In fact, we have spent time on those snowfields during the past winter, and I am not sure about you, but I have been up there on many previous winters as well.

**The ACTING PRESIDENT**

**(Hon. J. G. Hilton)** — Order! Ms Darveniza will address the Chair.

**Hon. KAYE DARVENIZA** — I am sure Mr Drum has been up here too.

I want to take this opportunity to congratulate both management boards for doing an excellent job in managing the resorts and for working so closely with Parks Victoria and the local communities to build very active and attractive tourist destinations across all the seasons for not only Victorians but other Australians and international visitors to be able to enjoy the resorts.

First of all I would like to congratulate the Mount Buller Alpine Resort Management Board — namely, the chair, John Dyson, and other committee members Don Cunningham, Dean Gosper, Bruce Downing, Judy Dixon, Charles Street and Susan Hocking, and the Mount Buller ski-lift general manager, Laurie Lampied.

At Mount Buller there are a number of areas that have been highlighted in the report. The board runs the aerial ski world cup each year, and it is an event that for a number of years I have been pleased to attend as a representative of the government. It is a spectacular event and I am sure that many Victorians, including those here at Colac, have been able to watch some of it on television; it attracts many international participants as well as visitors. In the last 12 months the first lift in over a decade has been built, which shows the

increased participation by the number of people who are coming to visit and enjoy the snowfields. This ski lift moves 2400 skiers an hour. The board has set up — and it has been a huge success story — the Mansfield-Mount Buller tourist cooperative venture which runs information services as well as booking services, so it is to be congratulated on a very successful year and a very good report.

**Falls Creek Alpine Resort Management Board: report 2004**

I would also like to take the opportunity to congratulate the Falls Creek Alpine Resort Management Board, with Judy Ward as its chairperson, and members David Shaw, Carol Stuart, Lyn Gibbs, Graham Irish and Jacques Merkus, as well as the former chief executive officer, Ian Grant, who, whilst he is now no longer with the Falls Creek board but was there during the period covered by this report.

Like Mount Buller, Falls Creek has had a terrific snow season, which has seen an increase in the number of visitors. Falls Creek too has worked very hard in a cooperative way with Parks Victoria and the Victorian government to ensure the people of Victoria can utilise the fantastic national parks we have and that we have visitors all year round. There are a number of highlights throughout the year. Because of the increased visitors there has been a lot of work done on improving and upgrading infrastructure as well as services. Falls Creek has worked very hard on a community culture program and a heritage program, and that includes the indigenous culture heritage — —

**The ACTING PRESIDENT**

**(Hon. J. G. Hilton)** — Order! The member's time has expired.

**Melbourne and Olympic Parks Trust: report 2004–05**

**Hon. B. N. ATKINSON** (Koonung) — I wish to make some remarks about the Melbourne and Olympic Parks Trust and its annual report tabled in Parliament. My remarks about the organisation will all be positive because I think it has done a fabulous job on behalf of Victorians in managing what is one of the premier sports and entertainment precincts in the world. There is no doubt that Melburnians and Victorians alike are very proud of this particular precinct, which will play a key role as one of the showcases of Melbourne at the forthcoming Commonwealth Games. Indeed the Vodafone Arena will also have the opportunity of hosting the 2007 international swimming championships and we are all aware that it is the home

of the Australian Open Tennis Championships — one of the marquee sporting events of the world.

A most members are probably aware, this trust was formed in 1995 under legislation which was brought in under this government and which amalgamated the Olympic Park Committee of Management and the National Tennis Centre Trust. It has formed an organisation that I think has been very well led. It certainly has some terrific runs on the board regarding its financial management and improvement of the facilities over a period. I take this opportunity to record the appreciation of the Liberal Party and, I am sure, the appreciation of this house for the work of Gareth James as chief executive officer of the trust. Unfortunately, as this annual report records, Mr James has suffered from a lengthy illness, and over the past 12 months or so — indeed for most of the period covered by this report — Sue Natrass was the acting chief executive officer. We have very high regard for Mr James, the work he undertook and the directions that he set in his capacity as chief executive officer of the trust.

In remarking on Sue Natrass, I might record for the house — and some people may well have picked this up — that Sue Natrass is a Melbourne Football Club supporter. She has just been appointed to the Melbourne Football Club board. She is only the second woman to be appointed to the board, which is a welcome first in Australian Football League football. The appointment is due recognition of a woman who has made a sterling contribution to Victorian life, not just to sport through her role on the Melbourne and Olympic Park Trust, but also in the arts.

In the past year 1.8 million people have attended more than 233 events at facilities administered by the trust, including 540 000 people at the tennis alone. The trust recorded a \$6.9 million surplus in the 2004–05 year, which is a sterling result which takes the accumulated surplus for the organisation to \$23 million. What has been important in the past year though is that the trust has been working on a master plan for this sports precinct, and that is a very exciting prospect. The government announced in April that it would build a stadium to accommodate particularly soccer and rugby — in other words, a rectangle sporting stadium. It is impressive to see that commitment in the context of the success of Melbourne Victory, which has been playing very well in the Hyundai A-League and has sold out a number of its home games.

I look forward to some plans and certainly some costings coming forward from the government in terms of its intentions with regard to this facility, especially as

it seems to have set a time line of 2008 for the accomplishment of the project.

The Melbourne and Olympic Parks Trust will have a key role in the planning, construction and management of this new facility. It is a facility which will help to bring together in a collegiate way a number of leading Melbourne sports teams, including Phoenix in netball, Melbourne Football Club, the Melbourne Tigers in basketball, the Melbourne Storm in rugby and Melbourne Victory in soccer, as well as a number of other organisations, including the Victorian Institute of Sport.

We look forward to the public release of the master plan and to the ongoing commitment of the government to that rectangular sporting stadium. I commend to the house the work of the Melbourne and Olympic Parks Trust.

### **Equal Opportunity Commission Victoria: report 2004–05**

**Mr SCHEFFER** (Monash) — I wish to comment on the annual report of the Equal Opportunity Commission Victoria. The protection and extension of human rights is always the central concern of a democracy, and never more than at the present time when global tensions have direct and local impacts. Right now it is the business of parliaments across Australia to work out laws that are capable of both protecting individual rights and protecting citizens against terrorist acts.

Besides the issue of industrial rights, I have to say that antiterrorism laws is the matter most often raised with me by residents in Monash Province. Therefore it is important to be reminded of the critical job that the Equal Opportunity Commission Victoria does in drawing attention to issues relating to equality amongst Victoria's citizens, their right to freedom from discrimination, sexual harassment and vilification. Publicly speaking up for communities and individuals who may see themselves as being misunderstood and discriminated against is crucially important. Without the credibility and community trust that this builds, we cannot hope to make our community safer. The public protection of human rights builds the cohesive diversity we need to withstand the threat of those who seek to turn us against each other.

The commission is responsible for administering the Equal Opportunity Act and the Racial and Religious Tolerance Act. It is responsible for providing a free, impartial, accessible and confidential complaints-resolution service, and for working with

communities, business and government. The commission undertakes research and policy development and, most importantly, identifies and addresses systemic discrimination.

The commission has established two reference groups to help it work with people with disabilities and with the indigenous community. This sits within the broader objective of addressing systemic discrimination, where apparently normal and natural practices and behaviours can unconsciously discriminate against individuals and groups.

The annual report notes that a disturbing feature of the reporting period has been an increase in the incidence of racism and religious vilification. It reports that the Victorian Civil and Administrative Tribunal's decision against the Catch the Fire Ministries and in favour of the Islamic Council of Victoria is an important marker of what constitutes vilification in terms of the Racial and Religious Tolerance Act. The decision also demonstrates the kinds of statements that are now seen as unacceptable community behaviour. VCAT found that a Catch the Fire Ministries seminar, newsletter and online article all incited hatred against, serious contempt for and revulsion and severe ridicule of Muslim people and their faith — in other words, that the Catch the Fire Ministries vilified Muslims.

These decisions play a part in demonstrating to the Muslim community, as well as to the Jewish community and other groups that may distinguish themselves in one way or another from the general community, that the act is more than words. It can be drawn upon to practically protect them against a real attack that threatens them and makes them feel vulnerable and discriminated against.

This annual report represents a very comprehensive overview of the work of one of our most important commissions, and I commend the leadership of the chairperson, Fiona Smith, and chief executive, Dr Helen Szoke.

**INVESTIGATIVE, ENFORCEMENT AND POLICE POWERS ACTS (AMENDMENT) BILL**

*Second reading*

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

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

That the bill be now read a second time.

**Incorporated speech as follows:**

The bill includes amendments which will each support this government's commitment to:

- building friendly, confident and safe communities; and
- protecting the legal rights of people through a just, responsive and accessible legal system.

The bill covers three key areas:

- access to a range of covert investigative powers for the director, police integrity;
- streamlined appointment of special constables; and
- improved arrangements for persons to enter into instalment payment plans to pay off infringement fines through a centralised payment facility to be established in the Department of Justice.

**Investigative powers**

In order for Victorian communities to be safe and for people to feel confident about their safety, it is imperative that we can have confidence in the integrity and professionalism of our police. The Victorian government is committed to providing a safer Victoria and to ensuring that Victoria Police maintains the highest standards. On balance, the government is equally aware of the need to support police in carrying out a very difficult job with necessary powers, improved resources and better police numbers.

In 2004, this government enacted through the Parliament a package of major crime bills to combat organised crime and police corruption. The package was aimed at ensuring that Victorian law enforcement agencies have unprecedented powers to detect, investigate, resolve and prevent organised crime and corruption.

The first of those pieces of legislation was the Major Crime (Office of Police Integrity) Act 2004. That act established the Office of Police Integrity and provided for the director and members of staff of that office, amongst other things, to exercise a range of covert investigative powers.

As indicated when that legislation was introduced, the rationale for creating the Office of Police Integrity and providing it with powers comparable to a (standing) royal commission was to enhance the confidence of the Victorian community in the integrity of its police force. Additional anticorruption measures armed the Office of Police Integrity with more powerful investigative tools to combat corruption and tackle misconduct.

The director was granted a range of new covert powers relating to the use of:

- surveillance devices;
- assumed identities; and
- controlled operations.

In addition, the Major Crime (Office of Police Integrity) Act 2004 established a monitoring and reporting regime for the

director and his office's use of telephone interception powers. However, the director's access to that regime was dependent on the commonwealth amending its telephone interception legislation.

As this house would be aware, the commonwealth government declined to make such amendments on the basis that it considered the director's use of such powers would conflict with his role as Ombudsman in monitoring Victoria Police's use of the same powers.

I am pleased to announce that the Victorian and commonwealth governments have reached an agreement on a way through this impasse, so that the director and his office will be able to use these powers to facilitate his role in combating corruption. This bill delivers on Victoria's commitments arising from that agreement.

### **Interception of telecommunications**

The bill transfers responsibility for monitoring police use of telephone interception powers from the Ombudsman to the special investigations monitor, who already was assigned the responsibility of monitoring the director and his office's use of such powers. This transfer addresses the commonwealth's perceived conflict of interest between the use of such powers by the director, police integrity, and the monitoring of the use of such powers by the Ombudsman.

For its part, the commonwealth government last month introduced legislation into the federal Parliament — the Telecommunications (Interception) Amendment (Stored Communications) and Other Measures Bill 2005 — including the Office of Police Integrity as an eligible authority for the purposes of the Commonwealth Telecommunications (Interception) Act 1979. The Office of Police Integrity will now be authorised for certain defined 'permitted purposes' to collect and use information by use of a telecommunications device.

### **Surveillance devices and controlled operations**

Consistent with the transfer of monitoring Victoria Police's use of telephone intercepts to the special investigations monitor, the bill also re-assigns responsibility for overseeing police use of surveillance devices and controlled operations from the Ombudsman to the special investigations monitor. This change will vest responsibility for overseeing the use of these powers by any Victorian agency in the one office.

### **Assumed identities**

The bill provides commonwealth security agencies with access to 'assumed identities' provided by state documentation, such as birth certificates and drivers licences. This complements the model legislation agreed to be adopted by all Australian jurisdictions in relation to law enforcement agencies, allowing security agencies to acquire and use assumed identities in order to gather intelligence for national security purposes.

### **Special constables**

The bill streamlines the appointment of special constables in the lead-up to the Commonwealth Games.

In essence, special constables are police members from other jurisdictions who will be appointed to assist in ceremonial duties such as accompanying the Queen's baton relay around

Australia. The bill will also enable special constables to be appointed to assist Victoria Police, if necessary, to protect against potential terrorist threats to the Commonwealth Games. This matter was raised at the last Australasian Police Ministers Council meeting. Members of the council agreed to make appropriate changes to the legislation in their own jurisdictions, as identified by Victoria, to facilitate such appointments.

These amendments will support the government's major crime and terrorism package, as developed last year in a range of complementary legislation. That package implemented model laws developed as part of a national initiative to tackle cross-border criminal activity. The capacity to quickly appoint special constables and thus obtain cross-border assistance in the event of an urgent situation will add to Victoria's security capacity and safety of the community.

### **Instalment payment plans**

The last element of the bill relates to infringement payment plans.

A longstanding criticism of the current system has been that people cannot pay a fine by instalment when they first receive it. Often people will wait until the matter has defaulted to the PERIN (penalty enforcement by registration of infringement notice) court, where instalment plans are available. By this stage, additional fees have attached to the fine.

The bill provides that an agency must offer instalment payment plans to people where there is financial hardship. It also establishes the powers and mechanisms for the Department of Justice to offer agencies a centralised facility for managing instalment plans, which agencies can choose to use, or establish their own facility. In the past agencies have not been able to justify the cost of setting up separate information technology systems to manage instalment payment plans.

The eligibility criteria for instalment plans will include people on a commonwealth benefit or who have a health care card, and these criteria will be prescribed by regulation. The bill also proposes a general provision for people whose circumstances warrant consideration. For example, people in financial difficulty who are not on a benefit could make a case to the issuing agency to pay outstanding fines by instalment.

I propose to introduce a further bill to this house, to be passed in autumn 2006, to provide for a new infringements system for Victoria from 1 July 2006. The changes will make the system fairer by improving the protection of the community's rights and provide capacity for the vulnerable (e.g., those with an intellectual or mental disability) to have their infringement notices withdrawn. That bill will also provide for an enhanced enforcement regime to deal with the small proportion of those who repeatedly incur fines and ignore them, thereby accruing large debts to the state.

I commend the bill to the house.

**Debate adjourned on motion of  
Hon. C. A. STRONG (Higinbotham).**

**Debate adjourned until next day.**

## COMMISSIONER FOR LAW ENFORCEMENT DATA SECURITY BILL

### *Second reading*

#### **Ordered that second-reading speech be incorporated for Hon. T. C. THEOPHANOUS (Minister for Energy Industries) on motion of Mr Lenders.**

**Mr LENDERS** (Minister for Finance) — I move:

That the bill be now read a second time.

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

The bill delivers on the government's commitment to establish a commissioner for law enforcement data security to promote the use of appropriate and secure management practices by Victoria Police in the use of law enforcement data.

As the house is aware, there have been a number of instances over many years of inappropriate, inadvertent or unauthorised release of law enforcement data held by Victoria Police. These incidents are unacceptable and the government is acting to address legitimate community concerns over the handling of confidential information.

The primary role of the commissioner for law enforcement data security is to establish a regime for the monitoring of law enforcement data security management practices and thereby to strengthen the community's confidence in the management of confidential data held by Victoria Police. The management practices to be monitored by the commissioner will include processes by which law enforcement data is secured, accessed, stored and disposed of or destroyed. The commissioner will be appointed by the Governor in Council for a period not exceeding five years. The commissioner will be established as a special body under the Public Administration Act 2004.

The bill provides that the commissioner's primary functions with respect to law enforcement data security management are: to establish appropriate standards for the security and integrity of law enforcement data systems; and to establish appropriate standards and protocols for access to, and the release of, law enforcement data, including the release of law enforcement data to members of the public.

In establishing the protocols for access to law enforcement data systems, the commissioner's role will extend to establishing the standards and protocols that will govern access to Victoria Police law enforcement data and systems, such as the law enforcement assistance program database (LEAP), by other agencies. For the purposes of this bill, law enforcement data includes data obtained, received or held by Victoria Police. The commissioner will be expected to play a leading role in the development of security and data integrity standards for any future replacement of the LEAP system.

The commissioner for law enforcement data security is required to consult with the Chief Commissioner of Police in the establishment of such protocols and standards. This will ensure that while promoting appropriate law enforcement data management and security practices, the standards and

protocols developed are consistent with the law enforcement functions of Victoria Police.

The commissioner will also conduct monitoring activities and audits to ensure compliance with the standards and protocols developed for access to, or release of, law enforcement data. The bill also provides that the commissioner may refer findings from such monitoring and audit activities to the privacy commissioner or the director, police integrity, as relevant to the performance of their functions or duties.

The commissioner for law enforcement data security is provided with powers to require the Chief Commissioner of Police to give the commissioner full and free access, at all reasonable times, to any law enforcement data or law enforcement data system, as is necessary to fulfil his or her functions. This power extends to making copies of, or taking extracts from, any document accessed by the commissioner for law enforcement data security.

The bill also provides that the chief commissioner may refuse to comply with a requirement of the commissioner for law enforcement data security to access data, where giving access to that data or system would, or would be reasonably likely to: prejudice investigations, or prejudice the fair trial of a person or the impartial adjudication of a particular case, or where disclosure may enable the identification of a confidential source in relation to the enforcement or administration of the law, or where provision of the data required by the commissioner may endanger the lives or physical safety of persons engaged in or in connection with law enforcement.

The bill includes an explicit power for the commissioner to refer to the director, police integrity or the privacy commissioner, any information obtained or received by the commissioner in the execution of his or her functions that is relevant to performance of the functions or duties of those offices. The bill also requires the commissioner for law enforcement data security to notify the Chief Commissioner of Police of such disclosures.

The commissioner for law enforcement data security may require the chief commissioner to provide any assistance that the commissioner for law enforcement data security reasonably requires to perform his or her functions.

The bill requires the commissioner for law enforcement data security; an acting commissioner for law enforcement data security; or any staff provided by the Chief Commissioner of Police; not to divulge or communicate to any person any information obtained or received in the course or as a result of the exercise of his or her functions under this act. It is an offence with a level 9 fine penalty for any person to whom this section applies to divulge or communicate such information.

The commissioner for law enforcement data security must make a report to the minister each year on the performance of the commissioner's functions, and exercise of the commissioner's powers. The commissioner's report must be laid before each house of Parliament by the minister before 30 October of that year.

The bill provides that the Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this act to be prescribed or necessary to be prescribed.

The bill amends section 6 of the Public Administration Act 2004, providing that the office of the commissioner for law enforcement data security is a special body for the purposes of that act.

I commend the bill to the house.

**Debate adjourned on motion of  
Hon. C. A. STRONG (Higinbotham).**

**Debate adjourned until next day.**

## LAND TAX BILL

*Second reading*

**Debate resumed from 20 October; motion of  
Mr LENDERS (Minister for Finance).**

**Hon. J. M. Madden** — I'll miss you, Bill!

**Hon. BILL FORWOOD** (Templestowe) — I have not gone anywhere yet.

**Mr Viney** interjected.

**Hon. BILL FORWOOD** — Mr Viney asks me, 'What's with the newspaper?'. Like every member of the city of Colac, I woke this morning to the front page of the *Herald Sun* which says, 'New tax on homes'.

**Hon. J. M. Madden** — That is the country edition, Bill. The city edition shows that Australia won last night.

**Hon. BILL FORWOOD** — Let me pick up the interjection from the minister, who says that the city edition of the newspaper shows that Australia won the soccer or football. I am very pleased with that, but the people of Colac woke to see, 'New tax on homes'. It is appropriate that today we debate a land tax bill. What we know is that the Bracks Labor government is the highest taxing government that this state has ever seen. We also know that we do not have a lot to show for the money. We have two sides to this equation — one is, how much can they get in, and the second is, what do they do with it.

It is appropriate to refer to the cartoon in today's *Herald Sun* which, if I can paint a word picture, shows a large blue Rolls Royce with the numberplate 'Surplus'. Why do we have a 'Surplus' numberplate? Because yesterday the Auditor-General informed the people of Victoria that the surplus for the state so far this year is over \$2 billion. Why is this important? Because it is three times the amount that the Treasurer says it is. When it comes to figures, whom do we believe? We believe the Auditor-General. We do

not believe the Treasurer. If the Auditor-General says that the surplus of the state so far is \$2 billion, then I believe him, despite the fact that the Treasurer asserts a different figure.

What we have is the highest taxing government ever wanting to bring in more taxes at a time when Victoria is going along very well, thank you very much, and has a very high surplus, as evidenced by Mark Knight's cartoon, which has the large blue Rolls Royce with the 'Surplus' numberplate, but then it has a mendicant Premier on his hands and knees crawling towards a vacant block of land, a house and land package, with his hat out saying, 'Give'. This government does not ask to be given, this government goes and takes. The Land Tax Bill is about more take for this government.

Yesterday the Auditor-General's report on the finances of the state of Victoria was tabled in Parliament. I refer honourable members to pages 58 and 60 of the report. It is not possible to incorporate into *Hansard* figure 5H on page 60, but it demonstrates the rise in land tax under this government. Members should not believe any of the mealy-mouthed words the government keeps using about land tax relief. They should just look at the Auditor-General's figures on page 60. In 1999 the land tax take in Victoria was \$378 million. I make the point that land tax paid in Victoria was less at the end of the Kennett government's time in office than it was at the beginning. That is a fact, as any honourable member can ascertain by looking at the Treasurer's reports for 1991–92 and 1999–2000. In 1999, when the Kennett government left office, the land tax take in this state was \$378 million. What happened then? There was an increase in the value of land — and what did the Treasurer, Mr Brumby, do?

**Mr Lenders** — We slashed the rate three times!

**Hon. BILL FORWOOD** — I cannot let that interjection go. The Leader of the Government and Minister for Finance says, 'We slashed the rate'. The point I am making — and the Minister for Finance knows it to be true — is that in 1999 the land tax take was \$378 million and last year it was over \$800 million. The people on the other side will try to tell you that they are cutting land tax. Members should not believe it. It is not true. Land tax in this state has progressively gone from \$378 million, to over \$400 million, to over \$500 million, to over \$600 million and in the year 2004–05 it was over \$800 million.

**Mr Viney** — You have a microphone; you don't have to shout.

**Hon. BILL FORWOOD** — I will step back. The government does not take any notice of anything we say; it does not make any difference at all.

**Ms Broad** — I wonder why.

**Hon. BILL FORWOOD** — Probably because you do not like hearing the truth and you block your ears. When the minister says, ‘I wonder why people — —

**Ms Broad** — Because it is rubbish; what you are saying.

**Hon. BILL FORWOOD** — Let the chamber record that the Minister for Local Government describes the Auditor-General’s report as rubbish.

**Ms Broad** — On a point of order, President, in my interjection that the member has chosen to bring attention to I indicated that what he was saying was rubbish. I made no reference to the Auditor-General or his report. I ask the member to withdraw what is — —

*Honourable members interjecting.*

**Ms Broad** — I ask the member to withdraw what is an incorrect statement. I did not make any reference to the Auditor-General.

**Hon. BILL FORWOOD** — On the point of order, President, the minister has the capacity and the right to ask me to withdraw something that is objectively offensive. My comment was not objectively offensive. It was entirely accurate, as the minister knows. A bit sensitive today, are we?

**The ACTING PRESIDENT**

**(Hon. J. G. Hilton)** — Order! The minister has made her point. I do not believe it is a point of order. The member should continue.

**Hon. BILL FORWOOD** — Let me go back to the sensitive minister at the table, who quite rightly has tried to hide the fact that she is the person who just said that what the Auditor-General said was rubbish.

**Ms Broad** interjected.

**Hon. BILL FORWOOD** — Yes, you did.

**Ms Broad** — I did not — —

**Hon. BILL FORWOOD** — Yes you did. You said that what I was saying was rubbish at the time — —

**Ms Broad** — I said you were rubbish.

**Hon. BILL FORWOOD** — So it is not what I said was rubbish, but I am rubbish! Are you changing the record again? Take your pick.

*Honourable members interjecting.*

**The ACTING PRESIDENT**

**(Hon. J. G. Hilton)** — Order! I remind all members of the procedures and practices of this house. The member who is addressing the bill should do that and not indulge in debate across the chamber. I would also say to members on my right that interjections are disorderly.

**Hon. BILL FORWOOD** — Thank you for your protection, Acting President. It is important that the house and people know that the figures that I am quoting at the moment come from Victoria’s Auditor-General and they are shown on page 60 of the *Auditor-General’s Report on the Finances of the State of Victoria, 2004–05*. The point needs to be made that if this government were to maintain its fiction that it is cutting land tax, the figure would come down — it would not go up and it would not be double what it was when the Labor Party came to government in 1999.

On page 58 the Auditor-General says:

Land tax is generally paid by those who own real property other than their own residence. In 2004–05 the state collected \$808 million from land tax ... an increase of —

14 per cent —

from the previous year. The main variable determining the amount of tax collected is property values.

There is obviously a link between property values and what is paid in land tax. One of the problems of course is that under this government, and by a deliberate action of it, the capacity for individuals who are subject to land tax to complain about it does not come at the time they get their land tax bill.

The government could have a system in place — and we will bring one in when we get back into government — that when you get your land tax bill, you can complain about it. But under this government you cannot complain about it. What you are meant to do is when you get your rate notice and it has the value of your land on it, that is when you are meant to do it. Who knows that?

**Mr Lenders** — You do.

**Hon. BILL FORWOOD** — I do. Thank you, I pick up the interjection from the Minister for Finance. And I know that my friend Mr Baxter, who is also on the

Public Accounts and Estimates Committee and who is the treasury spokesman for The Nationals, knows it as well. But the average person subject to land tax does not know that fact. Let me point out that under the regime that has been brought in by this government there are people living in this particular electorate, some of whom, for example, have holiday homes down along the coast, whose land tax bills next year will go from under \$1000 to over \$8000.

**Hon. J. A. Vogels** — Outrageous.

**Hon. BILL FORWOOD** — Is that fair? Is that reasonable? Is that a cut in land tax? No, of course it is not.

The bill before the house today purports to be a rewrite of the Land Tax Act, and it purports to be policy neutral. I draw to the attention of the house that yesterday the Assembly, which is meeting today in Geelong but which yesterday was meeting in Melbourne, was dealing with another bill to do with land tax. It is called, from memory, the Duties and Land Tax Acts (Amendment) Bill — I see a nod from the Leader of the Government.

What I think is extraordinary is that this house is here today in Colac debating the land tax rewrite bill at the very same time that the government is introducing amendments to it in the other place.

**Hon. W. R. Baxter** — Fifty-seven pages of it.

**Hon. BILL FORWOOD** — Thank you very much. This bill has yet to pass the Parliament, and this mob opposite has already introduced amendments to it. Not only that, it also introduced house amendments to it. Really and truly, what sort of ineptitude is that? What sort of government do we have that produces a piece of legislation — —

**Hon. J. M. McQuilten** interjected.

**Hon. BILL FORWOOD** — Let me pick up the interjection from Mr McQuilten.

**Hon. C. D. Hirsh** — We have a government for the people.

**Hon. BILL FORWOOD** — Let me pick that one up too. So far, Ms Hirsh says we have a government for the people and Mr McQuilten says — —

**Hon. C. D. Hirsh** — A popular government.

**Hon. BILL FORWOOD** — A popular government — we have a very popular government for the people, she says. All I can say is: bring on

25 November 2006! Then we will see how popular members opposite really are. What we know is that so long as you put your fist in people's pockets and pull out another dollar here and another dollar there — that is all the government is on about. Not only has the *Herald Sun* this week carried the headline 'New tax on homes' on the front page but last week it had the article about taxing disabled children's food. What sort of a government puts a tax on that?

What we also know from the Auditor-General's report tabled yesterday is that in the most sneaky move of all this government passed a piece of legislation that enables every tax, fee and fine in this state to be indexed under the table so that no-one knows. I think the Auditor-General himself says that the increase in taxes and fines, just because of that, was \$22.7 million last year. What we know is that every tax that the government brings in is automatically indexed to the consumer price index.

Forget the old days of saying, 'No taxation without representation'; forget the old system where if you wanted to change a tax you brought it to the Parliament so people could look at it. Not this mob — —

**Ms Romanes** interjected.

**Hon. BILL FORWOOD** — Let me pick up the interjection from Ms Romanes. Let me point out that I like the words 'poll tax'. The first thing that the use of the words 'poll tax' does is demonstrate the ignorance of the member, who should know it was not a poll tax — a poll tax is a count on heads. The second is that it reminds everybody in this place of the mess left here by the Cain-Kirner government, which bankrupted the state! Let me tell members the reason the Kennett government, of which I was proud to be a member, brought in a tax.

**Ms Romanes** — Of \$200 million a year.

**Hon. BILL FORWOOD** — Thank you. Why did we do it? We did it for two reasons. One was to fix up the mess you left behind, but the other was to enable every Victorian to say, 'I was part of the recovery; I gave my 100 bucks'. Everybody gave their 100 bucks. They fixed up Victoria and participated in its revitalisation, which you destroyed.

Let me return to the issue I was discussing before I was so seriously diverted by the rabble opposite, who keep interjecting on me. The point I am making is that today in Geelong the Assembly will pass a piece of legislation which we will debate next week. What that piece of legislation will do is amend the very bill before the house today. I think it is salutary for people to

understand the ineptitude and the ignorance of and the impossibility for this government to get things right. We on this side of the house are very used to having amendments brought in for bits of legislation that the government gets wrong. But never in the history of the Parliament of Victoria have amendments been passed in one place to a bill which is yet to be passed in another and is yet to become an act. Congratulations to the government on another first. How ridiculous!

As I said, this government purported that the legislation before the house was policy neutral and makes no policy changes. What is interesting is that that is a claim it made. However, I will refer to a letter from the Law Institute of Victoria dated 12 October.

**Hon. C. D. Hirsh** — When will you walk across the high wire?

**Hon. BILL FORWOOD** — I am keen to pick up the interjection, which was, ‘When are you going to walk across the high wire?’. I think the answer to that is: when I stop carrying you.

**Mr Viney** interjected.

**Hon. BILL FORWOOD** — It did take a long time; I was actually cleaning up the version. I am sorry Mr Drum is not here, because he made the interjection of the year from our side earlier in relation to Ms Hirsh. And might I say that we on this side of the house are delighted that the Labor Party has seen fit to readmit you to your family.

**The ACTING PRESIDENT**

(**Hon. J. G. Hilton**) — Order! Through the Chair, Mr Forwood.

**Hon. BILL FORWOOD** — Sorry, I am being distracted again.

**Hon. E. G. Stoney** — She never left.

**Hon. BILL FORWOOD** — Thank you; no, she never left. On 12 October — —

**Mr Viney** — Have you got your ticket in Actors Equity?

**Hon. BILL FORWOOD** — I am reluctant to do this, because I am a big boy and most of the time I can cope with what they chuck at me, but I am trying to give a serious speech here and I am being seriously hampered by my friend Mr Viney, who wants to comment on everything I say. While it is unusual for me to seek the protection of the Chair, Acting President, I suggest that you invite him to be quiet,

throw him out or send him off for a cup of coffee or something — —

**Mr Viney** interjected.

**Hon. BILL FORWOOD** — Okay, don’t worry about it.

The government claims that this piece of legislation is policy neutral. However, the Law Institute of Victoria (LIV) wrote a serious letter about the Land Tax Bill. The letter, addressed to the Treasurer and dated 12 October, goes into a number of issues that maintain and assert that this legislation is not policy neutral. There are only two possible interpretations: either the government has genuinely got it wrong — —

**Hon. J. A. Vogels** — Hard to believe.

**Hon. BILL FORWOOD** — Thank you, Mr Vogels; it is hard to believe, with all the advisers it has. The other interpretation is that the government is being deliberately sneaky. I invite honourable members to select which of the two options is most likely. When it comes to taxing the people of Victoria, do we think this government has made a genuine error or do we put it in the sneaky category? I, for one, put it firmly in the sneaky category.

I recollect debating other tax bills in this place recently and quoting from the LIV, which said, ‘If you want to bring in these bills, please consult us. We know a lot about them. We are the people who end up in court trying to interpret what you say. Can we please get involved first?’. To its credit the government picked up this suggestion. The Property Council of Australia, the LIV and the State Revenue Office got together and prepared a submission about the rewrite of the land tax legislation.

One would have thought that some notice would have been taken of this under the circumstances, particularly given that the State Revenue Office itself was involved

in the process. So it is very disappointing to see at point 5 in the letter, under the heading ‘Consultation process’:

The LIV is concerned that the first opportunity it had to comment on the bill was after it was introduced into Parliament. Whilst we understand that the bill was only to deal with policy-neutral issues, as you can see from the above comments, we consider that this was not the case. The LIV urges you to involve it in consultation in relation to similar issues early in the process.

I make the point that I have a lot of time for the Law Institute of Victoria — I did under its previous

executive director, Ian Dunn, and I do under its current executive director, Mr Cain.

**Mr Pullen** — Good man.

**Hon. BILL FORWOOD** — Good man, thank you.

**Mr Pullen** — From my electorate.

**Hon. BILL FORWOOD** — From your electorate, and probably not from my political party, although his father, John Cain, Sr, lives near me. He is a person who is acting in the best interests of the state of Victoria, and he is putting forward the case that the government's bill is not policy neutral, as it said it would be. The institute raises a number of concerns about this, and I am pretty sure that my friend and colleague Mr Baxter will deal with the concern about the primary production land exemption in more detail than I am able to at this time.

We have before the house a bill that is purported to be a policy-neutral rewrite but can be demonstrated not to be thus. It will enable more tax to be paid by more Victorians to increase the incredible tax grab by this government at a time when its surplus — as was demonstrated by the Auditor-General yesterday — is over \$2 billion and when it is introducing more new taxes into play, as can be seen from the front page of the *Herald Sun* today.

