

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

**Thursday, 24 November 2005
(extract from Book 9)**

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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, 24 November 2005

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

Hon. E. G. Stoney — On a point of order, President, in the newspapers this morning and last night on television, there were photographs of members in the Queen's Hall dining room. I point out that I believe that is against the rules. Members have been very tolerant with the renovations, but I think the press is starting to abuse its privileges. I would like to ask you to stop the press abusing our privacy.

The PRESIDENT — Order! I uphold the point of order. I have this morning spoken to the Speaker about this matter after it was raised with me late last night. I have reviewed the news from last night, and the people who were involved in taking unauthorised photographs and filming in what is now the members temporary dining room are being investigated by the Speaker's office.

For the information of house, members of the media are accredited on an annual basis and those who continue to breach requests of the presiding officers, the Usher of the Black Rod or the Sergeant-at-Arms will be asked to show cause why their accreditation should be renewed.

PETITION

Disability services: accommodation

Hon. W. A. LOVELL (North Eastern) presented petition from certain citizens of Victoria requesting that the state government act immediately to resolve the shortage of shared supported accommodation facilities for disabled adults in the Goulburn Valley and north-east Victoria (51 signatures).

Laid on table.

PAPERS

Laid on table by Clerk:

Alexandra and District Ambulance Service of Victoria — Minister's report of receipt of 2004–05 report.

Bass Coast Regional Health — Report, 2004–05 (three papers).

Chief Electrical Inspector's Office — Report for the year ended 9 August 2005.

Chinese Medicine Registration Board of Victoria — Minister's report of receipt of 2004–05 report.

Consumer Utilities Advocacy Centre Ltd — Report, 2004–05.

Dental Health Services Victoria — Report, 2004–05.

Dental Practice Board of Victoria — Minister's report of receipt of 2004–05 report.

East Grampians Health Service — Report, 2004–05 (three papers).

Edenhope and District Memorial Hospital — Report, 2004–05.

Equal Opportunity Commission — Report, 2004–05 (*in lieu of that tabled on 15 November 2005*).

Gas Safety Office — Report for the year ended 9 August 2005.

Health Purchasing Victoria — Minister's report of receipt of 2004–05 report.

Kilmore and District Hospital — Report, 2004–05 (two papers).

Mental Health Review Board and Psychosurgery Review Board — Minister's report of receipt of 2004–05 report.

Office of Police Integrity — Review of fatal shootings by Victoria Police, November 2005.

Omeo District Health — Minister's report of receipt of 2004–05 report.

Pharmacy Board of Victoria — Minister's report of receipt of 2004–05 report.

South Gippsland Hospital — Report, 2004–05.

Hon. Bill Forwood — On a point of order, President, I wonder if someone could explain to the house why we are having another copy of the Equal Opportunity Commission's annual report tabled in lieu of one that was tabled a week ago.

The PRESIDENT — Order! There were a number of mistakes in the report that was tabled. The decision was made by the clerks that an erratum list was not sufficient, so a reprinting of the report was ordered and was directed by the clerks, which was the appropriate action to take.

Hon. Bill Forwood — On the point of order, I wonder, President, if it would be possible for a list of errata to be made available to the members so we are able to see, without comparing every line of both reports, what mistakes were in the first report that led to the report being withdrawn and retabled.

The PRESIDENT — Order! The clerks were given the list of the errors that needed to be corrected. As I indicated previously, the clerks made the decision that a

new report had to be printed. They have that list and are happy to make that available to Mr Forwood.

Hon. Bill Forwood — On the point of order and for clarification, President, is it the house's understanding that the mistakes were discovered by the clerks and not by the Equal Opportunity Commission?

The PRESIDENT — Order! No, that is not what I said. The commission advised the clerks that there had been some printing errors. The clerks then had the authority to make a decision on whether to put out an erratum list or make an order saying the errors were too extensive and therefore the report should be reprinted. That is the decision they took — to direct the Equal Opportunity Commission in that way.

Equal Opportunity Commission report ordered to be printed on motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Office of Police Integrity report ordered to be printed on motion of Hon. T. C. THEOPHANOUS (Minister for Energy Industries).

MEMBERS STATEMENTS

Age: sustainable living series

Hon. PHILIP DAVIS (Gippsland) — I am delighted that the Minister for Energy Industries is in the chamber to respond to my statement today. I raise a matter concerning all Victorians: the sustainable living poster series insert in the *Age* newspaper some two or three weeks ago, sponsored by the Australian Conservation Foundation (ACF), the *Age* and Origin Energy, which purports to deal with the greenhouse gas pollution — that is, greenhouse policy.

This insert makes recommendations about how to take action to reduce your greenhouse pollution. The 10 recommendations include switching to green power — no doubt the *raison d'être* for the article, which is to promote Origin Energy's power scheme. But dot point 5 says 'eat less meat'. It is interesting that it would be part of what is apparently the green house policy of the *Age*, the ACF, Origin Energy and I suspect the Victorian government to discourage Victorians from eating meat.

I think it is a bizarre proposal, and I am sure the minister would like to respond, given that he has time to do so now — —

Honourable members interjecting.

The PRESIDENT — Order!

Homosexuality: decriminalisation

Ms MIKAKOS (Jika Jika) — As lawmakers we have the opportunity to amend or repeal laws which are discriminatory or archaic, and so it was that on 17 December 1980 the Crimes (Sexual Offences) Bill was passed in this place to finally decriminalise homosexual activity between consenting adults. Gone were the offences of buggery and gross indecency, and instead, Victorians had to accept that gay men and lesbians could not be legislated out of existence.

On 17 December Victoria's gay, lesbian, bisexual and transgender communities will be commemorating the 25th anniversary of this major milestone in Victorian law reform. In addition they will be commemorating the silver jubilee of the ALSO Foundation. I must acknowledge that it was the Hamer Liberal government which introduced the bill, and it was enthusiastically supported by the Labor Party. This reform was the work of a number of individuals who lobbied for these reforms to occur. They were Carl Reingarum, Rob Thurling, Gary Jaymes, Graham Carbery, Jamie Gardiner, Malcolm Ronan, Kirk Peterson, Alison Thorne, Alan Hough, Lesley Rogers, John Wrentsch, Julian Philips, Sir Rupert Hamer, the Honourable Haddon Storey and the Honourable Barry Jones. Without their commitment who knows how many more lives would have literally been destroyed by laws that sought to humiliate and alienate.

Sadly homophobia exists today. We must commit ourselves to dealing with hate crime and homophobia in all its forms. I applaud the contribution of all these individuals, and I know that many men who were arrested for homosexual acts had their lives destroyed and continue to pay the price because the offences remain on the record — —

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

Australian Labor Party: federal policies

Hon. RICHARD DALLA-RIVA (East Yarra) — I wish to put on the record that the editorial of the *Australian* on 22 November, headed 'Apocalypse Not — Labor is in danger of being sucker-punched ... again', goes into quite some detail about the federal ALP leader, Mr Beazley's, big cannon in 1998 when the goods and services tax was looming. We remember the GST was going to be the big worry but the Labor Party was going to come in and make sure that the GST was not brought in.

The sky did not fall, Chicken Little did not have any problems and in the 2001 election we saw the leader of the federal opposition announce his famous rollback. Yet again we see Australia heading towards workplace reforms and we have the same opposition leader with the same scenario of the sky falling. I can tell members that it is not going to fall, but what we can be assured of is that leading into the next federal election we will have the son of rollback — the rollback of the rollback. Mr Beazley will say, 'Workplace reforms were not that bad actually, and we are not going to withdraw them. We will stick with them'. This will be the son of the rollback of the rollback — Mr Beazley is the king of rollbacks and should understand that he is irrelevant and —

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

Turning Point Alcohol and Drug Centre

Mr SCHEFFER (Monash) — I commend the work of the Turning Point Alcohol and Drug Centre and its chief executive officer, Professor Nick Crofts. Turning Point provides drug treatment services to people affected by alcohol and drug use and conducts practical and applied research into drug use and related harm. Turning Point is a major contributor to public policy development.

Monday evening's oration was delivered by Professor Robin Room from the Centre for Social Research on Alcohol and Drugs at Stockholm University in Sweden. I had the great pleasure of meeting Professor Room in Stockholm last year and was deeply impressed with his expertise in alcohol policy. Inviting Professor Room to give the annual oration was an inspired decision. Professor Room's topic was 'Alcohol policy — thinking globally, acting globally' and he spoke about the social and health burden imposed by harmful alcohol consumption. Professor Room surveyed the relative effectiveness of the range of strategies that have been used to hold down or reduce the rates of alcohol problems.

He discussed the globalisation of the alcohol industry and the responsibility governments have to develop appropriate controls. Professor Room highlighted the importance of establishing at the international level, a public health convention focusing on alcohol to enable the development of effective global policies. He said it was critical that work should be done on developing the evidence on which alcohol policy should be based.

I congratulate Turning Point and Professor Room on a stimulating and important contribution to the public debate on this significant issue.

Mineral sands: Donald project

Hon. D. K. DRUM (North Western) — The Nationals are concerned about the Astron mineral sands mining project in the Donald region. We are not concerned about the project itself, because we are very strong advocates for the mineral sands industry, but we are concerned about this project being pushed ahead in consultation with the Minister for Energy Industries, who is also the Minister for Resources, and the Minister for Environment in the other place, who are contemplating pushing the project through without an environment effects statement (EES). We have a number of constituents who are concerned about the impact of this project on the local community and the environment.

The only way for us to assess the local impact of such a large project is to fully investigate the project and have the documentation made public, which can only be done through an EES process. Astron is a primary producer of zirconium and specialty chemicals, and it proposes to mine grain mineral sands from deposits east of Minyip, and then export the heavy mineral concentrates to China. It hopes to do that by June 2007. We are fully behind Astron, but in order to safeguard our constituents and our small communities in the Donald region — around Banyena and Minyip — we, firstly, need to ensure that this company, in the same way as any other company that wishes to mine, goes through the correct process, which is an EES. We call on the minister to ensure that both the Minister for Energy Industries —

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

Aboriginals: Long Walk

Ms ROMANES (Melbourne) — In 2000 more than 300 000 people walked across Princes Bridge in Melbourne to demonstrate their support for the reconciliation process. It is in this same spirit that former Australian Football League player and indigenous Australian Michael Long embarked on the Long Walk to Canberra last year. He walked with friends and supporters to meet with the Prime Minister to discuss the plight of indigenous Australians.

Michael Long is again gathering friends to walk with him from Princes Park in Carlton on Sunday, 4 December. The walk will raise funds for the Pastor

Sir Douglas Nicholls Fellowship for Indigenous Leadership to develop leaders for the Aboriginal community and to provide guidance for non-indigenous Australians as well. We are all invited to join Michael for the first 5 kilometres of his walk, and I urge all MPs in the Victorian Parliament and members of the community who are committed to the reconciliation process to join us. Everyone is welcome. Registrations open at 9.00 a.m. at Princes Park, and the walk commences at 10.30 a.m. Further details can be obtained from www.thelongwalk.com.au.

Women: reproductive health

Hon. C. D. HIRSH (Silvan) — Today I want to express the strong hope that federal members of Parliament will vote to support the lifting of the ban on mifepristone, which is also known as RU486. Mifepristone is used to procure medical abortions for women. Through extensive clinical trials and the drug's use in Europe and the United States of America mifepristone has been shown to be equally as safe as a surgical abortion and is often preferred by women.

The ban in Australia was negotiated on political and ideological grounds between John Howard and Brian Harradine. That had nothing to do with women's medical needs. To have medical matters used by politicians and ideologues is unethical. It is appalling generally that matters concerning women and their health, whether or not the health issue is to do with pregnancy, is bandied around as a political football by a bunch of people, many of whom are men and have no business in interfering with women's health matters. I urge federal politicians to support the lifting of that ban in Australia so that women will have proper choices when making medical decisions about their own health and their own future. We should not be interfering in matters that concern women and their doctors.

Eureka: rebellion anniversary

Ms HADDEN (Ballarat) — The 151st anniversary of the Eureka rebellion will occur on Saturday, 3 December, at around 3.30 a.m. On a Sabbath morning in 1854 at the Eureka Stockade on the Ballarat goldfields, Commissioner Robert Rede acted to put an end to anarchy and confusion and turn the rebels out of the stockade and pull it down, and he determined to use all the powers of the redcoats to that end. Some 276 troopers of the 12th and 40th British regiments fired on around 150 sleeping miners at dawn. It is recorded that the conflict lasted between 10 and 20 minutes and resulted in 30 miners and 5 troopers being killed. Whilst the women of Eureka were preparing the bodies of their men for burial,

Lieutenant-Governor Sir Charles Hotham declared martial law on the Monday, and 120 prisoners were taken, 13 of whom were charged with sedition and treason. In the following year all 13 were found not guilty.

The flamboyant Italian miner Raffaello Carboni, the author of the main witness account of the events, a book entitled *The Eureka Stockade*, was later appointed a mining magistrate, whilst the leader of the Eureka rebellion, Peter Lalor, and J. B. Humffray were elected as miner representatives for Ballarat to the Legislative Council in November 1855. Peter Lalor enjoyed a long parliamentary career and became the Speaker of the Legislative Assembly from 1880 until 1887, when he retired due to ill health. He died in 1889. The diggers oath made under the Southern Cross on the Thursday prior to the rebellion was: 'We swear by the Southern Cross to stand truly by each other and fight to defend our rights and liberties'. The words of this oath are truly remarkable for their blend of romance and intellect and have become known as the Eureka Spirit.

Transport Accident Commission: head office relocation

Hon. J. H. EREN (Geelong) — I wish to congratulate the Bracks Labor government on its decision to move the Transport Accident Commission (TAC) from its Melbourne location to Geelong in my electorate. It is an indication that this government is committed to the decentralisation of services and growing the whole state. I do not wish to pre-empt the feasibility study currently under way by saying that the move to bring such a large employer, with 600 jobs and a \$50 million annual boost to the local economy, is an economic boost we desperately need.

People in Geelong are ecstatic that the Bracks Labor government has decided to give such a large boost to the economy of the city by the bay. I noted in an article in the *Age* yesterday headed 'Opposition divided over TAC relocation' that the Liberal Party and The Nationals are at odds over the move. Once again, we see that the Liberal Party, through Mr Forwood, believes all the services should be in Melbourne. It has learnt nothing about growing the whole state, it is still Melbourne-centric and obviously still considers regional Victoria to be the toenails of the state. It is crystal clear that the Liberal Party does not care about Geelong. This move could also mean purpose-built accommodation may need to be constructed, therefore adding much more investment and construction jobs to the overall project. This is indeed fantastic news for Geelong.

I understand that there are obvious sensitivities in relation to this move, and I am confident that this government, unlike the Kennett government, will take into consideration concerns raised through this process. I would also like to assure those workers who may decide to make the move with the TAC that Geelong is a great place to live, work and raise a family.

Industrial relations: federal changes

Mr SMITH (Chelsea) — I rise to congratulate Senator Barnaby Joyce and his fellow Nationals colleagues. It would seem that Barnaby has travelled that popular road to Damascus as he now states that he understands the rationale for penalty rates applying on certain days, and is going to support those penalty rates applying to Christmas Day and Anzac Day. He is working hard to convince some of his other senators and fellow Nationals, and, of course, we wish him well.

He understands now that penalty rates are a disincentive for employers to employ people on those days and — wait for it — that is exactly what the union movement has been on about for 100 years! It has said that penalty rates ought apply as a disincentive so that people can spend more time at home with their families. We wish him well. We hope he can convert some of the other recalcitrant senators and lower house members in the federal Parliament. I suppose we could suggest that Barnaby is now embarking on a rollback strategy for penalty rates. Again, on behalf of myself and my colleagues here, and I daresay all unionists across the country, I say, ‘We wish you well, Barnaby. You go, boy!’.

Transport Accident Commission: head office relocation

Hon. BILL FORWOOD (Templestowe) — I rise to use this opportunity to make a few comments about the proposal of the Transport Accident Commission (TAC) to relocate its head office to Geelong. I note and accept that the members representing Geelong would be pleased to have additional workers in their city. I note that The Nationals are keen to get these sorts of jobs in provincial cities as well. But one of the things that needs to be considered is the individual lives of the 700 people who work at the TAC. I think they have every right to march in the streets and to make it very clear that they do not take kindly to the actions of the minister or the TAC or a member for Geelong Province who want to upset their lives and drag them screaming down the Geelong highway so that they can continue to do the work that they have always done in the interests of all Victorians here in Melbourne. I saw the woman on television saying, ‘I have just bought a house. What

is going to happen to me?’. There is grave concern amongst all the staff of the TAC because of the ham-fisted attitude of the minister — —

The PRESIDENT — Order! The member’s time has expired!

STATEMENTS ON REPORTS AND PAPERS

Attorney-General: freedom of information report 2004–05

Hon. RICHARD DALLA-RIVA (East Yarra) — Today I want to talk about the 2004–05 report by the Attorney-General on the Freedom of Information Act 1982. From the outset in my portfolio of scrutiny of government one of the principal activities one undertakes is not only asking voluminous quantities of questions on notice but the extent to which we need to explore the government — in particular, its agencies — through the use of freedom of information.

Mr Lenders interjected.

Hon. RICHARD DALLA-RIVA — I take up the interjection of the Leader of the Government, who should be more sensitive to the fact that he criticises me in the chamber because I am asking questions on notice — a legitimate right I have as a member of Parliament. The Leader of the Government wants to gag me and restrict my opportunities to ask questions. It is well known this government has consistently failed to apply the 30-day rule, but that is for another day.

I want now to talk about the freedom of information annual report.

Ms Hadden interjected.

Hon. RICHARD DALLA-RIVA — It is freedom from information, as the Ms Hadden points out. It is interesting to note that the spin doctors are back in town. On page 4 of the annual report the Attorney-General states:

Overall, during the past five years requests reported by agencies across the state have increased by more than 57 per cent.

The government puts the spin out that it is about more open and accountable government. I have to say that everyone I have spoken to has said it is not about being more open and accountable but that people are putting in more requests of this government because they cannot get information from it. When they request normal information they are stymied at every level. We now find that people in the community say, ‘I cannot

get any information from the minister. I write to the minister — I might get a response, but often I do not get a response. I might write to the local member'. We know of members who receive correspondence from their constituents but do not reply to them.

I had an interesting discussion with a constituent of the member for Carrum in the other place, who was concerned that he had written and spoken to the member but had not received any correspondence in reply — not one email or letter. Out of frustration he came to me because of my scrutiny-of-government role.

This is supposedly an open and accountable government! Yet we see a 57 per cent increase in the number of requests reported by agencies. This is not a figure that says how great we are; this is a damning sign that indicates the extent of this government's secretive and deceptive approach, and that it hides everything at every level.

What is the other evidence that we have that this is occurring elsewhere in the state? The Attorney-General states on page 4 of his report:

I noted in last year's FOI —
freedom of information —

annual report that the Victorian Ombudsman had commenced an own-motion examination of the administration of FOI in Victoria.

If it is so free, open and transparent, why has the Ombudsman created his own motion to launch an investigation into the way the FOI process is being managed? It is clear because he knows, I know and members opposite know of the delays incurred by this government and by the FOI officers in restricting people making simple applications. I look forward to the Ombudsman's recommendations, as does the Attorney-General, on how we can make improvements to this essential democratic mechanism.

The Attorney-General must have a bead of sweat running across his forehead from constantly worrying about the damning report that will come out from the Ombudsman on the fact that the FOI process and the guidelines put in by the government have stymied the process so that its officers have been crunched and cannot respond freely. We know they go to ministers' advisers before any requests are answered. Those things are clearly known.

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

Royal Botanic Gardens Board: report 2004–05

Hon. J. G. HILTON (Western Port) — I am very pleased today to make a brief contribution on the Royal Botanic Gardens Board Victoria annual report 2004–05. The title of the report *Royal Botanic Gardens — Conserving Australia's Plants for the Future* is, of course, one of the leading roles of the Royal Botanic Gardens and is fulfilled through research and conservation programs which look after rare and endangered plants and the study of their habitats. The Royal Botanic Gardens looks after two gardens — 38 hectares in Melbourne and 363 hectares of remnant bushland and wetland at the Royal Botanic Gardens in Cranbourne, and I would like to spend the rest of my contribution discussing the Cranbourne gardens.

In the company of the Parliamentary Secretary for Environment, Ms Carbines, I recently had a very instructive and enjoyable tour of the new botanic gardens which is to be established in Cranbourne. Stage 1 of the new botanic gardens will be opened by the Premier in May 2006. Even stage 1 has been a huge undertaking. The visitors centre, which is nearing completion, will be a meeting place for the visitor programs as well as the entry point of the Australian garden. During the construction program visitors have still been able to enjoy the bushland experience which is so unique to Cranbourne. Well over 56 000 people access the picnic area and the walking tracks, as well as the visitor education programs.

In October Cranbourne ran the first wildflower picnic day to introduce visitors to the plant diversity on the Cranbourne site, and over 7000 children have attended the range of paid programs delivered on the site. The new botanic gardens will feature displays illustrating how it is possible to develop an attractive garden environment without relying on introduced plant species. I am sure everyone in this house is aware of the importance of conserving water resources, and as 50 per cent of water usage at the household level is spent on the garden it is very important that people have the opportunity of learning that there are more water-efficient plants which can still be attractive in a garden environment. The new botanic gardens in Cranbourne will feature plants of this type, which will obviously aid our conservation message.

Also, in visiting the botanic gardens it is important that we acknowledge the traditional owners of the land. In this regard the Royal Botanic Gardens at Cranbourne, through an Arts Victoria creative capacity grant of \$118 000, secured the employment of an Aboriginal community liaison officer. This program aims to educate the broader community in relation to

indigenous culture and help the indigenous community maintain its cultural links. The liaison officer will work closely with the Inter-Council Aboriginal Consultative Committee, the Aboriginal ancestral group, the Bunarong, and the indigenous and wider communities to promote a broader understanding of indigenous culture.

While the Royal Botanic Gardens in Melbourne are far more popular in terms of visitor numbers than those in Cranbourne, I believe over time this balance will become more equal. Over 1 million people live within 20 minutes of Cranbourne, and I believe as the truly spectacular nature of the new botanic gardens, which, as I mentioned, will be opened by the Premier next May, become more well known, visitor numbers will increase dramatically. Cranbourne offers a unique opportunity to explore first hand the great variety and beauty of Australian native plants, and I would encourage all members of this house who have not had the opportunity of visiting the gardens to do so. Finally, I would like to congratulate all the board members and staff of the botanic gardens in Melbourne and in Cranbourne who do such a wonderful job.

National Gallery of Victoria: report 2004–05

Hon. ANDREA COOTE (Monash) — This morning I would like to speak about the *Year in Review* report of the National Gallery of Victoria for 2004–05. I put on the record my acknowledgment of the great effort that the gallery staff have put into continuing the excellent work of the gallery and of the depth of the collection. This is an excellent report. It is comprehensive, fair and honest; in fact it has a lot of integrity. But it also gives confidence to those of us who read it and deal with these sorts of things about what our gallery is trying to achieve on behalf of all Victorians.

I put on the record my praise for the work of Dr Gerard Vaughan, who is the director. I understand the pressures he has had to face during this last year. I would say he is a true professional. When he was being squeezed to cut back to make certain the gallery could remain viable and meet its requirements financially, and as a result of that he had to close the gallery sites at both Federation Square and in St Kilda Road for two days of the week, he was extremely fair and professional when he spoke on radio and television at the time. In fact he indicated that it was to be for educational procedures that the national gallery was going to be closed. The reality was very different, and we can see that reflected in the figures presented in this report.

