

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Thursday, 20 October 2005

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By authority of the Victorian Government Printer

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Thursday, 20 October 2005

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

**RACING AND GAMBLING ACTS
(AMENDMENT) BILL**

Royal assent

Hon. Bill Forwood — On a point of order, President, yesterday you advised the house that the Governor, acting on the advice of the government, had declined to assent to the Racing and Gambling Acts (Amendment) Bill. I think it is arguable that the advice the government gave to the Governor is unconstitutional. I propose to demonstrate that and ask you, President, on behalf of the Parliament to take action to advise the house of its rights in this matter.

Section 15 of the Constitution Act makes it clear:

15. Parliament

The legislative power of the State of Victoria shall be vested in a Parliament, which shall consist of Her Majesty, the Council, and the Assembly, to be known as the Parliament of Victoria.

Clause 14 of the constitution goes into how the Governor may make amendments to legislation by sending issues back for the consideration of both the Council and the Assembly.

What is also clear is the process by which bills should be submitted to the Governor. That is outlined on page 61 of *Standing Orders and Rules of Practice of the Legislative Council*, in particular in joint standing orders 13A and 14, which say that the Clerk of the Parliaments is to present bills to the Governor for assent.

What is also clear is that the Australia Acts Request Act in clause 9(1) under the subheading 'State laws not subject to withholding of assent or reservation' says:

No law or instrument shall be of any force or effect insofar as it purports to require the Governor of a State to withhold assent from any Bill for an Act of the State that has been passed in such manner and form as may from time to time be required by a law made by the Parliament of the State.

What is apparent from looking at the 'Status of bills' as at the close of business on 6 October is that the Racing and Gambling Acts (Amendment) Bill was passed through the Legislative Assembly in proper form on 19 September with an amendment and passed through this place on 4 October, so in terms of the Australia Acts

there is no doubt that the bill was passed in a manner and form as may from time to time be required by a law to be made.

The issue that then arises is under what circumstances can the Governor decline to assent to a piece of legislation which has been duly and properly passed by both houses of this Parliament and which has then followed the process outlined in the joint standing orders of being submitted by the Clerk of the Parliaments to the Governor for assent.

In relation to this I draw your attention, President, to *The Constitution of New South Wales*, a book by Anne Twomey with a foreword written by the Honourable Justice Keith Mason, and I wish to quote from page 220 regarding what happens in relation to the delay of assent:

In late 1988 the Standard Time (Amendment) Bill was passed by both houses of the New South Wales Parliament moving forward the end of daylight saving. Representations were subsequently made by business and transport organisations that the transition period was too short. The government agreed to delay the implementation of the bill and the Acting Premier was reported as saying that the bill would not be submitted to the Governor until 20 March, which was after daylight saving would ordinarily have ended, so that the bill would not have an operative effect until the following year. This was to be achieved by the Attorney-General withholding the Solicitor-General's certificate concerning the bill until that date. The President of the Legislative Council issued a press release on 10 January 1989 claiming that the government's failure to submit the bill to the Governor was against the principles of the Westminster parliamentary system and undermined the paramountcy of the Parliament. The government backed down, the certificate was granted and the bill assented to on 18 January 1989.

It goes on to say:

To avoid this problem, it is more common these days for laws to commence upon proclamation rather than assent.

That, I think, leads to the problem that faces us today. If you look at the bill in question the commencement clause on page 2 says:

This Act (except sections 3 and 10) comes into operation on the day after the day on which it receives the Royal Assent.

We have a situation where between the time that the bill was passed through both houses of Parliament and submitted by schedule to the Governor for assent someone intervened in the process to advise the Governor not to assent to the legislation as submitted. I put it to you, President, that based on the Australia Acts (Request) Act, the standing orders of these two houses and the precedent from New South Wales it is inappropriate for the government to have proffered that advice.

It is imperative now that the Parliament seek its own advice on its position in relation to the actions of the executive government. I request that you, President, on behalf of the Parliament take this matter under consideration, seek advice on the position of the Parliament in relation to the executive and report back to the house at the earliest possible moment.

The PRESIDENT — Order! The member has raised a number of issues and quoted a number of precedents and acts. I will seek advice. I will speak to the Speaker regarding this matter, and I will report back to the house in due course.

Hon. Bill Forwood — I wish to raise a second point of order, President. Yesterday the Minister for Sport and Recreation undertook to get back to the house with the reasons why the bill was not assented to by the Governor. I was disappointed, therefore, to read on page 2 of the *Herald Sun* reasons given by the minister in question, and I wonder whether or not the minister would care to advise the house of the reasons that he understands this action took place.

Hon. J. M. Madden — On the point of order, President, I am happy to again repeat what I said on two occasions yesterday: I am awaiting clarification on those matters, and when I have that clarification I will provide that to the honourable member. I appreciate that it has been in the paper, but if Mr Forwood wants a full and comprehensive clarification I will seek to get it today. I am undertaking to do that, but that will be determined by the Minister for Racing in the other place and not by me. I am seeking to determine that. I am not the minister who controls that legislation, as such. I will be the one who seeks it from the appropriate minister. I appreciate, too, the earnestness and the gravity with which Mr Forwood has raised these issues. The government recognises that these are serious issues and will seek to get that advice at the earliest possible time.

PETITIONS

**Baxter-Tooradin–Fultons–Hawkins roads,
Baxter: safety**

Hon. R. H. BOWDEN (South Eastern) presented petition from certain citizens of Victoria requesting that the Victorian government urgently upgrade the Baxter-Tooradin, Hawkins and Fultons road intersection in the suburb of Baxter so that Hawkins Road and Fultons Road are aligned and that the railway crossing along Baxter-Tooradin Road is

widened to safely accommodate pedestrian traffic (37 signatures).

Laid on table.

Western Port Highway, Lyndhurst: traffic control

Hon. R. H. BOWDEN (South Eastern) presented petition from certain citizens of Victoria requesting that the Victorian government prevent the installation of traffic lights along the Western Port Highway at Lyndhurst (Dandenong-Hastings Road) (11 signatures).

Laid on table.

PAPERS

Laid on table by Clerk:

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

Ballarat Planning Scheme — Amendment C75.

Brimbank Planning Scheme — Amendment C78.

Campaspe Planning Scheme — Amendment C33.

Glen Eira Planning Scheme — Amendment C46.

Mildura Planning Scheme — Amendment C31.

Public Record Office Victoria — Report, 2004–05.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 126.

NOTICES OF MOTION

Notices of motion given.

Hon. RICHARD DALLA-RIVA having given notice of motion.

The PRESIDENT — Order!

Hon. Richard Dalla-Riva — I withdraw.

The PRESIDENT — Order! For clarification for the benefit of the house, the notice of motion had to be withdrawn because the motion has been debated and voted on.

MEMBERS STATEMENTS**Roads: south-eastern suburbs**

Hon. R. H. BOWDEN (South Eastern) — I would like to make a statement to express my concern and to encourage VicRoads and the Minister for Transport in another place to take a more precise overview of the traffic needs and development of the road system in the south-eastern area. The South Gippsland Highway in the Cranbourne area is a classic example of a lack of foresight by VicRoads over several years, including at the present time. The build-up of traffic on and attacks on the efficiency of the Western Port Highway are things the more perceptive members of the house may have realised I am concerned about.

Generally speaking there is an unwillingness by VicRoads and the state government to understand road separation — —

Hon. J. H. Eren — On a point of order, President, Mr Bowden has been speaking for well over 50 seconds and the clock has just come on.

Hon. D. K. Drum — You have been reading the paper.

Hon. J. H. Eren — No, I have not; that is something for my 90-second statement. I wanted to highlight to the house that the clock has not been running.

The PRESIDENT — Order! I did notice that. I was trying to get the attention of the Clerk about the fact that the clock had not started and Mr Bowden had been going for some time.

Hon. E. G. Stoney interjected.

The PRESIDENT — Order! Excuse me. He had been going for well over 45 seconds. I called him, so I know when he started. I do not need any assistance from my left. As of now Mr Bowden has 45 seconds.

Hon. R. H. BOWDEN — I encourage the state government, but particularly VicRoads, to take a more focused and wider view of the efficiency of the traffic requirements of the area. In other developed countries road separation is used to cater for traffic flow, and I believe sincerely there is a need to improve the design, efficiency and capacity of the roads in the south-eastern sector of Melbourne in particular. I am concerned about this. A good example of the lack of foresight is Sladen Street, Cranbourne — —

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

Denmark: future king

Hon. S. M. NGUYEN (Melbourne West) — I wish to highlight the birth of a special baby. Crown Prince Frederick of Denmark and Princess Mary, formerly of Tasmania and now of Denmark, are the proud parents of a baby boy who is destined to become a future king of Denmark. The baby has not yet been named, but evidently is the recipient of his first name of Bairn. He will be known by this name until he receives his official name at his christening.

I take this opportunity to congratulate Crown Prince Frederick and Princess Mary on the safe arrival of their first baby. I hope he has a long and healthy life. It is wonderful for Australia to have a connection to one of the oldest royal families in Europe. I am aware that this has created a great deal of interest among many Australians. I am sure Australians will take great delight in following the life of this new royal.

Netball Victoria: awards

Hon. B. N. ATKINSON (Koonung) — I wish to report to the house that last Saturday night I attended the Netball Victoria annual awards. Many people were recognised as volunteers in this sport. They have contributed a great deal to the advancement of netball and also provided opportunities for young people to develop citizenship, friendships and so forth in their communities.

It was an impressive night and a great number of people were recognised. Jan Steele, Dot Barlow and Kerry Baird were named Legends of the Game, and Glory Bain joined Jean Cowan and Joyce Brown, who are prominent people in Netball Victoria, in the Hall of Fame. I congratulate Netball Victoria on its considerable success in developing a professional sports model and very successful competitions which were recognised by the fact that two Victorian teams made the national finals and Melbourne Phoenix is the Australian champion.

Industrial relations: federal changes

Hon. J. H. EREN (Geelong) — It is sad to say that the fine tradition of the Geelong Cup, which was held yesterday, is under threat of extinction because of John Howard's proposed industrial relations (IR) laws. The Prime Minister has backflipped from his original comments that Christmas Day, Anzac Day and other public holidays would not be negotiable under the government's proposed workplace changes. But IR minister, Mr Kevin Andrews, has conceded that public holidays and meal breaks could be the subject of

negotiation between employers and employees under the Liberal-Nationals coalition plan.

The federal government said existing employees would be able to swap their public holidays for extra money, but new employees may not even have public holidays provided for in their Australian workplace agreements. Therefore with the extra pressure on families that these IR laws will bring, I can see a time when workers will not be able to get the day off to go to the Geelong Cup. It will be a case of what is more important — Christmas Day or Geelong Cup day?

These workplace reforms are a major threat to the mid-week Geelong Cup, which relies on a public holiday to get adequate attendance. John Howard has misled the public over Anzac Day and Christmas Day; why should we think Geelong Cup day would be any different? The Geelong Cup is a major event in Geelong's social and cultural calendar — it is imperative that we have a public holiday on that day or the crowds will diminish to nothing. I can see the Geelong Cup becoming a second-rate country meeting as opposed to a major lead-up to the Melbourne Cup.

I call on the federal member for Corangamite, Stewart McArthur, to vote against his government's unfair —

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

Municipal Association of Victoria: conference

Hon. J. A. VOGELS (Western) — Last week I attended the Municipal Association of Victoria's conference and dinner. I would like to congratulate the president, Geoff Lake, chief executive officer, Rob Spence, and the staff for putting on an excellent forum for discussion of local government issues.

As a former councillor, mayor and now opposition local government spokesperson, I met and conversed with many of those present. The issue that kept arising was the Bracks government's complete mismanagement of planning issues across the state. Whether it is Melbourne 2030, farming zones or urban growth boundaries, there is utter confusion and anger at the way the Bracks government has dealt with planning in this state.

The Honourable Rob Hulls, the Minister for Planning in the other place, gave the keynote address and blamed the problems onto local government. What he fails to understand is that the bureaucratic maze created by his department that a council needs to wade through to progress a planning scheme is costing local government millions of dollars and dividing communities. Nobody

can give a straight answer to a simple question, local input is usually ignored and the we-know-what's-best attitude of the department is costly, divisive and time consuming. The minister is prepared to let councils make decisions on what he referred to as pissant planning decisions but not on matters of substance.

Local government is elected by local people to make local decisions for their communities. They are fed up to the back teeth by the arrogance of the minister and his department riding roughshod over the wishes and aspirations of local communities. Many said to me —

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

Schools: reading challenge

Hon. H. E. BUCKINGHAM (Koonung) — I was delighted to learn at the conclusion of the Premier's reading challenge of the very large number of schools in Koonung which participated. A high proportion of students in those schools were also successful in reading the required 12 books within six months.

Among the 1 million books read by participants in the challenge were those read by 111 students who completed the task at Knox Park Primary School in Knoxfield. Acting principal, Kay Moore, said that the challenge had been a huge success in her school where some children had previously not been big readers. The proud looks on the children's faces as they came forward to receive their certificates in front of the whole school assembly was greatly pleasing.

Sixty-one students at Holy Trinity Primary School in Wantirna in the Scoresby electorate were among the nearly 60 000 Victorian school students to complete their reading challenge. The school held a special assembly last Friday to enable me to make the individual presentations. I congratulate all the students who participated and the principal, Richard Wans, and his staff for their encouragement and support for reading in the school.

Knox Gardens Primary School also had 68 students complete the challenge. Again I was pleased at the pride the children showed in their achievement. I hope their interest in reading continues, and I look forward to learning the results of the 2006 Premier's reading challenge, which has been extended to include prep to grade 3. The challenge next year will be 15 books to be read instead of 12. This is a great program, and I commend it to all students and parents. I thank all schools and teachers who not only encouraged pupils to

be involved but carried out the necessary administrative tasks that made the challenge possible.

Schools: religious instruction

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I would like to draw the attention of members of the house to a petition I have received from certain citizens. The petition did not conform to the forms for either house and cannot be formally presented. However, I would like to draw the attention of members of the house to it. The petition is addressed to the Legislative Assembly of Victoria and reads:

The petition of citizens of Victoria concerned to ensure the continuation of religious instruction in Victorian government schools.

Draws out to the house that under the Bracks Labor government review of education and training legislation, the future of religious instruction in Victorian schools is in question and risks becoming subject to the discretion of local school councils.

The petitioners therefore request that the Legislative Assembly of Victoria take steps to ensure that there is no change to legislation and the Victorian government schools reference guide that would diminish the status of religious instruction in Victorian government schools and, in addition, urge the government to provide additional funding for chaplaincy services in Victorian government schools.

The petition of citizens of Victoria concerned to ensure the continuation of religious instruction in Victorian schools, and to provide additional funding school chaplains.

The petition contains 58 signatures from areas as diverse as Oakleigh, Clayton, Noble Park, Pascoe Vale, Burwood, Wheelers Hill, Mount Eliza, Ringwood, Toorak, Narre Warren, Dandenong and Endeavour Hills.

National Water Week

Ms CARBINES (Geelong) — On Sunday I was pleased to join Lady Southey, Lieutenant-Governor, and Tammy van Wisse to launch National Water Week at the Immigration Museum. Water is our most precious natural resource and National Water Week focuses on the need to everyone to do all they can to ensure we have sustainable water supplies, not just for ourselves but for future generations. In the lead-up to National Water Week primary school students from across Victoria participated in a competition to design posters to educate people as to what they personally can do to save water. Many hundreds of entries were received and on Sunday the winning students attended the launch with their families to receive their prizes.

The posters are on display in the Immigration Museum and they are very creative and quite inspirational. I

would like to congratulate the following students: Peter de Vos from New Gisborne Primary School; Marina Di Carluccio from Devon North Primary School; Emily McHenry from Surfside Primary School; Brenda Preman from Dingley Primary School; Baily Bedalla from Waubra Primary School; Lachlan Christopher from Mansfield Primary School; Zemi Hill from Winters Flat Primary School and Georgia Longney from Bolwarra Primary School. It is encouraging to see such commitment to water conservation from these fine young people. They set an excellent example for all Victorians to follow.

Fred Ward

Hon. P. R. HALL (Gippsland) — On 4 October this year, one of the people who I most highly respect in the East Gippsland part of my electorate, Mr Fred Ward of Bairnsdale, passed away. Fred was one of the most respected senior citizens of the East Gippsland region. He died peacefully at the Omeo hospital. He had a wish that he be returned to the bush, so his family helped with that wish. He spent his last few days at the Omeo hospital. His funeral was held last Friday, 14 October. I did not have the opportunity to attend that funeral because of other commitments, but I wanted to publicly express my appreciation for the contribution that Fred Ward made to so many areas in East Gippsland.

He was very passionate about the environment and nature. In his early days he was extensively involved in educator dredging. He was an active member of the Prospectors and Miners Association of Victoria. He played a leading role in debate on bushfire management in East Gippsland, Alpine grazing, wild dog management and generally in a whole host of the areas associated with Australia's heritage and environment.

Fred was a person whose opinions and advice I highly valued. I will miss the correspondence and the conversations I have had with Fred over the years. I wish to express my sincere condolences to Fred's wife, Kathleen, his daughters Evelyn and Pauline, and their extended families.

Myrtleford: Trevisani nel Mondo convention

Hon. KAYE DARVENIZA (Melbourne West) — I want to inform the Parliament how delighted I was to attend the seventh Trevisani nel Mondo convention dinner at the Myrtleford Savoy Club in Myrtleford last Saturday. The dinner was the highlight of the convention. Some 660 people attended and representatives of Trevisani nel Mondo came from across Australia and overseas, including 44 guests from Italy. I want to congratulate Mr Tony Farronato,

president of Trevisani nel Mondo in Myrtleford and district, and his committee for organising the convention which set a standard that will be hard to meet at future conventions. I would also like to congratulate Mr Luciano Gorlin, president of the Myrtleford Savoy Club, and his committee on transforming the bocce courts at the club into a beautiful venue which is capable of holding such a large crowd for the dinner.

It was a most enjoyable evening celebrating so much that is good about our Italian community — great food, fantastic entertainment and the very best of company. Congratulations to all involved in this very memorable evening.

Sir William Stawell

Hon. D. McL. DAVIS (East Yarra) — Today my contribution draws to the attention of the house and the community to the need to celebrate the writing of the Victorian constitution in the lead-up to responsible government in 1856. Of course we celebrate that anniversary next year, and I am aware that the Parliament and other arms of the established institutions in Victoria are in the process of setting out their timetable and the focus for those celebrations. I particularly want to draw attention to a book entitled *Sir William Stawell and the Victorian Constitution* by Charles Parkinson that looks at Sir William's contribution to the writing of the Victorian constitution.

Members will be aware that in 1856 Victoria got responsible government, but its constitution was written in the period before that. It is important to say that Stawell's influence on the drafting of the Victorian constitution between 1853 and 1854 is something that is worthy of examination. It is also worthwhile looking at his role in acting under the constitution as Attorney-General from 1855 to 1856 and in interpreting the provisions of that constitution in the period between 1857 and 1886, and also his role as Acting Governor on several occasions in administering Victoria pursuant to the terms of the constitution. This is something we should mark. The constitution is the bedrock of our state, and it should be recognised.

Ben Milton

Mr PULLEN (Higinbotham) — Last year I was contacted by Rose Milton, whose son Ben has cerebral palsy. Ben wanted to start school at Coatesville Primary School with his brother. Ben was assessed as needing level 2 assistance, which was totally inadequate, but fortunately following representations his level of

assistance was lifted to level 4. I received the following letter:

As school's fourth term approaches, I thought it would be appropriate to send an update on how Ben has achieved so much this year.

If you recall, with your support earlier this year, Ben finally received suitable funding so that he could attend Coatesville Primary School.

Ben has enjoyed and benefited from a great deal at Coatesville. Ben has a wonderful teacher, integration aide and school principal, who have all encouraged and supported his determined efforts.

Ben has wonderful classmates who are his friends but also are so generous in assisting in Ben's daily tasks. He is popular at school and has friends from all year levels; the whole school community has been so positive with his inclusion.

Ben is progressing well academically and participates in all school activities. He has also been involved in Auskick and is looking forward to Milo cricket, which commences soon. Ben also joined the local martial arts club and is eager to learn the guitar.

Apart from his weekly therapies and ongoing procedures throughout the year, Ben has enjoyed and benefited greatly from his school life.

With thanks for your involvement in contributing to his wonderful start this year.

That is the sort of letter that makes this job the best in the world.

Charlton RSL: celebration

Hon. D. K. DRUM (North Western) — Last Wednesday, 12 October, I had the opportunity, together with the member for Swan Hill, to attend the Charlton 60th anniversary of the end of the Second World War. The organising committee led by Ken Jones and his group put on a tremendous show. More than 500 people attended, including men, women and young children, as well as schoolchildren from Charlton.

People travelled from all over Victoria to attend and pay their respects to the veterans who fought so bravely to give us what we have today. It was attended by the mayor, Reid Mather. It was a tremendous day. The veterans marched in front of the RSL hall down to the corner and back. There was a brass band, a flag raising ceremony and a wreath laying ceremony, and inside the people were addressed by Brigadier John Deighton, whose words were very warm. He spoke highly of the veterans and the effort they put in.

The wreath-laying ceremony was certainly a highlight, with so many different groups from the Charlton community there paying their respects. The

Governor-General had a message read out. I would like to congratulate everybody involved in the anniversary.

Biotechnology Entrepreneur program

Mr VINEY (Chelsea) — On 4 October I attended the Biotechnology Entrepreneur program showcase. This program is a collaboration between the Office of Science and Technology and the Department of Innovation, Industry and Regional Development with Young Achievement Australia. It involved 10 biotechnology teams and three small technology teams comprising 125 students from a variety of Victoria's highly regarded universities and medical research institutes, aimed at many different markets. The program requires teams to establish and register a company, develop a business product and sell the product within a concentrated business cycle and participants are aided by business, industry and technical mentors. The event has been remarkably successful with companies returning dividends to their shareholders ranging from 2.5 per cent at the bottom end to 900 per cent per share. Spin-off companies and products continue to operate, including a CD-ROM on cancer, occupational health and safety training and testing software for medical researchers.

The program has been greatly aided by the sponsorship of both the Department of Innovation, Industry and Regional Development and Mallesons Stephen Jacques. I particularly acknowledge the partners Cheng Lim, Wayne McMaster and Robert Cooper and the entrepreneurship program mentor Dr Carolyn Rolls. It is a great program and I commend all those involved.

Francis Galbally

Ms HADDEN (Ballarat) — Francis Eugene Joseph Galbally passed away on 12 October 2005 after a long illness. He was known to his many friends, legal peers and clients as Mr Frank. I was privileged to work for Mr Frank nearly 30 years ago as a legal secretary in his law firm Messrs Galbally and O'Bryan. He was a fair and compassionate employer, and I can still remember the decorated Christmas tree set up on the top floor with gifts for every employee at Christmas time.

Mr Frank's inimitable style of persuasive advocacy made him an eminent lawyer, and his success made him near-household name. In the early years of Mr Frank's legal career he stood apart from a conservative legal profession by refusing to sign the bar roll and became, I believe, the first Victorian solicitor to appear as an advocate in criminal trials and fully robed. The fact was that Mr Frank's criminal clients could not afford the services of a barrister, so Mr Frank donned

the wig and gown and appeared in over 300 murder trials.

Mr Frank earned the respect of his many clients and their families over his long career. He represented the underdog criminal client who was up against an all-powerful public prosecutor and a stream of police witnesses. Mr Frank had a very strong Christian ethic and believed that an accused was innocent until proven guilty, deserved a fair go and should be represented to the best of the advocate's ability and more. He especially excelled in winning the 'unwinnable' criminal trial.

Former Chief Justice John Harber Phillips described Mr Frank as a 'lion-hearted man with a very enriched mind and one of Australia's greatest advocates'. My deepest sympathy goes to Mrs Bernadette Galbally and the family, and the partners and staff of Galbally and O'Bryan. Vale, Mr Frank, and rest in peace.

STATEMENTS ON REPORTS AND PAPERS

Electoral Boundaries Commission: Legislative Council electoral boundaries

Hon. J. A. VOGELS (Western) — I would like to comment on the Electoral Boundaries Commission report on the 2005 redivision of Legislative Council electoral boundaries for Victoria. The background of this redivision was the Labor Party's deep hatred of the upper house. At the first opportunity that arose following the 2002 election it basically decided to gut it and install proportional representation voting for the upper house. It set up a three-member, hand-picked commission to look into ways of reforming the upper house.

These commissioners travelled around to engage the public of Victoria, so to speak, and to find out their views on reforming the upper house. We all know that this was just a ride — for example, when the commission arrived in Warrnambool only one person turned up to hear what it had to say. Contrast that with the time the Victorian Electoral Commission decided to have another look at the ward boundaries in local governments. In the Corangamite shire, for example, when there was a discussion of just the ward boundaries of this small shire over 2000 petitions were lodged in this house, there were public meetings and there was outrage. Yet here we have changed the boundaries of the upper house.

When this commission went around Victoria asking for input a total of 195 people in a population of 5 million

made submissions, 600 people attended the consultative process and 300 people filled out questionnaires. As I said, this is for a population of 5 million. If you compare that with a small shire, you see that nearly double that number of people made submissions just on ward boundaries, yet the government says this was the will of the people.

I have had a good look, as has everyone in this place, at the new divisions of the upper house. If you look at the map of Victoria you note there are three rural seats, Western Victoria Region, Northern Victoria Region and Eastern Victoria Region, which actually make up 99 per cent of the state. The little doughnut in the middle — the hole in the middle — which is called Melbourne, makes up 1 per cent of the state yet it will have 25 members representing it in this house, people like Mr Smith and the Honourable Justin Madden. Bob probably will not be here, because I do not think he is going to get preselection. There will be 25 members, so basically there will be electorate offices everywhere, and every couple of kilometres down the road there will be another MP you can go and see.

Let us compare the Melbourne area with the so-called rural seats. The Western Victoria Region, which I will be representing, is a total of 70 000 square kilometres in area, compared with the Western Metropolitan Region, which is an area of 800 square kilometres, yet both areas will have five MPs to represent them. There will be 450 000 voters in Western Victoria Region and a population of about 600 000.

The other thing that concerns me about the new system is proportional representation (PR) voting. I think we had the best example of what a PR system will mean in New Zealand not long ago. I refer the house to a newspaper article headed 'The high price of coalition for New Zealand'. Here we have a newspaper saying that because of New Zealand's PR voting system, Helen Clark, soon to take up the position of Prime Minister again, has had to get into bed with Winston Peters! And the maverick politician, Winston Peters, who is the laughing stock of the world in foreign affairs, is going to be New Zealand's foreign affairs minister. What a joke!

It really concerns me that something similar could happen in this house after the next election. We will have single-issue people — people who stand for one issue only — getting elected to this house and possibly holding the balance of power. And bizarre people like Winston Peters will be able to hold the government to ransom. I really hope that does not happen, but I would sooner have Labor in power than have some Independent run the whole show. I think PR voting will

sound the death knell for the upper house. I will make a prediction. I won the seat of Warrnambool, and it was abolished. I won the seat of Western Province, and it was abolished. I am about to win the seat of Western Victoria Region, and I am afraid that on my form it will probably be abolished.

Electoral Boundaries Commission: Legislative Council electoral boundaries

Hon. J. G. HILTON (Western Port) — I would also like to make a statement on the report of the Electoral Boundaries Commission entitled *Report on 2005 Redivision of Legislative Council Electoral Boundaries for Victoria*. The report is the final stage of the reform of the upper house. The legislation that introduced that reform was passed by this house in early 2003.

In the time since I was elected as the member for Western Port Province it has given me tremendous pleasure to meet a broad range of people in the community and assist them with their concerns. I am looking forward to meeting more people and more community groups following the enlargement of my electorate, which will now extend from Point Nepean to Mallacoota and cover 11 lower house seats — the four existing lower house seats now covered by Western Port Province, being Bass, Hastings, Nepean and Mornington, and the seven additional seats of Evelyn, Monbulk, Gembrook, Narracan, Morwell, Gippsland South and Gippsland East.

In preparation for my new responsibilities, over the last few months I have visited a number of local ALP branches. The message I have received is that the members are very enthusiastic about the new changes. Members in Gippsland are particularly enthusiastic because from November 2006 they will have the benefit of Labor representation, which they have not had previously.

Whether or not I am one of the members depends in a democracy on the will of the people, but I am very much looking forward to presenting myself as the Labor candidate.

Before the election there is another hurdle which all members of this house will be experiencing or have in some cases already experienced. That is the hurdle of preselection. I would like at this point to congratulate Philip Davis, the Leader of the Opposition in this place, Mr Ed O'Donohue and Ms Susie Manson on their Liberal preselection for Eastern Victoria Region last weekend. I would especially like to compliment Mr Davis on his tenacity. Another four years in opposition would be soul destroying, as has already

been acknowledged by Mr Ron Bowden, Mr Andrew Brideson, Mr Graeme Stoney and Mr Bill Forwood. However, I look forward to campaigning against Mr Davis and his colleagues in what I could call the Battle of the Hustings 2006.

Already for the Eastern Region — the region I am looking forward to representing — there is strong Australian Labor Party interest from both inside and outside this chamber. This is only as it should be. All members of our party have the right to stand for preselection, and for whichever seat they choose. In discussing the preselection process with branch members, I have received the message loud and clear that they are very keen to have a say in who is going to represent them. They see it as very important that elected representatives truly reflect the aspirations of both party loyalists and the broader constituency of which they are a part. One way of ensuring that this happens is to be able to participate in the preselection process. I am looking forward to a preselection process where candidates are judged on the strength of their character and the contribution that local communities believe they are able to make on their behalf.

Library Board of Victoria: report 2003–04

Hon. ANDREA COOTE (Monash) — I today would like to refer to the Library Board of Victoria's annual report for 2003–04. Page 14 of the report talks about development, policy and directions and says:

The library has a primary role to collect, preserve and make available Victoria's documentary heritage in all formats and also to facilitate access by Victorians to the world's information.

It is going to open a new space, and a key challenge for the library's collection development has been in responding to the needs of its offsite users as well as those on site.

That is about as much of the future as this report delivers, so this morning in my contribution I would like to talk about what this report leaves out, not what it includes. It is very disturbing for us to think that libraries of the future may be Google and Yahoo. People in this state and indeed across the world will be able to access the information they need from a computer source and will be able to get information at the touch of their fingertips from their own homes, but I believe libraries must look at what they need to do for the future and how they are going to deal with these changes.

This was highlighted recently in a speech entitled 'Remembering the past; forgetting the future —

Turning 150 in Melbourne. What do we commemorate and why?'. That speech was delivered by Paul Fox, who is an honorary fellow of the Australian Centre at the University of Melbourne, last September at the BMW theatre in Federation Square. He raised some very interesting points in this speech. He said that during the year of the library's 150th anniversary celebrations the Bracks government cut the library's recurrent funding of \$2.8 million. He also said that the library is increasingly dependent on private donors and sponsors for funding its exhibitions, physical refurbishments and acquisitions.

As this chamber knows, I set up the State Library Foundation, which I have to say is extremely successful, but it was never ever intended to be the sole source of funding for the library, and it is an indictment against this government that it has cut recurrent funding instead of increasing recurrent funding, particularly in the digitised age.

Paul Fox went on to say:

The British Library has created a coherent strategic vision about its future and is able to develop long-range plans.

He also said:

What is required to make a future in an era of a library without walls is an understanding of how traditional historical collections need to be reinvented to safeguard their future existence.

I think that is of vital importance. We must just look at what the library provides for us today, and I put on the record my recognition of the Kennett government for its refurbishment of the State Library. The State Library has been refurbished to a very high standard and is a wonderful and very pleasing building to enter. But a library is only as good as the information it provides. We know of the print records. They have been cut back too. We know that newspaper acquisitions are a concern. There has been deaccessioning of the newspaper collection, which I have spoken about in this chamber before.

But what of the future? What of the digitising into the future? What about the funding for this digitising? If we look once again at the British Museum example, we can see that innovation here in Victoria is just dealing with an exhibition program, but in England the British Library has successfully lobbied government to introduce e-legal deposits that will see the compulsory deposit of electronic information in the library. I would like to remind this chamber that when the State Library was initially set up there was a legal requirement that any book written in this state had to be deposited within the library, so there is a very great depth and wealth of

material in the library, but there is no provision within our library's planning — and indeed it is not mentioned in this report at all — about how e-deposits will be made into the future.

What are the plans? Where is the money involved that is needed to do this? How is it going to be stored? How is it going to be accessed? All these issues need to be looked at, and we need to be developing policies and programs into the next decade and beyond. Technology is changing very quickly. It is important that we keep up to date. Our library has been at the forefront for a very significant time. We are falling behind. In fact we are falling behind New South Wales as well, which has been very far sighted in its approach to the electronic collection of material and is encouraging its users to expand their knowledge of the library, not by using only the print material that is available but also by developing very good data collection. I commend the librarian, Ann-Marie Schwirtlich — —

The ACTING PRESIDENT

(Hon. B. W. Bishop) — Order! The member's time has expired.

Library Board of Victoria: report 2003–04

Mr SCHEFFER (Monash) — I too wish to make a brief contribution on the 2003–04 annual report of the Library Board of Victoria. The State Library of Victoria is one of our most important institutions in Victoria, and in my own electorate of Monash Province I have many constituents who regularly use — —

Hon. Andrea Coote — Our electorate.

Mr SCHEFFER — Our electorate of Monash Province. I have regular contact with constituents who have a great interest in the library and its development.

I have been very pleased to assist members of the State Library User Organisations Council, for example, to put their views on the library to the government. The representatives of the user organisations council have discussed a number of issues with me, including the matter of storage of the library's collection. I was able to tell the council representatives that the library has completed a major \$11 million construction project to provide a purpose-built, offsite collection store on the University of Ballarat site to be completed by November.

By March next year all the library's offsite holdings will have been moved to this store, which will house some 42 kilometres of material for long-term storage. In the process of the move the collection will be cleaned and repacked, and all catalogue records relating

to the material will be updated. Access to material from the new store will be provided through an arrangement with the University of Ballarat. This is a massively complex logistical exercise that will be of immense benefit to the public and library users.

The library has a collection of over 200 000 items that are accessible online through its web site and each year the library adds some 9000 items to this total. The Melbourne and Metropolitan Board of Works plans are held at the library, and they are being progressively digitised over the next three years. The library will ensure that the catalogue entry for every manuscript collection is accessible online and that images in the Victorian copyright collection are also catalogued and digitised. These projects will vastly improve online access to what are unique Victorian materials, and people will be able to have access from wherever they are whenever they wish.

Obviously putting all this online will make these materials available nationally and internationally, and that is a very good thing. Over the last 15 months the library's Travelling Treasures program has enabled its experts to take original treasures around Victoria. They have run programs for schools during the day and community events in the evening. I see that they have also travelled to a lot of places across the state: Hamilton, Portland, Warrnambool, Geelong and Ocean Grove in the west; Mildura, Swan Hill, Kyabram, Cobram, Benalla, Stawell and Ararat in the north; and Bairnsdale, Lakes Entrance and Orbost in the east. Items such as the 15th century *Nuremberg Chronical*, a cuneiform clay tablet from the 3rd century BC and Melbourne's first newspaper, published in 1838, have been made accessible to a great many people.

To make it easier for library users to find information quickly and efficiently, they are developing a statewide portal using federated searching, which will enable libraries and other agencies to provide a single search interface for a range of databases, including those held at museums, art galleries, government and local sites, including local history sites, and national collaborative sites such as Picture Australia. The potential value of this in making information more accessible to people is enormous. The library played a leading role in the development of the national MyLanguage portal in partnership with other state and territory libraries. This portal provides access to over 6 million information links. Search engines, web directories, government web sites, digital library projects and syndicated news headlines will all be available in nearly 60 non-English languages. From early in 2006 people will be able to come into the library with their own personal laptops and go online through the library's free wireless access

from the major reading rooms. I congratulate the library staff who I know love the library, its buildings and collections, and who assist the public so well. Without their collective knowledge and care, all the technology and renovation in the world would not make the library the great institution it is.

Human Services: report 2003–04

Hon. D. McL. DAVIS (East Yarra) — I am pleased to make a contribution to this section on reports and in particular to talk about the Department of Human Services annual report 2003–04, and to draw the attention of the house and the community to the mental health output group in that report. It is appropriate to discuss that today given that yesterday the Not for Service report was released by the Mental Health Council of Australia. I want to compliment that body and the other partners that were involved in that examination — the Brain and Mind Research Institute and the Human Rights and Equal Opportunity Commission. This is a very important inquiry; it is a very thorough inquiry. It is an inquiry that has taken hundreds of submissions and one which has taken the words and experiences of thousands of people into account. It is important to place on the public record the work that has been done by the mental health council and its partners: they have made a substantial contribution towards understanding issues surrounding the provision of mental health services in Victoria.

I know the mental health council has worked at a national level, but it has very sensibly broken parts of this report down into state level commentaries by individuals and submissions that relate to the particular state systems. That is a great strength. I think it has been a very important contribution and it is worth putting on the record, in the context of the report, some of the key issues surrounding Victoria. I draw attention to page 65 of the report in the key summary section and 2.7.2.6 headed ‘Conclusions’ which says:

Against most of the agreed indicators, Victoria may be seen as the leading state in mental health services delivery. It has supported both community-based innovations as well as systematic reorganisation of its service structures. The reality for consumers of the services, however, is that insufficient attention has been placed on increasing real investments and recurrent expenditures and supporting key innovations such as the early psychosis and forensic movements. Additionally, insufficient attention has been directed to responding constructively to consumers and carers’ experiences of care.

We can acknowledge that in many ways Victoria has a strong system, but that is not in any way an indication that there is not huge need and room for improvement. The system has significant weaknesses. The Auditor-General in his report on people with mental

illness in crises in 2002 made a number of recommendations that have not been appropriately and adequately implemented by this government. His report was a wake-up call — a very timely wake-up call — and it said to the community and to the Bracks government, ‘You need to act’. Unfortunately this government has not acted in the way it should have.

What comes through as you read through the scores of personal accounts — and on another occasion I will make sure on the record that some of those person accounts are brought to light — is the lack of accountability in the system. There is a culture of denial in the system and I believe it goes right to the top — to the minister who wants to put her head in the sand and not deal with the deficiencies and weaknesses in the system. There is a huge level of distress among many people who have dealt with our mental health system and that level of distress has got to be dealt with. The day-to-day failure that comes through in the individual reports and submissions is very clear.

Like many others, I was aware of the Minister for Health’s performance on the SBS forum program a couple of weeks ago and it was indicative of the fact that she is not prepared to take responsibility; she is not prepared to step forward and say, ‘My government is accountable’. Whilst there was some increased funding earlier in the year in the so-called A Fairer Victoria package, the recommendations of the mental health council in this report make it clear that much more needs to be done. The recommendation is for \$100 million additional money in 2006–07 and an escalating amount up to 12 per cent which is the claimed level if you count the burden of disease as a key indicator. These things do need to be looked at; the minister has got to examine funding.

The ACTING PRESIDENT

(Hon. B. W. Bishop) — Order! The member’s time has expired

Melbourne Market Authority: report 2004–05

Hon. S. M. NGUYEN (Melbourne West) — I would like refer to the Melbourne Market Authority annual report 2004–05. One of the projects mentioned is the relocation of the Melbourne Markets to Epping. I am disappointed that it did not go to Werribee because I believe Werribee would have been more suitable than Epping. However, the Melbourne Market Authority has done a lot of good work, especially looking after the wholesale market in metropolitan Melbourne. It is currently based in Footscray Road, which is close to my electorate.

I know a lot of people in Footscray enjoy buying affordable fruit and vegetables. People going to the market on any day can buy good food at a good price, because the market is close to Footscray, the wholesalers and retailers are easy to access and they can go there and buy and sell. As a result the margin is lower compared with that in other parts of Melbourne, and people can get the fresh, clean food at a very good price.

Tropical fruit is another item I want to comment on. Tropical fruit is transported from the north of Australia — from Queensland and Darwin — down to Melbourne. A lot of tropical Asian fruit is grown in Darwin and in north Queensland, so today we can buy good Australian tropical fruit, which in the old days we had to import from Asia. Now many people see potential users coming from the Asian community in Melbourne, so there is a big market for fruit like mango, paw paw and a few others that come from northern Australia.

I have visited the market a few times in the morning because some of the people from the Asian community who have stalls there have invited me to see how I can help them to improve. There is very strong competition between the local markets well as with those in other states, and the people told me they have done quite well. They export Victorian foods and vegetables to Asia and other places because people love to buy our fruit. People in Asia cannot grow many of the types of fruit we have in Victoria. We have cold weather in Victoria, which means that we can grow things that hot weather countries cannot grow.

The ACTING PRESIDENT

(Hon. B. W. Bishop) — Order! The honourable member's time has expired.

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

Hon. D. K. DRUM (North Western) — I wish to talk about the 2004 annual report of the Falls Creek Alpine Resort Management Board. I must admit I have a vested interest, having enjoyed family weekends at Falls Creek this year, even though this report pertains to the previous financial year. The report highlights some key issues. Obviously people in the alpine area are looking to increase visitation numbers. This report highlights that they are on the right track in doing that, because it shows higher than average numbers of visitors have been coming through the Falls Creek region.