What we need from this government is some honesty and some directions in relation to these issues. We on this side of the house think that legislation needs to be easily understood. We do not object in principle to a rewrite of the Land Tax Act; we do object to a rewrite of the Land Tax Act if after having been passed by the lower house, it is subsequently amended by that house before being passed in its original form by this house. That is just the silliest thing I have ever heard. For those particular reasons we will be opposing this piece of legislation.

When the bill went through the other place the opposition moved a reasoned amendment that it not go through until the Treasurer had come out with his third or fourth or fifth attempt at working out how he was going to put land tax on trusts. He has now done that and that is another piece of legislation we can deal with later. Therefore, we on this side of the house do not propose to go down the path of seeking to defer or delay this bill, although for the life of me I do not know why we should not do so and wait for the other bill to catch up — then we could deal with one piece of legislation that is clean.

However, we do oppose this piece of law. We believe that if this government were honest it would say it

would adjust the land tax rate to account for the increase in property prices. We believe that if this government were honest it would enable and allow people to object to their land tax bills when they get them and not put them in an artificial position where they cannot object once they have received their rates notices from the council. With those few words I indicate that we will vigorously oppose the legislation. I look forward to having another crack at exactly the same topic next week when the government brings in the amendments to the bill before the house.

**Hon. W. R. BAXTER** (North Eastern) — There is no doubt that the Bracks government has made an absolute meal of land tax. We have just heard some examples from the Honourable Bill Forwood. I do not want to bore the house but I think it is worth repeating some of them.

As Mr Forwood said, when this government came to office in 1999 the land tax take was around \$400 million or slightly less. The interesting thing about that, the really salient point, is that that figure was less than when the Kennett government came to office in 1992. It says a lot about the Kennett government that it delivered a real tax decrease to the citizens of Victoria in terms of land tax in the seven years it was in office. What has happened since? Despite all this rhetoric we get from the government about how it has cut land tax, we had confirmation yesterday, if we needed it, from the highest authority in the land — the Auditor-General — that the land tax take for the current year is \$808 million. I refer, as Mr Forwood did, to the *Auditor-General's Report on the Finances of the State of Victoria 2004–05*, dated November 2005, which was tabled in this house only yesterday.

That is a somewhat staggering increase when one considers that this government has only been in office for six years. The previous government reduced the land tax take, this government has more than doubled it in a lesser time. Do you know, Acting President, that in the last year alone the increase in the land tax receipts was 13.9 per cent — 14 per cent in round figures? How is that for consumer price indexation I ask? We have seen it go on and on and on. The Auditor-General says in his report that some of this increase to \$808 million is due to the land tax that this government imposed on power line transmissions. That is true. The Auditor-General is not making any excuse for the government in saying that, he is simply stating a fact.

However, before some member of the government gets up and tries to claim that as the reason for the increase to \$808 million and that was really just a substitution for another sort of charge on the power companies

which has now been abolished, let me say this: we have had a de facto land tax introduced in the last month or two which overrules that excuse entirely. We have had the new parking tax introduced in the central business district. This is just a land tax by another name. It is a tax on property; it is a tax on land and this is how clever the government is: it dresses things up by giving them different names.

Mr Forwood has been waving today's newspaper around — it carries a different headline from the one in the city edition today. It just shows that there is no justice in this world if this government has got off the hook simply because our sportsmen had such a victory last night — that the bad publicity is not on the front page in Melbourne where the voters are. Now we have a new tax imposed on the battlers.

Does the house realise that there are ministers in this government — and I heard a couple of them on the radio yesterday — who have had the gall to claim that the new \$8000 levy tax on a block of land is not going to be passed onto the home buyers? Well, pull the other leg!

**Hon. J. A. Vogels** — Do they still believe in the fairies at the bottom of the garden?

*Honourable members interjecting.*

**Hon. W. R. BAXTER** — Pull the other leg! Of course that tax will be passed onto the battlers who are trying to establish a family home on the outskirts of Melbourne. I really think that sooner or later this government has to wake up to the fact that it cannot get away with that sort of spin forever; it has got away with it for a long time but the time is surely coming when people are going to begin to see through it all.

It is an absolute effrontery for members of this government to claim, as the Leader of the Government through interjection has just done, that it has made reductions to land tax. Tell that to small businesses throughout regional Victoria, not to mention throughout the suburbs; or tell that to Bill Toole in Wodonga who has seen his land tax bill doubled under this government. He is now paying thousands of dollars on a shop that sells second-hand goods. This is the sort of thing that is happening throughout country Victoria, and yet ministers of this government have the effrontery to say they have reduced land tax.

It absolutely has not reduced land tax at all — it is creaming it in; it is rolling it in. Everyone knows the government has introduced a parking tax and that our colleagues in Geelong today are debating another land tax bill which is going to put a super land tax on people

who happen to own property in family trust structures. It is absolutely shameful that this government goes around claiming to give cuts which are entirely illusory, yet on the other hand it is increasing the tax take by every means and avenue that it possibly can. It is endeavouring to capture the lot by whatever way it can.

We hear Mr Viney so often — and he has obviously been instructed to leave, after he was interrupting Mr Forwood — by interjection, when we are in Parliament House in Melbourne, pointing the finger at Mr Forwood and me, saying, 'You lowered the threshold' — as if that were some great sin. Yes, the Kennett government did lower the threshold, but what did it do as compensation for that? It introduced the principal place of residence exemption and therefore relieved thousands of taxpayers and householder families in this state from getting a land tax bill at all; we limited land tax to commercial land.

Therefore I do not have any fear at all in saying to Mr Viney that he is being most unfair in alleging that in lowering the threshold, we were somehow being unfair. We introduced, when in government, the biggest tax concession on land tax that has ever been introduced — that was, the principal place of residence convention which, as I say, relieved thousands of people from paying any land tax at all.

As Mr Forwood has said, the Treasurer was quite dishonest — and I know that is a strong word — in his second-reading speech when he said to Parliament on 8 September 2005:

The bill is not intended to alter any of the fundamental concepts as to how land tax is assessed, calculated or collected. The bill does not alter land tax rates or exemptions.

...

The bill does not remove any existing taxpayer rights ...

The Treasurer tried to claim it was simply a rewrite of an outmoded act, some of the provisions of which had been in place since 1910 and some of the sections of which had become very convoluted due to amendments since that date. If that was all it did we could support it, because we do say that the Land Tax Act 1958 — I have here the current edition, reprint 13 — is a document that is difficult to follow, and it would be good for the people of Victoria and the practitioners who work in the field if we had a much clearer statute on the books for them to work with. Of course, as Mr Forwood has already illustrated, it actually goes much further than the Treasurer attempted to claim when he introduced it into the Assembly. It introduces some very significant changes indeed. Some of the changes are pretty subtle and some of them are perhaps

yet to be discovered, but the whole genesis of the bill really is to extend the tax take and the reach of its provisions, and I am going to go through one or two of those now.

One of the changes is the concept of ownership. This bill, in my view — and not only in my view but in the view of much more learned persons than I — actually extends the class of persons who might become liable for land tax. Usually one assumes that if you are an owner you have a freehold title. Your property might be mortgaged or it may not be unencumbered, but to all intents and purposes you are the owner in fee simple. This bill extends the definition of an owner and therefore the liability to pay land tax to anyone who has an equitable interest in a property. Under this bill that could be a mortgagee. Even a person who was a mortgagee but not the mortgagee in possession could still be deemed by the commissioner of state revenue to be liable to pay land tax.

I will now quote a learned opinion by a senior counsel who has advised members of The Nationals. The advice says:

... in my opinion, the bill does 'alter fundamental concepts' in relation to the assessment of equitable interests, and in a way which is contrary to and would undermine the effect of the court's decision in the CPT Custodian case ...

The CPT Custodian case is a fairly recent case decided in the High Court on appeal from the Court of Appeal in Victoria. In the Court of Appeal the appellant's case was upheld unanimously by the five learned judges. They held that the State Revenue Office had erred in charging land tax to the holders of units in a unit trust. It is my opinion that this bill is a devious means of overturning that decision of the court. I do not mind governments legislating to overturn decisions of courts as long, as Mr Forwood said, it is up front. The government should have said, 'We do not like this decision, it is not actually what we intended the act to mean, and we are therefore going to clarify it'. If it had come to the Parliament and said that we would have had much less reason to object. We might not have liked what it was doing but at least it would have been open and transparent — which is what this government claims to be. Here is another example of where the government is trying to hide its true intentions.

The advice goes on to say:

... not just in relation to unit trusts but for all persons with 'an equitable interest in land' — a very wide class!

I agree with that:

This is because the new definition of equitable owner in ... —

clause 18 —

of the bill extends the previous definition in a subtle but significant way. It provides as follows:

18. Equitable owners

- (1) A person who has an equitable interest in land ... is deemed to be the owner of the land ...
- (2) There is to be deducted from any land tax payable on land by the equitable owner any land tax paid on the land by the legal owner.

Yes, that is fair enough. The advice goes on to say:

This is in contrast to the previous definition under the old act, which provided as follows:

It was in section 51 of the current Land Tax Act 1958. The advice then quotes section 51 of the current act:

Subject to the other provisions of this act, the owner of any equitable estate or interest in land shall be assessed and liable in respect of tax as if the estate or interest so owned by him was legal —

and then it goes on with the usual let out for tax that has already been paid. It goes on:

Under the previous definition, as applied by the High Court in the CPT Custodian case, for a person to be the owner of an 'equitable estate or interest' such a person was firstly required to be the holder of 'an estate of freehold in possession' as defined in section 3(1) —

of the current act —

... prior to them being considered to be an 'equitable owner' under section 51.

The new definition however, will deem every person who has an equitable interest in land to be the owner of the land —

I underline the words 'to be the owner of the land' —

and hence assessable whether or not such person is the holder of an estate of freehold in possession in section 10 of the new act ... This could potentially mean that any person with an equitable interest, such as a purchaser under a contract of sale (not in possession) or the holder of an equitable mortgage, easement, charge or lease could be assessable as a deemed owner even though they could not be considered in a real sense to be an 'owner' of the land ...

That is, they do not hold any estate of freehold in possession. I think they are very significant words.

The second change is the use of the powerful word 'deemed' in section 18 rather than the former phrase of 'as if the estate ... was legal' in the old section 51 —

to which I have previously referred.

Under the bill persons (who may not be owners in law or equity) will become owners by dint of the 'deeming' provisions rather than simply assessing any persons who are otherwise genuine owners in equity being assessed as if they were the legal owners.

Deeming provisions are very powerful tools in the hands of the commissioner of state revenue, and I do not think that the Parliament should be agreeing to the passage of this particular section of the bill before the house without greater justification and explanation from the Treasurer as to why these very wide-ranging powers are being given to the commissioner to rope in anyone who has an equitable interest in the land, despite all of us believing, in whatever the circumstances, they are in no sense whatsoever the owners of that particular land.

My adviser goes on to say:

These changes are subtle in their language but profound in their operation. If passed they would amount to a significant and potential unworkable extension of the reach of the taxing provisions. In my opinion such changes are not appropriate for 'clarification legislation' —

and that is what the Treasurer has claimed this to be —

and ought to require much greater analysis and careful consideration, especially having regards to the recent CPT Custodian decision, which has confirmed that the SRO has been operating on a misconception of the act for the past six years at least.

They are fairly telling words. Again we have the Treasurer of the state of Victoria exposed for the way that he is prepared to gloss over the facts, the way he is prepared to mislead the house, and the way he is prepared to mislead the public of Victoria by going out and saying, 'I am simply introducing a no policy change clarification and rewrite of the Land Tax Act', when in fact that advice conclusively demonstrates, on that issue alone, that it goes much further than that.

Let me have a look at a couple of other things that it does. Mr Forwood referred to the primary production land aspect of the bill. Again we see a tightening of the provisions and an extension of the reach. As honourable members are well aware, primary production land is exempt from land tax in any event, but land that is within the Melbourne urban area and which is owned in a trust structure has been subjected to land tax by this government under some decisions taken by the State Revenue Office.

There was a case before the courts not so long ago when the commissioner lost the case. This bill is yet another attempt through the back door to overturn and get around a High Court decision. The case was the *Di Dio Nominees Pty Ltd v. Commissioner of State*

*Revenue*, a Victorian Civil and Administrative Tribunal (VCAT) decision of 25 August 2005. This concerned farmland in the urban area of Melbourne which was owned by a discretionary family trust and which claimed the land was exempt because it was primary production land. The commissioner objected to that and said that the exemption only applied to land that was owned either by a natural person or a proprietary company. He held that a family discretionary trust did not fit either of those categories. VCAT ruled otherwise.

Now this change in the bill is attempting to say, 'Yes, farmland owned by a discretionary trust is in fact exempt from duty', but the government is very clever because it has narrowed it down so that the exemption will only apply if the sole purpose of the discretionary trust's operation is primary production.

You could have a family trust that owned farmland in the urban area of Melbourne and farmed it as genuine farmers and perhaps also owned a hardware store, or received income from some other source, and because it was not the sole operation and income-generating measures of the trust, the exemption would not apply. That is a bit sneaky. Farmland is either farmland or it is not farmland; and if it is farmland, it is exempt from land tax — end of story, so far as I am concerned. Yet, if you look at the provisions of this bill, that is not what the government is attempting to do. Again the Treasurer is trying to introduce new provisions and a greater taxing revenue under this bill, yet he says it is only a clarification or a rewrite.

Then there is the classic about the government putting the Land Tax Act under the Taxation Administration Act. On the surface that is logical. One would think that all taxing measures ought to be within the ambit of the Taxation Administration Act so that we get commonality of administration and consistency. That would be okay — but no, the government cannot be trusted again. What is it doing? It is inserting an amendment into the Taxation Administration Act which confirms the issue that Mr Forwood alluded to earlier about when you can object to your land tax assessment, and the government is preventing you from using the Taxation Administration Act to object to your land tax amendment and confirming that the only time you can object to an evaluation is when you get your municipal rate notice, which can be totally removed from any time that you might get your land tax assessment from the State Revenue Office. The government is restricting the opportunity for persons, taxpayers of this state, to object to the valuations of their property.

I thank Mr Brideson for drawing my attention to the Victorian Civil and Administrative Tribunal annual report 2004–05 tabled in the house today. Among its highlights is ‘Year at a glance’ on page 5. It lists the nature of the various cases before the tribunal, the applications and how they compare with the year before. The general list and taxation list show an increase of 26 per cent over the year before — a huge increase. Has any other gone up by that amount? Residential tenancies have gone up by 3 per cent, planning and environment — we hear a lot about planning — has gone down by 5 per cent.

You can go right through the list, and you will find it is this taxation list that has leapt up by more than one-quarter in only 12 months. This is indicative of the unhappiness out in the community with these sorts of imposts that have been imposed on the citizens of Victoria. If this is any indication, we will see much more of it if this bill is passed by the Parliament and becomes law. Yet again we have an indication of the sneakiness of the government in its endeavours to garner the maximum amount of tax it possibly can.

I want to allude, as Mr Forwood did, to the farcical situation we have going on today in the Legislative Assembly, which is sitting in Geelong and which is debating the Duties and Land Tax Acts (Amendment) Bill, which will amend the Land Tax Act 1958, which I have here, and which will amend the Land Tax Act 2005, which we passed some months ago. Why is it amending this act? Because it is still current. Why is it amending the new Land Tax Act? Because it does not come into place until 2006. Why does the bill before the Assembly have 57 pages? Because we have to go through this very convoluted process of amending an act that is not yet in operation and amending an act that is about to go out of existence.

What else is it doing? It is introducing a new super tax on properties held in trust. Again another tax grab by this government. It announced this in the budget with a very oblique reference. If you search through the budget papers you will find a two-line reference to it. Why is it going ahead and making these amendments, which involve a rewrite of the Land Tax Act when it knew as far back as the release of the budget that it was going to bring in extensive new taxing powers under the Land Tax Act? Why were the Parliament and the people of Victoria not given an opportunity to see a composite arrangement of land tax at one go, rather than needing to put all the pieces of the jigsaw together to get an overview of what the government is actually doing? I know why the government is not doing it. There are two reasons: one is that the government is incompetent, and the second is that it likes confusing

the public as much as it can because it thinks while it is doing that it can hide what it is really doing — hide the way it is taking the people of Victoria for a ride, particularly with land tax. I think this bill ought to be thrown out.

**Mr SCHEFFER (Monash)** — I want to take a step away from the pyrotechnics we have heard from the previous speakers and get back to the Land Tax Bill. The main purposes of the bill are to re-enact and modernise land tax law, to repeal the Land Tax Act 1958 and to amend the Taxation Administration Act. The Land Tax Act has needed redrafting for some time. A number of its provisions, as was said, go back some 100 years and the writing in many sections is unclear, contains obsolete provisions and is poorly organised.

The rewrite reviews the original act so as to ensure that all its provisions are relevant, well arranged and written in modern language. The Treasurer indicated in his second-reading speech that the rewritten bill has a number of benefits — namely, an improvement in clarity and understanding for taxpayers by having it presented in plain English; overcoming structural weaknesses in the current act and linking related provisions so as to improve readability; reducing confusion and removing obsolete provisions, as well as straightening out inconsistencies in wording.

None of this involves substantive changes to the tax system, despite what we have heard this morning. The present rewrite is in line with similar exercises that involved other taxation acts and the Duties Act, where similar updates were made to language and structure. Legislation is a tool and its utility is improved through the use of simple language, as simple as the content permits.

The bill has been drafted on a revenue-neutral basis and contains no major policy changes, but the rewrite has drawn attention to the existing provisions in the Land Tax Act and has instigated some debate around the general issues surrounding the tax and the assumptions on which it is based. The rewrite is intended to make land tax administration and enforcement more understandable. Interestingly enough, it may be the fact that the legislation is now more understandable that has given rise to the debate among taxpayers and tax advisers.

Claims have been made that the government has increased land tax because the tax take has escalated so dramatically. But this escalation is not a consequence of the government increasing land tax, it is a consequence of the dramatic growth in the Victorian economy and the consequential growth in revenue. In fact Victoria’s

tax levels are below the average of the states. Overall the tax burden as a percentage of the economy has fallen, not increased. The rate of the escalation is real. I received a number of letters from constituents in Monash Province telling me about their personal situations. The government has tackled and is tackling this difficulty.

The 2005 budget provided substantial land tax relief worth \$823 million over the next few years as part of the continuing reform of the system. The government aimed to give relief to taxpayers experiencing large increases in their land tax bills and provided a \$72 million rebate, which included a partial refund on the 2005 tax bills for middle-bracket land tax payers. The rebate also included a full refund for aged care facilities, supported residential services and rooming houses for 2004 and 2005, after which these facilities will be permanently exempt.

I was delighted when the Gatwick rooming house in Fitzroy Street, St Kilda, which is in Monash Province, received confirmation from the Treasurer that it would be exempt from land tax. The Gatwick is run by twin sisters, Rosie Banks and Yvette Kelly, and provides accommodation to both short-term and permanent residents, some of whom are doing it hard. The escalation in land tax placed Ms Banks and Ms Kelly in a very precarious position. These women care about the residents of the Gatwick and did not want to see the place go under.

The City of Port Phillip has worked hard to keep rooming houses as a viable housing option in the city, and the closure of the Gatwick would not only reduce the amount of accommodation available but it would also diminish the social diversity of the community — one of Monash Province's greatest assets. With the land tax exemption the Gatwick will continue to be an important housing option in St Kilda.

The government has made major changes to the land tax system, cutting the top rate from 5 per cent to 4 per cent. The government announced in the 2005 budget that the threshold for the tax cutting in will be raised to \$200 000. This will have the effect of eliminating land tax bills for 21 000 taxpayers, meaning that 98 per cent of Victorian businesses will pay less land tax than those in any other state. This is the fourth time the Bracks government has raised the tax-free threshold since coming to office. In addition, the government has abolished land tax on private caravan parks in Victoria to protect their viability. Here again the strong increases in property prices over the last few years have meant that the land tax bills of many of the privately owned caravan parks have increased. The government acted to

protect the homes of the many people who live permanently in caravan parks and to ensure that caravan parks occupied by holidaymakers are available at reasonable rates. The government is aware of the difficulties that many individuals face as a consequence of the dramatic escalation in the land tax they are required to pay and has done something about it.

As the bill is a rewrite of the existing legislation, without major policy changes or revenue impacts, there was no particular need for a consultation process, which might otherwise be expected in the case of a review that brought into consideration issues such as land tax rates and exemptions. There has been an opportunity for comment since the bill was introduced in September. In his second-reading speech the Treasurer welcomed comment on the draft bill from interested parties. He asked them to recognise the parameters of the rewrite and to limit their comments accordingly.

In fact, the second-reading debate was held over until the middle of October to allow for comment, and only two written submissions were received — from Clubs Victoria and the Law Institute of Victoria. Clubs Victoria called for fully exempting clubs from land tax. This was not under consideration in the rewrite of the act, so that part of the submission was ruled outside the scope of the present exercise. The Law Institute of Victoria raised matters relating to who is liable to pay the tax, when it should be paid and who is considered to be an owner of land that can be taxed. It felt that the definition had been widened to include mortgagees, purchasers, vendors and unit holders, who it felt could now be liable for the tax.

However, after consideration and advice, the Treasurer did not agree. There is no difference between the present act and the new rewritten bill now before the house. The legislation does not broaden the meaning of 'owner'. The rewrite has only simplified the language.

All the matters that were raised in the two written submissions have been addressed and considerable time has been allowed for flaws in the legislation to be identified.

The rewrite of the present act is complex, and it is possible that further matters will be identified once the legislation is implemented. Nonetheless the benefits of the rewrite of an antiquated piece of legislation cannot be gainsaid. It is timely legislation, and I commend it to the house.

**Hon. B. N. ATKINSON** (Koonung) — One listening to Mr Scheffer would believe this legislation was perfect. If that is the case, why down in Geelong

this very day is the government introducing amendments in the other house that will change the legislation this house is debating today? If this legislation is so good, so perfect and so well drafted and has no problems at all, why is the government pursuing amendments in Geelong in the lower house on the very same day that we are trying to pass the principal legislation that the government has brought before this house sitting in Colac?

The fact is that this legislation is flawed, not just in its administration and in the way it is drafted but in the principles both as a reading of the second-reading speech discloses them and as Mr Scheffer has outlined them to the house. This legislation introduces a new taxation measure, and there are policy implications associated with it. It is not simply a tidying of existing legislation, it is not simply a matter of addressing technicalities, it is a matter of continuing the rapacious, avaricious attitudes of this government in pursuing taxation revenue when it is already the highest taxing government in the state's history.

The reality is that this legislation will slug small businesses and I dare say drive many of them out of business or force them to curtail their activities and reduce employment simply because the land tax bills they are facing are increasing at a rate that is unsustainable.

There is no doubt that the State Revenue Office is one of the most rapacious organisations we have ever seen in terms of taxation right throughout this country. It has become extraordinarily aggressive in recent years, and as Mr Baxter alluded to in his comments, whenever it puts out a ruling and pursues a particular area of taxation revenue — and that is tested and it loses — it immediately comes back here through this government to seek some sort of amendment to the legislation so it can overturn the court decision and get back to that revenue stream.

We have seen that previously — for instance, with Muir Electrical and a franchise arrangement it had. The State Revenue Office was pursuing it for payroll tax. Muir Electrical took it to the courts and actually won the case against the State Revenue Office, so the State Revenue Office tried to have the legislation changed in here to overturn the ruling and get around what was found to be a proper court decision.

**Sitting suspended 12.30 p.m. until 2.03 p.m.**

**Business interrupted pursuant to sessional orders.**

## BUSINESS OF THE HOUSE

### Filming of proceedings

**The PRESIDENT** — Order! I wish to advise the house that WIN Television is filming question time today.

## QUESTIONS WITHOUT NOTICE

### Gas: Colac supply

**Hon. PHILIP DAVIS** (Gippsland) — I direct a question without notice to the Minister for Energy Industries. Access to clean and affordable energy is vital for the economic and social wellbeing of country towns. Colac was originally connected to a town liquefied petroleum gas reticulation scheme, and subsequently the coalition government initiated its conversion to natural gas. However, since the election of the Bracks government no further work has been undertaken to extend natural gas reticulation to Colac. Now approximately one-third of the town does not have access to natural gas. Colac has been forgotten. I therefore ask: what action will the minister take to finally connect all Colac homes and businesses to natural gas?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — The Leader of the Opposition really has a cheek to ask me a question in relation to natural gas in regional Victoria, because for all the time the coalition was in government it did absolutely nothing for provincial Victoria.

The fact of the matter is that the legacy we were left by the previous government was two weeks without gas for the whole of the state because the Longford facility went down under its watch. Workers were killed — not that opposition members care about workers, their lives or their conditions. We had the situation where the state only had one source of gas. During the period in office of this government we have connected gas to South Australia, to New South Wales — —

**Hon. B. N. Atkinson** — On a point of order, President, I realise that we are in a very different venue and the structure of the venue is different, but I draw your attention to the fact that the minister is talking to the people in the gallery rather than addressing you as President.

**The PRESIDENT** — Order! I do not uphold the point of order. The minister has often referred to the President. The venue is slightly different, but I do not

think the minister has breached the protocols of the house.

**Hon. T. C. THEOPHANOUS** — You can't handle the truth, can you? You just can't.

Under a Labor government we have connected gas to three other states. This state will never again face the situation it did with Longford during the watch of the previous government. What did it do to connect regional towns? It did absolutely nothing. We have put aside \$70 million to connect 32 towns in regional Victoria to natural gas. I am happy to read out the list of 32 towns which will be connected to natural gas under the watch of this government. Those towns in this region include Camperdown and Port Fairy. This means that those towns, which never had gas before — which never had it under the previous government — will under this government get natural gas.

Gas is available in Colac. It continues to be available in Colac. It is natural gas. We are actively working with the distribution companies on an extension of the natural gas system beyond the \$70 million we have allocated to extend natural gas to these 32 towns. We are working with the distribution companies to get gas in every single location we can, to extend it even further than we are doing with the \$70 million gas extension program.

However, members should understand this: at the end of the day it was the opposition — those people sitting over there — who sold the whole gas system. They sold the Gas and Fuel Corporation. They sold it, and when they did they gave absolutely no thought to private interests. They gave absolutely no thought to regional Victoria or the fact that regional Victoria would never be looked after by private companies. They gave no thought to that, but they come in here and ask this kind of silly question of a government which is delivering to regional Victoria.

*Supplementary question*

**Hon. PHILIP DAVIS** (Gippsland) — I am sure the citizens of Colac do not think it was a silly question. It was in fact the Kennett government which connected gas to Portland, Hamilton, Horsham, Stawell, Ararat and Echuca — and Jeff Kennett opened the pipeline from Port Campbell. The minister's answer was interesting but inaccurate. Promises to connect more than 40 country towns to natural gas are now more than three years old. Many of those promises are progressively being abandoned, such as those for Alexandra, Bonnie Doon, Bright, Beechworth, Myrtleford, Avoca, Wandong and Terang. I ask: is it a

fact that the residents in fewer than six additional towns will be connected to natural gas before the 2006 election?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — What is a fact is that between 70 000 and 100 000 regional Victorians will get natural gas connected — —

**Honourable members** — When?

**Hon. T. C. THEOPHANOUS** — They will get natural gas connected as a result of the actions of this government. You can keep asking when and making fools of yourselves — —

*Honourable members interjecting.*

**Hon. T. C. THEOPHANOUS** — You know what your problem is?

**Hon. Philip Davis** interjected.

**Hon. T. C. THEOPHANOUS** — The Leader of the Opposition is trying to make himself relevant. The fact is that despite appearances he is an absolute lightweight. He cannot lead his own group. He gets up and asks these questions, but the fact of the matter is that between 70 000 and 100 000 Victorians will get gas — and does the house know how much they are going to save? They will save \$600 — —

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

**Transport Accident Commission: head office relocation**

**Hon. J. H. EREN** (Geelong) — My question is to the Minister for WorkCover and the TAC. Can the minister inform the house of any recent announcements regarding the Transport Accident Commission and the Bracks government's commitment to keeping provincial Victoria moving forward?

**Mr LENDERS** (Minister for WorkCover and the TAC) — I thank Mr Eren for his question and his ongoing interest in the fate of regional Victoria. I am delighted to inform the house that earlier today in Geelong the Premier announced a feasibility study about the relocation of the Transport Accident Commission from Melbourne to Geelong. Since coming into office this government has been committed to stimulating and facilitating economic growth, jobs and investment in provincial Victoria. One of our actions has been to relocate government departments or services where appropriate.

The study that has been commissioned today will examine the economic and social feasibility of moving the Transport Accident Commission from Melbourne to Geelong. It builds upon the \$500 million Moving Forward strategy announced recently and confirms this government's commitment to growing the whole state and governing for all Victorians. This is a significant commitment, unlike the approach of our predecessors, the Kennett government. Premier Kennett said that Melbourne was the beating heart of the state and that regional Victoria was the toenails of the state. He said Colac was the toenails, Ballarat was the toenails and Benalla was the toenails. This government believes in governing for the whole state. This builds on the \$500 million investment in moving Victoria forward — we also note that Geelong was one of the 13 nominated transit cities under the Melbourne 2030 program — and breathing new life into areas by investing in facilities and services.

We have seen success in relocating government facilities to regional Victoria. We have seen the State Revenue Office move to Ballarat, the Rural Finance Corporation move to Bendigo and the call centre of the Office of Housing, which is presided over by my colleague the Minister for Housing, Ms Broad, move to Moe. This moving to other parts of the state is seen by the government as breathing new life into parts of the state that are not the toenails but part of the whole of Victoria.

Based on information we have, we anticipate that a Transport Accident Commission relocation could result in more than 600 jobs in Geelong.

**Hon. Bill Forwood** — Are you pre-empting your own study?

**Mr LENDERS** — I take on board the interjection from Mr Forwood, which asked whether I am pre-empting the study. No. The feasibility study, which will be headed by the chair of the Transport Accident Commission, Mr James MacKenzie, will seek input from Transport Accident Commission staff, their representatives, including the Community and Public Service Union, and other relevant stakeholders.

The feasibility study we are undertaking — and that is what it is — will report back to government in mid-December. It builds on the *Moving Forward* statement of this government announced by the Premier and the Minister for State and Regional Development last week. This seeks to absolutely commit that this government governs for the whole of Victoria — all 79 municipalities, more than just the centre of Melbourne — and our actions speak louder than the

hollow words of our predecessors, who took regional Victoria for granted and gutted services. They slashed municipalities, pulled teachers and police out of regions, cut numbers in the public service, closed regional offices and treated country Victoria with contempt.

I am delighted that the Premier has announced this feasibility study today in Geelong. I am delighted that he has announced it and that he is talking to the stakeholders. I am delighted that we are going through that process. This government delivers for regional Victoria. It is proud of regional Victoria and wants to make regional Victoria a better place to live, work and raise a family.

### Roads: rural and regional

**Hon. J. A. VOGELS** (Western) — I direct my question without notice to the Minister for Local Government, Ms Broad. The Municipal Association of Victoria, together with the Colac Otway Shire Council, has applauded the Liberal Party for its initiative and commitment to match the commonwealth Roads to Recovery funding in order for councils to maintain and upgrade local roads and bridges. Our policy will allocate an additional \$22.7 million on road funding to the Colac Otway shire alone. What action has the Bracks government taken to help councils arrest the spiralling road funding gap to maintain their existing road systems?

**Ms BROAD** (Minister for Local Government) — In responding to the member's question, firstly, I would like to say what a pleasure it is to be here in Colac again — today I am here with the whole of the Legislative Council just a few months after the very successful community cabinet meeting. On this very auspicious occasion I would like to congratulate the shire on the efforts it has made in hosting the whole cabinet a few months ago and the Parliament today.

The statement which my colleague the Leader of the Government just referred to is a very strong indication of what this government is doing to support councils right across Victoria. Its \$502 million investment will ensure that regional and rural Victoria continues to move forward by supporting investment in infrastructure, skills, jobs and all the actions which are necessary to support councils moving forward in regional and rural Victoria.

**Hon. J. A. Vogels** — On a point of order, President, the minister has been waffling on for nearly half the time she is allocated and has not even attempted to

answer the question. I ask the minister to answer the question.

**The PRESIDENT** — Order! I do not uphold the member's point of order. The minister courteously acknowledged the good work of the shire in hosting us today. The minister is entitled to do that, and in that respect she was referring to local government issues. I ask the minister to continue her answer.

**Ms BROAD** — As Minister for Local Government, noting that I am not the Minister for Transport, I did think it was very important to place on the record my thanks to the shire for its hospitality and very considerable efforts in hosting this visit today.

In relation to road funding, the member will be very well aware that there has been an arrangement in place, not only under the Bracks government but under many governments of all political persuasions in allocating responsibilities for road funding between federal, state and local councils. The Bracks government is holding up its end of the bargain in terms of its investment in state roads.

In relation to the federal government's responsibilities for funding local councils for roads, I am pleased to see, following some very silly statements that were made in the lead-up to the last federal election, that it has now confirmed that the Roads to Recovery funding will continue essentially on the same basis on which that funding was put in place before the last federal election. That is a very sensible decision by the federal government to continue those arrangements into the future.

*Supplementary question*

**Hon. J. A. VOGELS** (Western) — I thank the minister for her answer. The minister is totally avoiding her responsibility to local government. The Municipal Association of Victoria's media release dated 16 September states that all levels of government — federal, state and local — should look after local roads or help support local roads and bridges. The MAV has said that, and the opposition has said that and has actually announced a policy to do that. Will the minister, in her role as Minister for Local Government, take up the fight around the cabinet table for local road funding for local councils rather than accepting what the Treasurer keeps saying — that it is not the government's responsibility? The minister's job is to sit around the cabinet table and fight for and on behalf of local government.

**The PRESIDENT** — Order! What was the member's question?

**Hon. J. A. VOGELS** — The question I ask is: will the minister take up, on behalf of local government, the fight around the cabinet table?

**Ms BROAD** (Minister for Local Government) — I am pleased that the member finally got around to asking a supplementary question. It is true that it is a very important part of the responsibilities of the Minister for Local Government to be an advocate for local councils and shires, and I certainly am such an advocate. I point again to the \$502 million which has just been announced in the state government's *Moving Forward* statement and which is going to benefit councils and shires right across Victoria. Unlike the Liberals, whose policies will never be implemented, this government is acting. We are listening to local councils and we are providing the funding they want for moving forward rural and regional Victoria into the future.