The director's report says:

The operating deficit for 2004–05 was \$1.7 million, less than first projected, and already reflecting the results of our carefully formulated plans to reduce expenditure in the light of a full understanding of the nature and demands of our post-redevelopment operations. To reduce costs and to enable staff to have greater access to the gallery spaces in the weekly daylight hours, the NGV decided it would close each building one day per week from October 2005.

The reality is that the government was being parsimonious. It is absolutely awash with money. It can spend \$96 000 on painting trees blue, which is a total waste, yet it cannot find enough money to give to an organisation such as the National Gallery of Victoria to make certain that both of its sites can remain open all day every day. This is an indictment of this government. It has absolutely no idea of its priorities or of what the people in this state expect.

The director's report goes on to speak about Liz O'Keefe, who was in fact the corporations manager, and the excellent work she had done. She was the chief operating officer, and although she has left she was largely responsible for helping the gallery to meet the targets that it met. The report is sprinkled with praise for the work she did.

One of the interesting things in the financial summary is that this time there has been demarcation between the grants the government provides and what the people of Victoria give to the National Gallery of Victoria. The people of Victoria are very, very supportive of the national gallery because it is such a fine institution. At page 49 the report contains a statement of the NGV's five-year financial performance, and you can see the huge number of grants and donations Victorians have made. The donations are slightly down this year, but I think we have to keep that in balance with the huge donation that was given by Joseph Brown in the year before — \$20 million, which is an enormous amount of money — and to also understand the nature of the Felton bequest and that it is starting to wind down. It has been an absolutely remarkable bequest. It has given the gallery a depth to its collection that is first rate in a world scenario. We are lucky in Victoria to have examples of the work of the range of European masters, something that is valued right across the world, and that shows that the Felton bequest is truly remarkable.

The people who continue to support the national gallery are to be commended and encouraged. I was very pleased to see the demarcation between government support and private support, because it is essential that this government does not encroach on the private support and in fact that it does more than that: that it encourages philanthropic organisations and individuals

to continue to give to the national gallery and does not cut away that money and use it for itself.

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

Goulburn Broken Catchment Management Authority: report 2004–05

Hon. W. R. BAXTER (North Eastern) — I wish to make a statement on the current annual report of the Goulburn Broken Catchment Management Authority, which was tabled in the house in the last few days. As usual, it is an excellent report, and I commend the authority's chairman, Stephen Mills, and his board members; and the chief executive, Bill O'Kane, and his staff for the work they have been doing in recent times, and for the quality of the report they have delivered to the Parliament.

I was pleased to be able to attend recently the opening by the Premier of the new head office of the catchment management authority (CMA) in Welsford Street, Shepparton. It is a marvellous new building that has been built in partnership with a couple of local builders and investors. It backs on to the Goulburn River and the flood plain. The Goulburn Broken CMA, in association with the City of Greater Shepparton, is reconnecting Shepparton to the river in much the same way that communities, including Melbourne, are reconnecting with rivers that we have tended in the past to turn our backs on. I look forward to that project moving towards fruition.

The part of the annual report I particularly want to comment on goes to the issue of flood management functions, and in particular the Goulburn flood plain rehabilitation project, which has now been dragging on for a decade or more. There is a plan in place that has been widely endorsed by the community to restore the natural conditions by allowing water in times of flood to spill out from the Goulburn River to the north-west, to join the Murray River slightly downstream of Barmah. That involves a fairly expensive land acquisition project, but generally it has been supported.

The reason it has not gone ahead, I have to say, is mainly to be laid at the feet of the local federal member for Murray, Dr Sharman Stone, who seems to have been on the wrong tram in respect of this project right from the word go and cannot get back on the rails. Even as late as 14 November, in a letter to the editor of the *Shepparton News*, Dr Stone was still criticising the project and the CMA for not upgrading the levees along the Goulburn River.

Surely Dr Stone knows that those levees, the construction of which generated employment during the 1890s Depression, were built far too close to the river. The river has been narrowed too much, and in any sort of reasonable flood — which we get on about a 20-year return basis — the levees need to breach so the water can pass down the river. That causes a great deal of angst and expense; but more than that, the levees have to be repaired. When it last occurred in 1993 the state government said, 'This is it; we are never going to fund it again. The local community needs to fix this problem'. It has been endeavouring to fix it but has not been helped by Dr Stone.

Dr Stone amazingly says in this letter to the editor that if the levees breach again, the federal government will come in and assist. She is reported as saying:

... whether flood, fire, earthquake or tsunami — will see the federal government make a crisis response.

What an extraordinary attitude, to say that we should spend money provided by taxpayers, by the Victorian government and by the catchment management authority ratepayers on repairing levees that history has proven to be ill placed and ill judged. Dr Stone is saying that we should let nature take its course, let the levees be breached next time there is a decent flood and the fairy godmother will come down from Canberra with federal taxpayers' money and fix it. This just seems the most extraordinary attitude for anyone to have, and as a member of Parliament she has adopted an entirely irresponsible attitude.

Whilst Dr Stone is causing this delay, the people who own land in the area are left in limbo. They cannot sell their properties because buyers want to know what is going to happen in the future; families cannot proceed with succession planning, and there is a planning blight over that very large area.

I call on Dr Stone to work more cooperatively with the catchment management authority and the local community to make sure that this scheme can move ahead, because the next big flood is getting closer day by day.

Victorian Law Reform Commission: workplace privacy report

Hon. H. E. BUCKINGHAM (Koonung) — I wish to make a statement this morning on the Victorian Law Reform Commission's final report on workplace privacy. This report makes a number of important recommendations on an issue that affects workers in Victoria.

Victorian workplaces are not currently covered by regulation or legislation to guide employers or workers in matters of privacy. This final report is the culmination of work following the Attorney-General's launch on 5 March 2002 of the terms of reference for the inquiry. Since that time a number of steps have been taken leading up to the final report, including the publication of an issues paper, an options paper and extensive consultation.

The workplace privacy final report considers all aspects of workplace privacy, including surveillance or monitoring of workers' communications, physical and psychological testing of workers, and the searching of workers and their possessions. The commission puts forward a model that it believes will be the first of its kind in the world. The proposed legislative model aims to provide the necessary balance between the interests of employers, workers and the wider community.

The report proposes laws whereby employers would be unreasonably breaching workers privacy by carrying out acts or practices for purposes not directly connected to the employer's business; in a manner not proportionate to the purpose for which the act or practice is undertaken; without first taking reasonable steps to inform and consult with workers; and without providing adequate safeguards to ensure the act or practice is conducted appropriately, having regard to the obligation to not unreasonably breach workers' privacy.

There are three areas and recommendations within the report that I wish to touch on today. They are the issues surrounding drug and alcohol testing and the recommendation to establish an independent regulator. With advances in technology and more emphasis being placed on safe work environments, drug and alcohol testing in the workplace has emerged as a serious issue. Drug and alcohol testing is now used in a number of industries in Australia.

The commission notes that the use of drug and alcohol testing may be justified in some situations for occupational health and safety reasons. It is important to note that the nature of taking a body sample is quite intrusive and the information obtained can reveal a great deal of private information about the worker. Furthermore, the information obtained from the body sample has the potential for misuse. An example provided in the report is a worker who is taking prescription medication for a condition that has no relevance to the capacity of the worker to perform their job. A number of unions raised concerns around this area. In its submission detailed on page 65, the Shop

Distributive and Allied Employees Association sought that:

Testing must be incident based, not random and should only relate to impairment.

The commission recommends that drug and alcohol testing should be subject to the conditions of a mandatory code. This code would include such matters as a requirement to obtain consent from the worker; the type of tests that would be used; the purpose of the test; what substances may be tested for; and the credentials of the testing process, including independent accreditation and secure storage and handling of the samples.

In its report the commission calls for the creation of an independent regulator to oversee the operation of legislation and to educate, investigate and resolve complaints about workplace privacy breaches. In its submission one employer noted that a regulator would offer a more informal community-based approach to compliance that is reflective of community acceptability.

I take this opportunity to put on record my thanks and congratulations to the members and staff of the Victorian Law Reform Commission, including the chairperson Professor Marcia Neave and the report authors, Priya Sarat Chandran and Susan Coleman. This is an important contribution to a consistent and fair legislative approach to privacy in the workplace.

Royal Commission into Aboriginal Deaths in Custody: Victorian implementation review

Ms MIKAKOS (Jika Jika) — As chair of the Aboriginal Justice Forum, it is with great pleasure that I rise to make some brief remarks on the Victorian Implementation Review of the recommendations from the Royal Commission into Aboriginal Deaths in Custody, volumes 1 and 2.

This important report was tabled in the Parliament last month and the review is the only indigenous-led assessment of any Australian government's response to the 339 recommendations in the report of the 1991 Royal Commission into Aboriginal Deaths in Custody. The royal commission concluded that the primary cause of the high rate of indigenous deaths in custody was the disproportionately high number of indigenous people in custody.

It found that this overrepresentation was caused by poor health and housing, low employment and educational levels, dysfunctional families and communities, racism,

dispossession and the effect of past government policies.

In response to the recommendations of the royal commission, in 2000 the Bracks government, in partnership with indigenous community representatives, developed and implemented the Victorian Aboriginal justice agreement. The justice agreement is acknowledged, both within Victoria and nationally, as best practice in respect of a partnership model which brings together government and indigenous community members. The justice agreement is overseen by the Aboriginal justice forum which, as I mentioned earlier, I have the great honour of chairing. I am very much looking forward to the next Aboriginal justice forum, which will be held in Portland next week.

A key principle of the justice agreement is an ongoing commitment to monitor and review the implementation of the royal commission recommendations, and to do so in partnership with the Koori community. There have been previous reviews — and I understand that the last one was undertaken in 1996–97 — but they have had minimal, if any, input from the indigenous community. The terms of reference for this review were enthusiastically endorsed by the Aboriginal justice forum, and the review commenced in November 2003 with the appointment of Professor Joy Murphy and Dr Mark Rose as independent chairpersons.

Two years of exhaustive and rigorous work by the co-chairs, the review team and the implementation review steering committee, which I chaired, resulted in a comprehensive review which, quite frankly, presents a grim assessment of the reality of being an indigenous Victorian. It is, however, a review that is based on the reviews and experiences of the Victorian indigenous community, and by commissioning this report and tabling it in Parliament the Bracks government signals its determination to do better. We have not shied away from this review which, as I said, presented a grim assessment of the situation, and I note that in his foreword to the report the Attorney-General calls it ‘a wake-up call for the non-indigenous community’. All of us, as legislators and as members of the community, need to recommit ourselves in our determination to achieve reconciliation with Aboriginal people in this state and to work with them to improve the lives of indigenous Victorians.

The review makes 164 recommendations, covering a broad range of areas. It contains self-assessment reports by government departments and agencies which outline the very genuine partnerships between the Koori community and the government, which are delivering

results. I am very pleased that we are seeing successful results with many of these initiatives.

I note that in the six years the Bracks government has been in office it has demonstrated its dedication and commitment to reconciliation. This year it has allocated an unprecedented \$45.7 million to improve the prosperity of indigenous Victorians. I am very pleased that many of the initiatives are in the justice portfolio. They include the Koori night patrol program in Shepparton, in the first year of which Victoria Police reported a 39 per cent reduction in the number of Kooris apprehended; the Koori courts in Shepparton, Broadmeadows, Warrnambool and Mildura; now the Koori children’s court; the Koori women’s mentoring scheme; and many other initiatives. However, the tragic fact is that indigenous Victorians are the most disadvantaged group across the nation, and so much more needs to be done.

The review was followed by an interim government response, and I am looking forward to the next phase of the Aboriginal justice agreement which will be announced next year. My thanks go to Mark Rose and Joy Murphy for their commitment, and to members of the review team — —

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

Adult, Community and Further Education Board: report 2004–05

Hon. P. R. HALL (Gippsland) — In the 1 minute I have I want to make a quick comment about the Adult, Community and Further Education Board annual report of 2004–05. The importance of adult education in this state is outlined by some of the statistics on page 8 of the report. In terms of funded delivery, where the government contributed to some of the programs, in 2004 more than 7 million student contact hours were involved in adult education. If you look at the total reported provision, which includes a lot of fee-for-service activity, you see that it is over 10 million student contact hours.

Interestingly adult literacy and numeracy comprises just over one-third of the student contact hours delivered through adult education in this state. When you look at the gender of participants, you see that females comprise more than two-thirds of participants. Adult education is delivered through TAFE colleges and also through neighbourhood houses and adult and community education centres. At another time I will comment on the fee structures imposed on

neighbourhood houses, as I think there are serious issues that need to be dealt with there.

RACING AND GAMBLING ACTS (AMENDMENT) BILL: ROYAL ASSENT

The PRESIDENT — Order! Before I move to government business I wish to read to the house a letter I received today. It is addressed to me as President and to Judy Maddigan as Speaker of the Legislative Assembly. The letter is from the Premier. It states:

Thank you for your letter of 10 November 2005, regarding the deferred royal assent of the Racing and Gambling Acts (Amendment) Bill.

That 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. It includes a new enforcement regime that provides criminal sanctions for organisations acting in violation of its provisions with serious legal and commercial implications for their operations.

The government elected to advise the Governor to defer the assent to the bill once it was brought to the attention of the government, after the bill passed through Parliament, that there were significant compliance issues with a group of stakeholders with respect to that new enforcement regime. The government considers that the delay is appropriate, to ensure that those stakeholders are given every opportunity to bring themselves into compliance with the new regime before it commences.

The government is of no doubt that the deferral of royal assent to Racing and Gambling Acts (Amendment) Bill is constitutional, both legally and conventionally.

Furthermore, the delay will not be for a lengthy period, as I will be advising His Excellency to assent to the bill on 29 November 2005.

I had indicated to the house that I would advise it as soon as a response was made available to me; therefore, I have read the response I received from the Premier.

Ordered that response be considered next day on motion of Hon. PHILIP DAVIS (Gippsland).

VETERANS BILL

Second reading

Debate resumed from 20 October; motion of Hon. M. R. THOMSON (Minister for Consumer Affairs).

Hon. PHILIP DAVIS (Gippsland) — It is a pleasure to speak to the Veterans Bill. As the second-reading speech makes clear, 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 that involved large numbers of Victorians, many of whom are now ageing. At the same time we are seeing a tremendous upsurge of interest in our military past and the service of veterans, particularly amongst younger Victorians.

There is no sector of the community to which we owe so much. The many conflicts in which the citizens of Victoria and Australia have been engaged have required the investment of a huge amount of effort on the part of individuals and their families. The society in which we live today is a reflection of the sacrifices made by many. There would be very few Australians who are not in some way directly affected by the sacrifices made by their close friends and family members.

This bill, which I am pleased to indicate the opposition supports, comes out of some work undertaken by the parliamentary Scrutiny of Acts and Regulations Committee which tabled a report in October 2002, at the end of the last Parliament. I take particular interest in the fact that the co-chairmen of the committee were Liz Beattie, the member for Yuroke in the other place, and the Honourable Mark Birrell, a former Leader of the Opposition in this place and someone who took great interest in matters surrounding Anzac Day and the Great War in Europe.

Mr Lenders — And still does.

Hon. PHILIP DAVIS — Indeed, and still does. It was at the urging of Mark Birrell, I think, that many of the matters considered by the Scrutiny of Acts and Regulations Committee for its report came to light. It is reasonable, therefore, for me to say that the report tabled, which I have reviewed and which points to a number of changes the government has adopted in this legislation, is quite instructive. It is a good report and I give it significant weight as a contribution to public debate. I refer to part of the executive summary. For the record and so that members can understand the thinking of members of Scrutiny of Acts and Regulations Committee, I quote from page xv of the executive summary:

Those who question Anzac Day laws may claim that the Parliament should not make laws that interfere with private commercial activities. On the other hand, there are those who say that the Parliament has a responsibility to ensure that a day of such special significance as Anzac Day is appropriately commemorated.

The argument in favour of legislative protection for Anzac Day is very strong and has grown in proportion to rising support for Anzac Day. In particular, there appears to have

developed a community acceptance that Anzac Day should be observed as a day of the utmost significance.

Given the overwhelming community view in favour of having legislation, its adequacy requires consideration. This report therefore sets out some general matters relating to legislation which affects Anzac Day — in particular, the policy objectives and principles that might shape the legislation.

The initial laws about Anzac Day were, to a considerable extent, focused on providing a public holiday out of respect for the gallantry and sacrifice of Gallipoli. These were laws not of business regulation or funding schemes but essentially laws of emotion. It is the nature of emotion that circumstances change. Accordingly, the laws that were appropriate for Anzac Day after World War I may no longer be sufficiently comprehensive. As the numbers of veterans diminishes, so the challenge of respecting the significance of Anzac Day increases.

That is an incredibly important contribution from the Scrutiny of Acts and Regulations Committee to informing us why we should be reviewing the relevant legislation and enacting this bill.

The bill establishes the Victorian Veterans Council to promote issues of concern to veterans, creates a Victorian Veterans Fund to support educational and commemorative activities, and sets up a regulatory regime to administer patriotic funds. In particular, it creates a Victorian Veterans Council, the objects of which will be to promote the wellbeing of members of the ex-service community and promote the commemoration and values of the Anzac spirit and collaboration across veterans organisations, including with the trustees of the Shrine of Remembrance. The bill establishes the Victorian Veterans Fund, which will fund commemorative and educative activities, assist with the education of dependants of veterans and have any other purposes agreed to in writing by the minister.

Further, the bill provides for the regulation of patriotic funds and provides that the equivalent of one day per year — that is $\frac{1}{365}$ th or $\frac{1}{366}$ th in a leap year — of annual gaming revenue will be paid to the Victorian Veterans Fund, which represents a new revenue stream.

The opposition has consulted widely on the bill. While there has been some concern about the legislation, the leading organisations representing veterans such as the RSL, Legacy and many other key service organisations and ex-service organisations, support the bill. We believe it builds on the recommendations of the committee's report to which I alluded previously.

There was a little concern about the level of consultation. While I note the comments about consultation particularly, obviously it is impossible for the government of the day to consult with every

individual who may be affected in any way by any bill. In this case, I note the concern of the HMAS Sydney and Vietnam Logistic Support Veterans Association, which wrote to every member of Parliament expressing concern about the lack of consultation and made well known that it did not believe it had been effective. It is my view that both the opposition and the government made every endeavour to consult as widely as reasonably possible. It is up to the executive officers or secretaries of those organisations to endeavour to reflect the views of their membership. It is impractical for the government to do more than it has endeavoured to do, which was to ensure there was a level of engagement with each of the recognised organisations.

Questions have also been raised by some veteran organisations about whether or not the government should be in any sense involved in regulating Anzac Day. In fact an argument has been put that this should be a matter for the commonwealth, because the commonwealth deals with defence matters entirely. I take a different view: clearly we have a state-based system of recognition of patriotic funds which has been in place since the State War Council Act of 1916, upon which further amendments were built. Indeed the current Patriotic Funds Act 1958 is in effect building on the provisions of the 1916 act. We have already established a framework in Victoria for dealing with these matters. Public holidays and the regulation of public holidays are state-based jurisdictional issues. Therefore it would be impossible for us to ignore the responsibility of the state in dealing with these matters.

I do not intend to recite in detail what is set out expressly in the minister's second-reading speech, which sums up the matters substantially. I think there are some additional points we are beholden to make in relation to the bill. When we talk about 'veterans', what do we mean? I turn to the definitions in clause 3 of the bill to tease this out. The definition of a veteran is:

"Veteran" means a person who performed service or duty and who now resides in Victoria but does not include current members of the Australian Defence Force rendering continuous full time service ...

What does 'service or duty' mean? The bill says:

"Service or duty" means—

- (a) any naval, military or air service in any proclaimed war; or
- (b) any special defence undertaking within the meaning of section 6 of the Defence (Special Undertakings) Act 1952 of the Commonwealth; or
- (c) any peacetime activities, including peace keeping activities; or

- (d) any training activities, including activities conducted in conditions simulating war or war-like activities—

engaged in by an officer or a member of the naval, military or air forces of Her Majesty or of the Commonwealth of Australia or of any of the naval, military or air forces of Her Majesty's allies that are authorised expressly or impliedly or are incidental to the scope of service or duty of the officer or member ...

We know what service or duty means. That is important in the context of the bill because its application is very wide. Sometimes in the context of the public discussion about ex-servicemen, people allude to the imagery of Gallipoli and think of people who served overseas. However, many people in the veteran community never left Australia's shores but they were a vital part of Australia's defence in its various engagements. Recognition of the contributions of these people is as important as recognising the sacrifice and valour of those who served at the front line in overseas locations.

The bill seeks to construct a framework of contemporary recognition for veterans. I will just go through the principal parts of the bill. There is the regulation of patriotic funds, which, as I have said, builds on the previous acts. The Patriotic Funds Act 1958 owes much of its current provisions to this State War Council Act 1916. The bill will transfer the regulatory responsibility from the Patriotic Funds Council to the director of Consumer Affairs Victoria. Currently the trustees of the patriotic funds are not able to transfer assets to another body in the event of an excess of funds or the fund being wound up. This bill will make it possible for the transfer of assets from patriotic funds to the Shrine of Remembrance or to the Victorian Veterans Fund where there are more funds than are needed for the purposes of the fund or the fund is being wound up. This will only be possible with the support of the trustees of a fund, and the minister will seek the advice of the Victorian Veterans Council.

The bill will give the responsibility to the director of Consumer Affairs to monitor patriotic funds and to request that a fund be audited. If a fund is mismanaged or unable to manage its affairs, the director of Consumer Affairs may apply to the Magistrates Court for the appointment of new trustees. The Governor in Council will be free to determine what patriotic funds will require an annual audit, freeing those that have very little expenditure or revenue from having to submit to an annual audit. I should make the point when talking about patriotic funds that I understand there are more than 600 individual patriotic funds regulated by these provisions, so it is no small thing.

The bill will also establish the Victorian Veterans Fund. Currently revenue from gambling on Anzac Day is given to the Anzac Day Proceeds Fund. The money from this fund goes towards the welfare of veterans. The bill will create the Victorian Veterans Fund that will be used to recognise and commemorate the sacrifices made by servicemen and women, educate the Victorian public as to the role of the armed services in Australia's history and various theatres and types of conflict, and assist in the education of the dependants of veterans. The money the fund receives will be calculated by a mechanism which, as I have indicated, will be the equivalent of one day's gambling proceeds to the Community Support Fund being allocated to the Victorian Veterans Fund.

The Victorian Veterans Council will be established. The bill creates an 11-member statutory authority with the goals of promoting the wellbeing of veterans, educating Victorians about the service and sacrifice of veterans, and promoting cooperation amongst the organisations dealing with ex-service community issues. It will have at least eight members of the council who will be ex-servicemen or members of ex-service organisations. The council will distribute the Victorians Veterans Fund in accordance with the purposes of the fund.

In a debate like this one needs to set aside what I describe as the technical aspects of the operation of the bill and understand what we are commemorating. For my part, I was moved to think about my own family. We can obviously think about people we know but in my case I have not thought much about my family's involvement in military service because I was not encouraged to. I am part of a generation of people whose fathers came back from the Second World War and chose not to talk about it at all. Indeed, my older relations — my uncles — who served were similarly not moved to talk about it. One of them served in the 2nd Australian Imperial Force and for three and a half years was a prisoner of war at Changi. In all of the time I knew him — until his death about a decade ago — never once was he prepared to respond to any discussion about his military service, certainly not to me and, as far as I am aware, he never really discussed it with his children. Another uncle died in service in the air force over Europe.

My own father, who is nearly a decade deceased, was very reluctant to talk about his military service. What I know of it has very much been gleaned from discussions with people who knew him, but not from my father himself. I have had to go and look for information in written form to find out something about what he was involved in. I am very thankful for the fact

that, belatedly, some volumes have been written about some war service which is relevant to me personally. I think I am fortunate in a way many others would not be because their particular family military connection might not have been so well documented. In a volume entitled *We Were The First*, which was put together by Sandy McNab and is a unit history of the no. 1 Independent Company, I found reference to my father's military service.