Management is looking at the year-round advantages the Falls Creek region offers to people who are looking for more than just winter sports. It is a beautiful setting, open to a whole range of other interests. With a newly set up water supply there, even though more money needs to be spent on working on the supply, it is at the minute of very high quality.

There is a range of key issues to capitalise on the environmental assets that are currently available, and these things need to be done in a sustainable manner whilst at the same time delivering returns to investors and the state through promoted tourism opportunities. The visitor experience and the attractiveness of the resort not only in the winter but in all seasons will be enhanced by the improved village facilities. A major visitor facility will be established at an entry precinct at the village plaza, which will create a common space for people to meet. Currently Falls Creek Resort does not have a meeting place that is an open and public space out of the weather and available to all who need that common space.

Management is also looking to improve the whole winter visitor experience as well as to provide ease and value for the regular skier. Even though it is not listed in this report I know one developer up there who manages the Pretty Valley Alpine Lodge is looking at the possibilities of a new development that would be able to cater for disabled skiers. Disabled facilities are hard to build in any environment, but in the snow environment you would need to be able to drive your car directly into an underground car park, you would need to have lifts going straight to the respective rooms and you would need lifts and balconies wide enough and under cover to cater for people in wheelchairs. This tremendous initiative being shown by individuals at Falls Creek needs to be encouraged.

Obviously there are many challenges ahead of management. Mr Ian Grant, the former chief executive officer, who has just recently resigned to take up a position in Canada, highlighted in the report that overall the ski industry did well last year, but Falls Creek in particular was above average. It is certainly making up for the previous decade, when it lost a bit of ground in the winter sport market. There is also a concerted strategy to build regional visitation to make the whole skiing experience available to a wider range of visitors. That is very important.

I want to thank Mr Neil Tappe, who has a wealth of knowledge and experience within not only the Falls Creek region but the whole skiing industry, and Helen Sharpley, who was able to arrange a meeting for me at Falls Creek and to tell me exactly how the industry is

going. They have some challenges ahead of them. They see their growth area in developing year-round sporting activities, such as improving the facilities on the Rocky Valley Lake. This huge expanse of water would be ideal for rowing and rowing training. The high altitude is ideal for triathletes. If a small road or pathway were constructed around the lake, it could be used by walkers, runners and triathletes when training. The water, although cold, is still quite suitable for high altitude training.

It is also worth noting that alpine resorts, including Falls Creek, contribute \$129 million a year to the Victorian economy.

Forensic leave panel: report 2004

Mr SOMYUREK (Eumemmerring) — I rise today to speak on the annual report of the forensic leave panel. This is the seventh such report of the panel, which was established by the previous government under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997. The act came into effect on 18 April 1998 and governs the detention, management and release of persons found unfit to be tried or not guilty on the grounds of mental impairment. The panel is an independent statutory body with jurisdiction to consider applications from forensic patients and residents for certain types of leave.

In June 1998 the panel had its first meeting, and since that time it has continued to hear applications for leave on a monthly basis. From all reports it has continued to develop steadily. The act provided a solid foundation for a coordinated statutory approach to the management of leave, transparency, responsiveness and support for the application of procedural fairness.

I turn to how far the panel has progressed. Over the past few years there has been a significant increase in the number of patients applying to the panel for leave and the number of applicants per hearing. In 1998 — the panel's first year of operation — 20 forensic patients and 3 forensic residents made applications to the panel. In 2004, 51 forensic patients and 3 forensic residents made applications to the panel. This represents a more than doubling of the number of applicants over the last seven years. As a consequence of the popularity of the panel, or the volume of people going through it, in 2005 the panel will begin a process of reviewing its operations to ensure that it is operating at its most efficient level.

I turn now to the forensic leave panel itself and its jurisdiction and composition. In terms of jurisdiction, as I said, the forensic leave panel was established under

part 7 of the Crimes (Mental Impairment and Unfitness to be Tried) Act to hear applications from forensic patients and residents for certain types of leave. This act provides the panel with jurisdiction to hear applications for on-ground and limited off-ground leave, appeals in relation to special leave refused by an authorised psychiatrist or the Secretary of the Department of Human Services and appeals in relation to the transfer of forensic patients from one mental health facility to another. Moving on now to the composition of the panel, it comprises a judge of the Supreme or County courts — this is for forensic patients — —

The ACTING PRESIDENT

(Hon. B. W. Bishop) — Order! The honourable member's time has expired.

Melbourne Market Authority: report 2004–05

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I wish to make a statement this morning on the Melbourne Market Authority annual report 2004–05. The Melbourne Market Authority is the entity with responsibility for running the wholesale market in Footscray. We have heard this year of great controversy regarding the proposed relocation by the government of the wholesale market to an alternative site. The government has made it very clear that it is its intention that the site out at Footscray be vacated for the purposes of extending the port of Melbourne by making more land available to the port of Melbourne. However, the way the government has gone about this has been, at best, dishonest.

Earlier this year I and the Leader of the Opposition, the Honourable Philip Davis, Mr Stoney, Mr Koch, Mr Vogels and several other members of the Liberal Party visited the market on two occasions to talk to stallholders about the proposed relocation and their views on it. It was apparent from talking to those operators that they were vehemently opposed to the government's plan to shift them from a site they have occupied for more than 30 years in order to expand the port of Melbourne. It was very clear from talking to those stallholders that they did not have confidence in the process the government had put in place in relation to the proposed move. That message was reinforced to me in talking to agricultural operators in my electorate — vegetable growers in the belt through the Cranbourne-Lyndhurst area and further out towards Pakenham. They have made it very clear that they do not support the proposed move of the market to Epping.

Therefore, it was interesting when the Minister for Agriculture in another place, the Honourable Bob Cameron, appeared before the Public Accounts and

Estimates Committee on 12 May. The relocation of the market is a topic that was examined at some length in that estimates hearing. As a member of the committee I was very disappointed with the way the minister presented the case. It was very clear from his presentation that he had the pre-canned press release, he had the lines he wanted to run and he was not too concerned about whether they were accurate or not. Appearing at that hearing with the minister was Dale Seymour from his department. The minister and Mr Seymour were happy to run a line that the stallholders out at Footscray are happy to be moving to Epping. In the course of that hearing Mr Seymour gave a fairly extensive answer in relation to a question from me about the proposed move. I then asked Mr Seymour a very direct question about given the option of staying at Footscray or moving to Epping, what was the view of the stallholders surveyed by the government? Mr Seymour responded by stating:

The overwhelming majority of those who participated was that they would go north.

Meaning Epping. Mr Seymour was quite happy to say that the stallholders wanted to move from Footscray to Epping. However, when challenged as to whether they were given the option of staying at Footscray, Mr Seymour flicked the answer to the minister. It then became murky and the minister did not answer the question of whether the stallholders at Footscray were willing to move to Epping. The fact is, as we know, they are not. If given the option of staying where they are versus being forced to Epping, it is the view of the vast majority of stallholders that they want to stay at the Footscray site.

The ACTING PRESIDENT

(Hon. B. W. Bishop) — Order! The honourable member's time has expired.

National Parks Advisory Council: report 2004–05

Ms CARBINES (Geelong) — I am very pleased this morning to make a statement on the National Parks Advisory Council annual report for 2004–05. The National Parks Advisory Council is a very important body in Victoria. It provides advice to the Minister for Environment in another place regarding the National Parks Act and on any other matters that the minister refers to it.

The National Parks Advisory Council has a membership of 10 and is very ably led by Mr Ian Harris, who is the convenor. I am sure many members of this place would know Mr Harris as a former chair of the Victorian National Parks Association. It was in that

role that I first met Mr Harris. I have a great deal of regard for him. He is a very impressive, committed conservationist with extremely wide experience. I read with interest Mr Harris's report on page 1 of this annual report. He highlighted the previous year's achievements in relation to the additions to the park system and the protection of the environment. I note that he welcomed the government's announcement of further protection of and improvement to our parks and forests as part of a \$121 million funding boost. He went on to say that the council considers the government's initiative is particularly timely in terms of better weed and pest control in parks and the long overdue renewal and replacement of some ageing assets in parks.

The report is quite unusual in this day and age. It is not a glossy and there are no photos in it. It is simply a perfectly educative and informative report, and easy to read at that. The report educates everyone about just what is the national park estate in Victoria and what it comprises — the number of pieces of land that are governed and protected under the National Parks Act. It goes into the extensive coverage in the state of parks and reserves. In fact it says on page 4 that the total area is nearly 3.235 million hectares of parks and reserves in our state. That is something of which we should be extremely proud.

The report comments on government legislation passed last year. In several places it signifies the important role Parks Victoria plays, and I congratulate it on its fine work. I am especially pleased to see that, considering the very nasty and vitriolic assault on Parks Victoria by members of the opposition in this place from time to time. It is great that the role of Parks Victoria is acknowledged in this report.

The legislation I wish to talk about today, referred to in the report, is the National Parks (Alpine National Park Grazing) Act 2005. The National Parks Advisory Council is extremely congratulatory of the government for the passing of this important legislation. I want to quote the comments that the National Parks Advisory Council makes about this. It states on page 4:

Council sincerely welcomed the state government's decision to end licensed cattle grazing in the Alpine National Park. It believes this landmark decision will be a major contribution to ensuring a sustainable future for the park.

In the last week we saw the cruel hoax Senator Ian Campbell perpetrated during the debate in Victoria regarding Alpine cattle grazing. He seemed at the time to offer some hope to Melbourne cattlemen. That has been exposed this week as the cruel hoax I said it was when debating this in this chamber several months ago. He came up with this absolutely bizarre and ludicrous

idea of having cows wandering all over the Alpine National Park protected with c-tags around their necks, and the environment would be protected by some electronic fencing. He admitted this week that he was incapable — impotent indeed — in relation to this matter. It has exposed him as a joke as a federal environment minister.

Forensic leave panel: report 2004

Ms HADDEN (Ballarat) — I wish to make a statement on the Forensic leave panel annual report. This is the seventh annual report that the Forensic leave panel has provided on its operations. This one is for the period January to December 2004. The panel is established under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997. The act came into operation on 18 April 1998. The panel is an independent statutory body with jurisdiction to consider applications for certain types of leave for forensic patients and residents. I wish to congratulate the president of the forensic leave panel, Justice Bernard Teague, and join with him to thank all the members of the panel who do a marvellous job in a very difficult area of rehabilitation. I also acknowledge the great work done by the executive officer of the panel, Dr Kylie Shanahan, especially for management of the operations during the reporting period.

The forensic leave panel considers applications for both on-ground and limited off-ground leave for persons on custodial supervision orders, as well as hearing appeals against refusal of special leave and against being transferred to another institution. The purpose of leave is to help the resident and patient to rehabilitate and provide a gradual progression towards a return to normal community living that is consistent with the needs of the individual and community safety, which is very important. The panel reports that long periods of institutionalisation are perceived as being counterproductive to reintegration into the community.

The act stipulates that leave granted must contribute to the applicant's rehabilitation. The act requires a detailed plan for leave, as well as an applicant profile to accompany each application for leave, so the panel is fully informed and cognisant of the requirements for both the individual and community safety. The client's rehabilitation goals are very important and need to be considered, as well as the likely risk factors if the person is granted leave in the community. We have seen in recent years that there are risk factors and we need as a community to do everything possible to assist forensic leave patients and residents to rehabilitate back into ordinary life as far as is practicable and determined by the forensic leave panel and experts.

There has been a significant increase in the number of applicants requiring interpreters appearing before the forensic leave panel. In 2004 interpreters were required on 23 separate occasions for seven patients in six languages. That can be compared with the previous year when interpreters were required on only nine occasions for five patients in four languages. The workload of the panel is acknowledged in the report as having increased substantially in 2004.

There was an average of just over 15 applications per hearing in 2004, compared to an average of just over seven applications the previous year. There were 54 applicants in 2004, compared with seven the previous year. Each applicant made an average of 3.1 applications for the year. The total number of applications in 2004 was 168, up from 126 in the previous year. The increasing workload is being monitored by the panel so that it can determine whether the number and length of hearings each year is sufficient to meet the needs of the applicant in the system. As a consequence of the increased workload for the panel two additional judges from the County Court were nominated for appointment and to take up their appointment this year.

The number of leave purposes that the panel considered in 2004 was 554, up from 493 in the previous year. This was a 30 per cent increase in the number of applications, from 126 in 2003 to 168 in 2004. The number of applications was higher due to the increase in the number of applicants, up from 47 in 2003 to 54 in 2004. Also, the increase in the average number of applications per applicant was up from 2.7 in 2003 to 3.1 in 2004. A key principle of the recommendations of the 2001 Vincent review was that leave should be well-planned in advance, with clear therapeutic goals for patients and residents. The act — —

The ACTING PRESIDENT

(Hon. R. H. Bowden) — Order! The member's time has expired.

National Parks Advisory Council: report 2004–05

Ms ROMANES (Melbourne) — I wish to make some comments on the National Parks Advisory Council annual report 2004–05. I endorse the comments of Ms Carbines, because I also found it an educative and informative report and well worth reading. As Ms Carbines said, it is not a glossy report. It is a straightforward report in its presentation and is full of very interesting material. I was interested to find that the National Parks Advisory Council was responsible not just for the administration of the

National Parks Act 1975 but also for giving advice on excisions of parts of national parks to the minister and for giving advice on other matters as requested by the minister.

The report highlights four pieces of legislation relating to national parks that were passed in the 2004–05 year. The first was the National Parks (Additions and Other Amendments) Act 2004, which led to the addition of nearly 14 000 hectares of land to national parks. The second was the National Parks (Alpine National Park Grazing) Act 2005, which amended the National Parks Act to end licensed cattle grazing in the Alpine National Park. The third was the National Parks (Point Nepean) Bill, which established a new Point Nepean National Park incorporating former commonwealth land as well as parts of the existing Mornington Peninsula National Park. The fourth was the National Parks (Otways and Other Amendments) Bill, the primary purpose of which was to create the Great Otway National Park. Those pieces of legislation were strongly supported by the National Parks Advisory Council and recognised for providing extra protection of public land, diverse natural environments and the potential for further enjoyment of national parks as great tourist destinations.

Hon. W. R. Baxter interjected.

Ms ROMANES — Mr Baxter's interjection reminds me that I was at a loss to understand why The Nationals voted against the creation of the new Great Otway National Park. That park is an addition to an extensive network of 134 parks in Victoria that attract people to visit and appreciate the many natural attributes of our state. National parks no doubt also add to the economies of small towns across the state.

The report highlights that the government has provided a \$121 million funding boost over four years, including \$19.3 million of new funding for natural values management, \$49.4 million for vital asset renewal and replacement and \$13.1 million for the Otway park. It also includes \$14 million over four years for enhanced weed and pest control, which is an issue that has been raised on many occasions by members in this house. The government has responded, and there is extra resourcing and funding for pest and weed control and a boost for the assets and needs of national parks.

Comment is made in the report about the park management plans that have been approved and the extensive work being done in this area. There is support for ongoing and enhanced community consultation on plans and activities in parks and for improved

indigenous partnerships, which is another very important part of the work of Parks Victoria.

VETERANS BILL

Second reading

Ordered that second-reading speech be incorporated on motion of Hon. M. R. Thomson (Minister for Consumer Affairs).

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

It is important, as we enter a period of very significant change in veterans affairs, that we focus strongly on the wellbeing of the Victorian ex-service community.

This year marks the 60th anniversary of the end of World War II and 30 years since the fall of Saigon. These were the last two conflicts involving large numbers of Victorians. The men and women who served in these wars make up the major part of the veterans community. These are people who have reached, or are approaching, their senior years.

The value of more recent service is clearly recognised by my government. But the simple reality is that the veterans population is increasingly, and heavily, weighted towards those over 60.

The ageing of the veterans population has a number of important consequences. First, as people age their care needs often increase. Second, the overall number of veterans is declining as the older generation passes away. Third, as veterans die the number of widows generally increases and so do their care needs.

At the same time we are seeing a tremendous upsurge of interest in our military past and the service of veterans, particularly amongst young Victorians.

Our basic legislative framework for veterans affairs dates back to the post-World War II environment, building on World War I legislation. In this time of change, much of this framework needs updating and, as you will see in the bill, substantial supplementation.

This bill will provide a forward-looking legislative base for veterans affairs, implementing or extending recommendations made by the Scrutiny of Acts and Regulations Committee in its careful and valuable report on Anzac Day laws in 2002. The bill will:

- modernise the regulation of veterans trust funds — known as 'patriotic funds'; and

- build the capacity of the ex-service community to respond to the major population and cultural changes that we are seeing.

The bill will do this through three key changes.

Firstly, it will update the mode of regulation of patriotic funds, shifting regulatory responsibility from the Patriotic Funds Council to the director of Consumer Affairs Victoria. This will bring the regulation of patriotic funds in line with that of other consumer protection acts.

Secondly, it will establish a new Victorian Veterans Council to provide direct advice to government on issues affecting the ex-service community and distribute money raised through activities on Anzac Day. The council will promote collaboration and coordination across the broad range of ex-service organisations in Victoria and will assist and advise patriotic fund trustees on options for the use of patriotic funds.

Thirdly, it will establish a new Victorian Veterans Fund. This fund will receive a portion of Community Support Fund revenue each year, representing the proceeds of Anzac Day gaming.

I will now outline these changes in more detail.

The regulation of patriotic funds

The regulation of patriotic funds in Victoria has its origins in the First World War. The current regulatory regime is contained in the Patriotic Funds Act 1958 and the regulation is carried out by the Patriotic Funds Council. Many of the provisions in the current act come directly from the State War Council Act of 1916. That act set the model for regulation through a statutory council.

Many of the provisions have stood the test of time, and accordingly much of the regulatory framework will be unchanged. However, there are a number of important amendments to this regime in the bill. The bill will repeal the Patriotic Funds Act 1958 and the regulatory provisions from that act will be incorporated in the Veterans Act.

The most significant change relates to who carries out the regulation. The regulation of patriotic funds is, in part, a matter of consumer protection. The regulation protects the assets in patriotic funds, thereby protecting the members of the ex-service community who are beneficiaries of the funds and also protecting the people who donate to the funds — giving assurance that the money will be used as intended.

It is a general aim of my government to scrutinise acts and, where appropriate, consolidate them or bring them into alignment. As with other consumer protection acts the regulation under this bill will be carried out by the director of Consumer Affairs Victoria. The director is responsible for the administration of a range of consumer legislation in Victoria.

The bill also acknowledges that there are some regulatory decisions that require a higher level of scrutiny and must be informed by the veterans community. These include decisions involving transfers of assets from patriotic funds to organisations that are not solely for veterans welfare. Such transfers will continue to need the approval of Governor in Council. The house should note that section 26 of the bill requires that the minister, before making a recommendation to Governor in Council on certain matters, must consult with and have regard to the advice of the Victorian Veterans Council, representing the ex-service community.

In short, the new regulatory arrangement combines the expertise and resources of Consumer Affairs Victoria with the

knowledge of the Victorian Veterans Council to provide an informed and effective protection for patriotic funds.

The control of funds remains entirely with the trustees of that fund. The bill offers some new options to trustees for using funds in cases where the trust is winding up or where the trust has more funds than are needed to meet its purpose.

These new options are: an ability to transfer assets from a patriotic fund to the Shrine of Remembrance, and an ability to transfer assets from a patriotic fund to the Victorian Veterans Fund. The effect is to allow, under some circumstances, that excess patriotic funds may be used for commemorative purposes or for educating people about Australia's war and service history.

These options are only available when the trustees wish it, and the minister must seek and have regard to the advice of the Victorian Veterans Council on such transfers.

The bill, as I have said, makes specific mention of the Shrine of Remembrance as an option for transferring assets. Under the existing act trustees do not have this choice. The Shrine of Remembrance is the state's most important memorial and continues to expand its commemorative, educative and exhibition roles. It serves the whole state with particularly high visitation from regional Victorians.

It is entirely appropriate, in a time when there is an enormous demand for information about our military past and the contribution of veterans to this state, that patriotic fund trustees be able, if they wish, to contribute funds to the shrine when they are no longer needed for welfare purposes.

The house should note that this does not preclude trustees from contributing to other memorials. Trustees may transfer assets to the Victorian Veterans Fund with the express wish that the assets go towards the upkeep or upgrading of any other memorial in the state.

The opportunity has been taken to modernise the capacity of the government to ensure the proper administration of patriotic funds. The director of consumer affairs has a range of new investigative powers, modelled upon the Fundraising Appeals Act 1998 and the Fair Trading Act 1999, which will enable monitoring of patriotic funds where this is necessary to ensure that they are properly managed.

Additionally, the director may request that a patriotic fund be audited. In situations of maladministration of a fund, or where there are not enough trustees to enable decision making, the director can apply to the Magistrates Court for the appointment of new trustees. The new Victorian Veterans Council will be able to act as a trustee if necessary.

The Magistrates Court may also appoint an administrator to take over the administration of the trust for a period where there is maladministration or an insufficient number of trustees. Additionally, a majority of the trustees of a patriotic fund may request the director to appoint an administrator to take over the management of the fund for them.

These new arrangements will help to ensure that the assets raised over the last century for the benefit of veterans are not lost through mismanagement. However, the director will in the first instance work with the trustees to assist them to rectify any problems with their patriotic funds, and guidelines will be issued by the director to make this clear.

We have amended the audit and reporting requirements to align them with other legislation that applies to ex-service organisations and to make things easier for trustees. Financial reports are now required on a financial year basis rather than a calendar year, and auditing will be by a registered company auditor. Trustees will have 90 days to submit reports rather than the current 30. However, we have been careful to keep the auditing and reporting arrangements flexible. Many trustees may wish, for various reasons, to retain existing arrangements. The bill allows this.

There is one further improvement to auditing arrangements in the bill. Many patriotic funds have very little revenue or expenditure. This is particularly true of building funds. In some cases it may not be necessary for trustees to go to the expense of having an annual audit. The bill will allow the Governor in Council to prescribe classes of funds which do not need to have their annual financial returns audited.

Victorian Veterans Council

The bill will establish a new statutory council — the Victorian Veterans Council — to advance the interests and wellbeing of Victoria's ex-service community. The ex-service community is defined in the bill to include veterans, their partners and their dependants. The Victorian Veterans Council will have 11 members, of whom at least 8 will be members of the ex-service community or members of ex-service organisations. The chair and the deputy chair must be veterans.

Six members of the Victorian Veterans Council will be nominated to the minister — in this case the Premier — by ex-service organisations, with legislated positions for two important and longstanding ex-service organisations: the state branch of the Returned and Services League and Melbourne Legacy.

This council will provide a strong, coordinated voice for veterans and will enable the ex-service community to collectively plan for the future welfare needs of veterans and the commemoration of those who have died. Specifically the council will:

- monitor issues affecting the ex-service community and advise the lead minister — in this case, the Premier;

- distribute the Anzac Day Proceeds Fund to organisations providing welfare to the ex-service community;

- distribute the new Victorian Veterans Fund in accordance with that fund's objectives for commemoration and education;

- advise the minister — in this case the Minister for Consumer Affairs — on certain issues regarding the regulation of patriotic funds.

In performing these functions the council is required to consult with the ex-service community and foster collaboration between ex-service organisations.

Victorian Veterans Fund

One of the great benefits of this bill is that it will establish a Victorian Veterans Fund and provide it with an annual source of revenue.

In its 2002 report on Anzac Day laws, SARC recommended that a proportion of the proceeds from gaming on Anzac Day should flow to the Anzac Day Proceeds Fund. The Anzac Day Proceeds Fund gets revenue from sporting and racing activities on Anzac Day. SARC argued that Anzac Day gaming should be subject to the same requirement, reflecting a principle that some of the benefits of Anzac Day activities should be returned to veterans. We agree entirely.

SARC also recommended that the uses of the Anzac Day Proceeds Fund should be widened to include education and commemoration, as well as veterans welfare.

In our consultations on this bill the veterans community expressed a strong preference for ensuring that the current uses of the Anzac Day Proceeds Fund should be protected.

We have therefore decided to create a separate education and commemoration fund. This is the Victorian Veterans Fund.

This bill will ensure that, in addition to proceeds from sporting and racing on Anzac Day, gaming activities will also contribute to the ex-service community. It will work in this way: on 1 September each year the total gaming revenue to the Community Support Fund for the previous financial year will be divided by the number of days in that year. The dividend — one day's average gaming revenue representing the proceeds from Anzac Day — will be transferred to the Victorian Veterans Fund.

The purpose of this annual fund is to provide the veterans community with greater capacity to:

- honour and commemorate the service or sacrifice of veterans;

- educate Victorians about our history of service in conflicts, including peacekeeping and peacemaking operations; and

- assist with the education of veterans dependants.

The Victorian Veterans Fund will be administered by the Victorian Veterans Council. The council will develop public guidelines about the use of the fund, will determine what gets funded and will be required to account publicly for the expenditure. The bill also allows the council to determine other uses of the fund, with the agreement of the minister — in this case, the Premier.

Other amendments

The bill repeals or amends a number of other acts.

It will repeal the Discharged Servicemen's Preference Act 1943. This act gives employment preference to veterans who served in prescribed theatres of war. The last prescribed war was the Vietnam War. Since that time servicemen and women have either been career soldiers or reservists. Accordingly their employment needs are the responsibility of the commonwealth government.

There is a widely held view that this act has served its purpose and is no longer having a practical effect. The Defence Reserves Re-employment Board, which administers the act, has not assisted anyone into employment under the act for some years.

The bill will also repeal the Defence Reserves Re-employment Act 1995. This act protects the employment of members of the reserve forces while performing active service. From next year the act will no longer be required, as the Australian government now provides the same protections through the Defence Reserve Service (Protection) Act 2001. The state act allows a maximum five-year period following active service for making an application for assistance. Repealing the act from 2006 will ensure that anyone who served up until 2001 — the year of the commonwealth act — can benefit from the five-year period available for seeking assistance under the act.

The bill amends the Shrine of Remembrance Act 1978 to clarify that the powers and duties of the trustees of the Shrine of Remembrance include an ability to conduct educational and exhibition activities in relation to military, peacemaking and peacekeeping services. This implements a recommendation of the 2002 SARC report.

This bill will make the most significant legislative improvements in veterans affairs in this house for some decades. It has been developed through a process of wide and detailed consultation with the ex-service community and has the full support of the major ex-service organisations. It will provide the ex-service community with a representative, forward-looking council, a new source of funds for education and commemoration, and a stronger protective regime for patriotic funds.

I commend the bill to the house.

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

Debate adjourned until next day.

LAND TAX BILL

Second reading

Ordered that second-reading speech, except for statement under section 85(5) of the Constitution Act, be incorporated for Mr LENDERS (Minister for Finance) on motion of Hon. M. R. Thomson.

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The bill is a rewrite of the Land Tax Act 1958 in modern drafting language, with the removal of obsolete provisions and with the Taxation Administration Act 1997 applying to it. 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. There are only a few minor policy changes contained in the bill and these almost exclusively reflect existing practice and the current understanding of how land tax operates. The bill does not remove any existing taxpayer rights and there is no

expectation that the bill will have any appreciable effect on revenue.

Taxpayers and the tax advising community will welcome the bill. It replaces a convoluted piece of legislation with a modern act that is far easier to understand. It reduces a lengthy act considerably — the bill has more than 50 pages fewer than the existing act.

The Land Tax Act 1958 has been amended numerous times over the years and some provisions still reflect the exact wording of the earlier 1910 act. Many provisions of the act are outmoded in language, obsolete or unclear, making it difficult to understand for taxpayers and their advisers. In some important areas, commercial and business practices have changed radically compared to the language of the act. Without knowledge of how the act is actually administered, taxation advisers complain that the act gives no clear or accurate guidance as to how the tax impacts in particular contexts.

Because of frequent amendments, the structure of the act has also become disjointed and confusing. Amendments have been made to the legislation regularly to overcome important weaknesses, particularly where legal decisions have supported clarification of the provisions. Nevertheless, there are many deficiencies that are best overcome by a comprehensive rewrite of the act.

The act is the only taxing statute administered by the State Revenue Office that is operating outside the effect of the Taxation Administration Act 1997. Bringing the act within the TAA ensures that all tax lines operate to a common set of administrative provisions, which will considerably reduce compliance costs to taxpayers, their advisers and tax administrators.

The primary arguments in support of a comprehensive rewrite of the act include:

to facilitate understanding for taxpayers, as modern language will be used;

to overcome structural weaknesses where related provisions are not clearly linked, thereby causing considerable confusion to taxpayers;

to remove obsolete provisions, as taxpayers have the impression that the statute is applied in ways that are redundant thereby also reducing technical inquiries and litigation;

to overcome inconsistencies in wording, which give rise to taxpayer confusion;

to apply the TAA provisions to the act therefore ensuring that all taxing legislation will operate to a common set of administrative provisions, benefiting taxpayers, particularly those with tax obligations in a number of revenue heads; and

to respond to calls from two independent reviews (Fordham in 1991 and Harvey in 2001) that the act needs rewriting in clear and modern language.

Completely rewriting the act will ensure that a logical structure is developed, that the act is written in modern and consistent language, that irrelevant and obsolete provisions are removed and that those remaining are made clearer.

The bill builds on the favourable reaction to the rewrite of the Stamps Act 1958 (as the Duties Act 2000) and the enactment of a TAA, which have demonstrated the benefits of legislation being drafted in clearer language and a more logical framework — that is, more readily able to be understood by the taxpayer community, professional groups and administrators.

Other jurisdictions (Western Australia and Tasmania) have successfully rewritten their land tax legislation in recent years to incorporate TAA provisions and to overcome the sorts of defects that exist within the Victorian legislation. These changes have been welcomed and brought tangible benefits to the tax administration of these jurisdictions.

Minor policy changes

The extensive review of the Land Tax Act 1958 brought forward a range of matters, which, although not of integral policy importance, are included in the bill and can be characterised as minor policy changes. These include:

- a minor amendment to expand an exemption to ensure that a charitable trust is treated in the same manner as a charitable institution in certain circumstances;

- a proposal that the primary production land exemption will be extended to land owned by a corporate trustee in certain circumstances; and

- a proposal that the exemption for land owned and used for outdoor sporting activity will be extended to indoor sporting clubs, and that the exemption complies with existing policy to ensure that the land is primarily used for the primary purpose of the owner at the time the exemption is being claimed.

Each of these minor changes are beneficial to the taxpayer and in the case of extending the primary production land exemption to land owned by a corporate trustee in certain circumstances reflects the current administration of the act, if not a technical reading of the current provision.

Application of the Taxation Administration Act 1997

The application of the TAA to land tax is a logical and welcome step in Victorian tax administration. The TAA provisions are well tested and well understood. This change reflects the government's determination to reduce unnecessary complexity where possible, and to treat taxpayers across the board in the most equitable possible fashion.

The TAA contains all the assessment, objection, refund, interest, penalty, record keeping, investigations powers and secrecy provisions applicable to the taxation laws (except the Land Tax Act). After the enactment of the bill, the majority of TAA provisions will apply to land tax without amendment, as most are consistent with the existing land tax legislation. In some cases the TAA has minor variations, which either provide clarity or are more explicit in meaning over the equivalent land tax provision. Some TAA provisions are slightly more beneficial to taxpayers — for example, the objections provisions under the TAA permit the commissioner to accept an objection lodged out of time. Taxpayers will therefore benefit by having the TAA applied to land tax.

Deletion of obsolete provisions

As the Land Tax Act 1958 has become so disjointed and complex in structure there are some provisions within it that are actually no longer used at all. Removing these provisions adds greatly to the legislation's readability and will prevent unnecessary confusion.

Examples of provisions that are obsolete and that are not replicated in the bill include:

- the requirement of taxpayers to submit annual returns of property they own. This section has not been used for over 30 years;

- a provision that states that the unimproved value of land shall not be reduced due to any mortgage over the land. This provision was relevant in the early 1900s, but has since been rendered unnecessary by more appropriate definitions;

- that 'share home units' be brought under the principal place of residence exemption, which aligns with existing administrative and valuation practice; and

- various other administrative or evidentiary provisions which have been overtaken by changed practices and are either superfluous or have, in limited cases, a TAA equivalent.

Exemptions

The Land Tax Act contains a broad range of exemptions based on use of the land by the landowner. The key exemptions include principal place of residence (introduced from 1998), primary production land, charitable, Crown land, outdoor sporting, recreational and cultural land, agricultural shows, mines, retirement villages, municipal land, clubs et cetera. A number of these exemptions are qualified to the extent that land is owned and used fully for the purpose specified or that it is used or occupied solely by the owner as defined under the legislation. The bill does not delete any of these exemptions; rather they are clarified, re-ordered and drafted in modern language. In some instances, where necessary, this includes the insertion of revised definitions, ensuring consistency between exemptions and clarifying certain provisions. Further, as already noted, both the primary production land exemption and the outdoor club exemption are being expanded.

Section 85 of the Constitution Act

Hon. M. R. THOMSON — I wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons of altering or varying that section by this bill.

Clause 115 of the bill provides that it is the intention of sections 5, 12(4), 18(1), 96(2) and 100(4) of the Taxation Administration Act 1997, as those sections apply after the commencement of clause 115, to alter or vary section 85 of the Constitution Act 1975. These provisions preclude the Supreme Court and VCAT from entertaining proceedings of a kind to which these sections apply, except as provided by those sections.

This bill provides that for the purposes of the Taxation Administration Act 1997, the Land Tax Act 2005 is a 'taxation law'. A central purpose of this bill is to bring land tax under the Taxation Administration Act 1997. The intent of clause 115 is to ensure that the current limitations of the Supreme Court referred to in section 135 of the Taxation Administration Act 1997 will apply to land tax. In this sense the same reasons will apply as to why the provisions referred to in section 135 of the Taxation Administration Act 1997 alter or vary section 85 of the Constitution Act 1975 as did apply when the Taxation Administration Act 1997 was first enacted.

Section 5 of the Taxation Administration Act 1997 defines the meaning of non-reviewable in relation to the Taxation Administration Act 1997 which now also applies to land tax.

The reasons for limiting the jurisdiction in relation to a compromise assessment under section 12 of the Taxation Administration Act 1997 are that agreement has been reached between the commissioner and the taxpayer on the taxpayer's liability, and the purpose of the section would not be achieved if the decision were reviewable, and this provision now applies to land tax.

Section 18 of the Taxation Administration Act 1997 establishes a procedure, the adherence to which is a condition precedent to taking any further action for recovering refunds. The refund provisions replicate those existing in the current taxation acts. The purpose of the provisions is to give the commissioner the opportunity to consider a refund application before any collateral legal action can be taken. The purpose of these provisions would not be achieved if the commissioner's actions were subject to judicial review. This provision will apply to land tax under this bill.

Section 96 of the Taxation Administration Act 1997 establishes an exclusive code for dealing with objections and appeals, and this provision will also apply to land tax under this bill. This code establishes the rights of objectors in a statutory framework and precludes any collateral actions for judicial review. The objections and appeals provisions of the Taxation Administration Act 1997 establish that review of assessments is only to be undertaken in accordance with an exclusive code identified in that particular division. The purpose of these provisions would not be achieved if the commissioner's consideration of an objection were subject to judicial review.

A power is provided to the commissioner under section 100 of the Taxation Administration Act 1997 which provides the commissioner with discretion to

allow an objection to be lodged even though out of time. This decision is non-reviewable to ensure the efficient administration of the act and to enable outstanding issues relating to assessments to be concluded expeditiously. This provision will apply to land tax under this bill.

Incorporated speech continues:

Conclusion

It is not intended that the bill be debated and passed by the Parliament until the end of the 2005 session. The government welcomes comments on the draft bill from interested parties. The government calls upon those interested parties to recognise the parameters of this rewrite and to limit their comments accordingly.

The bill continues the government's commitment to a streamlined taxation system that is fair and equitable for taxpayers, that is readily understood, that reflects current legislative standards and that adds certainty to the taxation responsibilities of all Victorians, and I commend the bill to the house.

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

Debate adjourned until next day.

PRISONERS (INTERSTATE TRANSFER) (AMENDMENT) BILL

Second reading

Ordered that second-reading speech be incorporated for Hon. T. C. THEOPHANOUS (Minister for Energy Industries) on motion of Hon. M. R. Thomson.

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This bill will amend the Prisoners (Interstate Transfer) Act 1983 to clarify the matters that can be taken into account when deciding whether to transfer a prisoner interstate on welfare grounds, as well as making a number of amendments to the Corrections Act 1986.

The Prisoners (Interstate Transfer) Act 1983 forms part of a national cooperative legislative scheme that enables prisoners to be transferred between participating jurisdictions on two grounds: for welfare purposes or to stand trial.

Part 2 of the Prisoners (Interstate Transfer) Act 1983 provides for transfers for welfare purposes. Currently, under the national cooperative legislative scheme, welfare transfers involve a three-step process. Firstly, a prisoner makes a request for a transfer to the minister in the state where he or

she is imprisoned. If that minister is of the opinion that the prisoner should be transferred in the interests of the prisoner's welfare, the minister must make a written request to the corresponding minister in the receiving jurisdiction to accept the transfer. Secondly, under the corresponding legislation the relevant minister in the receiving jurisdiction has discretion to approve the transfer. Thirdly, if the minister in the receiving jurisdiction consents to the transfer, the minister making the original request may make the transfer order.

Where the prisoner is a federal offender, or a joint state or territory and federal offender, the commonwealth Attorney-General must also consent to the transfer.

These transfer requests are most commonly made by prisoners who are serving a sentence for offences committed in one jurisdiction who wish to serve their time in another jurisdiction to be closer to family members. This assists the offender to maintain family ties during their period of imprisonment, which in turn assists in the prisoner's reintegration into the community.

The bill amends part 2 of the Prisoners (Interstate Transfer) Act 1983 to clarify and expand the ministerial discretions in relation to these transfer requests.

New section 10A of the act will provide a non-exhaustive list of matters that the minister can consider when deciding whether a prisoner should be transferred to, or received from, another jurisdiction at the prisoner's request. These matters are:

- the welfare of the prisoner concerned;
- the administration of justice in the minister's state or any other state;
- the security and good order of any prison in the minister's state or any other state;
- the safe custody of the prisoner;
- the protection of the community in the minister's state or any other state; and
- any other matter the minister considers relevant.

The bill also makes a complementary change to part 4 of the Prisoners (Interstate Transfer) Act 1983, which provides for the return of prisoners who have been transferred interstate for trial under the national cooperative scheme.

Part 4 of the Prisoners (Interstate Transfer) Act 1983 contains a requirement that a minister must, in respect of prisoners who have been transferred for trial purposes, transfer those prisoners back if no sentence is imposed in Victoria or the Victorian sentence is shorter than the other jurisdiction's sentence. However, section 23 of the Prisoners (Interstate Transfer) Act 1983 contains an exception to this requirement that allows a prisoner to request to remain in Victoria to serve his or her sentence. The prisoner can remain in Victoria to serve his or her sentence if the minister and the corresponding minister for the originating jurisdiction agree that this is in the interests of the prisoner's welfare.

These requests to remain in Victoria after trial on welfare grounds raise the same considerations as the general requests for transfer for welfare purposes under part 2 of the Prisoners (Interstate Transfer) Act 1983. Accordingly, the bill will

amend section 23 of that act to enable the minister to consider the same matters that he or she will be able to consider in relation to general transfer requests.

In a recent Federal Court case relating to the national cooperative scheme, *Attorney-General for the Australian Capital Territory v. Heiss*, the court acknowledged that there were a number of matters to which the decision-maker could legitimately have regard in deciding whether to agree to a transfer on welfare grounds. However, the proposed amendments to the Prisoners (Interstate Transfer) Act 1983 will remove any doubt as to the matters that can be taken into account following that case. The changes will also ensure that the minister can consider a broad range of relevant matters in deciding whether to agree to a prisoner's interstate transfer request. As I have outlined, these matters include not only the prisoner's welfare, but other important matters such as the general administration of justice and the protection of the community.

The amendments to the Prisoners (Interstate Transfer) Act 1983 are based on a model bill developed through the Standing Committee of Attorneys-General. Other states are making complementary amendments to their acts to clarify the operation of the welfare transfer discretion on a national basis.

As I have mentioned, the bill also makes a number of amendments to the Corrections Act 1986.

The bill will make some minor changes to the Adult Parole Board's powers to cancel parole to improve the operation of those powers.

The Adult Parole Board is responsible under the Corrections Act 1986 for deciding whether to release prisoners on parole and for the supervision of those prisoners in the community. As part of these functions, the Adult Parole Board also has broad powers to cancel a prisoner's parole and to arrange for the prisoner to return to prison. This may be appropriate where the prisoner fails to comply with their parole conditions.

The board has a specific power in section 77(5) of the Corrections Act 1986 to cancel a prisoner's parole where the prisoner has reoffended on parole. This power may be exercised after a prisoner's parole period has expired. This may occur, for example, if criminal proceedings for offences committed on parole are not complete before the prisoner's parole period has elapsed.