**Gas: south-west Victoria supply**

**Hon. R. G. MITCHELL** (Central Highlands) — I say to Mr Vogels that when he asks a minister a question he should get the question out. My question on this day, which is the birthday of my colleague the Honourable Helen Buckingham, is to the Minister for Energy Industries. Can the minister advise of any recent events in the gas industry based in the Otway Basin and how they will impact on the development of energy industries in the south-west?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — I thank the member for his question and for his interest in regional Victoria. He is certainly interested in the delivery of gas into regional Victoria — a lot more interested than the opposition is. I can inform the house that last week I visited Woodside's Otway gas project at Port Campbell here in the south-west.

**An honourable member** interjected.

**Hon. T. C. THEOPHANOUS** — Yes, it is near Timboon. The local member was not there, but we were. I was there to inaugurate the beginning of site environmental rehabilitation work at the plant. The Otway gas project is very important because it is the largest mining and petroleum resource project in Victoria in 30 years, and it highlights the success of the Bracks government's drive for new investment in provincial Victoria.

The Otway gas project is a massive boost for Victoria's economic future. It is another example of the exciting new developments taking place right across provincial

Victoria, especially here in the south-west, following the election of the Bracks government. The development of the Otway gas project highlights that the south-west is developing what I have called Victoria's new energy hub. Let me give some examples. We have not only successfully built the SEA Gas pipeline so that we have connected Victoria and South Australia to gas, but we have also seen the development of this \$1.1 billion project, which will bring gas on from the Otways. It will employ about 1000 people during construction and there will be hundreds of ongoing jobs. It will add to the development of the Minerva gas project and the Casino gas project.

Beyond that there is also the proposed construction of the Mortlake gas power station, a 1000-megawatt power station, which will add to the supply of electricity available to this state. If you go beyond that, there is the Portland wind project, which is also being developed — a \$270 million project. Think about the difference between what happened when the opposition was in government and what we have done in six, short years. Just in the area of energy industries we have had almost \$2 billion of investment, we have jobs being created in Portland, we have jobs being created at the Keppel Prince facility and we have jobs being created in wind farm development. All this has taken place over the last six years.

It is a pity we cannot get support from the opposition for the continuation of these renewable energy and gas projects that are so important to employment in regional Victoria. The last opposition person who supported wind and gas development in this region was the honourable member for South-West Coast in the other place, Denis Napthine, and he was dumped for the current Leader of the Opposition, Robert Doyle. The only other person I know who supported it was Mr Forwood, and he was dumped for the present Leader of the Opposition in this place, the Honourable Philip Davis! The opposition's recipe is one of going backwards. Our recipe is one of delivering jobs and services into regional Victoria, and for regional Victoria to play its part in the energy mix, including renewable energy in this state.

### **Fuel: prices**

**Hon. D. K. DRUM** (North Western) — My question to the Minister for Consumer Affairs concerns the price of petrol in Colac. Is the minister concerned by the 16 cents differential in the price of petrol between Anglesea and Colac? If she is concerned, what action has she taken as the Minister for Consumer

Affairs to investigate this inexplicable difference in price?

**Hon. M. R. THOMSON** (Minister for Consumer Affairs) — I thank the member for his question. We all know that petrol pricing is a very complex issue, and we would all like to see the level of fuel prices coming down. In truth, the member knows that the rate of pricing is a mixture of a whole range of things that end up deciding what the price will be at any bowser at any time. The member would also know that the Australian Competition and Consumer Commission (ACCC) has responsibility for petrol pricing and has produced a leaflet in relation to it. I might say that the member asked about the varying prices that occur at bowsers in different places, so I will enlighten the member as to why some of those price differentials occur.

According to the ACCC — and I will happily give this leaflet to the member — the level of competition in local markets is determined by many factors such as population and geographical location, the number of wholesale suppliers, the point of supply, whether the fuel is bought on a contract or non-contract basis, the volume and frequency of purchases, the extent to which discounts are provided, freight and distribution costs, the level of price support provided by the oil companies, the scope of the retail business operations, the types of retailers, the number of retailers, the margins set by the retailers, the profile of customers, whether they are primarily locals or passing through, and possible anti-competitive practices.

It is the last one that we are concerned about. That is where we work with the ACCC to try to expose such practices, but it is the ACCC's responsibility, and it certainly sees it as its responsibility, to address that issue. If there is any evidence of price fixing or collusion, we will be happy to gather that information and work with the ACCC in relation to cases that it may pursue. I know that Graeme Samuel is serious about pursuing unfair practices and collusion across the market.

In the past we have answered a lot of questions in relation to petrol. A lot of factors account for the differential between petrol prices from bowser to bowser. While all of us would like to see petrol prices lower, the fact is that on an international scale prices are set at a competitive nature to ensure we can get petrol flowing into the country. We need to give thought to how we consume fuel. The price of fuel will never go down to the levels that we have seen in the past, but a whole lot of factors will determine individual price differences between towns, and even between petrol stations. They may all be reasonable factors, but if there

is any suggestion of collusion or that people are manipulating markets, then that is an issue we would like to hear about.

*Supplementary question*

**Hon. D. K. DRUM** (North Western) — The minister should know that producing pamphlets at question time will not cut it. The majority of those indicators in the pamphlet are based on petrol stations in Colac having more throughput and there being a greater population in Colac than in Anglesea. I do not know how the minister can say that is the reason for the 16 cent differentiation in the price of petrol. As the minister responsible for protecting Victorian consumers surely she must have some concern about how petrol sold 37 kilometres away from Colac can be sold cheaper each and every day and somehow after it has travelled up the road Colac people get slugged an additional 16 cents. Surely the minister must accept some responsibility over the price difference?

*Applause from gallery.*

**The PRESIDENT** — Order! I remind members of the gallery that they are guests of the Parliament, and the policy of the Parliament is that people come to listen to the debate. I ask members of the gallery to refrain from showing their enthusiasm.

I am having some difficulty with the supplementary question asked by Mr Drum. I will allow him to ask a supplementary question rather than make a comment.

**Hon. D. K. DRUM** — I ask the minister to explain how the transportation of petrol an additional 37 kilometres is equal to an extra 16 cents per litre on its arrival in Colac?

**The PRESIDENT** — Order! In the interests of the community hearing the answer, I will allow the question, but it was close to the bone.

**Hon. M. R. THOMSON** (Minister for Consumer Affairs) — I did list all the variables that should be taken into account when price differentials occur, and I can pass that leaflet across to the member. Can I say that it does not just happen between Colac and Anglesea; it happens right across Australia and from town to town because of a whole lot of different factors. I suggest that if the member is really serious and is not playing politics, he should raise it with his federal ministerial colleague Mark Vaile and the federal government, because they understand the range of issues in regional areas and they believe these differentials exist because we have a competitive marketplace.

**Commonwealth Games: community participation**

**Ms CARBINES** (Geelong) — My question is to the Minister for Commonwealth Games. I ask the minister to outline what action the Bracks government has taken to ensure that the people of the Colac Otway shire have the opportunity to be involved in and share the benefits of Victoria hosting the Melbourne 2006 Commonwealth Games?

**Hon. J. M. MADDEN** (Minister for Commonwealth Games) — I thank the member for her question and her work in this region in ensuring we share the benefits of the Commonwealth Games. One of the key differences between the Bracks government and the former coalition government is that we are a government that is about building a community legacy and giving the community every opportunity to be involved. The difference is that we are a government that is about inclusion as opposed to the mob on the other side of the chamber, who were part of a government that was about exclusion.

We are making a difference when it comes to the Commonwealth Games in terms of inclusion. This will be the biggest event ever held in the history of this state. But as members of this chamber would appreciate, and as the general public may well know, a number of regional centres are sharing in the benefits of the Commonwealth Games, whether it be the sporting events, the cultural festivities or the multitude of local celebrations welcoming and celebrating the games. One of the great privileges of this position is to ensure that the Commonwealth Games is shared throughout all of Victoria. One of the great aspects of that is that the Queen's baton relay, which is a true community event, will be shared across 79 municipalities — every one of the local government areas throughout Victoria. We have gone to great lengths with the organising committee to ensure that is the case.

I am pleased to reinforce that the Queen's baton relay will spend 18 — I will just say that again, 18 — of its 21 days in Victorian regional locations.

**Hon. David Koch** — How many?

**Hon. J. M. MADDEN** — I will say that again for Mr Koch: 18 of the 21 days the baton is in Victoria will be in regional locations. This will enable all communities right across Victoria to celebrate and participate in the Commonwealth Games. It is my privilege and it gives me great pleasure to announce that the Commonwealth Games baton will travel through Colac on Saturday, 4 March 2006, only

11 days before the opening ceremony. I am sure the excitement will be at fever pitch.

It is worth appreciating that under our Getting Involved program the Colac Otway shire has received \$55 000 in funding to help it get ready for and join in the games. As part of that funding I understand the shire is planning a community feast and celebration to welcome the baton. As well as that the government has provided \$10 000 in funding to the shire towards its Warming Up for the Games Day, which I have referred to in Parliament on a number of occasions. I know members on both sides of the chamber will be involved in their local communities — hopefully all of them will be — on the Warming Up for the Games Day.

As part of the whole celebration an event will be held entitled Colac Otway Pushes for the Games. The day's activities will encourage people to participate in a series of family focused activities, including the choice of a walk, run, swim or cycle. But as well as that facilities will be opened up in the afternoon to give people the opportunity to try out new sports and activities. The day will commence with a huge Tai Chi session. I understand it is aiming to break the world record for the number of people participating in Tai Chi. Earlier, just before coming in here, I was involved in promoting that and doing a bit of Tai Chi myself — and I feel relatively calm because of that! I suggest that from time to time it might be worth the opposition practising a bit of Tai Chi. Can I suggest that?

Over the month of March there will be a Festival of Sport in the Colac-Otway region. I congratulate the Colac Otway shire and, importantly, the community on their commitment, the wonderful enthusiasm they have shown and the way in which they have embraced the Commonwealth Games.

### **Libraries: funding**

**Hon. DAVID KOCH** (Western) — I direct my question without notice to the Minister for Local Government, Ms Broad. The Shire of Colac Otway, as part of the Corangamite Regional Library Corporation, has been propping up library services that are crumbling under the strain of increased infrastructure, staffing, IT and book stock costs. The Municipal Association of Victoria has expressed strong dissatisfaction with the Bracks government for its failure to address the black hole in library funding. Regrettably, Colac Otway is not alone in this cost shift that continues to discriminate against regional Victoria. My question is: what funding support is the Bracks government giving library services in the Colac-Otway area now as compared to 1999?

**Ms BROAD** (Minister for Local Government) — I thank the member for his question about the very important services that are provided by local libraries. They do a great job, and I certainly include all the libraries in the Corangamite Regional Library Corporation in that. I was very pleased recently to be able to provide special project funding to the regional library corporation to support the efforts it is making to provide improved management services to all of the libraries which are part of the corporation. It will also ensure that that library corporation, and therefore all of the libraries that make up the corporation, as well as the mobile services, will also receive funding through the Book Bonanza funding program, which goes directly not only to books but in this modern age to CDs and all the other services which people expect their municipal libraries to provide.

The Bracks government strongly supports municipal libraries. That is why since it was elected we have seen library funding increase in every year of the Bracks government. They are now at record levels, compared to what they were under the former Kennett government. As well as that, the Bracks government has also provided substantial funding to increase funding for facilities. That includes not only upgrading and extending existing facilities but also building new library facilities.

Some 45 library projects have been funded through the Living Libraries program since the Bracks government was elected. That means that a number of municipalities have directly benefited from that program. That is why the Bracks government, in the *A Fairer Victoria* statement earlier this year in the state budget, extended that program, because it wants to see municipalities across Victoria continue to benefit by providing library facilities to particular growing communities, particularly to communities that have areas of disadvantage, where libraries are very important to people's life chances — be they children, grandparents or other adults.

One of the reasons our municipal libraries are so important and the reason the Bracks government strongly supports libraries through funding is that around 50 per cent of Victoria's population are members of and regularly use our local libraries. That is a very good reason why we will continue to provide strong funding support to all our libraries right across regional and rural Victoria well into the future.

### *Supplementary question*

**Hon. DAVID KOCH** (Western) — Obviously the ongoing rhetoric is not saleable. Like regional

communities, the Municipal Association of Victoria has called on the Bracks government to at a minimum match the Liberal Party's commitment to increase library funding from \$5 per capita to an average of \$9 per capita by 2010. My supplementary question to the minister is: what action, if any, has she taken towards addressing the quality and range of public library services on the issues raised in the MAV's budget submission on libraries?

**Ms BROAD** (Minister for Local Government) — As I have advised the member's colleague on a number of occasions, the fact of the matter is that library services are funded by the Bracks government according to need. We think that is a very important principle of fairness. That means there are quite a number of libraries that are funded in excess of that dollar amount. I assume the Liberal Party policy means their funding would be cut if it ever got the opportunity to implement what is a very silly policy.

The Bracks government will continue with its actions in funding libraries according to need. We will also ensure that library services continue to receive from a range of sources funding for their requirements, be it for facilities, be it for resources or be it for their ongoing staffing needs. It is a very important partnership with local shires and councils, which contribute very substantial amounts of funding — —

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

### **Information and communications technology: broadband access**

**Mr SCHEFFER** (Monash) — I direct my question to the Minister for Information and Communication Technology. Can the minister outline to the house what the government is doing to investigate how technology can be used to improve the work-life balance for families in provincial Victoria?

**Hon. M. R. THOMSON** (Minister for Information and Communication Technology) — I thank the honourable member for his question. On Tuesday when the Parliament was sitting I talked about the telecommunications strategy that the government has had and how it has ensured that infrastructure that will enable people in country Victoria to get broadband access will be delivered right across Victoria. This is in stark contrast to the federal government, which will have billions of dollars to spend on telecommunications with the sale of Telstra but is yet to have a strategy in place to do so. We are doing it in a smart way: we are using our telecommunications buy to ensure that we get

the bandwidth we need and provide it to those towns through Telstra and Optus.

Optus will invest over \$60 million in country Victoria and Telstra will invest over \$100 million, all as a response to the contracts they have entered into with the Victorian government. It is not just about getting bandwidth to those towns, it is about being able to use that technology — giving people the opportunity, once they get the technology, to use it smartly.

One of the issues we hear a lot about now is work-life balance. A lot of people would like to take the opportunity to live in towns like Colac, to live in country areas, but they cannot because of their work arrangements. Through the Moving Forward blueprint for regional growth — worth \$500 million — the state government is providing that opportunity by developing a teleworking policy. In light of the feasibility study that my ministerial colleague announced for moving the Transport Accident Commission office from Melbourne to Geelong would it not be nice if people living in Colac could also work from Colac for the TAC in Geelong?

This means that people can seriously think about work-life balance, about the needs of their families, and still be productive contributors to their workplaces. It means great economic opportunities for country towns and provincial cities. It means that people will be able to work not just from an office but from anywhere across the state. We are looking forward to this strategy being developed. We believe it will have huge benefits for people living and working in country Victoria and provide them with a great opportunity to use technology to improve their work-life balance.

### **Consumer affairs: Grove Conveyancing Services**

**Ms HADDEN** (Ballarat) — I direct my question without notice to the Minister for Consumer Affairs. I refer the minister to the recent \$9 million collapse of Grove Conveyancing Services, which operated out of offices in Geelong and Werribee, and also to the recent jailing of two rogue conveyancers.

I also draw the minister's attention to the Allen Consulting Group's report on the conveyancing industry, which was commissioned by the Bracks government. In today's *Herald Sun* ministry report card the minister received 3 stars out of 10 and was described as a 'fierce crusader for consumers'. Therefore, when is the minister going to act to protect mum and dad home owners from rogue conveyancers?

**Hon. M. R. THOMSON** (Minister for Consumer Affairs) — It would be nice if you could get the 3-out-of-5-stars rating right, but having said that, I will just talk about the issue of conveyancing broadly, because it is very important.

In Victoria we have a very low level of fees attached to conveyancing. It is very important for people entering the housing market to be able to get their conveyancing done at a reasonable price. However, it is also important that consumers who will purchase and therefore use conveyancing are comfortable and confident that the person who is doing their conveyancing is doing the right thing by consumers.

We know that lawyers who undertake conveyancing have certain requirements they must meet. In fact the Allen Consulting Group was commissioned to undertake a report on conveyancing. That report has been received by the Attorney-General in the other place and me. It outlines the action the government may take. The Attorney-General and I are very close to making announcements in response to that report.

Can I also say in response to the issue of Grove Conveyancing Services that the Geelong region was very hard hit. We are taking very seriously the actions it may be possible to take against Grove Conveyancing Services. Those actions will be taken when the appropriate evidence has been properly gathered and the actions can be assured of success.

I look forward to being able to announce jointly with the Attorney-General the fully considered position of the government in relation to conveyancing and our response to it and ensuring that consumers are confident that conveyancing is being done appropriately no matter who is undertaking it. However, we have to do this in a way which ensures we keep the costs at a reasonable level. The worst thing that could happen would be that we could go for an overregulated model that would see the fees attached to conveyancing rocket sky high and consumers no longer being able to afford the costs that go with conveyancing. We want to get the balance right and provide the required level of confidence in conveyancers. We also want to ensure that we are providing a competitive market environment to keep costs down.

*Supplementary question*

**Ms HADDEN** (Ballarat) — I thank the minister for her 3-out-of-10 answer. It is 12 months since the Bracks government announced that it would look into regulating the conveyancing industry in Victoria. Quite

frankly, the people of Victoria are sick and tired of the minister looking into it. I ask: when will the minister introduce a fully comprehensive and transparent regulatory regime for the non-legal conveyancing industry in order to ensure that Victorian consumers are protected and she gets the balance right so they can look after their very important assets during their lifetimes?

**Hon. M. R. THOMSON** (Minister for Consumer Affairs) — It is unfortunate that the member did not listen to the response I gave. The response to her question was in my answer, and it is the response to her supplementary question — that is, announcements will be made shortly about the government's response to the Allen Consulting Group report.

**Aged care: rural and regional Victoria**

**Hon. J. G. HILTON** (Western Port) — My question is to the Minister for Aged Care, Mr Jennings. Can the minister advise the house of further action taken by the Bracks government to improved aged care services for older people in regional Victoria?

*Honourable members interjecting.*

**Mr GAVIN JENNINGS** (Minister for Aged Care) — I thank Mr Hilton, and I thank opposition members for their enthusiasm about my answer. I want to share the fact that at lunchtime I went for a bit of a walk around this wonderful town of Colac. I had some overwhelmingly good news to reflect on, but I have a bit of bad news. I went to the Colac Historical Society and spoke to Ian. I wanted to find out whether at any time in my life I had been blessed enough to live in the Colac Otway shire. I am very disappointed to say that I lived in Berrybank, which is just a little bit outside the shire. I have not had the good fortune to live in this shire — it only reaches as far as Cressy.

However, I do have some good news: my brother has the benefit of living in a household with 6 of the 173 residents of Forrest, so I have some appreciation of the wherewithal and the capacities of this great community. Indeed I was inspired by the multicultural concert and festival that took place outside the Colac Otway Performing Arts and Cultural Centre today. I was particularly impressed by the musicianship of the Colac College, it was fantastic work. There are fantastic capacities in this community.

The segue into the last bit of good news is that I went one block away — —

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

**Mr GAVIN JENNINGS** — About the length of a good drop kick, Mr Hall. That actually takes us up to the corner, where the Bracks government is delivering a \$28 million redevelopment of the Colac Area Health service. One of the things that we in our government are most proud of is our commitment to provide high-quality care to towns throughout Victoria such as Colac. I am very pleased to say that the 75-bed aged care facility which is under construction at the present time is looking fantastic. The work being undertaken by BDH Construction, a local contractor, is something this community has every right to be proud of. At the end of the day this community will be rightly proud of an integrated and holistic approach to health care which will see a 50-bed acute care hospital setting, a redeveloped theatre and the 75 beds which are part of this redevelopment. I was very lucky to come to this community to turn the first sod on that development. I was extremely proud —

**Ms Hadden** interjected.

**Mr GAVIN JENNINGS** — Ms Hadden, there are sods that I would like to turn all over the state, I can assure you, as a measure of the Bracks government's commitment to aged care facilities throughout Victoria. Members of this chamber know that these are not hollow words at all. We are delivering throughout Victoria. At this time the Bracks government has invested in 39 residential aged care facilities throughout the breadth of Victoria and 37 of them are in country towns such as Colac and other communities. Our government recognises that we have an obligation to rise up and meet the needs of older members of the community when they need additional care and are no longer able to look after themselves. We recognise that we are obliged to and are a better community for being able to make sure that we provide those facilities in community-based settings right around Victoria.

**Hon. Andrea Coote** — You are only 2<sup>1</sup>/<sub>2</sub> stars!

**Mr GAVIN JENNINGS** — I might not be a star but I am a trier, I can assure you about that. I will have a dip on behalf of the older members of this community and other communities right around Victoria. As part of the rural health strategy this government has committed \$258 million to redevelop 39 residential aged care facilities including the one we are very proud of in Colac.

## QUESTIONS ON NOTICE

### Answers

**Mr LENDERS** (Minister for Finance) — I have answers to the following questions on notice: 2039, 5038, 5039, 5052–54, 5077–78, 5244, 5250, 5330, 5331, 5335, 5338, 5341, 5342, 5344, 5348, 5404, 5537–39, 6073 and 6791.

## LAND TAX BILL

### *Second reading*

#### Debate resumed.

**Hon. B. N. ATKINSON** (Koonung) — Before lunch I was discussing the problem we have with the State Revenue Office aggressively pursuing taxation of businesses through various areas, finding the decisions it made being set aside by the courts and coming back to the Parliament seeking legislation to enable it to return to its avaricious collection processes again. As Mr Baxter indicated earlier, we have exactly the same situation in the context of the provisions in this legislation dealing with primary production land exemptions in land owned by corporate trustees. As Mr Baxter rightly said, whilst the government passed this off as simply a technical matter, what is happening here represents quite a significant change in the status of those taxpayers because they will now be required to have their business involved solely in primary production if they are to achieve the land tax exemption.

Before I move on to some of the other aspects of the legislation that concern me, an aspect I like is the extension of the exemption for land owned and used for outdoor recreation activities to indoor sporting activities. I am concerned whenever physical education, sporting activities or recreational activities are subject to taxation and that becomes a barrier to people's participation in those activities.

I note that recently the Minister for Sport and Recreation issued a press release in which he suggested that the federal government should stop taxing sport. That was interesting because that was very much a case of the pot calling the kettle black. He is the same minister who refuses to intervene on behalf of the Eastern Football League in a matter associated with the State Revenue Office pursuing payroll tax on payments made to umpires. Those umpires are not subject to income tax imposed by the federal government because their umpiring is recognised as a hobby but the state government wants to have the umpires and the EFL,

which collects the money from the clubs to pay those umpires, pay payroll tax. That is a ridiculous ruling and is again a demonstration of the avarice of this government, which has put the league to significant legal costs and so forth. That tax on sport simply should not happen.

I return to this legislation. As I said previously, we are debating a principal bill today which is subject to amendments in another bill introduced by the Bracks government that is being dealt with by the lower house in Geelong today.

The government needs to recognise it has not fixed the land tax problem. The exemptions, concessions or the changes it made earlier this year as a knee-jerk reaction to the outrage of the business community and the community at large to the increases in land tax collections have simply not worked. Come January, the government will again be in bother because new land tax assessments will go out, and those land tax assessments will go out on valuations that were struck at the very height of the property boom.

It is interesting to note that, as has been mentioned by other speakers in this debate, that the process for making objections to those land tax assessments has changed. Many of those people who will receive assessments, which will be exorbitant increases in their land tax liability, will not even be in a position to object to those assessments, come January, because they will be required by this legislation to have objected at an earlier date, when the valuations were issued. They are not necessarily in a position to understand what the implications of those valuations might be for their taxation affairs.

This legislation in many ways is retrospective, and the Duties and Land Tax Acts (Amendment) Bill that is today before the other house is also retrospective, because it introduces formally a proposition that this government tried to sneak in by way of the state budget and then bring in by virtue of a press release on the web site of the State Revenue Office which suggested it would extend taxation to family trusts.

That is an outrageous proposition by the government because it now leads to extraordinary confusion for those people who run family trusts, and I would suggest a good many of those people are in fact small businesses — small business operators, farmers, people who run a range of organisations involved in business enterprises. They are going to be very severely impacted by this new legislation which the government brings forward and by its changes to land tax.

The house should make no mistake: this is not a technical bill; it is not an administrative bill; it actually brings in policy changes as does the other related bill being debated in Geelong today. As I said earlier in my contribution, it will mean businesses will close. There are many businesses — hotels, car yards, supermarkets, hardware stores or any business that occupies a large site, particularly a business that has car parks, a business located in an inner metropolitan area or in a prime property area of a regional centre or suburban Melbourne — that will face very substantial increases in land tax.

One of the key reasons is because of the way land tax is calculated — the valuations are very often calculated on what might be rather than what is; in other words what the land might be used for at some future point in time. The fact is if we are going to continue to see the government pushing up the rates of its collection of land tax and basing it on that same valuation formula into the future, then we are going to see many businesses close, because they simply cannot afford to meet those land tax payments and continue to provide their services in certain locations.

I have had owners of hardware stores from areas like Clifton Hill and Richmond come to me and say, 'We have large land holdings and we are being rated on the basis that we could be a residential development. We would be quite happy to sell up and have a residential development erected here on our site, but what will people do as far as buying hardware in future? Where will they go to buy hardware?'

A range of other businesses are in exactly the same boat, and some of those businesses that I have spoken to in regional Victoria — and certainly in the suburban area — have said, 'Bruce, to pay the land tax we simply have to cut our staffing numbers'. This is retrospective, ridiculous and the sort of legislation that is damaging business. Is it any wonder that the confidence of small business in this government has plummeted in the last two years and is now the lowest in Australia?

**Mr Viney** interjected.

**Hon. B. N. ATKINSON** — Mr Viney, you can interject all you like, but you know that the Sensis survey is the most reliable indicator of small business. You used it and quoted it when the figures were high. You were quite happy to agree to the figures at that point in time, but that latest Sensis survey of September shows that small business confidence has plunged.

**The PRESIDENT** — Order! Through the Chair, Mr Atkinson.

**Hon. B. N. ATKINSON** — So, too, does the Australian Chamber of Commerce and Industry survey put out this week. It shows that small business confidence has plunged. It is these decisions, like the one made by this government on land tax, that have caused that fall in small business confidence and caused small businesses to start to reassess whether or not it is worthwhile for them to continue to invest in Victoria.

In terms of the legislation before us, we now have a situation where in less than two and half months people are going to face a new land tax liability if they conduct their business through family trusts. They effectively have no time in which to arrange their affairs. In fact in some cases if they were to try to seek to arrange their affairs, they might well expose themselves to other issues such as capital gains tax. It is absolutely ludicrous that the government is passing amendments to this legislation today two and half months from when it comes into effect. People are confused.

Accountants, lawyers and tax advisers — all of the people who are involved and going to be caught up in this tax net — have absolutely no idea what their obligations and liabilities are going to be under this legislation, and I dare say neither do government backbench members nor most of its ministers understand what the liabilities of those businesses are going to be or what impact this legislation will have. This is outrageous legislation and in the hands of the State Revenue Office, given its recent track record in terms of its aggression in collecting revenues for this state government, it is going to be a vicious tool to use on small businesses.

What an interesting contrast it is to see a bill before us that seeks to introduce yet another tax that attacks small business in terms of fees, charges and taxes. Only yesterday the government — via the Auditor-General because the government would not fess up — announced that the surplus for the last financial year was \$2.1 billion, or three times what the government claimed it was. A lot of it is because of the aggressive taxation pursuit of this government — aggressive taxation pursuit at a cost to small business — and it is very much why confidence has plunged in this state.

**Mr Pullen** interjected.

**Hon. B. N. ATKINSON** — A parrot has escaped in the room. Can I suggest that the land tax that this government has also shifted to property owners from tenants in other legislation that has come before this house has been put on the basis of trying to have fewer businesses contributing, which was one of the figures that Mr Scheffer addressed in his contribution today.

But in fact that land tax commitment will continue to be reflected in rents and the occupancy costs of businesses because they simply cannot be passed on, and in the context of the economic circumstances that many businesses face today it is impossible for these businesses to sustain the sorts of increases that we have seen in taxation from state government under this government of recent times.

In particular, land tax, payroll tax and stamp duty have been the hallmark of this government's ineptitude in managing its spending. It is all very well to be the highest taxing government, but the fact is that it has to be that because it continues to spend, outspend and wastefully spend taxpayers money. This legislation should not be passed.

**Hon. S. M. NGUYEN** (Melbourne West) — It is disappointing to listen to the contributions from the other side. The language of this bill will make its operation easier for the community. What the opposition is trying to do is to make it harder and more confusing for people. Opposition members do not talk much about what has been done in the past to help the community and businesses. The Bracks government has done a lot to make things easier for business — we are pro-business.

The legislation has been reduced by up to 100 pages to makes things easier. I shall refer to some of the achievements under the Bracks government. When we were elected we had the second-highest number of business taxes; today we have the lowest number of state taxes. The record shows that payroll tax has been cut by 9 per cent; the top rate of land tax has been cut from 5 per cent to 3.5 per cent; duty on non-residential leases has been abolished; financial institutions duty has been abolished, as has duty on quoted marketable securities, duty on unquoted marketable securities, and duty on mortgages and bank accounts debits tax. Business rental duty is to be abolished on 1 January 2007; stamp duty on property rates is unchanged; and payroll tax and maternity leave exemption was effective from 1 January 2003.

That is what we have done for Victoria. The fact is that from the Kennett years the economy has grown by 53 per cent. Exemptions and concessions regarding the principal place of residence will be of benefit to the community. Under division 2, primary production land, land which is used for primary production or for the business of primary production, depending on whether the land is located within or outside greater Melbourne, is exempted.

Division 3 of the bill, which refers to sporting, recreational and cultural land, exempts sporting, recreational and cultural land in specified circumstances. The community will benefit from such exemptions.

In conclusion, I strongly support the bill and urge opposition members to follow us to provide benefits to the community. The provisions of the bill are not antibusiness, as opposition members have tried to tell the community.

**Hon. C. A. STRONG** (Higinbotham) — Land tax is one of the most pernicious, unfair and awful taxes that is counterproductive to our economy. Rather than introducing a new bill, this government, if it had any guts, would be wiping it out. I ask the house to look at the situation: the government's annual report presented to Parliament showed that it made a profit of \$3.92 billion last year and the year before, it made a profit of \$3.7 billion. Why not use some of that money to wipe out this pernicious tax. That is what it should be doing.

This government is rolling in money that it is sucking out of the community — out of honest people who want to invest in real estate. Many people want to invest in real estate for their future and their retirement. Australia is a new country with lots of land, and people want land as an investment. So many Australians have gone out and bought an investment property for their future, to be self-sufficient in their old age. What happens now is that they cannot afford it. This government is ripping it off them. It is not ripping it off big business, because if you look at the scales in the bill, they are coming down at the top but as far as it affects small investors — the mums and dads who are putting something aside for their retirement — those scales are not changing. The scales up to \$2.7 million are not changing. The little people are being ripped off. The people who this government says it is looking after are being attacked. Their savings and future are being taken away.

I want to give an example of a lady who came into my office some time ago about this issue. She came from Eastern Europe and had lived under regimes that confiscated the assets of people. To try and give some security to her family, she worked hard and invested in two or three investment properties. The income from those investment properties does not even pay the land tax. This lady was in tears when she said, 'I came to this country because it is free. I came from a country where they confiscated my assets and my property; I came to Australia because it is free, but now this government is confiscating my assets and investments

again'. What the government is doing is an absolute disgrace. This is not the end of it, as we will be coming back here again, probably in a week or so, to further dredge the pockets of Victorians to gouge out more land tax for you greedy people opposite.

The house should be aware of how greedy this government is. When it came to office the budget was less than \$20 billion a year; now it is up over \$30 billion. That is more than a 50 per cent increase in taxes in the last six years! Do members know what that means? Members opposite sit there with smirks on their faces, but do they not realise what this means? It means someone on average weekly earnings has to work an extra five and a half weeks every year to pay the extra tax impost the government has imposed. That is an absolute disgrace!

As the Auditor-General has said, the government is gouging the taxpayers of Victoria in a most vicious way. At least you can say — and I think you can say with some honesty — that a lot of that is the result of the buoyant economy that has been produced essentially by the federal government, which has managed the Australian economy through the ups and downs of the international cycles with absolute brilliance. There is no question that a great deal of the extra taxes that have flowed in are to the credit of the federal government.

The federal government has raked in a lot more money as well, but the federal government gives it back. It has given back very large personal tax cuts. It has given back very large tax cuts to business. It has dramatically reduced the income tax scales. What has the Victorian government done? Nothing! It just keeps its hand out, pulling more and more money out of everybody's pockets, whether it be in parking tax or whatever — whatever it be, this government just cannot give it up. At least where other people make more money through a growing economy they give it back. It is money that belongs to Victorians, and this government should give it back to Victorians rather than continually gouging it out in its selfish way, where it sits on top of a huge surplus, which was announced this time as being \$3.96 billion. Do members know what that means?

*Honourable members interjecting.*

**Hon. C. A. STRONG** — That is not rubbish. That is in the government's own financial report. Do members know what that equals? That equals \$2263 for every family. This government takes more than it needs, and it is about time it gave some of it back and got its greedy hands out of people's pockets.

This bill is an absolute disgrace. I will have much pleasure in opposing it, and I urge everybody else in the house to oppose it.

**Mr VINEY** (Chelsea) — Rarely in the chamber do we get opportunities to hear the true believers of the conservatives. But we just heard it here with Mr Strong talking about the little people and mounting a massive defence for the position of people who pay land tax, who often are the most well off in our community.