The independent companies were the first commando companies created at the beginning of the Second World War as a reflection of what had been learned by the British army and was proposed for Australia — that is, to create commando units which, in layman's language, were irregular units of independent operations and not static formations in what was perceived at that time to be conventional, fixed-formation military combat. These units were based on ideas developed from the Boer War of moving forces rapidly and using hit-and-run tactics. The first training of commando units began in February 1941 at Wilsons Promontory, where the first company was formed in May of that year. It was that interest which inspired me to look for information about my father's commando unit.

In the lead-up to the war he was, like many people of his time, engaged with the young men of his farming district in the light horse, in the concept of military service left over from the First World War. There was a great deal of training going on among the young men in farming districts as war approached. They regularly met for parades of the light horse and were formed up into light horse units. Then as war actually confronted the nation it was realised that the light horse was an anachronism, those regiments became armoured regiments and the light horsemen were moved to other military units.

My father joined the commandos, and I will read a little bit of the history of his unit. His was the first unit created, as I said. In July 1941 the unit arrived at Kavieng on New Ireland. In November his unit, no. 1 section, moved to an island called Tulagi near the island of Guadalcanal, which has got some notoriety as a place of great conflict, which it certainly was. As I read this history of his military unit I understood more fully the challenges that confronted those men.

The main party of no. 1 section arrived at Tulagi on 14 November, and apart from the fact that the Japanese overran the islands in May 1942, all I will say about that is that those of his unit who remained escaped by boat from Tulagi on 2 May and arrived in Sydney on 25 May. That is a very potted commentary about what

happened. It is what goes on in between which is fascinating on a personal level. These were men who were trained to do a task for which they were never utilised because of military planning in changed circumstances with the entry of the Japanese into the war in December 1941. The way the military planning occurred really left these independent companies out on a limb. I was fascinated by the notes in this history about how concerned their commanders were about the lack of planning at that time. But Australia had not ever been confronted by a challenge such as a threat of direct invasion, which it was at that point.

Page 2 of the history notes:

The term 'independent' company was coined to deceive the 'enemy', so that he —

being the enemy —

would not be aware of 'commando' training in Australia.

It is important that while the application of commando tactics from Europe was a great idea, in practice it took quite some years before it developed effectively for Australian purposes. Half of the first independent company was killed after having been taken prisoner, and the prison ship on which the remaining men were, which the Japanese were in command of, the *Montevideo Maru*, was sunk off the Philippines by the Americans. My father arrived back in Sydney in May 1942, one of very few men of his unit who had survived in good health. He was then recruited for something which is even more interesting and about which very little is known — that is, what has been referred to colloquially as Curtin's Cowboys.

A book by Richard and Helen Walker about Australia's secret bush commandos tells the story of this interesting unit, and I quote from the introduction:

The story of the North Australia Observer Unit (NAOU) is both unique and known. Except for the publication of its history in the January/February issue of the *Defence Force Journal* in 1979, little has been written about the unit. Even the official files are relatively scant. This is mostly due to the nature of the NAOU which was dispersed from Normanton in Queensland, to Wyndham in Western Australia with the many isolated observation posts in between being manned by small groups of four or five men. Between 1942 and 1945 these men were the eyes and ears of the Northern Territory Force. They watched and waited for the feared invasion by Japanese forces. The men of the NAOU were to observe and report by radio to headquarters all the information they could gather about the invading force. This difficult and thankless task was taken on by a curious mixture of almost 550 hand-picked volunteers.

Using horses, donkeys, mules, motor vehicles and small ships, these men patrolled the north, living off the land in some of the remotest regions of Australia. As bush

commandos, these men realised that the Australian Army regarded them as both essential and expendable. Had the Japanese invaded the north, the men of the NAOU would have stayed behind enemy lines, moving like bush shadows from secret hide-outs, to report the position and movement of the enemy until silenced by the invaders. Consequently the men of the NAOU would have been greatly revered (and deceased) war heroes. Everyone would have heard of them and their history would have been written decades ago.

...The story was appealing for many reasons. It came from Australia's recent past, from a time when the country was under threat and no-one, from the Prime Minister down, had any idea which way the tides of war would run. The NAOU was a small, independent and unconventional unit manned by eager young men and commanded by an anthropologist! It was not a story of military 'spit and polish' but one of young Australians maturing in a country they thought they knew but didn't; they had incredible adventures that just could not be ignored. For these men spent almost three years of their lives, not fighting the Japanese, not starving in a prisoner of war camp, not sitting at home in relative luxury, but battling with nature each day in an effort to survive.

There are many privations that Australian servicemen have faced over the years. As I said, many at home in Australia made great sacrifices as did those abroad. The sadness of it is that those of us who have not served or who have not been directly involved in this sacrifice will never fully understand what gifts of sacrifice have been made on our part.

I strongly urge the house to support this bill because I believe it is another step in commemorating all of those who have served in the defence of our country.

Debate interrupted.

DISTINGUISHED VISITOR

The DEPUTY PRESIDENT — Order! I would like to acknowledge and welcome to the gallery a distinguished visitor — Mr Konstantine Vatskalis, MLA, Minister of Mines and Energy; Minister for Primary Industry and Fisheries, and Minister for Multicultural Affairs in the Northern Territory government.

Debate resumed.

Hon. P. R. HALL (Gippsland) — It is a privilege to speak in debate on behalf of The Nationals on the Veterans Bill. I am pleased to indicate at the outset that we strongly support the bill.

Veterans are people who have performed public service of the highest order. They deserve the ultimate respect from all of us who have benefited from their service. The stories we hear on Anzac Day and Remembrance

Day simply further fuel the admiration I have for those who have served during the wars.

As was said in the second-reading speech and as has been said by the Leader of the Opposition, it is pleasing that the interest in Australia's great efforts during the wars appear not to be waning in any way at all.

I know we saw media reports and comments in the second-reading speech about increasing attendance at the Shrine of Remembrance each year. I can assure the house that that trend is also evident in country Victoria. It seems that the number of ceremonies in country towns and villages is also increasing, despite the ageing profile of our veterans. One of the highlights of the ceremonies in country Victoria is the number of young people involved. The school cadet program generates a new breed of those interested in remembering and respecting our veterans, and particularly in the Latrobe Valley the air cadet units are very strong in some of our schools and all the cadets are attending those ceremonies.

I was interested in the comments made by the Leader of the Opposition in this place, and I commend him for them. His examples of his own family's history made me think again that there are a million untold stories about past war experiences and that people's continuing efforts to reach those through diaries, letters and documentation will maintain that interest for the people of this country. It is healthy to reflect. Just as Mr Davis reflected on his family's personal situation, I am sure there are many others who, whether through personal or general interest, will maintain their respect and observe the ceremonies held on several occasions each year for those who have served. It is important that we do not forget.

That being said, I want to mention the feedback The Nationals received when we spoke to those with an interest in this bill. It is fair to say that at first there was some suspicion among the veteran community as to the reasons for legislation of this nature coming before Parliament. That suspicion is certainly understandable. Many of our veterans who served in the great wars are pensioners or superannuants and consequently felt somewhat aggrieved by decisions of the Bracks government, particularly on issues such as the increase in motor car registration —

Mr Smith interjected.

Hon. P. R. HALL — I am just telling you how it comes back to us, Mr Smith. Things like the cap that was put on the multipurpose taxi program hit many people involved in Legacy and those who are veterans,

consequently they were a bit concerned about what the government would do about the administration of patriotic funds around the country. We did get that initial feedback, but I am pleased to report that it appears that some of those issues have been settled, and while there are still lingering suspicions we have generally reached a position where there is cautious acceptance by all of the legislation now going through Parliament.

I will briefly mention some of the main features of the legislation. Firstly, part 2 of the bill establishes the Victorian Veterans Council. The new Victorian Veterans Council will comprise 11 members, 8 of whom will be ex-servicemen or women or members of ex-service organisations. Of those 11, 6 will be appointed by the Premier, and 2 positions will be reserved for representatives — one being from the Victorian RSL and the other being from Melbourne Legacy. I note that the positions of chair and the deputy chair will be required to be held by veterans, so the composition of the veterans council itself appears appropriate.

The objectives and functions are spelt out in clauses 5 and 6 of the bill, and I note that the council will have some important work to do. Some of the objectives are to:

- (a) promote the wellbeing of all members of the Victorian ex-service community;
- (b) promote the commemoration of those who have died in the performance of service or duty;
- (c) develop a better understanding amongst Victorians of the participation and sacrifice of the Victoria's veterans in war and peacekeeping operations, and the contributions of Victoria's ex-service community ...

They are important objectives, and I wish the council well in achieving them.

I will not read all the functions but they include monitoring and advising the minister on issues affecting Victoria's ex-service community, and importantly to consult with the ex-service community when developing advice for the minister. Also part of the function is to support the welfare activities of ex-service organisations through the Anzac Day proceeds fund. The council has some important tasks to fulfil and I wish it well in those endeavours.

I want to comment on patriotic funds because that is one of the main features of this bill. There is a full definition of patriotic funds in the second-reading speech but I paraphrase them as meaning any funds

raised by public or private contributions for any purpose in connection with any proclaimed war.

As I said, there was initially some suspicion amongst the veteran community that the local patriotic funds might be purloined by the state government. I do not think that is the case now. I refer to the minister's commitment given on page four of the printed copy of the second-reading speech:

The control of funds remains entirely with the trustees of that fund.

That is a very important commitment given by the minister. It is important because if you look at the number of patriotic funds around the state, you find there are literally hundreds of them.

We in The Nationals went to the effort of looking at each of the patriotic funds. There is a whole range of Legacy funds representing most country communities; there are 33 of them. There is a whole range of patriotic funds associated with ex-servicemen and women from each of the military disciplines, such as naval and air force associations, and the War Widows Guild of Australia also has patriotic funds. There are nearly 40 different Vietnam veterans associations which have their own patriotic funds. It is the same with about 20 veterans centres around Victoria — each one has its own patriotic fund. Individual units from previous wars have their own particular funds. And of course the RSL has a number of patriotic funds and each sub-branch of the RSL also has its own funds. There are over 281 sub-branches in Victoria each with its own patriotic fund. I presume there is still a great deal of money in each of those patriotic funds, so it is important that the trustees of the funds retain the power to use their funds as required.

There is provision in the bill to enable the transfer of those funds to what is going to be called the Victorian Veterans Fund. If that is a wish of the trustees, it can be accommodated, and I think that is appropriate but only at the wish of the trustees.

Another main feature is the establishment of the Victorian Veterans Fund in clause 20 of this bill. Clause 20(2) explains the type of funds that can be paid into the Victorian Veterans Fund, they being:

- (a) all donations and bequests made to the Victorian Veterans Fund;
- (b) any other money that is authorised to be paid into the Victorian Veterans Fund under any Act;
- (c) money appropriated by Parliament for the purposes of the Victorian Veterans Fund;

- (d) any money that is transferred into the Victorian Veterans Fund under Part 4;
- (e) income from the investment of any part of the Victorian Veterans Fund.

Clause 20(3) outlines the circumstances in which money can be paid out of the Victorian Veterans Fund, principally:

- (a) to educate Victorians about Victoria's involvement in Australia's war and service history (including conflicts, peacemaking and peacekeeping);

and

- (b) to honour or commemorate the service or sacrifice of veterans;

In his second-reading speech the minister said the money for the improvements to the Shrine of Remembrance and other memorials around the state can come out of this fund. I understand improvements to them can also be funded through the Victorian Veterans Fund.

I want to talk about some of the feedback The Nationals have received on the bill. Towards the end of August all members of Parliament received correspondence from the HMAS Sydney and Vietnam Logistics Support Veteran's Association in which a number of issues about the bill were raised. I will not go through all the issues but the letter prompted the Leader of The Nationals in the other place, Peter Ryan, to write to the Premier about it. In a letter dated 12 October the Premier replies and suggested that his department had spoken to that association; he believed all the major issues had been resolved. In particular I note from his letter that:

... the HMAS Sydney and Vietnam Logistics Support Veteran's Association has announced its intention to recommend to government a naval candidate for the new Victorian Veterans Council, to be established by the bill.

That appropriate nomination needs to be considered. We take the word of the Premier in his advice of 12 October that the issues raised by that association have now been accommodated.

I circulated the bill to a couple of my local RSL organisations — namely, Mr Mal Bugg who is the president of the Morwell RSL branch, and Mr Gary Molloy who is the general manager of the Traralgon RSL branch. Both gentlemen replied and said they were aware that the RSL has been working with the government and believed any issues or concerns they had have been addressed.

The Nationals also sought confirmation from Melbourne Legacy. Mr David Cull, the chief executive officer of Melbourne Legacy, replied and said Melbourne Legacy, too, was now happy with the contents of the bill.

Another of my good constituents, Mr Jim King, contacted me about the legislation. He is a Vietnam veteran and had some real concerns initially with the bill. He is still a bit wary about what might happen in the future. Some of the assurances given in the second-reading speech about the trustees still retaining total control of their local patriotic fund eases his mind a little. Mr King also commented about other parts of the bill, particularly the repeal of the Defence Reserves Re-Employment Act 1995 and the Discharged Servicemen's Preference Act 1943. He asked particularly why it was necessary to repeal the Discharged Servicemen's Preference Act. The explanation given in the second-reading speech was:

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.

That might be so, but the Vietnam veterans are people who are nearly at an age when they have retired from the work force, so why is it necessary to repeal that act? Why not let it run on? In four or five years probably all surviving Vietnam veterans will no longer be in the work force anyway or will no longer be seeking new employment. It seemed to Mr King unnecessary to repeal that act. I am sure Mr King will continue to monitor the situation, and The Nationals will also be watching to see whether its repeal has any adverse implications.

Members may accuse me of nitpicking, but I noticed from reading the Scrutiny of Acts and Regulations Committee's commentary on the Veterans Bill — I think it was the latter commentary where it provides members of Parliament with feedback to its consultations — that the committee wrote to the Premier, suggesting that the explanatory memorandum to clause 75 was inappropriate in that it did not fully cover exactly what clause 75 was about. The Premier responded to SARC on 11 November and agreed that:

The explanatory memorandum explains part of clause 75, namely subclause (1), but as the committee has noted it has omitted reference to the qualification in clause 75(2) concerning documents.

I will ensure that this is corrected in the final version of the explanatory memorandum.

To my knowledge, having looked at the bill, that has not been corrected. As I said, people might accuse me of nitpicking, but if there is an explanatory memorandum then I think it should appropriately explain exactly what the bill contains. The Premier promised to amend that, but that has not been done. It is a bit disappointing that that particular matter has not been attended to. However, having made those comments I will finish where I started. It is a pleasure to acknowledge the service provided by veterans over a long period of time in this country. We are all indebted for the service that they provided; therefore it is my privilege and pleasure to have spoken on this bill this morning and to indicate The Nationals' total support for the passage of this legislation.

Mr SMITH (Chelsea) — I start by congratulating the Leader of the Opposition, the Honourable Philip Davis, for his heartfelt, genuine and apolitical contribution to the debate on this bill. His contribution has confirmed for me that the principal objective of the Premier in bringing this bill about has been achieved — that is, that we would educate and better provide for veterans and their families and the general public in terms of understanding the role of veterans, their history, our history and the history of Victorians and their contribution to military service over a significant period of time.

It is easy for politicians to get caught up in these sorts of things and wrap themselves in the flag when convenient; however, this is a lot more than that. I congratulate the Premier for having the foresight and the vision to recognise that we have not done as much as we could and what indeed was warranted in the area of veterans affairs and issues that affect veterans and their families. I will outline to the house some of the things the Premier has done as part of those initiatives.

He has created a parliamentary secretary's position, which is currently filled by Bruce Mildenhall, the MLA for Footscray in another place, whom I commend for the job he has done to date. The Premier has also engaged an adviser in the Department of Premier and Cabinet, Mr John Phillips, who is a retired army officer, to provide appropriate advice on these particular issues and who in my opinion has done a sterling job and helped enormously in improving the Labor government's understanding, and in particular my colleagues' understanding, of the role the RSL plays in supporting veterans and their families.

It would be remiss of me not to outline the general history and relationship between government and opposition politicians and the RSL. There has always been a bit of tension and disagreement. I think we all

accept that, by and large, the RSL — particularly on the administrative side — has been conservative. There has been a great deal of emotion on occasion within Labor ranks when we have been engaged in different military disputes around the world over the years. In particular we can look at such things as conscription. Historically our side of the house has been strongly opposed to conscription, along with many organisations in our society, in particular the Catholic Church. There was a great deal of emotion and opposition across the country to the Vietnam War. In recent times our position has been very clear on Iraq. It is on the public record that we are opposed to the military engagement in Iraq. It is interesting that the leadership of the RSL is also against the war in Iraq. Through our federal leader we have suggested that we ought to be in Afghanistan to nip the situation in the bud as much as possible.

However, as a result of the Premier's efforts we have made up an enormous amount of ground in our professional relationship with the Returned and Services League and other returned service organisations, principally because the Premier understands the extraordinarily important role that veterans have played in the history and wellbeing of this state and the need for not only their recognition, but ongoing support of their families. As a result we have put in place a \$700 000 grant for war memorial restoration, which is an extremely important issue for society. Rather than having dilapidated memorials around the place, to have them refurbished and in a pristine state sends a very strong message about who we are and what we are about, and the Premier sees that as being extraordinarily important. The Premier also supported the establishment of a new education centre at the Shrine of Remembrance, which was opened in the last fortnight. It will go a long way towards educating our youth about their history and culture.

In his contribution Mr Hall referred to the fact that there are now a growing number of people coming to Anzac Day marches across the state, and he is right. My gut feeling is that it has to do with a desire by members of society to be a part of something and to feel they belong. When you look at the make-up not just of the Victorian population but the nation at large, you see that we are not a single ethnic group; we are an amalgamation — almost a smorgasbord — of European, Asian, South American, African people et cetera. I suppose at times there is some confusion about who we really are and what our culture really is. People always want to belong to something and, for whatever reason, Anzac Day has become a rallying day when Australians stand up, reflect and remember where they have come from.

It is not just Australians who remember — for example, the Turkish community also remembers. We know that war is hell, especially for the troops at the front line. It was just as bad for Johnny Turk on top of the hill as it was for our boys trying to get up it. People look back at that and whether they are Yugoslavian or Vietnamese, they all have something to remember, and this is a time for them to do just that. It is extraordinarily important that we put in place the necessary supports and mechanisms for that to occur. In my view, the vision of the Premier is second to none in this area, and I commend him for it.

We have also established a scholarship for secondary students. We run an essay competition and the winners are taken on an overseas trip. It is intended that the Premier of the day will accompany them to one of the famous war sites — whether it be the Somme, Kokoda Trail, Gallipoli or wherever. That competition is held to help reinforce that history within our youth.

A couple of weeks ago, on 11 November, I stood at the Cenotaph at the Chelsea Returned and Services League. I am sure all my colleagues in this house attended Remembrance Day ceremonies somewhere across the state. We were reflecting on the end of World War II 60 years ago, and the fall of Saigon 30 years ago. As an ex-sailor I was also reflecting on the funeral of Lieutenant Allan which I attended a couple of weeks ago, along with the Premier, at the Cerberus Naval Base. Lieutenant Allan was the last active serviceman from both World War I and World War II. I commend the navy for putting on a great show; it was done extraordinarily well. You would expect no less from the senior service, but it was a great day. The Premier said it was the best funeral he had ever been to. It was two years in preparation — members should think about that.

Mr Allan was 106 years old. Nobody expected him to last that long. He participated in the organisation of his own funeral and knew exactly what was going to happen. It went off like clockwork, and everyone was as pleased as! I suggested to the president of the RSL and his able secretary that they should stand back and watch how it really should be done. They were envious of the fact that the senior service always gets the best rap and happens to do it better. It was a great day, and we all had a good feeling about it. It is not a celebration of war, it is a respectful day of remembering, and it makes us better people in my view by learning from and remembering people who made the effort, and the ultimate sacrifice in too many cases.

A great deal of consultation has taken place on the bill, which goes back to the Scrutiny of Acts and

Regulations Committee of 2002, and over the past 12 months in particular there has been extensive consultation and support. I was not going to go into the detail, but given the contribution of Mr Hall, who was not particularly complimentary, I will. The RSL state branch is fully supportive. Melbourne Legacy is fully supportive. The Vietnam Veterans Association is fully supportive. The Totally and Permanently Disabled Soldiers Association of Victoria is generally supportive, believing the bill will be an effective construct for the safe and pertinent application of welfare funds. Carry On strongly supports the thrust of the bill. Vasey RSL Care is generally supportive of the changes and believes the bill will ensure more appropriate reporting and monitoring of patriotic funds. The Australian Veterans and Defence Services Council, while initially sceptical, is now satisfied. The Patriotic Funds Council prefers that the regulatory role remains with the veterans community. EDA Services Victoria supports the bill. The Shrine of Remembrance trustees fully support the bill. The Australian Peacekeepers and Peacemakers Veterans Association has made no written submission but advised verbally that it does not oppose the bill. The Vietnam Veterans Federation has made no written submission but advised verbally that it does not oppose the bill.

I am aware that the HMAS *Sydney* logistical support group wrote to all of us indicating some scepticism and concerns, but they have been allayed. At the end of the day they simply misunderstood the intent of the bill. The legislation will set up the Victorian Veterans Council, which will be a representative group made up of 11 people, including 6 former serving members of the RSL, excluding the chair and the deputy chair. It will be a broad representative group which will have an enormous say in the way things happen from now on in terms of the funds that currently reside under the control of the Patriotic Funds Act of 1958. The responsibility will be shifted for regulating these funds from the council to the director of Consumer Affairs Victoria and ultimately the minister.

I am cognisant of the need for my colleagues to make a small contribution on the bill so I will curtail my contribution to allow that to occur, but I am not sitting down just yet. There was concern about Melbourne Legacy having a seat at the table. The government's view is that we need as many experienced practising practitioners as possible.

Melbourne Legacy is highly qualified. Since 1920 it has been assisting veterans, their widows, children and families and we think it will make an enormous contribution. In fact everyone on the new Victorian Veterans Council will have a contribution to make to

ensure it runs in accordance with the best interests of veterans and their families.

I would also like to refer to the contribution of the Leader of the Opposition when he outlined what is a veteran. That is a great bone of contention for a lot of people, and I am reminded of the fact that the Governor in Council also needs to give approval for those theatres et cetera to become recognised. I commend the bill to the house.

Hon. ANDREA COOTE (Monash) — It gives me enormous pleasure and honour to speak on this bill before the house today. We are discussing a bill that affects a very special generation of Victorians — the veterans. As previous speakers have said, these are veterans from World War II, the Korean War and the Vietnam War. If we go back to the Second World War, its veterans are part of a generation that fought for us and have since saved for us, nurtured us, and then provided the framework for the lifestyle we enjoy today. It is our turn to give back to them. We must ensure that Victorian veterans can face the future with security, dignity and respect. I am very pleased to see the provisions contained in this bill and feel that we can discuss and debate them in a bipartisan way, because essentially that is what Victorians and Australians are all about.

Previous speakers have spoken about the purpose and main provisions of the bill. I reiterate that they are to create a Victorian Veterans Council, to create the Victorian Veterans Fund, which will fund commemorative and educative activities, to provide for the regulation of patriotic funds and to provide that $\frac{1}{365}$ th of annual gaming revenue be paid to the Victorian Veterans Fund. That represents a new revenue stream except, as my colleague the Honourable Philip Davis said, in a leap year.