Currently, the power to cancel parole under section 77(5) only applies where an offender has received a prison sentence of more than three months for a single offence committed on parole. This power is not available where an offender receives an aggregate sentence in the Magistrates Court, as it is not possible to identify a specific offence attracting more than three months imprisonment.

The bill will amend this power so that it applies where a prisoner has been sentenced to more than three months imprisonment for one or more offences committed during parole. This will ensure that a prisoner who has committed offences whilst on parole does not later escape parole cancellation merely because he or she received an aggregate sentence.

The bill also addresses an existing limitation in the Adult Parole Board's power to credit time served on parole towards an offender's sentence.

At present, if the board cancels an offender's parole, the period for which the parole order was in operation is not counted as time served in respect of the prisoner's sentence, unless the board directs otherwise. This means that the board can only credit time served on a cancelled parole order towards the offender's sentence on an all-or-nothing basis.

The bill will amend this power to enable the board to grant part of the time served on a parole order that has been cancelled towards the offender's sentence. This will enable the board to deal with offenders whose parole has been cancelled in a fairer and more flexible way.

These changes to the Adult Parole Board's parole cancellation powers will enable those powers to operate more fairly and effectively.

The amendments in the bill to the Corrections Act 1986 will also rectify a problem that has been identified in the statutory immunity of the Adult Parole Board under section 69 of the Corrections Act 1986. That immunity protects the Adult Parole Board and its members from civil and criminal liability in relation to the exercise of its functions under the Corrections Act 1986. It had been understood that this immunity also applied to functions of the Adult Parole Board under other legislation.

However, there is uncertainty as to whether the current immunity applies to these other functions. These include the functions of the Adult Parole Board under the Sentencing Act 1991 in relation to the home detention scheme, its functions in relation to young offenders transferred to prison from youth training centres under the Children and Young Persons Act 1989, and its functions in supervising offenders subject to extended supervision orders under the Serious Sex Offenders Monitoring Act 2005.

The bill will replace the existing immunity with a new immunity that clearly applies to all of the Adult Parole Board's functions. This will ensure that the Adult Parole Board can exercise all of its functions independently, without fear of vexatious legal actions.

The new immunity in the Corrections Act 1986 has been deemed to apply to actions previously taken by members of the Adult Parole Board under other legislation to clarify any uncertainty about the protection afforded to those actions.

This new immunity has also been updated in a number of respects to reflect the government's current policy on immunities. The key change in this regard is a narrowing of the scope of the immunity. Currently, the immunity applies to both the Adult Parole Board and its members. The new provision provides an immunity for board members, but transfers their liability to the Adult Parole Board itself, which will no longer be immune from action.

This will ensure that persons who may suffer loss due to actions of the Adult Parole Board's members still have legal recourse against the board.

Finally, the bill amends the Corrections Act 1986 to confer some additional powers on community corrections staff to manage persons on extended supervision orders under the Serious Sex Offenders Monitoring Act 2005. That act, which

commenced operation earlier this year, provides for the extended supervision of child-sex offenders in the community after they have completed their sentences.

The Secretary to the Department of Justice and the Adult Parole Board currently have broad powers to monitor persons subject to extended supervision orders. In practice, the day-to-day supervision of these persons is undertaken by community corrections staff.

The bill will amend the Corrections Act 1986 to confer on community corrections staff a number of additional powers and obligations for the management of persons subject to extended supervision orders. These new powers and obligations will be contained in new part 9B of the Corrections Act 1986, which refers to persons subject to extended supervision orders as 'monitored persons'. Division 1 of new part 9B provides for additional powers and obligations in relation to monitored persons who are required to attend community corrections centres for supervision. These powers are:

- an obligation for the officer in charge of a community corrections centre to take reasonable steps for the security and safety of a monitored person at the centre;

- a requirement for a monitored person to comply with directions from officers at a community corrections centre that are necessary for the management, good order or security of the centre. The penalty for non-compliance with such directions is 5 penalty units;

- a power for community corrections officers and regional managers to use reasonable force at a community corrections centre to compel a monitored person to comply with a direction;

- a power for the secretary to require an officer at a community corrections centre to provide reports to the court or the Adult Parole Board;

- an obligation for regional managers to ensure that staff have access to information about their statutory powers and duties in relation to monitored persons and that they comply with those requirements; and

- a power to photograph a monitored person at a community corrections centre for identification and record-keeping purposes.

Monitored persons may also be required to receive visits from community corrections staff to monitor compliance with their extended supervision orders. Division 2 of new part 9B of the Corrections Act 1986 provides for the following powers and obligations that will apply in these circumstances:

- a power for the secretary to require an officer to provide reports to the court or the board; and

- an obligation for regional managers to ensure that staff have access to information about their statutory powers and duties in relation to monitored persons and that they comply with those requirements.

These new powers and obligations to manage monitored persons are similar to the existing powers and obligations of community corrections staff under the Corrections Act 1986 when supervising offenders on parole and community-based sentences. The new provisions will assist in maintaining the

security and good order of community corrections centres, and facilitate the effective day-to-day management of persons subject to extended supervision orders.

I commend the bill to the house.

Debate adjourned for Hon. RICHARD DALLA-RIVA (East Yarra) on motion of Hon. E. G. Stoney.

Debate adjourned until next day.

MOTOR CAR TRADERS AND FAIR TRADING ACTS (AMENDMENT) BILL

Second reading

Ordered that second-reading speech be incorporated on motion of Hon. M. R. THOMSON (Minister for Consumer Affairs).

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This bill will make it easier for traders to comply with the record-keeping requirements under the Motor Car Traders Act 1986, and facilitate electronic record keeping by motor car traders. These amendments will further the government's commitment to reducing regulatory compliance costs for small business and encourage the adoption of e-business practices.

These amendments flow from an extensive consultation process undertaken by a member for Higinbotham, Mr Noel Pullen, during 2004, and respond to industry concerns raised during this process.

The Motor Car Traders Act requires licensed motor car traders to keep a record of specified information relating to vehicle transactions. This information must be kept in what is called a dealings book. The act provides that the motor car trader ensure the dealings book is signed by the person from whom the motor car is received.

Currently, motor car traders may keep their dealings book in an electronic format. However, in order to satisfy the signature requirement, they must also keep a paper copy of the dealings book containing the signature, which requires unnecessary duplication of some of the information.

The bill will remove the requirement to keep a paper copy of the electronic dealings book and give traders the option of maintaining their dealings book purely in electronic form. Traders will be able to satisfy the signature requirement by providing a paper document that contains the signature and which can also be linked to the electronic record. For example, an invoice containing the name, address and signature of the person from whom the vehicle was acquired would suffice.

By providing traders with an alternative means of satisfying the signature requirement, the bill will simplify traders' paperwork, particularly where transactions are conducted remotely, for example, at auction. In such transactions, traders currently have to ensure that a receipt containing the prescribed particulars including the signature is inserted into their dealings book. This may be difficult to obtain in some circumstances or involve unnecessary administrative cost. It will now be sufficient compliance for the trader to obtain and keep a document with just the name, address and signature of the relevant person.

The Victorian Automobile Chamber of Commerce, which is the main industry body representing motor car traders, has welcomed the proposed amendments and signalled they are likely to have significant benefits for the industry.

Although the government is keen to reduce regulatory compliance costs, it has been careful to ensure that the dealings book will continue to serve its purpose in facilitating investigations into breaches of the law.

The bill includes amendments to the Motor Car Traders Act to ensure that the availability of information for investigation purposes will not be reduced, and that the evidentiary value of this information will be maintained. For example, traders will be required to provide a print-out or electronic copy of their dealings book upon request by an inspector and all paper documents must be kept at the premises to which the transaction relates.

The bill also amends the Motor Car Traders Act to permit statements by the director of Consumer Affairs Victoria concerning proof that a person traded in motor cars to be used in civil proceedings commenced in accordance with section 82I of the act.

This simplified procedure for proving that persons traded in motor cars already applies to criminal proceedings and extending its use to civil proceedings will enhance Consumer Affairs Victoria's range of enforcement tools.

The bill also amends the Fair Trading Act 1999 to clarify that where a breach of its provisions has been established, the court can make any order it considers fair. The current wording in the act suggests that a court can only make an order specified in the act, and cannot make an order in any other form. This was not intended when the act was amended in 2004.

Finally, to further enhance investigations, motor car traders could be required to obtain photo identification when purchasing a vehicle from a private seller. The government is committed to introducing such a requirement in the future.

I commend the bill to the house.

Debate adjourned for Hon. B. N. ATKINSON (Koonung) on motion of Hon. E. G. Stoney.

Debate adjourned until next day.

DEFAMATION BILL

*Second reading***Debate resumed from 19 October; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).**

Hon. W. R. BAXTER (North Eastern) — I find myself in somewhat of a quandary with this legislation, because I usually support, as do The Nationals, complementary legislation that is introduced to achieve uniformity around the commonwealth of Australia on various aspects of the law where it is desirable that there be such uniformity. It is highly desirable that we achieve uniformity around Australia on defamation law because we are in a day and age of rapid dissemination of information via the television news, radio and fast transport that can convey newspapers to the far-flung parts of the commonwealth in less than 24 hours. The old days of people being defamed within a locality and the defamatory statements remaining virtually restricted to that particular locality are long gone. It is therefore desirable that if a person wants to take action and sue for defamation there ought to be commonality of the law throughout the nation.

In the normal course of events The Nationals would have no hesitation in supporting such legislation because we usually endorse that course of action. On the face of it one would have to ask why you would not do it on this occasion, because it has been through the mill, so to speak. It has been to the Standing Committee of Attorneys-General, commonly known as SCAG, and one would have thought that it had been teased out there and some sort of unanimous decision to proceed had been arrived at. On the face of it that is what has happened, but when you look into it you find that is not the case. Basically the state Labor governments, with the exception of Tasmania, which I understand is not intending to proceed down this track at all, have somewhat ganged up against the commonwealth, particularly the commonwealth Attorney-General, Mr Ruddock, to say they are going to proceed down this track despite the very valid objections of the federal government.

That absolutely undermines the concept of ministerial council meetings that we hold dear in this country. I served on the transport ministerial council for four years, and we achieved quite a degree of progress in unifying transport legislation and law in Australia, but we only proceeded when each of the jurisdictions was prepared to go down that track. Victoria and the other states at the time did not legislate on transport law in the face of opposition from the federal government.

On this occasion the states, which at the moment are all Labor controlled, seemed to have taken it upon themselves to defy the commonwealth's wishes. I am not necessarily saying that the commonwealth is right on every occasion, but in this instance the commonwealth has a very valid objection with regard to the form of this legislation — not to the concept of uniformity but to the form of the particular legislation that is now before the house. It will do a disservice to the federation of Australia if situations of this sort become the norm. I hope they do not become the norm, and I hope we do not see a further instance of this in the future.

It goes without saying that one's reputation is one's most valuable asset. You can be a multimillionaire and have plenty of financial assets, but if your reputation is trashed, undermined and damaged, either rightly or wrongly — it does not matter how much money you have, how much real wealth you have — you have lost your whole reason for being. There needs to be legislation that enables persons who believe their reputation has been unfairly trashed and tarnished to take action, because if you let things go and do not correct those allegations and untruths you are nothing.

I am very concerned that people's reputations are now much more exposed to unreasonable undermining than they once were because of the inclination of some newspapers to go down that very undesirable path that so many of the British newspapers, such as the London tabloids, have gone down. They are prepared and very ready to publish salacious gossip and sensational allegations and claims — as Mr Drum indicates, they are often unfounded allegations — which completely ruin the reputations of innocent people and perhaps groups of people or corporations.

I point the finger at the *Herald Sun*. I think the *Herald Sun* is a great newspaper. It has a proud history in this state going back more than 100 years, but I have to say that in the last 10 years or so it has certainly gone down market, and many of the front page stories it runs now are over the top. It unfairly damages people. I could not help but notice an editorial in the *Herald Sun* of 6 October which criticised the opposition and The Nationals for opposing this legislation. It particularly singled out, in my view most unfairly, the shadow Attorney-General, the honourable member for Kew in another place, and spoke of him in the most disparaging terms.

If ever I saw a conflict of interest, it was the *Herald Sun* promoting a piece of legislation which will materially affect that particular newspaper in the

future, because this legislation will make it much more difficult for persons to sue the *Herald Sun* for defamation. The newspaper should not have been editorialising on a matter in which it has such a deep financial interest. I place on record my disappointment that the *Herald Sun* was prepared to take that course, because it was doing it completely out of self-interest.

There is no doubt that this is deeply flawed legislation. Frankly it is lowest common denominator legislation. It ignores the fact that we have had in our law, through the long-established and well-tested common law and through the Wrongs Act, a good system of defamation litigation in this state.

I have not heard much criticism of it. I have had a bit to do with it personally, I have to say. In 1984 I received a writ for defamation from a former member of this chamber who alleged that I had defamed him, therefore I can speak with at least a minor amount of experience. Fortunately that matter was rectified without going through court proceedings, but nevertheless with the exchange of financial consideration. I might say as an aside that the truth in defamation is the absolute defence. I knew that what I said was true, but unfortunately I could not prove it at the time. It was not until the plaintiff had died that I got the proof I needed, but it was too late then.

In relation to this legislation, the New South Wales Defamation Act of 1984 is attended with all sorts of difficulties and complications, and persons in New South Wales are experiencing a lot of hardships with their law. No wonder they want to do something about it. They have attached themselves to this idea of uniformity, which I say is desirable, but instead of being prepared to agree to a uniform piece of legislation that might reflect the good system we have in Victoria, everyone else has been dragged down to New South Wales's level under this proposed bill, and that is not a good way to go. The lowest common denominator is never a satisfactory outcome, and we ought to be aspiring to something higher than that.

This legislation undermines the Victorian circumstance where truth is the absolute defence. It abolishes, for reasons I cannot fathom from the second-reading notes or the briefing or the bill itself, the distinction between libel and slander. It means that in future libel or defamation will simply be on the one basis. That is not wise at all. To me, slander is a transient matter. It is usually the spoken word, usually only heard by perhaps one person or very few people, it is not telegraphed or transmitted to a wider audience and it needs a special set of circumstances to mount a case by the plaintiff in

the courts. That is appropriate, because it means transient matters are not clogging up the courts because they were not able to meet the special rules that are required.

However, libel is usually the written word, or in more modern times electronic communications on television or whatever. It is much more permanent. It is on the public record, where it can be seen, heard or read by thousands of people, and it is much more damaging. It is appropriate that a defamation case for libel be able to be run in the courts. I think the fact that slander is being abolished and we are getting down to a single course of action means we could see a lot of unmeritorious cases in the courts, and that is undesirable. It is a conundrum and a juxtaposition. The legislation as a whole is going to make it much more difficult for meritorious defendants to mount a case, but on the other hand it is going to make it easier for unmeritorious cases to be run. I find that conflict rather hard to understand, and I am not sure why the government went down that track.

One of the most serious deficiencies and shortcomings of the legislation relates to corporations. At present corporations are able, and so they should be, to sue for defamation. But the bill does not restrict all corporations, oddly enough. One would have thought it would have one or the other, but no, in order to play to the gallery of some of its supporters this government makes some exceptions. One is that if the corporation has less than 10 employees it can sue for defamation, which means that a small business, a family-owned company or the like — if you only have 10 employees it is a pretty small operation — can sue for defamation. I do not object to that — I say all corporations should be able to sue — but the other corporations which are able to sue are those which are not-for-profit organisations, non-government organisations and guess what?

Hon. B. N. Atkinson — Unions!

Hon. W. R. BAXTER — Yes, unions, Mr Atkinson. What a surprise that this government would be giving the unions the right to sue for defamation, but it is not going to give the right to corporations whom unions might — and quite regularly in my opinion — defame, to be able to respond similarly. Where is the justice in that? This is again this government showing its true colours.

An article in the *Herald Sun* of 8 October by Mr Mike Nahan from the Institute of Public Affairs makes a very interesting observation. It is not my wont to read things into the record, but I think this is worth reading. It says:

The Bracks government has submitted a bill to Victorian Parliament which among other things removes the right of corporations, employing more than 10 people, to sue for defamation.

This will potentially affect many thousands of small-to-medium businesses, including farms —

and I think that is worthy of note —

as well as larger corporations.

Most businesses today rely on their reputations as ethical, honest operators to retain customers and employees. Indeed for many businesses reputation is everything.

And I say it absolutely is. If you lose your reputation, you basically lose your business, because the customers go away. The article continues:

This has not gone unnoticed. Activist groups and lobbyists are increasingly resorting to undermining the reputation of firms to achieve their aims.

As the Victoria bar stated in its submission —

and I must say it is an excellent submission —

on the bill 'the removal of the rights (under the bill) simply gives the green light to publishers of the world to defame Australian companies at will'.

Importantly, the main perpetrators of corporate brand mail — unions, non-government organisations (NGOs) and vexatious individuals — retain their rights. While most unions and large NGOs are corporations, they are registered as non-profit corporations and under the bill retain their right to sue for defamation ...

Thus the bill not only creates an incentive for activists and vexatious individuals to defame corporations with impunity, it provides a defence for these groups against retaliation. That is, it removes a business corporation's ability to defend itself in the court of law and the court of public opinion.

What a damning critique on this legislation that paragraph is!

Here we have corporations which can be assailed by activist groups, NGOs and vexatious individuals — and we have all seen plenty of examples of this — and the corporations just have to cop it. The corporation is powerless to do anything about it. It can have its business ruined. It means jobs can be lost because its sales fall off. It means its shareholders, who have put up the capital to establish the business, can suffer a loss in the value of their investment, all because that company is defamed by an activist group, whether it is Greenpeace, whether it is animal rights activists or whether it is just some nut, and the corporation cannot respond. I ask the house: where is the justice in that? I do not think we as the Parliament of Victoria should be agreeing to this legislation on that basis alone,

notwithstanding all the other deficiencies in this legislation.

The legislation also caps the amount that can be awarded in a successful defamation action. I think that is unreasonable too, because, as I have said, your reputation is everything. I know the Attorney-General has tried to make an analogy suggesting that somehow or other because awards for personal injury cases have been capped therefore, for consistency's sake, there ought to be a cap here. I do not think that is a fair analogy at all. If your reputation is destroyed unfairly, you cannot live in the community any longer and you cannot sustain your livelihood, and unless there is a capacity for you to seek a significant award of damages you do not really send any message to the perpetrator of the libel that he should desist. If the damage is so great, if the libel is so serious that a person's livelihood and status in our community is totally destroyed, then I think there has to be some capacity of the courts to make an award that is in line with the extent of that damage. Yet this bill says, in effect, 'It does not matter how grievous the libel was, we are going to cap what can be awarded'. I think that is unwise. I think that is taking away from the court a discretion which the court should retain.

The bill also makes provision for what is called making amends, so that you can offer an apology or come to some sort of an arrangement. I suppose in respect of the case I was personally involved in to which I referred earlier, that was the outcome. I made an apology and I paid up. Yes, I agree that there ought to be capacity to do that. There always has been. This bill expands that capacity, and in a sense it is a form of mediation. If we can keep these things out of the courts, well and good.

The problem I have with the bill is that instead of this make-amends provision being without prejudice, which it ought to be, if you do not accept the attempt by the defendant to make amends and you proceed with your action as plaintiff, the defendant can use your failure to accept the make-amends proposal as part of the defence. In other words, the concept of without prejudice has gone out the window. The example my colleague Mr Strong gave last evening was apposite. He was asking why, if a defendant makes a proposal which is totally unacceptable to the plaintiff — it may be a specious proposal and one which the plaintiff would not accept whatever the circumstances were — should the defendant be able to use that refusal to accept the make-amends proposal as part of his defence? I think it is unfair; it is entirely unjust. I cannot for the life of me see why it is in this legislation. It is another reason why this bill should be dumped.

We also have introduced into this bill the concept of contextual truth. I think that is a real doozy. A statement is either true or it is not true. It cannot be substantially true if it is put in some sort of particular context. As we have said, under the Victorian law truth is the absolute defence to a defamation action, and so it ought to be. But it seems the bill is going to introduce some sort of concept which says, 'Well, we will look at the circumstances in which this allegation was made, and if it is substantially true somehow or other that will be okay'. Perhaps if I could give an example of what I perceive to be the way these particular provisions will work.

If it is alleged, for example, that a person has been seen frequenting a particular premises in the town, that in itself is not particularly damaging to anyone who does not have any further information. But if some people actually have additional information and are aware that that particular premises is a brothel, for example, clearly that introduces a whole new feature to how damaging it is for that person. I think that is the issue you have to come to grips with if you start indicating that you can pick and choose as to what is the truth of the matter because of the particular context it is in. I think it is a dangerous concept, that it will lead to endless litigation and that it will lead to injustice being visited upon some plaintiffs.

One of the other issues I want to deal with is the issue of privilege of documents and the right to publish public documents. I agree with the concept. There ought to be a right to publish public documents, and there is, and it should continue — and this bill does continue it. The problem with this bill is that what it does is expand that right to use public documents by defining 'public documents' in a much wider fashion than is currently the case and a much wider fashion than I believe ought to be the case. For example, it is acceptable and within the law that you can publish court proceedings. They are privileged.

You cannot be sued for reporting what happened in open court. But this bill says you can publish any of the documents lodged with the court even though they may not have been actually used during the course of the court case in open court. You could have a deposition made by a witness or a complainant in which that person made all sorts of unfounded allegations about a person. They would not have been tested in court and may not be true, yet under this bill, because they are lodged with the court and under this bill meet the definition of a court document, they can be published on the front page of a newspaper.

Is that what we want? Do we want to give the media in this state the capacity to run all sorts of salacious stories on their front pages based simply on untested documents and untested allegations on the basis that they have been lodged with the court and therefore they ought to be privileged? I do not think so. In my view that is really heading down the United Kingdom tabloid path. Is any of us happy with the *News of the World* or the London *Sun*? Do we think they do anything for society? I do not, and I do not think we should be providing for that sort of journalism in this state or this nation. I do not think the people of Victoria will thank us if we allow the media to publish that sort of garbage with impunity.

I believe this bill is going to make it very difficult for aggrieved persons to win a defamation case, because I think the defences it permits and offers to defendants, particularly well-resourced defendants — and that clearly refers to some of the media outlets — are too broad. The change will make it impossible for corporations to sue for defamation, so it will mean they will be exposed to all sorts of allegations that will undermine their businesses.

I cannot for the life of me see why any government would want to give open slather to activists or just misguided vexatious citizens to slag and slather corporations with completely unfounded allegations. I cannot see why we want to give a field day to the tabloids to basically do what they like. I think this bill will do that. I can only conclude that it is this government playing up again, as it does so often, to some of the more radical groups in this community it believes it needs to cultivate to retain government. It seems to me that a lot of it is based on the notion that corporations are inherently bad — that they are comprised of shareholders who are ripping off the rest of us and somehow or other legislation like this will provide a level playing field. That is a ridiculous notion. I cannot see how it could gain any currency, but it seems that it might have.

The Nationals agree that uniformity is highly desirable, but we can only go down the track of uniformity if it is balanced and fair. This bill is not balanced and it is certainly not fair. I think we would all acknowledge that free speech is a basic tenet of our democracy. We have to protect the right to free speech at all costs. If we look at the current debate on terrorism laws, perhaps that issue needs a bit of attention, but you have to temper free speech with the right to protection against unfounded and malicious allegations. I do not think this bill does that, and I think the house should throw it out.

Ms MIKAKOS (Jika Jika) — It is with great pleasure that I rise to speak in support of the Defamation Bill, which is an historic bill in my view. The bill, which is the product of the Bracks Labor government working with other state and territory governments around Australia, is a milestone in the history of defamation law in Victoria. For years defamation law has been a relic of the past and in serious need of reform. These reforms modernise and simplify defamation law. They are about protecting freedom of expression while still providing for fair remedies and promoting the speedy and non-litigious resolution of disputes. The reforms will reduce the uncertainty and cost of compliance, save time and money in litigation and discourage forum shopping by plaintiffs who are seeking compensation in jurisdictions with a history of awarding larger amounts in damages.

In brief, the bill seeks to promote the application of uniform defamation laws across Australia. It seeks to ensure that the law of defamation does not place unreasonable limits on freedom of expression and, in particular, on the publication and discussion of matters of public interest. It seeks to provide effective and fair remedies for persons whose reputations are harmed by the publication of defamatory matter. It also seeks to promote speedy and non-litigious methods of resolving disputes about the publication of defamatory matter.

Defamation concerns the publication or broadcast of material to a third party that harms the standing or reputation of another person. Anyone who makes public comments or statements, even if they are considered private, can potentially face an expensive civil suit if they are careless with their comments. Defamation legislation needs to address two very important but divergent issues — freedom of expression and an individual protecting their own reputation. I note in passing that numerous international instruments, such as the international covenant on civil and political rights, recognise these important issues. In Australia these rights are generally protected by state and territory defamation laws.

However, since the mid-19th century defamation laws in each Australian jurisdiction have progressively diverged. This may have been of no consequence when publications or transmissions were confined to specific towns, cities or states, but it is abundantly clear that in the 21st century information knows no boundaries and respects no borders or state lines. At the click of a button an email can be forwarded to countless numbers of people, web logs can be accessed by anyone with an Internet connection, and newspapers and newsletters are read far and wide across many states, and in many cases beyond their intended audiences. These are very

powerful reasons for having uniform defamation laws in each state and territory rather than a patchwork of different laws for different jurisdictions.

It is inconceivable that it has taken some 25 years to create a uniform model. However, the Standing Committee of Attorneys-General has finally been able to achieve that objective, and I want to place on record my congratulations to the Victorian Attorney-General in the other place, the Honourable Rob Hulls, and the other state and territory attorneys-general who have also played a key role in achieving this historic occasion.

This bill will implement the uniform model defamation provisions that have been agreed to and endorsed by the Standing Committee of Attorneys-General. For the first time people who publish or broadcast on a national basis will consider just one defamation law and not eight different ones.

This bill will ensure that personal reputation is given due respect and protection whilst at the same time ensuring that freedom of expression is also properly safeguarded. I note that bills to implement the model provisions have already been introduced into the South Australian, Western Australian and New South Wales Parliaments, with the remaining jurisdictions to follow shortly. It is important to note that the opposition parties in those other jurisdictions have indicated that they will not be opposing this legislation. However, we have here an opposition which has failed to grapple with the important and monumental task of seeking to achieve national consistency in this very important area. It is very disappointing to see that the opposition is opposing this legislation today.

I note that the draft provisions have resulted after a lengthy process of consultation with legal practitioners, media groups, free speech groups, journalist associations, academics and members of the judiciary across the jurisdictions over a two-year period. A draft framework for uniform laws was produced for public comment in July 2004 and draft model provisions were endorsed by state and territory ministers in November 2004. This bill seeks to implement these changes by 1 January 2006. I should add that the commonwealth government decided that it did not want to participate in the consultation process and the Howard government — in particular its Attorney-General, Philip Ruddock — has been and remains a major obstacle to achieving national consistency. The federal government has attempted to override the remarkably cooperative process that has taken place between the states and territories to harmonise their defamation laws. We saw Mr Ruddock last year choosing to release

his own national defamation proposals which would have added another layer to Australian defamation laws.

Hon. D. McL. Davis — He was just exasperated with the states.

The ACTING PRESIDENT

(Hon. R. H. Bowden) — Order! Through the Chair, if Mr Davis has comments.

Ms MIKAKOS — It is regrettable that the Howard government has threatened to undo this historic achievement of introducing national consistency by introducing a bill of its own. This is typical of the Howard government's approach of seeking to add further complexity, more litigation and more expense in undermining uniformity across the states and territories. Mr Ruddock has insisted that he would only be willing to accept the state and territory position if certain changes were made to the nature of the proposed model law. Chief amongst this was his insistence that new laws allow corporations to sue for defamation. The bill rejects the federal government's obsession with allowing corporations to sue for defamation and the government believes there is no need to allow this. Corporations have no personal reputations to protect. Commercial reputations that they enjoy in the community are largely the product of extensive advertising campaigns. Put simply, these large corporations are brands, logos and slogans.

It is important that I draw to the attention of the house the infamous 'McLibel' defamation trial. The trial was prosecuted by McDonald's in England. It was a case of defamation brought against a former postman, Dave Morris, and a gardener and part-time bar worker, Helen Steel. The defendants in that case were activists against McDonald's and they made a number of claims concerning McDonald's in relation to rainforest destruction, packaging, food poisoning, starvation in the Third World, heart disease, cancer and bad working conditions, amongst many other things. The two defendants were activists and were obviously campaigning against McDonald's. There was no sensible public policy rationale for these issues to be resolved in defamation courts. They were issues that should have played out in community forums. Allowing multinational corporations to pursue this type of legal action is not fair, reasonable or appropriate.

The McLibel case, as it has become known, was an extremely lengthy court case, and it is very instructive in relation to the desire for large corporations to sue individuals. Initially there were five proposed defendants. I understand that three were intimidated to

withdraw simply by virtue of the defamation proceedings that were commenced against them. This case was not about protecting any individual's personal reputation but everything to do with silencing social dissent and political activism. McDonald's legal costs in this case were estimated to be approximately £10 million and the defendants had no substantial assets and were consequently denied legal aid. It was truly a David versus Goliath battle.

The combination of the law and the deep pockets of corporations has given rise to the aptly named strategic litigation against public participation, or SLAPP, suit. The purpose of this suit is to slap critics into silence. The message it sends is, 'Stop criticising this corporation or we will see you in court'. Any person who has been sued for defamation by a large corporation would have to think long and hard before mounting a defence. This bill seeks to protect the small mum-and-dad businesses with fewer than 10 employees who wish to sue for defamation. In addition, not-for-profit organisations such as charities will also have the capacity to prosecute proceedings for defamation. In relation to the exemption for not-for-profit organisations, the exemption has been framed in a way commonly utilised under the Corporations Act 2001 to conduct their charitable or not-for-profit activities.

In addition the bill seeks to amend the current law in Victoria by abolishing the distinction between libel — which is communication in permanent form, usually recorded — and slander, which is communication in transient form, usually the spoken word, and establishing a single clause for defamation. I note that a number of senior barristers and academics have commented on the very difficult distinction to be made between libel and slander. The assertion that abolishing this distinction weeds out the frivolous claims is speculative and no evidence has been presented to suggest that this has been the outcome in other jurisdictions where this distinction has already been removed. The bill also seeks to encourage alternative dispute resolution methods to civil litigation by establishing processes for a publisher to make an offer of amends, which, if accepted by plaintiffs, can be enforced by a court and by providing that an apology does not constitute an admission of liability and is not admissible as evidence of fault or liability in any single proceedings.

In relation to defences, the bill provides for a number of defences to an action for defamation including the uniform implementation of truth alone as a defence, and there is no change to other additional existing defences under common law. Other exclusions, such as statutory

exclusions including parliamentary privilege, will continue to apply.

In relation to the cap on damages that members have commented on, the bill amends the common law by placing a cap on the maximum damages awarded for non-economic loss at \$250 000. This cap will be adjusted annually based on an indexation formula. It is important to stress that the courts will retain the power to order aggravated damages for non-economic loss that exceeds the statutory cap where the court is satisfied that the circumstances of the publication of the defamatory matter warrant such an award. The intention by the Standing Committee of Attorneys-General in introducing this cap is to provide some degree of uniformity and consistency across the jurisdictions and to avoid forum shopping.

In relation to the limitation period for actions, the bill amends the common law in Victoria by reducing the limitation period for defamation actions from six years to one year. However, the bill provides that a court may extend the period to a maximum of three years if it is reasonable to do so in the circumstances of a particular case.

I note that the government intends to make a number of minor house amendments. These are matters that have been picked up by the process of introducing model legislation. We have relied on the New South Wales model bill, and the New South Wales Parliamentary Counsel's Office has advised us that words were accidentally omitted from the model defamation provisions and ought to be inserted into the bill to ensure national consistency.

In conclusion, this is a historic occasion. We are seeking to introduce the model defamation regime across Australia. This is a major milestone; it has taken 25 years to get here. It is a major achievement to ensure that we remove unnecessary impediments to freedom of expression without compromising the protection that defamation law provides to personal reputation.

It is regrettable that the opposition, unlike its counterparts in other jurisdictions, is choosing to oppose the bill. However, I ask the opposition to consider the importance of achieving national consistency in this case and the very important consultation that has occurred with stakeholders over the past few years and to support the bill. I commend the bill to the house.

Hon. B. N. ATKINSON (Koonung) — Defamation is becoming an extremely important area of law in an international context, because with the development of

global media, the rapid communication of information and the use of the Internet we are seeing the complexity of this law expanding quite dramatically. There is real concern now about the impact that can be visited upon somebody because of defamation around the globe, not simply in a local marketplace.

The government might well have a think about that, even in the context of the federal government's position on this legislation. In approaching defamation law on this occasion the federal government has been mindful of international law. That is why the federal government developed a proposal for how we ought to go about defamation law in Australia to achieve national consistency, which is without a doubt warranted in Australia, but also to ensure that we are able to maintain legal credibility in defamation law with other countries. That, as I say, is increasingly important, and it has perhaps been lost on this government and the various state governments as they have moved very fast to try to establish a position as a bloc against the federal government's initiatives. I do not think they have arrived at the best possible legislation in that sense.

I support the opposition's position in opposing this legislation, because I believe it has a number of areas that ought to give rise to considerable concern in this place in regard to the application of defamation laws. As the Honourable Bill Baxter said in a very positive and effective contribution to the debate, the most important thing you have is your reputation. If you lose your reputation, particularly in the case of many smaller businesses, you can actually lose your business. Under this legislation the proposals that would affect business are simply unsatisfactory because they do not allow a company adequate redress where its reputation is damaged, and it could well be damaged in a significant and wide sense because of international communications these days.

I am concerned about the impact of this legislation on businesses, and like Mr Baxter I note that unions in particular and activist groups are not precluded from pursuing defamation actions and damage claims well beyond the cap that is applied to others in this legislation.

I note that the legislation also introduces a concept from Britain, which is the make-amends defence. It is an interesting concept in the sense that most defamation actions are settled in a context of making amends. What usually happens is that where somebody believes their reputation has been impugned they contact that organisation, usually through their legal representatives, and seek redress.

Most media organisations consider their position and where they believe they have a story wrong they will usually print a retraction or offer a right of reply to the person who has been maligned in an article. Most defamation actions are resolved by this remedy and effectively the company is making amends in that sense.

However, the concept that has been applied from the British law takes this much wider. It is an area of legislation we ought to be wary of. I think it advantages, as do a number of other clauses here, major media organisations. Like Mr Baxter, I do not want to see Australia go down the same path as Britain, or America for that matter, in terms of the sort of malicious tripe that can be published by organisations on the strength of some sort of allegation by somebody which they do not even bother to establish has any shred of truth at all but which they are quite happy to splash across the front pages of newspapers. All too often in this country we see newspaper reports that are increasingly sensationalist and seek to try to stimulate readership but at tremendous expense in many cases to the facts and to people's reputations.

I have been involved in publishing in the past. As a journalist I have experienced defamation; in fact, I have experienced it from both sides of the fence. I started proceedings against Rob Hulls, the member for Niddrie in another place, and most of the media organisations over an outrageous claim that he made outside this Parliament in 1996 or 1997. Unfortunately I could not go on with it because I simply could not afford it — it cost me \$6000 to get the first lot of letters out. While I had impeccable defences in support of my claims against Mr Hulls and the others, indeed I might well have produced Rupert Murdoch's sister as a witness for me in that case, the reality was I could not afford to go on with it. I certainly understand the issue of intimidation related to defamation actions and the difficulty of fighting large organisations. Nonetheless, with defamation it is important that there be an opportunity for the courts to test those issues. I suppose if I had been a bit more of a combative person I probably would have raised the funds and gone ahead with that lawsuit at the time. However, it is not really my approach to take that course of action if I can help it.

I was on the receiving end of a defamation case at one stage when as a consultant I had provided advice to a council. The advice was fairly fearless, as was my habit, and a particular developer suggested he had been defamed. The reality was he had not been defamed. The reality was it was a spurious claim. It was used, in the context Ms Mikakos raised in this debate, as a means of

trying to silence me and prevent me having any other input to the deliberations of this council in respect of further developments it was going to proceed with. Again, it would have been thrown out of court, but it did not proceed because he sold his shopping centre and did not need to do anything further in terms of silencing someone who was acting as an expert witness for a council in its deliberations.

Defamation laws can be abused. There is no doubt that in the context of this legislation before us today there is further opportunity for abuse of these laws. The denial of an opportunity for many corporations to protect their reputations and the cap on damages that has been introduced is totally irrelevant to the circumstances that most corporations would find themselves in if their reputations were impugned. I do not think we in this place can possibly understand just how important reputation can be to some organisations. Clearly it is duplicitous, as I think the Honourable Bill Baxter referred to in his contribution to the debate, to see that unions, political activist groups and so forth can retain rights within this defamation legislation that are simply denied to businesses.

An area we on this side of the house are concerned about is the fact that this legislation seems to provide the media with a considerable benefit and an opportunity to pursue their agendas in certain circumstances to the detriment of people's reputations. If we talk about deep pockets and intimidation and so forth, there are probably not many organisations which are as well equipped and understand how far they can push the envelope in terms of defamation laws when trying to beat up stories that are advantageous to their positions and perhaps their agendas at considerable detriment to individuals.

I share Mr Baxter's very strong concern about the privilege issue, particularly in regard to how the media might well use material that has simply not been tested, that effectively is little more than an allegation which, because it happens to have been lodged in a court, assumes a privileged status. That raises some significant issues in terms of where the media might go at different times with those sorts of documents and how they might be published.

Defamation is one of those areas where in most cases you really do not bother suing and trying to achieve damages and restore some of your reputation unless the person you are suing has fairly deep pockets. It is interesting that on the Internet at the moment Andrew Landeryou is running around defaming quite a number of people, including Ms Mikakos.

Ms Mikakos — It's scurrilous.

Hon. B. N. ATKINSON — It is scurrilous. The reality is that an amount of what is printed on that web site is defamatory. However, we all know that Andrew Landeryou does not have two pennies to rub together at this stage and is facing a fairly uncertain future, probably at Her Majesty's pleasure. As a result, it is very unlikely that anybody is going to launch proceedings against Mr Landeryou, on the basis that they would be unlikely to receive any damages and the cost of a defamation action is extremely high.

I think there is an important issue here in terms of free speech. Crikey is another rather popular site, although I notice it has toned itself down since it changed ownership last year. These organisations quite vigorously test allegations and rumours and issues that are before the public, particularly those relating to people in politics, business and so forth and celebrities.

However, I think there is a real need to balance their right to publish and their right to free speech with a recognition that people have an obligation to ensure that information is correct — that it is not simply scurrilous and fabricated, that it is not material which is produced in a circumstances where it would defame and impugn the reputations of the people involved. As I said, in many cases defamation actions against some of the real culprits in terms of some of the worst journalism are unlikely to be pursued simply because the pockets of the people doing the publishing are not deep enough and the cost of launching proceedings is too high.

I am very concerned about a number of aspects of this legislation, but as I hold the small business portfolio for the Liberal Party the key area that I take issue with is that it prevents corporations pursuing their rights to redress in situations where they believed their reputations had been maligned or where their businesses had been damaged and they could lose significant business or even be forced to close because someone had defamed them and used information that was not factual.

Ms HADDEN (Ballarat) — I rise to speak on the Defamation Bill. I say at the outset that I will not be supporting the bill and will oppose it. It is the greatest load of garbage that I have ever seen in my life. It is typical of what comes out of the Attorney-General's office. The first line of the second-reading speech says:

The Defamation Bill represents a historic milestone

I have corrected that. I say it is hysteric. It is not historic, and it is a disgrace. It is deeply flawed. There has been no consultation with the people who should

have been consulted. That is again par for the course for our part-time Attorney-General, who is also the part-time planning minister. What other hat does he wear? He is also the industrial relations minister. I have said before in this place that the Attorney-General ought to administer his portfolio properly, which is one of the most important in this state, and do his job properly, because this bill is a disgrace. It is not uniform legislation. That is a lot of bunkum. Tasmania's legislation is not uniform and neither is Queensland's. They have codified their defamation laws, and they will not have a bar of this. We still have not seen the legislation passed in Western Australia or South Australia. As for the Northern Territory, there might be some problems there.

Mr Smith interjected.

Ms HADDEN — I have too many notes, Mr Smith, but I do not need your help. The Attorney-General says there has been extensive consultation with legal practitioners, media groups, journalist associations, free-speech groups, academics and members of the judiciary in all jurisdictions over a two-year period. It is about time he started naming who he actually talks to, because I do not believe it. I do not believe it because there is no submission from the Law Institute of Victoria on this bill. There is a summary from the law institute under the commercial law section which says of the Defamation Bill that it purports to provide uniform model defamation provisions. That is not a very glowing comment on the bill. I repeat that the law institute's summary says, 'It purports to provide uniform model defamation provisions across states and territories as agreed by the respective Attorneys-General in 2003-04'.