What was interesting to note in the contribution from Mr Strong was that he did not say that somewhere in the order of more than 95 per cent of Victorians do not pay land tax. About 150 000-odd land tax payments are made a year. Mr Strong did not talk about the fact that for the vast bulk of Victorians there is no obligation to pay land tax: they simply do not pay it. They are not liable for it, and they do not pay it. I can tell the house that under the Bracks government a lot fewer people are liable for it because it actually increased the threshold, unlike the opposition when it was in government, when it lowered the threshold and captured more people in the net.

The same situation applies in areas like payroll tax. The same applies with WorkCover premiums. And yet members on the opposition side were prepared to go out and support the tax that has had the most impact on all Victorians, and in fact all Australians: the goods and services tax. That is the tax that captured everybody in the net. Whether they are on a low income or a high income they pay the same amount. So this debate is absolutely about the divisions in this chamber. It is absolutely about what we stand for, which is making sure that the people who can afford to pay, pay properly, and that the services — —

**Hon. Bill Forwood** interjected.

**Mr VINEY** — Mr Forwood does not seem to understand this basic principle, judging from his contribution, but the way it works is that you actually raise taxes and then you provide services to the community. When the opposition was in government it cut those services. It closed schools, it closed hospitals, it sacked 3000 nurses, it sacked 1000 coppers and it sacked 4000 teachers. That is what the opposition did when it was in government.

What we do is raise taxes in order to provide services that the community wants. Mr Forwood had the audacity to come in here and quote from the Auditor-General's report, when he was the parliamentary secretary to the former Premier at the time when Premier Kennett was trying to nobble the

Auditor-General. Not only that, he was the chair of the Public Accounts and Estimates Committee at the same time. This government enshrined the Auditor-General in the constitution, and this government has protected the Auditor-General. That is what happened, and that is why we have an Auditor-General in this state looking over the finances.

It is an absolute furphy to say there is a \$3 billion surplus. Everyone knows on reading that that a large proportion of that surplus is in the equities associated with superannuation obligations and that the actual operating surplus for the things we do is more around \$780 million. They are the facts of it — they know it — and they have come in here and deliberately misled this chamber in this debate.

**Hon. Bill Forwood** — On a point of order, President, the honourable member just accused me of deliberately — —

**Mr Gavin Jennings** — It was collectively.

**Hon. Bill Forwood** — Was it collective?

**Mr Gavin Jennings** — It was collectively.

**Hon. Bill Forwood** — I took it personally — of deliberately misleading this chamber and — —

**Mr Gavin Jennings** interjected.

**Hon. Bill Forwood** — I take exception to being accused of deliberately misleading this chamber, and I ask the member if he will withdraw any suggestion that I deliberately misled this chamber.

**Mr VINEY** — President, I am happy to withdraw any such — —

**Hon. C. A. Strong** — On a point of order, President, Mr Viney also quite clearly impugned me as 'the speaker before'. He was criticising and saying that I deliberately misled the chamber by quoting figures from the Auditor-General's report, and I ask him to withdraw.

**Mr VINEY** — For the sake of getting through time and their sensitivities, I withdraw, President.

I want to conclude by saying that Mr Baxter in his contribution made certain criticisms of my contribution. I would have to say that it is the first time I have ever been responded to before having addressed the chamber.

**Hon. D. McL. DAVIS** (East Yarra) — I am pleased to make a contribution to the Land Tax Bill. As has

been outlined to this chamber already, this bill is in theory an administrative rewrite of the Tax Administration Act. But it is not just a rewrite really, is it? It is a rewrite where the government has not listened to those groups that submitted.

Notwithstanding Mr Viney's contribution earlier, it is pretty clear that there are issues with this bill. As has also been made an important point by people from our side of the chamber, this is symbolic of the government's attempt to wrench tax out of the pockets and the hands of Victorians. The Auditor-General's points, which have already been referred to, are very important, but the government appears to not hear and to not listen.

This is a government that has taken more and more tax. Mr Viney's point that taxes should be spent on services is a good point, but the problem with this government is that it does not spend its taxes only on services; it squanders its spending on bureaucrats and consultancies. We have heard about reviews and consultancies today — —

**Hon. David Koch** — Advertising.

**Hon. D. McL. DAVIS** — And advertising, and that money is squandered and wasted in very many cases. The fact is that increasing amounts of money are being raised, and much of that money is being squandered.

I note that the Auditor-General's overview in his paper tabled this month makes the point that a substantial operating surplus of \$3.962 billion was generated for the year for Victoria. This is a state government that is swimming in money and which has a huge capacity to cut tax, but will not cut tax. This Land Tax Bill is indicative of that, as is the bill that is still in the lower house which imposes new taxes on trusts and on businesses — new taxes on those who have arranged their affairs, in many cases quite legitimately, in that way.

However, it is worth recapping pages 58 and 59 of the Auditor-General's report, where he considers in detail the issue of land tax and the amount that has been collected. He makes the point that in the financial year just ended there was a 13.9 per cent increase in collections from the previous year and that land tax collected has gone from \$381 million in 1999–2000 to \$881 million in 2004–05. That is far above inflation or any other price movements. It is simply driven by the increase in property values and the failure by the government to properly adjust down the land tax scales. Everyone knows that this is a nasty and vicious bracket creep that is being perpetrated on Victorians. We know

it is anticompetitive and this new tax the government intends to impose on trusts will make the state even less competitive.

I note that the clever and competent work undertaken by Robert Clark, the member for Box Hill in the other place, in uncovering the Treasurer's blunders and gaffes with respect to the new taxes on trusts has very much shown that the Treasurer is not on top of things. Lest anyone think that land tax is only hitting the big end of town in the city, it is middle-ranking properties that are copping the land tax hike, and they are across the suburban areas of Melbourne, in regional cities and in towns like Colac as well — —

**Hon. J. A. Vogels** — Self-funded retirees.

**Hon. D. McL. DAVIS** — Self-funded retirees — those who have very legitimately arranged their affairs with trusts — are being slugged again and again by this government. Even the Treasurer's so-called compromise will make the state less effective. It will increasingly become impossible for Victorians to use a trust structure to arrange their affairs. Robert Clark has pointed out why this will make us less competitive, and he has been very effective in making that point clearly — —

**Mr Gavin Jennings** — You did not respond to my interjection.

**Hon. D. McL. DAVIS** — Yes, I did respond to your interjection. The point is that Victorians will not have the option to arrange their affairs with a legitimate trust, and investors will also not have that option.

Mr Vogels's point is very clear: it will hit self-funded retirees and it will hit them very hard. I take as an example a family I know very well who live in my electorate of Burwood. One of its members, the head of the household, was a significant trader in the Ashburton shopping centre for decades. The family arranged its affairs with a trust going back to the 1960s — long before land tax was an issue. Now it is being slugged over those legitimate holdings, which it built up through many years of self-sacrifice and hard work in its small business — and Mr Dalla-Riva knows the family I mean — and is being forced to sell off its properties.

Retrospectively, in effect, slugging people for their thrift and hard work is not what most would say is a Victorian or Australian way. The government will be seen historically as one that penalised people who are thrifty, people who work hard, businesses that invest and people who put their savings and life's energy into developing their retirement incomes. They are being

penalised by this nasty Treasurer and government. Increasingly business will be driven away from Victoria.

**Mr Smith** interjected.

**Hon. D. McL. DAVIS** — You might laugh, Mr Smith, but the other day the *Australian Financial Review* ranked Victoria as fourth in a list of places to invest in Australia. It is no wonder that people are moving to Queensland, moving their investments to other states and deciding that Victoria is not a competitive place to do business, because this government is landing tax after tax on people.

This bill is supposed to be a rewrite. As Mr Forwood very eloquently pointed out, it is a joke that the government is amending this bill in the lower house as we speak and it will have to come to this chamber after that. Why can the government not settle its arrangements? Why can it not get them into order? I make a point about the impact on health services in particular.

It is very clear that the land tax arrangements are increasingly impacting on small practitioners, individual practices and small private hospitals across the suburbs and the country areas. Many of those dentists, doctors, physiotherapists and pharmacists across the state — in my electorate of East Yarra, in regional cities like Warrnambool, in Colac, in Geelong, everywhere across this state — are being penalised as these additional trust taxes are introduced, by the high base that has been put there by the Treasurer and the extra superannuation tax which will be put in as this trust tax comes in.

In Ms Romanes's electorate of Melbourne Province there are scores of dentists, pharmacists and doctors who will be slugged additional amounts. In many cases this will be thousands and thousands of dollars more each year simply because of the way they have arranged their affairs. The nomination of a beneficiary will not in every case solve the problem.

As the member for Box Hill in another place has pointed out, for a series of reasons that tax will have an impact on people, including self-funded retirees and those who have made proper provision for their own, quite severely.

**Ms ROMANES** (Melbourne) — I am pleased to have the opportunity to very briefly correct some of the distortions from the other side about the level of surplus available to the Bracks government and the idea that we are swimming in surplus and revenue as a result of the

transactions recorded in the Auditor-General's report for 2004–05.

What is actually happening in the report of the Treasurer and the report of the Auditor-General in relation to the finances of Victoria for 2004–05 is a discussion not about numbers but about reporting formats. The Treasurer has presented the finances for 2005–06 in a format which the government has signalled it intends to adopt in the future. The Treasurer prefers a meaningful target measure for comparison and accountability over the years as the net result from transactions.

The net result from transactions is based on an operating result which distinguishes transactions arising, firstly, from the policy decisions of government and, secondly, from those which arise from the valuations and adjustments subject to the financial markets over which the government has no control. If we take the superannuation liabilities, we have had good financial markets and equity over the last couple of years, and this has reduced the superannuation expenses. We have had a year in which the superannuation expense has been reduced drastically — by over \$1 billion. That provides an example of the very problem we have — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! Mr Strong has had his opportunity.

**Hon. Bill Forwood** interjected.

**The PRESIDENT** — Order! Mr Forwood has had his opportunity also.

**Hon. Bill Forwood** — I need another go to correct it.

**The PRESIDENT** — Order! Mr Forwood is not going to get another go. I ask him to be quiet.

**Ms ROMANES** — Because of the fluctuation in equity markets and areas such as superannuation liabilities from year to year, that does not mean that the government suddenly has, because of a good year on the equity markets, lots of extra dollars to spend. It would be an irresponsible government which did not act to protect the revenue of the state. The land tax take in this state would be \$2 billion if it were still set at the thresholds and the rates that existed under the Kennett government.

**Hon. Bill Forwood** — So?

**Ms ROMANES** — It is not that, it is \$800 million. The question we as a government and members of Parliament need to ask is: what is the effective use of the taxes we raise in this state? The people of Victoria, even those who pay land tax, would much prefer to see 39 residential aged care facilities. They would much prefer to see well-resourced hospitals, dental programs and services. I suspect they would much prefer to see the extra police stations and the police on the streets than to have those funds — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! Members on my left will stop interjecting!

**Ms ROMANES** — They would prefer that to a reduction in land tax rates.

It is very important for the government to raise taxes from a range of different sources. The land tax bill before us is updating the Land Tax Act, and I commend the bill to the house.

**Ms HADDEN** (Ballarat) — Before I speak on this bill I wish to pay my respects and acknowledge the traditional owners and indigenous communities of this region: the Gulidjan, the Katabanud, the Wathaurong, the Djargurd Wurrung and the Kirrae Whurrong, and Aunty Edna.

The land tax bill is a disgrace. The land tax grab bill is what I call it and, quite frankly, my constituents are sick to death of the Bracks Labor government and the Treasurer, Mr Brumby, with his hands in our pockets. His hands are getting deeper and deeper into the pockets of my constituents. They have had enough, I have had enough and the people of Victoria have had enough. It has to stop, but, of course, it will not. It is going to get worse, because this government is desperate for money to employ more of its Labor mates. The explanatory memorandum is a disgrace — —

**Hon. D. McL. Davis** — It is a gravy train.

**Ms HADDEN** — Yes, it is a gravy train, Mr Davis. The general preamble in the explanatory memorandum is a disgrace. What it does not say is that the Auditor-General's report tabled in the Parliament this week on the finances of the state of Victoria shows that this government has an operating surplus — a substantial operating surplus — of \$3.962 billion to 30 June 2005. This is an enormous sum of money and it is going to get bigger and bigger with the land tax grab that will be the result of this bill. It is a greedy land tax grab to ensure that more tax is paid by more Victorians;

it will further expand the billions of dollars in the coffers of the Bracks Labor government. However, we cannot see a visible example of what this government spends in country Victoria. You only have to look at the failure of the reticulation gas program and the failure of the fast rail — which is a farce. It is the biggest pants-on-fire second-reading speech that I have read so far from the minister on behalf of the Treasurer — —

**An honourable member** — You do not have gas at Creswick.

**Ms HADDEN** — No, we do not have gas at Creswick — as the minister knows full well — which was promised three winters ago. The Law Institute of Victoria has alerted the government to this bill in its letter of 12 October to the Treasurer, but Mr Brumby thinks that he is smarter than the average bear. Mr John Cain, Jr, from the law institute — you all know him well — said that this legislation is not policy neutral and fundamentally alters taxation concepts and principles. But the government does not get it and is not listening — or it is listening with earmuffs and bulldozers, which it is really good at.

The headline on the front page of the *Herald Sun* today was 'New tax on homes' — and I bet the government hated that headline. New home buyers who are struggling to buy their first home are now going to be hit with a tax of between \$8000 and \$10 000. 'Good on you, Labor, good on you!'. What does that say about making Victoria a great place for families to live and raise a family? These people have to first pay their tax — their increased land taxes. It is an obscene, lousy, sneaky land tax grab by a government that does not know how to run the state. It is going to raise something like \$3 billion from this tax on land on the outer areas of Melbourne which it said was going to be protected by the green wedges. It must have had a good long lunch with its developer mates!

Mr Thwaites, our Deputy Premier, crossed his heart and said he hoped to die at a conference in July where he told a developers conference that he did not intend to introduce a new levy on land. What does he do? What has the government done? Here it is — up to \$10 000 on every block of land. Shame on you, Mr Brumby, shame on you, Mr Thwaites, and shame on you, Mr Bracks!

The other issue concerns wind farms. They will be caught by this land tax grab bill. Clearly they are not covered under the exemptions in part 4 because we know that farmland, if it is used solely for the purpose of primary production, is exempt. Once you put a wind turbine on it the land is then rezoned as industrial; the

land is then reassessed and revalued by the State Revenue Office and will be liable to pay land tax to the Treasurer. All those landowners at Chalicum Hills and the landowners in the other parts of the state who are imposing those steel monoliths are not going to be very happy about that — they had no idea the Treasurer was going to do this to their land. But of course they will know about it when they have to start putting their hands in their pockets, or try to stop the Treasurer from putting his hands in their pockets.

This is a retrograde bill. It is a disgrace, it is shameful and it is not a rewriting of the act to make it simpler. It is a taxation law, it increases the tax structures on trusts, and it is a disgrace. I have many accountants in my electorate. When they got wind of what the Treasurer was up to they began writing to me and since July have given me many examples of situations faced by their clients. For example, one whose land to the value of \$500 000 is in an individual or company name and would normally attract land tax of \$800 will attract land tax of \$5000, yet it is held in the name of a trust. This represents a 625 per cent increase from the current tax that applies. This is one of the highest, even possibly the highest, taxing government in the history of this state, and it ought to be ashamed of itself.

These very highly respected accountants in Ballarat asked me to vote against this bill, which I will do — I do not support it, and I will be voting against it — as they consider it an additional tax impost on small business owners, yet this government trots out the spin and the media releases that it is looking after small businesses. The accountants in Ballarat tell me this land tax grab bill actually will penalise small businesses and send many of them to the wall. One accountant summarised it as follows:

I am disgusted by the retrospectivity of this bill.

...

I will hold you personally responsible if this bill is passed.

...

Please do all you can to stop this legislation.

As I have told my constituents, all I can do to look after their interests as an Independent member representing Ballarat is to vote against the bill — and that is precisely what I will be doing, because it is a disgrace. I am sick of the Treasurer having his hands in my pockets and the pockets of my constituents. It has got to stop. The message in this land tax grab bill is that if you stand still long enough, you will be taxed. I say to members, 'Beware, because if you stand still long

enough the Treasurer is going to tax you, and tax you again, until you cannot stand anymore'.

**Mr LENDERS** (Minister for Finance) — I would like to sum up for the government on this debate on amendments to the Land Tax Bill. It is interesting we have strayed all over the place in relation to this bill but that is what a second-reading debate can be about.

I would like to rebut a couple of things first and foremost. Firstly, the point raised by a number of opposition speakers was that there is something untoward or unusual about a government amending taxation legislation and amending it on a number of occasions. Anybody who has any sense of the history of the Taxation Act — Mr Forwood and Mr Baxter in this place in particular do — will know that on probably two or three occasions a year the government amends taxation acts. That is prudent and appropriate, because the taxation laws need to be kept up to date. The laws need to be amended, and the Parliament is asked periodically to look at them and keep them up to date.

The argument has been put up that somehow or other there is something unusual or extraordinary about amending these acts, and that it is in some way a display of incompetence in government. It is exactly the reverse. It is unusual for a there to be an amending bill in the Assembly while there is one in the Council. The reason this was delayed was that we were consulting to find whether we could tighten it up. The choices were: we could tighten up the legislation and add certainty so that business and tax practitioners would know what was going on, or we could leave it there, swinging in the wind, and maintain some uncertainty. We certainly will bring the legislation up to date and bring proposals to Parliament as quickly as we can to get them right.

The second thing I will spend some time on is the issue of surplus. Let the house be absolutely clear that this government is a prudent one. We are talking about a surplus of things we have control of in the order of \$700 million, and I would invite anybody in this house or in the community to put that into context. If in its budget a family was running at 2 per cent, if it was earning \$500 a week and had \$490 in expenses, would that family waste that last \$10? That is what we are talking of here. A family on \$500 a week —

*Honourable members interjecting.*

**The PRESIDENT** — Order! The Leader of the Opposition will stop interjecting.

**Mr LENDERS** — Firstly, this government manages its money prudently. We have a surplus in the order of 2 per cent, which would be \$10 to \$20 a week for an

average family a week. That is hardly extravagant in government terms. When we in government find we have a surplus and are confident that we are not going to go into the red, we spend it on services. That is what we did this week with the announcement of the package for regional Victoria to go further forward. I commend the bill to the house. It is prudent legislation, and I wish it a speedier passage.

**House divided on motion:**

*Ayes, 23*

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

*Noes, 19*

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

**Motion agreed to.**

**Read second time.**

*Third reading*

**Mr LENDERS** (Minister for Finance) — By leave, I move:

That the bill be now read a third time.

**The PRESIDENT** — Order! I am of the opinion that the third reading of the bill requires to be passed by an absolute majority. I understand there will be a division. The division will determine whether an absolute majority has been obtained.

**House divided on motion:**

*Ayes, 23*

Argondizzo, Ms	Mikakos, Ms
Broad, Ms	Mitchell, Mr ( <i>Teller</i> )
Buckingham, Mrs	Nguyen, Mr
Carbines, Ms	Pullen, Mr
Darveniza, Ms ( <i>Teller</i> )	Romanes, Ms

Eren, Mr	Scheffer, Mr
Hilton, Mr	Smith, Mr
Hirsh, Ms	Somyurek, Mr
Jennings, Mr	Theophanous, Mr
Lenders, Mr	Thomson, Ms
McQuilten, Mr	Viney, Mr
Madden, Mr	

*Noes, 19*

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

**Motion agreed to by absolute majority.**

**Read third time.**

*Remaining stages*

**Passed remaining stages.**

**TRANSPORT LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL**

*Second reading*

**Debate resumed from 16 November; motion of Ms BROAD (Minister for Local Government).**

**Hon. R. H. BOWDEN** (South Eastern) — I will present the first contribution from the opposition on the Transport Legislation (Further Miscellaneous Amendments) Bill and advise the government that the opposition will strongly object and resist this bill, because while it does contain a few items that the opposition can modestly support, a broader consideration of the bill indicates that it contains a number of nasties which the opposition cannot support. It is an example of a bill produced by a government that has a limited or almost no idea of what is needed in this state in the way of a balanced transport infrastructure network and system.

The bill contains higher taxes and charges. The opposition believes the bill does not contain a definable or successful program for transport infrastructure. I have been a member of the chamber since 1992 and one of the truisms I have often heard is that the longer the second-reading speech the worse the bill. I have read the second-reading speech several times, and I believe it is true in this case. After reading several pages of the speech you see the real nasties in the last

two paragraphs, which involve giving powers to the state government for the Connex organisation to be able to charge commuters for parking facilities at railway stations and at bus drop-off points. The bill allows for the name change of the Spencer Street Station Authority to the Southern Cross Station Authority. That is unacceptable to the opposition and we believe the impact on the community of those provisions to be nasty indeed.

I suggest that honourable members can gain information and an explanation from the excellent contribution made by the member for Polwarth in the other place on 15 November. It was a detailed and educational speech for people who want to understand the bad provisions, and there are many of them in this bill.

The first thing I want to advise the chamber of that is completely unacceptable to the opposition and causes great concern is the provision in the bill that enables VicRoads and the police to use a device to download data from the engine management system as the basis for putting that vehicle off the road or in supporting prosecutions.

It is indicated that the provision is intended mostly for the heavy transport industry. Clauses 15 and 16 of the bill detail that information obtained from tests done on an engine management system by a device that is yet to be prescribed under regulations that are yet to be produced could form the basis for the imposition of a substantial penalty on the owner-operator of the vehicle. The concern of the opposition is that the bill contains no details whatsoever on the testers, the specifications or the scientific basis on which the engine management data will be obtained under the test. There is a complete lack of information regarding the calibration of the device proposed to be used or the training of the operators. There is a lack of anything that would cause us to have confidence in the quality of the proposal.

In outlining the changes contained in clause 15 the explanatory memorandum refers to section 14(1) of the principal act and states:

While the officer will be able to infer that a speed limiting device is not operating effectively or has been tampered with from readings produced by such a device, he or she will not be able to pinpoint the precise cause of the problem or precisely how the speed limiting device has been tampered with.

It goes on to say that will not cause a problem in proceeding with the issuing of infringement notices or with action being taken under that section. I have a real worry about the use of the word 'infer'. The results

gained will not be based on scientific tests, published standards or information that can be verified.

Further, clause 16 inserts new section 79A into the Road Safety Act 1986. The new section details other aspects of the prescribed engine management system and reading device, which is yet to be defined and produced. The explanatory memorandum states:

... in accordance with the regulations, it must be presumed, in the absence of evidence to the contrary, that the information produced by the device is a true representation of the information held in the heavy vehicle's engine management system.

It is completely unacceptable to presume something when technical data could be provided and for that presumption to then form the basis of a prosecution or cause a vehicle to be put off the road at enormous expense to not only the vehicle operator but also the owner of the goods being carried. The use of the words 'infer' and 'presumed' is totally unacceptable in the context of a piece of legislation.

I remind honourable members that aspects of the speed camera measurement system are also cause for concern. For instance, not so long ago the opposition was able to tell the community there were several hundred inaccurate instruments and inaccurate tests carried out on instruments. There was a great deal of concern among the public over a number of fines involving millions of dollars which the state government presided over and which were the result of inaccurate testing of speed cameras.

The Victorian community still does not know what the test methods and standards are and what test rigs are used to verify speed cameras. We cannot get that information. I have tried to get it through the freedom of information system, but the RMIT University has refused to provide it. The RMIT University, which is the testing organisation for speed cameras, refuses to divulge any information whatsoever about them, such as the methods, test rigs, standards and specifications used. That is completely unacceptable to the opposition.

We want to know what those standards are. The RMIT University is very remiss in withholding that information from a member of Parliament and the Parliament itself. If that is the standard that the government is prepared to accept — that is, that an organisation which is heavily funded by the government, such as the RMIT University, can thumb its nose at the Parliament and at members of Parliament and refuse to supply vital data on millions of dollars of speed measuring equipment — we have no confidence

in a bill that relies on inference in relation to data from engine management systems.

For instance, it may be that a vehicle has travelled over several varying types of terrain — flat country, hills, mountains — and there will therefore be variations in the data recorded by the instrument, depending on the performance of the gearbox and engine. Literally just downloading data on the rev and torque characteristics of an engine will not give an anywhere near acceptable level of technical data on which to initiate a prosecution or take very severe action against a heavy vehicle operator, licensee or vehicle company. At this stage I have no confidence, and neither does the opposition, in the technical basis of the procedures provided for in clauses 15 and 16, and for that reason we do not support that set-up in any way whatever.

The bill also provides that a tow truck can remove a vehicle from a freeway or arterial road without reference to the tow-truck allocation process. Circumstances do arise on the limited road facilities the state government provides — for example, if a car breaks down on the Monash Freeway; I call it the Monash Car Park — that require vehicles to be cleared from the traffic flow and taken out of the way. But one of the problems with the proposal in the bill is that people could end up being charged twice for a simple towing operation. For example, if the tow truck which arrived first but which had not been allocated the job moved the vehicle out of the traffic stream, the allocation process would then apply and the driver would be told, 'You must now transfer that vehicle to the allocation process'. The allocated tow truck would then take the vehicle to the appropriate place for repair or adjustment. In such a case the consumer — which the state government never seems to worry about — could end up being slugged with two tow-truck charges and the insurance company could be exposed twice to the possibility of damage in the towing process. We think that is unacceptable and not supportable.

A real nasty contained in this bill is the provision for regulations to enforce parking restrictions at railway stations, including the installation of barriers and devices to control parking. It has been alleged that in some areas companies are abusing the access to railway car parks and their employees, who are not bona fide travellers, are using car parks inappropriately. It has been alleged that people are not conforming to the spirit in which railway car parks are provided and are blocking access by bona fide travellers. That could be controlled in ways other than charging for the use of the car parks, such as by the enforcement of traffic regulations.

There is a suggestion — I think the suspicion is rightly founded — that just as the Bracks government in its greedy, grasping and high-taxing way is imposing an \$800 tax on car parks in the city, it is proposing to slug Mr and Ms Commuter with a \$2-a-day parking fee at railway car parks. Suddenly we will have — work it out — a \$500-a-year tax for parking at railway stations. The Bracks government says, 'Get off the road and put yourself on this wonderful metropolitan train system that we have — and, by the way, we are going to charge you \$2 a day for getting on the train'. Commuters will have to pay \$500 a year! We think that is a new tax. It is sneaky, it is not supportable, and we will not accept it. Another thing that is very strange indeed is that the \$2 charge, as obscene as it is — it will be a \$500-a-year tax on commuters — will not even go to the government. It will go to Connex. No reason is given for that in the bill or in the limited second-reading speech. That is unacceptable, and we will not accept it either.

The proposed changes of the names of the Spencer Street station to Southern Cross station and the Spencer Street Station Authority to the Southern Cross Station Authority are again outrageous and unacceptable. Can members imagine the impact of the name change of the station given the number of maps and tourist documents that circulate throughout the state and overseas and the amount of publicity material produced over the course of a typical year about Melbourne and its environs? For instance, if you ask someone in Victoria, 'Where is Spencer Street station?', you will get an answer. To change the name to Southern Cross station is just unacceptable. It is like changing the name of some other icon in a major tourist location to something people do not know. It would take many years for the name to become established in the context of its location. We do not support the proposal. We think it is unjustified, expensive and will cause tremendous confusion. The name is completely out of context with the location of the station. It is not good management if you want a sensible tourist program.

The opposition understands the explanation in the second-reading speech of the implications of accrediting Bus Association Victoria to employ authorised officers. The management of programs to detect and deter fare evasion is okay, and that is one of the few reasonable provisions in the bill. However, because we think there is a possibility that some of the newer officers will work in gangs and will suddenly invade areas, causing all sorts of disruption, there is a real obligation on the bus association and those employing authorised officers to ensure they are well trained in public relations and have a full understanding

of the sensitivities that go with the authority given to them.

The opposition does not want to see further examples of what we have seen in the media from time to time in recent years — that is, the regrettable circumstances when authorised officers have been insensitive to people's needs. That does not mean for a moment that we condone or take an easy line on people evading their responsibilities. However, there is a sensitive aspect to public relations and to the way authorised officers deal with people, and we expect authorised officers to carry out their duties very carefully.

In the remaining minutes of my contribution I must mention that the state government currently has a very visible publicity program on the dangers of level crossings. Level crossings are dangerous. Victoria has a large number of them and regrettably each year sad fatalities and serious injuries occur at them. We are pleased with anything, within reason, that can be done to reduce level crossing accidents, and giving the director of public transport the power to remove vegetation or trees to improve visibility and safety at level crossings is commendable.

I would also like to feel that the state government would be equally sensitive and proactive in recognising the reports that have been brought down in the last 12 months by committees of the Parliament talking about the hazards of roadside objects.

**Hon. B. W. Bishop** — Great committee.

**Hon. R. H. BOWDEN** — My colleague Mr Bishop was a member of one of those committees. Roadside trees and hazards produce a large number of fatalities over a period of time. I think there needs to be wider consideration of these hazards. We support the sentiment and the actions to be taken through this bill which will reduce the impacts and the problems that go with those level crossings and where there are trees and things.

In addition, I would like to believe that the state government, the Department of Infrastructure and other government agencies will be proactive in using better technology. We have for a long period of time in this country had available to us collapsible light poles. I am not happy to see the installation of solid light poles where there could be collapsible ones. They are not fragile, they are strong both technically and in an engineering sense, but if they are hit by a vehicle they do not cause the damage that the strong concrete ones and other steel ones do. I would like to see a lot more

positive action by the state government in terms of reduction of roadside hazards.

The other issue we are concerned about is what the government is selling as the so-called positive aspects of funding the closure of crossings in country areas. The government is offering councils substantial amounts of money to close crossings. On the surface that is supportable and in some cases it may even be a good idea. However, if it is carried out in the form of financial pressure on cash-strapped councils, you could find that councils will succumb to the temptation of taking the money and closing crossings which need to be open. Again, it is a balance. With the high risk of bushfires and other natural hazards in the summertime we need to make sure that access to rural properties and our assets and infrastructure throughout the state which may be across railway crossings is maintained. We need to ensure that councils do not take the money and close these crossings and we end up with a tragedy or a great loss of life or assets. That is a concern and I think the government should be aware of it.

In conclusion, because of the late hour, I come back to the two key points in this bill which the opposition finds completely unacceptable. The first is we will not accept the proposal to change the name of Spencer Street station, period. We feel that is a part of the tourism assets of the state. We feel that Spencer Street station in its name, in its physical location, its function and its reputation as a major part of our public transport infrastructure is, I will use the word, an icon and an important part of our infrastructure, and we want it to continue to be known as Spencer Street station. The literature which has been produced will reinforce the use of that name. We intend to keep it, we want it kept and we do not support any change at all — we do not think it is necessary.

The second point is the introduction of parking fees at bus park-and-ride facilities and at railway stations could be the thin end of the wedge. If you calculate it out, it would be a fair estimate that the average commuter could be asked to pay \$2 a day — \$10 a week or approximately \$500 a year — as a new parking tax which will not even go to the government. We do not support that. We think it is wrong. It sends all the wrong signals when the state government is trying to get the public to believe it is serious about providing improved public transport.

Time does not permit me to make a contribution on public transport, but it is sad, it is bad and it is unreliable. In the case of my electorate I get regular complaints about poor timetables, poor service, trains that do not run and buses that do not meet the trains. It

is pretty bad. For the state government to acquiesce in a plan to charge and legislate for the provision of a fee of \$2 a day for commuters is absolutely outrageous. It is unrealistic. It is a symptom of this government losing touch with the average worker and commuter. For those two reasons as well as for other items of concern we will not support the bill.

In conclusion, the engine management system proposal is not detailed enough to be supportable. There are real reservations about the performance characteristics of engines and gearboxes and how they can be extrapolated to fit an infringement penalty system. If the state government is going to hide from the public the details of the tests — the technical performance standards, the testing management regime, the calibration and engineering bases of the tests and how the tests will be performed — as it is allowing RMIT University to do in the case of speed cameras, then that is a scandal. Hundreds of millions of dollars in speeding fines have been collected, yet RMIT University will not disclose the criteria for testing the instruments used by the police.

If that logic and approval of that non-disclosure is to be extended to a parallel system under which operators will have their heavy vehicles — many of which involve an investment of \$300 000 to \$400 000 — and the goods they are carrying put at risk by the government allowing a regime of the hiding of technical details similar to the scandal in relation to the secrecy of the testing of police speed cameras, we will not allow it. We do not approve of it. We believe it to be a nasty of the highest order. We do not support the bill. It deserves to be thrown out.

**Hon. B. W. BISHOP** (North Western) — I am pleased to rise on behalf of The Nationals to make a contribution to the Transport Legislation (Further Miscellaneous Amendments) Bill. This bill is a wide-ranging grab bag of amendments mixed up with a few new initiatives. The bill amends the Road Safety Act 1986, the Transport Act 1983 and the Road Management Act 2004.

When we had a look at the Road Management Act we thought there was a wonderful opportunity while it was being amended to correct something we believe should be corrected in light of recent developments. We in The Nationals believe that the Road Management Act is a dog of an act anyway, but it has been discovered that irrigation infrastructure is going to become the responsibility of municipalities. The question is whether that is a mistake or it is being done deliberately. If it is a mistake, the government has an excellent opportunity today to correct it. It can do that

straightaway while the bill is on the table and it would be the most reasonable thing to do. I suspect that the government will not go for that.

### **Business interrupted pursuant to sessional orders.**

### **Sitting continued on motion of Mr LENDERS (Minister for Finance)**

**Hon. B. W. BISHOP** (North Western) — The question is whether the issue of the irrigation infrastructure being the responsibility of our municipalities can be corrected today.

I noticed that the Minister for Transport in the other place had that question put to him not so long ago. He said, 'It is in the act, it is there and so be it'. You would have to believe therefore that the change is deliberate. If you want to talk about cost shifting, I reckon this is an absolute ripper. Irrigation infrastructure has nothing to do with municipalities, but it looks as if they will get it lumped on them. You wonder what will be next? Is it going to be power poles or phone lines that will be lumped into that — —

**Mr Viney** — They want to run them all underground.

**Hon. B. W. BISHOP** — Very good, but I suspect they will still be responsible for them underground, Mr Viney. I certainly invite the minister to comment in summing up as to why she is not taking the opportunity here today to clean up that particular problem. I think it is even more fitting that as the Minister for Local Government she should stand up for local government in this matter.