As members have heard in the very poignant and moving contribution from Mr Philip Davis, the Liberal Party is actively supporting this bill, but it is concerned that the 11 members of the Victorian Veterans Council will all be from the ex-service community and have to include representatives of the RSL and Legacy, although the minister has discretion as to the appointment of at least three of those members. It is imperative that those appointments are impartial and not politically motivated. That is the essence of what is coming through the speeches we are hearing here today.

A report on Anzac Day laws was done by the Scrutiny of Acts and Regulations Committee, of which a former leader of our party in this place, Mark Birrell, was an

integral part. He was and continues to be a passionate supporter of our Anzac tradition, and I think that is reflected in that committee's excellent report.

Today I want to concentrate on two major elements of the bill — the education and the commemoration parts. As I have said, it is imperative that we understand and take the tradition of the Anzacs and veterans into the future and that we do so to commemorate what they did for our community with distinction.

I would like to talk about the Shrine of Remembrance, which has become the iconic symbol for veterans and for all the commemorative dates and important military dates that are celebrated there. I do not think anyone who has been to a dawn service could possibly ignore the depth of feeling there is for all those who fought to make this country the country in which we now live. A dawn service is particularly moving, and it is very pleasing to see the number of young people who continue to support it and come by bus, tram, train and car at dawn to commemorate in silence all the people who have given us the lifestyle we enjoy today.

I would like to talk about how the shrine came to be. It came to be through Sir John Monash. I am a member for Monash Province, which carries his name, and indeed it is an honour to be a member for Monash Province because Sir John Monash is seen in the world scenario as one of the very finest soldiers ever. He is recognised as having changed the face of war and the way in which strategic campaigns are run. He is seen in this country and in the international ex-servicemen community as a very fine soldier indeed. Sir John came back from the war and decided that there needed to be a monument to recognise the people who had gone before and to honour the veterans and those people who had fought in the First World War; so he lobbied, worked and agitated for a monument.

I would like to go through the chronology because it is quite an interesting story. It is a story that is well documented in Roland Perry's new book *Monash: the outsider who won a war*. I commend this book to everybody in this chamber as it is extremely interesting.

As my colleague the Honourable Graeme Stoney has just said, Sir John Monash was Jewish; he was a Scotch College boy; he was a very fine Victorian, and he was someone we should all be proud of.

The St Kilda Road site for the shrine was chosen in 1922. In 1923 two ex-soldiers, Mr Hudson and Mr Wardrop, won an architectural competition for the design of the shrine. Their design was modelled on a mausoleum in the city of Bodrum in Turkey. But some

things never change. In 1924 the Melbourne *Herald*, published by Murdoch press, ran a very vicious campaign against the design. It took a dislike to the design and to the idea that we should have a monument. Sir Keith Murdoch ran a campaign to use the money that was intended for the monument for a war widows home or hospital. He did not feel there should be a monument, he felt the money should be put into a hospital or a home.

The government of the day — and I have to say that the government of the day at that stage was a Liberal government — was frightened off by the Murdoch attack and the project was shelved. In 1926 there was a conference between the representatives of the War Memorial committee and state cabinet, and the design for the St Kilda Road Shrine of Remembrance was officially abandoned.

But a new plan was put up by the Murdoch press, which was backed by the RSL and the City of Melbourne. The plan was for a city square with a cenotaph to be located at the top of Bourke Street. In fact, honourable members probably would have looked out from this building on it. The Murdoch press wanted to have a square with a cenotaph.

However, on the eve of Anzac Day 1927 there was a very large dinner. Sir John Monash addressed the guests and said that a shrine and a memorial should not be a tourist attraction to beautify our city; its prime purpose was to be a memorial. In his book Roland Perry says:

He considered the shrine design was magnificent, dignified, noble and appealing. It was 'eminently suited as a memorial of great service and sacrifice, without the ridiculous note of victory and conquest which characterised the memorials of the barbarian past'.

Let me paint a picture of what the returned servicemen were like at the time. Many of them had been seriously injured, many had seen aspects of the theatre of war they wished to forget, many had been gassed, many were amputees, and many came back to Australia without a purpose; without knowing where they should be and what they should do. Sadly, many of them became alcoholics and found it very difficult to reintegrate into the community.

But Sir John Monash was very definite that there should be a memorial and that there should be a parade to commemorate the people who had fought in that war. He was instrumental in reviving the spirit of Anzac Day. He took great pride in the Anzac Day parade in 1927; he was very patriotic and he gave new momentum to the RSL.

On 26 April 1927, because of the additional momentum that was gathering and because the Anzacs were starting to feel pride in what they had achieved and the community was giving them some recognition for what they had done, a groundswell of support for the shrine began. This was supported by prominent Victorians — for example, the people who had been on the memorial committee such as Mr Grimwade, Mr Coxen and Mr Elliott.

Not to be deterred, Sir Keith Murdoch called the shrine design the tomb of gloom, and was trying to have a city square established. An election was held on 20 May 1927, and Monash used it very effectively. He highlighted what the cost and the time delay of a city square would be. He lobbied the opposition, which at that stage was a Labor opposition, and he used the momentum he had gathered through the RSL and indeed through the Anzacs themselves, and people began to support the concept of a shrine. In May 1927 a Labor government was elected, and it commenced the development of the shrine.

I would like to read a quote from Roland Perry about what Monash did at this time:

Monash saw a chance to get his way. He had lobbied for several years but not with the intensity he now applied. State cabinet would make the final decision, but there was an election coming up on 20 May 1927. Monash had to work on key ministers and shadow ministers, telling them that Murdoch's attack was immature, unsubstantial and missing the key point about a non-utilitarian structure.

Monash, as we have seen, got his way. Today we all focus upon this icon in St Kilda Road as the epitome of what Anzac, our former soldiers and ex-service people — women and men — mean to us in Victoria.

In an educative sense, as I have mentioned before, the pre-dawn Anzac Day service now attracts large numbers of people to the shrine. Hundreds of thousands of people come to the shrine for commemoration and educative purposes. In 2005, to date, the shrine has had 72 000 visitors for ceremonies alone. That is an enormous number of people of all ilk who are now coming to recognise the value of the shrine and the input of our forebears.

In conclusion, as a nation and as a state, we will be judged about how we treat our veterans. This bill that is born from bipartisan recommendations honours our veterans and gives them respect and dignity. Future generations, with assistance from the provisions in this bill, will know and honour the sacrifices our veterans made for us. I commend the bill to the house.

Hon. H. E. BUCKINGHAM (Koonung) — I, like this government, hold veterans in high esteem. There are 105 000 veterans with over 59 000 dependants, and as in the instance of the Leader of the Opposition, my father is a veteran of the Second World War. He is one of the 40 270, and, as the Leader of the Opposition said about his late father, my father does not talk very much about his war experiences.

The Premier is the lead minister responsible for veterans affairs. This government has spent over \$700 000 across the state on war memorial restorations. Along with the City of Melbourne, we jointly fund the Anzac Day parade. As a former history teacher, I am particularly proud of the Spirit of Anzac annual competition where secondary students can submit entries that capture the spirit of Anzac Day. Student winners join state representatives in visiting overseas sites of significant campaigns that involved Australian troops. In 2005 this was to Gallipoli to celebrate the 90th anniversary there.

The government has also helped fund and establish a new education centre at the shrine. This was opened on 10 November, and it is expected that over 40 000 students will pass through it. As a former history teacher, as I said earlier, I know the interest of students in learning more about the sacrifices made by people who served overseas. This new centre will be an important addition in helping students find out what went on.

There has been over 12 months intensive consultation on this bill. The government supports veterans by ensuring the ongoing protection of their patriotic funds.

There has been significant change in the veterans population. The majority of veterans are aged in their 70s and 80s. Sadly many will pass away in the coming years. Veterans organisations like the RSL are actively addressing this issue. Government is assisting organisations on this issue. This legislation establishes and resources a forward-looking veterans council, one that can advise government on a whole range of issues affecting veterans and collaborate with ex-service organisations in addressing the needs of veterans and their dependants. This bill is designed so that future regulatory decision-makers will continue to be informed by the veterans community. On key regulatory issues the advice of the Victorian Veterans Council must be sought and the minister must have regard to this advice.

The bill combines the experience and expertise of Consumer Affairs Victoria in regulating consumer protection acts with the knowledge of the Victorian

Veterans Council regarding the veterans community to provide a strong, informed protective regime for patriotic funds. The bill also, importantly, allows patriotic funds to be used for education and commemoration, which responds in part to the views of veterans and the interest in the wider community in understanding more about our military past. By giving this choice to trustees of funds, where circumstances have altered so that assets are no longer needed for the purposes of the trust, trustees can now decide how best to use these assets. It may well be for welfare purposes, but they may propose that the best way to honour the intentions of the trust is to use remaining assets to commemorate or to educate others on veterans issues.

This is good legislation. There was extensive consultation and the bill went through an exposure draft process. It has the overwhelming endorsement of ex-service organisations, already cited by my colleague Bob Smith. It establishes a new broadly representative Victorian Veterans Council to advise the Premier. It introduces a guaranteed annual stream of funds for distribution by the new council — the veterans fund for education and commemoration.

The bill maintains the annual Anzac Day Proceeds Fund dedicated to veterans welfare and administered by the council. The bill recognises the significant veteran population change and will enable new generations to be educated about veterans service and their sacrifice. This bill delivers good policy outcomes and is good news for Victoria's veterans. More importantly, it shows this government's and the community's ongoing support and respect for them. I commend the bill to the house.

Hon. J. G. HILTON (Western Port) — It gives me great pleasure today to make a brief contribution to the Veterans Bill. The substance of the bill has been covered by previous speakers, so I will not go over that ground again. I would like to commend the Leader of the Opposition for his very moving contribution today. Like him, I had a father who did not talk about the Second World War. He died over 20 years ago now, so unfortunately I will never learn of his experiences. As Mr Davis said, I think that is symptomatic of that generation.

I would like to use this opportunity to pay my respects to all the people who fought so gallantly in the wars in which Australia has been involved. In the United Kingdom, where I come from, the equivalent of Anzac Day is Remembrance Day, 11 November. Although that day is commemorated by the laying of wreaths at the Cenotaph in London, and in recent years a commemoration at the Royal Albert Hall, there is

nothing like the pride with which we celebrate Anzac Day. Anzac Day is a public holiday, but it is one of those public holidays that is remembered for its purpose rather than being merely an excuse to have a day off work. All around the country many hundreds of thousands of people either march or attend marches, attend dawn services and attend wreath-laying ceremonies at war memorials. In a very real sense Anzac Day draws the entire country together, and it is appropriate that it does so.

As Mr Smith mentioned, it was only a few weeks ago that the last veteran who saw active service overseas in the First World War died. I refer, of course, to Evan Allan, who died at the age of 106. My electorate of Western Port Province has some connection with Evan as he, on retiring from the navy, spent time on the Mornington Peninsula — in fact in Tyabb, which is next to Moorooduc where my wife and I have lived for the past 24 years. He enlisted in the Royal Australian Navy at the age of 14, fought in the First World War and also saw action in the Second World War. Young men in those days enlisted based on patriotism and idealism. One can only wonder whether, at the age of 14, they were in a position to fully understand what they were getting involved with. Indeed, Mr Allan said, a few years before he died, ‘I was too young to realise what I was doing’.

Another veteran, Alec Campbell, died a few years ago — on 16 May 2002. He was the last of the Australian and New Zealand Army Corps soldiers who fought in Gallipoli. In that conflict nine Australians were awarded the Victoria Cross, Britain’s highest military honour. The Gallipoli defeat — because that was it was — gave rise to the Anzac spirit. Mr Campbell arrived at Gallipoli after the initial attack, when the Anzacs were barely holding on. He was only 16. His role was as a water carrier, running water to the men in the front line, which is obviously dangerous work. Every day runners were picked off by Turkish snipers. Mr Campbell’s tour of duty lasted only two months before he fell ill with a fever.

Since those times, and as he became more famous as one of the few remaining Anzacs, he was asked many questions of his experiences. One of the most common questions was, ‘how many Turks did you kill?’. The fact that this was such a common question is, I believe, rather sad. Initially he answered — almost certainly truthfully — ‘none’. However, in more recent times — probably getting annoyed with the question — he would answer, ‘dozens’.

In recent years, as fewer and fewer of our World War I veterans remained, we gave them greater and greater

recognition when they passed away. Alec Campbell was given a state funeral, as indeed was Evan Allan. It is almost as if we knew we were losing the links with our great history and we had to do what we could to retain those links. As our veterans have become older we have almost been tempted to raise them to something of an iconic status. Mr Campbell and Mr Allan probably wondered what all the fuss was about, because they were only doing their duty as they saw it.

This bill is an acknowledgment in part of the thanks we owe veterans and, by extension, all our serving men and women. It gives me great pleasure to commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

For **Hon. M. R. THOMSON** (Minister for Consumer Affairs), **Hon. J. M. Madden** (Minister for Sport and Recreation) — By leave, I move:

That the bill be now read a third time.

In doing so I wish to thank members of the chamber for their contributions to the debate.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

SUPERANNUATION LEGISLATION (GOVERNANCE REFORM) BILL

Second reading

Debate resumed from 23 November; motion of Mr LENDERS (Minister for Finance).

Hon. C. A. STRONG (Higinbotham) — In rising to speak on the Superannuation Legislation (Governance Reform) Bill I put on record at the outset that the opposition supports this piece of legislation. But while we support it, as I go through the bill I will be highlighting some of the very real concerns that we had with the bringing of the bill to the house and the very great concern that has been caused to a great many people quite unnecessarily as a result of how this was managed and brought about by the government.

What the bill does is essentially integrate the State Superannuation Fund, managed by the Government Superannuation Office (GSO), into the Emergency Services Superannuation Scheme (ESSS). It is probably worth going into a little bit of the background to those two schemes, because they are essentially the two major defined benefit schemes that still exist. The GSO scheme is fundamentally a closed defined benefit scheme; it was closed to new members over 10 years ago. It picks up the then-defined benefit pensions of many thousands of public servants in all parts of government administration. It has very significant unfunded liabilities; in fact, as I recollect something like \$19 billion worth of unfunded liabilities are the main source of the unfunded superannuation liabilities of the state.

The ESSS scheme, by contrast, is a scheme which services emergency service personnel — essentially those in the police, fire brigade and ambulance services and the State Emergency Service (SES). It is the only open defined benefit scheme left in the state. There were, in fact, two defined benefit schemes left in the state — the ESSS and the parliamentary scheme. There is now, as we know, thanks to the ex-glorious federal Labor leader Mark Latham, only one remaining defined benefit scheme — that is, the ESSS. Both sides of politics have judged it appropriate that people who work in these particular high-risk occupations, potentially putting their lives at risk as members of the fire brigade, the SES and so on, need to be protected by and rewarded with a significantly higher level of superannuation security than people who are perhaps working in more desk-bound professions.

This ESSS scheme is open and fully funded. As it is a defined benefit scheme, the state government is responsible for funding any shortfalls. The way the superannuation schemes work is that contributions are taken from the members and also from the employers. In an accumulation scheme that money goes into the scheme and whatever money it earns — and whatever it becomes worth — is what is in the scheme; but in a defined benefit scheme, the benefits are defined and if there is any shortfall for any reason, which there certainly is in the GSO's scheme, that shortfall will be made up by the government. The government quite clearly has a very keen interest in running these schemes as efficiently and prudently as possible, and I and the opposition strongly support the government in its desire to run the schemes prudently and properly.

Perhaps the main rationale for such a merger of these two schemes is about making not insignificant administrative savings. With two schemes you need two boards, you need two management structures, you

need two computer systems, you need two sets of investment advisers and you need two sets of advisers providing all sorts of retirement knowledge to the members. There is also a duplication of what are generally called the back office services as well as, of course, the front office services, so not insignificant savings are to be made in bringing together the two schemes. As a matter of principle the opposition supports that, as it considers those savings worth having. As I said, the GSO has unfunded liabilities in the order of \$20 million while the ESSS is fully funded and not insignificant taxation benefits can be gained by a merger. Again, the opposition sees no reason at all why those benefits should not accrue to the state.

Therefore as a matter of principle the opposition sees no problem with this merger, as long as there is no detriment to the members involved. That is the caveat the opposition puts on this particular proposal. From the outset some not insignificant concern was expressed by members of the emergency services about what was being proposed. They had a real concern that the proposal perhaps represented an opportunity being taken by the government to rob Peter to pay Paul — to minimise the significant benefits in the fully funded ESSS and subsidise the underfunded GSO. The position of the opposition always was and still remains that it is in favour of the scheme as long as the analysis the opposition undertook showed that the scheme was appropriate, there would be no diminution of benefits for members and members of the scheme agreed that they would not be prejudiced by the proposed merger.

All members will remember that the unions representing police, ambulance and fire officers had significant concerns about whether they would be disadvantaged by the proposed merger. Members will also recall that on many occasions in this house I addressed questions to the Minister for Finance to keep the pressure on the government to ensure there was no diminution of benefits to members. The unions worked hard on their behalf — in fact, they threatened strike action to try to get some resolution of their concerns with the government. In my close involvement in the process, I noted significantly different approaches by the Minister for Finance, who I think understood the issues and was clearly intent on trying to get a resolution that would work and would not disadvantage the members, and the Minister for Police and Emergency Services in the other place. He is theoretically out there to protect and be the advocate for emergency services officers but frankly left them in the lurch and was considered by those workers to have done so. The process he adopted was disgraceful.

I quote briefly from the November issue of the *Victoria Police Association Journal*. On the front page of the journal there a picture of a huge sign hanging in front of a building. The sign says:

Protect the protectors
Tell the state government
Hands off emergency services super
Authorised by the combined police, fire and ambulance union.

The unions are very concerned that there may be an attempt to create some sort of cross-subsidy. The unions and the opposition set out to try to get some guarantee that this would not happen. I would like to quote from page 17 of this publication, which, complete with some very interesting pictures, shows how the members of the union tried to get in touch with the Minister for Police and Emergency Services to get him to be their advocate on this issue and to make sure their rights were protected. The headline is a question:

Minister Holding ... Why won't you support the emergency service workers?

That is a very good question. The article then says:

Police and emergency services minister, Tim Holding, has repeatedly refused to meet with police, firefighters and ambulance workers to discuss the current superannuation dispute.

It says further:

The Police Association, United Firefighters and Ambulance Employees unions have called on Tim Holding to support them in cabinet when proposed changes to the emergency services super are being discussed.

Tim Holding has repeatedly refused to meet with the union representatives to discuss their stand and the proposed changes.

The minister who is supposed to be out there trying to protect them has repeatedly refused to work with them. The article goes on to say that as a result, the unions sought to try and get a meeting with Mr Holding at a particular conference he was addressing. I quote again from the article:

When the three union leaders approached Minister Holding he refused to speak to them and brushed them aside, striding into the summit without a glance back.

'Why won't you stop and talk to us?', asked the men who represented 15 000 emergency service workers across Victoria. 'Don't turn your back on the emergency services workers'.

Inside the summit Tim Holding again refused to speak to Peter Marshall, Paul Mullett and Steve McGhie. He wouldn't even take material outlining the emergency service workers' stand ...

The article then says:

After delivering his address, Mr Holding again tried to outrun the union leaders but was forced to stop and face the men when the media contingent blocked his path.

There we have a very sorry story of the minister who represents these emergency service workers deliberately trying to avoid any contact with them and only stopping to talk with them when the media blocked his path so he could not escape. He is the minister who should be sticking up for them. This is a sorry state of affairs.

One can quite well imagine that the emergency service workers were very concerned about what was proposed when their minister would not even talk to them or listen to them. That is why their concerns quite justifiably brought them to the point of industrial action. They expressed their concerns to me, which is why I brought them into this house as forcefully as I could on many occasions.

As I said before, I think the approach by the Minister for Finance was somewhat more reasonable when trying to find a solution. By way of background I will quote from page 19 of the current issue of the *Victoria Police Association Journal*. An article headed 'Dispute one step closer to resolution' states:

The power of solidarity won through at the 11th hour when it appeared the industrial action would affect the Moto GP at Phillip Island.

In other words, the government was brought to the table by the threat of that industrial action:

Talks between the combined emergency services unions and the government went late into the night, culminating in an agreement.

The common-law deed of agreement associated with this bill was the culmination of that. It brought the issue to resolution and assured emergency services workers that their entitlements would be protected and that they would not be adversely affected by this merger. By way of background, that is essentially why the opposition is supporting the bill. Certainly by our analysis we see there is no detriment to the workers involved. Also, the second leg of the criteria that we set was that we would not support it unless it had the support of members of the scheme, and, as I have just highlighted, the members of the scheme now agree.

What in essence does the bill do? It abolishes the Government Superannuation Office (GSO) and transfers its assets, liabilities and staff to the Emergency Services Superannuation Scheme (ESSS). But it needs to be noted that, in doing so, it sets up separate accounts

for the various old parts of the scheme. In other words, there will be separate accounts for police, for fire, for ambulance and for the old GSO scheme members, so that the extent of cross-subsidy can be known and minimised, and the various liabilities will be accounted for separately, albeit in the one scheme.

There is a very significant restructure of the State Emergency Service (SES) board, because, quite clearly, there was concern that the representation of the various bodies on a new board would be diminished. The way the boards of both of these schemes was set up was that they had representatives from both the government and the various members of the scheme. In other words, from the Emergency Services Superannuation Scheme there were representatives from police, fire and other emergency service workers. So there was a desire to make sure that that representation was not overly diminished.

That has been done in two ways: the new board of the body will combine the boards of both the old schemes, which had about 5 board members; the new ESS scheme will have 10 board members made up of all the members of the old ESS scheme plus all the members from the old GSO scheme.

To further protect the rights of the members of the merged scheme, there will be veto rights by those members. In other words, although the new board will be twice the size, if the members of the old ESSS board do not agree with anything that the new board wants to bring in — because they would have been, as it were, outvoted by the larger board — they are able to say, ‘This particular proposal will not go ahead because we do not agree with it’. Even though they have not got the numbers to vote against it, they have the veto right to stop it going ahead. To further protect the rights of the merged parties, all board decisions will, under the new board, require a two-thirds majority.

The other major change is how the investment strategy and investment decisions will be carried out. As we know, the board of a superannuation scheme basically sets the investment objectives and that goes down to the next level and various experts, strategies and consultants are appointed to carry out the investment and use the money in the scheme wisely. The board generally has fairly major decision-making powers in how those investment decisions are made. Under the new scheme the board’s role in investment decisions will be severely limited. In essence the board will be able to make very high-level investment objective decisions. In other words, it might have an objective to put some percentage into fixed interest in Australia, some percentage into fixed interest overseas, a further

percentage into equities in Australia and overseas or some mix.

The board will be able to determine very broad investment objectives. The rest of the decisions will be made by the Victorian Funds Management Corporation. It will be responsible for all the detail of the investment decisions. It will, in essence, carry out the investments for the funds. As we all know, the Victorian Funds Management Corporation is an arm of Treasury, and it will be out there doing the investment on behalf of the board. The rationale from the government for this is not unreasonable, I guess. It says these are the Treasury’s investment gurus and if any investment decisions work out badly, it will be the government which foots the bill — these are defined benefit schemes so the government has to cough up any difference. The government is taking upon itself the responsibility of all the investment decisions for the defined benefits scheme.

It is worth noting that the Emergency Services Superannuation Scheme has a division within it which offers an accumulation scheme for those emergency service workers who want to roll over their benefits when they retire or make some other contributions. The government has no liability in any way for the accumulation arm of the ESSS — the investment, good or bad, accrues to the individual members. This ESSS accumulation scheme will not be managed by the Victorian Funds Management Corporation, it will continue to be managed by the board.