Of particular relevance to commercial law in Victoria is clause 9, which provides that a course of action for defamation is not available to corporations. There are exclusions in the provision, which include not-for-profit organisations and corporations with fewer than 10 employees. The law institute notes that the bill was read a second time on 7 September 2005. There has been no consultation with the law institute, because there has been no submission from them in relation to the Defamation Bill.

The Victorian Bar Council has not been consulted. It first knew of the bill when it was second-read. In fact, the Victorian bar prepared a submission for members dated 4 October. It is scathing of the government. It says:

The bar regrets that this submission is being offered on the day the Victorian bill is listed in the notice paper of the Legislative Assembly.

...

... the Victorian bill was not available until it had been second-read in the Assembly on 7 September 2005.

The submission of the Victorian bar is well put together and is a commentary on the Defamation Bill. If the Attorney-General had taken the time to read this submission from the Victorian bar and understood it, he would have withdrawn this disgraceful bill. It is a disgrace. The Victorian bar has gone to great lengths in a very short space of time to say what the flaws are in this bill. It causes the bar some concern. For those of us who are familiar with the law and those in the chamber who are not, defamation is a tort — a wrong — and the law of defamation tries to balance two very important and competing interests — the democratic right to freedom of expression of speech and the right to reputation. Those two rights are ones that we in Victoria have upheld for a century or more.

The bar is critical of the bill because it tilts the balance away from freedom of expression and the right to reputation — and that is not in the best interests of the Victorian community. The Victorian bar said it had grave reservations on just about every section of the bill. It is questionable whether the bill provides the right balance between freedom of expression and the right to reputation or achieves any of the other objectives that the minister has claimed in the second-reading speech and in the explanatory memorandum in the bill. The bar regrets that its submission dated 4 October was offered on the day the bill was listed on the notice paper of the Legislative Assembly.

The current laws of defamation in Victoria and South Australia are the least complex in Australia. They are based almost wholly on common-law principles. The law of defamation is at its most complex — I would say at its worst — in New South Wales, where the Defamation Act 1974 operates not as a code but as an elaborate qualification to the common law. The New South Wales legislation causes great complexity. I heard Ms Mikakos, the Parliamentary Secretary for Justice, announce that some house amendments would base the bill on the New South Wales model. I thought Victoria was a separate state and had cut the apron ties from New South Wales. I thought we were no longer a colony but had become a separate state in 1851. Something tells me that the Attorney-General would like to go back to being part of the colony of New South Wales. I disagree with him on that, as does the bar council and many learned and erudite people in our community.

Many concerns were raised in the submission from the Victorian bar. I will outline a couple. Clause 21 refers

to juries. The bar says that is wholly unnecessary, and further states:

The only thing clause 21 will achieve is to cause unnecessary confusion as to whether clause 21 fetters or broadens the court's existing discretion to order a mode of trial other than that which the parties have determined.

The issue in relation to juries is that they are a product of our legal system, that they have been part of it for over 100 years and that they are extremely important. We should not take away from the jury trial tradition.

The assessment of damages in clause 22 is another issue that the bar council takes up. The concern is that under this bill the assessment of damages is taken away from juries in all jury cases for defamation. That would cause a fragmentation of the trial by taking the assessment of damages away from the jury. In our civil jury system at the moment it is not for the judge to assess damages on his or her view; rather the damages should be assessed by reference to the jury's view.

The other clause which causes great concern to the bar council and myself is the contextual truth provision. Clause 26 will make a substantial change to the common law and the way defamation proceedings are conducted. The bar council suggests it will permit media defendants in some cases to justify imputations with respect to which the plaintiff makes no complaint.

Another aspect that is of concern is the explanatory memorandum outlining clause 30 of the bill. It contains serious misrepresentations, and this has been raised in the other place through contributions to debate. The Attorney-General still has not picked it up or twigged. Clause 30 of the Defamation Bill is clearly wrong. The bar council has this to say about the explanatory memorandum comments on clause 30:

- (a) the proposed section 30 largely mirrors factors that the court may take into account at general law; and
- (b) the factors were recognised by the Victorian Court of Appeal in *Herald & Weekly Times v. Popovic*.

That is clearly wrong. It further states:

The true position is that the factors listed in clause 30 form no part of the general law in Australia. The High Court in Australia has gone down a different path to the House of Lords and has extended qualified privilege only in relation to government and political matters.

The second serious misrepresentation in the explanatory memorandum on clause 30 is that the reference to the Victorian Court of Appeal in *Herald & Weekly Times v. Popovic* is false.

No such recognition has occurred in that case or any other.

So there are some pretty serious errors appearing in the bill.

Another aspect of concern is damages which are covered by clauses 34 to 39 and the cap on damages from non-economic loss and the abolition of exemplary damages. There is no explanation as to why there should be a cap at all and there is nothing in the second-reading speech to explain why it is needed. The \$250 000 cap is a very small price to pay for the media's increased circulation and ratings, but certainly if a person's reputation has been injured that is in my view worth much more than \$250 000.

The other issue concerns costs in clause 40 which raises the bar in relation to costs on an indemnity basis in certain circumstances. According to the bar council — and I concur — that certainly may deter plaintiffs from pursuing defamation proceedings and thus constitutes an even further barrier to obtaining justice.

The Scrutiny of Acts and Regulations Committee has also raised concerns in *Alert Digest* no. 11 of 2005.

The committee recognises the fundamental rights in respect to personal reputation raised by the provisions in the bill. The committee is mindful that there are other associated and competing rights such as the right to privacy and freedom of expression that by implication arise from laws governing defamation.

It has raised concerns in relation to various clauses in the bill as well, but again the Attorney-General has not heeded them.

This bill will not make the law of defamation uniform across Australia. It certainly will not make it uniform across the states either. As I have said, Tasmania and Queensland have already codified their civil law of defamation. There are issues in relation to the cap on companies being able to sue for defamation if they employ more than 10 people unless they are not-for-profit organisations. That has serious flaws. Companies also have reputations to uphold and employees' and shareholders' rights to protect. Many organisations in Ballarat would be impacted upon by this clause and the prohibition on the right to sue — companies like Oliver and Stevens, K & S Freighters, or FMP, McCains and Mars. Why is it that this bill says that their reputation is worth less than perhaps Greenpeace or the Australian Conservation Foundation?

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

House divided on motion:

Ayes, 23

Argondizzo, Ms	Mikakos, Ms
Broad, Ms	Mitchell, Mr
Buckingham, Mrs	Nguyen, Mr
Carbines, Ms	Pullen, Mr
Darveniza, Ms (<i>Teller</i>)	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 (<i>Teller</i>)	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
Davis, Mr P. R.	Vogels, Mr (<i>Teller</i>)
Drum, Mr	

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 23 agreed to.

Clause 24

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The model defamation provisions that form the basis of all the state and territory bills have been drafted by the New South Wales Parliamentary Counsel's Office on behalf of all states and territories. I understand in that process two minor errors have been identified in the model defamation provisions which are currently reflected in the New South Wales, South Australian, Western Australian and Victorian defamation bills.

Clause 24(1) contains a minor typographical error regarding the second last word of the clause. It currently reads:

A defence under this Division is additional to any other defence or exclusion of liability available to the defendant apart from this Act (including under the general law) and does not of itself vitiate, limit or abrogate any other defence or exclusion of liability.

The words 'exclusion or liability' should read 'exclusion of liability'. This amendment ensures that the wording is correct and is consistent with the phrase 'exclusion of liability' that appears at the start of this clause. I move:

1. Clause 24, line 8, omit "exclusion or" and insert "exclusion of".

The CHAIR — Order! The question is that the words proposed to be omitted stand part of the clause. Those of that opinion say aye, to the contrary no.

I think the ayes have it.

Amendment negatived.

The question is that the words proposed to be inserted be so inserted. Those of that opinion say aye, to the contrary no.

I think the ayes have it.

Amendment agreed to.

The question is that the clause, as amended, be agreed to. Those of that opinion say aye, to the contrary no.

I think the ayes have it.

Amended clause agreed to; clauses 25 to 31 agreed to.

Clause 32

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

2. Clause 32, page 36, line 28, after "operator" insert "or provider".

Clause 32(3) sets out circumstances in which a person involved in the publication of matter is not viewed as the 'first or primary distributor of matter' for the purposes of assessing whether a defence of innocent dissemination can be established.

Clause 32(3)(g) contains an inadvertent omission requiring amendment. It currently reads:

an operator of, or a provider of access to, a communications system by means of which the matter is transmitted, or made available, by another person over whom the operator has no effective control;

The words 'or provider' should be inserted in the last line of this subclause after the word 'operator'. The New South Wales Parliamentary Counsel's Office has advised that these words were accidentally omitted from the model defamation provisions and ought to be

inserted into each bill to ensure that there is consistency with the wording at the start of this subclause.

Following the amendment, the clause will read:

an operator of, or a provider of access to, a communications system by means of which the matter is transmitted, or made available, by another person over whom the operator or provider has no effective control;

The CHAIR — Order! There appears to have been some confusion on the first question concerning amendment 1, so we will go back to that and I will put the question again. I need to clarify whether those who were proposing this amendment voted no or yes on that clause.

Hon. G. K. Rich-Phillips — On a point of order, Chair, when you put the question the minister's response to the question was quite clear: he indicated a vote of yes to the question put. I do not see how there can be any ambiguity about the response given and the response that was confirmed by you, Chair.

The CHAIR — Order! We subsequently put another question that inserted new words without making it clear that we had taken out the words proposed to be omitted. I need to clarify that. The response to the second question stands.

Hon. C. A. Strong — On the point of order, Chair, are we not dealing with clause 32 at this time?

The CHAIR — Order! It has been drawn to my attention that we need to clarify the first question on clause 24, so I am interrupting our discussion of clause 32 and going back to clause 24. I want to put again the question that the words proposed to be omitted stand part of the clause.

Hon. Philip Davis — On the point of order, Chair, before you put the question, this is a procedural issue. It seems to me that we have dealt with the earlier clause. We have agreed to subsequent clauses, and the present discussion is on a different clause entirely. I cannot understand how the Chair unilaterally puts a question in connection with a clause which the committee has already settled.

The CHAIR — Order! I am advised that if there is some confusion that has been brought to my attention then I am entitled to take the committee back to clause 24, particularly when we put a subsequent question which inserted new words. We need to clarify the first question.

Hon. Philip Davis — Further on the point of order, Chair, would it not be simpler for the committee to

complete the deliberations on the clause with which we are presently dealing and then conclude that and revert to the earlier clause? I am not trying to be difficult; I am trying to be helpful. We have a question before the Chair in relation to the minister dealing with a proposed amendment to this clause. We should discharge the clause and then revert to the earlier matter.

The CHAIR — Order! As I said, it was drawn to my attention that there is still some confusion remaining with clause 24, and I was endeavouring to clear that up at the earliest opportunity, but if it is the wish of the committee to continue with clause 32, then I am happy to do that. We will come back to clause 32. The minister has moved his amendment 2 on clause 32.

The question is that the words proposed to be inserted be so inserted.

Amendment agreed to; amended clause agreed to.

Amended clause 24 recommitted.

The CHAIR — Order! To go back to clause 24 and the first question relating to amendment 1, the question is that the words proposed to be omitted stand part of the clause. Those of that opinion say aye, to the contrary no.

Honourable members: No.

Hon. C. A. Strong — On a point of order, Chair, are you in the process of amending our previous amendments or are you doing the amendments again?

The CHAIR — Order! I am clarifying the question in relation to the words that were proposed to be omitted from the clause.

Hon. C. A. Strong — Chair, I do not understand. The chamber has voted on an amendment which has made a change to the bill. Now you are going back. I do not have a problem with changing it again, but are we changing our previous amendment?

The CHAIR — Order! We do have some confusion sometimes where we negative some questions, and the committee has inadvertently voted to retain the words for the first question but also to add other words in the second, which means we have not achieved the outcome of clarifying what we wanted to achieve in this clause. We just need to go back to question 1 and make sure we do not retain any confusion on that.

Hon. C. A. Strong — On a further point of order, Chair, your ruling is basically that our previous resolutions on clause 24 do not stand. Otherwise how

can we be redoing it? We would have to change what we have already changed. We would have to amend the previous amendment, unless you are ruling that our previous resolution on clause 24 does not stand.

The CHAIR — Order! Yes, I am ruling that.

Going back to the first question on clause 24, the question is that the words proposed to be omitted stand part of the clause. Those of that opinion say aye, to the contrary no.

I think the noes have it.

Amendment agreed to.

The CHAIR — Order! I will put again the second question, that the words proposed to be inserted be so inserted. Those of that opinion say aye, to the contrary no.

I think the ayes have it.

Amendment agreed to.

The CHAIR — Order! I put the question that the clause, as amended, be agreed to.

Amended clause agreed to.

The CHAIR — Order! I thank the committee for its indulgence in clarifying that matter.

Clauses 33 to 49 agreed to; schedules 1 to 4 agreed to.

Reported to house with amendments.

Report adopted.

Third reading

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

That the bill be now read a third time.

In doing so I thank honourable members for their respective contributions.

The PRESIDENT — Order! The question is:

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

House divided on question:

Ayes, 23

Argondizzo, Ms
Broad, Ms
Buckingham, Mrs

Mikakos, Ms
Mitchell, Mr
Nguyen, Mr

Carbines, Ms
Darveniza, Ms
Eren, Mr
Hilton, Mr (*Teller*)
Hirsh, Ms
Jennings, Mr
Lenders, Mr
McQuilten, Mr (*Teller*)
Madden, Mr

Pullen, Mr
Romanes, Ms
Scheffer, Mr
Smith, Mr
Somyurek, Mr
Theophanous, Mr
Thomson, Ms
Viney, Mr

Noes, 19

Atkinson, Mr
Baxter, Mr
Bishop, Mr
Bowden, Mr (*Teller*)
Brideson, Mr (*Teller*)
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

Question agreed to.

Read third time.

Remaining stages

Passed remaining stages.

Sitting suspended 1.10 p.m. until 2.13 p.m.

QUESTIONS WITHOUT NOTICE

Victorian Competition and Efficiency Commission: government submissions

Hon. C. A. STRONG (Higinbotham) — I direct my question to the Minister for Consumer Affairs, the Honourable Marsha Thomson, regarding submissions by Consumer Affairs Victoria and the small business commissioner to the Victorian Competition and Efficiency Commission inquiry into housing regulation in Victoria. I ask the minister: is she aware that CAV's submission of June 2003 was ignored by VCEC in its draft report because it was too late and that the final submission of 2 September 2005 will also be excluded from the inquiry because it was submitted too late?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — The government is very conscious and concerned that we do have a very viable home building industry in this state, which is why the Victorian Competition and Efficiency Commission was actually asked to undertake a review of the industry and the regulation of the industry and to ensure that we do have a viable industry operating in Victoria, securing its future.

Consumer Affairs Victoria has been actively interested, as are other parts of government, in the review that is taking place and in fact, as I have been informed, has been having discussions with VCEC in relation to the potential final recommendations that it may make around the regulatory regime that is in place, the issues that make for a viable industry and also meet the needs of consumers. We want to have balanced regulation that not only takes into account the issues that concern builders in this state but also takes into account the appropriate regime that protects consumers as well. I am aware that discussions have taken place with VCEC, and I am looking forward to its report in relation to building regulations and the direction of the government's response.

Supplementary question

Hon. C. A. STRONG (Higinbotham) — I thank the minister. It is nice to know that discussions have been taking place, but the truth of the matter is that Consumer Affairs Victoria is one of the few bodies representing consumers that made a submission to this inquiry, and yet its final submission was not included. I ask the minister: will she use her best endeavours with the Treasurer to ensure that the Victorian Competition and Efficiency Commission report does in fact include CAV's submission, not to mention the 37 other submissions which were excluded because they were allegedly too late?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — As I indicated in my response, Consumer Affairs Victoria has had discussions, as I have been informed, with the Victorian Competition and Efficiency Commission about aspects of the regulatory environment for consumers and takes very seriously the role it plays in protecting consumers relating to the building industry. I am looking forward to the government's response to the VCEC report.

Aged care: rural and regional Victoria

Hon. J. H. EREN (Geelong) — I direct my question to the Minister for Aged Care, Mr Jennings. Can the minister advise the house of further action taken by the Bracks government to improve aged care facilities in regional Victoria?

Mr GAVIN JENNINGS (Minister for Aged Care) — I thank Mr Eren for his question and his concern about the wellbeing of older members of our community right across Victoria, and particularly those who live in regional Victoria. One of the hallmarks of our government is that we recognise our obligation to provide top-quality service to older members of the

community, regardless of where they live. We have done that in a number of ways, but most importantly in terms of residential aged care. As the house has heard previously, the Victorian government supports about 200 public sector residential aged care services right throughout the breadth of Victoria. I am very pleased to say that, as good as today is, tomorrow will be a better day, because tomorrow I am opening a new nursing home facility in Numurkah. The Bracks government was absolutely keen to support the good citizens of Numurkah and district by providing \$7.7 million to enable this new redevelopment to occur.

Hon. R. G. Mitchell — How much?

Mr GAVIN JENNINGS — It is \$7.7 million — a major commitment to a small regional area. I am pleased to let opposition members know that there are podiatry services there. We know that if you have toenails, regardless of where you live in the state of Victoria, we will find you and we will provide you with a quality service — in this case a 30-bed facility. In fact many older citizens live in Numurkah. Because of the way in which we have designed this facility, not only will it include a new pharmacy, kitchen facilities and staff amenities but it will be able to provide quality care.

I know Mr Baxter cares about that. He is one of the very few people on the other side of the chamber who cares about that. He told me yesterday that much to his disappointment he will not be at the event. I am sorry Mr Baxter cannot make it.

Hon. Bill Forwood — Don't tell me you got an invitation, Bill!

Mr GAVIN JENNINGS — It is in his electorate.

Hon. Bill Forwood interjected.

Mr GAVIN JENNINGS — If and when I open a facility in your electorate, Mr Forwood, regardless of whether you are employed or not, you will get an invitation.

Hon. Bill Forwood — Thank you.

Mr GAVIN JENNINGS — It is very important. Whilst Mr Baxter will not make it to that particular event, he may be able to make it to another good event that I am going to be involved in tomorrow, which is at Yarrowonga. Demonstrating the commitment of the Bracks government to the people of the north-east, we are redeveloping a residential aged care facility. Despite the protestations of the spokesperson for the opposition, we have allocated \$10.5 million to the good citizens of

Yarrowonga to upgrade their facility. I am opening a temporary facility to house the residents while that major redevelopment is taking place. I can report to the house that there was a bit of a hiccup in Yarrowonga, because they were getting on with the work with such dexterity and determination that somebody operating a backhoe dug into a gas pipeline.

The Minister for Resources might be interested in that. Gas is a big issue across Victoria, and we were determined to supply gas right throughout the state. Sometimes gas is in the wrong place, but I am very pleased to say that everybody who was involved in the Yarrowonga development was moved safely and securely. No-one was injured or placed at harm. In fact, we have got on with the work at Yarrowonga, and tomorrow I am opening the temporary facility.

I know Mr Baxter will race down the highway from another commitment to try to join me at that event, because he recognises — regardless of whether the Liberal Party recognises it — the importance of providing quality care to people right throughout regional Victoria. The opposition does not go there because it does not care about it. It continues to not care about the quality of service provided by the Bracks government. We are going to demonstrate that quality of service in action with a new facility, the Karinya centre at Numurkah, and the opening tomorrow of the temporary facility at Yarrowonga. This is a major commitment of the Bracks government to the people of north-east Victoria.

Consumer affairs: home builders

Hon. C. A. STRONG (Higinbotham) — My question is to the Minister for Consumer Affairs, the Honourable Marsha Thomson. The 2003–04 annual report of the minister's department says on page 59:

Each year CAV reports traders who have come to its attention who have been unwilling to resolve serious problems they have caused consumers.

It then goes on to quote a series of case studies and mentions the names of two domestic builders, Glenwill Homes Pty Ltd and J. G. King Homes Pty Ltd. I ask the minister what action she has taken to see that consumers are protected from these two recalcitrant builders.

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I thank the member for his question. I did not know we had been alerted to a change in portfolio responsibilities of members opposite, and that Mr Strong had been elevated to the position of spokesperson for consumer affairs.

There are a number of methods Consumer Affairs Victoria has in its armoury for making consumers aware of undesirable practices that are occurring in the marketplace. One of those methods is the naming mechanism, which I have used in the Parliament. I have named traders who have performed badly and about which there have been a number of complaints. I have used that mechanism myself, as well as their having been named in the annual report. There are, of course, prosecutions. There are also other areas of government responsibility under which we can take on traders, particularly in the building industry. The Building Commission itself may take action in relation to bad practice by builders. The member may or may not be aware that I have issued a number of press releases lately indicating that a number of builders have had action taken against them for various reasons, whether for being unregistered or for not meeting the requirements and provisions under the act.

We are looking at whatever is the most appropriate mechanism to make consumers aware of practices that may be less than desirable. In some instances there may not be enough evidence to take them to court but the level of complaint is significant enough for us to alert consumers to concerns. Action is taken after a great deal of consideration as to what is appropriate, what evidence the government may have on which to act and whether that provides a basis for prosecution. None of this is done lightly. Investigations are very thorough, because we like to win our cases if we take them to the Victorian Civil and Administrative Tribunal or other courts or jurisdictions.

We do take very seriously using every component that Consumer Affairs Victoria has within its armoury to ensure that consumers are aware of and can take into account the various mechanisms that are available to them, whether it be naming and notifications of bad traders or whether it be through actions that we can take. We are certainly taking into account the interests of consumers.

Supplementary question

Hon. C. A. STRONG (Higinbotham) — I thank the minister for her answer but, given that this happened some 12 months ago, I must say her actions are a tad tardy at best. I point out to the minister that her department's web site links straight through to the two companies I mentioned before as registered builders. That means, according to all the hoopla that comes out on the other side, that they are safe to use. The minister well knows, as her department well knows, that is not true, yet she has done nothing to ensure that these recalcitrant builders who have come to the attention of

Consumer Affairs Victoria are deregistered or suspended. When will she act to protect consumers from these shonky builders?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — It is true to say that Consumers Affairs Victoria does link to the register that the Building Commission has of registered builders. That is the appropriate thing to do, because we recommend that people use a registered builder. As the member has already concluded from the annual report, we also name traders and, in this instance, builders who may have caused a level of complaint that is of grave concern to Consumers Affairs Victoria. In relation to action that we take on builders and whether or not action is taken, we work very closely with the Building Commission in relation to that. I suggest to the member that that is taken very seriously, and when evidence is available action is taken.

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

Housing: affordability

Mr VINEY (Chelsea) — My question is to the Minister for Housing. Can the minister advise the house of action being taken by the Bracks government to help people in regional Victoria who cannot afford a home of their own?

Ms BROAD (Minister for Housing) — I thank the member for his question about the important challenges with housing affordability in regional Victoria. It was my pleasure earlier today to unveil a \$100 million package of new construction and acquisition projects that will deliver more affordable homes and a fresh start for over 430 families across Victoria. Those projects are the first to flow from the Bracks government's commitment to housing and to establish not-for-profit housing associations to drive growth across Victoria.

I am pleased to advise the house that the government has secured \$25.5 million in land, cash and borrowings from Victoria's five new housing associations for those affordable housing projects. For our part, the Bracks government will top that up with \$74.5 million, which will deliver the \$100 million package of new housing investment. This package shows the benefits which can clearly flow from this new housing associations model. We have the capacity to leverage funds from the non-government sector to provide more homes than could be achieved by government investment alone. Indeed in this package the leverage to be obtained in construction projects is around 25 per cent. That

certainly represents terrific value for money for Victorians.

Five agencies have now been registered as housing associations. They include Loddon Mallee Housing Services, Supported Housing Ltd, Community Housing, Melbourne Affordable Housing and Port Phillip Housing Association. The \$100 million package will deliver homes for a range of people, including families, couples, singles, older Victorians and people with a disability. I am pleased that regional Victorians will be strong beneficiaries of this package. Towns including Bairnsdale, Bendigo, Castlemaine, Echuca, Inverloch, Mildura, Numurkah and Swan Hill will benefit from the package.

The government's new housing associations will also deliver new homes for families in metropolitan Melbourne where we know that there are also affordability challenges faced by families on low incomes. I was also pleased to announce today that the Office of Housing has secured the services of Mr Anthony Hardy from the Housing Corporation in England. He will take up the very important task of being director of the office of the registrar of housing agencies and I am pleased that as Victoria's housing associations grow and prosper, as they surely will, we will have the benefit of international experience to guide us with this task.

Today's announcement is good news for regional Victoria and for low-income families. This government can deliver this initiative because its policies are economically responsible, credible and deliverable, unlike the Liberals half-baked half-tolls policies which cannot be implemented and would mean that packages like the one I announced today would not be possible if the Liberals were back in government.

Building industry: warranty insurance

Hon. D. K. DRUM (North Western) — My question is to the Minister for Consumer Affairs, the Honourable Marsha Thomson. In response to Mr Strong's earlier question, the minister referred to discussions between Consumer Affairs Victoria and the Victorian Competition and Efficiency Commission. I ask the minister: did these discussions include consideration of the issues surrounding builders warranty insurance?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I was not actually at the discussions held between Consumer Affairs and the Victorian Competition and Efficiency Commission (VCEC) so I cannot fully cover all the items discussed. However, I

can say that the items that were discussed covered the areas of my portfolio responsibility and they related to the issues of consumer awareness and protection in relation to — —

Hon. D. K. Drum — Don't look to him for the answer.

Hon. M. R. THOMSON — I am looking at the President, thanks very much. They related to consumer affairs protections that are the responsibility of my portfolio. There are a number of issues that we are concerned about to ensure that consumers have confidence in builders. When VCEC makes its recommendations on the regulation of the building industry, it must take into account the needs and requirements of consumers and not just regulations that may be unbalanced. It should not take into account matters that only reflect the needs of builders because this government is committed to legislation and regulation that is balanced. Yes, we want an effective, efficient and viable home building industry in this state, but we also want to ensure that consumers know and understand the laws that are there to protect them and that regulation meets the requirements of consumers. They were the areas that were under discussion at that meeting.

Supplementary question

Hon. D. K. DRUM (North Western) — I ask the minister: does she at least concede that builders warranty insurance is in fact an issue that impacts significantly on Victorian consumers who are either building or renovating a house?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I believe question time is not the time for me to express a personal opinion about matters. It is a time for me to answer on matters within my portfolio that are my responsibility as a minister. There are a number of things which concern consumers in relation to the building industry and a number of issues that we have about the regulation of the building industry which will be determined and canvassed by the government at the appropriate time.

Racing: safety program

Mr PULLEN (Higinbotham) — My question is to the Minister for WorkCover and the TAC. Can the minister advise the house of any new occupational health and safety initiatives that will reduce the risk of injury in the horseracing industry?

Mr LENDERS (Minister for WorkCover and the TAC) — I thank Mr Pullen for his question. I know that

he is passionate about the horse industry and racing. I have listened to him in debates in this place; he has a knowledge of that industry excelled by very, very few. His question asks what we are doing for greater safety initiatives in the horseracing industry. I am pleased to report that at 7.15 a.m. on Tuesday I was at Moonee Valley, as a guest of Mr Robert Nason, the chief executive officer of Racing Victoria. I was with him to announce some WorkCover funding for safety in the industry. This government does not believe in governing just for Melbourne or for central Melbourne but believes in governing for the whole of the state. I was delighted to be at Moonee Valley announcing a program — a \$160 000 WorkSafe grant — that would actually assist country racing to have safety on racecourses. This pilot project will deal with the Ballarat, Wangaratta and Avoca racecourses where we will be collecting hazard reports electronically; that information will come to a central point where we will be able to see whether we can reduce injuries on racecourses.

This is the time of year where we are all focused on the races because it is Spring Racing Carnival time. What we are seeing at the moment is a number of injuries on racecourses. Horses are large animals that travel very fast; there are thousands of people around them, whether they be jockeys, strappers or whoever. We are seeking to identify the hazards. If we can identify patterns in the hazards, we can stop the injuries happening. Robert Nason took me around Moonee Valley on that morning. I met a lot of the stakeholders. I actually met Bomber Bill which did well last year — he is an old horse. Claire Bird, who is the strapper for Sunline — a Cox Plate winner — was riding Bomber Bill around for me and the other guests. We met a lot of the people in the industry.

The great thing was that we were putting into action the principles of our new Occupational Health and Safety Act — identifying the hazards, doing it with the stakeholders and coming up with a good solution. This is not a government that believes in the imposition of dead-hand, black-letter law. We believe in working with industry and getting it right to reduce injuries and make horse racing safer. We are working with the horse racing industry working party, which includes representatives of the Victoria Racing Club, the Australian Workers Union, the Australian Trainers Association, the Victorian Jockeys Association and a range of others.

It was great to be at the racecourse at 7.15 in the morning to see that 3000 people like Mr Pullen — 3000 racing enthusiasts — were already there watching the horses training. It was great to see it all happening,

but it was even better to see the parties working together to identify hazards in an innovative way to make the racing industry safer. It was a great day, and it was very good for regional Victoria.

Housing: evicted tenant

Hon. W. A. LOVELL (North Eastern) — I direct my question without notice to the Minister for Housing, Ms Broad. After the Bali bombing in 2001 the Premier told Parliament the government would:

... do everything in our power to support those who are victims of this terrible crime, the families of the victims and all Victorians.

Can the minister explain why the Bracks government has chosen to evict mentally ill Josephine Baldacchino, whose mother and carer was killed in the 2001 Bali bombing, from her public housing accommodation and why her department listed the Victorian Civil and Administrative Tribunal hearing to evict her on the anniversary date last week of the Bali bombing?

Ms BROAD (Minister for Housing) — I do not intend in this house to go into the details, nor do I have them to hand, of individual tenancy matters this house. I do not think that is an appropriate way to deal with people under any circumstances. I have previously had some advice about this very difficult matter involving a lot of very complex issues. I understand that on the day the member has referred to an arrangement was entered into which meant that that matter did not proceed and that some further discussions were to be held about what arrangements might be possible. I do not have advice as to where that matter has ended up, but certainly the advice that I have is that the matter did not proceed on that day.

Supplementary question

Hon. W. A. LOVELL (North Eastern) — Can the minister explain why she chose to evict Josephine Baldacchino rather than moving her nearer to her nephew, who offered to be her carer in place of the carer who was killed in the Bali bombing?

The PRESIDENT — Order! I have concerns about the supplementary question. It appeared to be completely different from the question. The original question was about an eviction matter that was scheduled at the Victorian Civil and Administrative Tribunal (VCAT) last week, and the supplementary question asked whether the Office of Housing had evicted this person. I ask the member to clarify her supplementary question.

Hon. W. A. LOVELL — The supplementary question refers to the client and the eviction of that client, which was the VCAT matter.

The PRESIDENT — Order! My issue is that the first question was about the eviction and the VCAT matter. The supplementary question cannot be the same question again, so is it now specifically about the eviction of this particular individual?

Hon. W. A. LOVELL — Rather than pursuing the eviction at VCAT, why did the minister not just move the client closer to her nephew, who had offered to be her carer in place of the carer who was killed in the Bali bombing?

Ms BROAD (Minister for Housing) — I am sure the house will be relieved to know, even if it surprises the member who has asked the supplementary question, that I as minister do not make decisions about housing allocations. I have every confidence that the Office of Housing, in making decisions about allocations of housing as it becomes available, does so to the very best of its ability in terms of endeavouring to meet the many needs there are, and this is one demonstration of the many needs that there are in the community for access to affordable housing.

I believe the Bracks government has done an enormous amount in going beyond our responsibilities under the commonwealth-state housing agreement to increase access to affordable housing despite the cuts by the federal government.

Liquefied petroleum gas: retail code

Hon. R. G. MITCHELL (Central Highlands) — My question is to the Minister for Energy Industries. Will the minister advise the house what new initiatives the Bracks government has undertaken to protect liquefied petroleum gas consumers in Victoria, particularly those in provincial Victoria?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for his question. I know he has an ongoing interest in this issue, particularly its effects on people living in regional Victoria.

Victorians, particularly those in regional Victoria, are set to benefit from a new code designed to protect consumers by setting minimum standard service levels for liquefied petroleum gas (LPG) retailers. The Victorian LPG retail code is the first of its kind in Australia and was launched by me and the member for Yan Yean in another place, Danielle Green, at Pantom Hill in the Yarra Valley region last Friday. This

Australian-first code is a result of this government working closely with industry members, stakeholders and consumer groups to develop a retail code that addresses a range of issues identified as consumer issues in this area.

There are many people in rural Victoria who rely on LPG for heating and other essential services but who are unaware of their rights. We do not want people in regional Victoria to go without heating or hot water because they are unaware of these rights. The new code is very important in outlining the options available to consumers for paying their LPG bills and provides important information on safety, consumer rights and ways to go about resolving billing disputes.

An honourable member interjected.

Hon. T. C. THEOPHANOUS — The member might not care about it, but let me tell him that people in regional Victoria do care about LPG. LPG is a significant cost item for many people in regional Victoria. The code will help them. Its features include having terms and conditions of supply to consumers; detailed processes to resolve disputes; a requirement that all retailers and their agents will have to undergo training in relation to the code; details on delivery, storage, safety and responsibilities of consumers; and the rights and responsibilities of consumers. It is an Australian first. It means people in regional Victoria for the first time can look forward to having their rights protected in relation to LPG.

I might say that one can contrast the approach we have had to LPG with what happened under the previous government. The previous government sold the Heatane Gas division of the Gas and Fuel Corporation to its only competitor at that time, Elgas, and created a circumstance where Victorians were captured by one LPG provider. Contrast that situation with what we have today. As a result of the management by this government we now have five competitors in LPG, which include Elgas, Supagas, Kleenheat Gas, Origin Energy and Powergas. We are delivering in terms of increased competition in LPG and increased consumer rights for LPG consumers in regional Victoria.

Macedon Ranges: councillor

Ms HADDEN (Ballarat) — My question without notice is for the Minister for Local Government. The minister is well aware of the importance of local government councillors being required to declare a conflict of interest in a matter under consideration immediately before the matter is under consideration or discussion. Cr Martin Evans of the Macedon Ranges

Shire Council remained in the council meeting on 14 September whilst a matter in which he had a conflict of interest was under consideration — namely, planning application no. P205-0244, in which the applicant was a casual employee of Cr Evans's business. What action does the minister intend to take against Cr Martin Evans on this breach of section 79 of the Local Government Act?

Ms BROAD (Minister for Local Government) — Local governance is certainly something which this government does take seriously, and that is why we presented legislation to this Parliament, which the Parliament has passed, to include provisions about such matters as conflict of interest that were not there under the Liberal government.

Hon. Bill Forwood interjected.

The PRESIDENT — Order! Mr Forwood!

Ms BROAD — So there are now provisions in the Local Government Act, thanks to the Bracks government —

Hon. Bill Forwood interjected.

The PRESIDENT — Order! I have called Mr Forwood to order. He has totally ignored my request. I ask him to desist and to stop immediately from interjecting or I will use sessional orders to remove him from the chamber.

Ms BROAD — These are matters which the government takes seriously, and that is why we have introduced provisions to require the declaration of conflicts of interest.

In response to the member's question the house will also, I am sure, be relieved to know that it requires more than an assertion by a member of Parliament or anyone else for a breach of the Local Government Act to be established.

As I have advised this house on many occasions, if members or anyone else wish to supply me, my office or my department with details of matters they have concerns about, be it a conflict of interest or any other matter, if it can be established that they, prima facie, constitute a breach of the Local Government Act, those matters will be investigated and they will be pursued, as have a number of matters recently. They have not always turned out the way perhaps Mr Forwood would have preferred but a number of matters have been pursued in exactly the way I have just described.

If the honourable member wishes to provide the information about this matter she has referred to today, it will be investigated as to whether it constitutes a breach of the Local Government Act. If that is established, actions will flow as a result. However, it is important that these matters are properly investigated in the first instance, and that it is not simply a matter of members of Parliament standing up in this place to attack people who are not here and are not able to represent themselves, particularly as it turns out in some instances that those accusations are groundless, as has happened in some instances lately. In this matter I invite the member to provide any information she has to me or my department.

Supplementary question

Ms HADDEN (Ballarat) — Why is the Minister for Local Government supporting the blatant flouting of her Local Government Act and allowing a councillor to not only remain in a meeting during consideration of the issue on which he belatedly declared a conflict of interest but also, as is recorded in the council minutes of 14 September 2005, vote for the motion? That was one of the few planning applications approved by the council at that meeting.

Honourable members interjecting.

Ms HADDEN — It is on the record! All you have to do is read the council minutes. You can go to the web site in the library. It is there if you want to look at it.

Ms BROAD (Minister for Local Government) — The house may not be surprised to know that with 79 councils in Victoria I do not read all of their minutes. I am sure they will be relieved to know that as well. I reiterate that if this information is supplied, it will be examined.

**Information and communications technology:
broadband access**

Mr SCHEFFER (Monash) — I refer my question to the Minister for Information and Communication Technology. The minister has previously informed the house of initiatives under the Bracks government's broadband framework to increase investment in telecommunications infrastructure in Victoria. Can the minister please inform the house of any recent developments in this area?

Hon. M. R. THOMSON (Minister for Information and Communication Technology) — I thank the honourable member for his question. Members are aware of the Bracks government's strong commitment to doing what we can to increase the community's

access to telecommunications infrastructure. It is in our interest as a government to ensure investment in telecommunications infrastructure that both increases competition in this state and provides state-of-the-art technology.

One way we are trying to get the most modern telecommunications technology out for use right across Victoria is through our telecommunications purchasing and management strategy, or TPAMS. This house has heard on a number of occasions that TPAMS will deliver over \$100 million of telecommunications infrastructure to this state, and none of it at the expense of the taxpayer — not a cent is at the expense of the taxpayer. In fact, some of those infrastructure outcomes come from Optus rolling out \$20 million worth of business-grade digital subscriber line services right across this state. Last week I announced the availability of these services in — I understand this might be of interest to some members opposite — Portland, Warrnambool and Hamilton. This adds to towns such as Bacchus Marsh, Werribee, Oakleigh, Ararat, Morwell, Traralgon, Warragul, Corio and Moolap — these towns are all now receiving the benefits of competition and improved services.

In addition, Optus recently announced that it intends to invest a further \$150 million in broadband infrastructure. On Tuesday Optus announced that \$40 million of this commitment will be invested in Victoria. It is a great outcome for Victoria. In a press release dated 18 October Rob Parcell, Optus' Victorian director, said:

... the Victorian government contract had been used to anchor additional investments in the regional business and consumer markets.

He also said:

The TPAMS strategy enabled Optus to make significant investments in competitive infrastructure in regional areas.

There is no doubt that this is confirmation of the success of the government's strategy in telecommunications. It is an indicator of how the Victorian government is committed to not only meeting its own needs in telecommunications but also providing benefits for all Victorians. Mr Parcell went on to say:

In total, we —

that is, Optus —

will be investing approximately \$60 million in infrastructure across the state. This investment is a sign of how strategically important Victoria is to Optus.

Under the Bracks government's broadband framework we are strategically delivering for government, we are strategically delivering in a way the federal government is yet to do for Victorians right across the state. We are using whatever capacity we have as a state government to bring the latest technology to individuals and communities right across Victoria.

Hon. B. N. Atkinson — On a point of order, President, I wish to register the opposition's disappointment that the Labor Party seems to have lost interest in governing for the families of Victoria in this question time.

The PRESIDENT — Order! There is no point of order. The time for questions without notice has expired.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 1399, 1400, 2129-31, 2157, 2159-61, 2163, 2363, 2390-94, 2396, 2623, 2823-26, 2828, 2862, 3261, 3291, 4078, 4082, 4367, 4777, 4954-62, 4964, 4965, 4967, 4968, 4970, 4973, 4974, 5017, 5079, 5082, 5218, 5227, 5228, 5230, 5253, 5269, 5288, 5291-95, 5306-11, 5315, 5317, 5415, 5463, 5465, 5693, 5695.

MINERAL RESOURCES DEVELOPMENT (BROWN COAL ROYALTIES) BILL

Introduction and first reading

Received from Assembly.

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

MINES (ALUMINIUM AGREEMENT) (BROWN COAL ROYALTIES) BILL

Introduction and first reading

Received from Assembly.

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

FIREARMS (FURTHER AMENDMENT) BILL

Second reading

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

That, pursuant to sessional order 34, the second-reading speech be incorporated into *Hansard*.

In so moving I inform the house that there has been an amendment in the other place, and that amendment is now reflected in the second-reading speech. It relates to the additional means of demonstrating a genuine need for a category A or B longarm licence for hunting. The bill will also insert membership of a shooting club or organisation which is approved by the Chief Commissioner of Police.

Motion agreed to.

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

That the bill be now read a second time.

Incorporated speech as follows:

In 2003, the Firearms Act 1996 ('Firearms Act') was significantly amended to implement the National Handgun Control Agreement ('NHCA') in Victoria. The NHCA was prompted by the shootings at Monash University in October 2002 and represented a national consensus on a range of measures designed to impose greater controls on the use and availability of handguns.