The other acts amended by the bill are the Rail Corporations Act 1996, the Public Transport Competition Act 1995, the Mitcham-Frankston Project Act and the Melbourne City Link Act 1995. As I said, it is a really good grab bag of acts. I have no intention whatever of going through all of the issues today but I will pick up a few of them. The Honourable Ron Bowden dealt with the issue of engine-reading devices. This bill attempts to prescribe such devices but does not do it particularly well. The bill confirms that if a device is operated correctly — whatever that means — and the data produced is a true representation of what is recorded by the engine management system of a heavy vehicle, that data can be used to act against the owner of the vehicle. That sounds okay on the surface, but I have not been able to establish, and I do not think anyone else has, what sort of secure auditing process would be in place for the transfer of that data. I have read some of the documentation, which says the data is simply transferred from one thing to another. I am not

too sure whether it is that simple, but if the data is to be used for enforcement let us make sure we get the transfer right.

The other interesting issue is that the bill allows a vehicle to be towed away or removed from a freeway or a hazardous area without prior authorisation from the allocation centre. Again that sounds a pretty reasonable sort of a deal to get vehicles away from areas where there might be some danger, but when we had a decent look at it we had similar concerns to Mr Bowden as to where the insurance companies would stand in relation to that. A situation could arise in which a vehicle was removed from the road by someone without the allocation centre being involved and was later taken away by an allocated tow truck. We are a bit uncertain about how that would affect insurance, and perhaps the minister might enlighten us on that as well.

The bill also allows an exchange of information with other jurisdictions to facilitate an infringement penalty. I suspect that would apply when an interstate infringement was involved.

The bill excludes drivers who have received an infringement notice from participating in a program that provides for a reduction in licence fees as a reward. The department was kind enough to forward us details of the program that is in place. The program provides for a 25 per cent discount at the time of licence renewal if one has no demerit points in the three years prior to the licence renewal date. That is great. It will probably go a fair bit of the way to making up for the consumer price index increases that have been lumped on all licence renewals.

The bill attempts to implement a few bits and pieces that have been missed along the way, such as changing the name of the Mitcham–Frankston freeway, so called, to EastLink. I am tempted to spend a bit of time on that but I am not going to because I think enough has been said on it.

**Mr Viney** interjected.

**Hon. B. W. BISHOP** — It would be fun, Mr Viney, but we do not have the time to deal with that today.

The bill allows Bus Association Victoria to be accredited for enforcement purposes and to employ authorised officers. The second-reading speech states that a substantial number of fares slip past and are not paid. You wonder how that would happen on a bus. When you get on a bus you have to go past the driver, so I am not too sure how that happens. This bill provides for bus companies to employ authorised officers to deal with fare evasion.

Mr Bowden also spent a bit of time on the part of this bill that allows the director of public transport to direct persons to remove trees or pieces of wood that might pose a risk anywhere near a rail area. That is not a bad idea, but it seems that this government has different strokes for different folks. When the Road Safety Committee, correctly I believe, recommended that that happen on roadsides the government would not support the committee's recommendations. There are three members of the current RSC in this house — the Honourable Graeme Stoney, Mr Eren and me — and you, Acting President, were the chair of that committee some time ago. Recommendation 33 states:

That VicRoads and municipalities be exempt from a planning permit for the clearing of roadside trees and hazardous native vegetation within defined distances from the edge of the road and heights above the road.

That is a very good recommendation.

Recommendation 34 states:

That requirements under the planning framework of the Planning and Environment Act 1987 be amended to exclude the need for a road authority to obtain a permit for removal of roadside vegetation which the authority considers poses an unacceptable risk for the safety of road travellers.

The RSC thought that was very sensible. The government's response was:

These recommendations are supported in principle in regard to VicRoads, but not supported in regard to municipalities.

What a slap in the face for our municipalities! Are they second-class citizens in this state? They are the people who are right at the coalface of road safety and road management; and even more so since we have had the Road Management Act. I do not know what it says to our municipalities when the government responds like that, but I know that they face a real battle in making roads safe and ensuring vegetation is cleared for farm machinery so that people can get on with their lives and move equipment around on the roads. I know they strike real trouble with the Department of Sustainability and Environment in managing that process. They even have difficulty in managing unsafe trees.

People say we ought to be able to do that as a part of a practical process, and that is what the recommendations intend. The government has said to municipalities, 'We are treating you as second-class citizens. We do not trust you. We are not going to give you that right'. We in The Nationals believe that right should be automatically granted to ensure that municipalities can get on with the job.

**Hon. R. G. Mitchell** — Do you want to get rid of local councils?

**Hon. B. W. BISHOP** — No, not at all. We support local government. It is the government that does not support local government. The government has no time for municipalities and has given them no opportunity in its response to the committee's recommendations. Mr Mitchell can stand up and say that, but I will welcome the minister's contribution to this debate when she explains why she did not stick up for the right of municipalities to make roads safe. The bill then goes on further to allow —

**Hon. R. G. Mitchell** — You couldn't lie straight in bed.

**Hon. B. W. BISHOP** — I beg your pardon. Did you call me a liar?

**The ACTING PRESIDENT (Hon. Andrew Brideson)** — Order! Mr Mitchell is out of his place and interjections are disorderly.

**Hon. B. W. BISHOP** — Thank you, Mr Acting President. The bill also allows the secretary of the department more flexibility to grant hire car licences in non-metropolitan areas. It will be interesting to see how it works out. It may be a good move or it may not be, but it is in the bill. The bill also introduces graduated penalties for ticketing and conduct offences. Thanks to the department I have a copy of those, and I have had a look through them.

The bill talks a lot about authorised officers, which is probably a good thing. We have also noticed over time that there have been issues with the interface between the public and authorised officers. I will not go through all the issues in relation to authorised officers but certainly the bill goes into a lot of detail in relation to them. I thought one was very interesting. Apparently we have never had a rule in place to deal with authorised officers taking bribes. I suspect they would not, but now this bill picks that up. I do not want to go into detail on that matter given the time we have available for this debate.

The bill changes the name of Spencer Street station to Southern Cross station. During the committee stage I will move an amendment to have part of that clause removed because The Nationals feel strongly that there is no need for the name change. We are talking about history now. Spencer Street station is part of our life and part of our history, and certainly to country people 'Spencer Street station' is a very recognisable name. I am sure the good people of Colac would know where Spencer Street station is and could clearly identify that area. We are also going back some 150 years to the 1850s and unless the government agrees to the

amendment that history will be gone with the stroke of a pen. I will go through some of the detail and talk about the cost to tourism of the change.

As I interpret it the bill also says that a person who is in control of a structure must accept the responsibility of putting up no-smoking signs. That is fair enough in a way, but I understand that no-smoking signs apply only while you are underneath bus or train shelters on which they are erected and that once you move away from the shelter you can just about do what you like.

The other point I was remiss in not raising in relation to Spencer Street station was that my colleague the Leader of The Nationals in this place some time ago raised an issue during an adjournment debate regarding a gentleman named Mr John Hardie of Narre Warren, who wrote to most of us. It was a substantial letter of a number of pages in which Mr Hardie set out his concerns very well. He is a vision-impaired person and uses a seeing-eye dog to go to work in the city every day. He told a story about leaving work one night to go home and finding that the lift did not work and having a problem using an escalator because of his seeing-eye dog. I am sure we would all understand that.

We looked at the situation and agreed with Mr Hardie's assessment of it. Without going into great detail, we hope that that has been picked up. At that time we called for steps to be provided at the Collins Street end of Spencer Street station. We have not had a chance to see whether our request has been responded to, but it is a good example of more consultation being needed in relation to the processes that have been adopted in the Spencer Street station area. I congratulate Mr Hardie for raising the issue in such an articulate way. He has done a very good job with the letter he wrote to The Nationals.

There is concern regarding granting to private operators the capacity to charge for car parking which could add to the cost of travelling on public transport and may put people off using it. People might be more inclined to drive their cars into the city, but if the city car parks are charging more everybody will be in a no-win situation. That issue was raised and dealt with well by the Honourable Ron Bowden.

In conclusion, this is a grab bag of amendments and new initiatives. Some are okay and some are not. The Nationals object strongly to the change in the name of the Spencer Street Station Authority and to the parking provisions. We are concerned about the engine monitoring auditing process. The Nationals reserve their right to decide which way they will vote until after the committee stage.

**Mr VINEY** (Chelsea) — I am very pleased to make a contribution in support of the Transport Legislation (Further Miscellaneous Amendments) Bill. Being conscious of the time, I will not revisit the specifics of the legislation, which are covered in the second-reading speech. I will pick up some important issues that need to be clarified in the debate.

Mr Bowden raised the provision that would allow for the imposition of parking fees at railway stations if required. There are no proposals for that to happen. It was incorrect of Mr Bowden to raise the issue in that context. Not only is there no intention of parking fees being imposed, it would be extremely unlikely that they would be imposed on rail passengers. It would only be in some very limited circumstances for people not using the rail system who chose to park in those areas. It is interesting that the first time the opportunity for the implementation of fees for parking at railway stations was introduced in Victoria was in 1999, when the former Kennett government set up the franchises for the privatised rail system. Those franchises contained a provision that enabled the privatised rail operators to impose parking fees. The system for the opportunity to impose parking fees was introduced by the former government. The bill provides a capacity for this to be done by the minister through regulation. It is appropriate to set up that opportunity, but there is no intention of doing it in relation to rail passengers.

Mr Bowden also raised his opposition to the use of data from the engine management systems of heavy vehicles to check speed-limiting devices. This process is not about charging drivers with speeding offences, but it is true to say that it may lead to some prosecutions in relation to where speed-limiting devices may have been tampered with. It is important to note that the process will allow for the issuing of warnings, the issuing of defect notices, the imposing of conditions on the use of vehicles or the prohibiting of the use of vehicles. That is appropriate in this context.

I suspect in the contributions of both Mr Bowden and Mr Bishop there was a touch of setting up the straw man only to knock him down. They said, 'This might be used for all sorts of purposes, but we cannot verify this or that'. It is appropriate for there to be proper monitoring of the speed-limiting devices of heavy vehicles. The government is about making Victoria's roads safer, and this is part of the process of ensuring compliance with a sensible law that has been put in place to ensure there are speed-limiting devices on heavy vehicles.

Mr Bishop raised the question of safety on country roads. This government has invested \$1.5 billion since it came to office — —

**Hon. R. G. Mitchell** — How much?

**Mr VINEY** — This government has invested \$1.5 billion in country roads in Victoria. In fact, that is in stark contrast to the commitment by the opposition in its recently announced half-tolls policy package. That package includes some money for country roads but it is in effect less than we already spend. The opposition's commitment on country roads is actually a cut! It is back to its old tricks.

The reason we are investing in country roads is to make them safer. It is important to look at the statistics on road safety and the raft of reform packages and funding that the government has put in place to improve roads and road safety. In 2003 and 2004 Victoria recorded its lowest road tolls since the keeping of records began. A 17 per cent reduction in fatalities has been achieved, together with positive reductions in serious injury numbers and injury severity. You need only look at a few of the statistics. In 2004 Victoria recorded 6.85 deaths per 100 000 of population, compared with 8.3 for the rest of Australia. The rate of deaths per 10 000 vehicles in Victoria has fallen by 28 per cent, from 1.34 in 2001 to 0.96 in 2004 — and for the rest of Australia the rate was 1.26. On all measures the Victorian government has been implementing a range of reforms that have had positive impacts on road safety. The provisions in the bill in relation to the engine management systems of heavy vehicles is a part of that regime. I welcome it, and I think the house should support the bill.

Finally, I just want to touch on the silly objection to the name change of Spencer Street station to Southern Cross station. Mr Bishop seems to think this will cause havoc because people will not know the name of the new station. We can think of a few icons that have had their names changed. I need to mention only one — Ayers Rock, which everyone now knows as Uluru. It actually does not take that long for people to accept name changes. This is a name change to recognise the substantial investment that is going into that station. It will be a totally new station. It is a total redevelopment, and I am sure the people of Victoria will welcome it. I urge all members to support the bill.

**Hon. J. A. VOGELS** (Western) — I will make only a few comments on the Transport Legislation (Further Miscellaneous Amendments) Bill. Mr Bowden and Mr Bishop have covered the bill very well and there is no point in my going over the same items. The three

things I want to raise are the name change from Spencer Street station to Southern Cross station, the provision that will allow the director of public transport to direct the removal of a tree that the director considers poses a risk to anyone using the railway track and the provision that provides for the registrar to enforce parking restrictions at railway stations, including barriers, in an endeavour to control parking.

I refer firstly to the renaming of Spencer Street station. It is a shocking thing to do. It is outrageous. Spencer Street station is an icon. It is a landmark. If you arrive in Melbourne from overseas or anywhere else and say to a taxidriver, 'Take me to Spencer Street station', he will take you to Spencer Street station and you will know where it is as well. As to Southern Cross station, the taxidriver will know where it is, but knowing some of the taxidrivers that I have travelled with, I think they might take you on a roundabout way to get there. If you know you are going to Spencer Street you actually know where you are going.

Spencer Street station is an icon. It is being rebuilt and, like most things that this government undertakes, its completion is a year overdue. I think it is also \$50 million over budget. I get lots of complaints from people in Warrnambool, Colac et cetera who get to Spencer Street and find they then have to negotiate a maze to find their way into Collins Street. There is no signage. People are wandering around platforms — often they are elderly people — carrying heavy luggage and trying to find their way out of the place.

People can put up with the inconvenience of a new building for a little while, but it is stretching things when it is already 12 months overdue. I suggest it will be at least another 12 months before the project is finished. I know we will have some sort of opening before the Commonwealth Games so the government can give more spin and more hype and get more glossy pictures out, but it will not be finished. As soon as the Commonwealth Games are over no doubt all the barriers will go back up again and the works will recommence. But that is not surprising, with the Bracks government managing the project.

The measure that provides for the removal of trees or vegetation et cetera along railway tracks for safety purposes is an excellent provision, as a couple of previous speakers have already mentioned. That should be carried out by VicRoads and by local government using the same method. Each year many people are killed as a result of hitting road hazards such as trees or vegetation. School bus operators down our way tell me that when they take school kids on a bus down a local road overhanging branches often knock the mirrors off

the bus, yet when they go to the council to complain, the council says, 'We have to get a permit, and that takes time'. And it does take time. Not that long ago I was at the Strathbogie council. It cost the council \$50 000 to remove one tree, which was on a bend. It was re-forming the road by putting in a better curve around the corner and the tree had to go. All up the process cost \$50 000. That is ludicrous. This is a good provision in this bill, and I think it should be extended to enable local municipalities to carry out the same sorts of removal of vegetation on roads if it is hazardous.

The third thing I will mention is the proposal that will allow Connex to charge people to park at railway stations. As somebody has said, when this comes in it will be \$2, and if you work it out, that is \$10 a week or \$500 a year. Then it will go up to \$3, then to \$5 and so on. Not only is the Bracks government happy about that but it will grab people at the other end. We are told that one of the reasons it brought in the parking tax in Melbourne was to get people to use public transport. People who own parking spaces in the city will now have to pay up to \$800 a year for the privilege of parking their cars in their own parking spaces. That congestion tax was introduced to get people to not bring their cars into the city and to go by rail, bus and so on. If people are also to be taxed to park at a railway station before they get on a train, they will be hit both ways. With the \$2 a week — that is \$500 a year — and with the congestion tax it will be a case of the government saying, 'Which one will we put up the fastest to rake in more money?'. The government is an expert at doing that. Like the previous speakers on our side, I will be opposing this bill.

**Ms ROMANES** (Melbourne) — I am pleased to support Mr Viney in speaking on behalf of the government on the Transport Legislation (Further Miscellaneous Amendments) Bill. Over the course of the last two terms of this Parliament we have seen a number of miscellaneous amendment bills relating to transport. This one is designed to introduce various improvements to road transport legislation, and in particular, as Mr Viney has mentioned, improvements to safety measures in a range of ways. The legislation is also about putting in place measures to enable a more effective operation of the public transport system. In particular there is an upgrade of ticketing provisions to reduce fare evasion by supporting various new ticketing practices. The changes will put the public transport system in a good position to deal with the advent of the new smart card ticketing system in 2007.

The Transport Legislation (Further Miscellaneous Amendments) Bill comes to the Parliament at a time when there has been serious debate on transport issues

in the media and among various stakeholders groups in the community. The issues have come to the fore because not only is metropolitan Melbourne, like many other cities of the world, facing the issue of congestion but even some provincial towns in Victoria are beginning to face it. They do not, of course, have congestion on the scale we have it in Melbourne. This is coming about because of growth, and it is threatening livability and sustainability.

Discussions tend to focus on different strategies and priorities for spending on future infrastructure. At last we are seeing recognition of the increasing importance of public transport. While we are talking about public transport it is important to remember the role it plays in our state. The first role is that of mass transit — shifting large and increasing numbers of people; the government's objective is for 20 per cent of commuter trips to be made on public transport by 2020 — and shifting large and growing amounts of freight efficiently around our cities and countryside.

When Mr Bowden speaks in the chamber I am always reminded of his focus on roads. I think he is starting to change his mind a little, but until now he has been totally focused on roads. I thought he might be interested to know that we could achieve the same result in terms of the number of people we could shift from outer Melbourne to the centre of Melbourne by adding three services on the Dandenong rail line as we could by spending funds on one lane of the Monash Freeway, as he has often proposed. Investing in increasing recurrent and capital expenditure on the public transport system, as the Bracks Labor government has done, is a wise direction in which to go.

Another major function of public transport is to address issues of social exclusion. To do that public transport needs to play a greater and greater role in the middle and outer suburbs and in towns. It is important for the over 40 per cent of people who do not drive to have access to public transport for work, study, recreation, visiting relatives and participating in community life. That is why the Bracks Labor government's reopening of the railways to Bairnsdale and Ararat have been very important initiatives — —

**Hon. P. R. Hall** — What about Leongatha? When are we going to see Leongatha?

**Ms ROMANES** — It will come. It is coming. Those rail services have been very important for those communities. The Bracks government has increasingly been investing in bus networks, improved services and new services. The provincial Victoria statement

released earlier this week highlights a further \$20 million investment in improved and new bus services in provincial Victoria. Some of those, such as the Warrnambool to Grampians service, will be important new services for people who live in these areas.

I want to comment on The Nationals proposal to keep the name 'Spencer Street station'. The station is a key piece of infrastructure in my electorate that continues to dazzle people who see the emerging wave structure roof and the building structures emerging around it. Those who are struck by what a magnificent architectural statement it is often comment on it. I am sure that early in 2006, when it has opened and is being fully utilised, accolades will flow.

The accusation was made that the government does not have a sense of history in relation to the name Spencer Street. As Mr Bishop would know, I am one who is a very — —

**Hon. B. W. Bishop** — Keen historian?

**Ms ROMANES** — Thank you. When the first announcement was made I certainly felt a twinge of maybe regret that we had proposed to change the name Spencer Street to Southern Cross. However, there is a time of adjustment and most people can accept change if they are given good reasons for that change. In terms of history, Spencer Street was not the original name of the station. It was originally named Batmans Hill station after Batmans Hill, which is quite close by. It is obviously not set in stone that we have to keep certain names.

I think the government's position that the station will not now just be located on Spencer Street has become widely accepted. It is a new building with a new aspect. Its main frontage will face south onto Collins Street and therefore it will have an interface with two streets and there could be some confusion if people were just heading to Spencer Street. It is a new name to befit a new architectural statement and a new era for public transport, an era in which the image of public transport in Melbourne and Victoria will be greatly enhanced. I do not support the proposal put forward by The Nationals that we keep the name Spencer Street. The name Southern Cross will capture something of the new era in public transport which we are in the process of embarking upon. With those words, I commend the bill to the house.

**Hon. DAVID KOCH** (Western) — I will be making only a small contribution to the Transport Legislation (Further Miscellaneous Amendments) Bill.

This bill has been extremely well covered by my colleague the Honourable Ron Bowden, who was the opposition's lead speaker. I can assure the house that the Honourable Barry Bishop from The Nationals picked up on any gaps Mr Bowden may have left.

As we appreciate, this bill amends seven pieces of legislation. They are: the Melbourne CityLink Act 1995, the Mitcham-Frankston Project Act 2004, the Public Transport Competition Act 1995, the Rail Corporations Act 1996, the Road Management Act 2004, the Road Safety Act 1986 and the Transport Act 1983. The only areas I wish to comment on are Spencer Street station, the engine management system proposal, the position in relation to the tow trucks on specific freeways and highways, the tow-truck allocation process, and lastly and very briefly the removal of trees where they interfere with rail reserves.

We have heard much debate about the change in name of the Spencer Street Station Authority to the Southern Cross Station Authority. We should recognise that some architectural work has been undertaken at the Spencer Street railway site and that the building activity there has in many ways improved the station and given it new life. We look forward to our older infrastructure being redeveloped and improved. However, during the process the project has gone a long way over time and over budget and has caused continual frustration to people travelling to Melbourne from regional Victoria.

People have found it very difficult over the last three years at least to combat the frustrations involved in every trip from regional Victoria to Melbourne. They have been frustrated by the process of being redirected and by not knowing where they should go from one trip to the next. They have been shuffled around. Collection points have been all over the place, and many people have found it very difficult. We look forward to the completion of the redevelopment, as I am sure do not only those from regional Victoria but all Victorians

I think the name change is another smokescreen by the Bracks government to try and initiate a new station while putting in to the background the cost overruns and the time lags in putting the project together. I strongly believe history will tell us that Spencer Street station is the name that should remain. The cost of changing the name will be another unnecessary outlay borne yet again by the Victorian taxpayers. If the name change goes ahead a national and international tourism landmark will be lost to the tourist industry. I think we should all be very concerned that the government has seen fit to change the name. I support the amendment that will be moved in the committee stage by The Nationals to retain the name Spencer Street station.

In relation to the engine management system proposal, we have some concern about the availability of the necessary equipment and the lack of details on training. We do not know what the calibration will be, what audit trails will be in place, who will be using the equipment, the purposes for which it will be used or the accuracy of the information gained. The proposal needs further investigation and we on this side of the house do not support the amendment in its current form. We need far more information on it. We need to have some idea who will be using it and what systems are going to be put in place. We do know that engine management systems are used on some European cars, but we also know that one size does not fit all, so more information is certainly required here.

I also believe the new two-stage process that is being introduced for tow trucks — having non-allocated trucks clearing busy highways and freeways immediately after impacts and then having a return back to the allocation process to get vehicles removed from sites to repair shops or whatever — should give some concern. An issue has been raised of whether insurance companies will cover the cost of this two-stage process. We should be looking at who will have to wear the cost. Will it be the person who owns the vehicle, the insurance company or someone else?

My concern is that if under this process two different towing companies become involved in attending an incident, that may add extreme cost for the owner of the vehicle in one way or another. If we have people doing the first removal at the direction of police, we may well find favouritism is extended to particular towing operations over others because they may be friends of or otherwise connected with the officers who have the right to call the truck in. This may in many cases be detrimental to the second part of the process of removing the vehicle from the site and taking it to a repair shop.

The last thing I would like to raise relates to clearing trees or other vegetation away from railway lines or railway easements where vegetation is causing damage to the railway network or where it has become a safety issue. I totally support that proposal. It is very good but it does not go far enough. Certainly local councils should be given the opportunity of clearing vegetation from road easements where they have the responsibility of looking after such situations. Earlier my colleague Mr Vogels said that on some of the narrower road easements in regional Victoria, especially on school bus routes, buses sometimes get caught in tree branches and local councils cannot immediately go out and remove a limb or a tree as they deem necessary.

The Road Safety Committee has looked at this issue and made recommendations on behalf of local government but with little success. The minister might in her wisdom take up this issue on behalf of local councils to provide further road safety on country roads. It seems ironical that VicRoads should get the opportunity to clear vegetation as of right but local councils have to go through a tedious and combative process.

With those few remarks I conclude my comments. There are many other things we could raise. I would desperately like to raise issues in relation to the recent \$500 million *Moving Forward* statement. From regional Victoria's point of view that is seen as a mickey mouse allocation. It is \$100 million per annum over five years. I do not see how the government can justify the significance it accords that in the context of an operating budget of something in the order of \$31 billion. Local government does very badly out of that deal, as do road networks and bridges.

**Hon. P. R. HALL** (Gippsland) — The Transport Legislation (Further Miscellaneous Amendments) Bill makes amendments to seven acts of the Victorian Parliament and changes the name of an act. It encompasses a whole range of issues but in the cause of expediting the proceedings and getting through most of the government program today, I will concentrate on the Road Safety Act and make a general comment pertaining to the second-reading speech, in which the minister spoke about the smooth operation of road transport and its importance to Victoria.

This is a transport bill, and I do not think any transport debate would be complete if we did not make some comment about roads because of their importance to transport in country Victoria and the importance of road safety in particular. Driving down the highway from Geelong through to Colac I could not help but notice the very poor condition of Princes Highway west. I talked to local councillors and some of the local people here in Colac, and they agree with me wholeheartedly about the deplorable condition of Princes Highway west and the urgent need for an upgrade and duplication of the road. Mr Bishop and I travelled down here together, and when we stopped at the local milk bar in Winchelsea for an ice-cream we were pleased to sign a petition which called for the duplication of the highway beyond Waurn Ponds into this part of the region.

It is important for the Western District that action be taken to commence a process for major improvements to Princes Highway west. I happen to live in the vicinity of Princes Highway east on the other side of Melbourne, and we are fortunate to have a fine

uplicated road from Dandenong right through to Traralgon, which is a distance of some 165 kilometres out of the central business district of Melbourne. Colac is almost the same distance out of Melbourne — about a 2-hour journey — but, as I heard from council representatives today, the incidence of serious road accidents on Princes Highway west is something we all should be concerned about. I noted that a fair bit of work was taking place at various stages along the road. Wire rope barriers were being erected, but that will not address the serious road safety problem local people tell me exists along the highway.

I was also informed by one of the councillors this morning that the operation of the new gas turbine to be built at Mortlake will generate an additional B-double truck every 17 minutes along the Princes Highway. If you were to look at the condition of that road and imagine a B-double coming along every quarter of an hour or so, you would be concerned if you were travelling in the opposite direction. It is the wish of the council, and it is making efforts in this respect, to have this particular piece of road come under the federal government's AusLink program. I am happy to support that, because I think it is the responsibility of both federal and state governments to improve the road. I have travelled along this highway over many years, and each time I note that the condition of the road has not changed much during that time. An occasional extra overtaking lane may have been put in place, but certainly the road does not meet the expectations of the community in western Victoria or our expectations as motorists who journeyed down here yesterday.

I will finish by sharing a view that was expressed to me by someone I spoke with in Colac. He said he was disappointed with the government's statement on provincial Victoria, which was delivered on Monday. He said, 'Mr Bracks said that there was plenty of money to be found for walking tracks and bike tracks, but what we want in this region is a bit of money for our goat track'. He was referring to Princes Highway west. I conclude my comments this afternoon with a plea to the government. I urge government members to support the local council in Colac in getting Princes Highway west accepted as part of the AusLink program so that at long last it can be upgraded to meet the needs of the people of western Victoria.

**Hon. C. D. HIRSH** (Silvan) — I will simply address clauses 15, 16 and 19 of the bill with regard to gaining access to the engine management systems of heavy vehicles to check aspects of them, including the speed at which the compulsory speed-limiting device has been set. Of course a speed-limiting device prevents a heavy vehicle — vehicles of over a certain tonnage —

from travelling at more than 100 kilometres an hour. One of the reasons this amendment concerns and interests me greatly is that I come to work daily on the Monash Freeway. I travel at no more than 100 kilometres an hour, usually with the cruise control turned on. I am passed again and again by enormous B-double trucks that are clearly travelling at well over 100 kilometres an hour. It is quite frightening when one of them comes right up behind you and starts flicking its lights and, when you do not speed up, starts tooting.

**Hon. R. H. Bowden** — You are in the wrong lane.

**Hon. C. D. HIRSH** — I will take up that interjection, because it happens in any lane that I am in. It happens more often than not, and it is a pretty terrifying experience. It may be that inadvertently —

**An honourable member** — It doesn't happen to Glenyys — and she is on a bike.

**Hon. C. D. HIRSH** — One day soon I might be on a bike, but I would not ride a bike on the Monash Freeway; it is not a very sensible place to be. There has been a lot of talk from the opposition about calibration of and other matters concerning the device that is going to be used to access the engine management system. It seems an easy enough thing to understand. All the device will do is translate or transcribe the information from the engine management system into a form that can be read by people. All it will do is take information that is on that system and translate it.

This technology has already been subjected to independent testing, and Victoria Police, the Department of Justice and VicRoads will collaborate in seeking further expert advice as to the appropriate ongoing testing and maintenance requirements which will form the regulations. It does not need calibration. It is as if you are translating from one language to another, perhaps using braille or Australian sign language. Nothing is changed in the translation. It is simply turning one form of information into another form of the same information. The data produced by an engine-reading device is not able to identify who has driven the vehicle at any particular time and does not identify the speed at which any vehicle was travelling at any particular time. It does not divulge personal information and cannot be used as the basis of a speeding infringement. If the speed-limiting device happens to be inaccurate then it will be useful in repairing that problem. I applaud the bill generally but particularly this aspect of it.

**Hon. R. G. MITCHELL** (Central Highlands) — I rise to speak on the Transport Legislation (Further

Miscellaneous Amendments) Bill and will concentrate particularly on clause 36, which enables tow-truck drivers engaged by VicRoads to tow vehicles that have been disabled in an accident and are declared to be hazardous, whether it be on a freeway or another designated road, and to move them to a safe place without waiting for an allocation from the accident allocation centre. This is a sensible move as it removes the problem of undue delay when motor vehicles are blocking freeways. It also removes the age-old traffic problem of rubbernecking, which occurs whenever there is an accident on a freeway. I recall in my days of driving tow trucks in and around Melbourne the difficulties we faced when entering a freeway that was jammed with bumper-to-bumper traffic in getting to an accident scene so we could remove a vehicle that had been disabled due to an accident or breakdown.

Bypassing the accident allocation system is a wise move as it will speed up the removal of congestion on a freeway. It is not the first time an exemption has been made to assist in the removal of disabled vehicles from freeways. It was the Kennett government that removed the ability of the Royal Automobile Club of Victoria (RACV) to assist disabled vehicles on freeways. It sold that contract, like it sold everything else, to its mates at CityLink. In doing so it slowed down the process of having disabled vehicles removed and in the process employed people on lower wages and conditions than those paid by the RACV. That is what opposition members are trying to do today. Leopards never change their spots. Opposition members constantly want to drive down workers conditions and wages. This bill delivers on the government's commitment to Victoria of moving forward, especially on freeways which lead to provincial Victoria, which we know is a great place to live, work, invest and raise a family.

Before I conclude I will touch on the idea of engine calibration. Unfortunately the ignorance shown by the other side in finding out what happens with these vehicles is astronomical. Since the late 1980s heavy transport vehicles in Australia have used devices called tachographs or fleetcom systems. They are used constantly, but none of the bananas on the other side knows that. They are out of touch. They sit there in their little cocoons and do not understand.

I will comment briefly on the change in the name of the Spencer Street Station Authority. I note The Nationals object to the name change for historical reasons. Perhaps that explains why their vote has been falling consistently. The Nationals have had more name changes in the last three years than anyone! Time moves on and The Nationals may change their name again next week. I believe the Southern Cross station

will become more of an icon than Spencer Street is now. It will be a great place to be at and a great place for tourists to visit when they come to the great state of Victoria led by the Bracks government.

**Ms BROAD** (Minister for Local Government) — The Transport Legislation (Further Miscellaneous Amendments) Bill makes amendments to a number of transport acts. The opposition and The Nationals have commented approvingly on several of those amendments but criticised other amendments. In my right of reply I will respond to certain of the criticisms and provide information to the chamber about the government's reasons for proposing those particular amendments.

In relation to the renaming of the Spencer Street Station Authority as the Southern Cross Station Authority I advise the Council that the change of name of the station was announced in 2001 and the government went to the last election in 2002 with the name change as its stated policy. This is not the first time the name has changed. It was originally called Batmans Hill station after the well-known locality of Batmans Hill. The station will now not be on Spencer Street as it previously was but will have a south-facing frontage on Collins Street as well. It will have a major commuter interface with Collins Street and as a result confusion could be caused by retaining the current name. The government's view is that the new name fits the architectural statement made by the new station.

The second matter raised by the opposition and The Nationals which I wish to comment on in my right of reply relates to the railway station car park heads of power and the alleged possibility of car-parking fees. I am advised that parking controls are a significant issue at certain railway stations where non-transport users use the car parks for reasons other than train travel and car-parking spaces are denied to genuine commuters. There is a problem with the current laws for regulating the use of these areas and supporting the use by genuine commuters. This was caused by the previous government, which did not ensure that car-parking legislation was adequate in preparation for privatisation by that government. The previous Kennett government was also responsible for the car-parking provision in the franchise agreement.

As a result, the amendments by the government in this bill will insert new heads of power in the Transport Act to enable regulations for better and more effective parking controls. The amendments will allow for the proper car-parking controls that will give power to transport operators to enforce the law and protect and benefit regular commuters. I also wish to place on the

record that the government and Connex have no proposals to charge parking fees at railway station car parks. It is also the case that Connex cannot set any fees unilaterally because this requires government approval, which the government is not giving.

The third matter it is important to deal with in this right of reply is the matter of engine reading devices. I wish to advise the house that the presumption that data downloaded by an engine management system reading device is an accurate record of the information contained on the engine management system itself will only apply if a device is prescribed in the regulations and is used in accordance with the regulations. This device will be used simply to print out the record of the engine's use and does not measure or interpret that information in any way. This technology has already been subjected to independent testing at a laboratory which has been accredited by the National Association of Testing Authorities to establish its accuracy and reliability. Victoria Police, the Department of Justice and VicRoads will collaborate in seeking further expert advice as to appropriate ongoing testing and maintenance requirements.