In the briefings we have had it has been estimated that the long-term savings to the government from the merger of these schemes could be in the order of \$20 million per annum through a reduction in the duplication of many aspects of the management of the schemes. However, the point needs to be made that we were assured in the briefings that there will be no staff redundancies as a result of the amalgamation of the two schemes. This creates an interesting question as to when those benefits will accrue. We will have a new ESSS scheme which will be significantly overstaffed until such time as the now combined staff numbers are reduced in some way by attrition, separation packages or whatever the government chooses to do. The point I make is that although there are theoretical savings there, those savings will be dependent on the ability to significantly slim down the number of people working for the new scheme as there will be a lot more people working for it than it needs. They are in essence some of the key issues of the plan.

The part of the agreement forged between the emergency services workers and the government is

being done through what is called a common-law deed of agreement. That deed of agreement sets out various things to give comfort to members of the scheme because a concern had been expressed that after all legislation was only legislation, it could be changed; and therefore they would like something more permanent. So the government has agreed to a common-law deed of agreement. That is not available to be tabled at this stage simply because, although the various unions have met and agreed to its signing and the agreement has been thrashed out and approved by meetings all over the countryside, it has not been signed. But I thank the Minister for Finance for making a copy of the deed available for me to peruse, and I am confident that deed does not expose the state to any greater risks or liabilities than are set out in the bill.

What the deed of agreement basically does is recite the essential provisions of the bill and elaborates them to some extent. Perhaps the only significant financial risk to the state that is covered in the deed of agreement deals with the two parts of the Emergency Services Superannuation Scheme which I described before — that is, the defined benefit part and the accumulation. We all know that when it comes to investing through investment advisers there are fees attached. The larger the sum invested, 9 times out of 10, the smaller the fee. Under this arrangement the ESSS might invest an amount of money from both its defined benefit and its accumulation — say, \$200 million — and the fees on that would be X. When that is invested in separate parts there might be \$180 million resulting from the defined benefit and only \$20 million from the accumulation part, and because the defined benefit component will be done by the government there will be no fees necessarily attaching there, but fees will attach to the residual amount, which will be undertaken directly by the board. The deed of agreement allows for a compensation to be paid to the ESSS reflecting the extra fees that would accrue by virtue of investing the smaller sums in the accumulation scheme. That is certainly the only extra exposure I could see that the deed of agreement made for the government over and above what is in the bill.

In conclusion I say the opposition finds no reason to oppose this bill. There is no detriment to members and there is a considerable potential benefit to the state by combining these schemes. The opposition understands the contributors to the scheme are now happy with the merger, and I think that was a very important step. Therefore I think — although the Minister for Police and Emergency Services needs very significant censure for the way he has handled this issue, and as I have shown he has been censured by the workers in his portfolio in great detail — that the scheme is workable,

and we will be supporting it. There are two issues that I have signalled to the minister I wish to raise in committee, and with those comments I urge the house to support the bill.

Hon. W. R. BAXTER (North Eastern) — Like Mr Strong and the opposition, The Nationals support this legislation. I must say that I was very surprised indeed that the government, and in particular the Minister for Finance and the Minister for Police and Emergency Services, so utterly failed to get the constituents on board before they made this announcement. It certainly generated an extraordinary amount of ill will amongst the emergency service employees and some of the retired beneficiaries of the Government Superannuation Office schemes. There are all sorts of fears out there in the community that this might lead to a reduction in benefits either currently or in the future. It seems to me to be absolutely self-evident that, if a government is going to do anything at all that is going to affect the retirement benefits of its employees, it has a duty and an obligation, as well as it being commonsense, to make sure it has properly explained its intentions before it introduces legislation.

That was clearly not the case in this example, and whilst Minister Lenders has been able to broker an agreement with the emergency service unions in terms of the common-law deed that is to be executed, the Minister for Police and Emergency Services has not covered himself in any glory at all. His reputation has been badly tarnished by the unfortunate coverage he had from the media as he sought to avoid any engagement with the union leaders. It is really peculiar to have the spectacle of a Labor minister avoiding engagement with union leaders. One could say that you might have expected that with a conservative government — I do not think that ever happened — but here we have a Labor government minister running away from what are nominally his own supporters. I think the Minister for Police and Emergency Services has learnt a hard lesson out of it all, and hopefully he will conduct himself a little better in the future.

The Nationals are satisfied that this legislation is a desirable move that will lead to economies of scale and more efficient administration. Like Mr Strong, I am a bit disappointed that many of the predicted savings are not going to begin to flow for some time, because we have in this community today the peculiar notion that if you have a job you are entitled to keep that job even if it no longer needs to be done. Frankly, that is the situation we will have here. Putting these two super funds together will mean some redundancies in the work force. That is the reason it is being done — to

reduce costs. Reducing a work force by nothing other than attrition might take years, and whilst that may be very nice for the people who are currently employed and having their wages looked after every week, it imposes a cost on all the beneficiaries and the contributors to the funds. I do not think that is a very just system at all.

We are in a period of high employment, and there is no reason at all why people who work in these sorts of careers cannot get other jobs. I think we ought to be more sensible and realise that if there are economies to be made and efficiencies to be captured, that ought to be so made and captured forthwith, not drawn out over some long tail through the effluxion of time. It seems to me that the publicity that has been gained out of all this has done no-one any good at all; but I have examined the bill, and I have examined the agreements that have been reached with the unions. I have spoken to members of the board, and by and large I am satisfied, as they are, that we are now in a position to support the legislation.

I am a little surprised that the board is as large as it is. Simply amalgamating the two boards is an easy way out, I suppose, but it establishes a very large board compared with what has been the norm in recent times. Whether it be local government councils, water boards or any sort of statutory authority there has been a move to have smaller and more professional boards. This bill seems to be flying in the face of that sort of policy, and I think it is an expedient decision rather than a sensible one. I hope that over time it might be reviewed.

On balance a lot of people have been put under pressure through misapprehension, misinformation and fear. I hope their fear has now been mollified, and that they can be confident that the benefits that are accruing to them, their having made contributions in some cases for more than 40 years, are safe. I hope that the end result of this legislation over time will be an increase in benefits for those contributors. I support the bill:

Motion agreed to.

Read second time.

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

That the bill be now read a third time.

I thank honourable members for their contributions —

Hon. C. A. Strong — On a point of order, President, on the minister's motion that the bill be read a third

time, there was an agreement to take this bill into the committee stage.

Hon. M. R. THOMSON — I move:

That the bill be committed later this day.

Hon. BILL FORWOOD (Templestowe) — We support the motion before the house.

Motion agreed to.

Ordered to be committed later this day.

DUTIES AND LAND TAX ACTS (AMENDMENT) BILL

Second reading

Debate resumed from 23 November; motion of Mr LENDERS (Minister for Finance).

Hon. BILL FORWOOD (Templestowe) — I have a few comments that I wish to make in relation to the government's latest tax bill. I am sorry that the advisers from the State Revenue Office (SRO) are not here with us today because I have received a lovely letter from Jeff Byrne, the director of revenue policy from the Department of Treasury and Finance and I will read this paragraph to honourable members. This is in response to a letter that I had written to the Treasurer about some of the land tax issues that have caused such grief around the state. The final paragraph says:

If you are a land-holder the SRO will be writing to you in the near future to determine if you are required to lodge a one-off return in relation to property held in trust. If you do not receive this letter by the middle of December or you have any further questions in relation to how the land tax on trusts arrangements will operate, you can view the information at SRO's web site ...

I was intrigued by this. I thought here we are with a piece of legislation due to commence on 1 January and if I have not got a letter by the middle of December I can contact the SRO.

Hon. W. R. Baxter — It is great stuff.

Hon. BILL FORWOOD — Thank you, Mr Baxter; it is great stuff. We all know in relation to the legislation before the house that it was announced before the budget. My recollection is that the budget was released on 3 May. If you look through the various budget papers you will find this odd sentence from time to time. On more than one occasion it says words to the effect, 'There will be a special land tax on trusts'.

Hon. W. R. Baxter interjected.

Hon. BILL FORWOOD — Yes, to prevent leakage and stuff.

It mentioned it in the budget papers and specifically on page 150 of budget paper 4, statement of finances, says:

A special land tax will be levied on trusts. This involves setting a 'special' —

in quotation marks —

rate for trustees from the 2006 land tax year ...

It goes on:

This will help clarify the law, reduce the number of disputes, and limit the ability of taxpayers to minimise tax by disaggregating their land-holdings through trusts.

It was expected that this will raise \$20 million a year. That was the intention as announced on 3 May. Before the house today — 24 November — we have a piece of legislation, of which the commencement clause says it will start on — would you believe it? — 1 January.

Hon. W. R. Baxter — Five weeks away.

Hon. BILL FORWOOD — Thank you. Part 4 comes into operation on 1 January 2006, five weeks away. What have we got? We have a government that announces in May it will have a special tax on trusts that will raise \$20 million in the full year. One would have thought that if it had been able to say that at that time, it might have been able to get the legislation into the chamber earlier than it has arrived. Perhaps it might not have gone through the extraordinary iterations and anguish that it has gone through to get where we are today.

Honourable members now know that it will not raise \$20 million in the first year. In fact in the first year it will not raise anything at all. In the second year it is estimated it might raise \$2 million, and in the third year it is estimated that it might raise \$6 million. Oh, really? Gee, this has all been worth the exercise, has it not?

We have gone through all the grief just for this marginal amount of money that this money-hungry government is after, but think of the grief it has caused amongst all the small business people out there; think of the grief it is going to cause to all the people who actually have now been exempted because these trusts were in place before 31 December 2005 and who originally were going to be caught because it was all going to be retrospective.

The government was going to come in with the big sledge hammer to get its \$20 million and destroy all sorts of people who, for no reason other than to

organise their affairs, through trust had taken proper advice. They were not, as I am sure the Premier and the Treasurer have agreed on more than one occasion, trying to structure their affairs to minimise tax. They were people who had taken prudent advice to structure their affairs in a way but not for tax reasons.

Hon. R. G. Mitchell — Never!

Hon. BILL FORWOOD — I am not saying 'never', but primarily not for tax reasons.

What have we got? We have had this dog's breakfast prepared over the months since 3 May and one of the things that happened, which I was highly critical of, was the government decided that rather than tell people what it was doing, or bring in legislation, it would put on its web site through the State Revenue Office what it was going to do. Away it went, and it put on the web site, before the legislation had even been introduced, how the tax would work. This was when some people did the sums and, to their horror, found that this was an absolute disaster. People left, right and centre complained and carried on; they spoke to the Premier and to Neil Mitchell on 3AW radio; and the Law Institute of Victoria got involved, and everybody else got involved.

The government, of course, ran for cover as quickly as possible. This is the problem when we have a Treasurer who thinks he is Alan Stockdale —

Mr Pullen — The Treasurer is not that bad, he is a smart man.

Hon. BILL FORWOOD — I know Mr Stockdale was a very smart man.

Mr Gavin Jennings — Where is Mr Stockdale now?

Hon. BILL FORWOOD — When Mr Stockdale was the Treasurer he was a very smart man. Now that he is working for Mills Oakley Lawyers who knows what he is, other than a friend of mine.

There is a real difference between someone like Mr Stockdale, who arrived in the Parliament in 1985, who became shadow Treasurer the day he walked through the door and who on the day he left this Parliament 14 years later had spent the whole of his parliamentary career as either the shadow Treasurer or the actual Treasurer of this great state. There is a man of commitment and intelligence. The reforms he brought to this state have stood the test of time. One of the great reforms under his regime and the regime of his cabinet colleagues, including Mr Baxter and former

Premier Jeff Kennett, was when in 1992 the then government took in hand the land tax regime cobbled together by Mr Jolly, Mr Sheehan, Mr Roper and other failed Treasurers of the Cain and Kirner eras. When Mr Stockdale retired from Parliament in 1999 the total land tax take in this state was less than it was when he came to government in 1992.

Hon. Andrew Brideson — We had a AAA rating.

Hon. BILL FORWOOD — Absolutely! We are still in a AAA rating because we fixed the state up. Even then we were able to provide land tax relief in dollar terms. What honourable members know, because I told them this in Colac a week ago, is that the take in 1999 from land tax was \$378 million. Members need only turn to the budget papers to see that the budgeted land tax for this year is \$824 million. All the spin in the world and all the claims in the world about land tax reduction and relief count for nothing when the statistics show that the amount of land tax take in this state has gone from \$378 million in 1999 to \$824 million in the year ahead.

Mr Pullen — How much has the value of your house gone up?

Hon. BILL FORWOOD — Let me pick up the interjection from my friend Mr Pullen. He has asked how much the value of my house has gone up. Thankfully it has gone up significantly, and I am very pleased about that.

Mr Lenders interjected.

Hon. BILL FORWOOD — There are a few around me.

Mr Lenders interjected.

Hon. BILL FORWOOD — Really? I am glad the minister said that in such a friendly way!

The ACTING PRESIDENT (Hon. B. W. Bishop) — Order! The debate will be through the Chair.

Hon. W. R. Baxter interjected.

Hon. BILL FORWOOD — Thank you for reminding me, Mr Baxter. Mr Pullen was making the point that the price of property has gone up, and therefore land tax has gone up. What you do in those circumstances is adjust the rate; you do not have the windfall gain. What this government has done is rather than — —

Mr Pullen — It has adjusted the rate.

Hon. BILL FORWOOD — Dear, oh dear! Why is it that every time I rise in this place I have to give an economics lecture — economics 101 — to the dummies opposite? It is a very long time since I have had to do this, but I am going to offer Mr Pullen individual tutoring. He above everyone is entitled to individual tutoring.

However, let me not be distracted, Mr Acting President. Let me just make the point that there are two ways of budgeting. One is for the total amount that you wish to take. The government thinks that land tax should bring in \$500 million, for example, and asks how it will do — —

Mr Lenders interjected.

Hon. BILL FORWOOD — Except what figure did the minister choose? Was it \$800 million or \$900 million? According to the budget papers it is \$824 million.

Hon. M. R. Thomson — A reasonable amount.

Hon. BILL FORWOOD — ‘A reasonable amount’, says the Minister for Consumer Affairs. You can say, ‘This is the amount we want to get in and, given the increase in housing prices, we will lower the rate to ensure that that is the amount that we want’, or you can do it the sneaky way. That is — —

Mr Lenders — The Peter Costello way.

Hon. BILL FORWOOD — No, we can do it the John Brumby way, which is to say — —

Hon. R. G. Mitchell — Honest, open and transparent.

Hon. BILL FORWOOD — Dear, oh dear! Honest, open and transparent! One of the rules of the standing orders is that one should not be ironic, and that is because the irony of words does not come through on the written page. Let honourable members in this place know that every time I say ‘open, honest and accountable’ that is not really what I mean at all. If there is one thing this government is not, it is open, honest, transparent and accountable. However — —

Mr Lenders interjected.

Hon. BILL FORWOOD — I know it does. It is true, as the minister knows. However, I do need to make this point about land tax — that is, that in a time of rising property prices, like the one we have just had, this government, despite what it put in the budget papers, knew it was on a winner with windfall gain.

What it did was allow the existing rates to stay the same and property prices to go up, and this massive amount — this flood of money — came into the coffers year after year. The government was able to massage at the margins a bit here and a bit there, put an exemption here and an exemption there, and claim land tax relief. This morning I read with horror page 12 of budget paper 2, the chapter entitled 'Financial Policy Objectives and Strategy', which states:

The 2005–06 budget continues crucial reform —

this government says —

of Victoria's land tax system by extending a substantial relief package to taxpayers worth ... \$823 million over five years ...

That is without doubt one of the largest pieces of garbage ever written in the budget papers, because what it is saying is if we change nothing else ever, then this is the amount that would have come flooding in on a no-change policy. Of course the next thing it does is add it year on year. Year one is \$100 million and year two is \$50 million, therefore the change is \$150 million. But, no, it is \$250 million, because you count the \$100 million from the first year twice — three times, four times, five times!

This government invented this way of doing it. Mr Baxter is on the Public Accounts and Estimates Committee and he knows how it works.

Hon. W. R. Baxter — Very sneaky.

Hon. BILL FORWOOD — It is the sneakiest way of doing these things. It is just — for once words fail me!

An honourable member interjected.

Hon. BILL FORWOOD — No, not yet. So we now have before us a bill that brings in this new and appalling taxation regime. Not only did it take the government a helluva long time to get it here, but it arrived in the other place and without notice to the opposition, The Nationals or the Independents the government introduced house amendments. One thing I will say for the Minister for Finance: if he has house amendments at least he circulates them to the opposition and to The Nationals, so members are able to consider them in the interests of having an informed Parliament.

My first complaint is that the bill before the house has been a dog's breakfast since the day it was announced. But even more to the point is that on the day this bill was debated in the other place — 16 November — the

government arrived with more amendments to fix up the mess it had created. Our great complaint is that it did not have the courtesy to notify either the shadow Treasurer or myself. Every member of the State Revenue Office and the Treasurer's staff knows that the member for Box Hill in the other place and I are briefed on all Treasury bills because we are the lead speakers in each of the houses, but neither of us were notified about these amendments. I was not in the chamber yesterday when this bill was read a second time, and I do not recollect whether anybody was notified that amendments were made in the other place. Maybe they were, maybe they were not; I was not here at the time.

Mr Lenders — They were.

Hon. BILL FORWOOD — The minister says they were and I am grateful for that. Having been briefed on a particular piece of legislation — and, I might add, having made copious notes on the bill, which I am happy to share with honourable members; all of which I intend to go through clause by clause after lunch — I simply say that it is not acceptable for amendments to then be made by the government without notification. I look forward to this not happening again in the future so we can have a reasonable debate about legislation before the house.

I am very pleased that the government saw fit to do away with the rhetorical nature of the bill. In a sense that is a marginal relief for many people. It is extraordinary that despite the denials of the government — and this is very similar to the parking tax bill we debated a week or so ago — this legislation requires taxpayers to register, even the ones who are not caught by it. What is going on? Is the government building databases of people for some peculiar reason? Perhaps it is, so that it can send out Australian Labor Party membership forms. I do not know. We have had in this place in this sitting two pieces of legislation which require people to register when they do not have to pay tax. Why would the government do that? I have no idea. It must be in the interests of creating work for public servants: I cannot imagine any other reason for it. Perhaps the minister will be able to explain why someone who is not caught and does not have to pay tax is required to register, as the bill outlines.

There is a particular aspect of this legislation which I particularly like, and honourable members who have looked at the bill would understand this as well as I do. I draw the attention of honourable members to part 3 of the bill, which contains amendments to the Land Tax Act 1958 and runs from page 27 through to page 55. I also refer them to part 4, which contains amendments to the Land Tax Act 2005 which run from page 56

through to page 86. What is absolutely apparent is that, whichever way you look at it, the amendments to the Land Tax Act 1958 are identical to the Land Tax Act 2005 amendments in part 4.

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

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

WorkCover: machinery operator licences

Hon. BILL FORWOOD (Templestowe) — My question without notice is to the Minister for WorkCover and the TAC. In July this year the Victorian WorkCover Authority introduced new procedures to force persons working with machinery to be licensed, stating at the time that:

... the identification requirements are intended to verify duty-holder identity for individual and corporate applicants for WorkSafe permissions.

Why has the government now ceased this process, and what will happen to all the people who have already applied for identification requirements?

Mr LENDERS (Minister for WorkCover and the TAC) — The Victorian WorkCover Authority (VWA) is an independent statutory body — —

Hon. Bill Forwood — That is what you say when you do not know the answer.

Hon. D. McL. Davis — Trying to dodge the answer.

Mr LENDERS — It is interesting that Mr David Davis says, 'Trying to dodge the answer'. He is probably one of the camp who is trying to dodge a secret ballot in the Liberal Party over the future of Mr Olexander, and he is probably not one of the five who will stand up to call for the secret ballot, so he should be a bit wary of talking about transparency in this place.

In talking about dodging an answer, this government is not at all afraid of answering a question, of convening the Parliament, of having the Public Accounts and Estimates Committee meet, of having the Parliament in full session or of empowering Victorians to use freedom of information to access government decisions.

On the particular issue Mr Forwood raised, I will certainly take on notice the decision of the VWA. I do not purport to be an absolute expert on every single

activity of the VWA, but I obviously remain on top of the general policy principles and work closely with the authority in having an organisation that not only has the right amount of regulation to bring safety and education into workplaces and reduce injuries but that also works in consultation with stakeholders to make sure there is the right amount of regulation so that Victoria remains a good place to work, live, invest and raise a family.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — I refer the minister to his letter of 10 October to Frank Busch, detailing his response to WorkSafe Victoria's procedures for plant registration in which he stood by the system in place, and I also refer to the fact that on 4 October, six days before the minister sent his letter, the Victorian WorkCover Authority dropped the identification process. Could the minister explain to the house how come he wrote a letter verifying the process six days after the authority had stopped it?

Mr LENDERS (Minister for WorkCover and the TAC) — This government is responsive to the needs of workers and the needs of industry. We also look for best practice so that when things that could be better are drawn to our attention, we respond. Sometimes we obviously respond a lot quicker than Mr Forwood expects us to, but that is important. I am delighted to stand by the Victorian WorkCover Authority. It is a good body which is making Victoria a safer place to work. We have seen the results of it. Under the great act brought in by my predecessor as the minister responsible for WorkCover, Rob Hulls, we are seeing the number of deaths and injuries going down, costs to employers coming down and the benefits to workers going up. It makes Victoria a good place to live, to work and to raise a family.

Consumer affairs: fundraising organisations

Hon. KAYE DARVENIZA (Melbourne West) — My question is to the Minister for Consumer Affairs, the Honourable Marsha Thomson. With the Christmas holiday period approaching I expect that Victorians will once again show great generosity in making donations to worthy causes. Good regulation of fundraising is very important to making Victoria a good place to live and to raise a family. Could the minister update the house on the Bracks government's review of fundraising regulations in Victoria?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I thank the member for her question. Of course Victorians are very generous when it comes to donating to charities, particularly at Christmas time. As

many families make a decision to make a donation to a charity rather than give gifts to each other, it is important that they have confidence in the charities they donate to. The Fundraising Appeals Act regulates fundraising in Victoria and requires fundraising organisations to be publicly accountable for their fundraising activities. The government wants to ensure that that process is transparent so that people can have a true indication of how that money is distributed by the fundraising organisations.

People will be aware that a fundraising review has been undertaken by the member for Narre Warren North in the other place, Mr Luke Donnellan, who is a very good member. In fact the review was auspiced by my predecessor, now the Minister for Finance, Mr Lenders, to ensure that we were in fact providing the best legislative framework for fundraising. The report has been released today, and I urge members to encourage people within their constituencies to look at the report and to feed back any concerns or any interest they may have regarding the recommendations of the review. It is a very balanced report that takes into account a diverse range of views — over 60 submissions were made to the review.

We need to look at some changes and some tweaking needs to take place due to the increase in certain practices occurring in fundraising these days. One of those practices involves commercial fundraisers. There have been recent instances and experiences in relation to fundraising and the role commercial fundraisers play. In the main the role they play is very valuable for a number of charities. It takes the burden away from them and enables them to receive funds to do their very good works.

The report recommends that we amend the act to require all commercial fundraisers to register, regardless of whether they are acting as an agent of a not-for-profit organisation or not. This is an important development in the legislative process and we will be supporting changes to the legislation in that regard. This would mean that commercial fundraisers would be subject to the same disclosure regime that is in place for those who have to register under the act and they would have to meet all the obligations of the legislation.

The report also recommends that we increase the transparency of fundraising by creating powers for the director to make fundraisers disclose the total amount they will or will not have distributed to their intended beneficiaries, again making it far more transparent and easier for people to understand how much money is going to the cause for which it is being raised and how

much is going to other expenses or other fundraising activities.