In keeping with this government's commitment to strong gun control laws, Victoria was the first jurisdiction to implement the NHCA.

Some two years has now elapsed since the 2003 amendments to the Firearms Act. During this time, the government has maintained a constructive dialogue with stakeholders on the impact of the 2003 changes. A number of significant issues have been identified in relation to the operation of some of the 2003 amendments to the Firearms Act. In addition, a number of other issues have been identified concerning other aspects of the Firearms Act, unrelated to the 2003 changes.

The Firearms (Further Amendment) Bill 2005 ('bill') addresses these issues and several other matters that have recently arisen concerning the regulation of commitment to a firm and robust regulatory approach to firearms. Broadly speaking, the focus of the bill is on the following areas: handgun target shooting, antique handguns, paintball, firearms in the security industry and the regulation of rifles designed to accept high capacity detachable magazines.

In relation to handgun target shooting, the bill clarifies and streamlines the minimum participation requirements for handgun target shooters who own a handgun. These minimum participation requirements will no longer apply to handgun target shooters who do not own a handgun. All other

licence conditions and requirements will continue to apply to this group of licensees. As an additional means of demonstrating a genuine need for a category A or B longarm licence for the reason of hunting, the bill will also insert membership of a shooting club or organisation which is approved by the chief commissioner.

The bill also clarifies the consequences of non-compliance with the participation requirements. The bill also introduces a simplified concept of an approved handgun target shooting match. These changes are necessary to ensure that the additional obligations imposed on target shooters following the Monash University shootings are clear, fair and workable.

In relation to antique handguns, the bill will create a new category of licence for antique handgun collectors. This licence will only be available to those who collect pre-1900 percussion handguns. Applicants will not be required to submit a set of fingerprints with their licence application and will only be required to install an effective alarm system if they store more than 15 antique handguns in one place. The government accepts the argument of pre-1900 antique handgun collectors that the restrictions applying to this specific class of licence were too onerous with respect to the community safety risk posed. The amendments, whilst addressing a number of concerns expressed by these collectors, will also ensure that the collection of these firearms is subject to appropriate controls and that Victoria continues to honour its obligations under the NHCA.

In relation to paintball gaming, the bill will introduce a new class of licence for the possession, carriage and use of paintball markers. This licence will only be required, however, if an individual wishes to 'acquire' (or purchase) a paintball marker. Individuals who wish only to participate in paintball games will no longer be required to obtain a firearms licence. Paintball operators will be subject to a new set of licence conditions, currently being developed in consultation with the industry, concerning the conduct of paintball gaming and the training of participants and the promotion of the activity, in particular. These changes will create a level playing field for Victorian paintball operators by bringing Victoria's paintball regulations more into line with those existing in other jurisdictions.

In relation to firearms in the security industry, the bill will implement the majority of the 2004 resolutions of the Australasian Police Ministers Council on the regulation of firearms in the private security industry. In particular, firearms used in the security industry will be restricted to those used by Australian police services and all ammunition will need to be factory manufactured or loaded. The chief commissioner will, however, retain a discretion to issue 'once off' approvals for over-calibre handguns for use in the security industry where she is satisfied that there is a genuine need. Further, all handguns used for private security purposes will need to be owned by, or registered in the name of, an employer (rather than an employee).

The bill will also implement a recent national agreement on new measures to address rifles designed to function with high-capacity detachable magazines. New controls will be imposed on licensees to ensure that these firearms are not able to be used in combination with high-capacity detachable magazines except in exceptional circumstances.

The bill will also make a range of other amendments to the Firearms Act that are primarily technical in nature and which

clarify existing requirements or address issues that have been identified with the operation of existing provisions.

I wish to emphasise that the bill is the result of a productive collaboration between this government and a range of stakeholder groups, represented through the newly created Victorian Firearms Consultative Committee. Committee members were consulted extensively on the content of the bill and the outcome is sensitive to and addresses stakeholders' concerns in a practical manner whilst upholding this government's commitment to community safety as the paramount policy consideration in relation to firearms regulation and ensuring that Victoria continues to honour its obligations under the NHCA.

I commend the bill to the house.

Debate adjourned for Hon. RICHARD DALLA-RIVA (East Yarra) on motion of Hon. E. G. Stoney.

Debate adjourned until next day.

TREASURY LEGISLATION (REPEAL) BILL

Second reading

Debate resumed from 19 October; motion of Mr LENDERS (Minister for Finance).

Hon. BILL FORWOOD (Templestowe) — The opposition supports the Treasury Legislation (Repeal) Bill. There is nothing wrong, from time to time, with cleaning out the statute book. It is an appropriate thing to do, and there are 80 or 90 acts that this legislation repeals. The way the government has gone about doing this is interesting. Many of the repeals are non-controversial. Paragraph 15 of the explanation of schedule 1 in the explanatory memorandum sets out 11 public works loan application acts that are repealed. They provided for money to be raised to fund public works. They are obviously spent provisions and we do not need to worry about them. But I am interested in the spin that this government always comes to.

Mr Lenders — It is a repeal bill.

Hon. BILL FORWOOD — I pick up the interjection from the Leader of the Government. If you go through the second-reading speech you will find that page 6, for example, is about the Statistics Act, a venerable Victorian institution, the mint, and the Victorian government statist, a position which is to be abolished through the repeal of the Statistics Act. We have a page on the Statistics Act. We have half a page on the Mint Act and more than half a page on the miners phthisis acts. That is interesting. It deals with a couple of other acts such as the public works acts. But

what the second-reading speech does not to is mention the more interesting acts that are being repealed.

We have a seven-page second-reading speech dealing with a number of redundant acts, most of them pretty old, but it does not mention at all the matter dealt with in paragraph 18 of the explanatory memorandum, which is about the repeal of the State Deficit Levy (Repeal) Act. It states:

This Act repealed the State Deficit Levy Act 1992 and abolished the state deficit levy and is now spent.

It is not surprising that this act, which is being repealed, is not mentioned in the second-reading speech. It is a stark reminder of the reason we had the state deficit levy in the first place. I need to turn to volume 1 of the *Report of the Victorian Commission of Audit* to remind Victoria and the house how bad things were when the coalition parties came to government in 1992. Honourable members can refer to this themselves, but I shall quote from the executive summary:

Victoria is the only state, other than Tasmania, which has had to borrow to meet day-to-day operating expenses.

Excuse me! We were borrowing to meet our day-to-day operating expenses. Page i of the executive summary states:

At the end of the 1991–92 financial year, the Victorian government had liabilities totalling \$69.8 billion ...

What a mess! It states on page ii:

During the 1980s, however, things began to change. Economic and population growth was slower than before the mid-1970s, and interest rates became much higher.

It says that more and more money was directed towards recurrent expenses such as wages, salaries, grants and subsidies rather than the creation of long-lived assets. The next paragraph is telling:

Most other governments in Australia recognised these changes. By the end of the 1980s, the budgets of the commonwealth government and the governments of New South Wales and Queensland were in surplus. However, the Victorian government continued to borrow heavily throughout the 1980s. Unlike other states, Victoria chose not to raise state taxes to offset the effects of reductions in commonwealth grants during the second half of the 1980s. Nor did Victoria reduce its spending during this period, despite a large increase in spending before 1985. Moreover, the Victorian government willingly exposed itself to an increasing amount of financial risk during this period.

I will turn to another bill which deals with that in a moment. It then states:

By the end of the 1980s, therefore, Victoria's public finances were highly vulnerable to almost any adverse developments.

The period since then has brought plenty of those, including the end of the property boom, the collapse of a number of financial institutions, the sharp downturn in economic activity, and further unfavourable trends in financial arrangements with the commonwealth.

What the Kennett government faced when it came to office in 1992 was a mess of monumental proportions created by the Labor Party, and one of its mechanisms for getting out of that was to put in place the state deficit levy of \$100 per annum on every rateable property in the state.

I remember at the time we thought it would take us about 10 years to get back the AAA rating that had been squandered, ripped up and thrown away by the appallingly bad government of Cain and Kirner.

Mr Smith — Get over it!

Hon. BILL FORWOOD — Get over it! I am happy to get over it. The reason we are here today is that we are getting over it, because what we are doing is repealing the State Deficit Levy (Repeal) Act. That was the act that helped Victoria correct the extraordinary mess that was made of the state's finances by the previous Labor governments.

An honourable member interjected.

Hon. BILL FORWOOD — I am giving you the facts of the matter. The point I wish to make right now about this particular piece of legislation being repealed today is that it is not mentioned once in the second-reading speech. The government is still not prepared to face up to the fact that it destroyed the finances of this state during the 1980s and that it was the Kennett government, of which Mr Baxter was a leading minister, that restored Victoria's finances and gave us the capacity to grow into the current century.

I am delighted that we are now able to repeal the State Deficit Levy (Repeal) Act 1995. I make the point again that it did not take us 10 years to get the AAA rating back and, if I recall correctly, we did not keep the state deficit levy for as long as we thought we might have to. We repealed it earlier than we had intended. It is very sad that the government will not acknowledge that this act was necessary at the time, and it should have at least been mentioned in the history lesson given by the government in the second-reading speech.

Let me turn to another piece of legislation that is repealed by this bill — that is, the Rural Finance (VEDC Abolition) Act 1993. The explanatory memorandum to the bill says:

This act has been given effect to and is now spent.

I invite honourable members before we vote this act out of existence to go to the act. It is worth reminding not just the members here today but Victorians of all ages, particularly those who do not know what the initials VEDC stand for, of the dark, dark day in Victoria's history when the Cain government decided it could pick winners through an organisation called the Victorian Economic Development Corporation, which was one of the great failures of the Cain and Kirner governments. This organisation was totally discredited and — would you believe it? — John Cain in his memoirs describes in some detail the sad and sorry demise of the VEDC. Let me quote from page 247, where he is talking about the left of the Labor Party, of which there are still some members around.

Ms Romanes — Proudly around.

Hon. BILL FORWOOD — There are still some members of the left proudly around. Their economics are marginally worse than the economics of the right. John Cain said:

In the left there was growing criticism of the government's economic performance.

And rightly so, I add.

As the VEDC losses were disclosed during 1988, the left blamed Labor Unity ministers who held the key economic portfolios, particularly Robert Fordham, the responsible minister.

I remember Bob Fordham. I found him to be a man of some stature and capability. He was treated very poorly.

Hon. W. R. Baxter — They made him a scapegoat.

Hon. BILL FORWOOD — They made him the scapegoat, and they forced him out. They made him resign. That was a shameful episode by the left, but it highlights the mess the government got itself into with the VEDC. It was such a mess that after we got into government in 1992 we took immediate action in 1993 to wrap up the VEDC and put it into the Rural Finance Corporation to let someone who had a bit of ability manage the mess and make an attempt at tidying up the destruction that had been caused through the inept behaviour of a number of ministers in the Cain and Kirner governments and the bureaucrats who were advising them at the time to the detriment of all Victorians.

Mr Somyurek — This speech is 10 years old.

Hon. BILL FORWOOD — It is too. I gave it in 1993, when we introduced the bill.

The PRESIDENT — Order! I have already heard the speech.

Hon. BILL FORWOOD — I know, President, you were here.

I refer honourable members to the Rural Finance (VEDC Abolition) Act. It goes into some detail into how we went about fixing up the VEDC mess.

Hon. W. R. Baxter — It was a good speech then. I want to hear it again.

Hon. BILL FORWOOD — I thank Mr Baxter. Section 7 in part 2 of the act talks about succession. It states:

On the commencement of this section —

- (a) all property and rights of VEDC, wherever located, vest in the —

Rural Finance Corporation. All the liabilities came as well. The corporation became the successor in law of VEDC and — this is the killing and chilling provision:

- (d) VEDC ceases to exist.

Hon. W. R. Baxter — Thank God for that.

Hon. BILL FORWOOD — I thank Mr Baxter. In 1993 the VEDC ceased to exist and we got on with the job of repairing Victoria, which had been destroyed by Cain and Kirner. We have come to the time when the Rural Finance (VEDC Abolition) Act is no longer required.

It is with some pride in the achievements of the Kennett government in introducing those two pieces of legislation that were part of the remedy of the dreadful days that I, on behalf of the opposition, fully support the bill before the house today. I look forward to the repeal of other pieces of legislation that are no longer appropriate. I am particularly concerned at the amount of legislation we continually make in this place. I am even more concerned, I might say, by the fact that we are passing bills and saying that the detail will be in the regulations. When you ask what the regulations are you find neither they nor the guidelines have been formulated. In fact all we have is enabling legislation and no one knows how it is going to work, but that is a debate for another day. With those few words I am happy to support the legislation before the house — and I look forward to another opportunity of slugging the Cain and Kirner governments whenever it may arise.

Hon. W. R. BAXTER (North Eastern) — It is always good to have the Honourable Bill Forwood

remind us of some of the history of the state of Victoria, particularly those dark years of the Cain and Kirner governments that sent the state into bankruptcy. I have sat here now for a couple of years and listened to Mr Eren interject and say, ‘AAA, here to stay’. I had assumed until I heard him yesterday on the EastLink debate that he was saying that more simply in jest and was fully aware of why the state lost its AAA rating and how it was got back.

I realise now from his remarks yesterday that he believes his own propaganda. He seriously believes that it was the Bracks government that got the AAA rating back for the state of Victoria, that it was somehow or another unable to be got back by the Kennett government and, even worse, that perhaps it was the Kennett government that was responsible for the fact that it took some time to get it back. He is either completely unaware of the history of this state, does not understand it or chooses to simply go out and mislead people. He should have acknowledged that the AAA rating of the state of Victoria was lost for the very reasons Mr Forwood has reminded of us today — the extraordinary out-of-control spending, the excessive borrowing and the sheer inefficient administration of the former Labor government.

The thing Mr Eren should be acknowledging, which he refuses to do of course, is that the Kennett government to its everlasting credit when it came into office in late 1992 acted in a very forthright manner in the very difficult task it had. Included in the action it took was the introduction of the state deficit levy to arrest Victoria’s parlous condition and turn it around. It is to the everlasting credit of Jeff Kennett, his Treasurer and, if I might say so, his cabinet and party room that they stayed the course and did not allow the pressures that were applied by a number of interest groups to sway them from their commitment to restore the financial viability of Victoria in the quickest time possible.

Any lesser Premier than Jeff Kennett would have gone to water. We would have eventually corrected it. It would have taken a long time to turn around the state. It would have been at great expense. The pain would have lasted longer and in aggregate it would have been heavier. It is well worth remembering that Jeff Kennett and his Treasurer, resurrected the state of Victoria. We should not ever forget that. If that is not coming from members of this government, it is at least coming from commentators in the media. They are increasingly coming to acknowledge that fact, and I am pleased about that.

I also want to reflect upon some of the remarks Mr Forwood made about this government’s capacity to

write second-reading speeches which are indeed peculiar. As he rightly said, this seven-page speech waxes lyrical about matters of historical interest, and includes details of early pieces of legislation which this bill repeals. It was quite interesting to read about the Royal Mint. It was interesting to read about the statistical division and some of the early borrowing, public works acts and so on. But if we were going to have that, why did we not have some consistency? Why did we not go through all the bills that are being repealed in a similar fashion? Why did the bills of the 1980s and 1990s get glossed over in some way or another? Mr Forwood has given us some fairly graphic illustrations about that.

Another one the second-reading speech might have referred to — bearing in mind how this government tries so often to attribute privatisation to the Kennett government and that somehow or other there is something wrong with privatisation — was the former State Insurance Office because the State Insurance Office Act is being repealed by this bill as well. Who privatised the State Insurance Office? None other than the Labor government. Labor is the one that sold it off. I am not saying it should not have sold the State Insurance Office. Why would government be in the business of running an insurance company? Nevertheless, for the government not to acknowledge the fact that that happened during the course of the Cain and Kirner regimes is very peculiar.

We heard an extraordinary comment about privatisation during question time today from the Minister for Energy Industries, Mr Theophanous, as we so often do. He likes to enjoy the fruits of privatisation. As he sometimes acknowledges sotto voce, he himself was the first one to sell off a power station. Today he was criticising the former government for selling Heatane Gas to Elgas. He said that was shocking. But now under his government there are five suppliers out there and we have competition. He tried to draw inference that somehow or another what the Kennett government had done was wrong. If he were honest, he would acknowledge that the reason why we now have five competitors in the market is that the Kennett government sold Heatane, which was a government-owned instrumentality. Other competitors were reluctant to come into the market because they knew it was a government-owned instrumentality and that it did not necessarily operate on commercial principles. Because it was being propped up by the taxpayer, it was likely to undercut any other competitors unfairly in the marketplace.

We now have a level playing field because the Kennett government privatised Heatane. We now have five

suppliers and a genuine market. We now have price competition out there. If the minister were more honest, he would acknowledge the benefits of privatisation, because this government is certainly enjoying the fruits of privatisation as are the taxpayers and consumers of the state of Victoria, whether it is in terms of electricity or gas supply or simply as a taxpayer. This is because less taxes are propping up inefficient government-owned enterprises.

While we in The Nationals have no objection to the bill, and we agree that the statute book should be cleaned out on occasions — and this is appropriate legislation to be doing that — I can only make a plea that the government was a little more honest in the way it introduces such legislation. I often wonder what sort of department or unit the government has, either in the Department of Premier and Cabinet or wherever it is, that devotes its time to thinking up ways of spinning matters. Who is charged with the duty of looking at every second-reading speech and saying, 'This document is far too honest, we have to amend this document, we have to change this document so that we can attribute as much ill will as we can to previous governments but we will give as much credit as we can to this current government, or if we cannot do that we will not mention things at all if they are embarrassing'. There must be a unit somewhere in a Labor government that does that, because I had never experienced it anywhere to this extent until the Bracks government came into office. I am often intrigued by it that somewhere over there in Treasury Place there is — —

Mr Somyurek — A spinner.

Hon. W. R. BAXTER — Yes, a spinner, Mr Somyurek, who is actually charged with the responsibility of doing this, because we see so many examples of it. The ordinary average run-of-the-mill ministerial office or bureaucrats who put together genuine second-reading speeches would not be doing it. There is some overarching authority that does this, and it is another indication of how this government claims transparency and openness when in actual fact it does the opposite. If there is an opportunity to hide, confuse, cloud, spin and obfuscate, then that is what the government does. We will accept this bill but we wish the government would be more honest about it.

Ms ROMANES (Melbourne) — I am pleased to speak on the Treasury Legislation (Repeal) Bill. Every so often one is reminded that there are some very different perspectives in this place, and this is one of them. I am pleased that Mr Forwood has drawn attention to paragraph 18 of the explanatory memorandum, because I had temporarily forgotten until

this afternoon about the state deficit levy, which was known as the poll tax. It was a hated tax in this state. It was part of the scenario that led to the downfall of the Kennett government.

I am reminded of how it was considered out there in the electorate. It was a regressive tax of \$100 on every household. It did not matter whether you were a pensioner, or had a mansion in Toorak or a fine home in Kew, you paid the same across the state. It was universally hated as a tax in this state. Even after the Kennett government slashed jobs in the public service and other authorities, and even after hospital services were cut and schools were closed, the state deficit levy remained. The funds from the state deficit levy, that tax that was hated by most Victorians, continued to accumulate in the coffers of Treasury. It remained far beyond any period when the likes of Mr Forwood and Mr Baxter could justify its existence, and it took a change of government to eliminate it.

In October 2004 the Treasurer approved a review of legislation in the Treasury portfolio. That review considered whether legislation could be repealed or consolidated if it had become redundant or quiescent. This has been achieved through the preparation of this bill. There has been widespread stakeholder consultation during the preparation the bill — that is, talking with numerous agencies and bodies that have some interest in the content of the bills that are to be repealed, and there is broad stakeholder support for the actions that are embodied in the bill.

The legislation is an exercise in good public administration. It cleans up a whole lot of legislation by removing redundant statutes from Victorian law; it clarifies what laws remain relevant in various areas of public policy which are administered by the Treasurer; and it streamlines the administration of those areas of public policy. It is an important exercise. Perhaps it is well overdue in many areas, but today it comes together in the bill that we are dealing with, and I am pleased that members of the opposition, despite the spin they are putting on the content of the second-reading speech, are supporting the bill. I commend the bill to the house.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I shall make a brief contribution on this bill. It was not my intention to speak on it, but having listened to Ms Romanes with her revisionist version of history I felt obliged to set the record straight. If you listen to Ms Romanes talk about the state deficit levy legislation that was enacted in 1993 you would think it was done merely to punish Victorians, that there was no reason for this.

Mr Pullen — It was.

Hon. G. K. RICH-PHILLIPS — Mr Pullen says it was. Ms Romanes in her contribution conveniently forgot that at the time of the election of the Kennett government in 1992 Victoria had a recurrent budget deficit of \$2.5 billion and had a net state debt of more than \$30 billion. It was not that the government wanted to be cruel to the people of Victoria that it had to introduce this levy; it was because the state government was in dire financial circumstances as a direct consequence of the actions of previous Labor governments throughout the 1980s. It was as a direct consequence of the Cain government — and Mr Forwood and Mr Baxter went into some detail as to why that was — and as a consequence of the failure to do anything about it by Joan Kirner in her two years as Premier.

I find it extraordinary that members of the government, such as Ms Romanes, pretend that nothing happened in the 1980s that led to the need for this levy. Mr Pullen, through his interjections, and Ms Romanes in her contribution, demonstrated that this government has not learnt a thing about what happened in the 1980s, and it is only a matter of time before we see it repeated again.

Mr SOMYUREK (Eumemmerring) — I rise to make a contribution in favour of the Treasury Legislation (Repeal) Bill. As other speakers have said, this is a straightforward, non-controversial bill. The opposition agrees the bill is non-controversial, straightforward and policy neutral; thus it will not alter any rights of current or future Victorians.

The bill has no social effects — I am sure members will agree. It will not affect the Victorian economy or its natural environment, and it removes no existing rights that need to be preserved now or in the future.

I must admit that the second-reading speech was much fuller than I expected. I was surprised when I saw a seven-page second-reading speech, but the historical material about the mint and the Australian Bureau of Statistics made interesting reading. I agree that it was lengthy, but it was certainly interesting.

On the concept of spin, my response to Mr Forwood and Mr Baxter is: come on! I am not saying this government does not spin, although it does not spin as well as the federal government, I can tell you! All governments are prone to a bit of spin, but with this legislation, if it is policy neutral, why would we spin? How could you spin something that is neutral?

Hon. W. R. Baxter — The whole second-reading speech is spin.

Mr SOMYUREK — This is a new concept pioneered by Mr Forwood and Mr Baxter: spin by omission. The Forwood and Baxter concept of spin by omission! That is something we need to look for. In fact I might follow the federal government's press releases and legislation more closely now and look for spin by omission there too. I thank them for that.

To deal with the nefarious omission of paragraph 18 being omitted from the second-reading speech, I am sure the government's line would be that it was just another paragraph. You cannot fit in all the paragraphs of the explanatory memorandum, although maybe we should have made the second-reading speech 10 pages long. But I do not agree with the criticism. Paragraph 18 could have been included in the second-reading speech, because the state deficit levy was very unpopular.

Mr Pullen — It was; it was cruel.

Mr SOMYUREK — It was cruel and unpopular. I agree that Victoria's finances were not the best. They were terrible — shocking — when the Kennett government took over, but let us also look at international factors. It was not just mismanagement by the Victorian Labor government. We have come to terms with that. As a party we have conceded that and moved on.

Right now our state debt is 1.5 per cent of gross state product. When the Kennett government left office it was 5 per cent, so that is an indication that we have moved on. We have guaranteed surpluses of at least \$100 million in our term of government, and going forward for the next three or four years we have planned for surpluses in excess of \$400 million. We are doing all this by continuing to invest in infrastructure. We are investing about \$2 billion a year in infrastructure for the next four years. We are not cutting key services; in fact we have rebuilt the services of this state. Without going into all the good things we have done or all the pretty negative things Jeff Kennett did, I will conclude my contribution and commend the bill to the house.

Mr LENDERS (Minister for Finance) — In summing up I would like to comment on the bill. This is a good piece of housekeeping legislation to remove redundant legislation from the statute book. That has been conceded by all the speakers other than Mr Rich-Phillips, who simply got excited by the debate and should perhaps have kept to the bill, despite Mr Forwood's excitement. To put it succinctly, it is a good piece of housekeeping legislation. It is a very good piece of legislation which the government

welcomes and which cleans up the statute book. I commend the bill to the house and wish it a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

TREASURY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 19 October; motion of Mr LENDERS (Minister for Finance).

Hon. BILL FORWOOD (Templestowe) — The Treasury Legislation (Miscellaneous Amendments) Bill has two components, one which we wholeheartedly support and wish a speedy passage, and one which is nonsense and which we thoroughly oppose for reasons I will outline.

I foreshadow that after the second-reading debate we will be seeking to split the legislation to achieve a speedy passage of the forestry bit, which, as I said, we willingly support, and to ask the government to please sit down with us and see if we can get the changes to the Financial Management Act right, because I know that any person with an interest in the democratic process would agree that they are flawed. I do not propose to hold up the house for long on what is basically a simple piece of legislation.

I know the Leader of the Government is likely to say to me, 'You're the person who keeps telling me to bring in miscellaneous bills', and I plead guilty to thinking that there are occasions when miscellaneous bills are a very good idea. But what I get upset about is when the government brings in a miscellaneous amendments bill containing two things in it when it knows we will support one of them and oppose the other. I guess it does it out of sheer bloody-mindedness, or because it likes the sport — I have no idea. I put it to the house that we could easily have had a bill to deal with the forestry stuff, and then another bill dealing with the changes to the Financial Management Act, and then we would not be going through the problems we are facing today.

In relation to the forestry part of the legislation, as I say, this is a small bill — it amends part 3 of the State

Owned Enterprises Act. What we know is that VicForests has been established and it is moving to mill-door sales. We know that as part of that process concerns had been raised by the organisation about the fact that it may be seen to be in breach of the Trade Practices Act. Therefore the bill before the house sets out a regime that will enable the mill-door sales to be done in a way that will not in any way contravene part 4 of the Trade Practices Act and the competition code.

At the outset I should say that the opposition was concerned — and particularly our forestry spokesman, the Honourable Graeme Stoney, who will speak at greater length on this part of the bill later in the debate — about the prospect of our trees being chopped down and taken elsewhere for processing. I know he mounted a campaign in conjunction with the industry — and I am very pleased to see that the government adopted the ideas put forward by Mr Stoney. So we now have a situation where there is a requirement that the buyers will process the timber domestically. I congratulate Mr Stoney for his efforts in achieving the outcome.

Mr Lenders — Are you saying we listened and acted?

Hon. BILL FORWOOD — Yes, listened and acted. It would have been appalling if the fears about the Chinese, or entrepreneurs from mainland China, buying great stacks of our untreated timber and taking them offshore had been realised. We are delighted with the way that was done and believe the system being put in place will achieve the desired ends.

I should also say that I was grateful for the briefing that we received from VicForests. I have had some interest in forestry for some time, particularly when I was shadow Minister for Environment before the last election, and trees were a vital issue. I do try to ensure that the occupational health and safety issues, which I cover with my WorkCover hat on, are well looked after, and if we can get the harvest and haulage contractors employed on a contract basis in a way that is satisfactory I think there are some real efficiencies to be gained in the industry. I am pleased and delighted to be able to support that part of the legislation.

Let me turn briefly to the changes to the Financial Management Act. I have always been a person who believed there was a case to be made for reports to be tabled out of session, particularly in the days when the Parliament used to sit for three months, have three months off, sit for three months, and have three months off — in other words we had an autumn sitting and we

had a spring sitting. I think that was a sensible change. I know that when I was chairman of the Public Accounts and Estimates Committee we were agitating in that particular direction, I think, for audit reports at the time, but my memory is — I stand to be corrected — it was also for public accounts committee reports. But the way that that was done was to say that reports could be tabled out of session in the recess period. This government has changed the sitting pattern. Now we do not have recesses any more, we just sit all the time, a week here and a week there. I note that next year's sitting dates have come out. If I can have a quick look at them, it shows we actually will sit in February, March, April, May, June, July, August, September and October. So the concept of having a spring session and an autumn session is out the window.

Ms Argondizzo interjected.

Hon. BILL FORWOOD — I am not allowed to see it? I put on the record the interjection from the Government Whip that I am not allowed to see this.

Ms Argondizzo — I did not say that.

Hon. BILL FORWOOD — Didn't you?

Ms Argondizzo — I said, 'Are you talking about the sitting dates?'.

Hon. BILL FORWOOD — Yes. I am sorry; I am talking about the sitting dates.

Mr Lenders — So can you correct the interjection by the whip?

Hon. BILL FORWOOD — Yes, I am happy to correct the interjection by the whip.

It is apparent now that the old system that was in place on how to table reports in the recess no longer applies. I am sure there would have been a way of getting a better outcome than the one the government has come up with. The one that this government has come up with will enable it to table a report out of session any time it wants to.

I am sorry, but we do not trust the government. It will be 5 minutes before we discover that instead of a report being tabled when Parliament is sitting the government will table it on the Friday after we get up, when the country members have gone back to the country. So if it is a report that a country shadow minister or a member of The Nationals needs to deal with, the government will pick its time and ensure that cannot happen — just like we know that this government pulled the royal commission into the ambulance service on the same

day that Cathy Freeman ran the 400 metres in the Sydney Olympics. What a cynical exercise that was! That is this government's form and that that is what will happen. That is the system that is being set up by this government.

We do not object to the principle of reports being tabled when they need to be tabled out of session. What we object to is the cynical way this bill has been drafted to enable the government not to table reports when Parliament is sitting, but to do so at any other time. It is very disappointing that the government was not prepared to sit down with the opposition and The Nationals and come up with a system that actually preserved the integrity and the intention, and that is that reports be tabled in this place — and that means when it is sitting. So, having been an advocate for the system that said that we needed to find a way so that reports were not lost for two or three months at a time, I am very disappointed that what started out as a sensible reform to the tabling system has now been abused by the government in the way that this amendment has been brought in. I say again that we look forward to the government supporting our contention that we should split this bill in half and pass quickly the forestry bits, but then work out how best to manage the requirements relating to the tabling of reports out of session because they are a nonsense.

The next thing I want to briefly touch on in this particular bill is the other change to the Financial Management Act which enables financial reports to be tabled with the budget if that is tabled within 30 days after the due date of that report. Frankly, you can understand that you do not need to have financial reports coming out earlier and they may as well be tabled with the budget. I do not have a particular problem with that. But what we discover is that this is about enabling this government to do the budget on 30 May. That is what it is about. It is another cynical exercise.

Hon. J. H. Eren — You're forgetting the Commonwealth Games.

Hon. BILL FORWOOD — Let me pick up the interjection by the moron from Geelong.

Mr Pullen — On a point of order, Acting President, I ask for that word to be withdrawn. I do not like to hear the member for Geelong being called a moron.

Hon. Andrea Coote — He did not complain.

Mr Pullen — I do not care if he complained or not, I do not want to hear it.

The ACTING PRESIDENT (Hon. R. H. Bowden) — Order! The only member who can take exception to what Mr Forwood said is Mr Eren, if he chooses to do so; otherwise the Chair will intervene.

Hon. J. H. Eren — I did not hear exactly what he said, but I am glad Mr Pullen picked that up. I do take offence to what Mr Forwood said and, on a point of order, I ask him to withdraw.

Hon. BILL FORWOOD — I am happy to withdraw. I think that the events prove my point.

The ACTING PRESIDENT (Hon. R. H. Bowden) — Order! May I remind honourable members that there are from time to time comments that are unfortunate, and I am sure honourable members are aware of the normal forms of the house.

Hon. BILL FORWOOD — I am, so I apologise to Mr Eren, whom I count amongst my friends. But let me pick up his interjection. He had better remind me what it was.

Hon. J. H. Eren — You were saying how I pointed out that the Commonwealth Games — —

Hon. BILL FORWOOD — Right. So what we understand now is that the mighty business of Victoria, with its \$30 billion revenue and expenditure, is not capable of producing its budget because for 11 days a couple of months beforehand there is going to be a sporting event. I think that is the biggest loud of claptrap I have ever heard. If this is an indication of what the ministers are planning to do during the Commonwealth Games, heaven help us all. What are they going to do? Are we going to close up shop for 11 days? We are not going to have a budget? We are not going to go through a budget process? We are not going to produce a budget or have Parliament sitting? No, we have to delay everything. This year the budget was delivered on 4 May. Are we going to delay it for four weeks because for a couple of weeks we are going to have some sportsmen in town? Well done the Bracks government, well done!

In the end I think the suggestion made by The Nationals in the other place that we should let it through for one year and then fix it up later is a very good suggestion. I understand that in the interests of time we are not going to pursue it here, but I reiterate that if this government thinks it cannot do the budget until 30 May because of the Commonwealth Games, heaven help us all.

With those few words, we wholeheartedly support the forestry bit and look forward to its going forward soon. We are very disappointed with the financial

management aspects of this bill and look forward to the government accepting my suggestion that we fix it.

Hon. W. R. BAXTER (North Eastern) — This is another piece of poison pill legislation.

Hon. J. H. Eren — Poison what?

Hon. W. R. BAXTER — Poison pill legislation. We have been seeing a bit of that under this government in this term. It brings in legislation that has a highly desirable aspect to it but it has a totally unrelated aspect which is highly undesirable. That is what we are seeing here.

We have the forestry provisions, which all sides of the house agree are acceptable — in fact, urgent, desirable — despite the fact that this government has virtually ruined and destroyed the timber industry in the state of Victoria and treated timber workers, contractors and hauliers particularly harshly. In some cases it entirely misled them by saying they would receive compensation if they left the industry and then left some of them out to dry, because the money dried up. It has also locked up vast swathes of renewable resources in national parks. Putting all that aside for the moment, this proposal to make provision for the impact of the Trade Practices Act in terms of the way VicForests might advertise tenders is highly acceptable because it will enable value adding to be undertaken in Australia. In fact it will ensure that value adding is undertaken in Australia. We would all applaud that.

It is similarly acceptable that the bill has a mechanism to exclude persons who were beneficiaries under the government's buyout scheme from participating in the tender process for a period of two years lest it be seen that they would have an unfair competitive advantage as against prospective tenderers who were not recipients of the buyout. All those clauses are quite laudable.

We are concerned about two aspects of the bill, and Mr Forwood has already referred to them. One is the capacity to table reports outside parliamentary sitting times. Mr Forwood, in his time as chairman of the Public Accounts and Estimates Committee, quite rightly advocated that there needed to be a mechanism to enable reports to be tabled out of session so they were not kept in darkness for three or four months because the Parliament happened to be not sitting. It must be very galling for him now to see how this government is using the report that he brought in advocating such a mechanism — a mechanism which was introduced. This government has changed the way the sittings of this place are structured, so we appear

now not to have recesses at all. In reality we perhaps have a technical recess.

I notice we are now in the spring sitting instead of the autumn sitting, despite the fact that we did not have any sort of customary break. We just went, except that they changed the cover of *Hansard* to show it was a different sitting. One asks then what are government members on about? Mr Forwood has already illustrated what they are on about. We are likely to have some report tabled on a Friday of a sitting week because we have all gone home and it suits the government's purposes to get the bad news out when we are not here to respond to it. I find it very disappointing indeed that the government is setting the scene to resort to that sort of devious behaviour.

Then we have the other aspect of the financial reports being able to be delayed beyond the scheduled times that are set out in a table in the Financial Management Act. The rationale given for this in the second-reading speech is that because the Commonwealth Games are being held next year the budget is going to be delayed until 30 May. The Nationals have taken the view that if that is the case, if that is the rationale, we will accommodate it. We will agree to satisfy Mr Eren, for example, and acknowledge that the Commonwealth Games are on next year, and we will make provision for a delay in the tabling of the quarterly financial report so it can be, as is customary, brought into the house when the budget is presented.

The Nationals circulated an amendment to that effect in the other place. I am very disappointed indeed that in that place the government chose not to provide the opportunity for that amendment to be debated or tested. It allowed the debate to hang over until the guillotine fell on Thursday more than a fortnight ago and simply did not give the house the opportunity to consider the amendment. I think that is an indication that it is embarrassed by what it is on about. It could see that the logic in the amendment circulated by the Nationals was in accord with the rationale of the second-reading speech and therefore it would be pretty hard to knock back that amendment without somehow or other undermining its own arguments in the second-reading speech, so it let it go to the guillotine so that that amendment could not be put. I think that is a disgrace. It is one of the reasons why I am not moving the amendment in this house. If this government wants to conduct itself in that sort of manner, what is the point in my bringing in an amendment in this house if the government is not interested in seriously contesting it in the other place? It used its own standing orders to avoid having it put to the house.

I find it very difficult indeed to accept that the government is at all genuine in what it said in the second-reading speech. It clearly wants this change so it can delay the tabling of financial reports if they are bad news to a time that suits it better, when it is better able to hide that news than abiding by the schedule that is in the Financial Management Act.

I agree entirely with Mr Forwood's contention that this bill ought to be split in two. We agree with the matters relating to timber, but we certainly do not agree with the matters that relate to the tabling of reports or the presentation of financial reports as required by the Financial Management Act.

Hon. J. H. EREN (Geelong) — I am pleased to rise and speak on the Treasury Legislation (Miscellaneous Amendments) Bill. The bill contains two main provisions. Part 2 relates to the Financial Management Act 1994 and part 3 relates to the State Owned Enterprises Act 1992. The amendment proposed to the Financial Management Act is minor in impact and importance and does not have any bearing on policy. The amendment deals only with the timing of the release of the financial reports and not the methodology, format, frequency or basis on which they are prepared. This amendment is being addressed as part of a normal process of maintenance of legislation and is by no means being rushed or hidden, as has been suggested. It is also important to have efficiency in this place. Obviously if you had separate bills throughout the year we would find that not much got done.

Hon. W. R. Baxter — That is why you introduced tiny little bills.

Hon. J. H. EREN — That is right, and we have not, as you suggested, hidden it in a voluminous bill. We are not hiding anything. We have nothing to hide, because we have a very good track record of transparency. It must be noted that this government — and I am sure the opposition would acknowledge this if it were serious about this issue — has significantly increased the number and frequency of financial reports to the Parliament. The Bracks government committed in the Financial Responsibility Act 2000 to release a number of additional financial reports for presentation to Parliament. These additional reports include a September quarterly financial report, a December quarterly financial report, a March quarterly financial report, a June quarterly financial report, a mid-year financial report, a budget update and pre-election budgets. You have to be joking if you are trying to say that this government is trying to hide something. That has nothing to do with this bill. There is a genuine

reason for trying to pass legislation such as this bill — so that we can be more transparent.

Reforms made by the Bracks government to improve openness, transparency and accountability in the public sector have marked Victoria as a global leader. That is a fact. That was one of our key priorities when we were elected in 1999, and we have delivered on that commitment, particularly in relation to financial reporting and probity. We have restored and strengthened the powers and independence of the Auditor-General under the Audit Act 1994.

I want now to talk about the part of this legislation that amends the State Owned Enterprises Act 1992, which is obviously very important to my electorate. I particularly want to focus on the provisions in the bill that have implications for the timber industry, which employs people in the Otway Ranges, near my electorate.

Hon. W. R. Baxter — Not for much longer under your government.

Hon. J. H. EREN — I will take up that interjection. Mr Baxter and I have before had debates about the prosperity of that region, particularly for its residents and business owners. There may be some job losses in the timber industry but there are many thousands of jobs being created as a result of our policy in maintaining that area as pristine forest. I thank Mr Baxter for his interjection.

The Bracks Labor government has made great strides in protecting our forests for future generations. At the same time it has copped some flak from the timber industry, which believes that our environmental policy will affect livelihoods in the industry. However, I believe that in years to come those in the timber industry will see the benefits of our important decision, and this legislation before us has been designed to cope with the changes in that industry.

This legislation is basically designed to bring in and implement the sale and auction of timber. The amendment before us is required to allow VicForests to apply a sawlog pricing and allocation model. The model will be phased in and will replace the current administered licensing system for the allocation of timber supply with a competitive auction system. This is consistent with the Bracks Labor government's policy in *Our Forests Our Future*. VicForests is the body brought into existence by our government to manage the allocation of forest resources to mills. It has been a wonderful step forward in making sure that the

Victorian timber industry operates on an economically sustainable basis.

There are two major elements of the model: a requirement to buy processed timber domestically and the preclusion for a period of two years of companies and directors of companies, who completely relinquish their sawlog licences under the voluntary licence reduction program from participating in the initial auctions of timber. These two requirements are driven by public policy objectives, and as a government we have the responsibility to ensure that wealth is created in this state and that all opportunities to do so are maximised. This will help in maintaining and furthering employment and investment in Victoria.

Victoria has a great timber industry which has much potential to export dried, sawn and dressed hardwood timber, and with the correct management we can balance the needs of the environment with the needs of the economy. Some people say, 'That cannot be done', but I believe that it can be done. For thousands of years man has been harvesting wood for shelter, to burn and to produce goods. I believe this can be done. Even in large numbers — —

Hon. Bill Forwood — What is the name of the adviser who wrote your speech for you?