The outcomes of this process will inform the relevant regulations and will ensure that Victoria Police, industry and the community can have confidence in this enforcement technology. With those few words in this right of reply, I commend the bill to the house.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Clause 1**

**Hon. B. W. BISHOP** (North Western) — I move:

1. Clause 1, lines 12 to 14, omit all words and expressions on these lines.

This amendment will effectively stop the government renaming the Spencer Street railway station the Southern Cross railway station. As we have said in a number of the contributions from this side of the house today, you have to ask yourself why the government is doing this.

We are really talking about history in this case. We are talking about the history of not only Spencer Street but of Melbourne. I believe that history is well understood by communities throughout Victoria, as indeed it should be because it goes back to the mid-1800s —

about 150 years ago. Spencer Street has become a part of the lives of country people. When they come by train to Melbourne, Spencer Street is where they end up and where they leave from. It has become a real icon of rail travel in Victoria.

We find that today with the stroke of a pen this government can remove the name 'Spencer Street' and put in its place the name 'Southern Cross'. Now we are really struggling to get the relevance of Southern Cross. The Southern Cross is a group of stars that has been used by navigators for many, many years. That is fine; we have all looked at those stars. There are also other places named Southern Cross. We are really struggling to get the relevance of the government's change of name in this instance. We have asked the question in our communities and have had a substantial response from them because of concern that with the stroke of a pen we will have a change of name for an icon of our rail transport system in Victoria.

We have heard the minister say that the new name reflects the make-up of the station. If the minister wants to reflect that, perhaps she might consider calling it Waves, taking that from the roof line. That might be another way of looking at it.

**Hon. P. R. Hall** — It is a better description than the Southern Cross.

**Hon. B. W. BISHOP** — I thank Mr Hall for the interjection. It certainly seems to me to be a better description than Southern Cross.

**Hon. B. N. Atkinson** — It could be called Half Done.

**Hon. B. W. BISHOP** — Mr Atkinson suggests it could be called Half Done. This all highlights the lack of thought that has gone into the name change put forward by the government, particularly as to the history of the state. Is it arrogance? I know the minister said the government announced it in 2001. A fair few things were announced in 2001. Perhaps people did not think the government was going to do it, but there was very little consultation as far as we on this side of the house are aware. We have to make up our minds about why it is being done.

I now move to the issue of tourism. Tourism is extremely important to this state, and I thought the Bracks government might have been sensitive to the requirements of the tourism industry. There are a couple of issues about tourism. I will deal first with the cost of the name change. I wonder how many pamphlets, documents and books have the name 'Spencer Street' printed on them and by how much the

change will force up their cost. The cost issue relates to the heap of stuff that has been printed, perhaps not just lately but over a long time. Even worse than that is the loss of the level of recognition. We in politics all know the worth of recognition. We all know the worth of people recognising places or names. I believe that a lot of people from Victoria, Australia and even overseas recognise the name 'Spencer Street'. They know the name, they know where the station is and they feel quite comfortable with that, because it has been there a long time.

Mr Viney said, 'It is not really Spencer Street anymore; you enter off Collins Street'. I am a bit amazed about that. A whole block on Spencer Street is occupied by the station. You cannot tell me that the location of the station is not on Spencer Street. We in The Nationals believe it will be a tragedy if this name change goes through. We believe this is an opportunity for the government to change its mind, recognise the history and retain the name Spencer Street railway station. I urge all members to support the amendment The Nationals have moved.

**Ms BROAD** (Minister for Local Government) — Mr Bishop has advised the house that the sole purpose of these amendments is to prevent the government from implementing the policy it announced four years ago to rename the Spencer Street Station Authority the Southern Cross Station Authority, a policy that was part of the government's election policies in 2002. As I have advised in my reply, the government believes this is a good and proper policy, which we are now seeking to implement some years after it was announced and publicised. The government does not support these amendments given their purpose. The government believes the bill should be supported in its current form to ensure that some four years after it was announced the government's policy can now be implemented, which is certainly timely.

**Hon. D. K. DRUM** (North Western) — I add my voice to the debate. We cannot see any reason to change the name of Spencer Street station to Southern Cross station. While the minister is quite right to say this was announced some three or four years ago, I have correspondence from two-and-a-half years ago in which I specifically asked the Premier — and it was referred to the Minister for Transport — why the government thought it necessary to change the name of Spencer Street station, how on earth it picked the name 'Southern Cross station', what consultative process it went through and which Victorians it asked whether it was a good idea. The response I got from the minister is the reason we are here today — that is, there was no consultation process.

The government thought it would be a good idea. It made an independent choice to do away with the traditions of London — with Liverpool Street station being near Liverpool Street, Kings Cross station being in Kings Cross and Waterloo station being in Waterloo. It is good enough for New York to have Grand Central station in the central area, and yet for some reason the Bracks government thinks it is no longer good enough for Spencer Street to be the name for the refurbished station. I add my voice to the weight of the argument mounted on behalf of regional Victorians. Spencer Street station has always been their first port of call as they have entered Melbourne by train, and it is something they relate to very strongly.

**Hon. R. H. BOWDEN** (South Eastern) — I would like to add the weight of my comments to the argument in favour of the amendment. The location of Spencer Street station is well known and the name is on all types of literature. It is an integral part of Victoria. Spencer Street station is well known through its tourism profile, it is well-known to visitors from rural and regional areas and it is a major commuter centre for normal transport needs during the week. We have not been convinced there is any great justification for the considerable cost and inconvenience involved in changing the name.

I recall that several years ago there was massive objection to a proposal to change the clocks at Flinders Street station. This is much more important than changing the clocks. We want to keep the name and we want to keep its identity — we want a continuum of the history. We certainly oppose this change. We ask the minister to reconsider this, particularly on cost and cultural values. Will the minister do that, even at this late stage?

**Hon. W. R. BAXTER** (North Eastern) — I want to enter the committee debate at this stage to dispose of a couple of the specious arguments the Minister for Local Government advanced in her defence of this clause in the bill. It is a bit rich to claim that the government has a mandate for this because it announced this policy back in 2001, prior to the election. Despite the noise we might be making about it, this is simply a name change. Given all the other issues and policies that the electors consider when they are making up their minds whether to defeat a government or not, surely this change is not of sufficient weight or merit to cause a government to be brought down. I do not think it can be said that simply because the government was re-elected this particular policy was thereby endorsed.

We know full well that this proposal did not follow proper process — it did not go to the place names

committee, which is generally the case. It was a brainwave a minister had on a particular day, and he made this announcement. It flouted the normal rules. Those of us who have been associated in the past with attempting a name change, no matter how justified or logical, know that there is a quite convoluted process to go through before that can be done. I think the government has something to answer for in the fact that it has disregarded its own rules. It has chosen a name which has some historic significance for Australia, but as we well know there is already a location in Victoria known as Southern Cross. There is a quite substantial town in Western Australia by the name of Southern Cross, and it seems to be confusing to introduce the name again.

Spencer Street station has long and historic connections, particularly for country people, because it has always been seen as the terminus for country trains. I was amazed at the suggestion made by the Minister for Transport in the other place when he was defending the decision last week that this new station will be on Collins Street. It has been pointed out already that it takes up a whole block in Spencer Street. The main entrance — no doubt there will be more than one entrance — will be on the diagonal of the corner of Spencer and Collins streets. If people go down and have a look at the Collins Street extension, they will see it is a ramp which rises up to cross the railway lines before leading to the Docklands and that it is not feasible to have an entrance from Collins Street in any event. I think it is an entirely specious argument to suggest that in future this station will be entered via Collins Street, because clearly it will not.

There is absolutely no public demand for this change. There is, in fact, a great deal of resistance to the change. If this government is practising what it preaches and taking notice of what the people of Victoria want, I think this is a step which ought to be discarded.

**The CHAIR** — Order! In relation to Mr Bishop's amendment 1, which is a test of his amendments 2 to 11, the question is that the words and expressions proposed to be omitted stand part of the clause.

**Committee divided on omission (members in favour vote no):**

*Ayes, 21*

Argondizzo, Ms	Mikakos, Ms
Broad, Ms	Mitchell, Mr
Buckingham, Mrs ( <i>Teller</i> )	Nguyen, Mr
Carbines, Ms	Pullen, Mr
Darveniza, Ms	Scheffer, Mr ( <i>Teller</i> )
Eren, Mr	Smith, Mr
Hilton, Mr	Somyurek, Mr

Hirsh, Ms  
Jennings, Mr  
Lenders, Mr  
Madden, Mr

Theophanous, Mr  
Thomson, Ms  
Viney, Mr

*Noes, 19*

Atkinson, Mr  
Baxter, Mr  
Bishop, Mr (*Teller*)  
Bowden, Mr (*Teller*)  
Brideson, Mr  
Coote, Mrs  
Dalla-Riva, Mr  
Davis, Mr D. McL.  
Davis, Mr P. R.  
Drum, Mr

Forwood, Mr  
Hadden, Ms  
Hall, Mr  
Koch, Mr  
Lovell, Ms  
Rich-Phillips, Mr  
Stoney, Mr  
Strong, Mr  
Vogels, Mr

**Amendment negatived.**

**Clause agreed to; clauses 2 to 14 agreed to.**

**Clause 15**

**Hon. R. H. BOWDEN** (South Eastern) — I express concern over the vagueness of the technical specifications and standards that relate to clause 15. Will the government provide and publish the technical performance standards, methods and full technical and engineering details of the equipment to be used and authorised for the measurements covered in clause 15?

**Ms BROAD** (Minister for Local Government) — In response I can advise that it will be a commercially available device, so information as to its specifications and performance will be publicly available. As I have indicated in my right of reply, the advice will be prescribed in regulations.

**Clause agreed to.**

**Clause 16**

**Hon. R. H. BOWDEN** (South Eastern) — My question on clause 16 is similar to my question on clause 15. Due to the importance of the technical parameters and the information that will be derived from engine systems as a result of this legislation, will the government prepare, publish or otherwise disseminate and make available the standards, technical information, name of equipment and all of the parameters so that the performance of the test equipment can be readily compared by the public?

**Ms BROAD** (Minister for Local Government) — I thought I had better check that I had not misunderstood the member's question, because the response is the same as the response to clause 15, that the information will be publicly available. The device will be prescribed in regulations and be a commercial device. The

information about the matters the member is concerned about will be publicly available.

**Clause agreed to; clauses 17 to 33 agreed to.**

**Clause 34**

**Hon. R. H. BOWDEN** (South Eastern) — I do not require any information.

**Clause agreed to; clauses 35 to 47 agreed to.**

**Reported to house without amendment.**

**Report adopted.**

*Third reading*

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

That the bill be now read a third time.

In doing so I thank all members for their contributions to the debate.

**The ACTING PRESIDENT**  
(**Hon. J. G. Hilton**) — Order! The question is:

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

**House divided on question:**

*Ayes, 22*

Argondizzo, Ms  
Broad, Ms  
Buckingham, Mrs  
Carbines, Ms  
Darveniza, Ms  
Eren, Mr  
Hilton, Mr  
Hirsh, Ms  
Jennings, Mr  
Lenders, Mr  
Madden, Mr

Mikakos, Ms  
Mitchell, Mr  
Nguyen, Mr (*Teller*)  
Pullen, Mr (*Teller*)  
Romanes, Ms  
Scheffer, Mr  
Smith, Mr  
Somyurek, Mr  
Theophanous, Mr  
Thomson, Ms  
Viney, Mr

*Noes, 19*

Atkinson, Mr  
Baxter, Mr  
Bishop, Mr (*Teller*)  
Bowden, Mr  
Brideson, Mr  
Coote, Mrs  
Dalla-Riva, Mr (*Teller*)  
Davis, Mr D. McL.  
Davis, Mr P. R.  
Drum, Mr

Forwood, Mr  
Hadden, Ms  
Hall, Mr  
Koch, Mr  
Lovell, Ms  
Rich-Phillips, Mr  
Stoney, Mr  
Strong, Mr  
Vogels, Mr

**Question agreed to.**

**Read third time.**

*Remaining stages***Passed remaining stages.****MOTOR CAR TRADERS AND FAIR TRADING ACTS (AMENDMENT) BILL***Second reading***Debate resumed from 20 October; motion of Hon. M. R. THOMSON (Minister for Consumer Affairs).**

**Hon. W. A. LOVELL** (North Eastern) — It is a pleasure to rise and speak on the Motor Car Traders and Fair Trading Acts (Amendment) Bill this afternoon in Colac. At the outset I say that the Liberal Party supports this bill. I thank the minister, her advisers and public servants for the briefing that was afforded to the opposition on this bill. I would also like to thank the member for Bulleen in the other place, Nick Kotsiras, who did a tremendous job in handling this legislation in the Legislative Assembly. He always pays particular attention to consumer affairs bills and takes a great interest in consumer affairs.

The purpose of this bill is to amend the Motor Car Traders Act 1986 to facilitate the use of an electronic dealings book and to simplify record-keeping requirements. The bill also amends the Fair Trading Act 1999 to clarify what orders can be made under that act. The main provisions of the bill allow motor car traders to keep an electronic record of their dealings book and to satisfy the signatory requirement of the Motor Car Traders Act through a document that is also kept on file rather than having to keep duplicate records.

It also allows motor car traders who operate out of several premises to keep one centralised dealings database; it will amend the Fair Trading Act, as I said, to clarify that the court orders that can be made are not limited to those that are set out in section 158(2) when a breach of the act occurs.

The motor vehicle trade is extremely important to the Victorian economy. There are around 2200 licensed traders in Victoria who employ around 1200 people. It makes a significant and important contribution to the Victorian economy. A car is often the first major purchase that a young person makes. It is very important that we have very good consumer protection around the purchase of motor vehicles.

The last review of this legislation was done in 1996, so it has been quite some time since it was reviewed. Major changes have occurred in the industry to the way

cars are bought and sold, due to the introduction of new information technology and especially Internet sales. In fact the Victorian Automobile Chamber of Commerce made note of that in its report on a review of the Motor Car Traders Act. It talked about the number of cars now advertised just on one car sales site — that is, carsales.com.au — and that 60 000 cars are now advertised for sale on that site. The Internet is becoming a significant field in the trading of motor vehicles in Victoria, and it is important that the legislation should really reflect that. This legislation does not go so far as reflecting sales on the Internet, and I will talk about that later.

In March 2004 this legislation came about because of a review that was announced by the then Minister for Consumer Affairs, Mr Lenders. An industry forum called 'Driving a Better Industry: a Forum for Motor Car Traders' was held in conjunction with the VACC and Consumer Affairs Victoria. Groups at that forum came from the VACC, the Australian Automobile Dealers Association, the Motor Car Traders Guarantee Fund Claims Committee, the Royal Automobile Club of Victoria, VicRoads, the Victoria Police and anyone else who was interested in the motor vehicle trade in Victoria.

In his introduction at that forum the then minister, John Lenders, announced he had asked a member of this house, Mr Noel Pullen, to conduct a series of consultations on the operations of the Motor Car Traders Act 1986 and on the Motor Car Traders Regulations 1998. As part of the consultation, focus groups were held around the state: in Preston, Frankston, Ringwood, Geelong, Bendigo, Wodonga, Traralgon and Warrnambool.

A number of issues were raised during the debate, which can be summarised as issues dealing with the restriction of competition, clarification of existing legislation, communication and information provision, enforcement of the legislation, difficulties in the practical implementation of the legislation and improvements to consumer protection. In all, Mr Pullen's report listed 38 recommendations to improve the way in which motor car traders could conduct their business in Victoria.

I congratulate Mr Pullen on what is a very comprehensive report and note that I was particularly disappointed to find in the foreword to Mr Pullen's report that the then minister, John Lenders, said that as a follow-up to Mr Pullen's consultations he would be preparing a government response to the report and the recommendations.

When I asked the library to find a copy of that response, the answer I got was that no response was available as yet. I guess that is probably because the ministers have changed and there has been no response from the Minister for Finance. I would have thought the new minister would have taken up the challenge of preparing a government response. It is now 11 months since Mr Pullen presented his report, and this bill will implement only the first of his 38 recommendations.

In our briefing we asked why only one recommendation was being implemented. The advisers told us this was a simple change and that some of the others were far more complicated. If it is so simple, why was it not introduced last March? Why have we had to wait until 11 months after the presentation of the report to have a very simple change implemented?

A number of recommendations in the report are also simple. I refer to recommendation 29, which states:

The inclusion of publishing an advertisement by electronic means should be clarified as constituting an offer to sell a motor car for the purposes of section 7A.

That seems quite simple; I wonder why that recommendation has not been implemented. Recommendation 30 states:

That it be made clear that auto-recyclers and car removalists who purchase vehicles from the public are required to hold a licence.

That also seems to be quite simple. Recommendation 31 states:

Penalties for unlicensed trading should be increased.

That again appears to be quite simple, yet the government seems to think it is very complicated.

The one issue I found quite striking but which was not included in this legislation was recommendation 21, which was supported by the Victorian Automobile Chamber of Commerce; it states:

That section 37 be amended to reflect the repeal of section 8 of the Road Safety Act and to clarify the application of this provision.

Section 37 of the Motor Car Traders Act states:

A motor car trader must not, and must not purport to, buy from, sell to, give to or take from in exchange or receive possession of a used motor car from a person who is apparently under the age specified in relation to the motor car or a class of motor cars in which the motor car is included in section 8 of the Road Safety Act 1986.

Section 8 of the Road Safety Act was repealed in 1998, so the reference in the report is to a non-existent

provision. The information that used to be included in section 8 is now included as part of regulation 201. I have been speaking to parliamentary counsel about how that would be handled; they agreed it was misleading to refer the public to a section that had been repealed and which provisions are now included in regulations.

The wording of the relevant regulation is different to what was in section 8 of that act before its repeal. In other words, section 8 did not deal with heavy vehicles, which are now subject to the regulations. Parliamentary counsel said they felt it would have been simple to refer to the provisions of section 37 as now being under the regulations.

It is a little disappointing that the other recommendations have not been included in this bill. If the change in the bill is so simple, why has it taken 11 months for the government to implement it? That indicates incompetence on behalf of the minister, her department and the government to deal effectively with matters of importance to the people of Victoria.

The legislation implements recommendation 16 of Mr Pullen's report; it states:

The inability of traders to keep only an electronic version was often raised as a concern throughout the consultations. Given the prevalence of these concerns, the dealings book requirement should be revisited, both in terms of their rationale and whether the paperwork requirements can be improved. For example, a workshop involving traders, regulators and software companies could be organised.

There is no clear indication of the benefit of requiring a physical signature in the dealings book. Unless strong reasons can be provided as to why it should be maintained, this requirement should be removed.

Among the things that were raised during consultation was that the dealings book is quite out of date. It also has a physical requirement for a signature. I visited a friend of mine who is a motor vehicle trader and looked at his dealings book; he has given me a photocopy of one of the pages out of it.

The things that are required to be kept in the dealings book are: the registered number or, if a vehicle is unregistered, the trader's stock number; the make and model of the car; the type of vehicle; the year it was first registered; the built date if it appears on the vehicle; the compliance date; the vehicle identification number; the date of acquisition; the odometer reading; the name and address of the person from whom the vehicle was acquired; the security interest, if any; the security interest amount, if any, paid out in discharge; the date the security interest was paid; and the signature of the person from whom the vehicle was received.

It seems that most of the problems with this book have been around getting the signatures recorded in it. As my friend pointed out to me, the notation 'Signature of person from whom vehicle was received' does not mean the signature of the owner of the car. It could be the signature of the truck driver who delivered the car. It could be the signature of the secretary of the owner, who drove it to the car yard. It could be the signature of the owner's wife or daughter or anyone along those lines.

The main problem with the dealings book arises because the motor vehicle traders have moved on with the times. They have computerised their businesses and want to be able to record all this information on a computerised database, but because of that signature requirement they are required to have double record keeping. Traders kept saying there are a number of other documents they hold — contracts of sale and things like that — that have the signature of the owner of the car on them and they felt that should satisfy that signatory requirement. That is exactly what this bill brings in. It allows them to keep their records in an electronic version of the dealings book and to satisfy that signatory requirement by having a contract of sale or something else on the premises that can be linked to that electronic record. As I said, the dealings book was seen as antiquated. The dealings book also seems to be one of the two main reasons why motor vehicle traders have been prosecuted under the act.

I refer to a couple of recent media releases. One dated Friday, 20 August 2004, and headed 'Illegal practices uncovered in motor car traders blitz' is from the director of Consumer Affairs Victoria (CAV), Dr David Cousins. It says:

More than 50 infringement notices have been issued to used car traders after a blitz on eastern metropolitan licensed dealers.

Random inspections of 34 licensed dealers uncovered illegal practices by at least nine traders, Director for Consumer Affairs Victoria Dr David Cousins said ...

'Infringement notices have been sent to those licensed dealers who had not kept their dealings books up to date as required by the law'.

Many had also failed to fill out required information on the forms attached to vehicles ... in their lots.

There was a particular raid in Shepparton that happened in the very first week I held this portfolio. I was feeling a little bit guilty that perhaps Mr Lenders had arranged that to intimidate me just a little bit. It did not intimidate me, but it certainly upset a number of traders in Shepparton — and more than just the motor vehicle traders were raided during that week.

The press release of 17 September 2004 put out by the then minister, Mr Lenders, said:

Up to 30 consumer affairs inspectors have conducted inspections on almost 200 traders in Shepparton and surrounding towns, over the past week, to promote and enforce Victoria's consumer laws.

...

Mr Lenders said the breaches across the various industries included —

and the first one was —

Motor car traders not fully complying with record keeping and failing to disclose vital information to customers ...

As I said, this caused a lot of concern for the motor car traders in Shepparton. The *Shepparton News* reported:

Consumer affairs inspectors have begun a week-long crackdown on rogue traders in Shepparton.

Motor vehicle traders were the target of 39 raids yesterday ...

That immediately put a stigma on the motor vehicle traders in Shepparton who are legitimate and law-abiding traders.

The article further states:

More than 30 inspectors are conducting raids, searching for legitimate businesses trading outside the law.

It also said that they had already uncovered breaches of legislation, that:

... most of the offences relate to dealer books which record the details of every transaction.

and that there are:

... a lot of breaches where there is missing information.

However, all that information was recorded electronically and there were signatures on other documents.

Parker Bros, a particularly reputable business in Shepparton, was fined \$10 000 without conviction, and that all related to missing information in its dealings book. That was particularly upsetting to the people in that business, because it is a very good one.

The *Shepparton News* notes in another article that:

At the time of the compliance operation last September, several motor traders complained to the *News* about the 'trivial' pursuit of poor record-keeping when there is no suggestion dealers are attempting to cheat or mislead customers.

The second main reason for the prosecutions, as listed in the two press releases, seems to relate to form 7, also known as the 'window ticket', and I will discuss that later.

The Shepparton raids caused a lot of angst. It should be noted that the conduct of the CAV inspectors during the raids was not above board. At one business, four inspectors arrived; one female inspector showed her identification and then said, 'These other three characters are with me'. That is a blatant offence under section 82 of the act, which says inspectors must show their identification.

I thank Mr Pullen for meeting with Shepparton motor vehicle traders shortly after the raids. I am quite sure that recommendation 16, which recommends changes to the dealings book, was raised in that meeting in some way, because that was one of their concerns.

The concern with form 7, or the window ticket, is that motor vehicle traders are required to put the names and addresses of previous owners on the window ticket displayed on any vehicle displayed in the yard for sale. Traders tell me that a lot of people, particularly police officers, do not want their details displayed. Indeed, some politicians have asked that their details not be displayed, but traders are required to display them. The traders say they receive many complaints about this; however, the report notes the CAV says it has not received any complaints about it. The CAV should investigate this further.

There are other ways these details could be made available. They are all recorded in the dealings book, and if anyone wanted to know the previous owner they could ask the motor vehicle trader for that information. A record could then be made of who that information had been given to, which would provide better security and protection of people's personal details.

One of the dealers raised a further issue with me regarding electronic record-keeping. He described the Victorian system as draconian. He said there should be a computer program so that he could enter all the details necessary for VicRoads, contracts, the dealings book, the window ticket and everything else into one electronic record. The program would then lodge the details into his dealings book. He could then print the window ticket and the contract of sale, with the details already entered. He could print his VicRoads transfer form and automatically lodge his stamp duty on the dealer's weekly stamp duty audit and record the GST on that sale.

That would create one record which would have all the forms and details of the dealings for that particular vehicle and which would also interact with the record-keeping and reporting requirements for that dealer. He said similar systems operate in Queensland, New South Wales, South Australia and Western Australia, but for some reason they are not favoured by CAV. However, as the current Minister for Consumer Affairs is also the Minister for Information and Communication Technology, I ask her to investigate whether it is possible to implement such a system in Victoria to help traders become more efficient in their businesses. I think it would be quite a good system. In addition, by allowing electronic versions of the dealings book to be a legitimate record of vehicle sales this legislation provides that motor car traders which trade out of several premises will be able to keep a centralised version of their dealings book providing they have a document containing the signature on file at the premises where the transaction took place.

The bill provides that statements by the director of Consumer Affairs Victoria concerning proof that a person traded as a motor car dealer may be used in civil proceedings. It amends the Fair Trading Act 1999 to clarify that where a breach of the act occurs the court can make any order it considers fair, and that it is not restricted to those orders set out in section 158(2) of that act, as the current wording suggests. This amendment clears up an error or poor drafting in this section which was introduced by the Bracks government under the Fair Trading (Enhanced Compliance) Bill in 2003.

Finally, although it is not included in the bill, the second-reading speech foreshadows that traders may be required to obtain photo ID when purchasing a vehicle from a private seller. While many traders have informed me that they already request photo ID, it is a mystery why this has been included in the second-reading speech when it is not part of the bill.

It is also a mystery why it took 11 months for the government to implement only 1 of the 38 recommendations in Mr Pullen's report. In the interests of Victorian consumers and motor vehicle traders I urge the government to take action on the other 37 recommendations.

**Hon. D. K. DRUM** (North Western) — The Nationals will not be opposing this legislation. In fact, we want to congratulate Mr Pullen on the work he has done out in the community in getting around and talking to many of the motor car traders who are out there trying to earn an honest dollar. The correspondence I received from the motor car traders in

my region was complimentary of the work Mr Pullen did. Most of the traders who wanted to speak to him had the opportunity to do so. There are things that can help the industry to improve its dealings and making slight alterations to the dealings book is one small such thing.

As the previous speaker mentioned, there were 38 recommendations in Mr Pullen's report, and we are effectively dealing with one of those recommendations, recommendation 16. The Motor Car Traders Act 1986 is being amended by this bill. Until now each dealer has had to keep a full record of all the details associated with any transaction — that is, all of the details Ms Lovell pointed out in her contribution have to be entered in hard copy form. While we have moved into the computer age, most dealers have been forced to keep a hard copy form for legislative purposes and an electronic form for their own purposes. They will now be able to keep just one and cross-reference it with another document such as an invoice which has the signature on it. At any stage the dealers will be able to show anybody who is interested all the details, plus a reference to another document somewhere in the building which shows the signature of the vendor or purchaser. We think this is a very commonsense approach that will have an impact on an industry which already faces a fair amount of regulation and compliance in its everyday processes.

We will not be opposing this legislation. Now traders will only be required to keep an electronic record that will be really good. We have been talking to a lot of car traders about this bill and some of their concerns. Two concerns have been put to me. One is, as Ms Lovell said, that they always feel authorised officers can come into their premises to check that they are operating legally and complying with all the regulations. However, one practice which goes on under the noses of all law enforcement officers is members of the general public parking cars or caravans on main thoroughfares and putting 'For sale' stickers on them. That is, in fact, against the law. It takes trade away from our licensed car traders, and is certainly something that gets on their goat, because it should not be done. You are allowed to advertise a car at the front of your own property but you cannot drive it to a main thoroughfare and advertise it there. Maybe we could look at something to tip the balance back in favour of small businesses that used to make a dollar out of trading in the motor vehicle industry.

Concerns were also raised about the behaviour of some auction houses that are pushing cars through. The issue blew up in the media a few months ago when the government was bitten by a couple of unscrupulous

operators who were working out of the respective cars they were going to purchase well and truly under the odds and within a very short time auction again at a higher reserve. We need to be aware that these sorts of practices are making it harder and harder for operators who are abiding by the law to make an honest dollar.

I point out that The Nationals have looked at the dealings book changes and are happy with that situation. We are also looking forward to some of Mr Pullen's 37 other recommendations being taken up. The inference can be drawn that at a later stage down the track a proof-of-identity card will be introduced for transactions. We think that will be the case. Without further ado, I conclude my contribution.

**Mr PULLEN** (Higinbotham) — I congratulate Ms Lovell on her contribution. I will not go over everything she has raised. I was going to do it, but she has done it very, very well. I congratulate her on that. I also congratulate Mr Drum on his contribution. We need to get on with this debate pretty quickly so I will put away my notes, but I just want to touch on the fact that in my consultations I travelled throughout Victoria. I went to Geelong and Warrnambool in this area. I also went to Wodonga and was pleased to have the minister with me there. I received an apology from the member for Murray Valley in the other place, who could not make it to Wodonga.

**Mr Lenders** — The *Wangaratta Chronicle* said you were the minister!

**Mr PULLEN** — It did, and this is my legislation, so I might be becoming a minister — who knows!

I had no preconceived ideas when I went to those meetings. I just said to people, 'I want to hear from you', and that is exactly what I got. A lot of traders and a lot of consumers attended the meetings. I will now touch on some things they raised and on a couple of the things Ms Lovell said. When you consider that motor car trader legislation was last amended in 1996 you realise why we had to do these consultations. The industry had moved on and new things had happened. Information technology and brokers had come into the game, and those were a couple of the major things we had to look at.

I will take up a couple of the points that were raised about some of the recommendations and the criticism that the government had not yet picked them up. The first recommendation in my report states:

Since it is not clear from the consultations what the benefits of a closed scheme would be to the public as a whole, an 'open' licensing scheme should be maintained.

That is something the government does not have to pick up. The recommendation is saying, 'Let us leave it exactly as it is'.

My consultation task was given to me by the Minister for Consumer Affairs but also involved issues relating to other portfolios, such as stamp duty, which is a Treasury responsibility, and a number of issues concerning the transport portfolio. These issues have to be examined, and I shall touch on just a couple of them. I will not go through all of the details that have to be kept in the dealings book, but one in particular is the odometer reading. That issue has to be taken up by the transport ministry because that is where a lot of tampering can go on with used cars. I understand that it will take a huge effort to get a new computer or something like that at VicRoads, but these are the sorts of things that will have to go on to particular departments.

I want to pay tribute to a few people. The member for Murray Valley in the other place apologised to me, and I know he knows all about this game. I also want to thank the member for Shepparton in the other place who brought down the Shepparton traders to me and we discussed the issue with Consumer Affairs Victoria. In a way the changes that we are bring to the dealings book will certainly assist these people. All they need now is an invoice that they can relate back to the dealings book. As has been mentioned by both previous speakers, the vast majority of car traders are good and decent people, and I want to particularly pay tribute to David Russell of the Victorian Automobile Chamber of Commerce for his assistance and continuous effort to keep me informed about the issues affecting motor car traders. I did know a little bit about this industry because I was in the finance industry before I came here. I have done a lot of leasing and repossession work, so I knew a little about it, and I also knew a bit about the auctions.

As has already been explained, there are some radical changes — you would not expect anything other than radical changes from an old socialist like me. I am talking specifically about the problems with auctions; there are huge problems with auctions and that is why we as a government have to really make sure that we get it right. We have to consult with the industry and not have the dead hand of government coming over the top of these things. This legislation also proves that the Bracks government is fantastic in reducing red tape. This is the great thing about it; we have done it. I am a member of this government's small business task force and I can tell the house that when I go around to small business, they are not worried about the red tape from the Bracks government — because there is none,

particularly as we are now removing this bit — all the red tape belongs to the Howard government, so just remember that one!

As I said, the large majority of traders are good people. Consumer Affairs Victoria receives about 7000 inquiries about licensed motor car traders and more than 500 written complaints over the last year. I want to particularly thank a car dealer from my electorate and his name is Peter Savage — —

**Hon. J. A. Vogels** interjected.

**Mr PULLEN** — No, I have a government car at the moment, so that is all right. Peter Savage of the Hilton Motor Company in Cheltenham North is from my electorate. I thought I knew a bit about the car game, but I know nothing compared with Peter, who took me right through it and taught me so much, particularly about the dealings book. He is a top bloke, and I want to mention his name here because he did so well. We have had trouble with some traders, and I will name the trader who has duded someone in recent years.

Dennis Keith from Mount Beauty, who is probably in Ms Lovell's electorate, purchased a Jeep Cherokee from Albury-Wodonga Chrysler in 1998 and has had nothing but trouble with it. I have his file here. He has kept meticulous records of the jobs he wanted done. I will read one of his letters to alert members to how this company has duded this poor man. A letter he wrote on 19 January 2001 to Judith Wheeler of Daimler Chrysler Australia — and I will only read part of it, because it will take up too much time — states:

I have a 1998 Jeep Cherokee Sport ...and have currently travelled 51 400 kilometres.

The vehicle is serviced by Albury-Wodonga Chrysler Jeep. This jeep has been extremely troublesome with many faults occurring.

It is worth bearing in mind that Albury Jeep is the closest agent to me and that this is a journey of 98 kilometres to get there. Each problem necessitates taking the jeep there on one day for them to look at and then returning on another day for repair. In effect each repair often involves travelling a total of 392 kilometres and with me then left aimlessly walking the streets of Albury all day waiting for the car to be fixed. This is expensive, frustrating and time wasting.

The letter goes on to say:

Some of the problems have seen the vehicle returned on several occasions for attention to the same fault. A massive mileage has been travelled and literally weeks wasted just to have faults investigated and repairs performed.

He lists only 22 faults in this letter, but there are hundreds in his file. The part of his letter that really gets to me is:

Now here is a real shock. The sales department at Albury Jeep refused to trade my Cherokee. The comment was and I quote, 'The vehicle is a lemon. We don't want it. Take it out of town and get rid of it there'.