Mr Donnellan will be seeking feedback in relation to the report, and we encourage people to come forward with their views on the recommendations. I am looking forward to being able to introduce those recommendations to ensure that Victoria is a safe place to raise a family and to donate — —

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

Australia Post: Jetstar

Hon. B. N. ATKINSON (Koonung) — I also have a question for the Minister for Consumer Affairs. I note from press reports that Jetstar and Australia Post are seeking an exemption from state licensing laws and Travel Compensation Fund membership that would give them a competitive advantage over other travel agents who must sell domestic airline tickets in compliance with a red tape and regulatory regime. I ask the minister to advise the house when a submission or submissions were received by Consumer Affairs Victoria from Australia Post and Jetstar seeking exemptions to state licensing laws and membership of the Travel Compensation Fund, and when a decision on their application is likely to be made.

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I note that this matter was raised on the adjournment last week by the member and we are preparing a response on that adjournment item. I cannot advise the member of the actual date the proposal was submitted by Jetstar and Australia Post, but what I can do is explain the process that is taking place. As members may be aware, all states, with the exception of Western Australia, have responsibility for the Travel Compensation Fund. On that basis the government has taken this matter immediately to the Ministerial Council on Consumer Affairs for the officers of that ministerial council to investigate the request.

This matter is now being looked at by the officers and officials of the various consumer agencies across the state, and they have called for interested parties to make submissions to that investigation and inquiry. I cannot give details as to when that process will conclude because it is not totally within our capacity to determine, but the matter is being investigated at this point in time. At the conclusion of those investigations a recommendation will be made to ministers across the country as to whether the proposal should be agreed to.

Supplementary question

Hon. B. N. ATKINSON (Koonung) — I thank the minister for her answer. It was again responsive to the question I asked, and I thank the minister for that. I note the minister's answer to a question I posed on Peter Mericka and licensing requirements for real estate agents and her answer today on Australia Post and Jetstar's application for exemptions from certain regulatory controls and I ask: is it the Bracks government's policy to have two sets of rules and regulations, one for small businesses that must meet stringent, onerous and costly red-tape requirements and another for new niche market entrants who can opt out of her regulatory regimes for a cost and competitive advantage?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — There is a simple 'no' response to that. The member will be aware that I am very conscious of the needs of small business in my role as consumer affairs minister. They are always taken into account in the decisions we make about how we regulate and in getting the balance right, but there are certainly no two standards operating in consumer affairs. Everyone is required to meet the standards and there are no special circumstances for big versus small.

Domestic violence: White Ribbon Day

Ms ROMANES (Melbourne) — My question is addressed to the Minister for Housing, Ms Broad. Tomorrow is White Ribbon Day, the international day for the elimination of violence against women, and I am pleased to see that a number of members on both sides of the house are wearing their white ribbons.

Can the minister inform the house about the actions the Bracks government is taking to reduce family violence, to better protect women and children and to improve the lives of many Victorian families?

Ms BROAD (Minister for Housing) — I thank the member for her question on this very important issue concerning the problem of family violence and for her concern about the serious consequences it has for Victorian women and children.

White Ribbon Day is a day when men, supported by women, take a stand and pledge that they will not commit, condone or remain silent about violence against women and children. The Bracks government believes that every Victorian should be able to live safely in their homes and in the community. Working together with police — —

Hon. B. N. Atkinson — On a point of order, President, I ask for some guidance as to the basis upon which the minister is answering this question. She is the Minister for Housing and the Minister for Local Government, and I do not quite understand how this question relates to her ministerial responsibilities.

Ms BROAD — On the point of order, I am very happy to help the member out of his ignorance. In case he or anyone else is not aware by now — and I would have thought that by listening to matters raised in the house he would be aware well before today — as Minister for Housing I have responsibility for, amongst other things, the supported accommodation assistance program, which is the major program in this state that provides housing and supported assistance to women and children escaping from family violence.

The PRESIDENT — Order! The minister has explained her responsibilities, so the question is in order and the minister can continue with her response.

Ms BROAD — Working together with police, courts and the community, the government is implementing a new integrated system to respond to family violence — a first for Victoria. That is why, as Minister for Housing and as the minister responsible for coordinating the new approach to family violence in Victoria, I have pleasure in releasing two new and important publications that will help the community to understand the impact of the problem, what the government is doing about it and, importantly, what they can do about it.

The first publication is called *Changing Lives — A New Approach to Family Violence*. The second is the report of the statewide steering committee to reduce family violence. That committee is a group that has come together as a partnership between the state government and non-government agencies, and its report has informed the new approach the Bracks government is now taking to address the problem of family violence. I thank the committee for its substantial efforts.

The publication *Changing Lives* outlines the government's reforms and how five ministers, including me, three departments and Victoria Police have joined forces in an effort to break the cycle of family violence.

This new whole-of-government approach to family violence includes a — —

Honourable members interjecting.

The PRESIDENT — Order! Members on both sides of the house will stop interjecting and allow the

minister to continue to give her response to the question asked. If members do not stop interjecting I will use sessional orders to remove them.

Ms BROAD — This matter was not intended to be party political, but I have to say the performance of the opposition is just disgraceful.

Hon. Bill Forwood — On a point of order, President, the minister knows that in answering a question she cannot debate it.

An honourable member — She was not.

Hon. Bill Forwood — You do not think that was debating it? I ask the Chair to tell the minister to answer the question without debating it.

The PRESIDENT — Order! If there were not so many interjections from members on both sides of the house, I am sure the minister would continue her response. I ask her to not respond to interjections, which are disorderly, and to continue with her answer in the time remaining.

Ms BROAD — The new whole-of-government approach to family violence includes an investment of \$35.1 million in state funding over four years. The reform is a core part of A Fairer Victoria, the Victorian government's \$788 million plan to address disadvantage and create opportunities for all Victorians. This new investment by the Bracks government in family violence services is already delivering strong progress across many parts of the system and new funding for services will be announced shortly.

The Bracks government is aware that a reduction in and the prevention of family violence relies on more than improvements to services; it also relies on the involvement of the entire community. For that reason the government will continue to encourage people and communities to speak out against family violence and change the lives of many Victorian families for the better.

Hazardous waste: thermal technologies

Hon. D. K. DRUM (North Western) — My question is to the Minister for Major Projects. Has the Victorian government fully investigated the use of thermal technologies, such as gasification plants, for the destruction of hazardous and toxic wastes?

Mr LENDERS (Minister for Major Projects) — I am always delighted in this place to take questions on the Nowingi proposal, which is part of my responsibility as Minister for Major Projects. In doing

so they always need to be put into the general context of a debate. Mr Drum raises the issue of other options the Victorian government has looked at to deal with category B wastes — which is what I presume he was referring to — and other areas of waste.

In general terms I can certainly assure Mr Drum that my colleague the Minister for Environment in the other place will have looked at those areas; whether he has looked at that specific option I could not say here.

Honourable members interjecting.

Mr LENDERS — I take up the inane interjections from Mr David Davis and Mr Forwood, who talk about responsibilities. I say 'inane interjections' because both gentlemen have been in this place a lot longer than I have and I would have thought both of them would have understood and respected the Westminster system of ministerial portfolio responsibility. For the benefit of the house and Mr Drum I am explaining that while I have responsibility for a specific project, which is the proposed long-term containment facility at Nowingi, the general responsibility for waste management is correctly that of the minister responsible for the Environment Protection Authority, my colleague the Minister for Environment, Mr Thwaites, who is one of the best environment ministers this state has ever had.

In general terms I am confident that Mr Thwaites and the EPA would have looked at that option. But my specific responsibility is to be the proponent for the Nowingi site and for the most elaborate environment effects statement process that we are going through at the moment, in which 24 technical reports are being looked at for that particular site. I can respond to Mr Drum only in general terms and urge him to put his question on notice to the Minister for Environment for a more detailed answer and a more comprehensive response.

Supplementary question

Hon. D. K. DRUM (North Western) — I thank the minister for his answer. It seems incredible that the government would proceed with a \$200 million waste facility at Nowingi when it has not looked at a process used extensively in Europe that has cleaner emissions than natural gas. The question that needs to be asked is: does the reason the minister does not know about this alternative way of treating toxic and hazardous waste have more to do with Labor connections in and around Dandenong that are calling for the premature closure of the Lyndhurst site than with looking for alternative measures, which could include gasification plants manufactured in Australia similar to those used

extensively in Europe, which produce cleaner emissions than natural gas?

The PRESIDENT — Order! I have a problem in that that was a statement rather than a question. I ask the Honourable Damian Drum to clarify the question to the minister.

Hon. T. C. Theophanous — On a point of order, President, I draw this to your attention because it is something the opposition continues to do — —

Hon. Bill Forwood — He is from The Nationals. We are the opposition!

Hon. T. C. Theophanous — Members on the opposite side do this on an ongoing basis. I draw your attention to rule of practice R1.02(c), which says questions should not contain arguments. What has tended to occur is that members opposite suggest they are asking a supplementary question but instead go through an argument. That is all it is — simply an argument putting their point of view. That is not what question time is meant to be about. It is specifically meant to be for asking questions, but in this case a question was not even asked.

The PRESIDENT — Order! To a large extent I uphold the minister's point of order on the basis that that is why I had to ask the member to rephrase his question. After his preamble he did not ask a question that was supplementary to the answer or the original question. He made a statement; he did not ask a question. The member has 10 seconds or less in which to ask the question, otherwise I will rule him out of order because his time will have expired.

Hon. D. K. DRUM — The minister made it clear that he does not have specific knowledge of thermal technologies. My question to him was: is his lack of knowledge more to do with the fact that Labor connections around Dandenong have called for the premature closure of Lyndhurst than his government wanting to find the best solutions to treat toxic waste?

The PRESIDENT — Order! I know today is the last question time for the year, but the member asked whether the minister's lack of knowledge is because something else is happening. He has not asked a clear question of the minister in line with the rules of the house on supplementary questions. He has put an argument that the minister is not aware of something and as a result is doing something else.

An honourable member interjected.

The PRESIDENT — Order! The member will sit down while I am on my feet. The member had to direct to the minister a clear, specific supplementary question, based on the answer to his first question, to the minister. I draw the attention of the honourable member and other members to my ruling on supplementary questions:

... a supplementary question should only be asked to elucidate or clarify the answer given to the original question. It should relate to that answer and should be asked only if the member asking the question feels it necessary to seek further information on the matter or to ask the minister to further explain the answer.

I have given the member an opportunity to rephrase the question because it is the last question time of the sitting. I do not believe he has done that successfully, so I have no option but to rule his supplementary question out of order.

Environment: greenhouse gas emissions

Mr SOMYUREK (Eumemmerring) — My question is directed to the Minister for Energy Industries — —

Hon. Bill Forwood interjected.

The PRESIDENT — Order! If I hear Mr Forwood interjecting one more time, I will remove him from the chamber under sessional orders.

Mr SOMYUREK — Can the minister advise the house of the state of discussions between Victoria and the commonwealth on the issue of geosequestration, or carbon capture and storage, and further, what is the state government's policy on this vital greenhouse issue for the future?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — Geosequestration, or carbon capture and storage, is one of the technologies being actively pursued by the Victorian government. I will be raising the issue tomorrow when I attend a ministerial council with my counterparts — —

Honourable members interjecting.

The PRESIDENT — Order! Can we have less noise in the chamber on both sides! Mr Somyurek has asked a question and should listen to the answer. I also ask those on my left to lower their tone.

Hon. T. C. THEOPHANOUS — The ministerial council is being asked to agree to a set of draft regulatory guidelines for carbon capture and storage and to then implement the principles of those guidelines

in a regulatory or legislative framework in a nationally consistent way. This is part of the preparatory obligations we are meeting in order to try to get this important technology under way. I should point out that Victoria is joining the commonwealth and industry in funding a Victorian carbon capture and storage demonstration trial at a cost of \$4 million, although I have to report to the house that whilst I have agreed on this with my federal counterpart, we are having considerable difficulty in getting the commonwealth bureaucracy to come to the party and put up the \$4 million for this project to continue.

So far as Victoria is concerned, we have some very good assets for capture and storage of carbon in Bass Strait — underneath federal waters. There are some very important aquifers which we potentially will be able to use to store the carbon from major projects, such as a \$5 billion proposed Monash Energy project which would include geosequestration and which would liquefy coal in order for it to be used in a range of different ways.

We are certainly interested in pursuing carbon capture and storage. We are determined to push this forward. It is not the entire answer to the greenhouse gas issue, but it is an important answer.

Hon. D. K. Drum — What about coal drying? Is the coal dried?

Hon. T. C. THEOPHANOUS — The coal has to be dried in order to be gasified and then to be liquefied, but during that process carbon dioxide is released. The purpose of this technology is to try to capture that carbon dioxide and put it in aquifers underground for thousands of years so that it does not affect the environment. It is a very important technology and we are certainly interested in developing it. It is very difficult to get any support from the Liberal Party for the capture and underground burial of carbon. I think the only thing the Liberal Party wants to bury is the Honourable Andrew Olexander — after making him a scapegoat!

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — That is why you have the Liberal Party leader in the other place, Robert Doyle, going around trying to pressure people and heavy members into not allowing a secret ballot in their party!

Let me conclude in relation to our desire to bury carbon rather than our comrades and say that we will pursue that particular technology vigorously for the people of Victoria.

Water: Creswick–Ballarat pipeline

Ms HADDEN (Ballarat) — My question without notice is for the Minister for Local Government. I refer to the government's recent announcement that it would construct a pipeline from Creswick's Cosgrave Reservoir, over the Great Dividing Range and into Ballarat's White Swan Reservoir, as well as carrying out a major pump station replacement. The Hepburn Shire Council, the local responsible authority, failed to give the requisite notice of the planning permit application, thereby denying affected parties their right to formally object to the council as well as denying itself the capacity to properly assess objections and make a considered determination. I therefore ask the minister: what action will she take to ensure that the Hepburn Shire Council remedies its actions in accordance with the Local Government Act?

Ms BROAD (Minister for Local Government) — I note that an election is on, including for Hepburn Shire Council, in which all electors will have the opportunity to express their views and elect a council that they want. I urge everyone who might not have voted by now to make every effort to do so, because it is very important that people participate in local government elections.

The member has raised matters which traverse the responsibilities of a number of ministers — the Minister for Water and the Minister for Planning in the other place — and some matters which might relate to my responsibilities as Minister for Local Government. I am happy to seek advice about the matter that the member has raised, as I often offer to do in this place when members from both sides of the house raise issues to do with the responsibilities of local councils. It is not a matter that I have advice about before me at this time but I am happy to seek advice about it.

Supplementary question

Ms HADDEN (Ballarat) — I thank the minister for that answer. Given the public's high expectation of democracy, probity and transparency in local government, I ask for clarification from the minister. Will the minister also request advice on and an explanation as to why and upon whose advice and direction the Hepburn Shire Council delegated a significant decision to an officer during the caretaker/election period in breach of both the Local Government Act and council's code of conduct, which will unnecessarily bind the council that will come in this Saturday?

Ms BROAD (Minister for Local Government) — Again, I am not aware that any information has been provided to me or my department about any breach of any caretaker period requirements.

Hon. Bill Forwood — It wouldn't make any difference — you wouldn't do anything if it was!

Ms BROAD — If information is provided then I will certainly seek advice about it. To respond to Mr Forwood's interjection about not acting on matters, Mr Forwood would well know, because he has been in the position of making accusations in this Parliament which have not been supported by any evidence — —

Honourable members interjecting.

The PRESIDENT — Order!

Ms BROAD — And which he has not had the character to apologise for making!

Koorie Heritage Trust: funding

Hon. J. G. HILTON (Western Port) — My question is to the Minister for Aboriginal Affairs, Mr Jennings. Can the minister advise the house of support provided by the Bracks government to the Koorie Heritage Trust and recent recognition of the work of the trust?

Mr GAVIN JENNINGS (Minister for Aboriginal Affairs) — I thank Mr Hilton for his question and his interest in knowing the recent success stories of what is a wonderful cultural institution in the state of Victoria, the Koorie Heritage Trust. It was established in 1985 and provides a great service to a range of members of the Aboriginal community, in terms of being a place of safekeeping for important cultural heritage items — artefacts, pieces of artwork — and a repository of knowledge about family connections and the history of Aboriginal people in the state of Victoria. Members have heard me talk in the chamber before about funding that the government has provided for the oral history program at the service and the family connection service and other funding that the government provides to the Koorie Heritage Trust.

I am pleased to say that within the past week the Koorie Heritage Trust has received due recognition at a ceremony that was held at the Palladium at Crown, the 2005 Victorian Tourism Awards, sponsored by Melbourne Airport. It received the award for the best Aboriginal and Torres Strait Islander tourism precinct and project in the state of Victoria. It set it on the way for the national awards, the ceremony for which will be held in February of next year on the Gold Coast, which

will hopefully have recovered from schoolies week and be in prime condition for the tourism awards ceremony in February.

The Koorie Heritage Trust is an organisation of which Victoria can truly be proud, because it contains a number of galleries and interpretative centres, and it provides a unique and comprehensive service to tourists and members of the Aboriginal community about the rich cultural heritage of this land. It is an extremely well-run organisation. How can I say with great confidence that it is a very well-run organisation? Because it was the winner of the Indigenous Governance Award presented by Reconciliation Australia and BHP Billiton in the last two months.

It received the national award for being the best Aboriginal organisation in the country in terms of applying standards of governance and accountability, providing a clear business plan and a service of the highest calibre to the community. It is an organisation of which we can be richly proud.

It is with some disappointment that I indicate to the chamber that the ongoing funding for the Koorie Heritage Trust has a question mark over it in relation to the funding it has received up until the present time from the commonwealth government. I appreciate the quizzical expressions on the faces of some opposition members who may be able to play a positive role by encouraging their colleagues in the commonwealth government to take a look at the appropriate degree of ongoing funding for the Koorie Heritage Trust, because indeed this organisation is of the absolute highest calibre in the nation in providing governance.

It is of the highest calibre in terms of the tourism and cultural interpretation it has provided within the Aboriginal community. It would indeed be a tragedy if the ongoing stability of this organisation were brought into question by the erosion of funds which has occurred. The funding to the Koorie Heritage Trust from the commonwealth has recently been halved. It is a matter of importance to us all to try to maintain core funding and the capacity of the Koorie Heritage Trust to undertake this important work in the future.

Hon. Bill Forwood interjected.

Mr GAVIN JENNINGS — In response to an question by interjection from the opposition, yes, it is funded directly. The Victorian and commonwealth governments need to work in a collaborative environment to ensure that the great work being undertaken by the Koorie Heritage Trust can continue to flourish and thrive in the state of Victoria.

Electricity: supply

Hon. PHILIP DAVIS (Gippsland) — I direct my question without notice to the Minister for Energy Industries, who I am sure is properly briefed on this subject. Will the minister guarantee households and businesses in Victoria security of electricity supply this summer?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the member for his question. Energy ministers are always concerned about security of supply. They are especially concerned about the security of supply during the summer period, because it is during this period that we have the maximum usage of electricity. I have to report to the house that during last summer we had a record usage of electricity on one day. It was more than had ever been used before in Victoria on a single day. It was more than we had used in Victoria and South Australia, which is counted as one area under the national electricity market system. We used about 11 200 megawatts of electricity. That is a lot of power to use on any one day.

I have to inform the house that if everything is being used at the same time, the capacity of the Victorian system at the moment is about 14 000 megawatts. There is a considerable buffer on the record usage we had last year. However, in calculating probabilities around these sorts of issues the National Electricity Market Management Company (Nemmc0) works on the basis of such an event happening once in 10 years. Nemmc0 calculates what would happen if a 1 in 10-year, extreme heat situation occurred in the state of Victoria and at the same time we lost a major piece of infrastructure, such as a 500-megawatt section of a major power station in the Latrobe Valley. Under that scenario it has been calculated by Nemmc0 that it would like to have an additional 500 megawatts of reserve supply on top of that. I want to put those figures on the record so that people can understand the context of what we are talking about and the extent of the buffer that is built into the system at this moment.

I believe Nemmc0 will also be able to put in place some arrangements in relation to reserve trader status, where it purchases some capacity from industry to voluntarily agree to shut down if such a circumstance were to arise, and that would improve the situation as well. Nemmc0 is in the process of opening bids for that at the moment, which should ease any prospect of not having the required amount of reserve.

We are also continuing to pursue the bringing on of additional power, particularly in relation to the Basslink project, which is nearing completion. It is part of the

strategy that we have adopted, and I am pleased to say that I believe we have done everything that can reasonably be done to ensure that there are adequate supplies of electricity during the course of this summer.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — I thank the minister for his answer, but he did not actually get to conclude it — that is, to give the answer a yes or a no. I will give him a final chance this parliamentary year. What I seek from the minister is to know whether he intends to join the former minister for energy and resources, Ms Broad, who was then the first minister for 17 years, which would make Mr Theophanous the second minister in 23 years, to be able to claim credit for failing to deliver and guarantee security of electricity supply to all Victorians. Therefore I ask: what action will the minister take, beyond the measures being taken by Nemmc0, to guarantee the security of supply of electricity to Victorian households and businesses?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — The Leader of the Opposition loves leading with his chin. The fact of the matter is that when the former government handed over the privatised system to this government, it handed it over in a parlous state from the point of view of the available power. My predecessor had to set about fixing —

Honourable members interjecting.

The PRESIDENT — Order! I ask the Leader of the Opposition to stop interjecting to allow the minister to respond to his question. I am sure he would like Hansard to be able to record his answer, but it cannot with that barrage of interjections.

Hon. Philip Davis — On a point of order, President, I am happy to stop interjecting, as long as the minister stops provoking me.

The PRESIDENT — Order! I do not uphold the point of order. I find that very hard to believe.

Hon. T. C. THEOPHANOUS — My predecessor set about immediately increasing the amount of capacity in the system. We have attracted more than 1000 megawatts of additional capacity into the system over the past six years. When we bring Basslink on, which is another 600 megawatts, and when we bring Laverton on, which is another 900 megawatts, we will be up over 2000 megawatts compared to the opposition's zero.

Rural and regional Victoria: football and netball clubs

Hon. J. H. EREN (Geelong) — My question is directed to the Minister for Sport and Recreation. I know that the policies of this government are directed at making Victoria a great place to live, work and raise a family. Could the minister please outline how the Bracks government’s recently announced package of support for provincial Victoria will further boost country football and netball facilities?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I welcome Mr Eren’s question because I know he is interested in football and netball, particularly out in the regions and particularly in his province. I recently had the great fortune to be in Seymour to publicly announce an additional \$6 million for the already successful country football and netball program. This is part of contributing to regional Victoria. This \$6 million is part of the \$500 million package announced by the Treasurer in the *Moving Forward* action plan for provincial Victoria. While we are growing businesses in provincial Victoria, we also have to grow the lifestyle opportunities so that people want to live, work and raise their families in provincial Victoria, and we are doing that. That \$6 million follows the \$4 million which was originally put into the country football and netball facilities program announced by the Premier in June. One of the great features of that program was the \$2 million which came from the Australian Football League to complement the government’s funding.

I am very proud to be announcing this. When I became the Minister for Sport and Recreation and travelled around country Victoria I found that everybody had a theory about country football and netball and about whether they were on the decline or the rise. A parliamentary inquiry was held into the status of country football and netball, and I want to congratulate: the Honourables Robert Mitchell and John McQuilten, who were involved in it. The committee discovered that football was not generally in decline across country Victoria. It may be in a few locations but generally they found unprecedented numbers of young people wanting to participate in country football and netball.

The government has brought together a package of \$10 million for country football and netball. We will see the upgrading of football, netball and umpires facilities. Playing surfaces and lighting will be improved and there will be even greater participation in these sports. This package will also assist the officials and volunteers who, week in and week out, roll up their sleeves and do all the hard work we all know about and

appreciate. This validates what they do and will continue to affirm it.