Hon. J. H. EREN — Mr Forwood has just come in half way through my contribution. I do not know where he was — —

An honourable member — He was down at the tuck shop.

Hon. J. H. EREN — He was down at the tuck shop. He has just come in and made some interjections. I have been told that VicForests is concerned that such exclusion of parties from tenders is inconsistent with part 5 of the federal Trade Practices Act. The bill proposes therefore to insert into the State Owned Enterprises Act a new section to allow for the authorisation for the purposes of part 5 of the Trade Practices Act of any act or thing done by VicForests and its directors and officers in connection with the allocation and sale of timber resources, if the relevant act or thing is done with the consent of the Treasurer.

This amendment is limited to contracts, arrangements or understandings entered into prior to 1 July 2015. From 1 July 2015, 100 per cent of timber will be auctioned in a fully open market with no potential bidders precluded. I commend the bill to the house.

Hon. E. G. STONEY (Central Highlands) — Mr Forwood covered the entire aspects of this bill, and

I might say he did it very well. I intend to concentrate on the forestry section of the bill. As background, 15-year hardwood timber licences are now running out on public land. VicForests will replace these licences with its new pricing and allocation model — one that we have not seen yet, although we have heard lots of rumours about it. I know that the industry is very nervous about what the model might contain. The bill enables that pricing and allocation model to be developed. Mr Forwood elaborated on some of the things that were necessary for that to happen. Two key elements have been promised in the model which we have not seen. In general terms, persons and companies that have taken packages cannot compete in the auction system for logs for two years; public land logs must be processed in Australia, and I will get on to that a bit later.

I would like to go back a step and observe that VicForests is taking a very strong economic line. Its brief is to provide maximum return to Treasury regardless of the impact on our timber towns. Earlier this year there were signs that logs would be auctioned to the highest world bidder in line with that philosophy. We exposed that China was poised to buy up to all of Victoria's logs from our hardwood forests, which would have absolutely destroyed the Victorian industry. This bill is a backflip on that direction the government was taking, so we have no option but to support the forestry section of the bill. Having said that, we do have some misgivings with the direction that VicForests, indeed forestry, is going in Victoria.

The forestry industry in Victoria has been undergoing major change for many decades. It is fair to say under all governments there have been necessary changes to the forestry industry, but there was a dramatic change when Our Forests Our Future was brought in by this government with a 31 per cent reduction in resource and some 30 businesses exited the industry. Last year the Sustainable Forests (Timber) Act established VicForests, and it established the framework for the sustainability criteria. But that has put the industry under enormous pressure. The new system is market based with auctions that will lead to further rationalisation. It will lead to threats to business, it will lead to threats to regional employment and community coherence. Recent socioeconomic assessments of the timber industry in Gippsland demonstrate how important the industry is for local economies and communities.

The concerns centre around the fact that VicForests has imposed what the industry says are unjustified price increases. It seems that the government, which is the monopoly supplier of logs now through VicForests,

may be planning further reductions in the resource. This will lead again to fewer mills, fewer jobs and exiting of willing capital from the industry. I draw the attention of the house to the controversies that still rage around issues like old growth, red gum and water catchments. I also draw the house's attention to the fact that resource security remains almost non-existent — and the list goes on. Despite Mr Eren's claim that everything is wonderful in the forestry industry, I beg to differ.

There is a question that needs to be asked of the government: does it have a decent, viable plan for the future of a sustainable industry with great potential to shore up the fortunes for the future of regional Victoria, or does it simply not care? That is the central issue that the industry has been facing for quite a while. Nowhere is it summed up better than in the *Gippsland Times* of 6 September. The article headed 'Timber feels the strain' states:

Strains on the timber industry have claimed their first victim with a Heyfield timber mill forced to cut back 17 per cent of its work force.

Canningvale Timbers put 3 out of its 18 staff members off recently in an attempt to keep the business going.

Director John Mavros blamed state government timber supplier VicForests for the downturn after hefty price increases introduced on 1 July tightened the squeeze on the struggling industry.

VicForests claimed the 22.4 per cent increase for mixed timber species and 12.4 per cent for ash species was justified because of market forces and the postponement of the 2003 rises.

The increases came with the industry already reeling —

from many things that I mentioned earlier. The article goes on to talk about fuel prices and —

a 30 per cent resource cut and the imminent loss of another 10 per cent, the removal of property rights by amendment to the state's Constitution Act, new owner-drivers and forestry contractors legislation that will drive up production costs and the pending introduction of an auction system ...

It further reports:

Victorian Association of Forestry Industries communications officer Kate Dunn said VicForests needed to consider social impacts rather than just the environment and the bottom line when introducing price increases.

She said many mills throughout Victoria were struggling as a result.

Regarding the proposed pricing and allocation model I understand there is still a lot of work to be done in terms of detail in the model, and this work is certainly under way. It is believed the model involves VicForests forward-selling wood for periods of up to 10 years

through what is called an ascending electronic auction system, which is a system similar to the way Elders conducts cattle sales at the moment.

The only difference is that there is only one vendor, which is the government through VicForests. If an industry player misses out on a strategic bundle of work, that business is in danger of closing. This is the crux of it. There is disquiet and unease in the industry about the direction of VicForests. For example, there is nothing to prevent a speculator participating in the auction and purchasing strategic parcels of wood with a view of selling them on or putting a competitor out of business. There is nothing to prevent a holding company that satisfies the criteria purchasing the wood and on-selling it to recipients of packages, so they can participate through the back door. There is nothing to stop people purchasing old sawmills at rock bottom prices and getting in and bidding for timber. There is also concern about the sunset provisions to take effect in 2015.

I have an email here from Malcolm Warnock, secretary of the Central Highlands Timber Harvesting Association. In general terms the association supports the restrictions on those taking exit packages and those who are cashed up, which of course gives them more buying power. The email goes onto support the position of the Liberal Party and The Nationals on logs. It says:

... we believe that buyers need to process timber locally to support local timber communities. We understand that these changes were required to the act to support those who stayed on in the timber industry, so in closing we would support the proposed changes to the act.

It is signed Malcolm Warnock, secretary, Central Highlands Timber Harvesting Association.

Let us get on to the issue of the ban on the exporting of logs. I will quickly go through the history of it. It was revealed last February that the Bracks government had a secret plan to sell Victorian hardwood logs from public land to the highest world bidder. It appeared that China would be that bidder. At that time the pricing allocation model that was being developed was heading towards being able to sell logs to the highest bidder. We pointed out that the Chinese have unlimited resources. We pointed out that they were sniffing around some of the sawmills and trying to buy some individual sawmills' quotas. We pointed out that it would destroy our local timber processing industry and associated jobs. We said it was time for the Bracks government to deliver on sustainability as outlined in its Sustainable Forests Timber Bill and this meant processing our logs in our timber towns throughout Victoria. We called on the Bracks government to instruct VicForests to stop

trying to make a quick buck and give the industry some clear direction so all our jobs were not exported to China.

The unions and the Liberal Party stood one to one on this. Well-known Construction, Forestry, Mining and Energy Union (CFMEU) organiser Michael O'Connor came out with a press release. Michael is a fierce protector of our forest industries. The press release is headed 'Union calls on sawmillers to ban log exports'. It states:

CFMEU forestry and furnishing division national assistant secretary Michael O'Connor said that workers in the industry and the Victorian community believed that no-one should be exporting valuable resource overseas when it can be value added in Australia.

As Mr Forwood mentioned, China has an insatiable appetite for logs, and an article in yesterday's *Age* demonstrated just how strong this demand is. The article is headed 'Forest stripped as Burma, China implicated in illegal log exports'. It states:

The huge demand for timber in China has fuelled a surge in illegal logging in northern Burma ...

...

... 'Now there is no forest left along the border, they are moving 50 to 120 kilometres from it', Ms Kempel —

from Global Witness —

said.

On the Chinese side of the border, the trees are protected by national parks.

If ever there was a demonstration of the demand from China, this is it. As the sort of thing that is happening in Burma is exposed, it will turn its attention to places like Australia and indeed Victoria.

The Liberal Party embarrassed the government and caused it to change direction on this. This bill is a major backflip by the government on that. We are very happy with our part in that and therefore we really need to support that section of the bill.

We are talking about Victoria's premium hardwood sawlogs from our public land. There may be a case later for lower grade logs; we may be able to assess that at a later time. It is sometimes very difficult to process those logs because a lot of the small sawmills that used to take the D and E grade logs are no longer there because their owners took packages. The issue is how we best utilise these lower grade logs, but that is a subject for another time.

As I finish there is one further development which I think is significant. This new VicForests pricing and allocation model will call for expressions of interest in the logs through the auction system at the mill gate. There is an upside and a downside to this. The upside is it may mean a more efficient movement of logs throughout the state. Hopefully we will no longer see log trucks going in each direction on the highway with the drivers waving to each other. That was not acceptable and had to be fixed and hopefully part of that problem will be fixed. That is the upside. The downside is VicForests will be negotiating with the contractors from a monopolistic position of strength. It will be the monopoly employer and this may not be healthy from the contractors' point of view. The contractors may end up — I am not saying they will but it is possible — in a weaker bargaining position than they are in now.

In the interests of time, I say again: I will be supporting Mr Forwood's foreshadowed motion. I congratulate him for the effort he put into developing it.

Motion agreed to.

Read second time.

Ordered to be committed.

Instruction to committee

Hon. BILL FORWOOD (Templestowe) — I desire to move the motion I gave notice of this morning and circulated to the house. I move:

That, upon the Treasury Legislation (Miscellaneous Amendments) Bill being committed to a committee of the whole, it be an instruction to the committee that they have power to divide the bill into two bills as follows:

(a) A Financial Management (Further Amendment) Bill being the Treasury Legislation (Miscellaneous Amendments) Bill with the following changes:

(i) Long title as follows.

“A Bill to further amend the **Financial Management Act 1994** and for other purposes.”;

(ii) Short title as follows:

“**Financial Management (Further Amendment) Act 2005**”;

(iii) Heading to part 1 of the Bill omitted;

(iv) Clause 1 as follows:

“1. Purpose

The purpose of this Act is to amend the **Financial Management Act 1994**—

- (a) to enable financial reports to be tabled with the budget;
- (b) to provide requirements for the transmission by the Minister of certain documents to Parliament when neither House of the Parliament is sitting.”.
- (v) Clause 2;
- (vi) Heading to part 2 of the Bill omitted;
- (vii) Clause 3;
- (viii) Part 3 of the Bill omitted;
- (b) A State Owned Enterprises (Amendment) Bill being the Treasury Legislation (Miscellaneous Amendments) Bill with the following changes:
 - (i) Long title as follows:

“A Bill to amend the **State Owned Enterprises Act 1992** and for other purposes.”;
 - (ii) Short title as follows:

“**State Owned Enterprises (VicForests) Act 2005**”;
 - (iii) Heading to part 1 of the Bill omitted;
 - (iv) Clause 1 as follows:

“1. Purpose

The purpose of this Act is to amend the **State Owned Enterprises Act 1992** to authorise certain activities for the purposes of Part IV of the Trade Practices Act 1974 of the Commonwealth and of the Competition Code.”.
 - (v) Clause 2;
 - (vi) Part 2 of the bill omitted;
 - (vii) Heading to part 3 of the bill omitted;
 - (viii) Clause 4 renumbered 3;
 - (ix) Clause 5 renumbered 4;
- (c) That each Bill be printed and considered separately by the House.

The motion splits the bill into two bits. We all support the forestry bit. The opposition has grave concerns about the Financial Management Act provisions, as I outlined in my contribution to the second-reading debate. I urge honourable members in this place to enable a very quick passage of the forestry component of the legislation by agreeing to split the bill so that at a later time we can fix a better method for doing the tabling.

Mr LENDERS (Minister for Finance) — The government appreciates the very good intentions of Mr Forwood and Mr Baxter on this. However, we think the concerns they have raised are addressed in the legislation. For those reasons we will not be supporting the proposal to split the bill.

House divided on motion:

Ayes, 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 (<i>Teller</i>)	Stoney, Mr
Davis, Mr D. McL. (<i>Teller</i>)	Strong, Mr
Davis, Mr P. R.	Vogels, Mr
Drum, Mr	

Noes, 21

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

Motion negatived.

Business interrupted pursuant to sessional orders.

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

Committed.

Committee

Clauses 1 to 5 agreed to.

Reported to house without amendment.

Remaining stages

Passed remaining stages.

RULING BY THE CHAIR

Racing and Gambling Acts (Amendment) Bill: royal assent

The PRESIDENT — Order! Earlier today Mr Forwood raised a point of order in which he asked

that the Parliament obtain legal advice regarding its rights in relation to the Governor's decision to withhold assent to the Racing and Gambling Acts (Amendment) Bill.

I have now discussed this matter with the Speaker of the Legislative Assembly, and we are both satisfied that the Parliament has fully discharged its obligations in relation to this bill. The Clerk of the Parliaments presented the bill for assent in the usual manner. The Governor, acting on the advice of the Premier, declined to assent to the bill. The Parliament has no power to insist on the Governor giving his assent. If Mr Forwood wishes to pursue this matter, he should direct his inquiries to the government.

Hon. Andrew Brideson — President, I seek a point of clarification. I was unable to hear the last word of your statement, whether it was governor or government.

The PRESIDENT — Order! Government.

RACING AND GAMBLING ACTS (AMENDMENT) BILL

Royal assent

Hon. J. M. MADDEN (Minister for Sport and Recreation) (*By leave*) — This is very much in response to the request by Mr Forwood yesterday and again earlier today relating to the Racing and Gambling Acts (Amendment) Bill. He made a request in relation to why the act was delayed and also how. I am not answering how, but I am answering why. I hope that makes sense.

The Racing and Gambling Acts (Amendment) Bill contains measures that protect the racing industry and government revenue, enhance the integrity of racing and wagering, and support the industry to efficiently and effectively administer the conduct of racing.

I am advised that after the bill passed through Parliament it was brought to the attention of the government that there are issues with a group of stakeholders with respect to the new enforcement regime contained in the bill. As members would be aware, the bill provides criminal sanctions for organisations acting in violation of its provisions with serious legal and commercial implications for their operations.

I am also advised that the bill will receive royal assent in the coming weeks, but this short delay is necessary for the clarification of the operation of the new law. The

delay is appropriate, I am advised, to ensure that these stakeholders are given every opportunity to bring themselves into compliance with the new regime.

Ordered that statement be considered next day on motion of Hon. BILL FORWOOD (Templestowe).

ADJOURNMENT

Mr LENDERS (Minister for Finance) — I move:

That the house do now adjourn.

Monash Freeway: noise barriers

Hon. ANDREW BRIDESON (Waverley) — I wish to raise an issue tonight with the Minister for Transport in another place. It concerns the installation of noise barriers on the Monash Freeway. In early June 2004 I raised this very same issue in relation to noise barriers along the Monash Freeway between Stanley Avenue and Stephenson's Road, Mount Waverley. To my great pleasure I read in one of my local papers earlier this year that the government had acceded to my request and Maxine Morand, the local member for Mount Waverley in the other place, announced that noise barriers would be built along that 1.2 kilometre stretch. I must take some of the claim for the success of my initial request.

In the last week or so I have received further correspondence from constituents who live on the eastern side of Stephenson's Road. My constituents suggest very strongly that the noise just does not suddenly stop at Stephenson's Road but in fact continues across to the other side and pollutes their environment. I will quote briefly from a letter:

... many people including myself —

not myself, but the author of the letter —

are affected by the terrible noise pollution we are experiencing from the freeway at all times of day and night. The area I am referring to is between Stephenson's Road and extending across the Forster Road bridge.

When discussing this matter with the minister, I would request that the sound barriers need urgently be put in place from Stephenson's Road and across the Forster Road bridge.

There will be some difficulty, I guess, in actually building this barrier across the bridge, but it has been done with other bridges along the Monash Freeway, so I know the engineering skills are there to do this. I ask the minister to urgently consider adding this section of the Monash Freeway noise barrier to the project that has already been put in place.

Quang Minh temple, Braybrook: funding

Hon. S. M. NGUYEN (Melbourne West) — I want to raise a matter with the Minister for Victorian Communities in the other place. I have been approached by the Buddhist community in the western suburbs of Melbourne seeking support for funding to build a temple in Braybrook. The temple has been around for a long time. It used to be in Sunshine and it moved to new land in North Braybrook. It has been there for 15 years now. They want to extend the temple, build a community centre for many activities and complete the project.

The temple was funded by the federal government 10 years ago to complete the community centre. Because of the needs of the community, they had to expand into a bigger building. The temple is not only a place of worship; it is there for all the community. They intend to have services for all people who live in the area. They are providing training, computer classes, English classes and family and drug counselling. They are also helping the elderly community and people who feel isolated and need support. The temple staff intend to help these people, but they need more funding. On occasions many people attend the temple.

I ask the minister to allocate money from the Community Support Fund for the Quang Minh community and the Quang Minh temple so that the temple development in Braybrook can be finished.

Local Government Victoria: investigations

Hon. BILL FORWOOD (Templestowe) — The issue I wish to raise with the Minister for Aged Care, who is at the table, is for the Minister for Local Government. During question time today the minister responded to Ms Hadden's question and asserted that she undertakes investigations into matters that are brought to her attention. On 23 August I wrote a letter to Mr John Watson, the director of governance and legislation at Local Government Victoria. The letter reads:

I refer to section 76B of the Local Government Act, which requires that a person performing the role of a councillor must act both honestly and with reasonable care and diligence.

I refer to page 1 of the *Heidelberg Leader* of 16 August 2005 where a spokesman for Ms Broad said that any complaints needed to be put forward to Local Government Victoria.

After I read the newspaper I wrote this letter detailing some major concerns I have about some of the actions of the councillors of Banyule City Council. I set out my problems with what had happened. I said that my belief was that an arrangement had been concocted over the

mayoral election and that given previous council resolutions no capacity existed for the mayor to gift the car to the deputy mayor. I wrote therefore seeking a formal inquiry by the office of local government to ascertain whether any breach of section 76B had occurred and, if so, by whom. That was on 23 August. On 3 October I wrote to Prue Digby, the executive director of the local government division:

I enclose for your information a copy of my letter sent to Mr John Watson, director governance and legislation, on 23 August 2005.

I have never received a formal acknowledgment from Mr Watson regarding the receipt of my letter or the expected time line for investigation of its contents. My office has received verbal confirmation that the letter was received ... early in September.

Given it has been over one month since this letter was sent and local government elections are to be held shortly, I would appreciate your views on when a response to my letter of 23 August will be ready.

The minister made much today of her investigation of matters. I put a specific matter to her department on 23 August. I followed it up with a letter on 3 October. I would like a response to this issue of importance, and I invite the minister to put into action the words that she expressed in question time today.

WorkCover: young workers

Hon. KAYE DARVENIZA (Melbourne West) — I wish to raise a matter for the attention of the Minister for WorkCover and the TAC, Mr Lenders. The matter I wish to raise concerns the important issue of workplace safety for young Victorian workers. Too many young workers in Victoria are being injured and killed at work, often when they are in their first job. Over the past four years, 16 young people aged between the ages of 15 and 24 died whilst at work. Last year 782 young workers made a workplace injury claim due to the seriousness of their injury.

Recent figures show that young people who work in the construction and community service sectors are more likely to be injured at work than those who work in other areas. WorkCover claims made by young workers increased from 329 in 1998 to 417 in 2004. Similarly, in the community services sector WorkCover claims increased from 550 in 1998 to 671 in 2004. These increases are significant and show a very worrying trend. Young Victorians need to be able to participate in the work force with confidence, understanding the particular hazards that exist in the industry and the most appropriate way of their dealing with those work hazards. Workplace safety is a shared responsibility

where employees are required to work with their young employees to eliminate hazards in the workplace.

My specific request of the minister is: will the minister provide me with details of what action he or his department is taking to ensure, firstly, that employers provide young workers with the proper induction and training when they start a job, secondly, that employers provide the necessary level of supervision for young employees — young workers do require a higher level of supervision than more experienced workers — to reduce the likelihood of workplace injuries, and thirdly, that employers provide an environment in which workers at all levels within the workplace are encouraged to raise issues of concern regarding workplace hazards?

Health: practitioner registration

Hon. D. McL. DAVIS (East Yarra) — My adjournment matter is for the attention of the Minister for Health in the other place and concerns the government's plans for health practitioner registration changes. The house may be aware that there are 12 registered health professions in Victoria, and almost three years ago the government embarked on a review of health practitioner registration. The timetable for that is almost 18 months late, and it has gone very slowly indeed.

The government came up with and discussed a number of suggestions and models, and eventually one of the proposed models, a super-board, was leaked to me from within the department. We put out a news release. It was interesting to see that when the professions also put out a news release on that day last year, within 2 hours the government had indicated that that model would not be followed. We were pleased to see that the government had pulled back from its plan to introduce another layer of bureaucrats and regulation for health professions. However, the process is moving forward. I understand that within the next week or so there will be something going to cabinet.

What I am concerned about and seek the minister's assistance on — I will come more specifically to what I would like the minister to do — is that the government should come clean and put out an exposure draft of the registration board changes. I understand that these changes will involve an overarching health practitioner registration bill to repeal the 12 acts. I understand it will involve changes to the complaints procedures, changes to the composition of the boards and perhaps changes to the protection of various aspects of the professional practice and activities of a number of those health practitioners.

I also want to sound a note of caution as I go forward with this request to the minister. We have an effective system that is not perfect, and I concede there is a need for improvement. However, other states have less stringent systems of registration. One only need think of the problems that have occurred in Queensland to be very cautious about tampering with the proposals and mechanisms for registering and controlling health professionals. I seek that the minister immediately put out an exposure draft of this bill so that the professions and the community can comment and we can achieve a better bill that will not add unnecessary and costly layers of regulation and control.

The PRESIDENT — Order! I have a problem with the matter raised by the honourable member. Rule 4.04 relating to speeches in the daily adjournment debate states:

In speaking to the motion for adjournment a member may not —

...

(c) request the introduction of legislation.

That is what the member has done in his comments about exposure drafts and overarching legislation. That is against the rules of the house, and I rule the adjournment matter out of order.

Hon. D. McL. Davis — On a point of order, President, I did not request legislation. It would seem it would be very difficult to ask for the public exposure of material in the future. President, you indicated in this case that I was asking for the legislation itself. I am not interested in the final legislation. I am interested in an exposure draft, which would not be the legislation that would come to this chamber. I make the point that the introduction of legislation in the future would count out requesting a public comment on that sort of exposure material.

The PRESIDENT — Order! The Honourable David Davis has provided clarification. He has made it clear he was looking for an exposure draft to be put in the public domain rather than the introduction of legislation. I consider there is sufficient difference between the two for the matter not to be in breach of rule 4.04. I therefore rule that the adjournment matter is in order.

Police: Hastings

Hon. R. H. BOWDEN (South Eastern) — I seek the assistance of the Minister for Police and Emergency Services in the other place regarding local and current community concerns about the police service at the Hastings police station. I firstly compliment and

express satisfaction with and appreciation of the good service record and excellent professional services provided by the officers at Hastings. I also record my appreciation of and compliment the senior police officers at the Frankston divisional office. Nothing I am about to say should be interpreted as a criticism. To the contrary, I believe the performance and work of both the Frankston senior officers and the individual officers at Hastings is good and well regarded.

I would like the minister to be aware of recent articles in the *Hastings Leader* of 10 and 17 October which detail specific concerns relating to low numbers of available officers at the Hastings station due to several legitimate reasons such as stress leave and other responsibilities. On one occasion staff numbers were so low that the police station was not functioning. That is unacceptable to the community given the growth in population, the large geographic area that the Hastings police station has to contend with and the complexity and variety of tasks that are required to be serviced.

I communicate to the minister and police command that the community itself is uneasy about the legitimate complaints being made and the low numbers of police officers who are available to provide the essential services that are needed. I want to express clearly that while we are pleased and satisfied with the work of the individual officers, we are concerned that there are not enough officers available to do that work. My request of the minister is that he urgently provide specific funds to correct the situation at the Hastings police station and work with police command to get more officers for Hastings.

Primary Industries: weed control officers

Hon. PHILIP DAVIS (Gippsland) — I raise a matter for the attention of the Minister for Agriculture in the other place. It concerns the South Gippsland Landcare Network in particular, which represents over 1000 land-holder members. They are extremely concerned about advice from the Department of Primary Industries that the catchment management officers who are responsible for dealing with pest plants and animals working in the South Gippsland region will be reduced from the current level of four catchment management officers to a combination of positions equalling just one full-time equivalent for the available private land-holder contact hours.

The results of such a move will be detrimental not just for agriculture but to the whole ambience of the community. The South Gippsland Landcare Network, the South Gippsland Shire Council, the Department of Primary Industries and other organisations are currently

working cooperatively through a number of programs to control and eradicate pest plants and pest animals in South Gippsland. The programs that have been in place in partnership to tackle pest plants and animals have been developed in a unified and integrated manner both on private and public land.

The local community organisations, including the shire and the Landcare network, have made long-term commitments to these programs, and it is as well that they have, because weed control as a land management issue requires a vigilant, persistent approach over a long period of time. Unfortunately any relinquishing of that effort will jeopardise those control measures and that eradication and control will become more expensive.

Without meaningful assistance from the Department of Primary Industries and the Victorian government the success of all these programs will be jeopardised. The DPI is the only organisation with the compliance authority to provide the legal clout for these joint efforts. Councils and Landcare members cannot meet the expectations outlined in the West Gippsland regional catchment strategy of 2004 without significant personal assistance from officers of the department responsible for enforcing the Catchment and Land Protection Act 1994, which is the Department of Primary Industries.

Therefore I ask that the minister take action to ensure that the programs jointly managed through the cooperative efforts of the South Gippsland Landcare Network, the DPI and the Shire of South Gippsland are not prejudiced by the reduction in effort from the department and that the minister reinstate the allocation of man hours in the form of staff positions to ensure these programs can effectively continue.

Paterson's curse: control

Hon. W. R. BAXTER (North Eastern) — I desire to raise a matter for the attention of the Minister for Transport in another place. The Minister for Transport will, I am certain, be aware that under the Catchment and Land Protection Act VicRoads is responsible for the control of declared noxious weeds on state highways. I am sure he is also aware that Paterson's curse is one of the most notorious weeds in north-eastern Victoria. I am not about to ask the minister to take urgent steps to control Paterson's curse on the Hume Freeway north of Wangaratta, where it is much in evidence, because there is so much of it there and it infests much of the adjoining property, but I do want to draw his attention to sporadic outbreaks of Paterson's curse on the Hume Freeway south of the Broadford off-ramp and the Arkells Lane overpass,

where there are a very small number of infestations. They are very easy to see at the moment because of their vivid purple flowers.

There is no Paterson's curse in the adjoining private farmland, and it would be a great pity if failure to control these small infestations on that section of the Hume Freeway were to lead to the adjoining farmland, which is currently free of this menace, being infested. Paterson's curse is a prolific seeder, and if it is allowed to seed this season that farmland will doubtless be infested in the next year or two.

Therefore I say to the minister that all it needs is two men in one utility for half a day and they will soon cut this weed from that section of the freeway. It is a stitch in time saving nine. I call on the minister to make sure that VicRoads abides by its responsibility under the Catchment and Land Protection Act and gets to it before that weed forms seed within the next three weeks or so.

Local government: campaign donations

Hon. J. A. VOGELS (Western) — I raise an issue for the Minister for Local Government, Ms Broad, concerning local council elections. We know that 56 councils across Victoria will be going to the polls on the last Saturday in November. This is all good for democracy, and let us hope there will be many candidates.

The concerns that have been brought to my attention are about the flagrant abuse of section 55 of the Local Government Act regarding the printing and publication of electoral advertisements, handbills, pamphlets or notices. When the Local Government Act was updated a new division 9 dealing with election campaign donations was inserted. It says:

Division 9 — Election Campaign Donations

62. Return by candidate

- (1) Within 60 days after election day, a person who was a candidate in the election must give an election campaign donation return to the Chief Executive Officer.
- (2) An election campaign donation return must —
 - (a) be in prescribed form; and
 - (b) contain the prescribed details in respect of any gifts received during the donation period, by the candidate or on behalf of the candidate, to be used for or in connection with the election campaign —

- (i) the amount or value of which is equal to or exceeds \$200; or
- (ii) being goods or services the amount or value of which is equal to or exceeds \$200.

Many candidates who are running for election in late November this year have informed me that much printing is presently being carried out for ALP candidates in Labor MPs' electorate offices. Does that need to be declared, and is it legal in the first place? For democracy to work we must have a level playing field. The minister is responsible for ensuring that council elections are carried out as prescribed in the Local Government Act.

The action I seek is for the minister to advise what action she will take against candidates who have ignored the Local Government Act? Will elected councillors found guilty of breaching the act face suspension and dismissal or will they just receive a rap over the knuckles?

Knox Basketball Association: stadium

Hon. B. N. ATKINSON (Koonung) — I wish to raise a matter with the Minister for Sport and Recreation concerning basketball in the Knox area. I note with some pleasure that Mark Cowan has led a consortium that has actually picked up the second National Basketball League licence in Victoria which has not been used since the demise of the Giants. I think that certainly spells good news for basketball in Victoria. Certainly outside the National Basketball League, Victoria has a very vigorous and extensive range of suburban-based basketball competitions, and one of those very successful competitions is based at Knox. Knox has some difficulties, though, in coping with the numbers of children and adults who are participating in basketball competitions at the existing facilities in Boronia. There is difficulty in arranging for training programs and so forth for some of the representative sides that are also supported by the Knox Basketball Association.

The association has therefore proposed that it would like to establish a home for basketball in the eastern suburbs, that it would like to establish a stadium of its own in addition to the facilities that are provided through the Knox City Council. The association has asked if there might well be some government funding towards that project. But in the first instance it has suggested as an alternative to a government cash grant that the government might well identify land that is surplus to the requirements for the Scoresby freeway that could be used for the development of a basketball centre to the advantage of the community. It points out

that the organisation itself could well go on to raise significant levels of funding for a stadium — and no doubt it would enjoy some ongoing support from the Knox City Council, I would expect — but the cost of a land package, and perhaps even more importantly the availability of land in the area, for a suitable complex is a significant hurdle for the association. The association asks the government to look at that opportunity.

I have addressed this matter to the Minister for Sport and Recreation and I ask him to follow it up in that it is a sports association that is making this request, but I recognise obviously that he would need to liaise with other government ministers in a bid to identify if there is some suitable land available that is excess to the requirements of the EastLink project and whether or not the government, perhaps through the Department for Victorian Communities, could enter into some form of agreement that would enable the Knox Basketball Association to realise its dream of establishing new facilities in the Knox area.

Disability services: after-school care

Hon. D. K. DRUM (North Western) — My adjournment matter is directed to the Minister for Education Services in the other place, and it builds on a recent adjournment matter I raised with the minister about whose responsibility it is to provide transportation to after-school care for children with disabilities. There is a whole group of parents in Bendigo that are forced to get away from work to pick up their children when school finishes at the special development school and take them to various primary schools around Bendigo for a couple of hours while they return to work and then come back again after work and finally pick them up. In her response to my query the minister said it is simply not the department's responsibility, that its responsibility is to transport students from home to school and from school back to home. That is fine for able-bodied students and for parents who have children attending mainstream schools. They certainly do not have to worry about this problem because their children are able to get themselves to an after-school care centre on their own, look after themselves when they go home on the bus, or the mainstream school that they attend probably already has an after-school care program. This is not the case for special development schools.

It is not enough for the minister to respond to this matter by saying, as she did in her letter to me, that she will request that the Loddon Campaspe-Mallee regional office look after and assist the Bendigo Special Developmental School parents in consideration of their transport options. But this is a statewide problem. We

do not need local problems being solved with local pressure on the Loddon-Campaspe Mallee regional office. We need statewide changes to the policy, and I urge the minister to change the current policy, which does not allow for students that have been bussed in from home to a special development school to then be driven from that school to appropriate after-school care, so that they can spend the next couple of hours in proper care before being picked up by their parents.

It is not good enough for the minister to say it is not the department's responsibility. Whilst we all understand and appreciate that the bus program for transporting students to and from school is a very complex issue, this is certainly one area where the government needs to change its philosophical view that it is not its responsibility. It is discrimination against families that have children with disabilities, and we need to make sure the department provides transport to all Victorians that need transport assistance for their children, whether it be from home to school, from home to before-school care, from school back home, or from school to after-school care. It needs to stop discriminating against these families. Many of them are single-parent families, and they are trying to provide for themselves. They specifically need assistance in this area. They do not need things to be made harder than they already are.

Responses

Mr GAVIN JENNINGS (Minister for Aged Care) — In the ripping yarns that are available to me to respond to, I give an undertaking to refer all the items to the appropriate ministers.

Mr Brideson raised a matter for the Minister for Transport, seeking a further opportunity for the member for Mount Waverley in another place, Maxine Morand, to receive support from her local community for the incremental delivery of noise barriers along the Eastern Freeway, and in this case in particular on the eastern side of Stephenson's Road.

Mr Nguyen raised a matter for the attention of the Minister for Victorian Communities, seeking his support for a community centre attached to the Buddhist temple in Braybrook to enable the Buddhist community of the western suburbs to fully participate in community activities that could be available to them.

Mr Forwood raised a matter for the attention of the Minister for Local Government, seeking her scrutiny and asking her to ensure there is a response from her department to matters that he raised relating to governance arrangements at the City of Banyule, and he drew particular attention to correspondence that he

provided to the department on 23 August and 3 October relating to those matters.

Ms Darveniza raised a matter for the attention of the Minister for WorkCover and the TAC, seeking his provision of information and support to younger workers to ensure that they are empowered and become more aware and supported in terms of occupational health and safety matters within the workplace, and to provide guidance and additional direction and support to employers to enable that to take place in workplaces throughout Victoria.

The Honourable David Davis raised a matter for the Minister for Health, where he veered through the minefield of asking for legislation to make it very crystal clear — —

Hon. D. McL. Davis interjected.

Mr GAVIN JENNINGS — Exactly. He made it very clear to the people of Victoria that he is not the slightest bit interested in a final piece of legislation, but he calls for that legislation to be pre-empted with an exposure draft to enable some degree of public scrutiny on the matter.

Mr Bowden raised a matter for the attention of the Minister for Police and Emergency Services, and he successfully steered a course between the separation of powers by asking the minister to liaise with and relate to police command to ensure additional resources go into the Hastings police station, and he took the opportunity to maximise his support for the good work undertaken by the police force in Hastings and Frankston.

Mr Philip Davis raised a matter for the attention of the Minister for Agriculture, seeking his support for the level of resources and staff allocations provided by the Department of Primary Industries to maintain the degree of support for the South Gippsland Landcare Network and its work in relation to the prevention of pest plants and animals regime in cooperation with the South Gippsland shire.

Mr Baxter raised a very specific and pointed intervention requiring two blokes in a ute to deal with — —

Hon. W. R. Baxter — And one shovel.

Mr GAVIN JENNINGS — And one shovel, to deal with sporadic instances of Paterson's curse — not the blanket curse that we are actually bedevilled with along other parts of the Hume Freeway, but specific sporadic outbursts south of Broadford; and he even

suggested a specific remedy that the Minister for Transport should enact immediately to address that matter.

Mr Vogels raised a matter for the attention of the Minister for Local Government seeking her review of activities. She might be busy going and checking all the workplaces of MPs across the state to see that they are not providing inappropriate support to candidates in accordance with section 62 in division 9 of the Local Government Act.

Mr Atkinson raised a matter for the attention of the Minister for Sport and Recreation, and I think there is a very good chance it is a matter he might have raised before.

Hon. B. N. Atkinson — Never.

Mr GAVIN JENNINGS — I think you might have. I think there is a very good chance you might have.

Hon. B. N. Atkinson — I know I have not.

Mr GAVIN JENNINGS — I think you have, but you have been more specific in this instance because you have suggested a specific remedy for the government to respond to the dreams of the Knox Basketball Association. Mr Atkinson provided a recommendation for the Minister for Sport and Recreation to respond to the availability of land and appropriate government support to enable that dream to take place.

Mr Drum raised a matter, again consistent with his concern for the wellbeing of children in our community who have disabilities and their experience in schools, for the attention of the Minister for Education Services asking her to respond in a policy way and a programmatic sense to the need of those children to receive after-school care.

Motion agreed to.

House adjourned 5.19 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.

Wednesday, 19 October 2005

Corrections: prisoner escapes

1395. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Corrections): With reference to prisoner escapes from each of HM Prison Ararat, HM Prison Barwon, HM Prison Beechworth, HM Prison Bendigo, HM Prison Dhurringile, HM Prison Langi Kal Kal, HM Prison Loddon, HM Melbourne Assessment Prison, HM Prison Tarrengower, HM Prison Won Wron, Fulham Correctional Centre and Port Phillip Prison between 1 January 2000 to 30 June 2000:

- (a) How many escapes occurred over this period.
- (b) What were the breaches in security.
- (c) Which prisons were involved.
- (d) How has security been improved to prevent further escapes in relation to each of the prisons outlined in (b) above.

ANSWER:

I am advised that:

- (b) There were no escapes from medium or maximum security prisons. The only incidents were “walk offs” where a minimum security prisoner breached supervision requirements. Minimum security prisoners are those assessed as able to be placed in open conditions with limited supervision.
- (d) In relation to security improvement, there were no escapes involving a breach of physical security at any medium or maximum security prisons. Enhancement of assessment techniques and policy requirements in relation to eligibility for minimum security placements have reduced the incidence of “walk offs” over the last two years.

Corrections: prisoner escapes

1396. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Corrections): With reference to prisoner escapes from each of HM Prison Ararat, HM Prison Barwon, HM Prison Beechworth, HM Prison Bendigo, HM Prison Dhurringile, HM Prison Langi Kal Kal, HM Prison Loddon, HM Melbourne Assessment Prison, HM Prison Tarrengower, HM Prison Won Wron, Fulham Correctional Centre and Port Phillip Prison between 1 July 2000 to 30 December 2000:

- (a) How many escapes occurred over this period.
- (b) What were the breaches in security.
- (c) Which prisons were involved.

- (d) How has security been improved to prevent further escapes in relation to each of the prisons outlined in (b) above.

ANSWER:

I am advised:

- (b) There were no escapes from medium or maximum security prisons. The only incidents were “walk offs” where a minimum security prisoner breached supervision requirements. Minimum security prisoners are those assessed as suitable to be placed in open conditions with limited supervision.
- (d) In relation to security improvement, there were no escapes involving a breach of physical security at any medium or maximum security prisons. Enhancement of assessment techniques and policy requirements in relation to eligibility for minimum security placements have reduced the incidence of “walk offs” over the last two years.

Corrections: prisoner escapes

1397. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Corrections): With reference to prisoner escapes from each of HM Prison Ararat, HM Prison Barwon, HM Prison Beechworth, HM Prison Bendigo, HM Prison Dhurringile, HM Prison Langi Kal Kal, HM Prison Loddon, HM Melbourne Assessment Prison, HM Prison Tarrengower, HM Prison Won Wron, Fulham Correctional Centre and Port Phillip Prison between 1 January 2001 to 30 June 2001:

- (a) How many escapes occurred over this period.
- (b) What were the breaches in security.
- (c) Which prisons were involved.
- (d) How has security been improved to prevent further escapes in relation to each of the prisons outlined in (b) above.

ANSWER:

I am advised that:

- (b) An escape from Ararat occurred where two prisoners violated the security of the industry factory window located within the prison. They then used certain equipment to scale the two fences along the back of the prison. They were recaptured the same day in Ararat.

With the exception of Ararat, the only other incidents were “walk offs” from minimum security prisons where a minimum security prisoner breached supervision requirements. Minimum security prisoners are those assessed as suitable to be placed in open conditions with limited supervision.

- (d) In relation to the escape from Ararat, a major security investigation review was undertaken which saw the tightening of supervision in the industries area and improved tool and equipment control procedures. Revised staffing complements ensured additional staff be on duty as appropriate. The physical security of doors and windows at the rear of the industries area was reviewed with security around potential egress points tightened. Further, there were increased restrictions placed on the level of prisoner movements in the industry area.

Corrections: prisoner escapes

1398. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Corrections): With reference to prisoner escapes from each of HM Prison Ararat, HM Prison Barwon, HM Prison Beechworth, HM Prison Bendigo, HM Prison Dhurringile, HM Prison Langi Kal

Kal, HM Prison Loddon, HM Melbourne Assessment Prison, HM Prison Tarrengower, HM Prison Won Wron, Fulham Correctional Centre and Port Phillip Prison between 1 July 2001 to 30 December 2001:

- (a) How many escapes occurred over this period.
- (b) What were the breaches in security.
- (c) Which prisons were involved.
- (d) How has security been improved to prevent further escapes in relation to each of the prisons outlined in (b) above.

ANSWER:

I am advised that:

- (b) There were no escapes from medium or maximum security prisons. The only incidents were “walk offs” where a minimum security prisoner breached supervision requirements. Minimum security prisoners are those assessed as suitable to be placed in open conditions with limited supervision.
- (d) In relation to security improvement, there were no escapes involving a breach of physical security at any medium or maximum security prisons. Enhancement of assessment techniques and policy requirements in relation to eligibility for minimum security placements have reduced the incidence of “walk offs” over the last two years.