...

My experience of owning this Jeep has been expensive in both time and financial aspects and is therefore unpleasant. I can also say that I am disappointed and that I am now thoroughly demoralised.

It is terrible that that company should treat this poor man in the way he has been treated. He got rid of the vehicle and ended up getting about \$3000 for it at the end of the day. He has had no support from Daimler Chrysler, and that too is an absolute disgrace.

This bill does not cover that situation, which leads me to recommendation 38 of my report, which concerns lemons. It is most important — and I have discussed this with the government — that we have a lemon law that will cover all products. Recommendation 38 is on page 75 of my report. It states:

Consumer protection in relation to new car warranties and 'lemons' is an area that requires further investigation, particularly given the large amounts — —

**Hon. Bill Forwood** — It's not even in the bill.

**Mr PULLEN** — I am coming to that:

of money involved in the unequal positions of consumers and vehicle manufacturers. Such an investigation could occur in the context of a broader examination of 'lemon laws' and their possible application to other types of products as well as cars.

Members can see what I am trying to get at here. We have to make sure we have lemon laws that cover so many things. This poor man, Mr Keith, has been duded by that company.

I do not want to take up much time of the house. This is good legislation, and it is important that it be supported, and I know it is supported by all parties. However, I want to mention the good point made by Ms Lovell in relation to form 7. It is an issue, and we have to look at privacy laws and so on in relation to this. I recommend that members also have a look at recommendations 12 and 13. Recommendation 12 is:

The inability of wholesalers and finance companies to provide previous owners' details for inclusion in the form 7 due to restrictions under the commonwealth Privacy Act should be further investigated.

Recommendation 13 is:

The benefits and costs of requiring the disclosure of previous owners' details in the form 7 should be explored in further detail. In particular, options allowing previous owners to 'opt

out' or to minimise the disclosure of personal information should be explored.

I am not going to go over every part of it again, because as I said at the start of my contribution — and I hope I do not have to wash out my mouth — I congratulate Ms Lovell for covering all the points in this legislation in a good and succinct way. It just goes to show that you do not have to use up an hour, as members of the opposition who have been here for a long while tend to do. You can get your point across very quickly — —

**Hon. Bill Forwood** — Quicker than you!

**Mr PULLEN** — Yes, in the approximately 20 minutes used by Ms Lovell — and I always appreciate what Mr Drum does. This is my legislation, I am proud of it and I thank members for their support.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Hon. M. R. THOMSON** (Minister for Consumer Affairs) — By leave, I move:

That the bill be now read a third time.

In so doing I would like to thank honourable members for their contributions, and I wish to acknowledge that there is more to come. Some quite complex matters arise from Mr Pullen's report, and I would like to thank him formally for the work he has put into it. He has travelled the breadth of Victoria and spoken to many people to ensure that we have an opportunity to get the balance right between the needs of motor car traders and the needs of consumers, and that we come back with a program that we believe will assist both consumers and motor car traders in doing the best that we can to ensure that motor cars can be bought and driven away by consumers with confidence that the vehicle meets their needs.

**Motion agreed to.**

**Read third time.**

*Remaining stages*

**Passed remaining stages.**

## ADJOURNMENT

**Mr LENDERS** (Minister for Finance) — I move:

That the house do now adjourn.

### **Timber industry: Otway Ranges**

**Hon. E. G. STONEY** (Central Highlands) — I raise an issue for the Minister for Environment in the other place regarding forest worker redundancies in the Otways. As the house is aware there have been demonstrations today at the Colac and Geelong sittings of the Parliament. There are at least 5 harvesting contractors, 5 cartage contractors and more than 15 employees of the contractors involved. They will be thrown on the scrap heap when timber harvesting in the Otways is finished in 2008. At the moment Labor has not committed to support these people.

There have been meetings between the contractors association and the government to decide on compensation. The government has also been asked to provide appropriate coupes that will give the employees work until 2008, which is the promise. The government has also been asked to take steps which will stop any protest action between now and 2008.

Labor has sacrificed the jobs of country Victorians for a handful of Green votes. It should really tell the Greens to lay off and let the forest workers finish their last days in the bush. Until now no packages have been offered by the government, and the contractors association has asked for the same package as was offered in the Our Forests Our Future round of assistance in East Gippsland and other areas. The industry tells me there are a number of contentious coupes to be harvested, and, in their words, the Greens have been 'snooping around'. Last year the Greens insisted that the Department of Sustainability and Environment take them to the coupes that had been harvested. The Greens have made a threat this year that if they are not taken to the coupes harvested this year, they will take direct action. This threat is of great concern to everyone involved.

The issues are: the looming threat of the Greens, despite the Otways being eventually phased out for logging; the uncertainty of supply to 2008; and most of all compensation to all contractors, forest workers and sawmill employees. I have a fair and reasonable request. I ask the minister to award full compensation for everyone involved in the forestry industry who has been affected by the creation of the Great Otway National Park.

### **Great Otway National Park: establishment**

**Ms CARBINES** (Geelong) — I wish to raise a matter with the Minister for Environment in the other place concerning the Bracks government's initiative to create the Great Otway National Park. As members of

this chamber would be well aware, a few months ago we passed legislation which will fill a 2002 election commitment to create a national park from Anglesea to Cape Otway. The Great Otway National Park, plus our commitment to end logging in the Otways by 2008, will ensure the protection of the forests of the Otways not just for ourselves but for future generations of Victorians.

As a member for Geelong Province I am very well aware that the Great Otway National Park, the largest coastal park in our state, is well supported by municipalities across the region, including the Colac Otway Shire Council and tourism bodies such as Geelong Otway Tourism, which know that the national park will provide a major regional economic and tourism boost. I am also well aware that many groups and individuals in our region have campaigned for a very long time for the ending of logging in the Otways and for the creation of the national park. Groups such as the Otway Ranges Environment Network, ANGAIR, Geelong Environment Council, the Victorian National Parks Association and many others have worked tirelessly for decades to see this happen.

The Great Otway National Park is an historic environmental achievement, and I therefore ask Minister Thwaites to appropriately acknowledge its creation by organising a local community event so that all who have contributed to its creation may celebrate the new future for the Otways.

### **Housing: Colac**

**Hon. DAVID KOCH** (Western) — My matter for the Minister for Housing concerns the failure of the Bracks government to provide adequate short-term and low-cost housing for homeless and low-income Colac families. Although there are about 40 short-stay beds in Colac, demand far outweighs the supply. As a result, the majority of homeless people in Colac are 'couch surfers' who go from one place to another in search of somewhere to sleep. Not having a permanent base means they have little or no safety or security and little opportunity for a stable lifestyle, education or employment.

Social problems like alcohol, drug and gambling addiction, domestic violence and sexual abuse contribute to the rising number of young homeless people. This becomes a vicious cycle as they are unable to find a home of their own. Those without a home become disconnected from families and society, putting all their effort into finding somewhere to sleep.

The chronic public housing shortage is a serious crisis for many Colac families on low incomes who struggle to find affordable housing in the current shortage. In particular, Colac's Sudanese migrants are being forced to squeeze in with up to three families in one house. Since 2002 at least 20 Sudanese refugee families have moved to Colac and more are expected to join them soon. Along with others, Colac's Sudanese community group has identified public housing as a major priority.

There are over 1500 people on waiting lists for public housing in the Colac Otway, Surf Coast and Greater Geelong municipalities. These councils make up the Office of Housing's Geelong district of the Barwon South West region. The waiting list includes 12 people in Colac who desperately need somewhere to live. These people have applied for what is called early housing for homeless people or people at risk of homelessness, people with a disability or those who have special housing needs. While there is a stock of some 300 public housing properties in Colac, currently there are 150 families and individuals on Colac's waiting lists.

The minister claims that the number of people on waiting lists was steady in the June quarter of 2005, rising 0.3 per cent when compared with the previous three months. However, published waiting list figures demonstrate a rise of 7 per cent when compared with the same time last year. My request is that the minister clearly outline where public housing fits into the government's half-a-billion-dollar Moving Forward strategy announced earlier this week and when the Bracks government will address Colac's critical housing shortage.

### **Schoolies week: safety**

**Hon. KAYE DARVENIZA** (Melbourne West) — I wish to raise a matter for the Minister for Education and Training, Lynne Kosky, in the other place. The matter I wish to raise concerns schoolies week, which begins this Saturday. I am sure that members of this chamber are well aware of schoolies week. Perhaps like me members know young people who have been saving and planning for and looking forward to the end of the academic year celebrations. Some members of this chamber may have children who are planning to head to the Gold Coast or to seaside destinations along the Victorian surf coast. Each year I cannot help but be concerned when I see media reports of excessive alcohol and drug intake among some individuals. This substance abuse makes young people very vulnerable to violence and assault. It is important that everything that can be done is done to keep our young people safe.

I know that the minister and her department have prepared some important information which is designed to assist in keeping our young people as safe as possible throughout schoolies week. My specific query is what action is the minister taking to ensure that the information is accessible to young people and that it is disseminated to young people who are planning to participate in schoolies week? Schoolies week celebrates the end of the academic year and for students it is often also the end of their school years before they move on to further education or into work. This is a very important occasion and it deserves to be celebrated. However, I am sure we would all agree that it is important that young people are assisted and informed so they are able to keep not only themselves but also their friends as safe as possible.

### **Neighbourhood houses: funding**

**Hon. J. A. VOGELS** (Western) — I raise a matter for the attention of the Minister for Local Government regarding neighbourhood houses and learning centres, as members of Parliament are receiving another wave of letters concerning unviable recurrent funding arrangements and requirements.

I note the minister has just released a report entitled *Strengthening Local Communities — An Overview of Research Examining the Benefits of Neighbourhood Houses* following research at nine centres in the city. Members would agree with the benefits that these learning centres bring to our communities, but the report fails to address their viability, particularly in smaller rural communities, as a consequence of inadequate state government funding.

A massive campaign for funding was launched by neighbourhood houses and their peak body prior to the May budget. Neighbourhood houses said the underfunding of program coordinators' wages meant they had to either illegally underpay award wages or increase them through users fees or by fundraising — and members will remember that these are predominantly voluntary organisations.

In response, the Bracks government provided \$8 million to build 10 new facilities and \$4 million over four years in recurrent funding to boost services in disadvantaged areas.

Here lies the devil in the detail! A whopping 80 per cent of that \$4.4 million in recurrent funding will be utilised by the 10 new facilities and the other 20 per cent is to be spread amongst 41 local government areas out of 79 over four years in disadvantaged areas.

So the funding is just not there. For example, there is zilch for the Colac neighbourhood house and many others in the other 38 local government areas across the state. Why on earth would you build a bigger empire when there are cracks in the existing empire? There are 360 centres across the state, and they are all suffering the same fate.

In a letter to me dated 31 May 2005 the minister wrote:

I have met with representatives of the sector's peak body, the Association of Neighbourhood Houses and Learning Centres, and I will work closely with them in determining priorities of funding.

Obviously those communications have broken down.

The action I seek from the minister is for her to commission a report to take a realistic look into the financial viability of neighbourhood houses, this time in rural Victoria in a rural environment, where the capacity to generate moneys from user fees is minimised due to population, as I consider this to be a sound ground for disadvantage.

### **Australia Post: Jetstar**

**Hon. B. N. ATKINSON** (Koonung) — I wish to raise a matter with the Minister for Consumer Affairs. It concerns an application by Australia Post to allow it to sell Jetstar tickets, but with an exemption from state licensing laws and participation in the Travel Compensation Fund.

A number of small businesses and the Australian Federation of Travel Agents have contacted me, in my capacity as the Liberal spokesperson on small business, and other opposition members, including the Honourable Wendy Lovell in her capacity as the Liberal spokesperson on fair trading. They have expressed the concern that if an exemption is provided to Australia Post from participation in the Travel Compensation Fund and from state licensing laws, then they would face a competitor in the marketplace which was simply not required to meet the same sorts of conditions and costs they are required to meet, and they would certainly not be playing on a level playing field.

The state licensing laws require that every travel agent is licensed and is a member of the Travel Compensation Fund. This involves an initial joining fee of some \$8000 plus the cost of an annual independent audit, annual fees, the submission of accounts and other administrative imposts. It is therefore the belief of the travel agents, both individual businesses and the association, that if there is to be a proper competitive environment, everybody who comes into the industry

should be licensed and a TCF member, or alternatively the government should make the decision to abandon the entire licensing and consumer protection regime. In other words, there cannot be one competitor in the marketplace playing by one set of rules and everybody else being required to meet another set of rules.

For the information of the house and the minister, Jetstar is not a member of the Travel Compensation Fund. The proposed method of sale through Australia Post is identical to the current method of sale through travel agencies. There is no difference, so no exemption is warranted on that basis. Travel agents do not hold deposits in relation to Jetstar tickets, nor do they hold deposits in relation to packages which may include Jetstar travel, as those deposits are held by major tour operators such as Qantas Holidays. In other words, there is no difference between the way travel agents deal with Jetstar sales and what Australia Post proposes in its attempt to enter the industry.

I therefore ask the minister to refuse any exemption to Australia Post in respect of state licensing laws and encourage her colleagues in other states to follow suit in not granting any such exemption.

### **Transport Accident Commission: head office relocation**

**Hon. BILL FORWOOD** (Templestowe) — The issue I wish to raise tonight is for the minister at the table, Mr Lenders, in his role as Minister for WorkCover and the TAC. It goes to his announcement in question time today that the government had decided it would move the Transport Accident Commission headquarters to Geelong. I think he suggested there was going to be an inquiry, but I want to let him know that the move of the headquarters to Geelong has been widely reported and that in consequence 400 members of the TAC staff today walked off the job because they are concerned about their future. Obviously I would like the minister to reassure all existing employees of the TAC that the 600 jobs that are going to be created in Geelong do not include theirs. Many of them, of course, do not live in areas that are easily accessible to Geelong — for example, I know some people who work for the TAC who live in Frankston. One wonders how the minister anticipates they will get on when they are forcibly relocated to Geelong.

I am looking for an assurance from the minister that current members of the TAC staff will not be forced to take up these jobs in Geelong, and, in particular, perhaps he might assure those who do take up the jobs that they will not be responsible for the travel costs associated with travelling to Geelong each day when

they have budgeted on just travelling from where they live into the city. I suspect that the executives will get their petrol and will be able to use their drivers to drive them down to Geelong each day, and they will probably keep an office up in Spring Street so they can talk to the minister on an as-needs basis. But there are many people in the TAC who I believe are going to find this move very difficult, so I look forward to some assurances from the minister that on this occasion he will look after the workers.

**The PRESIDENT** — Order! That was an adjournment matter that had about six matters in it, but I think we will end up with the one that was at the end.

### Princes Highway: upgrade

**Hon. PHILIP DAVIS** (Gippsland) — What a delight it is to speak on the adjournment tonight. I wish to raise a matter for the Minister for Transport in the other place, but firstly, I congratulate the councillors from the Colac Otway shire who have been stalwarts in the gallery for the whole of today. Indeed Cr Peter Mercer and Cr Warren Riches — and I note Cr Riches' wife — are also in the gallery this evening, so I am delighted that we have had a keen interest in our proceedings.

The matter I wish to raise with the Minister for Transport relates to comments that were made during question time. The Minister for Local Government made it clear in question time that the Bracks government has no intention of funding local roads — that is, council roads — and indeed it confirmed the comments made by the Treasurer on ABC radio on Monday of this week, when he said:

The state government has never funded local roads and we don't intend to put in place the mainstream local road funding program in the future.

I refer the Minister for Transport to the Liberal Party's announcement of a policy to commit funds to local roads — and the Colac Otway shire will receive \$2.7 million from that policy in the next Parliament. There is a need for the duplication of the Princes Highway west from Geelong, and all members appreciate that now having driven down here yesterday. For those who had not been here before, may I make the point that the previous coalition had given a commitment under its VicRoads strategic plan to give priority to that duplication, but that plan was abandoned by the incoming Bracks government. As a result of that there are no funds in prospect for that duplication from the state government.

It is a disgrace because that highway is a disgrace. It is a traffic hazard.

*Honourable members interjecting.*

**Hon. PHILIP DAVIS** — Government members are interjecting. It is about time they stopped robbing the poor just to stuff the government's coffers and come out with a \$2 billion surplus. It is about time the government committed to road safety and duplicated the Princes Highway west. The matter I raise with the minister is: will he advise when the Princes Highway west will be duplicated between Geelong and Colac?

### Responses

**Mr LENDERS** (Minister for Finance) — A number of matters were raised in the adjournment debate tonight. As members of the house know, the adjournment debate is an opportunity to raise issues and for those issues to then be passed on to the respective ministers.

There were two items for the Minister for Environment in the Legislative Assembly: one from Mr Stoney regarding forest industry workers in this region and one from Ms Carbines regarding the Great Otway National Park. I will pass those on to the minister for his prompt response to both members on the issues they raised.

Mr Koch raised a matter for the Minister for Housing regarding Colac housing, and I will pass that on to the minister for her prompt consideration and response to the issues raised by the member in the chamber today.

Ms Darveniza raised an issue for the Minister for Education and Training in the other place regarding schoolies week — and having two 17-year-olds who have just finished year 12, I listened with great attention.

**Hon. Bill Forwood** — Are they twins?

**Mr LENDERS** — Yes, Mr Forwood, they are twins. I will pass on Ms Darveniza's request to the Minister for Education and Training.

Mr Vogels raised a matter for the Minister for Local Government regarding neighbourhood houses. I will certainly pass that on to the minister, because I know her absolute commitment to this new portfolio area, and she will deal with the issue expeditiously.

Mr Atkinson raised a matter for the Minister for Consumer Affairs regarding Jetstar and travel agents and a Victorian permit or exemption. I will pass that on to the minister for her consideration.

The Leader of the Opposition raised an issue for the Minister for Transport in the Legislative Assembly regarding the funding of council roads. Stripping through the hyperbole and excitement of the leader's contribution, I will certainly pass the issue on to the minister. However, as minister responsible for the Transport Accident Commission and Minister for Finance, I note that this government is not robbing the poor. We have a fair and equitable taxation system, and we plough money back into the community, including putting a lot into road safety. We have figures that are the envy of the rest of the country.

Finally, Mr Forwood raised an issue for me as Minister for WorkCover and the TAC regarding the announcement today by the Premier — and my announcement in this house — of the feasibility study being conducted by the chair of the Transport Accident Commission into a move by the Transport Accident Commission from central Melbourne to Geelong. I am more than happy to say to Mr Forwood that while this government has obviously announced a feasibility study because it has a firm view that it is something which on a desktop analysis could proceed, we will have a feasibility study going forward to mid-December, and as part of that we have a group chaired by the chair of the Transport Accident Commission that will investigate all the issues that Mr Forwood raised.

There are obviously serious issues in this. While there is great economic development potential for Geelong, there are transition issues in this feasibility study that the government requires answers to. The issues Mr Forwood raises, whether they be about relocation or where individuals go in a transition of several years, are obviously issues that the feasibility study will address and report to government on.

I know that Mr Forwood's party believes in Australian workplace agreements and does not spend a lot of time on individual enterprise bargaining awards. There are procedures under those industrial instruments that deal fairly and equitably with the issues, including options and a range of things. But the feasibility study is exactly that. It is to report promptly to the government so there will be certainty on all aspects of this, its consequences and a range of things. I await the feasibility study with interest. When the feasibility study comes through in December, I will address the issues raised by Mr Forwood and many others in an adequate way.

Finally, I would like to join the Leader of the Opposition in thanking the Colac Otway Shire Council and those who spent time in the gallery today. It has been a privilege for us as the Legislative Council to be

here in Colac. I therefore conclude the adjournment debate.

**Motion agreed to.**

**House adjourned 7.20 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, 15 November 2005**

**Planning: Architects Registration Board — stress-related leave**

**2038. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to staff members of the Architects Registration Board on stress-related leave in 2002-03, what was the — (i) number of days taken; (ii) estimated cost; and (iii) total number of staff involved.

**ANSWER:**

I am informed that:

This is one of a number of questions seeking information in respect to stress-related leave taken by staff of various Government agencies.

The Department of Sustainability and Environment does not hold the information requested and I cannot justify the diversion of public time and resources required for the Department to obtain the information to answer these questions.

**Planning: Building Appeals Board — stress-related leave**

**2040. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to staff members of the Building Appeals Board on stress-related leave in 2002-03, what was the — (i) number of days taken; (ii) estimated cost; and (iii) total number of staff involved.

**ANSWER:**

I am informed that:

This is one of a number of questions seeking information in respect to stress-related leave taken by staff of various Government agencies.

The Department of Sustainability and Environment does not hold the information requested and I cannot justify the diversion of public time and resources required for the Department to obtain the information to answer these questions.

**Treasurer: State Trustees Limited — media research and public opinion polling**

**2533. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance (for the Treasurer): In relation to State Trustees Limited's media research and public opinion polling conducted since 1 January 2002:

- (a) What is the title of each poll or item of research.
- (b) What is the date of approval and duration of the contract.

- (c) What is the cost.
- (d) Who are the personnel conducting the project.
- (e) Was it put to tender.
- (f) What recommendations were made.
- (g) Were any actions taken by the Department or Minister.

**ANSWER:**

I am informed that from 1 January 2002 to the date of your question:

- (a) Research conducted during this period related to customer satisfaction, image and awareness and product feedback.
- (b) All research conducted was on short term engagements of less than two weeks duration, precise dates are not available.
- (c) \$50,000 in total
- (d) The Research Network and Consumer Insights
- (e) No
- (f) Recommendations were made based on the research results that identified areas where improvements could be made to enhance customer service.
- (g) Based on the research results a number of actions have been taken by State Trustees to enhance its service to customers and to develop product offerings in line with customer needs.

**Employment and youth affairs: minister's office — alcohol purchases**

**4050. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Aged Care (for the Minister for Employment and Youth Affairs): In relation to alcohol purchased by the Minister'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 as follows:

I have responded to this Question in my capacity as Minister for Education Services.

**Police and emergency services: Office of the Emergency Services Commissioner — communications staff**

**5035. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): As at 30 June 2005:

- (1) How many officers in the Office of the Emergency Services Commissioner 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 Office of the Emergency Services Commissioner (OESC) as at 17 June 2005, the answers to the questions are:

- (1) Nil. Communications functions of the OESC are provided by the Corporate Communications Unit of the Department of Justice. However, one of the positions in the Corporate Communications Unit is funded by the OESC.
- (2) Not Applicable.
- (3) Not Applicable.

**Police and emergency services: Victoria State Emergency Service — communications staff**

**5036. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): As at 30 June 2005:

- (1) How many officers in the Victorian State Emergency Service 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 Victorian State Emergency Service as at 17 June 2005, the answers to the questions are:

- (1) One.
- (2) VPS Grade 6 (\$78,107 - \$104,523).
- (3) Manager, Corporate Affairs.

**Police and emergency services: Bureau of Emergency Services Telecommunications — communications staff**

**5037. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): As at 30 June 2005:

- (1) How many officers in the Bureau of Emergency Services Telecommunications 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 Bureau of Emergency Services Telecommunications (BEST) as at 17 June 2005, the answers to the questions are:

- (1) Nil. The communications functions of BEST have been centralised and moved to the Corporate Communications Unit of the Department of Justice.
- (2) Not Applicable.
- (3) Not Applicable.

**Police and emergency services: Victorian Community Council Against Violence — communications staff**

**5040.** **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): As at 30 June 2005:

- (1) How many officers in the Victorian Community Council Against Violence 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 Victorian Community Council Against Violence (VCCAV) as at 17 June 2005, the answers to the questions are:

- (1) Nil.
- (2) Not Applicable.
- (3) Not Applicable.

**Police and emergency services: Victims of Crime Assistance Tribunal — communications staff**

**5048.** **THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): As at 30 June 2005:

- (1) How many officers in the Victims of Crime Assistance Tribunal 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:

The Attorney-General is the responsible Minister for the Victims of Crime Assistance Tribunal. Accordingly, you should refer your question to the Attorney-General.

**Corrections: Corrections Victoria — communications staff**

**5051. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Corrections): As at 30 June 2005:

- (1) How many officers in the Corrections Victoria 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:

With reference to officers engaged in communications in Corrections Victoria as at 17 June 2005, the answers to the questions are:

- (1) One.
- (2) VPS Grade 5 (\$63,678 - \$77,046)
- (3) Manager, Public Affairs.

**Police and emergency services: Country Fire Authority Appeals Commission — communications staff**

**5074. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): As at 30 June 2005:

- (1) How many officers in the Country Fire Authority Appeals 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 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 Country Fire Authority Appeals Commission as at 17 June 2005, the answers to the questions are:

- (1) Nil.
- (2) Not Applicable.
- (3) Not Applicable.

**Energy industries: Metropolitan Fire and Emergency Services Appeals Commission — communications staff**

**5076. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): As at 30 June 2005:

- (1) How many officers in the Metropolitan Fire and Emergency Services Appeals 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 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 Metropolitan Fire and Emergency Services Appeals Commission as at 17 June 2005, the answers to the questions are:

- (1) Nil.
- (2) Not Applicable.
- (3) Not Applicable.

**Community services: shared supported accommodation — northern region**

**5333. THE HON. WENDY LOVELL** — To ask the Minister for Aged Care (for the Minister for Community Services): In relation to people with disabilities in the Northern Region and Shared Supported Accommodation, as at 30 June 2004:

- (1) What was the total funding allocated to Shared Supported Accommodation.
- (2) How much of the funding was for Department managed accommodation.
- (3) How many people were residents in Department managed accommodation.
- (4) How much of the funding was for non-government managed accommodation.
- (5) How many people were residents in non-government managed accommodation.

**ANSWER:**

I am informed that:

Northern Region and Western Region have been merged to form North and West Region. In the North and West Region as at 30 June 2004 –

- (1) The total funding allocated to shared supported accommodation was \$88.0M.
- (2) The funding allocated to shared supported accommodation for Department managed accommodation was \$58.2M.
- (3) The number of residents in Department managed shared supported accommodation was 650.

- (4) The funding allocated to shared supported accommodation for non-Government managed accommodation was \$29.8M.
- (5) The number of residents in non-Government managed shared supported accommodation was 532.

**Community services: shared supported accommodation — western region**

**5334. THE HON. WENDY LOVELL** — To ask the Minister for Aged Care (for the Minister for Community Services): In relation to people with disabilities in the Western Region and Shared Supported Accommodation, as at 30 June 2004:

- (1) What was the total funding allocated to Shared Supported Accommodation.
- (2) How much of the funding was for Department managed accommodation.
- (3) How many people were residents in Department managed accommodation.
- (4) How much of the funding was for non-government managed accommodation.
- (5) How many people were residents in non-government managed accommodation.

**ANSWER:**

I am informed that:

Northern Region and Western Region have been merged to form North and West Region. Refer to Question No 5333 for North and West Region.

**Community services: shared supported accommodation — Hume region**

**5337. THE HON. WENDY LOVELL** — To ask the Minister for Aged Care (for the Minister for Community Services): In relation to people with disabilities in the Hume Region and Shared Supported Accommodation, as at 30 June 2004:

- (1) What was the total funding allocated to Shared Supported Accommodation.
- (2) How much of the funding was for Department managed accommodation.
- (3) How many people were residents in Department managed accommodation.
- (4) How much of the funding was for non-government managed accommodation.
- (5) How many people were residents in non-government managed accommodation.

**ANSWER:**

I am informed that:

In the Hume Region as at 30 June 2004 –

- (1) The total funding allocated to shared supported accommodation was \$20.1M.
- (2) The funding allocated to shared supported accommodation for Department managed accommodation was \$13.3M.
- (3) The number of residents in Department managed shared supported accommodation was 201.

- (4) The funding allocated to shared supported accommodation for non-Government managed accommodation was \$6.8M.
- (5) The number of residents in non-Government managed shared supported accommodation was 150.

**Housing: minister's office — alcohol purchases**

- 5413. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Housing: In relation to alcohol purchased by the Minister's Office since 30 June 2004, what was the —
- (a) the date of each purchase;
  - (b) the value of each purchase; and
  - (c) the items purchased.

**ANSWER:**

I am informed that:

The research required a response would place an unreasonable burden on the time and resources of my office.

**Aged care: home and community care program — growth funds**

- 5440. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Aged Care:
- (1) What funding under the Home and Community Care program, has been allocated and spent in 2004-05 and what proportion of this is growth funds.
  - (2) In relation to the above year how much of the growth funds has been allocated to —
    - (a) post acute services;
    - (b) palliative services;
    - (c) ethno specific services;
    - (d) services specifically for people with disabilities; and
    - (e) any other types of specified services.

**ANSWER:**

I am informed that:

- (1) The total Home and Community Care (HACC) Program recurrent budget for 2004-05 was \$382.96M including growth (full year effect). Growth funds for 2004-05 totalled \$14.78M (full year effect).
- (2) The HACC program provides basic support and maintenance to clients to maintain their independence and to prevent inappropriate admissions to residential or acute services. HACC funds are not specifically allocated in the way specified in the question.

**WorkCover: Victorian WorkCover Authority — external legal advice**

- 5668. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for WorkCover: How much has been spent by the Victorian WorkCover Authority on external legal advice since 1 June 2004.

**ANSWER:**

I am informed that:

To gather all the requested information and answer this question would be an unreasonable diversion of the resources of my department and relevant agency.

**Multicultural affairs: Victorian Multicultural Commission — external legal advice**

**5680. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Aged Care (for the Minister for Multicultural Affairs): How much has been spent by the Victorian Multicultural Commission on external legal advice since 1 June 2004.

**ANSWER:**

I am informed that:

There was no expenditure by the Victorian Multicultural Commission on external legal advice during this time.

**Premier: Public Service Medal Committee (Victoria) — interstate travel**

**6255. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance (for the Premier): In relation to interstate travel by the Public Service Medal Committee (Victoria) for 2004-05:

- (1) How many trips were undertaken.
- (2) What were the destinations.
- (3) What was the purpose of each visit.
- (4) What costs were associated with the travel, including —
  - (a) airfares;
  - (b) car rental and hire cars, including the type of cars rented or hired;
  - (c) taxis;
  - (d) accommodation, including the name of the establishment and itemised costs;
  - (e) entertainment, including its nature, the venue and itemised costs; and
  - (f) other expenses.
- (5) Did family members, associates, or guests accompany the traveller(s) on each trip; if so, at what cost.

**ANSWER:**

I am informed that:

Members of the Public Service Medal Committee (Victoria) did not undertake any interstate travel in 2004-05.

QUESTIONS ON NOTICE

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COUNCIL

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**QUESTIONS ON NOTICE**

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**Wednesday, 16 November 2005**

**Planning: Building Commission — stress-related leave**

**2041. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to staff members of the Building Commission on stress-related leave in 2002-03, what was the — (i) number of days taken; (ii) estimated cost; and (iii) total number of staff involved.

**ANSWER:**

I am informed that:

This is one of a number of questions seeking information in respect to stress-related leave taken by staff of various Government agencies.

The Department of Sustainability and Environment does not hold the information requested and I cannot justify the diversion of public time and resources required for the Department to obtain the information to answer these questions.

**Planning: Building Practitioners Board — stress-related leave**

**2042. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to staff members of the Building Practitioners Board on stress-related leave in 2002-03, what was the — (i) number of days taken; (ii) estimated cost; and (iii) total number of staff involved.

**ANSWER:**

I am informed that:

This is one of a number of questions seeking information in respect to stress-related leave taken by staff of various Government agencies.

The Department of Sustainability and Environment does not hold the information requested and I cannot justify the diversion of public time and resources required for the Department to obtain the information to answer these questions.

**Planning: Building Regulations Advisory Committee — stress-related leave**

**2043. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to staff members of the Building Regulations Advisory Committee on stress-related leave in 2002-03, what was the — (i) number of days taken; (ii) estimated cost; and (iii) total number of staff involved.

**ANSWER:**

I am informed that:

This is one of a number of questions seeking information in respect to stress-related leave taken by staff of various Government agencies.

The Department of Sustainability and Environment does not hold the information requested and I cannot justify the diversion of public time and resources required for the Department to obtain the information to answer these questions.

**Planning: Heritage Council — stress-related leave**

**2044. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to staff members of the Heritage Council on stress-related leave in 2002-03, what was the — (i) number of days taken; (ii) estimated cost; and (iii) total number of staff involved.

**ANSWER:**

I am informed that:

This is one of a number of questions seeking information in respect to stress-related leave taken by staff of various Government agencies.

The Department of Sustainability and Environment does not hold the information requested and I cannot justify the diversion of public time and resources required for the Department to obtain the information to answer these questions.

**Planning: Plumbing Industry Advisory Council — stress-related leave**

**2045. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to staff members of the Plumbing Industry Advisory Council on stress-related leave in 2002-03, what was the — (i) number of days taken; (ii) estimated cost; and (iii) total number of staff involved.

**ANSWER:**

I am informed that:

This is one of a number of questions seeking information in respect to stress-related leave taken by staff of various Government agencies.

The Department of Sustainability and Environment does not hold the information requested and I cannot justify the diversion of public time and resources required for the Department to obtain the information to answer these questions.

**Planning: Plumbing Industry Commission — stress-related leave**

**2046. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to staff members of the Plumbing Industry Commission on stress-related leave in 2002-03, what was the — (i) number of days taken; (ii) estimated cost; and (iii) total number of staff involved.

I am informed that:

This is one of a number of questions seeking information in respect to stress-related leave taken by staff of various Government agencies.

The Department of Sustainability and Environment does not hold the information requested and I cannot justify the diversion of public time and resources required for the Department to obtain the information to answer these questions.

**Health: Human Services — communications staff**

**4945. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Aged Care (for the Minister for Health):

- (1) As at 31 May 2005 how many officers in the Department of Human Services 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:**

My response to the question is that as the Human Services portfolio is dynamic and expanding the range, volume and quality of services it provides across all programs to Victorians, there is a need to let Victorians know about how to access these new and improved services.

To this end, any public servant in the Department of Human Services who receives a query about the program they are working on may find themselves communicating on the matter. On this basis, it would be an unreasonable diversion to provide the information requested.