I had the great pleasure to be in Seymour with Ben Hardman, the member for Seymour in the other place, who chaired that inquiry. He was very pleased to make this announcement. The Honourable Robert Mitchell was there as a member of the committee. Kate Palmer, the chief executive of Netball Victoria, and Glenn Scott, the chief executive officer of the Victorian Country Football League, were also present. I quote Glenn Scott:

The WorkSafe VCFL [has] continued to work with the state government since the initial June announcement and is thrilled with the outcome for all involved in country football and netball.

The board and management of the WorkSafe VCFL wish to express their sincere appreciation to the state government for their significant support.

It is great to have that appreciation, but what is more important is to see the difference this will make to families out there in regional Victoria. This is a tremendous outcome for people right across the state. It is tremendous for sport. It just goes to show that the Bracks Labor government remains committed to making Victoria not only a great place to invest but also a great place to live, work and raise a family.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 1805, 4412, 4452, 4612, 4934 (in lieu of answer tabled on 15 September 2005), 4941, 5000, 5081, 5085–87, 5278 (in lieu of answer tabled on 15 September 2005), 5283, 5285, 5443, 5445, 5446, 5541, 5675, 5764–68, 5912, 6004–08, 6074, 6084, 6086, 6252–54, 6256, 6389, 6396, 6483, 6484, 6551, 6630, 6682, 6683, 6685, 6687, 6690, 6691.

Hon. Bill Forwood — On a point of order, President, I wish to raise a matter to do with the conduct of the Parliament — —

Ms Broad interjected.

Hon. Bill Forwood — A point of order on the conduct of the Parliament, do you mind? Yesterday I became aware of a plaque on the wooden building outside. I wish to raise with you, President, the issue of why the recently renovated wooden storage building — —

An honourable member — The shed.

Hon. Bill Forwood — Yes, the shed. It now has a plaque on it saying that it was opened by the Speaker on 21 November this year. I wonder what the policy is for putting plaques on buildings and sheds. I also want to know if you, President, could advise the house why it was opened by the Speaker and why only her name is on the plaque and not yours, as it was a joint project. Further, what was the invitation list? How many people went to the opening? Who was invited to the opening? What was the cost of the opening?

The PRESIDENT — Order! Mr Forwood asked a list of question. That is not a point of order. If the member has an issue about the matters he has raised, he can write me a letter.

Hon. Bill Forwood — Have you seen it?

The PRESIDENT — Order! I was there. I have seen it.

An honourable member — Did you drink the champagne, President?

The PRESIDENT — Order! No, I do not drink champagne.

DUTIES AND LAND TAX ACTS (AMENDMENT) BILL

Second reading

Debate resumed.

Hon. BILL FORWOOD (Templestowe) — Before the luncheon interval I was drawing the attention of honourable members to parts 3 and 4 of the bill before the house. I am delighted to see that members of the State Revenue Office (SRO) are here to hear the rest of my contribution to the debate. They missed the beginning but will be able to read it in *Hansard*. I will see if I can find the letter which I quoted earlier on. While I am always grateful for the close working relationship I have with officers of the SRO and while I know it is unfair to blame them for the misdeeds of the government, which are solely the responsibility of the government, I really ought again touch on this terrific letter I got from Jeff Byrne, the director of revenue policy, in response to some of the issues I had raised. I mentioned this in my small contribution before the luncheon break, but I need to put on the record, now that we have some members of the SRO here with us, the last paragraph of this letter sent to me on 18 November:

If you are a land-holder the SRO will be writing to you in the near future to determine if you are required to lodge a one-off return — —

Mr Viney — You have already read this!

Hon. BILL FORWOOD — Yes, I know, but the advisers were not here at the time.

Mr Viney — It is tedious repetition!

Hon. BILL FORWOOD — To continue:

... If you do not receive this letter by the middle of December or you have any further questions —

take it up with the SRO. I was just making the point that it is a bit late, in the middle of December, when the legislation comes into force on 1 January. I think the point has been made. I do not blame the SRO for the mess the government got itself into.

Before the luncheon adjournment I was drawing a comparison between parts 3 and 4 of the bill. If honourable members would care to turn, for example, to page 34, they will see that it includes exactly the same words as are on page 72. The reason for that is that we are making exactly the same amendments to the Land Tax Act 1958 as we are making to the Land Tax Act 2005. The reason we are doing that is that at the time of the drafting of this particular piece of legislation no-one knew whether we would have passed the other bill. Honourable members would know that last week in Colac we got around to passing the new principal act and now we are here amending it. I think it is a record that we are today amending a piece of legislation which we only passed last week.

Hon. David Koch — As you flagged would happen.

Hon. BILL FORWOOD — As I flagged would happen. However, I am delighted to know that in this case we will end up with a piece of legislation that will, when amended, achieve what the government intended initially.

I just want to make a few comments about some of the duties issues. When we were briefed on the bill I inquired about the types of amendments being made to the Duties Act, and I was told that there were three types: some were to enhance clarity; some were needed as a result of industry requests; and others were to correct anti-avoidance. I put on the record how sorry and disappointed I am that my wish to be provided with information concerning requests that had actually been made has not been met. I remember asking if I could be provided with copies of the second-reading speech. A number of the changes are in direct response to industry

submissions, so I was keen to get copies of them, but unfortunately they must have got lost in transit.

Honourable members in this place know that we have a long and proud history of saying that, if people set out to avoid tax, they should be prevented from doing it. I have no truck with avoidance, and I am happy to support the anti-avoidance measures, but the clarity issues and the industry request issues are interesting. Some of them are in this bill because of the mess that has been made of previous bits of legislation that have come into this place. If you look, for example, at the heading of clause 9 on page 13, which says 'Sale of private unit trust scheme through conversion to public unit trust scheme', you will note that the reason this is being changed is that the original words were not quite correct. And one could say that they were not quite correct because the State Revenue Office was being secretive and not taking the advice of bodies such as the Law Institute of Victoria or the Property Council of Australia, which it ought. However, we are not particularly concerned with most of the issues that go to providing some clarity or the anti-avoidance measures, and some of the provisions meet the requests of industry.

With those few words I say that we will of course be opposing this piece of legislation. We do not have any particular concerns about the referral of the primary producer vehicles from the VicRoads regulations over into this piece of legislation, and we are not particularly concerned about many of the aspects of the anti-avoidance issues that have been brought to the Parliament today, but — and I go back to the comments I made at the commencement of the debate on this bill — this government's attack on people who have structured their affairs through trusts is unfair and unfortunate. It has caused a huge amount of grief across the state, despite the desperate attempts of the government to fix up the mess it has made of this. Some of the mealy-mouthed words in the press were unbelievable and would turn your stomach. I indicate that for those reasons we will be vigorously opposing this piece of legislation.

As I said, the opposition does not mind if the government brings legislation in here that is aimed deliberately at fixing avoidance schemes that are adopted by the smarties, but we object wholeheartedly when the government tries to extend its tax net by dreaming up schemes to screw ordinary Victorians who have chosen to structure their affairs in a specific way — particularly small businesses, particularly retirees, and particularly people who have taken advice in good faith and who now suddenly discover that they are required — even if they are not going to be taxed to

register — to name beneficiaries and to jump through a whole lot of hoops in order to satisfy the whims of this greedy government.

Hon. W. R. BAXTER (North Eastern) — Like the opposition, The Nationals vehemently oppose this legislation. It is yet another attack on property owners in this state. We enumerated at Colac last week, and Mr Forwood has done it again today, the record of this government on land tax collections compared with that of the former government, which actually decreased the quantum in its term of office while this government in a shorter period of time has more than doubled it.

Mr Lenders interjected.

Hon. W. R. BAXTER — The Minister for Finance, who is at the table can protest much as he likes, but he will not be able to sell that argument out in the marketplace when we tell them that we went from about \$400 million down to \$378 million and he has gone from that up to more than double. All the spin in the world is not going to convince people that that is not a massive hike in land tax.

We have seen this extraordinary performance since we had the cryptic reference in the budget back on 3 May at page 13 of the *Strategy and Outlook* document, budget paper 2, to:

... revenue from reform of the land tax regime on certain trusts to provide clarity in an area of the law which has been disputed in recent years ...

We did not hear anything more about it for quite a while until some people were alerted to the fact that a scale had appeared on the State Revenue Office web site, and that generated a fair amount of angst around the place. Some questions were asked in Parliament and certainly the Premier had a lot of trouble explaining it on 3AW. Eventually the Treasurer was reduced to saying in a radio interview that it really was not government policy at all, it was a discussion paper that was up for consideration and people could respond to it by a certain date. There is a bit of evidence around the place that that piece of advice did not get onto the web site until after the date had passed, but be that as it may, the government since then has obviously been struggling to find a way through this because it has realised that it is generating a lot of opposition in the community — and so it should.

For the life of me I cannot understand why the government is risking this sort of antagonistic response for so little revenue. Even its first prediction was \$20 million, significant on its own but insignificant in comparison with the total receipts of this state

government for a year. Now, under this legislation as we finally have it, the prediction is that it will raise as little as \$2 million a year. Frankly I can only come to the conclusion that this government is being prodded along by its loony left — those people who believe persons who own property, particularly those who own property in a trust structure, are somehow or other diddling the public purse. They never produce any evidence to justify that allegation, but that seems to be the view, and it seems to come mainly from those Labor members who, for whatever reason — and I cannot work it out — are never able to accumulate any assets of their own.

We have only to read the pecuniary interest register of members of Parliament to see that some Labor members of Parliament seem totally incapable of accumulating any assets at all, because they list 'Nil real estate', 'Nil assets', 'Nil shares'. It seems to me that perhaps it is those people who have been pressuring this government to go down the rather crazy path of introducing this sort of legislation, which is going to seriously affect mums and dads, small investors who have gone out of their way to make provision for their old age so they will not be relying on the public purse and will not be relying on social welfare benefits.

Just to give one example of that, I have a constituent who is in that situation. When that constituent heard about this he made a submission to the State Revenue Office in July, after the closure date but as soon as he became aware that this was in the wind. I shall not read out all the letter except to make the salient points. It says:

I am 66 years old, married and retired. My wife and I are completely self-funded seeking no help from any government.

My family has owned two flats in Melbourne since 1938, and next year we hope to make a total net profit ... of \$14 000. If this new tax proposal goes ahead, our land tax bill for the flats will go up by \$3000, which will mean a 21 per cent reduction in our net income.

It further states:

At present we pay \$501 land tax and I am not sure even how that amount is justified, but to suggest an increase to —

\$3507 —

... is unbelievable.

I certainly agree with the gentleman. Here he is, he and presumably his parents before him having owned that property, and he is relying on it for his retirement

income, but this government wants to slice into it by 21 per cent.

It is true that after this outcry, aided and abetted by the opposition and The Nationals, the government has backed down to a certain extent. My calculation is that under these new arrangements this gentleman will not be paying the \$3507 that he has calculated, but in round figures he will be paying about \$1800, which nevertheless is more than a threefold increase of what he has been paying; it is still a great impost on him, and a cut in his disposable income.

He is not alone. There are hundreds if not thousands of cases like that. I can think of another case in Wodonga where, probably about 15 years ago, about 25 local people formed themselves into a trust and bought an office building. They are not the wealthy elite by any means. One is a painter; several more are tradesman in the town; one or two are retired people; one is an accountant, and so on. They are just ordinary citizens of a country town who have formed a trust and made this investment to make provisions for their declining years. They have already seen their land tax bill under this government more than double. Yet under this arrangement they are going to be slugged for a super land tax, which is going to come in at the threshold of \$20 000 instead of \$200 000, which is the threshold for land owned by individuals or proprietary companies. I cannot for the life of me see the justification for having the differential threshold either.

It is true, as the minister has said, that there is a concession, and no doubt during the course of the debate we will hear the government backbench members say, 'Yes, we have listened to the people, and we have introduced a let-out clause. We have enabled trusts to nominate beneficiaries and the land will then be only assessed at ordinary rates'. That is a concession, but it is a pretty minor concession, and it creates a couple of other problems. Firstly, it means an inequity if the trust has more than one beneficiary. Certainly the office building in Wodonga I referred to has more than one beneficiary, and most trusts have more than one beneficiary. But only one beneficiary can be nominated, so immediately therefore you create an inequity between the two. There is no statutory ability for that beneficiary to collect from other beneficiaries what might be deemed to be their share of the land tax bill. That has to be a private arrangement if it can be agreed. So there is an immediate potential inequity there.

Secondly, of course the trust land is going to be amalgamated with any other taxable land that a person may own. That in itself is probably fair enough, but what is the consequence of that? In some cases it will

push the total aggregate value into a higher bracket on the scale, and therefore a person will pay more land taxes than would otherwise be the case because they will be paying at the higher rate.

Again, it is not a perfect solution, it is not fair to those citizens, and I think it is quite outrageous that the government is attempting to disrupt longstanding family arrangements in this way. That concession, as far as it goes, will only apply to land owned prior to 31 December 2005 — so basically, currently owned land. The super land tax applying to trusts will be what is used to calculate tax on any land bought in 2006.

This is perhaps going to mean people will not structure their affairs in trusts in the future because of this iniquitous and inequitable tax. They may have to do something else that will be good for the lawyers and the accountants. It will generate some fees for them, but it will really seriously impinge on family succession planning and the like. I just think the government does not at all know what it is doing in this legislation and how it is impacting on people who have simply arranged their affairs according to the law and have not at any moment ever considered that the way they have arranged their affairs was for the purpose of avoiding land tax. I have never at any time heard of anyone suggesting that trust structures were being employed as an avoidance measure in terms of land tax, and I do not think the government produced any evidence to suggest that that is the case, although it has on occasion been given as a reason by some apologists for the government as to why this change is being introduced.

I have done a few calculations. I do not say that they are entirely accurate, but it seems to me that, based on a land value of \$200 000, if the land is owned in a non-trust structure the land tax is nil. On the original proposal it was going to be \$2000, and under this proposal it will be \$750. If one looks for example at land valued at \$300 000, an ordinary land-holder would pay \$400 — I have rounded these figures to the nearest \$10. Under the original proposal as it was on the SRO web site, a trust would have paid \$3000 and under this bill they will pay \$1320 — and so on.

If one looks at a value of \$1 million, a non-trust owner will pay \$3680, under the original proposal they would have paid \$10 000 and under this bill they will pay \$6230. One can see that, despite the government saying it has, firstly, introduced the concession for beneficiaries, and secondly, reduced the rate that it originally intended — which it has — there is still a substantial difference in the amount that is going to be paid on land owned by trusts. Just to look again at the \$400 000 mark, a non-trust owner would pay \$600 but

under this legislation the land tax would be \$1900, which is more than a threefold increase simply because it is held in a trust structure. Any land that is bought after 1 January 2006 will be taxed at the super land tax rates.

I think it is unfair legislation. It is getting at persons who have acted in good faith. It is discouraging people from saving and making provision for their declining years. I do not think it is going to raise anything like the amount of revenue the government thinks it may, and whatever it raises is going to be insignificant compared to the cost it is going to impose on the community. The legislation ought to be defeated.

Mr PULLEN (Higinbotham) — I support the Duties and Land Tax (Amendments) Bill. It is split into three parts; the first act to be amended is the Duties Act 2000. The amendments are classified into three main categories. The first is the introduction of a new exemption for duty for certain equity release schemes. This has not been covered in debate by the opposition or The Nationals. Obviously they would support those parts, so I will give a brief overview of them.

This provision allows for the introduction of an exemption from stamp duty for older Victorians who take up equity release programs from financial institutions. These programs currently exist whereby the financial institution purchases a share of a person's home in exchange for cash. The programs are aimed at older people who have money tied up in their homes but who have a limited access to cash. That person continues to live in their home, and the financial institution takes a share of the proceeds after the home is eventually sold.

It must be remembered that this is not like the scheme run by the Money for Living company. I do not have time to go through the detail of what Money for Living did, but basically the difference is that Money for Living used to take the title of a house and then on-sell it to someone else, and that particular person would then receive income from that source. It was not a very good situation as not only did that company dud the many people they took houses from, but it also duded my favourite radio station, Golden Days 95.7 FM, by not paying the advertising fees.

Under an equity release scheme an older person retains the title for the whole of the land, and the financial institution — and they must be reputable financial institutions; not some Johnny-come-lately organisation which merely registers a mortgage or a caveat over that particular property — makes a one-off payment to the property owner.

I will be brief about the motor vehicle duties provision, which the opposition has agreed to. I know a little about this game because I was in it for about 10 years. The bill ensures that a longstanding exemption from duty applies where there is a transfer of registration of a motor vehicle because a financier takes possession of the vehicle in the settlement of a debt following a default of payments. There has never been any intention to charge duty in these circumstances or to inadvertently change regulations governed by VicRoads that make these transfers liable to duty.

The other thing, which I will not comment on, is the amendment of the land-rich provisions for the sake of clarity and revenue protection. The amendment came about in response to industry submissions.

Part 3 of the bill covers the land tax provisions, which is what have been spoken about mostly so far in this debate. It is estimated by the State Revenue Office that the amendments will affect 2000 people. There is a need for reform, because of the way in which some taxpayers have been avoiding the aggregation provisions of the Land Tax Act 1958 in achieving significant reductions in tax by holding property in a number of separate trusts. This gives the landowners an unfair advantage over the majority of taxpayers who pay considerably higher tax simply because of their land which is held in a company structure; or, in the case of their homes, is taxed on an aggregate basis. There is the introduction of a tax surcharge of 0.375 per cent for trusts with aggregate property holdings of \$20 000.

Shortly I will pick up on the point that Mr Baxter made. The surcharge happens to taper away for trusts with aggregate landholdings valued between \$1.6 million and \$2.7 million. The top rate of land tax applying to taxpayers with landholdings valued above \$2.7 million will not be affected by the surcharge.

Hon. W. R. Baxter interjected.

Mr PULLEN — We know the opposition has a record when it comes to trusts, because we can go back a long way to the bottom-of-the-harbour schemes. I do not want to be unkind, but we do know that a certain late federal Treasurer got involved in bottom-of-the-harbour schemes when everyone else could not get out of it. We know that opposition members have form in trying to protect illegal schemes.

Hon. W. R. Baxter interjected.

Mr PULLEN — I will pick up on the point made by Mr Baxter about landholdings valued as low as \$20 000 compared with \$200 000, which he mentioned,

if they were not in trusts. In order to be effective at counting disaggregation of property holdings, the tax-free threshold for trusts needs to be significantly lower than the threshold for ordinary land tax. With the normal \$200 000 tax threshold that Mr Baxter mentioned, it would remain possible for taxpayers to avoid paying tax by splitting their holdings into multiple trusts, each with an aggregate value below \$20 000. We know people will get up to these things, but that is the reason behind it.

Nevertheless, the opportunity for trustees to notify and nominate beneficiaries and thereby overcome the surcharge will protect small businesses and rural land-holders from the impact of the lower tax-free threshold. Under similar provisions which apply in New South Wales, there is a flat rate of tax with no threshold and no ability to nominate a beneficiary.

The transitional method has been mentioned by other speakers. Trustees of existing discretionary trusts will have a one-off opportunity to nominate a beneficiary for the trust. The trustee will then be assessed at ordinary tax rates on trust property acquired on or before 31 December 2005. If the nominated beneficiary does not own other taxable land, they will not receive a land tax assessment. However, if the nominated beneficiary does own other taxable land, they will be assessed at ordinary land tax rates on trust property acquired on or before 31 December 2005, and their other land will be subject to a deduction for tax payable by the trustee. A trustee of a discretionary trust which acquires land after 31 December 2005 will be taxed on that land at the tax surcharge rate — and I have already mentioned what that rate is — regardless of whether they have nominated a beneficiary under the transitional arrangements.

Certain types of trusts will be excluded from the above arrangements, and it is important to read into *Hansard* what they are. The excluded trusts include charitable trusts, public unit trust schemes, certain testamentary trusts, complying superannuation trusts and trusts for disabled persons.

I am most concerned about what has been going on in this chamber in relation to an elected Australian Labor Party member for Ballarat Province who now sits with the opposition parties, and I hope she is listening to this. I say this because it is absolutely amazing that only on Tuesday, as Ms Lovell was leaving the chamber, she asked, 'What are you people going to do with this particular bill?'. I was not sure what particular bill she was asking about, but for her to ask the opposition what it was going to do clearly shows that she is not thinking for herself, because she constantly votes against the

government, and I have no doubt she will vote against this bill.

Hon. Bill Forwood — And rightly so; it's a crock of shit!

Mr PULLEN — When I think of it, I go back —

Hon. R. G. Mitchell — On a point of order, Acting President, I really think the language used by Mr Forwood is unparliamentary. I think he should withdraw and apologise for what he said.

Hon. Bill Forwood — I absolutely withdraw.

Mr PULLEN — Looking at the actions of an ALP-elected member for Ballarat Province, Ms Hadden, who has become an Independent member of Parliament, I can understand why the founder of the Church of England chopped off the heads of all of his wives if they were like Ms Hadden who ran out on our party. But that is by the way; she will vote against the bill without giving any reasons whatsoever. She is not listed to speak on the bill, although I wish she would.

I want to give credit to Mr Forwood because he did not carry on like his colleagues in the other place where all that was heard was diatribe. I read what was said in the other place in relation to Labor government tax increases from 1999 up until the present time. We hear \$19 billion up to \$30 billion being spoken about all the time from the opposition benches. Mr Forwood did not do that, but it was the basis of speeches made by members in the lower house from the Liberal Party and, unfortunately, from members of The Nationals.

Hon. W. R. Baxter — They were only stating the facts!

Mr PULLEN — Let us look at the facts. I want to repeat what I have said in this house on other occasions in relation to tax. That facts are that what the opposition says is correct; it has gone from \$19 billion to \$30 billion, but we have restored services in this state magnificently after the former government slashed, burnt and wrecked all of them.

I turn to what the federal government is up to. The estimated tax increase for the federal government from 1999 was \$153 billion and today it is \$231 billion as at 2004, a massive increase of \$91 billion.

Hon. W. R. Baxter — Yours has doubled.

Mr PULLEN — When you divide the \$91 billion by four, because Victoria has about a quarter of

Australia's population, it works out at \$23 billion, and we have got absolutely nothing for it.

I refer to an article in the *Australian* of 26 October. We cannot look at the opposition's tax record because it is out of office everywhere except federally, but this article states:

The tax collected from high-income earners has fallen significantly, with the tax office recording its biggest drop in revenue from wealthy individuals in five years.

The nation's 830 high-wealth individuals — those with a net worth of more than \$30 million — paid just \$116.8 million in 2004–05. This was down from \$400 million the previous year and \$345.9 million in 2002–03, according to the Australian Taxation Office annual report.

...

The government's total personal income tax take increased by \$7.728 billion, or 8.6 per cent, from 2003–04 ...

The opposition comes in here and talks about this particular tax which will affect about 2000 people. I like picking up Mr Forwood's words because he is a good speaker to follow. I even have those books he asked me to look at the other day on reporting on Victoria's finances. I have them to read over the summer break and I will come back bigger and stronger than ever.

Mr Baxter has a habit of always talking about the way the government introduces consumer price index (CPI) increases. Of course the coalition when in government brought in the CPI increases on CityLink — it is either 4.9 per cent or the CPI, whichever is the greater. You can learn a lot from what Mr Baxter did when he was in government. The federal government always carries on about CPI as well. Admittedly the Hawke and Keating governments introduced the CPI on beer and cigarettes, but the current federal government has not abolished it.

In the short time I have I will return to the land tax situation in Victoria and land values, a subject I raised by interjection when Mr Forwood was making his contribution. An *Age* article of 21 April states:

Not surprisingly, land values have also grown strongly. In fact, over the past five years the unimproved value of land in Victoria has increased from \$39 billion to \$92.3 billion.