Corrections: prisoner escapes

1401. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Corrections): With reference to prisoner escapes from each of HM Prison Ararat, HM Prison Barwon, HM Prison Beechworth, HM Prison Bendigo, HM Prison Dhurringile, HM Prison Langi Kal Kal, HM Prison Loddon, HM Melbourne Assessment Prison, HM Prison Tarrengower, HM Prison Won Wron, Fulham Correctional Centre and Port Phillip Prison between 1 January 2003 to 30 June 2003:

- (a) How many escapes occurred over this period.
- (b) What were the breaches in security.
- (c) Which prisons were involved.
- (d) How has security been improved to prevent further escapes in relation to each of the prisons outlined in (b) above.

ANSWER:

I am advised that:

- (b) There were no escapes from medium or maximum security prisons. The only incidents were “walk offs” where a minimum security prisoner breached supervision requirements. Minimum security prisoners are those assessed as suitable to be placed in open conditions with limited supervision.
- (d) In relation to security improvement, there were no escapes involving a breach of physical security at any medium or maximum security prisons. Enhancement of assessment techniques and policy requirements in relation to eligibility for minimum security placements have reduced the incidence of “walk offs” over the last two years.

Police and emergency services: Office of the Emergency Services Commissioner — advertising

2126. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Office of the Emergency Services Commissioner’s advertising undertaken between 1 July 2002 and 30 June 2003:

- (a) What was the — (i) date of approval of each contract; (ii) cost of each contract; (iii) purpose of the advertisements; and (iv) duration of each advertisement.
- (b) Where and when was each advertisement published or broadcast.
- (c) To whom was each contract awarded.

ANSWER:

There was no advertising in this time period.

Police and emergency services: Victoria State Emergency Service — advertising

2127. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Victoria State Emergency Service’s advertising undertaken between 1 July 2002 and 30 June 2003:

- (a) What was the — (i) date of approval of each contract; (ii) cost of each contract; (iii) purpose of the advertisements; and (iv) duration of each advertisement.
- (b) Where and when was each advertisement published or broadcast.
- (c) To whom was each contract awarded.

ANSWER:

I am advised that:

No advertising was undertaken by the Victoria State Emergency Service between 1 July 2002 and 30 June 2003.

Police and emergency services: Country Fire Authority — advertising

2158. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Country Fire Authority’s advertising undertaken between 1 July 2002 and 30 June 2003:

- (a) What was the — (i) date of approval of each contract; (ii) cost of each contract; (iii) purpose of the advertisements; and (iv) duration of each advertisement.
- (b) Where and when was each advertisement published or broadcast.
- (c) To whom was each contract awarded.

ANSWER:

I am advised that:

(a)

- (i) No contracts for advertising were undertaken by the Country Fire Authority during this period. Of the five campaigns detailed below, there was either no cost to the Country Fire Authority or the cost was less than \$500.

- (ii) Not applicable.
- (iii)
 1. Winter fire safety campaign, in conjunction with the Metropolitan Fire and Emergency Services Board and Duracell.
 2. Summer fire safety campaign in conjunction with the Metropolitan Fire and Emergency Services Board and the Department of Sustainability and Environment.
 3. Country Fire Authority 'Thank You' advertisement, for those who participated in the North East and Gippsland fires of 2003.
 4. Statutory notices for fire danger periods – the declaration and termination of fire restrictions (municipal boundaries).
 5. Community education programs throughout Victoria e.g. Bushfire Blitz
- (iv)
 1. 1 July 2002 – 12 August 2002, 16 June 2003 – 30 June 2003.
 2. 4 November 2002 – 3 March 2003.
 3. 20 January 2003 – 31 March 2003.
 4. Commencement of fire season (usually from October) until end of fire season (usually April).
 5. Pre-fire season from October.
- (b)
 1. Radio/TV/Press, Metropolitan and Regional;
 2. Radio/TV/Press, Metropolitan and Regional;
 3. Radio/TV/Press, Metropolitan and Regional;
 4. Print media, Regional, Suburban and Rural;
 5. Print media, Rural and Regional.
- (c) Not applicable.

Police and emergency services: Victoria Police — advertising

2165. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to Victoria Police's advertising undertaken between 1 July 2002 and 30 June 2003:

- (a) What was the — (i) date of approval of each contract; (ii) cost of each contract; (iii) purpose of the advertisements; and (iv) duration of each advertisement.
- (b) Where and when was each advertisement published or broadcast.
- (c) To whom was each contract awarded.

ANSWER:

I am advised that:

In relation to Victoria Police's (recruit) advertising undertaken between 1 July 2002 and 30 June 2003:

- (a)
 - (i) On 08/12/2000 contract approval (number 34) was given for Victoria Police recruitment campaigns.
 - (ii) The cost of the contract was \$2.85 million over four years.
 - (iii) The overall purpose of the advertising was recruitment. Commencing on 04/05/2003 a specific strategy was launched targeting women between the ages of 25-39 years.
 - (iv) This strategy utilised 224 X 30 second advertisements on metropolitan and country television.
- (b) Selection programming was secured across the Seven, Nine, Ten and SBS networks as follows:
 - Week commencing 04/05/03 - 82 X 30 second advertisements;
 - Week commencing 11/05/03 - 69 X 30 second advertisements;
 - Week commencing 18/05/03 – 73 X 30 second advertisements;
 - This specific campaign ran from 04/05/03 to 23/05/03.

- (c) The contract was awarded to Magnum Opus and Leeds agencies. Victoria Police engaged Opti Media who were the whole of government provider for all television buying.

Police and emergency services: Office of the Emergency Services Commissioner — media research and public opinion polling

2359. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Office of the Emergency Services Commissioner’s media research and public opinion polling conducted since 1 January 2002:

- (a) What is the title of each poll or item of research.
- (b) What is the date of approval and duration of the contract.
- (c) What is the cost.
- (d) Who are the personnel conducting the project.
- (e) Was it put to tender.
- (f) What recommendations were made.
- (g) Were any actions taken by the Department or Minister.

ANSWER:

I am advised that:

Nil response— no media research or public opinion polling was conducted from 1 January 2002 to the date of this question.

Police and emergency services: Victoria State Emergency Service — media research and public opinion polling

2360. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Victoria State Emergency Service’s media research and public opinion polling conducted since 1 January 2002:

- (a) What is the title of each poll or item of research.
- (b) What is the date of approval and duration of the contract.
- (c) What is the cost.
- (d) Who are the personnel conducting the project.
- (e) Was it put to tender.
- (f) What recommendations were made.
- (g) Were any actions taken by the Department or Minister.

ANSWER:

I am advised that the Victoria State Emergency Service (VICSES) has conducted media research and public polling since 1 January 2002 as follows:

- (a) General Community Awareness Research.
VICSES Customer Satisfaction (householders affected by the major storms in September 2002 and flash flooding of December 2003).
- (b) General Community Awareness was conducted in November 2002 - research took three weeks to complete. Two satisfaction surveys were conducted in November 2002 and in December 03 / January 04 (result of extreme event). Both sets of research took three weeks to complete.
- (c) General Community - \$15,000 (Office of the Emergency Services Commissioner (OESC) funded 60%, VICSES 40%).
Two Satisfaction surveys - \$15,000 each (OESC funded 60%, VICSES 40%).
- (d) Sweeney Research - an external market research company conducted the research on behalf of VICSES. The Manager, Strategic Planning & Business Excellence from VICSES co-ordinates the research.
- (e) No, due to cost of the research - quotes were gained from three market research companies.
- (f) Better communication.
Respond to the emergency quicker.
More phone lines.
Advertise telephone number.
Market VICSES - need for higher profile so the VICSES can gain greater community support.
- (g) Implementation of Single Statewide Emergency Number in 2004/05.

Police and emergency services: Bureau of Emergency Services Telecommunications — media research and public opinion polling

2361. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Bureau of Emergency Services Telecommunications' media research and public opinion polling conducted since 1 January 2002:

- (a) What is the title of each poll or item of research.
- (b) What is the date of approval and duration of the contract.
- (c) What is the cost.
- (d) Who are the personnel conducting the project.
- (e) Was it put to tender.
- (f) What recommendations were made.
- (g) Were any actions taken by the Department or Minister.

ANSWER:

I am advised that the Bureau of Emergency Services Telecommunications has conducted no media research and public polling since 01 January 2002.

Police and emergency services: Metropolitan Fire and Emergency Services Board — media research and public opinion polling

2395. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Metropolitan Fire and Emergency Services Board's media research and public opinion polling conducted since 1 January 2002:

- (a) What is the title of each poll or item of research.
- (b) What is the date of approval and duration of the contract.
- (c) What is the cost.
- (d) Who are the personnel conducting the project.
- (e) Was it put to tender.
- (f) What recommendations were made.
- (g) Were any actions taken by the Department or Minister.

ANSWER:

I am advised that:

- (a) There was one relevant item over the specified time period but this poll did not have a title as it was a small section of the annual Crime Prevention Victoria (CPV) Survey conducted through the Department of Justice.
- (b) The contract approval date was 13 April 2004 and the contract was completed in June 2004.
- (c) The Metropolitan Fire and Emergency Services Board (MFESB) contribution was \$5000.
- (d) The Social Research Centre.
- (e) Yes.
- (f) No recommendations are made as part of this survey. It is conducted to gauge public knowledge of fire safety issues and public behaviour regarding fire safety. The questions included:
 - “Do you have an operational smoke alarm or smoke detector, that is, one that is installed and in working order?” and
 - “Are you able to tell me of any other fire safety measures that households can take?” and
 - “Have you had a fire in your home in the last twelve months?” and
 - “Was the fire attended by the Metropolitan Fire Brigade?”
- (g) No action is required from Government. The data gathered was used to inform the MFESB’s community education programs.

The MFESB did not conduct any media research during this period other than to receive regular notification of fire and MFESB-related articles in the media.

Police and emergency services: Private Agents Registry — media research and public opinion polling

2397. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Private Agents Registry’s media research and public opinion polling conducted since 1 January 2002:

- (a) What is the title of each poll or item of research.
- (b) What is the date of approval and duration of the contract.
- (c) What is the cost.
- (d) Who are the personnel conducting the project.
- (e) Was it put to tender.

- (f) What recommendations were made.
- (g) Were any actions taken by the Department or Minister.

ANSWER:

I am advised that:

The Private Agents Registry has not undertaken any media research or public opinion polling since 1 January 2002.

Police and emergency services: Victoria Police — media research and public opinion polling

2398. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to Victoria Police's media research and public opinion polling conducted since 1 January 2002:

- (a) What is the title of each poll or item of research.
- (b) What is the date of approval and duration of the contract.
- (c) What is the cost.
- (d) Who are the personnel conducting the project.
- (e) Was it put to tender.
- (f) What recommendations were made.
- (g) Were any actions taken by the Department or Minister.

ANSWER:

I am advised that:

This is one of a larger number of questions asked of Justice portfolio Ministers, a number of which would require significant resources to research and obtain.

To answer the question would be an unreasonable diversion of my Department's resources. The question does not seek to obtain information for any genuine reasons, but merely forms part of a campaign to waste public resources and time.

Police and emergency services: Office of the Emergency Services Commissioner — capital works funding

2589. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Office of the Emergency Services Commissioner's allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

I am advised that: in 2002/2003 the refurbishment of the 52 Collins Street office was undertaken. It cost \$370,000. This work was completed in that financial year.

Police and emergency services: Victoria State Emergency Service — capital works funding

2590. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Victoria State Emergency Service’s allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

I am advised that the Victoria State Emergency Service conducted major capital works for the 2002-03 year as follows:

Replacement Radios, Radio repeaters:	\$124,000
Purchase of training aids (data projectors, laptops):	\$49,000
Purchase of emergency Equipment (generators, trailer, quickcut saws etc):	\$92,000
There was also a special capital budget provided for the replacement of Stratford SES Unit equipment, which was destroyed in a fire:	\$52,000

For FY 2002-03 the general purpose truck capital program had an allocation of \$975,000 which was expended in full. This is part of a 4-year program due for completion in FY 2004-05. At 30/06/ 2003, 23 GPTs were operational across the state with another 17 trucks and equipment pods in production: \$975,000

Police and emergency services: Bureau of Emergency Services Telecommunications — capital works funding

2591. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Bureau of Emergency Services Telecommunications’ allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

I am advised that the Bureau of Emergency Services Telecommunications conducted no major capital works for the 2002-03 year.

Corrections: Office of the Correctional Services Commissioner — capital works funding

2592. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Corrections): In relation to the Office of the Correctional Services Commissioner’s allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

I am advised that:

There were no allocations made to the Office of the Correctional Services Commissioner for the period 2002-03. Activity continued during this period on major capital works involving new or existing prisons that were approved in the period 2001-02.

Corrections: CORE — The Public Correctional Enterprise — capital works funding

2593. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Corrections): In relation to CORE–The Public Correctional Enterprise’s allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

I am advised that:

There were no major projects approved by CORE during this period. Activity continued during this period on major capital works involving new or existing prisons that were approved in the period 2001-02.

Police and emergency services: Victorian Community Council Against Violence — capital works funding

2594. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Victorian Community Council Against Violence’s allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

I am advised that:

There was no allocation of funds for major capital works for the Victorian Community Council Against Violence in 2002-03.

Police and emergency services: Adult Parole Board — capital works funding

2620. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Adult Parole Board’s allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

The Adult Parole Board falls under the responsibility of the Minister for Corrections and not the Minister for Police and Emergency Services.

I am advised that:

There were no major projects undertaken by the Adult Parole Board during this period.

Police and emergency services: Country Fire Authority — capital works funding

2621. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Country Fire Authority’s allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

I am advised that:

2002/03 Land and Buildings program

Major Project	Comment
Diamond Creek fire station	Contribution to Multi Emergency Services Agency Collocation project. Completed 2004
Drouin fire station	Completed March 2005
Caroline Springs fire station Modifications	Completed June 2004
Modification to eight (8) x A1 Stations for career firefighters	6 station modifications completed and career firefighters deployed. Mildura – to go to tender in April 2005 Eltham – Stage 1 completed. Stages 2 & 3 commence April 2005.
Modifications to Craigieburn fire station	Project under way
Modifications to Sunbury fire station	Project under way
Completion of Strategic Resource Initiatives projects (various)	\$3m program completed including: Yea, Ferntree Gully and Cobden fire stations.
Doveton / Hallam fire station	Project to be commenced 2002/03 and completed 2003/04. Project completed June 2004
Modifications to Cranbourne fire station	Project completed June 2004. Day career staff deployed.
Preliminary Planning for 5 new stations:	– Study completed – currently considering new land options
– Geelong City fire station	– Preliminary Planning and new fire station completed
– Nhill fire station	– Preliminary Planning and new fire station completed
– St Arnaud fire station	– Preliminary Planning and new fire station completed
– Sth Wangaratta fire station	– Preliminary Planning and new fire station completed
– Rokewood fire station	– Preliminary Planning and new fire station completed

Rural Fire Station Enhancement Program

Minor Project	Comment
Lardner fire station	Completed
Katunga fire station	Completed
Bruthen fire station	Completed
Pomborneit fire station	Completed
Gormandale fire station	Completed
Torrumbarry fire station	Completed
Pastoria fire station	Completed
Spring Creek fire station	Completed

Tintalra fire station	Completed
Maude fire station	Completed
Broadwater fire station	Completed
Pigeon Ponds fire station	Completed
Vasey fire station	Completed
Hazelwood North fire station	Completed
Wemen fire station	Completed

2002/03 Firefighting Appliance Program

Type	Approved	Delivered
3000ltr 4wd Tankers (inc \$2m Board initiative)	29	29
Type 3 Medium Pumpers	5	5
Pumper Tankers	5	Deferred*
37mt Aerial Ladder Appliances	2	2
Road Accident Rescue appliance	1	1
CSESP Program:		
– 4 x 1500ltr Tanker	12	12
– 8 x 3000ltr Tankers		

Additional comment:

- The delivery of the pumper tankers has been deferred due to field trials of new generation hydraulic pump technology during March 2005.

Police and emergency services: Country Fire Authority Appeals Commission — capital works funding

2622. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Country Fire Authority Appeals Commission’s allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

I am advised that:

Nil response – no capital funds were allocated.

Police and emergency services: Metropolitan Fire and Emergency Services Board — capital works funding

2625. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Metropolitan Fire and Emergency Services Board’s allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

I am advised that:

2002/03 Major Capital Works

Projects	Plan	Achieved
<u>Fire fighting Vehicle Replacements</u>		
– Heavy Rescues	4	4 commissioned.
– General Purpose Pumpers	11	11 commissioned
– Aerial Ladder Platform	1	1 Ultra Large Pumper commissioned in lieu.
<u>Fire Stations</u>		
– Security Upgrades	Various properties	As per plan
– Refurbish Croydon Station	1	Delayed pending the future location of this Station as part of the Metropolitan Fire District wide Strategic Location of fire fighting resources plan
– Refurbish Wheelers Hill Station	1	As per Croydon (see above)

Police and emergency services: Police Appeals Board — capital works funding

2626. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Police Appeals Board’s allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

I am advised that:

There were no major capital works priority projects approved in 2002-03 in relation to the Police Appeals Board.

Police and emergency services: Private Agents Registry — capital works funding

2627. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Private Agents Registry’s allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

I am advised that:

There were no major capital works priority projects approved in 2002-03 in relation to the Private Agents Register.

Police and emergency services: Victoria Police — capital works funding

2628. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to Victoria Police’s allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

I am advised that:

Major Capital Works approved in 2002-03 : -

New Rowville Police Station	Completed July 2004
New Coburg Police Station	Planned completion November 2005
New Footscray Police Station	Planned completion October 2006
Operational Support Centre Accommodation (OSCa) - scope of works being reviewed.	Planned completion Stage 1, Dec 2006
Rural Police Stations Replacement Program, Stage 5	Completed
	. Beaufort
	. Bendoc
	. Bunyip
	. Gordon
	. Inglewood
	. Macarthur
	. Pyramid Hill
	. Whitfield
	. Cressy
	. Merbein
	. Tarnagulla
	. Smythesdale

Corrections: CORE — The Public Correctional Enterprise — external legal advice

2827. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Corrections): What has been the expenditure by CORE—The Public Correctional Enterprise on external legal advice since 1 January 2003 to date.

ANSWER:

I am advised as follows:

Expenditure for legal costs for CORE - The Public Correctional Enterprise for the period January 2003 to June 2003 was \$162,728.66.

It should be noted that Corrections Victoria was created on 1 July 2003 by an amalgamation of the Office of the Correctional Services Commissioner and CORE – The Public Correctional Enterprise.

Police and emergency services: Country Fire Authority — external legal advice

2855. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): What has been the expenditure by the Country Fire Authority on external legal advice since 1 January 2003 to date.

ANSWER:

I am advised that:

The Country Fire Authority's (CFA) external legal costs total \$2.391 million for the period 1 January 2003 to date of this question.

Police and emergency services: Country Fire Appeals Commission — external legal advice

2856. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): What has been the expenditure by the Country Fire Appeals Commission on external legal advice since 1 January 2003 to date.

ANSWER:

I am advised that:

Nil response – no external legal expenditure was incurred between 1 January 2003 to date of this question.

Police and emergency services: Firearms Appeals Committee — external legal advice

2857. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): What has been the expenditure by the Firearms Appeals Committee on external legal advice since 1 January 2003 to date.

ANSWER:

I am advised that:

The total expenditure for external legal advice to the Committee since 1 January 2003 to date of this question is \$74,953.88.

Police and emergency services: Metropolitan Fire and Emergency Services Appeals Commission — external legal advice

2858. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): What has been the expenditure by the Metropolitan Fire and Emergency Services Appeals Commission on external legal advice since 1 January 2003 to date.

ANSWER:

I am advised that:

Nil response – no external legal expenditure was incurred between 1 January 2003 to date of this question.

Police and emergency services: Metropolitan Fire and Emergency Services Board — external legal advice

2859. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): What has been the expenditure by the Metropolitan Fire and Emergency Services Board on external legal advice since 1 January 2003 to date.

ANSWER:

I am advised that:

External legal costs total \$2,328,226 between 1 January 2003 and 8 June 2004.

Police and emergency services: Police Appeals Board — external legal advice

2860. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): What has been the expenditure by the Police Appeals Board on external legal advice since 1 January 2003 to date.

ANSWER:

I am advised that:

The Police Appeals Board 2003/4 Annual Report stated an amount of \$14,790 in external legal costs.

Police and emergency services: Private Agents Registry — external legal advice

2861. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): What has been the expenditure by the Private Agents Registry on external legal advice since 1 January 2003 to date.

ANSWER:

I am advised that:

There has been no expenditure by the Private Agents Registry on external legal advice since 1 January 2003 to date of this question.

Police and emergency services: Metropolitan Fire Brigades (General) (Fees and Charges) Regulations 2003

3289. THE HON. PHILIP DAVIS — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): What was the value of each of the fees covered by the Metropolitan Fire Brigades (General) (Fees and Charges) Regulations 2003 — (i) in October 1999; (ii) immediately prior to these regulations; and (iii) following the introduction of these regulations.

ANSWER:

I am advised that the following fees applied over the specified period:

METROPOLITAN FIRE AND EMERGENCY SERVICES REGULATIONS

	1998	1999	2000	2001	2002	2003
Third Schedule Item 1 - Emergency attendances						
Reg 62	\$353.00	\$365.00	\$365.00	\$411.00	\$423.50	\$436.20

Police and emergency services: Country Fire Authority (Charges) Regulations 2003

3290. THE HON. PHILIP DAVIS — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): What was the value of each of the fees covered by the Country Fire Authority (Charges) Regulations 2003 — (i) in October 1999; (ii) immediately prior to these regulations; and (iii) following the introduction of these regulations.

ANSWER:

I am advised that the following fees applied over the specified period:

COUNTRY FIRE AUTHORITY REGULATIONS

	1998	1999	2000	2001	2002	2003
113. Charges Emergency Attendances						
Reg 113(2) (a)	\$291.00	\$291.00	\$301.00	\$301.00	\$341.00	\$351.23
Reg 113(2) (b)	\$204.00	\$204.00	\$211.00	\$211.00	\$239.05	\$246.22
Reg 113(2) (c)	\$120.00	\$120.00	\$120.00	\$120.00	\$135.95	\$140.03
115. Monitoring fire alarm systems						
Reg 115 (a)	\$181.00	\$181.00	\$181.00	\$181.00	\$205.05	\$211.20
Reg 115 (b)	\$126.00	\$126.00	\$126.00	\$126.00	\$142.75	\$147.03

Education services: ministerial staff — mobile telephone services

3358. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education Services): What has been the cost of providing mobile telephone services to the Minister’s staff since 1999-2000.

ANSWER:

I am informed as follows:

I refer the Member to the recent report of an FOI for mobile phone costs which was published in the Herald Sun on 24 May 2005.

Treasurer: Transport Accident Commission — freedom of information requests

3881. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): In relation to the Freedom of Information requests received by the Transport Accident Commission between 1 July 2003 and 30 June 2004:

- (1) How many requests were received.
- (2) How many were —
 - (a) denied in full;
 - (b) released in part; and
 - (c) released in full.
- (3) How many of these requests were given to the Minister before being given to the applicant.

ANSWER:

I am informed that:

The organisation you refer to does not fall within my portfolio responsibilities.

Education services: student support services — funding

3916. THE HON. DAMIAN DRUM — To ask the Minister for Energy Industries (for the Minister for Education Services):

- (1) How much did the Government spend on the provision of student support services/students with disabilities in government schools in 2003-04.
- (2) How does this compare with Government funding for student support services/students with disabilities in non-government schools.
- (3) How many students were supported by this program and what level of assistance were they assessed for.

ANSWER:

I am informed as follows:

The Department of Education and Training allocated approximately \$46 million in 2003/04 for the provision of student support services in government schools.

The Department does not directly fund students with disabilities in non-government schools, but provides the Catholic Education Commission of Victoria (CECV) and the Association of Independent Schools of Victoria (AISV) with funding for these and other purposes.

Student support services are available to all Victorian Government school students who need them.

Education services: student support services — funding

3917. THE HON. DAMIAN DRUM — To ask the Minister for Energy Industries (for the Minister for Education Services):

- (1) How much did the Government spend on the provision of student support services/students with disabilities in non-government schools in 2003-04.
- (2) How does this compare with Government funding for student support services/students with disabilities in government schools.
- (3) How many students were supported by this program and what level of assistance were they assessed for.

ANSWER:

I am informed as follows:

The Department of Education and Training allocated approximately \$46 million in 2003/04 for the provision of student support services in government schools.

The Department does not directly fund students with disabilities in non-government schools, but provides the Catholic Education Commission of Victoria (CECV) and the Association of Independent Schools of Victoria (AISV) with funding for these and other purposes.

Student support services are available to all Victorian Government school students who need them.

Corrections: project completion dates

4081. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Corrections): In relation to project completion dates that were 12 months later than scheduled:

- (1) Why was the Prison Capacity Expansion Program (Statewide) not completed on time.
- (2) When is the Prison Capacity Expansion Program (Statewide) expected to be completed.
- (3) Why was the community based corrections facilities (Melbourne) not completed on time.
- (4) When is the community based corrections facilities (Melbourne) expected to be completed.
- (5) Why was the Correctional Services Prisoner Information System (PIMS) (Statewide) not completed on time.
- (6) When is the Correctional Services Prisoner Information System (PIMS) (Statewide) expected to be completed.

ANSWER:

I am advised as follows:

(1) The Prison Capacity Expansion Program has an outstanding record of success, since Government approval in 2001. I provide the following details:

- New relocatable buildings providing 300 beds were completed at six prisons by September 2002;
- Permanent accommodation building expansions at five prisons, providing 297 beds, were completed by April 2003;
- Two major prison upgrades were completed by July 2003, at Ararat and Langi Kal Kal prisons;
- A new low security prison was completed in December 2004 at Beechworth, replacing the existing facility which has now been closed.

Of these, the following had project completion dates 12 months later than originally scheduled:

- Fulham Prison Expansion: The new unit – a 68 bed minimum security unit located outside the main wall of the prison – underwent significant profile changes, which impacted on design, as a result of community concerns over security issues; and
- Beechworth Correctional Centre – experienced delays in site selection process and as a result of community concerns over access and the future of the existing facility.

(2) The Prison Capacity Expansion Program will be completed following the delivery of:

- BDRP (cell & fire safety) Project, approved for delivery over a 10 year period to 2010. The BDRP Project (cell & fire safety) has accelerated from 10 year to 6 year delivery and 857 cells are now compliant, comprising 37% of the total state-wide capacity.
- Partnership Victoria Correctional Facilities Project – two prisons delivered under a single Public Private Partnership deal - due for completion in 2005.

(3) The completion of a community based transition unit facility in Melbourne has been delayed pending identification and acquisition of a suitable site. A suitable site has been identified and acquired for the community transition unit in West Melbourne adjacent to the Melbourne Assessment Prison and planning approvals are currently being sought.

(4) The community based transition unit facility is scheduled for completion and operations in 2006.

- (5) The Prisoner Information Management System (PIMS) was completed in 1984 and enhancements to the system have been ongoing since that time.
- (6) This part of the question is addressed in point (5).

Education services: Merit Protection Board — interstate and overseas travel

4084. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education Services): In relation to interstate and overseas travel by the members and staff of the Merit Protection Board in 2003-04:

- (1) How many trips were undertaken.
- (2) What costs were associated with the travel.

ANSWER:

I am informed as follows:

In 2003/04 one interstate trip costing \$899.56 was undertaken by the Merit Protection Board.

Education services: Shannon’s Way Pty Ltd — payments

4408. THE HON. GRAEME STONEY — To ask the Minister for Energy Industries (for the Minister for Education Services):

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

ANSWER:

I am informed as follows:

No payments have been made to Shannon’s Way Pty Ltd by my department, private office or statutory body under my administration since 28 October 2003.

Education services: Social Shift Pty Ltd — payments

4448. THE HON. GRAEME STONEY — To ask the Minister for Energy Industries (for the Minister for Education Services):

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

ANSWER:

I am informed as follows:

No payments have been made to Social Shift Pty Ltd by my department, private office or statutory body under my administration since 26 August 2003.

Education services: Victorian Schools Innovation Commission — advertising and credit card expenditure

4776. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education Services): In relation to the Victorian Schools Innovation Commission:

- (1) What was the advertising expenditure in 2003-04.
- (2) What was the credit card expenditure in 2003-04.

ANSWER:

I am informed as follows:

The question does not fall within my portfolio responsibilities and should be directed to the Minister for Education and Training.

Agriculture: Melbourne showgrounds redevelopment project — pavilion space

4851. THE HON GRAEME STONEY — To ask the Minister for Energy Industries (for the Minister for Agriculture): What is the total square metre allocation for pavilion space in the new design for the Melbourne showgrounds redevelopment project.

ANSWER:

The Bracks Government is committed to the upgrading and redevelopment of the Royal Agricultural Society Showgrounds in partnership with the Royal Agricultural Society. This has been reflected in the outstanding plans for the new look showgrounds.

In relation to your question on "pavilion area", it is unclear as to precisely what your question relates to. "Pavilion area" has been considered as permanent built covered space proposed for display, exhibition and spectator facilities purposes.

Under this definition there will be 47,754 square metres of pavilion area.

Treasurer: Partnerships Victoria projects

4854. THE HON. BILL FORWOOD — To ask the Minister for Finance (for the Treasurer): In relation to each of the following *Partnerships Victoria* Projects — Berwick Community Hospital, Echuca/Rochester Wastewater Treatment Plant, Emergency Alerting System Project, Enviro Altona, Film and Television Studio Complex, Melbourne Convention Centre Development, Melbourne Wholesale Market, Metropolitan Mobile Radio, Mitcham-Frankston Project, Mobile Data Network, Partnerships Victoria Correction Facilities, Royal Melbourne Showgrounds Redevelopment, Spencer Street Station Redevelopment, The Ballarat and Creswick Reclaimed Water Project, Victorian County Court and Wodonga Wastewater Treatment Plant:

- (1) Of those projects that have commenced use or operation —
 - (a) What payments were made by the public sector for the provision of the project or of services or facilities related to the project in each year since the commencement of use or operation of that project; and

- (b) What are the estimated payments that will be made by the public sector for the provision of the project or of services or facilities relating to the project in each of the next five years.
- (2) Of those projects that have not yet commenced use or operation, what are the estimated payments that will be made by the public sector for the provision of the project or of the services or facilities relating to the project for each of the next five years.

ANSWER:

I am informed that:

To provide the above details would require an unreasonable diversion of time and resources by my department.

Major projects: Melbourne Convention Centre — car parking

4914. THE HON. GRAEME STONEY — To ask the Minister for Major Projects:

- (1) Will additional car parking spaces be provided in the new Melbourne Convention Centre redevelopment, if not, why.
- (2) If yes, what is the total number of new car parking spaces being allocated.
- (3) If this is yet to be decided, when will interested parties know of the precise number of new car parking spaces.

ANSWER:

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

The precise number of new car park spaces available in the Melbourne Convention Centre Development precinct will be known once a developer has been appointed and the approval process completed.

Environment: Sandringham beach renourishment

4939. THE HON. C.A. STRONG — To ask the Minister for Local Government (for the Minister for Environment): In relation to beach renourishment forming part of the cliff remediation works for the protection of the cliff face proximate to Royal Avenue and Southey Street in Sandringham:

- (1) Why has there been a five year delay in the commencement of works.
- (2) What are the current plans of the Department in response to widespread community concerns regarding the original scoping of the project.
- (3) When will the community and the City of Bayside be informed of the timetable for works.
- (4) What plans does the Government now have to incorporate beach renourishment as part of the project.

ANSWER:

I am informed that:

- (1) The resolution of coastal erosion problems commonly takes a significant period of time because they are often complex, involve a range of issues which require detailed investigations, frequently involve conflicting views, and may necessitate a range of community consultations. In this instance I have taken advice from the Victorian Coastal Council and considered the views of the local community. On 24 August 2005 I

announced that a decision had been made to renourish the beach, build a small groyne and to naturally fill and revegetate the base of the cliffs.

- (2) In accordance with my recent announcement the Bracks Government has listened to the concerns of the local community.
- (3) In accordance with my recent announcement the Department of Sustainability and Environment is presently proceeding in conjunction with the Bayside City Council with design and construction of a groyne, a beach renourishment and natural filling and revegetation of the base of the cliffs. When the Department has prepared a suitable design it will prepare a works timetable in consultation with the Bayside City Council. As the manager of the foreshore reserve the Bayside City Council will be responsible for communications with the community regarding the works timetable.
- (4) In accordance with my recent announcement site works will include beach renourishment.

Community services: Child Protection Service — WorkCover

4953. THE HON. WENDY LOVELL — To ask the Minister for Aged Care (for the Minister for Community Services): What was the total WorkCover bill for the Department of Human Services for staff in the Child Protection Service (by region) in the year 2004-05 to date.

ANSWER:

I am informed that:

The total WorkCover bill for the Department of Human Services for staff in the Child Protection Service (by region) in the financial year 2004-05 to date is as follows:

<u>Region</u>	<u>\$000's</u>
Barwon South West	103.6
Eastern Metropolitan	320.4
Gippsland	245.5
Grampians	270.0
Hume	37.7
Loddon	211.1
North and West Metropolitan	56.7
<u>Southern Metropolitan</u>	<u>354.0</u>
Total	1,599.0

Community services: Melbourne Juvenile Justice Centre — WorkCover

4963. THE HON. WENDY LOVELL — To ask the Minister for Aged Care (for the Minister for Community Services): What was the total WorkCover bill for the Melbourne Juvenile Justice Centre for the year 2003-04.

ANSWER:

I am informed that:

The total WorkCover bill for the Department of Human Services for staff for the Melbourne Juvenile Justice Centre for the financial year 2003-04 is \$1,542,732.38.

Community services: Malmsbury Juvenile Justice Centre — WorkCover

4966. THE HON. WENDY LOVELL — To ask the Minister for Aged Care (for the Minister for Community Services): What was the total WorkCover bill to the Department of Human Services for the Malmsbury Juvenile Justice Centre in the year 2003-04.

ANSWER:

I am informed that:

The total WorkCover bill for the Department of Human Services for staff for the Malmsbury Juvenile Justice Centre for the financial year 2003-04 is \$1,387,644.20.

Community services: Malmsbury Juvenile Justice Centre — work days lost

4969. THE HON. WENDY LOVELL — To ask the Minister for Aged Care (for the Minister for Community Services): How many work days were lost through sickness or absenteeism of staff at Malmsbury Juvenile Justice Centre in the year 2003-04.

ANSWER:

I am informed that:

During the 2003-04 financial year, 1390 sick leave days were taken at Melbourne Juvenile Justice Centre.

Community services: Parkville Youth Residential Centre — WorkCover

4971. THE HON. WENDY LOVELL — To ask the Minister for Aged Care (for the Minister for Community Services): What is the total WorkCover bill to the Department of Human Services for the Parkville Youth Residential Centre for the year 2004-05 to date.

ANSWER:

I am informed that:

The total WorkCover bill for the Department of Human Services for staff for the Parkville Youth Residential Centre for the financial year 2004-05 to date is \$388,606.95.

Community services: Parkville Youth Residential Centre — WorkCover

4972. THE HON. WENDY LOVELL — To ask the Minister for Aged Care (for the Minister for Community Services): What was the total WorkCover bill to the Department of Human Services for the Parkville Youth Residential Centre in the year 2003-04.

ANSWER:

I am informed that:

The total WorkCover bill for the Department of Human Services for staff for the Parkville Youth Residential Centre for the financial year 2003-04 is \$240,548.23.

Community services: Parkville Youth Residential Centre — work days lost

4975. THE HON. WENDY LOVELL — To ask the Minister for Aged Care (for the Minister for Community Services): How many work days were lost through sickness or absenteeism of staff at Parkville Youth Residential Centre in the year 2003-04.

ANSWER:

I am informed that:

During the 2003-04 financial year, 731 sick leave days were taken at Parkville Youth Residential Centre.

Community services: Parkville Youth Residential Centre — work days lost

4976. THE HON. WENDY LOVELL — To ask the Minister for Aged Care (for the Minister for Community Services): How many work days were lost through sickness or absenteeism of staff at Parkville Youth Residential Centre in the year 2002-03.

ANSWER:

I am informed that:

During the 2002-03 financial year, 741 sick leave days were taken at Parkville Youth Residential Centre.

Treasurer: Land Tax Hardship Relief Board — communications staff

5217. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): As at 30 June 2005:

- (1) How many officers in the Land Tax Hardship Relief Board are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am informed that:

- (1) Nil
- (2) Not applicable
- (3) Not applicable

Treasurer: Treasury and Finance, commercial division — communications staff

5229. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): As at 30 June 2005:

- (1) How many officers in the Commercial Division, Department of Treasury and Finance are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am informed that:

- (1) Nil
- (2) Not applicable
- (3) Not applicable

Treasurer: Treasury and Finance, information and technology services — communications staff

5232. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): As at 30 June 2005:

- (1) How many officers in the Information and Technology Services, Department of Treasury and Finance are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am informed that:

- (1) Nil
- (2) Not applicable
- (3) Not applicable

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, 20 October 2005

Corrections: prisoner escapes

1399. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Corrections): With reference to prisoner escapes from each of HM Prison Ararat, HM Prison Barwon, HM Prison Beechworth, HM Prison Bendigo, HM Prison Dhurringile, HM Prison Langi Kal Kal, HM Prison Loddon, HM Melbourne Assessment Prison, HM Prison Tarrengower, HM Prison Won Wron, Fulham Correctional Centre and Port Phillip Prison between 1 January 2002 to 30 June 2002:

- (a) How many escapes occurred over this period.
- (b) What were the breaches in security.
- (c) Which prisons were involved.
- (d) How has security been improved to prevent further escapes in relation to each of the prisons outlined in (b) above.

ANSWER:

I am advised that:

- (b) A prisoner on escorted leave from Loddon prison to visit his family absconded from the house he was visiting. He was assisted in his escape by his de facto wife in a waiting motor vehicle. He was recaptured 24 days later. Both he and his de facto were charged with offences relating to the escape.

The only other incidents were “walk offs” where a minimum security prisoner breaches supervision requirements.

- (d) Following a review of the Loddon incident, improvements in intelligence sharing processes were implemented across prisons. Enhancement of assessment techniques and policy requirements in relation to eligibility for medium security placements have reduced the incidents of “walk offs” over the last two years.

Corrections: prisoner escapes

1400. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Corrections): With reference to prisoner escapes from each of HM Prison Ararat, HM Prison Barwon, HM Prison Beechworth, HM Prison Bendigo, HM Prison Dhurringile, HM Prison Langi Kal Kal, HM Prison Loddon, HM Melbourne Assessment Prison, HM Prison Tarrengower, HM Prison Won Wron, Fulham Correctional Centre and Port Phillip Prison between 1 July 2002 to 30 December 2002:

- (a) How many escapes occurred over this period.
- (b) What were the breaches in security.
- (c) Which prisons were involved.

- (d) How has security been improved to prevent further escapes in relation to each of the prisons outlined in (b) above.

ANSWER:

I am advised that:

- (b) There were no escapes from medium or maximum security prisons. The only incidents were “walk offs” where a minimum security prisoner breached supervision requirements. Minimum security prisoners are those assessed as suitable to be placed in open conditions with limited supervision.
- (d) In relation to security improvement, there were no escapes involving a breach of physical security at any medium or maximum security prisons. Enhancement of assessment techniques and policy requirements in relation to eligibility for minimum security placements have reduced the incidence of “walk offs” over the last two years.

Corrections: Office of the Correctional Services Commissioner — advertising

2129. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Corrections): In relation to the Office of the Correctional Services Commissioner’s advertising undertaken between 1 July 2002 and 30 June 2003:

- (a) What was the — (i) date of approval of each contract; (ii) cost of each contract; (iii) purpose of the advertisements; and (iv) duration of each advertisement.
- (b) Where and when was each advertisement published or broadcast.
- (c) To whom was each contract awarded.

ANSWER:

I am advised that:

The majority of advertising contracts utilised by the Office of the Correctional Services Commissioner were held by the Department of Justice. Total costs for the period from 1st July, 2002 to 30th June, 2003 were \$30,420.16 of which all but \$576.30 was spent with HMA Blaze and Optimedia as per the Government Advertising Master Agency Media Services contract. The \$576.30 was spent with Craftsman Press P/L for the advertisement of mandatory notices.

A substantial sample of the HMA Blaze invoices were reviewed and found to relate to employment notices and invitations to tender.

Corrections: CORE — The Public Correctional Enterprise — advertising

2130. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Corrections): In relation to CORE–The Public Correctional Enterprise’s advertising undertaken between 1 July 2002 and 30 June 2003:

- (a) What was the — (i) date of approval of each contract; (ii) cost of each contract; (iii) purpose of the advertisements; and (iv) duration of each advertisement.
- (b) Where and when was each advertisement published or broadcast.
- (c) To whom was each contract awarded.