**Police and emergency services: Justice — communications staff**

**4951. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services):

- (1) As at 31 May 2005 how many officers in the Department of Justice 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 advised that:

With reference to officers engaged in communications in the Department of Justice as at 31 May 2005, the answers to the questions are:

(1) Number	(2) Salary Band (\$)	(3) Job Title
1	VPS Grade 3 (\$44,580 - \$54,128)	Officer
2	VPS Grade 4 (\$55,189 – \$62,618)	Adviser
8	VPS Grade 5 (\$63,678 - \$77,046)	Senior Adviser
2	VPS Grade 5 (\$63,678 - \$77,046)	Speechwriter
2	VPS Grade 6 (\$78,107 - \$104,523)	Manager
1	EO (\$110,000 - \$152,771)	Director

**Corrections: Adult Parole Board — communications staff**

**5055. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Corrections): As at 30 June 2005:

- (1) How many officers in the Adult Parole 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 advised that:

- (1) Nil.
- (2) Not applicable.
- (3) Not applicable.

**Energy industries: Firearms Appeals Committee — communications staff**

**5075. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): As at 30 June 2005:

- (1) How many officers in the Firearms Appeals Committee 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 Firearms Appeals Committee as at 17 June 2005, the answers to the questions are:

- (1) Nil.
- (2) Not Applicable.
- (3) Not Applicable.

**Community services: shared supported accommodation — eastern region**

**5332. THE HON. WENDY LOVELL** — To ask the Minister for Aged Care (for the Minister for Community Services): In relation to people with disabilities in the Eastern Region and Shared Supported Accommodation, as at 30 June 2004:

- (1) What was the total funding allocated to Shared Supported Accommodation.
- (2) How much of the funding was for Department managed accommodation.

- (3) How many people were residents in Department managed accommodation.
- (4) How much of the funding was for non-government managed accommodation.
- (5) How many people were residents in non-government managed accommodation.

**ANSWER:**

I am informed that:

In the Eastern Region as at 30 June 2004 –

- (1) The total funding allocated to shared supported accommodation was \$71.1M.
- (2) The funding allocated to shared supported accommodation for Department managed accommodation was \$32.9M.
- (3) The number of residents in Department managed shared supported accommodation was 403.
- (4) The funding allocated to shared supported accommodation for non-Government managed accommodation was \$38.2M.
- (5) The number of residents in non-Government managed shared supported accommodation was 641.

**Community services: shared supported accommodation — Grampians region**

**5336. THE HON. WENDY LOVELL** — To ask the Minister for Aged Care (for the Minister for Community Services): In relation to people with disabilities in the Grampians Region and Shared Supported Accommodation, as at 30 June 2004:

- (1) What was the total funding allocated to Shared Supported Accommodation.
- (2) How much of the funding was for Department managed accommodation.
- (3) How many people were residents in Department managed accommodation.
- (4) How much of the funding was for non-government managed accommodation.
- (5) How many people were residents in non-government managed accommodation.

**ANSWER:**

I am informed that:

In the Grampians Region as at 30 June 2004 –

- (1) The total funding allocated to shared supported accommodation was \$26.2M.
- (2) The funding allocated to shared supported accommodation for Department managed accommodation was \$22.4M.
- (3) The number of residents in Department managed shared supported accommodation was 301.
- (4) The funding allocated to shared supported accommodation for non-Government managed accommodation was \$3.8M.
- (5) The number of residents in non-Government managed shared supported accommodation was 75.

**Community services: disability service needs register**

**5339. THE HON. WENDY LOVELL** — To ask the Minister for Aged Care (for the Minister for Community Services): In relation to the Disability Service Needs Register, as at 30 June 2005:

- (1) How many individuals had lodged applications on the Register.
- (2) How many individuals on the Register were waiting for —
  - (a) Shared Supported Accommodation;
  - (b) In-home accommodation support; and
  - (c) Day programs.
- (3) For each category, how many were classified as —
  - (a) Urgent priority;
  - (b) High priority; and
  - (c) Low priority.
- (4) How many individuals for each category have intellectual disabilities.

**ANSWER:**

I am informed that:

As at 30 June 2005 –

- (1) The number of individuals that had lodged applications on the Disability Service Needs Register was 4761.
- (2) The number of individuals on the Disability Service Needs Register waiting for:
  - (a) Shared Supported Accommodation was 2805.
  - (b) HomeFirst was 1449.
  - (c) Day Programs was 507.
- (3) For each category, the individuals classified as:
  - (a) urgent priority was: Shared Supported Accommodation, 1085; HomeFirst, 1122; Day Programs, 368.
  - (b) high priority was: Shared Supported Accommodation, 637; HomeFirst, 228; Day Programs, 109.
  - (c) low priority was: Shared Supported Accommodation, 1083; HomeFirst, 99; Day Programs, 507.
- (4) The number of individuals in each category that have an intellectual disability is: See table below.

	<b>Shared Supported Accommodation</b>	<b>HomeFirst</b>	<b>Day Programs</b>
<b>Urgent</b>	1085	1122	368
<b>High</b>	637	228	109
<b>Low</b>	1083	99	30
<b>Total</b>	2805	1449	507
<b>Individuals with an intellectual disability</b>	2311	759	467

**Community services: disability service needs register**

**5340. THE HON. WENDY LOVELL** — To ask the Minister for Aged Care (for the Minister for Community Services): In relation to the Disability Service Needs Register, for the six months ending 30 June 2005, for each category:

- (1) How many people were registered for the first time.
- (2) How many people were removed from the register because they obtained services.
- (3) How many people were removed from the register because it was ascertained they no longer needed to obtain services.

**ANSWER:**

I am informed that:

In reference to the Disability Service Needs Register:

For the six months ending 30 June 2005 –

- (1) The number of people registered for the first time for:
  - Shared Supported Accommodation was 66.
  - HomeFirst was 164.
  - Day Programs was 44.
- (2) The number of people moved off the register because they obtained services for:
  - Shared Supported Accommodation was 69.
  - HomeFirst was 85.
  - Day Programs was 42.
- (3) The number of people moved off the register because it was ascertained they no longer needed to obtain services:
  - This data is unavailable.

**Community services: disability service needs register**

**5343. THE HON. BILL FORWOOD** — To ask the Minister for Aged Care (for the Minister for Community Services):

- (1) Have any funds been allocated in 2005-06 to assist children aged 0-6 years with developmental delay/disabilities.
- (2) Under which output group or groups has the funding been allocated.
- (3) How much of the total funding has been allocated from each output group or groups.
- (4) How much of the total funding is from the Commonwealth.
- (5) How much of this funding is for services provided by non-government agencies.
- (6) How many children will this funding assist.

**ANSWER:**

I am informed that:

- (1) In the 2005-06 financial year the Department of Human Services (DHS) will allocate approximately \$41 M to assist children aged up to six years with developmental delay/disabilities. The breakdown of total funding in 2005-06 is as follows:
  - A total of \$33.33 M for Early Childhood Intervention Services (ECIS).
  - A total of \$3.76 M for the Kindergarten Inclusion Support Services Preschool Field Officer program.
  - A total of \$3.78 M for the Kindergarten Inclusion Support Services Literacy, Numeracy and Special Learning Needs program.
- (2) These funds will be allocated under the Early Years Services Output Group.
- (3) The total funding amount has been allocated through the Early Years Services Output Group.
- (4) \$4.63 M of the total funding has been allocated from the Commonwealth for ECIS and the Kindergarten Inclusion Support Services Literacy, Numeracy and Special Learning Needs program.
- (5) Non-government agencies will receive approximately:
  - \$21.7 M for ECIS. The remaining funds will be allocated to DHS managed ECIS Intake Teams, which are direct service providers of ECIS.
  - \$3.78 M for the Kindergarten Inclusion Support Services Literacy, Numeracy and Special Learning Needs program.
  - \$3.76 M for the Kindergarten Inclusion Support Services Preschool Field Officer program funding.
- (6) Approximately:
  - 8,743 children/families will be assisted with ECIS funding.
  - 574 children will be assisted with Kindergarten Inclusion Support Services Literacy, Numeracy and Special Learning Needs program funding.
  - 5,477 children will be assisted with Kindergarten Inclusion Support Services Preschool Field Officer program funding.

**Community services: disability services — funding**

**5345. THE HON. BILL FORWOOD** — To ask the Minister for Aged Care (for the Minister for Community Services): In relation to the 2005-06 Budget Estimates for Disability Services:

- (1) How much acquired brain injury funding was transferred from Aged Residential Care.
- (2) To which output group was this funding transferred.
- (3) How many people with acquired brain injury funding will this funding assist.

**ANSWER:**

I am informed that:

- (1) The amount of funding transferred to Disability Services was \$5.7m.
- (2) The funding transferred to the Disability Services Output Group and was allocated to the Individual Support Output.
- (3) The number of people that the program has allocated ongoing support at the time of transfer was 135.

**Community services: disability services — accommodation**

**5346. THE HON. BILL FORWOOD** — To ask the Minister for Aged Care (for the Minister for Community Services): In relation to the 2005-06 Budget Estimates for Disability Services and the target of 4650 clients in shared supported accommodation:

- (1) What is the number of clients in government managed accommodation.
- (2) How many dwellings are there for government managed accommodation.
- (3) What is the funding allocation for government managed accommodation.
- (4) What is the number of clients in non-government managed accommodation.
- (5) How many dwellings are there for non-government managed accommodation.
- (6) What is the funding allocation for non-government managed accommodation.

**ANSWER:**

I am informed that with reference to the 2005-06 Budget Estimates for Disability Services and the target of 4,650 clients in shared supported accommodation—

- (1) The number of clients in government accommodation is 2,520.
- (2) The number of Government outlets operating shared supported accommodation is 454. It should be noted that more than one dwelling may be assigned to an outlet e.g. units.
- (3) The direct funding allocated for this activity in the 2005-06 budget for the Shared Supported Accommodation activity to fund government managed accommodation was \$233 million.
- (4) The number of clients in non-government managed accommodation is 2,130.
- (5) The number of Non Government outlets operating shared supported accommodation is 417. It should be noted that more than one dwelling may be assigned to an outlet eg units.
- (6) The direct funding allocated for this activity in the 2005-06 budget for the Shared Supported Accommodation activity to fund non-government managed accommodation was \$146 million.

The 2005-06 budget reflects the ongoing commitment to support the relocation of residents from Kew Residential Services. Additional funding in 2005-06 of \$16.2 million was provided with further adjustments for Capital Asset Charge and Depreciation. Of the \$16.2 million a proportion relates to service transitional funding and is time limited.

**Community services: disability services — accommodation**

**5347. THE HON. BILL FORWOOD** — To ask the Minister for Aged Care (for the Minister for Community Services): As at 30 June 2004:

- (1) How many clients in government managed shared supported accommodation were aged 65 or more years.
- (2) How many clients in non-government managed shared supported accommodation were aged 65 or more years.

**ANSWER:**

I am informed that:

- (1) The number of clients aged 65 or more years in government managed shared supported accommodation was 165.
- (2) The number of clients aged 65 or more years in non-government managed shared supported accommodation was 110.

**Planning: ministerial call-ins**

**5439. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to all ministerial call-ins since 30 June 2004, what are the details of all call-ins of planning permit applications before local government planning authorities and the Administrative Appeals Tribunal, including —

- (a) the date of the call-in;
- (b) the reasons given for the call-in;
- (c) the name of the applicant;
- (d) the decision of the minister; and
- (e) the date of that decision.

**ANSWER:**

I am informed that:

- There have been seven Ministerial call-ins from VCAT and five call-ins of planning applications from councils since 30 June 2004. The details are shown on the attached sheet.
- The reason for calling-in each of these matters is publicly available and is detailed on the DSE website [www.dse.vic.gov.au/planning/theplanningsystem/ministerialinterventions](http://www.dse.vic.gov.au/planning/theplanningsystem/ministerialinterventions).

**QUESTIONS ON NOTICE**

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**MATTERS CALLED IN FROM VCAT under the Victorian Civil and Administrative Tribunal Act 1998**

<b>APPLICANT AND ADDRESS OF LAND</b>	<b>PURPOSE OF PERMIT</b>	<b>CALL-IN DATE</b>	<b>STATUS</b>
Hartington Development Pty Ltd 5 Blenheim Street, Glenroy	12 & 17 storey buildings for shops, dwellings and offices	29 September 2004	Governor in Council directed no permit issue on 30 March 2005
Austcorp Group Ltd 161-169 Jells Road, Wheelers Hill	9 Storey residential building	14 October 2004	Governor in Council directed no permit issue on 16 February 2005
Delta Group Pty Ltd Corner of Old Dandenong Road and Henry Street, Heatherton	Concrete Crushing Plant	18 October 2004	Governor in Council directed no permit issue on 2 November 2005
Warwick Farm (Australia) partnership. 288 Headworks Road, Torrumbarry	Removal of Native Vegetation	26 October 2004	Governor in Council directed no permit issue on 2 November 2005
Riverside developments Pty Ltd 99 Moreland Street, Footscray.	Multi level office/commercial development	18 November 2004	Application withdrawn by applicant.
Taras Nominees 647 – 649 Victoria Street, Abbotsford.	10 level building for use as office and showroom.	24 November 2004	Decision pending
Malvernway P/L & Davgab P/L 132 – 172 Smith Street and 63 –71 Little Oxford Street, Collingwood	Mixed use Development	8 August 2005	Decision pending

Matters referred to Minister for decision under Section 97B of the Planning & Environment Act 1987.

<b>APPLICANT AND ADDRESS OF LAND</b>	<b>PURPOSE OF PERMIT</b>	<b>DATE</b>	<b>STATUS</b>
Geelong Markets Pty Ltd 13-35 Mackey Street, North Geelong	Mill Markets (antiques, collectables and trash and treasure)	23 August 2004	Application refused on 21 September 2004
Wind Power Pty Ltd North-west of Ballarat within the Pyrenees Shire and Ballarat municipalities (2 applications)	Waubra Wind Energy Facility	5 October 2004	Permits issued on 26 May 2005
Dollar Wind farm Pty Ltd North-west of Foster, South Gippsland Shire	Native Vegetation removal associated with the Dollar Wind Farm Project	26 October 2004	Decision pending
Geelong Markets Pty Ltd 13-35 Mackey Street, North Geelong	Temporary use of land for retail premises including antiques, collectables and trash and treasure.	25 January 2005	Decision pending

**Premier: Public Service Medal Committee (Victoria) — external legal advice**

**5540. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance (for the Premier): How much has been spent by the Public Service Medal Committee (Victoria) on external legal advice since 1 June 2004.

**ANSWER:**

I am informed as follows:

Since 1 June 2004, the Public Service Medal Committee (Victoria) has not expended any funds on external legal advice.

**Multicultural affairs: VITS Language Link — external legal advice**

**5682. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Aged Care (for the Minister for Multicultural Affairs): How much has been spent by VITS Language Link on external legal advice since 1 June 2004.

**ANSWER:**

I am informed that/as follows:

There has been no expenditure by VITS Language Link on external legal advice since 1 June 2004 to 6 October 2005.

**Premier: Office of Public Employment — major capital works**

**6480. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance (for the Premier): In relation to the Office of Public Employment's allocation of funds to major capital works, including major maintenance, replacement and upgrades, what were the priority major projects that were approved for the year 2004-05 and were each of these priority projects achieved.

**ANSWER:**

I am informed as follows:

The Office of Public Employment did not have any major capital works in 2004-05.

**Premier: Office of the Chief Parliamentary Counsel — major capital works**

**6481. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance (for the Premier): In relation to the Office of the Chief Parliamentary Counsel's allocation of funds to major capital works, including major maintenance, replacement and upgrades, what were the priority major projects that were approved for the year 2004-05 and were each of these priority projects achieved.

**ANSWER:**

I am informed as follows:

The Office of the Chief Parliamentary Counsel did not have any major capital works in 2004-05.

**Premier: Australia Day Committee (Victoria) — major capital works**

**6482. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance (for the Premier): In relation to the Australia Day Committee (Victoria's) allocation of funds to major capital works, including major maintenance, replacement and upgrades, what were the priority major projects that were approved for the year 2004-05 and were each of these priority projects achieved.

**ANSWER:**

I am informed as follows:

The Australia Day Committee (Victoria) did not have any major capital works in 2004-05.

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**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, 17 November 2005**

**Planning: Building Advisory Committee — stress-related leave**

**2039. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to staff members of the Building Advisory Committee on stress-related leave in 2002-03, what was the — (i) number of days taken; (ii) estimated cost; and (iii) total number of staff involved.

**ANSWER:**

I am informed that:

This is one of a number of questions seeking information in respect to stress-related leave taken by staff of various Government agencies.

The Department of Sustainability and Environment does not hold the information requested and I cannot justify the diversion of public time and resources required for the Department to obtain the information to answer these questions.

**Corrections: Office of the Correctional Services Commissioner — communications staff**

**5038. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Corrections): As at 30 June 2005:

- (1) How many officers in the Office of the Correctional Services Commissioner 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:

The Office of the Correctional Services Commissioner no longer exists. It merged with CORE – The Public Correctional Enterprise to become Corrections Victoria on 1 July 2003.

**Corrections: CORE — The Public Correctional Enterprise — communications staff**

**5039. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Corrections): As at 30 June 2005:

- (1) How many officers in the CORE – The Public Correctional Enterprise – 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:

CORE – The Public Correctional Enterprise no longer exists. It merged with the Office of the Correctional Services Commissioner to become Corrections Victoria on 1 July 2003.

**Police and emergency services: Victoria Police — communications staff**

**5052. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): As at 30 June 2005:

- (1) How many officers in the Victoria Police 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 Victoria Police as at 17 June 2005, the answers to the questions are:

(1) Number	(2) Salary Band (\$)	(3) Job Title
<b>Sworn Officers</b>		
1	91,594 - 99,806	Superintendent – Assistant Director (Corporate Communications)
1	81,850 - 86,860	Inspector – Manager, Media Unit
2	62,920 - 68,640	Sergeant – Supervisor, Media Unit
1	62,920 - 68,640	Sergeant – Project Officer (Corporate Communications)
7	52,308 - 58,661	Senior Constable – Media Officer
2	52,308 - 58,661	Senior Constable – Project Officer (Corporate Communications)
<b>Unsworn Officers</b>		
1	Executive Officer Remuneration Range (\$110,000 - \$152,771)	Director, Media and Corporate Communications
1	VPS Grade 6 (\$78,107 - \$104,523)	Project Officer (Corporate Communications)
1	VPS Grade 4 (\$55,189 – \$62,618)	Media Officer (Media Unit)
2	VPS Grade 3 (\$44,580 - \$54,128)	Media Officer (Media Unit)

(1) Number	(2) Salary Band (\$)	(3) Job Title
<b>Unsworn Officers</b>		
3	VPS Grade 3 (\$44,580 - \$54,128)	Journalists (Corporate Communications)
6	VPS Grade 3 (\$44,580 - \$54,128)	Project Officer (Corporate Communications)
3	VPS Grade 2 (\$33,971 - \$43,625)	Project Officer (Corporate Communications)
31 (Total)		
<b>Source: Victoria Police</b>		

**Police and emergency services: Police Appeals Board — communications staff**

**5053. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): As at 30 June 2005

- (1) How many officers in the Police Appeals 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 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 Police Appeals Board as at 17 June 2005, the answers to the questions are:

- (1) Nil.
- (2) Not Applicable.
- (3) Not Applicable.

**Police and emergency services: Country Fire Authority — communications staff**

**5054. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): As at 30 June 2005:

- (1) How many officers in the Country Fire 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 Country Fire Authority as at 17 June 2005, the answers to the questions are:

(1) Number	(2) Salary Band (\$)	(3) Job Title
1	CFA Executive Level 1 (\$120,135 - \$142,589)	Executive Manager, Public Affairs.
1	CFA Level 7 (\$91,237 - \$100,732)	Corporate Communication Manager
1	CFA Level 5 (\$64,715 - \$72,884)	Media Co-ordinator
1	CFA Level 4 (\$53,575 - \$61,543)	Communications Officer
1	CFA Level 4 (\$53,575 - \$61,543)	Public Relations Officer
1	CFA Level 4 (\$53,575 - \$61,543)	Junior Writer
1	CFA Level 3 (\$43,497 - \$50,966)	Marketing Co-ordinator
7 (Total)		

**Police and emergency services: Metropolitan Fire and Emergency Services Board — communications staff**

**5077. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): As at 30 June 2005:

- (1) How many officers in the Metropolitan Fire and Emergency Services 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 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 Metropolitan Fire and Emergency Services Board as at 17 June 2005, the answers to the questions are:

- (1) 3.
- (2) (i) VPS 6 equivalent (\$78,107 - \$104,523);  
 (ii) VPS 5 equivalent (\$63,678 - \$77,046);  
 (iii) VPS 3 equivalent (\$44,580 - \$54,128).
- (3) (i) Executive Manager Corporate Relations;  
 (ii) Manager Corporate Communications;

(iii) Public Relations and Events Co-ordinator.

**Police and emergency services: Private Agents Registry — communications staff**

**5078. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): As at 30 June 2005:

- (1) How many officers in the Private Agents Registry 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 Private Agents Registry as at 17 June 2005, the answers to the questions are:

- (1) Nil.
- (2) Not Applicable.
- (3) Not Applicable.

**Health: Human Services — communications staff**

**5244. THE HON. RICHARD DALLA-RIVA**— To ask the Minister for Aged Care (for the Minister for Health): As at 30 June 2005:

- (1) How many officers in the Department of Human Services 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:**

My response to the question is that as the Human Services portfolio is dynamic and expanding the range, volume and quality of services it provides across all programs to Victorians, there is a need to let Victorians know about how to access these new and improved services.

To this end, any public servant in the Department of Human Services who receives a query about the program they are working on may find themselves communicating on the matter. On this basis, it would be an unreasonable diversion of resources to provide the information requested.

**Police and emergency services: Justice — communications staff**

**5250. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): As at 30 June 2005:

- (1) How many officers in the Department of Justice 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 Department of Justice as at 17 June 2005, the answers to the questions are:

(1) Number	(2) Salary Band (\$)	(3) Job Title
1	VPS Grade 3 (\$44,580 - \$54,128)	Officer
2	VPS Grade 4 (\$55,189 – \$62,618)	Adviser
8	VPS Grade 5 (\$63,678 - \$77,046)	Senior Adviser
2	VPS Grade 5 (\$63,678 - \$77,046)	Speechwriter
2	VPS Grade 6 (\$78,107 - \$104,523)	Manager
1	EO (\$110,000 - \$152,771)	Director

**Community services: Human Services — individual support output group**

**5330. THE HON. WENDY LOVELL** — To ask the Minister for Aged Care (for the Minister for Community Services): In relation to the Department of Human Services’ 2003-04 Annual Report, reference is made on page 57 of the Output Group Individual Support and 7,130 clients receiving Individual Support:

- (1) What are the activities which make up this Output Group.
- (2) How many clients are there in each activity.

**ANSWER:**

I am informed that:

- (1) The activities that make up the individual support output group are:
  - (a) Flexible Support Packages.
  - (b) HomeFirst.
  - (c) Individualised Support Packages.
  - (d) Outreach Support.
  - (e) Family Options.
- (2) The number of clients receiving:
  - (a) Flexible Support Packages was 3076.
  - (b) HomeFirst was 1305.
  - (c) Individualised Support Packages was 920.

- (d) Outreach Support was 1719.
- (e) Family Options was 110.

**Community services: support and choice/individualised planning and support initiative**

**5331. THE HON. WENDY LOVELL** — To ask the Minister for Aged Care (for the Minister for Community Services): Further to the answer to Question on Notice No 4165 given in this House on 15 December 2004 which informs of regional percentages for 2004-05 growth funding for the Support and Choice/Individualised Planning and Support Initiative, what amount of funding is allocated to each region.

**ANSWER:**

I am informed that the following amounts of funding were allocated to each region.

Region	Funding
Barwon South Western Region	\$439,624
Eastern Metropolitan Region	\$1,296,555
Gippsland Region	\$330,935
Grampians Region	\$394,698
Hume Region	\$359,454
Loddon Mallee Region	\$378,239
North and West Metropolitan Region	\$2,039,248
Southern Metropolitan Region	\$1,561,247
	\$6,800,000

**Community services: shared supported accommodation — Barwon south western region**

**5335. THE HON. WENDY LOVELL** — To ask the Minister for Aged Care (for the Minister for Community Services): In relation to people with disabilities in the Barwon South Western Region and Shared Supported Accommodation, as at 30 June 2004:

- (1) What was the total funding allocated to Shared Supported Accommodation.
- (2) How much of the funding was for Department managed accommodation.
- (3) How many people were residents in Department managed accommodation.
- (4) How much of the funding was for non-government managed accommodation.
- (5) How many people were residents in non-government managed accommodation.

**ANSWER:**

I am informed that:

In the Barwon South Western Region as at 30 June 2004 –

- (1) The total funding allocated to shared supported accommodation was \$17.9M.
- (2) The funding allocated to shared supported accommodation for Department managed accommodation was \$9.9M.
- (3) The number of residents in Department managed shared supported accommodation was 114.
- (4) The funding allocated to shared supported accommodation for non-Government managed accommodation was \$8.0M.
- (5) The number of residents in non-Government managed shared supported accommodation was 112.

**Community services: shared supported accommodation — Loddon Mallee region**

**5338. THE HON. WENDY LOVELL** — To ask the Minister for Aged Care (for the Minister for Community Services): In relation to people with disabilities in the Loddon Mallee Region and Shared Supported Accommodation, as at 30 June 2004:

- (1) What was the total funding allocated to Shared Supported Accommodation.
- (2) How much of the funding was for Department managed accommodation.
- (3) How many people were residents in Department managed accommodation.
- (4) How much of the funding was for non-government managed accommodation.
- (5) How many people were residents in non-government managed accommodation.

**ANSWER:**

I am informed that:

In the Loddon Mallee Region as at 30 June 2004 –

- (1) The total funding allocated to shared supported accommodation was \$16.1M.
- (2) The funding allocated to shared supported accommodation for Department managed accommodation was \$10.2M.
- (3) The number of residents in Department managed shared supported accommodation was 129.
- (4) The funding allocated to shared supported accommodation for non-Government managed accommodation was \$5.9M.
- (5) The number of residents in non-Government managed shared supported accommodation was 79.

**Community services: shared supported accommodation — places**

**5341. THE HON. WENDY LOVELL** — To ask the Minister for Aged Care (for the Minister for Community Services):

- (1) How many people with disabilities waiting for shared supported accommodation obtained a place in a community residential unit in 2003-04.
- (2) On average, for how many days had those people been waiting for a place.

- (3) How many of those persons were relocated from congregate care to community based care.

**ANSWER:**

I am informed that:

For the 12 months ending 30 June 2004 –

- (1) The number of people waiting for shared supported accommodation that obtained a place in a community residential unit was 160.
- (2) On average, people who had obtained a place in a community residential unit had been waiting 890 days however a significant number of these people had been receiving a range of supports and services.
- (3) The number of people who obtained a place in a community residential unit and had been relocated from congregate care was 3.

Kew Residential Services redevelopment (KRS):

As at June 2004, 192 residents had relocated as part of the KRS redevelopment, however these clients were not listed on the Service Needs Register.

**Community services: support and choice/individualised planning and support initiative**

- 5342. THE HON. WENDY LOVELL** — To ask the Minister for Aged Care (for the Minister for Community Services): For the year ending 30 June 2005, how many people in each region have moved from Shared Supported Accommodation through the Support and Choice/Individualised Planning and Support Initiative.

**ANSWER:**

I am informed that:

As at 30 June 2005, 71 people with a disability had moved from Shared Supported Accommodation to more independent accommodation options of their choice. Planning was occurring with the remaining 29 people to assist them with their transition. The regional breakdown is as follows:

Barwon South Western Region	6
Eastern Metropolitan Region	19
Gippsland Region	8
Grampians Region	6
Hume Region	3
Loddon Mallee Region	3
North and West Metropolitan Region	17
Southern Metropolitan Region	9
Total	71

**Community services: special education program — kindergartens**

- 5344. THE HON. BILL FORWOOD** — To ask the Minister for Aged Care (for the Minister for Community Services): In relation to the 2005 kindergarten year in each region:

- (1) How many children at kindergarten received Special Education Program funding packages.
- (2) How many applied for but did not receive this support.

- (3) What is the regional funding for the Special Education Program in kindergarten.
- (4) What is the highest amount of a funding package.
- (5) How many appeals against departmental decisions were received and how many were successful.
- (6) What is the total funding for the Special Education Program in kindergartens.

**ANSWER:**

I am informed that:

The Inclusion Support Packages for children with a disability attending kindergartens are jointly funded by the Commonwealth and State Governments. The Commonwealth component was previously funded under *Special Education Program* but has been retitled to the *Literacy, Numeracy and Special Learning Needs Program* as part of a new Commonwealth-State quadrennial agreement 2005-2008.

- (1) For the 2005 school year, 630 children with severe disabilities were assessed as being eligible for and receive inclusion support packages.
- (2) 121 applications were ineligible. This reflects 16.1% of applications.
- (3) In 2005, the funds allocated for Inclusion Support Packages are listed as follows:

REGION	ALLOCATION \$M
Barwon South West	0.23
Eastern	0.60
Gippsland	0.24
Grampians	0.22
Hume	0.27
Loddon Mallee	0.21
North West	1.00
Southern	0.68

- (4) The Inclusion Support Packages are funded at an average cost of \$6,724 per package. Packages are tailored to individual needs, therefore, some children may receive a higher or lower level of funding.
- (5) I am informed that 43 appeals were received and 31 of these were upheld.
- (6) The total funding allocated to the Inclusion Support Packages for children with severe disabilities in 2005 is approximately \$ 3.5 M (total regional allocations and 10 contingency packages statewide of \$67,24 per package and \$141,831 administration/co-ordination allowance to funded agencies ).

**Community services: disability services — facility redevelopment**

**5348. THE HON. BILL FORWOOD** — To ask the Minister for Aged Care (for the Minister for Community Services): In relation to the Implementation Plan 2002-2005 of the State Disability Plan and the 1.6.4 initiative to complete redevelopment plans for older, large-scale institutions and congregate care facilities other than Kew:

- (1) For which institutions and facilities have plans been completed.
- (2) For which institutions and facilities are plans under development.

**ANSWER:**

I am informed that:

- 1) The institutions and facilities for which plans have been completed:

The redevelopment of the former 42-bed congregate care facility at Flete Avenue, Armadale, was completed in 2002. All of the residents relocated to community-based accommodation, mainly in the southern metropolitan suburbs of Melbourne.

Ratray Wood House, a congregate care facility in Malvern that supported 24 residents, was redeveloped over 2 years from 2002 – 2004. Four new community-based services were built in southern metropolitan Melbourne and an additional three home units were constructed on the site of the former facility.

The 27-bed Newton House facility operated by Newhurst Securities closed in June 2004 with the relocation of residents to interim accommodation. Residents are progressively moving to longer-term support options and the remaining residents are in transition to new services with moves expected to be completed by June 2007.

The redevelopment of the 29-bed Wesley Mission Melbourne Redlands Wandin East Congregate Care facility was completed in December 2004 with residents relocating to community-based accommodation.

- 2) The institutions and facilities for which plans are under development:

A report commissioned to investigate the support needs of people who have Huntington's Disease and particular consideration of the role played by the 30-bed Arthur Preston Residential Service operated by Wesley Mission Melbourne is now completed. Disability Services Division is working with stakeholders to examine the recommendations and develop future service directions.

**Aged care: minister's office — alcohol purchases**

**5404. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Aged Care: In relation to alcohol purchased by the Minister's Office since 30 June 2004, what was the —

- (a) the date of each purchase;
- (b) the value of each purchase; and
- (c) the items purchased.

**ANSWER:**

I am informed that:

On occasion the Ministerial office provides refreshments for official Ministerial functions and to provide the requested information would constitute an unreasonable diversion of staffing resources.

**Premier: Office of Public Employment — external legal advice**

**5537. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance (for the Premier): How much has been spent by the Office of Public Employment on external legal advice since 1 June 2004.

**ANSWER:**

I am informed as follows:

Since the 1 June, 2004 the Office of Public Employment has not expended any funds on external legal advice.

**Premier: Office of the Chief Parliamentary Counsel — external legal advice**

**5538. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance (for the Premier): How much has been spent by the Office of the Chief Parliamentary Counsel on external legal advice since 1 June 2004.

**ANSWER:**

I am informed as follows:

Since the 1 June 2004 the Office of the Chief Parliamentary Counsel has spent \$1,545.45 on external legal advice.

**Premier: Australia Day Committee (Victoria) — external legal advice**

**5539. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Finance (for the Premier): How much has been spent by the Australia Day Committee (Victoria) on external legal advice since 1 June 2004.

**ANSWER:**

I am informed as follows:

Since 1 June 2004, the Australia Day Committee (Victoria) has not expended any funds on external legal advice.

**Health: Human Services — freedom of information requests**

**6073. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Aged Care (for the Minister for Health): In relation to Freedom of Information requests received by the Department of Human Services for 2004-05:

- (1) How many requests were received.
- (2) Of these requests, how many were —
  - (a) denied in full;
  - (b) released in part;
  - (c) released in full; and
  - (d) given to the Minister before being given to the applicant.

**ANSWER:**

I am informed that:

**1024** Freedom of Information requests were received by the Department of Human Services in 2004-2005.

Of these requests,

- 6** were denied in full;
- 436** were released in part;
- 155** were released in full
- 27** requests were given to the Minister for Health before being given to the applicant.

**Premier: Premier and Cabinet — mobile telephone services**

**6791. THE HON. RICHARD DALLA-RIVA**— To ask the Minister for Finance (for the Premier): What was the cost of providing mobile telephone services to the Department of Premier and Cabinet's staff for 2004-05.

**ANSWER:**

I am informed that:

The cost of providing mobile telephone services for the Department of Premier and Cabinet (including Arts Victoria) and its portfolio agencies (Office of the Governor, Office of the Chief Parliamentary Counsel, Office of the Ombudsman, Office of Police Integrity and the State Services Authority) for 2004-05 was \$111,525.88.