ANSWER:

I am advised that:

The majority of advertising contracts utilized by CORE – The Public Correctional Enterprise between 1 July 2002 and 30 June 2003 were held by the Department of Justice. Total costs for this period were \$129,865.75, of which all but \$8,497.86 was spent with HMA Blaze and Optimedia as per the Government Advertising-Master Agency Media Service Contract. Of the remaining \$8,497.86, \$6,502.70 was spent with Telstra on White Pages entries. The remainder consists of an entry to a Business Directory (\$350) and three payments by regional locations and local papers (\$1,645.16 total) as site-specific employment advertising.

A large sample of the advertising costs charged to HMA Blaze has been examined and all were found to be for employment notices in the print media.

Police and emergency services: Victorian Community Council Against Violence — advertising

2131. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Victorian Community Council Against Violence’s advertising undertaken between 1 July 2002 and 30 June 2003:

- (a) What was the — (i) date of approval of each contract; (ii) cost of each contract; (iii) purpose of the advertisements; and (iv) duration of each advertisement.
- (b) Where and when was each advertisement published or broadcast.
- (c) To whom was each contract awarded.

ANSWER:

I am advised that the Victorian Community Council undertook advertising between 1 July 2002 and 30 June 2003 as follows:

Date of approval	July 2002 (precise date not available)	March 2003 (precise date not available)
Cost	\$2483.65	\$2092.86
Purpose of advertisement	Staff vacancy	Staff vacancy
Duration	One advertisement	One advertisement
Where and when published/broadcast	The Age - 31/7/02	The Age - 31/3/03
To whom contract awarded	HMA Blaze	HMA Blaze

Police and emergency services: Adult Parole Board — advertising

2157. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Adult Parole Board’s advertising undertaken between 1 July 2002 and 30 June 2003:

- (a) What was the — (i) date of approval of each contract; (ii) cost of each contract; (iii) purpose of the advertisements; and (iv) duration of each advertisement.
- (b) Where and when was each advertisement published or broadcast.

- (c) To whom was each contract awarded.

ANSWER:

The Adult Parole Board falls under the responsibility of the Minister for Corrections and not the Minister for Police and Emergency Services.

I am advised that:

For the period from 1 July 2002 to 30 June 2003, the Adult Parole Board had no expenditure in relation to advertising.

Police and emergency services: Country Fire Authority Appeals Commission — advertising

2159. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Country Fire Authority Appeals Commission's advertising undertaken between 1 July 2002 and 30 June 2003:

- (a) What was the — (i) date of approval of each contract; (ii) cost of each contract; (iii) purpose of the advertisements; and (iv) duration of each advertisement.
- (b) Where and when was each advertisement published or broadcast.
- (c) To whom was each contract awarded.

ANSWER:

I am advised that:

Nil response – no advertising was undertaken.

Police and emergency services: Firearms Appeals Committee — advertising

2160. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Firearms Appeals Committee's advertising undertaken between 1 July 2002 and 30 June 2003:

- (a) What was the — (i) date of approval of each contract; (ii) cost of each contract; (iii) purpose of the advertisements; and (iv) duration of each advertisement.
- (b) Where and when was each advertisement published or broadcast.
- (c) To whom was each contract awarded.

ANSWER:

I am advised that:

The Firearms Appeals Committee did not undertake any advertising between 1 July 2002 and 30 June 2003.

Police and emergency services: Metropolitan Fire and Emergency Services Appeals Commission — advertising

2161. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Metropolitan Fire and Emergency Services Appeals Commission's advertising undertaken between 1 July 2002 and 30 June 2003:

- (a) What was the — (i) date of approval of each contract; (ii) cost of each contract; (iii) purpose of the advertisements; and (iv) duration of each advertisement.
- (b) Where and when was each advertisement published or broadcast.
- (c) To whom was each contract awarded.

ANSWER:

I am advised that:

Nil response – no advertising was undertaken.

Police and emergency services: Police Appeals Board — advertising

2163. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Police Appeals Board’s advertising undertaken between 1 July 2002 and 30 June 2003:

- (a) What was the — (i) date of approval of each contract; (ii) cost of each contract; (iii) purpose of the advertisements; and (iv) duration of each advertisement.
- (b) Where and when was each advertisement published or broadcast.
- (c) To whom was each contract awarded.

ANSWER:

I am advised that:

The Police Appeals Board has not undertaken any advertising between 1 July 2002 and 30 June 2003.

Corrections: CORE — The Public Correctional Enterprise — media research and public opinion polling

2363. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Corrections): In relation to CORE – The Public Correctional Enterprise’s media research and public opinion polling conducted since 1 January 2002:

- (a) What is the title of each poll or item of research.
- (b) What is the date of approval and duration of the contract.
- (c) What is the cost.
- (d) Who are the personnel conducting the project.
- (e) Was it put to tender.
- (f) What recommendations were made.
- (g) Were any actions taken by the Department or Minister.

ANSWER:

I am advised that:

No media research or public opinion polling has been conducted.

It should be noted that Corrections Victoria was created on 1 July 2003 by an amalgamation of the Office of the Correctional Services Commissioner and CORE – The Public Correctional Enterprise.

Police and emergency services: Adult Parole Board — media research and public opinion polling

2390. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Adult Parole Board’s media research and public opinion polling conducted since 1 January 2002:

- (a) What is the title of each poll or item of research.
- (b) What is the date of approval and duration of the contract.
- (c) What is the cost.
- (d) Who are the personnel conducting the project.
- (e) Was it put to tender.
- (f) What recommendations were made.
- (g) Were any actions taken by the Department or Minister.

ANSWER:

The Adult Parole Board falls under the responsibility of the Minister for Corrections and not the Minister for Police and Emergency Services.

I am advised that:

No media research or public opinion polling has been conducted.

Police and emergency services: Country Fire Authority — media research and public opinion polling

2391. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Country Fire Authority’s media research and public opinion polling conducted since 1 January 2002:

- (a) What is the title of each poll or item of research.
- (b) What is the date of approval and duration of the contract.
- (c) What is the cost.
- (d) Who are the personnel conducting the project.
- (e) Was it put to tender.
- (f) What recommendations were made.
- (g) Were any actions taken by the Department or Minister.

ANSWER:

I am advised that:

- (a) Titles

1. CFA Media Monitoring service

This program seeks to identify, track and respond to matters and issues relating to CFA operations and other business that has been reported in the media.

2. CFA Community Attitudinal Research

This program seeks to research and analyse public attitudes to identify community perceptions and CFA's image.

(b) Approval dates/duration

Media monitoring and attitudinal research is managed by CFA Public Affairs and approved by the CFA Board.

Media monitoring is a continual service and not a contract.

Attitudinal research is a bi-annual contract approved by the CFA Board in 2002.

(c) Costs

The annual budget for the media monitoring program is \$52,000 per annum.

During the 2002/03 campaign fires, an additional \$40,000 was expended on this program due to the duration of the emergency and CFA's need to ensure information flow to the affected communities.

(d) Personnel

Media monitoring is conducted by Media Monitors and managed by CFA Public Affairs.

Community Attitudinal research is conducted by Strahan Research and managed by CFA Public Affairs

(e) Tendered?

No; however, CFA annually evaluates bids from the two media monitoring companies for the provision of this service.

The Community Attitudinal Research contract falls below the level required for public tendering.

(f) Recommendations

CFA has contracted the lowest bidder to provide the media monitoring service.

CFA has contracted the service provider that conducted the two previous bi-annual research projects.

(g) Subsequent action

Both the media monitoring and attitudinal research does not require any action by the Department or Minister.

Police and emergency services: Country Fire Authority Appeals Commission — media research and public opinion polling

2392. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Country Fire Authority Appeals Commission's media research and public opinion polling conducted since 1 January 2002:

(a) What is the title of each poll or item of research.

(b) What is the date of approval and duration of the contract.

(c) What is the cost.

- (d) Who are the personnel conducting the project.
- (e) Was it put to tender.
- (f) What recommendations were made.
- (g) Were any actions taken by the Department or Minister.

ANSWER:

I am advised that:

Nil response – no media research or polling was undertaken.

Police and emergency services: Firearms Appeals Committee — media research and public opinion polling

2393. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Firearms Appeals Committee’s media research and public opinion polling conducted since 1 January 2002:

- (a) What is the title of each poll or item of research.
- (b) What is the date of approval and duration of the contract.
- (c) What is the cost.
- (d) Who are the personnel conducting the project.
- (e) Was it put to tender.
- (f) What recommendations were made.
- (g) Were any actions taken by the Department or Minister.

ANSWER:

I am advised that:

There has been no media research and public opinion polling conducted by the Firearms Appeals Committee since 1 January 2002.

Police and emergency services: Metropolitan Fire and Emergency Services Appeals Commission — media research and public opinion polling

2394. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Metropolitan Fire and Emergency Services Appeals Commission’s media research and public opinion polling conducted since 1 January 2002:

- (a) What is the title of each poll or item of research.
- (b) What is the date of approval and duration of the contract.
- (c) What is the cost.
- (d) Who are the personnel conducting the project.
- (e) Was it put to tender.

- (f) What recommendations were made.
- (g) Were any actions taken by the Department or Minister.

ANSWER:

I am advised that:

Nil response – no media research or polling was conducted.

Police and emergency services: Police Appeals Board — media research and public opinion polling

2396. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Police Appeals Board’s media research and public opinion polling conducted since 1 January 2002:

- (a) What is the title of each poll or item of research.
- (b) What is the date of approval and duration of the contract.
- (c) What is the cost.
- (d) Who are the personnel conducting the project.
- (e) Was it put to tender.
- (f) What recommendations were made.
- (g) Were any actions taken by the Department or Minister.

ANSWER:

I am advised that:

The Police Appeals Board has not undertaken any media research or public opinion polling since 1 January 2002.

Police and emergency services: Firearms Appeals Committee — capital works funding

2623. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): In relation to the Firearms Appeals Committee’s allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

I am advised that:

The Firearms Appeals Committee did not approve any major projects for the year 2002-03.

Police and emergency services: Office of the Emergency Services Commissioner — external legal advice

2823. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): What has been the expenditure by the Office of the Emergency Services Commissioner on external legal advice since 1 January 2003 to date.

ANSWER:

I am advised that:

There has been \$6,719.50 spent on external legal advice since 1st January 2003 to date of question.

Police and emergency services: Victoria State Emergency Service — external legal advice

2824. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): What has been the expenditure by the Victoria State Emergency Service on external legal advice since 1 January 2003 to date.

ANSWER:

I am informed that:

The Victoria State Emergency Service (VICSES) incurred a total of \$13,968.68 in expenses on external legal advice during the period January 2003 to date of the question, of which \$4,208.24 was recouped from the Australian Council of State Emergency Services. Net legal expenses were therefore \$9,760.44 over this period.

Police and emergency services: Bureau of Emergency Services Telecommunications — external legal advice

2825. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): What has been the expenditure by the Bureau of Emergency Services Telecommunications on external legal advice since 1 January 2003 to date.

ANSWER:

I am advised that \$3,106,911 has been spent by the Bureau of Emergency Services Telecommunications on external legal advice between 1 January 2003 to 30 June 2004.

Corrections: Office of the Correctional Services Commissioner — external legal advice

2826. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Corrections): What has been the expenditure by the Office of the Correctional Services Commissioner on external legal advice since 1 January 2003 to date.

ANSWER:

I am advised as follows:

Expenditure for legal costs for the Office of Correctional Services Commissioner for the period 1 January 2003 to 30 June 2003 was \$333,205.79.

It should be noted that Corrections Victoria was created on 1 July 2003 by an amalgamation of the Office of the Correctional Services Commissioner and CORE – The Public Correctional Enterprise.

Police and emergency services: Victorian Community Council Against Violence — external legal advice

2828. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): What has been the expenditure by the Victorian Community Council Against Violence on external legal advice since 1 January 2003 to date.

ANSWER:

I am advised that:

The Victorian Community Council Against Violence has sought external legal advice to the value of \$696.60 (includes GST) since 1 January 2003 to date of this question. This comprises legal fees, other disbursements and out of pocket expenses.

Police and emergency services: Victoria Police — external legal advice

2862. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): What has been the expenditure by Victoria Police on external legal advice since 1 January 2003 to date.

ANSWER:

Total Victoria Police expenditure on external legal advice (excluding legal settlements) from 1 January 2003 to date of this question was:

Total Expenditure \$1,198,900

Police and emergency services: shooters — licence fees

3261. THE HON. PHILIP DAVIS — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): What was the level/rate of Shooter's Licence fees in October 1999 and what is the current level/rate.

ANSWER:

I am advised that the firearms licence fees in October 1999 are outlined in the Firearms Regulations 1997.

The current firearms licence fees are outlined in the Firearms (Handgun) Regulations 2003 and have been adjusted for indexation in accordance with the Monetary Units Regulations 2004. The value of a fee unit for the financial year commencing 1 July 2004 is \$10.23.

Police and emergency services: Police (Charges) (Amendment) Regulations 2003

3291. THE HON. PHILIP DAVIS — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): What was the value of each of the fees covered by the Police (Charges) (Amendment) Regulations 2003 — (i) in October 1999; (ii) immediately prior to these regulations; and (iii) following the introduction of these regulations.

ANSWER:

I am advised that the charges outlined in the Police (Charges) Regulations 1992 were set in 1992 and not amended until 1 December 2003 when the value of the charges was increased by the annual indexation rate of 3% for 2003-04.

Education services: minister's office — alcohol purchases

4078. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education Services): 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:

The total cost of alcohol purchases incurred by my office since commencement in November 2002 is \$62.27.

Corrections: prisoners

4082. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Corrections): For each year from 1999-2000 to 2003-04, respectively:

- (1) How many prisoners have been released after having served one third of their sentence.
- (2) How many prisoners have completed their full sentence.
- (3) What percentage of prisoners that were released had re-offended and returned to prison within two years of their release.

ANSWER:

I am advised as follows:

- (1) The information required to answer this part of the question is not readily available. Any prisoner released prior to the completion of their full sentence is released under the authority of the Adult Parole Board and no prisoner is released without having served the sentence required by law.
- (2) The information required to answer this part of the question is not readily available. Any prisoner released prior to the completion of their full sentence is released under the authority of the Adult Parole Board and no prisoner is released without having served the sentence required by law.
- (3) Approximately 40% of all sentenced prisoners who are discharged return to prison within two years of their release. The table below calculates the return rate of all sentenced prisoners (these rates differ from those published in the *Report on Government Services* which excludes prisoners who are discharged to the supervision of community correctional services eg. prisoners discharged on parole). The rates relate to prisoner discharges two years prior to the Reporting Period (eg. the rate for 1999-00 relates to prisoners discharged in 1997-98).

	Reporting Period				
	99-00	00-01	01-02	02-03	03-04
% Sentenced Prisoners who return to prison within two years of discharge	38.20%	41.90%	42.60%	41.20%	40.00%

Education services: Haystac Public Affairs Pty Ltd — payments

4367. THE HON. GRAEME STONEY — To ask the Minister for Energy Industries (for the Minister for Education Services):

- (1) What payments have been made to Haystac Public Affairs Pty Ltd by the Minister’s department or private office or agency or statutory body under the Minister’s administration since 26 August 2003.
- (2) On what dates were the payments made.

- (3) What are the details of the project for which payment was made.

ANSWER:

I am informed as follows:

No payments have been made to Haystac Public Affairs Pty Ltd by my department, private office or statutory body under my administration since 26 August 2003.

Education services: Education and Training — advertising and credit card expenditure

4777. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education Services): In relation to the Department of Education:

- (1) What was the advertising expenditure in 2003-04.
 (2) What was the credit card expenditure in 2003-04.

ANSWER:

I am informed as follows:

This question does not fall within my portfolio responsibilities.

Community services: Child Protection Service — WorkCover

4954. THE HON. WENDY LOVELL — To ask the Minister for Aged Care (for the Minister for Community Services): What was the total WorkCover bill for the Department of Human Services for staff in the Child Protection Service (by region) in the year 2003-04.

ANSWER:

I am informed that:

The total WorkCover bill for the Department of Human Services for staff in the Child Protection Service (by region) in the financial year 2003-04 is as follows:

<u>Region</u>	<u>\$000's</u>
Barwon South West	45.7
Eastern Metropolitan	288.7
Gippsland	191.9
Grampians	124.3
Hume	116.8
Loddon	355.7
North and West Metropolitan	244.5
<u>Southern Metropolitan</u>	<u>193.2</u>
Total	1,560.8

Community services: Child Protection Service — WorkCover

4955. THE HON. WENDY LOVELL — To ask the Minister for Aged Care (for the Minister for Community Services): What was the total WorkCover bill for the Department of Human Services for staff in the Child Protection Service (by region) in the year 2002-03.

ANSWER:

I am informed that:

The total WorkCover bill for the Department of Human Services for staff in the Child Protection Service (by region) in the financial year 2002-03 is as follows:

<u>Region</u>	<u>\$000's</u>
Barwon South West	153.0
Eastern Metropolitan	308.4
Gippsland	284.2
Grampians	17.8
Hume	57.5
Loddon Mallee	226.6
North and West Metropolitan	298.9
<u>Southern Metropolitan</u>	<u>269.3</u>
Total	1,615.7

Community services: Child Protection Service — work days lost

4956. THE HON. WENDY LOVELL — To ask the Minister for Aged Care (for the Minister for Community Services): How many work days were lost through sickness or absenteeism of staff in each region of the Child Protection Service in the year 2004-05 to date.

ANSWER:

The Honourable Minister for Aged Care (for the Honourable the Minister for Community Services): I am informed that:

The following sick leave days were taken in regional Child Protection Services during the 2004-05 financial year:

<u>Region</u>	<u>Days Taken</u>
Barwon South West	607
Eastern Metropolitan	1447
Gippsland	778
Grampians	399
Hume	581
Loddon Mallee	793
North and West Metropolitan	3031
Southern Metropolitan	1499

Community services: Child Protection Service — work days lost

4957. THE HON. WENDY LOVELL — To ask the Minister for Aged Care (for the Minister for Community Services): How many work days were lost through sickness or absenteeism of staff in each region of the Child Protection Service in the year 2003-04.

ANSWER:

I am informed that:

The following sick leave days were taken in regional Child Protection Services during the 2003-04 financial year:

<u>Region</u>	Days Taken
Barwon South West	576
Eastern Metropolitan	1696
Gippsland	763
Grampians	403
Hume	575
Loddon Mallee	585
North and West Metropolitan	2902
Southern Metropolitan	1537

Community services: Child Protection Service — work days lost

4958. HE HON. WENDY LOVELL — To ask the Minister for Aged Care (for the Minister for Community Services): How many work days were lost through sickness or absenteeism of staff in each region of the Child Protection Service in the year 2002-03.

ANSWER:

I am informed that:

The following sick leave days were taken in regional Child Protection Services during the 2002-03 financial year:

<u>Region</u>	Days Taken
Barwon South West	505
Eastern Metropolitan	1423
Gippsland	562
Grampians	392
Hume	422
Loddon Mallee	712
North and West Metropolitan	2809
Southern Metropolitan	1341

Community services: Melbourne Juvenile Justice Centre — work days lost

4959. THE HON. WENDY LOVELL — To ask the Minister for Aged Care (for the Minister for Community Services): How many work days were lost through sickness or absenteeism of staff at Melbourne Juvenile Justice Centre in the year 2004-05 to date.

ANSWER:

I am informed that:

During the 2004-05 financial year, 1639 sick leave days were taken at Melbourne Juvenile Justice Centre.

Community services: Melbourne Juvenile Justice Centre — work days lost

4960. THE HON. WENDY LOVELL — To ask the Minister for Aged Care (for the Minister for Community Services): How many work days were lost through sickness or absenteeism of staff at Melbourne Juvenile Justice Centre in the year 2003-04.

ANSWER:

I am informed that:

During the 2003-04 financial year, 1564 sick leave days were taken at Melbourne Juvenile Justice Centre.

Community services: Melbourne Juvenile Justice Centre — work days lost

4961. THE HON. WENDY LOVELL — To ask the Minister for Aged Care (for the Minister for Community Services): How many work days were lost through sickness or absenteeism of staff at Melbourne Juvenile Justice Centre in the year 2002-03.

ANSWER:

I am informed that:

During the 2002-03 financial year, 1796 sick leave days were taken at Melbourne Juvenile Justice Centre.

Community services: Melbourne Juvenile Justice Centre — WorkCover

4962. THE HON. WENDY LOVELL — To ask the Minister for Aged Care (for the Minister for Community Services): What was the WorkCover bill for the Department of Human Services for the Melbourne Juvenile Justice Centre for the year 2004-05 to date.

ANSWER:

I am informed that:

The total WorkCover bill for the Department of Human Services for staff for the Melbourne Juvenile Justice Centre for the financial year 2004-05 to date is \$1,784,792.79.

Community services: Melbourne Juvenile Justice Centre — WorkCover

4964. THE HON. WENDY LOVELL — To ask the Minister for Aged Care (for the Minister for Community Services): What was the total WorkCover bill for the Melbourne Juvenile Justice Centre for the year 2002-03.

ANSWER:

I am informed that:

The total WorkCover bill for the Department of Human Services for staff for the Melbourne Juvenile Justice Centre for the financial year 2002-03 is \$1,372,121.25.

Community services: Malmsbury Juvenile Justice Centre — WorkCover

4965. THE HON. WENDY LOVELL — To ask the Minister for Aged Care (for the Minister for Community Services): What was the estimated total WorkCover bill for the Department of Human Services for the Malmsbury Juvenile Justice Centre for the year 2004-05 to date.

ANSWER:

I am informed that:

The total WorkCover bill for the Department of Human Services for staff for the Malmsbury Juvenile Justice Centre for the financial year 2004-05 to date is \$1,295,507.20.

Community services: Malmsbury Juvenile Justice Centre — WorkCover

4967. THE HON. WENDY LOVELL — To ask the Minister for Aged Care (for the Minister for Community Services): What was the total WorkCover bill to the Department of Human Services for the Malmsbury Juvenile Justice Centre in the year 2002-03.

ANSWER:

I am informed that:

The total WorkCover bill for the Department of Human Services for staff for the Malmsbury Juvenile Justice Centre for the financial year 2002-03 is \$1,129,881.95.

Community services: Malmsbury Juvenile Justice Centre — work days lost

4968. THE HON. WENDY LOVELL — To ask the Minister for Aged Care (for the Minister for Community Services): How many work days were lost through sickness or absenteeism of staff at Malmsbury Juvenile Justice Centre in the year 2004-05 to date.

ANSWER:

I am informed that:

During the 2004-05 financial year, 1268 sick leave days were taken at Malmsbury Juvenile Justice Centre.

Community services: Malmsbury Juvenile Justice Centre — work days lost

4970. THE HON. WENDY LOVELL — To ask the Minister for Aged Care (for the Minister for Community Services): How many work days were lost through sickness or absenteeism of staff at Malmsbury Juvenile Justice Centre in the year 2002-03.

ANSWER:

I am informed that:

During the 2002-03 financial year, 1072 sick leave days were taken at Melbourne Juvenile Justice Centre.

Community services: Parkville Youth Residential Centre — WorkCover

4973. THE HON. WENDY LOVELL — To ask the Minister for Aged Care (for the Minister for Community Services): What was the total WorkCover bill to the Department of Human Services for the Parkville Youth Residential Centre in the year 2002-03.

ANSWER:

I am informed that:

The total WorkCover bill for the Department of Human Services for staff for the Parkville Youth Residential Centre for the financial year 2002-03 is \$179,361.46.

Community services: Parkville Youth Residential Centre — work days lost

4974. THE HON. WENDY LOVELL — To ask the Minister for Aged Care (for the Minister for Community Services): How many work days were lost through sickness or absenteeism of staff at Parkville Youth Residential Centre in the year 2004-05 to date.

ANSWER:

I am informed that:

During the 2004-05 financial year, 617 sick leave days were taken at Parkville Youth Residential Centre.

Major projects: Major Projects Victoria — communications staff

5017. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Major Projects: As at 30 June 2005:

- (1) How many officers in Major Projects 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:

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

Major Projects Victoria (MPV) employs one officer engaged in a communications advisory role.

Premier: Office of Public Employment — communications staff

5079. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Premier): As at 30 June 2005:

- (1) How many officers in the Office of Public Employment are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am informed that:

- (1) As at 30 June 2005, the State Services Authority, incorporating the former Office of Public Employment, held one position of Communications Advisor, within its staffing establishment.
- (2) The salary band was Grade 4 - \$55,189 to \$62,618.
- (3) The job title was Communications Advisor.

Premier: Public Service Medal Committee (Victoria) — communications staff

5082. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Premier): As at 30 June 2005:

- (1) How many officers in the Public Service Medal Committee (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 informed that there are no officers in the Public Service Medal Committee (Victoria) that are engaged in communications, including public, corporate and media relations. Officers serve in an honorary capacity under the title of Committee Member.

Treasurer: Office of the Administrator (SECV, VicPower Trading) — communications staff

5218. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): As at 30 June 2005:

- (1) How many officers in the Office of the Administrator (SECV, VicPower Trading) are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am informed that:

No communications officers are engaged by this organisation.

Treasurer: Gascor Pty Ltd — communications staff

5227. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): As at 30 June 2005:

- (1) How many officers in the Gascor Pty Ltd are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am informed that:

Gascor Pty Ltd (Gascor) is no longer a State owned entity. The ownership of Gascor was transferred to Victoria's gas retailers Origin Energy (Vic) Pty Ltd, AGL Victoria Pty Ltd and TXU Pty Ltd (now known as SPI Retail Pty Ltd), in September 2003 pursuant to put options exercised by the State in December 2002.

Treasurer: State Trustees Ltd — communications staff

5228. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): As at 30 June 2005:

- (1) How many officers in the State Trustees Limited are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am informed that:

- (1) One officer who devotes half of their full time position to communications duties.
- (2) Their total salary package is \$66,400.
- (3) Communications Manager

Treasurer: Treasury and Finance, economic and financial policy division — communications staff

5230. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): As at 30 June 2005:

- (1) How many officers in the Economic and Financial Policy Division, Department of Treasury and Finance are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am informed that:

- (1) One person is engaged in communications in the VCEC secretariat. This individual works part time (0.6FTE). Staff in the VCEC secretariat report to secretariat management and are not subject to direction by the Department.
- (2) VPS Grade 4
- (3) Communications Adviser

Major projects: Major Projects Victoria — communications staff

5253. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Major Projects: As at 30 June 2005:

- (1) How many officers in the Major Projects 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:

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

This question is answered in Question 5017.

Police and emergency services: fixed traffic camera fines

5269. THE HON. GRAEME STONEY — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): How many fines have been issued in relation to the fixed traffic

camera at the corner of Thomas Street and North Road, Brighton East, between 1 April 2004 and 19 July 2005.

ANSWER:

I am advised that:

The site referred to above has been selected to be upgraded from a wet film camera site to a digital dual function speed and red light camera site. The hardware relating to the wet film site was dismantled 18 months ago and the site has not been used since then. This site is expected to be operational at the end of 2005. As a result, no offences were detected at that intersection using a fixed automatic detection device between 1 April 2004 and 19 July 2005.

Employment and youth affairs: youth programs — government spending

5288. THE HON. DAMIAN DRUM — To ask the Minister for Aged Care (for the Minister for Employment and Youth Affairs): What was the breakdown of Government spending on specific youth programs, such as the Youth Services Program, in 1999-2000, and what is the breakdown of the amount to be spent in 2005-06 (excluding the Office of Youth and general statewide departmental administration costs).

ANSWER:

I am informed that the Youth Services Program was moved across to the Department for Victorian Communities in 2003 and as such DVC does not have access to data for 1999-2000. The Youth Services Program underwent realignment to the Youth Participation and Access program in 2005 and I am informed that the amount to be spent by the Government on the Youth Participation and Access program in 2005/06 is \$4.1 million.

WorkCover: National Gallery of Victoria — closure

5291. THE HON. ANDREA COOTE — To ask the Minister for the Sport and Recreation (for the Minister for the Arts): In relation to the Government's recent announcement on the closure of the National Gallery of Victoria for one day a week:

- (1) What are the reasons for the one day a week closure.
- (2) Is this a permanent change.
- (3) How much money will the Gallery be saving by closing its operations one day a week.
- (4) How many staff will no longer be employed at the Gallery as a result of this closure.
- (5) What positions did these staff hold at the Gallery.

ANSWER:

I am informed that:

With two vast buildings open seven days a week and a \$2.5B Collection to maintain, protect and display, the Council of Trustees acknowledged that the NGV must remain financially responsible and focused. The Council decided to follow a recognised international museum practice and close one day per week at each building.

One building will remain open to the public every day of the week.

Arts: National Gallery of Victoria — education officers

5292. THE HON. ANDREA COOTE — To ask the Minister for the Sport and Recreation (for the Minister for the Arts):

- (1) How many full-time education officers are employed to work at the National Gallery of Victoria.
- (2) How many part-time education officers are employed to work at the Gallery.
- (3) Does the Government plan to increase the number of education officers employed to work at the Gallery in the coming 12 months; if so, what are the reasons for this.
- (4) Does the Government plan to decrease the number of education officers employed to work at the Gallery in the coming 12 months; if so, what are the reasons for this.

ANSWER:

I am informed that:

Eight full-time education officers are employed to work at the Gallery.

Five part-time education officers are employed to work at the Gallery (2.5EFT)

Arts: Australian Centre for the Moving Image — staff cuts

5293. THE HON. ANDREA COOTE — To ask the Minister for the Sport and Recreation (for the Minister for the Arts): In relation to the Government’s latest review of the Australian Centre for the Moving Image which indicates that five jobs are expected to be cut at the Centre:

- (1) What are the Government’s reasons for the planned staff cuts.
- (2) What specific positions are planned to be cut.
- (3) What are the Government’s reasons for cutting these particular positions.
- (4) When will these staff cuts come into effect.
- (5) Does the Government expect to cut any further jobs at the Centre in the next three years.

ANSWER:

I am informed that:

ACMI is aligning its resources with its strategic objectives to provide the most effective way to deliver programs to the public, and to provide support services underpinning those programs.

Arts: Australian Centre for the Moving Image — consultants

5294. THE HON. ANDREA COOTE — To ask the Minister for the Sport and Recreation (for the Minister for the Arts):

- (1) How many consultants were employed at the Australian Centre for the Moving Image in 2003-04, 2004-05 and 2005-to date, respectively.
- (2) For what specific roles were each of these consultants employed.
- (3) What was the cost of hiring consultants to work at the Centre in 2003-04, 2004-05 and 2005-to date, respectively.

ANSWER:

I am informed that:

Information regarding consultancies is provided in all annual reports.

Arts: Melbourne Writer's Festival — funding

5295. THE HON. ANDREA COOTE — To ask the Minister for the Sport and Recreation (for the Minister for the Arts):

- (1) How will the Government improve the funding for the Melbourne Writer's Festival in 2005-06, 2006-07 and 2007-08, respectively.
- (2) How does the Government plan to deal with the lack of event space available for the Festival.
- (3) When will these plans come into effect.
- (4) What are the Government's plans for growth of the Festival in the future.
- (5) What are the Government's reasons for giving substantially less funding to the Melbourne Writer's Festival compared with that received by the Sydney Writer's Festival.

ANSWER:

I am informed that:

In 2005, the Melbourne Writers' Festival received an additional \$100,000 from the State Government. These funds were granted to assist the Festival to assist the expansion of key author representation, to undertake research of its stakeholders and to significantly expand the 2005 marketing strategy.

Planning: termite infestation — declaration of municipalities

5306. THE HON. PHILIP DAVIS — To ask the Minister for Sport and Recreation (for the Minister for Planning): What action has the Government taken in response to the recommendation of the CSIRO of 13 January 2005, for the immediate declaration of all municipalities in the state of Victoria as subject to termite infestation.

ANSWER:

I am informed that:

In Victoria, local councils need to decide whether they declare their municipality as being subject to likely termite infestation. Twenty-two councils are currently not declared.

The Building Commission has been working with local councils to ensure that appropriate termite controls exist, without imposing unnecessary costs on new homes builders and renovators. The Commission has undertaken the following actions as part of its ongoing role of raising about termite management:

- A targeted media campaign to educate and inform consumers and building practitioners on termite prevention;
- A direct mail campaign to encourage municipal councils to closely monitor their undeclared areas;
- Publishing termite management information on the Building Commission web site; and
- Updating the Commission's Termite Management publication, targeted at consumers that are in the process of building.

A number of councils have advised the Building Commission that the statistics referred to in the CSIRO report need further verification. Furthermore, the report only covers thirty-one of Victoria's municipalities and therefore additional data is required for the undeclared municipalities not covered in the report. To this end, the Commission is about to undertake research to establish the extent of termites in undeclared areas. The outcome of this research will be provided to councils for their consideration. The research is due to commence in mid October 2005 and will take approximately four months to complete.

Planning: termite infestation — consumer awareness campaigns

5307. THE HON. PHILIP DAVIS — To ask the Minister for Sport and Recreation (for the Minister for Planning): What funds have been spent by the Government to fund consumer awareness campaigns about termites and the buyer's responsibility in relation to buying a house in an area where there are termites for 2002-03, 2003-04 and 2004-05, respectively.

ANSWER:

I am informed that:

The Building Commission has spent an average of \$160,000 over the last three financial years on consumer awareness campaigns which includes specific programs for informing consumers on termite management.

Planning: termite infestation — home buyers

5308. THE HON. PHILIP DAVIS — To ask the Minister for Sport and Recreation (for the Minister for Planning): What Government programs currently exist that are aimed at assisting home buyers to know their rights and responsibilities in regards to purchasing a home in an area where termites are to be found.

ANSWER:

I am informed that:

The Building Commission commenced a targeted public awareness campaign to educate homeowners and prospective home buyers on termite management in 2003. Part of the campaign included the preparation of a brochure titled 'What you need to know about termite management'. The brochure is currently available to the public and contains advice for consumers on:

- The importance of checking with local council on whether it has declared its municipality as being subject to termites;
- The value in having an expert carry out an inspection for possible termite activity prior to purchasing a home;
- What to do if termites are discovered; and
- How to avoid damage by termites.

To date, the Commission has distributed over 9000 of these brochures to local councils, real estate agents and building industry groups.

In addition, the Commission's ongoing awareness campaign includes public seminars, information on the Commission's web site, articles in the Commission's Inform newsletter and media releases.

Planning: termite infestation — annual cost

5309. THE HON. PHILIP DAVIS — To ask the Minister for Sport and Recreation (for the Minister for Planning): What is the estimated annual cost borne by Victorian property owners of business and

residential properties caused by termites and, given that these costs are not covered by insurance, what Government programs exist to help Victorians bear the cost of termite infestation.

ANSWER:

I am informed that:

In recent years, there have been various estimates made by industry associations on the cost borne by Victorian building owners resulting from termite attacks. These estimates tend to vary significantly and are difficult to verify due to the complexities and different methodologies involved. The State Government is working closely with local government to develop a clearer picture of termite damage across the State and has commissioned specific research which will provide reliable information on the level of termite infestation in undeclared areas.

The Government's strategy for managing the risk of termite infestation to buildings is focused on preventative measures as opposed to reactive measures. The preventative measures include building regulations that provide termite protection standards for the construction of new buildings as well as education and awareness raising campaigns for consumers on how to effectively protect their new home from termite infestation.

Planning: termite infestation — eradication treatments

5310. THE HON. PHILIP DAVIS — To ask the Minister for Sport and Recreation (for the Minister for Planning): What requirements govern the use of treatments designed to eradicate termite infestation in Victorian homes and businesses.

ANSWER:

I am informed that:

Termite protection measures for new building work must comply with the Building Code of Australia (BCA) 2005. BCA options to protect buildings from termites include providing a physical barrier such as a concrete slab, sheet materials, stainless steel mesh and graded stone particles or providing chemical barriers that are applied under and around the foundations of a building.

It is important to note that due to health and environmental concerns, current chemical treatments are not designed to eradicate termites and are a preventative measure only. These measures are aimed at making termites easier to detect during the early stages of termite attack so that an owner can take ameliorative action.

Planning: termite infestation — barriers

5311. THE HON. PHILIP DAVIS — To ask the Minister for Sport and Recreation (for the Minister for Planning): What requirements govern the incorporation of physical or chemical barriers to prevent termite infestation of properties in areas that are declared to have termites.

ANSWER:

I am informed that:

New building work constructed in areas that are declared by local councils as being prone to termite infestation, must comply with the termite provisions of the Building Code of Australia (BCA) 2005. BCA options to protect buildings from termites include providing a physical barrier such as a concrete slab, sheet materials, stainless steel mesh and graded stone particles or providing chemical barriers that are applied under or around the foundations of a building.

Sport and recreation: Go for Your Life program — funding

5315. THE HON. DAMIAN DRUM — To ask the Minister for Sport and Recreation: In relation to the *Go For Your Life Program*:

- (1) What is the complete breakdown of funding (including all advertising) the Government has spent, to date, on the program.
- (2) What is the full breakdown of the amount to be spent over the remaining life of the program.

ANSWER:

I am informed as follows:

The Victorian Government has committed \$21.9 million over four years to the Healthy and Active Victoria Strategy and ‘Go for your life’ media campaign. The funding is allocated across portfolios as follows:

- \$10 million (over four years) for the promotion of physical activity – Sport and Recreation;
- \$10 million (over four years) for the prevention of obesity and diabetes – Health; and
- \$1.9 million (over four years) to promote healthy and active lifestyles for senior Victorians – Aged Care.

Within the Sport and Recreation portfolio, expenditure to date (as at 1 September 2005) and planned future expenditure (to June 2007) is broken down as follows:

- \$2.32 million expended for communications and information provision, with a further \$1.09 million in planned future expenditure;
- \$410,000 expended for four large-scale ‘Flagship’ projects to increase participation in physical activity by under-represented groups, with a further \$1.33 million in planned future expenditure;
- \$220,000 in grants payments under the Physical Activity and Community Walking Grants programs, with a further \$2.34 million in planned future expenditure;
- \$910,000 expended (including \$800,000 in grants payments to local councils) for the ‘Warming Up for the Games’ activity day on November 20, 2005, with a further \$290,000 planned;
- \$110,000 expended for program administration, with a further \$310,000 planned; and
- Planned future expenditure on research, evaluation and monitoring of the ‘Go for your life’ campaign and strategy, and funding to support the Healthy and Active Victoria Secretariat of \$670,000.

Community services: Kew Residential Services

5317. THE HON. DAMIAN DRUM — To ask the Minister for Aged Care (for the Minister for Community Services): Further to the Minister’s answer to question on notice no. 5267, are the units referred to by the Minister the existing residential facilities, which the residents will not be forced to move from, or will temporary relocatable units, or any other type of accommodation, be used to house residents, thus requiring a double-move.

ANSWER:

In my response to Question on Notice 5267, I was referring to the existing residential facilities on site and six houses on the site which will be used by Disability Services for a temporary period.

All KRS residents are progressively moving to their new quality homes and are doing extremely well. Twenty of these homes will be on the Kew site, the government is ensuring that 100 residents who will live there will have the same standard of housing and support as those who moving off site. The reason that six of these twenty houses will be used for a temporary period in the instance, is to ensure residents safety while construction of permanent homes is under way.

Major projects: minister's office — alcohol purchases

5415. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Major Projects: 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:

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

The research required to provide a response to the question would place an unreasonable burden on the time and resources of the department.

Major projects: Docklands Authority — external legal advice

5463. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Major Projects: How much has been spent by the Docklands Authority on external legal advice since 1 June 2004.

ANSWER:

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

The Docklands Authority was merged with the Urban and Regional Land Corporation (URLC) as at August 2003, therefore ceased to exist as at the time frame specified in the question.

Major projects: Federation Square Management — external legal advice

5465. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Major Projects: How much has been spent by Federation Square Management on external legal advice since 1 June 2004.

ANSWER:

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

The operations of the Federation Square Management do not come under the portfolio responsibility of the Minister for Major Projects and would be more appropriately directed to the Minister for Innovation.

Major projects: Docklands Authority — entertainment expenses

5693. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Major Projects: In relation to the Docklands Authority's entertainment expenses for 2004-05:

- (1) What was the total cost incurred.
- (2) What are the itemised details of all expenditure in excess of \$500, including —
 - (a) date incurred;
 - (b) cost;
 - (c) number of guests;

- (d) purpose; and
- (e) name of service provider.

ANSWER:

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

The Docklands Authority was merged with the Urban and Regional Land Corporation (URLC) as at August 2003, therefore ceased to exist as at the time frame specified in the question.

Major projects: Federation Square Management — entertainment expenses

5695. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Major Projects: In relation to the Federation Square Management’s entertainment expenses for 2004-05:

- (1) What was the total cost incurred.
- (2) What are the itemised details of all expenditure in excess of \$500, including —
 - (a) date incurred;
 - (b) cost;
 - (c) number of guests;
 - (d) purpose; and
 - (e) name of service provider.

ANSWER:

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

The operations of the Federation Square Management do not come under the portfolio responsibility of the Minister for Major Projects and would be more appropriately directed to the Minister for Innovation.