I made a mistake. I thought it had only doubled, but it has increased more than that, and everyone is gaining an advantage from it. The article continues:

In Victoria's case, we have the lowest bottom rates in Australia.

Of course we know what the Kennett government did.

... the Kennett government increased Victoria's top rate from 3 per cent to 5 per cent. This was compounded by its decision to reduce the then threshold from \$200 000 to \$85 000 ...

...

We have reduced the number of Victorians liable for land tax by more than 24 000.

We have reduced the land tax rate by 20 per cent, from 5 per cent to 4 per cent — with a further reduction from 4 per cent to 3 per cent to be staggered over 2006–07 to 2008–09.

This is excellent and fair legislation, and the house should support it.

Hon. B. N. ATKINSON (Koonung) — I plan to be very brief in terms of the remarks I wish to make. All I want to do is bring to the house the concern of small business people who have spoken to me about this particular tax, but I cannot let the moment pass without commenting on Mr Pullen's speech. It occurs to me that on the basis of his speech it would have been a very good presentation to the local ALP branch members. They would have enjoyed it. It had all sorts of curious smoke-and-mirrors calculations that would have delighted people from the local ALP branch and had them very excited, and no doubt would have contributed to Mr Pullen's opportunities for further preselection so that he could come back to this place.

The reality is that on any other basis, or on any factual scrutiny, Mr Pullen seems to have abandoned all his previous experience from his former career in finance and failed to grasp what taxation legislation is all about, and the impact on Victorians of this bill. He seems to have failed to understand that the government's policies are driving businesses out of Victoria. Make no mistake, businesses are leaving Victoria. Every week we continue to read about businesses closing their doors.

I suggest to the members opposite that unless the government gets its policy settings right there will be an avalanche of businesses leaving the state in the next few years, particularly from the automotive industry, which will be in real peril if we do not change some of these policy settings and if the government does not realise that it needs to get off the backs of small businesses in particular. The reality is that small business confidence is down. It is at the lowest level of any state in the nation, and that has much to do with the policies of this government, but particularly the high taxing arrangements of the government.

Mr Pullen spoke about aspects of the legislation in glowing terms and suggested that the government's record of taxing people, particularly using land tax, was exemplary. I noticed that by way of interjection the

Leader of the Government also pointed out that the government had changed the percentages, which was a great initiative of the government in providing land tax relief. This government fails to understand reality. I assure members opposite that taxpayers are a lot happier with a lower dollar take from land tax than they are with a low percentage on a much higher base, which is forcing them to pay bills that are 2, 3, 10 or 15 times what they have historically paid on land tax. That is the reality. That is why small businesses are closing their doors and are knocking on my door and those of my colleagues saying, 'We need to change this regime'. In many cases they are saying, 'We need a change of government'. This government does not understand the impact of its policies and taxation on business today.

Mr Pullen argued strongly in favour of the \$20 000 threshold and talked about people arranging their affairs so they were under the \$20 000 threshold. That is ridiculous. Get real! What business is going to split up a property, which arguably may be valued at \$350 000 — which is the average valuation of properties — into \$20 000 lots to escape the land tax liability! The reality is that to do that would cost them more in filing fees on each of those trusts than they would save on land tax. The proposition the government is putting to this house today is ridiculous and shows how removed it is from reality. It is a nonsense. It is smoke and mirrors.

Small businesses are alarmed at the increase in the government's tax take. They are alarmed at the legislation. The legislation is an outrage. The one thing that everyone is aware of from the legislation is that it underlines very clearly the difference between the rhetoric of the press releases the government sends out and its laws. While it talked about land tax relief earlier this year, it was already working on this plan to take more money off more businesses throughout Victoria; of superannuants who use discretionary trusts for superannuation purposes; small businesses which have structured their affairs around trusts — not to avoid land tax or a tax liability as suggested in this debate, but because it is an appropriate way to manage the various interests of family members within a company or business operation.

It is an effective strategy. It has been discussed many times and yet now we have what is effectively retrospective legislation because it affects their ability to manage their affairs properly and hits at a structure that has been legal, that has been appropriate and that in fact has been designed not to avoid tax but to manage their businesses appropriately.

Because the trusts now face a more punitive land tax proposition than ordinary taxpayers who have a land tax liability, for them to now try to change that arrangement they would probably find themselves liable for capital gains tax and indeed other consequences along the way. This is punitive. Whilst there is an opportunity for the beneficiary, and I acknowledge that — that is what Mr Pullen referred to in his speech — in fact that also has other legal obligations associated with it for people who might be designated under the affairs of the company. I dare say that that is a very stupid way of trying to provide an opt-out from a law that was clearly badly drafted in the first place.

Mark my words: on 1 January next year new land tax liabilities will be accumulated by businesses right across the state. They will be based on valuations that were taken at the peak of the property cycle. What this government thinks it did in applying the bandaids in a knee-jerk reaction to get around the bad publicity that land tax was causing it earlier this year is nothing compared to what it will face next year. It is about to face another wave of dissent and expression of small business concerns because of the rapacious taxation attitudes of this government.

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 | Scheffer, Mr |
| Hilton, Mr | Smith, Mr (<i>Teller</i>) |
| Hirsh, Ms | Somyurek, Mr |
| Jennings, Mr | Theophanous, Mr |
| Lenders, Mr | Thomson, Ms |
| McQuilten, Mr | Viney, Mr |
| Madden, Mr | |

Noes, 17

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

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

DISTINGUISHED VISITOR

The PRESIDENT — Order! Before I call the next speaker I would like to acknowledge Mr Masaaki Kanda, Governor of Aichi Prefecture, our sister state in Japan. Governor Kanda is visiting us today, and I welcome him to the chamber.

WORKPLACE RIGHTS ADVOCATE BILL

Second reading

Debate resumed from 23 November; motion of Mr GAVIN JENNINGS (Minister for Aged Care).

Hon. C. A. STRONG (Higinbotham) — In rising to speak on the Workplace Rights Advocate Bill I indicate that the opposition will be strenuously opposing this piece of legislation, which does nothing more than continue the process of this government kowtowing to its union bosses in some philosophically driven mission dictated by its federal colleagues. It is an absolute disgrace that it should be doing this, because it is to the detriment of Victoria and the detriment of Australia.

Reform, after all, is the key to the incredible growth this nation has enjoyed for the last 15 years. We have successfully ridden across the boom-and-bust cycles that have been experienced in the United States, in Asia and in Europe. We have powered ahead while others have been going up and down. One of the key reasons for that is that we have kept the foot down on reform, because it is only through reform that you can remain productive, that you can continue to build the economy, that you can have the record economic growth that we have had, the record employment levels that we have had. Equally, which this government seems incapable of acknowledging, it is that record employment growth and those record employment levels that have given the government this windfall of tax which it continues to squander and waste on the sorts of stupid things it indulges in.

What this bill seeks to do — make no mistake about it — is to derail the next wave of reform that is going to keep Australia's economy powering ahead. I guess you could ask: what do the people opposite care about Australia? Probably they do not care much about anything, but what they are doing with this bill is sabotaging their state — our state — the state we hold so dear, and the state whose workers and citizens they

should be defending, not trying to derail and undermine. They have had a pretty good go so far in trying to stop workplace reform. We have only to think back to the bill that passed here earlier this session that sought to regulate one of the most efficient areas in our economy, the subcontract transport area. They stuck the knife into the heart of that particular area to try and bring everybody back to union rates. They did the same with that bill covering the forestry subcontractors — once again an enormously efficient part of the economy and very important to the rural economy. Again they shoved the knife into the heart of the efficiency of the industry, an industry that has been the foundation of a lot of the prosperity in the rural areas they say they care about but which they undermine. Then there was the outworkers bill, which once again has successfully finished the task of driving all that activity into sweatshops in Asia and other countries. They are out there as far as they can go, at the behest of their union mates, trying to derail the economy of Victoria.

This will continue to go a long way towards their goal, which seems to be to make businesses in Victoria uneconomic, to put every impediment they can in the way of growing employment in Victoria.

It is no wonder all the recent business and confidence surveys show that Victoria is not holding up as well as other states, when pieces of legislation like this are coming through.

One of the key reforms that has been taking place in Australia, which I must say is through both government parties at the federal level, is the reform of the workplace to put the power to make workplace decisions in the hands of the people who work in a particular factory or workplace and to free it of the shackles of centralised rules and regulations so that the people who actually do the work — the workers and their supervisors and bosses — can come to an agreement which best suits them and their workplace.

This has been an ongoing process. I have to say that a Labor federal government actually started this process and the federal coalition government has continued it. But as soon as the mob opposite in Canberra lost power Labor members tried to derail the process as fast as they could, whereas when we were in opposition in Canberra we helped the government to continue that process. They have stood against that at the federal level, and now they think they can do better than the feds by sending the Attorney-General, Mr Hulls, off to Singapore to try to intervene in what is a clear national issue — of the young man who is facing the death penalty there. The Prime Minister of Australia has made pleas on his behalf, as have all the appropriate

people at the federal level — from nation to nation. Yet they send Mr Hulls up there, thinking he can do better. What a joke.

The federal government is continuing the process of workplace reform to drive the economy of Australia, of which Victoria is a major part, but they want to stop it. That is exactly what this bill does: it stands squarely in the way of this process of reform.

I refer to a very interesting article on page 7 of today's *Australian Financial Review*, headed 'Victorian bill heads for WorkChoices clash', which is exactly what those people want. At the behest of their union mates they are trying to curry favour with their federal colleagues by trying to head off the next wave of WorkChoices reform. The article quotes Mara Ray, a partner in workplace relations lawyers Fisher Berriman Cartwright, as having said that the:

... Workplace Rights Advocate Bill created wide powers that would severely impede employers' freedom to bargain under the federal WorkChoices bill.

That is exactly what it is meant to do. It is exactly meant to sabotage the reforms that will come out of the federal WorkChoices legislation. The article goes on to talk about the effect of the bill and how it will discourage employers in Victoria from going out there and employing more people to grow the economy in this state.

The article goes on to say:

This could place a sword of Damocles over Victorian employers and put them in a position of being 'damned if they do and damned if they don't' employ a candidate who had applied to the advocate', Ms Ray added. 'The way it works at the moment it really is open to abuse'.

As I explain and draw the house's attention to various issues regarding the bill I think it will become quite obvious how it would be open to abuse.

What the bill says it does is different from what it seeks to do, which is simply to minimise the options available under the federal government's WorkChoices legislation. Clause 1 sets out the purpose of the bill, which is the typical rhubarb and spin that we expect from the people opposite. It says:

The main purpose of this Act is to establish the Office of the Workplace Rights Advocate to provide information about, and promote and monitor the development of, fair industrial relations practices in Victoria.

Masquerading behind that fairly harmless objective is a whole series of vicious powers that aim to put employers under considerable duress so they will not use the provisions of the WorkChoices legislation. The

net result of that will be no continued growth of the economy in this state. That would be, frankly, a tragedy. I will again examine what the bill purports to do.

Honourable members interjecting.

Hon. C. A. STRONG — I pick up on the interjection from Mr Dalla-Riva, who so clearly points out that this government has set up so many hundreds of quangos and like organisations since it has been in power — I think we worked out that it has set up about two or three a week. People ask me, ‘What does the government do with all this money — the huge amount of extra money it is raking in, the \$20 billion-odd more it has ripped from Victorian taxpayers in the six years it has been in government?’. When you look at the two or three quangos it has created a week, you can start to understand where it goes.

Hon. W. R. Baxter — We were getting rid of them 20 years ago; now it is creating them.

Hon. C. A. STRONG — That is exactly right. All I can say is that it is a great pity I will not be around to enjoy getting rid of a whole lot of them, because we certainly need to go through that process.

What does the bill purport to do? The major functions of the workplace rights advocate are set out in the explanatory memorandum, but they again mask the true intent. The functions are listed as:

to inform, educate and consult with workers, employers and their representatives on rights and responsibilities on work-related matters;

to facilitate and encourage fair industrial treatment of workers — —

Mr Viney — What a terrible thing that is! What a terrible thing it is to consult!

Hon. C. A. STRONG — Mr Viney interjects and says in a cynical, tongue-in-cheek way, ‘What terrible things they are’ of those first two points. If he had been listening, he would have heard me say I would look at the harmless words behind which the vicious undermining of the bill masquerades. It is masquerading behind these words. Mr Viney knows that, I know that, the house knows that and the unions know that — in fact, everybody knows that.

Then we start to focus in a little as we go down through the other functions. Another of the advocate’s functions is to make representations to an appropriate person or body in relation to work-related matters. That sounds pretty harmless until we start to get into the bill, and I

will have a look at what that means in a minute. Another function is to advise the minister generally about work-related matters. Given that the minister theoretically covers all these issues, I would have thought if he is bringing in pieces of legislation like this, and if he is looking at all the various acts and regulations that cover today’s workplace, it is strange that he would need yet another person to advise him about work-related matters. Does he not know anything about them? Is he that bereft of information from his thousands of bureaucrats that he needs another body to advise him generally about workplace matters? Members can start to see how this is just absolute spin.

Let us home in on the bill a little closer. What does this workplace rights advocate do? The bill provides that the advocate may carry out his or her functions and exercise his or her powers at the request of the minister or any other body or on his own motion. I ask you: could you possibly find broader powers than those exercised at the request of the minister or any other person or on the advocate’s own motion? This is just breathtakingly wide in what it enables.

As Mr Dalla-Riva said, this will create another quango, because the bill goes on to allow the advocate to employ staff members. You can bet your life he will employ lots of those, and they will have big plush offices and will all be drawing wages. He can have as many staff as he likes to assist him in advising the minister generally about workplace matters and doing anything he likes on his own motion.

In defining what the advocate can do the bill gives various other definitions. I think some of these are important. This is a fairly short bill and it is worth putting on record some of those issues. The bill defines a worker as a person who performs work under a contract, whether a contract of service or a contract for services — in other words, the bill sweeps in subcontractors and contractors. This is not just about people who are engaged in employment in the normal sense; the bill sweeps in subcontractors as well. This should not be a surprise to anybody in this house, because clearly we all know that this government is committed to trying to wipe out subcontractors at the behest, once again, of its union mates.

Clause 12 of the bill goes on to expand the definition of a worker to include a prospective worker and a former worker. It does not just include a worker; it includes somebody who might be a worker. That is a pretty wide ambit, is it not? It also includes — and there will be —

Hon. R. G. Mitchell — You will be exempt from it!

Hon. C. A. STRONG — No, I will not. The bill includes former workers, and it is fair to say that for various reasons some pieces of legislation in the industrial relations area refer to former workers, but I do not know of any that include prospective workers. Clause 12 also defines an employer as including a prospective employer as well as a former employer. Including ‘prospective worker’ and ‘prospective employer’ gives the definitions an incredibly wide ambit.

I refer to some of the other provisions, which are amazing. Clause 5(4) allows the workplace rights advocate to intervene in court proceedings. It provides:

Without limiting sub-section (3) —

under which the advocate can do almost anything he likes —

the WRA may intervene in a proceeding in any court at any time, despite any provision to the contrary made by or under any Act.

I am advised by various legal people that this is something which they have never seen the like of before. This is worthy of Stalin; it is just incredible; it is quite amazing. It has been pointed out to me that the common-law provisions relating to intervention by various bodies have some limitation, in that they need to be relevant. This is an incredibly sweeping provision.

Clause 15 inserts in section 73 new subclause (2C), which allows the advocate to intervene in proceedings before the Victorian Civil and Administrative Tribunal. It provides:

The Workplace Rights Advocate appointed under the Workplace Rights Advocate Act 2005 may intervene in a proceeding at any time.

In other words, the advocate will have totally unfettered power. He will be able to intervene in proceedings subsequent to some settlement or agreement. If that is put in place with the definitions including prospective employers, it can be seen how incredibly wide the provisions of the bill are.

The bill also allows the Governor in Council to make regulations. Members all know from other acts that have been passed relating to subcontract transport operators, subcontract forestry operators and so on that it is the ability to make regulations that is the foundation of the system working to disadvantage both employees and employers who want to get on, make a life and earn a living. Getting on, making a life and earning a living is something that people opposite do not know much about.

Clause 13(1) provides that:

The Governor in Council may make regulations for or with respect to —

- (a) the development and making ... of codes of practice ... relating to recruiting workers or negotiating for, entering into or varying agreements ...

The regulations can be mandatory and have the force of law.

Clause 13(2) provides:

The regulations —

- (a) may be of general or limited application;
- (b) may differ according to differences in time, place or circumstances;
- (c) may impose a penalty, not exceeding 20 penalty units, for a contravention of the regulations;
- (d) may confer a discretionary authority or impose a duty on a specified person or body or specified class of person or body.

Once again the advocate has the ability to make binding regulations which will have to be adhered to by anybody employing or carrying out a business in Victoria.

I will turn to the question of clause 12, the victimisation clause, which is one of the sword-of-Damocles clauses that were referred to by Mara Ray of Fisher Berriman Cartwright. She is reported in an article in the *Australian Financial Review* today as saying:

Victimisation under this provision could include refusing to employ the person.

Somebody who has not got the appropriate qualification could apply for a job and say, ‘I was not offered the job. I am being victimised!’. The article then says:

Ms Ray said this could open selection criteria to examination in any proceeding.

In other words, somebody could be victimising a class or an employee by setting out a selection criterion which says, ‘We only want people who are qualified accountants to do our book work’. You could be victimising people for having such a criterion in your selection criteria. The article further states:

The offence of victimisation would be punishable by fines of up to \$2100.

Let me again read the victimisation clause. This is the clause that will be waived as the advocate or his regiments of employees whom he is allowed to employ

to do his job for him go into every workplace and wave their little red book. They will refer to this clause:

12. Victimisation

- (1) In this section—

“employer” includes a prospective employer and a former employer —

and if you are just applying for a job and we are waving a little red book then —

“worker” includes a prospective worker and a former worker.

- (2) An employer or other person must not victimise a worker or a person associated with a worker.

That is pretty broad. Let us continue and see what victimisation is. Let members wrap their brains around some of this stuff:

- (3) An employer or other person victimises a worker or a person associated with a worker —

that is if you are victimising the worker’s aunty or cousin —

if the employer or other person subjects or threatens to subject the worker or person associated with the worker to any detriment because the worker, or a person associated with the worker, has informed the WRA of any matter or exercised any other power or right that he or she is entitled to exercise under this Act.

As we have already seen, under this act they can do anything. It also says:

- (4) For the purposes of this section, subjecting a worker or other person to a detriment includes doing any one or more of the following—
 (a) terminating the contract under which the worker or other person performs work ...

In other words, I have a contract to employ somebody. The work I am doing is no longer there, so I obviously have to terminate my employee. No, I am victimising him! If I terminate a worker for whatever reason, I am victimising him!

- (b) injuring the worker or other person in relation to the terms and conditions on which the worker or other person performs work ...

What does that mean? For example, if I work for the Transport Accident Commission (TAC) and I am sent from Melbourne to Geelong to work, I have changed the conditions under which I am working, so I am being victimised! In this case you probably are being victimised, so there is an action there.

- (c) altering the position of the worker or other person to his or her prejudice ...

There you are — —

Mr Viney — You’re stupid!

Hon. C. A. STRONG — It is stupid. There you are. Mr Viney actually says it is stupid. What does that paragraph mean? If I send this TAC worker down to Geelong to work and he needs to spend an extra hour on the road getting there and so on, I have prejudiced his wife and family, so you have a claim of \$2100 against you. It is absolutely ridiculous.

- (d) refusing to employ or engage the worker or other person to perform work ...
 (e) discriminating against the worker or other person in the terms or conditions on which he or she is to be employed or engaged to perform work.

Let me read that one again, because this is the catch-all. Believe me, as I have said, this is the little red book that the platoons of inspectors and subadvocates will go in and make sure that nobody in Victoria employs people. Paragraph (e) says — —

Hon. R. G. Mitchell — No, (b) for bozo.

Hon. C. A. STRONG — Paragraph (b) says that you are an idiot. Paragraph (e) says:

discriminating against the worker or other person in the terms or conditions on which he or she is to be employed or engaged to perform work.

In other words, anything — absolutely anything. It is as wide as you like. That is the sword of Damocles. That is the duress under which Victorian employers will be put. It is the duress under which Victorian workers will be put, because one of the things that has so dramatically changed in the today’s workplace is that the parties in the workplace actually get together and negotiate something that suits them. But no, there are now going to be regulations — no doubt drawn up by the advocate and his union advisers — which will say what they are and are not allowed to do in all this process. So it will intervene between the parties. The parties are the employers and the parties are also the employees who are anxious to set up conditions and work in the way they want. They may want certain conditions and those conditions may be outlawed under these mandatory regulations that are going to be brought in.

On that score there are two quite unbelievable lapses in this legislation. Clause 12, the victimisation one which I have touched on, said there is a fine of 20 penalty units,

but nowhere in the bill does it say who will bring a charge and where such a charge will be brought. Are we going to have penalty enforcement by registration of infringement notice (PERIN) fines for this that are imposed by the advocate? Does it go to the Magistrates Court. Does it go to the Victorian Civil and Administrative Tribunal? Where does it go? This bill is so deficient, so wide, so hopeless. As I say, it quite clearly says the advocate could issue PERIN court fines. It is that wide, because nowhere in the bill does it say what the process is. Who brings — —

Mr Viney interjected.

Hon. C. A. STRONG — You are a fool who cannot read a bit of legislation, if you do not understand the point I am making.

The ACTING PRESIDENT

(**Hon. H. E. Buckingham**) — Order! Through the Chair, Mr Strong.

Hon. C. A. STRONG — Where does this take place? Who brings the action that will result in these 20 penalty units? Who brings it? Is it brought by the advocate? The bill does not say. The bill does not give the advocate the power to bring this action. Is it brought by the Attorney-General? Who brings it? Or, as I said, does the advocate issue PERIN court fines? The bill is totally inept and hopeless on that.

You have to ask what it will ultimately achieve other than putting people off, discouraging people from going out and trying to create jobs and employ people. At the end of the day the WorkChoices minimum standards will rule. If these regulations seek to go further than the minimum standards under WorkChoices, it seems to me that they will not stand, that they will be struck down simply because the commonwealth legislation will rule. This will not be able to put in place extra holidays or extra overtime loading. Those things are not covered by the minimum standards in WorkChoices so they will have to be negotiated, as intended, by the employer and the employee to get the best result they both want. This is really only about putting in a whole lot of regulations, a whole lot of processes and a whole lot of involvement in the workplace. These regulations could say that a worker seeking employment has to have a union representative at his elbow; they can include things like that. It is no wonder — —

Honourable members interjecting.

The ACTING PRESIDENT

(**Hon. H. E. Buckingham**) — Order! There is too much chat across the house. It is unbecoming, and I cannot hear the member.

Hon. C. A. STRONG — Thank you, Acting President. I will admit that monkeys in the zoo make a lot of noise, but they do not add much to the intelligence of the debate. This will be, as has been so adequately pointed out in the *Australian Financial Review* article today, a major impediment to employment in Victoria.

It is very sad that this government, which holds itself out as a government which wants to do the right thing for Victorians who want to raise a family and all the other slogans we hear about — —

Mr Lenders — Live, work and raise a family.

Hon. C. A. STRONG — That is right: live, work and raise a family. The government comes up with all these slogans to try to make Victoria a better place. All we know is this is no more or less than a slogan. If you look at this piece of legislation, it will severely inhibit jobs in Victoria and that can only result in bad things for the people who live here. It can only mean a very bad result for Australia, simply because a lot of our nation's economy comes from Victoria.

The reform that we have had for so many years in Australia, which has kept Australia powering ahead and done so much to throw into the laps of those on the other side money they do not deserve, has come from the strong economy that has been built by the federal government.

Business interrupted pursuant to sessional orders.

BUSINESS OF THE HOUSE

Program

Mr LENDERS (Minister for Finance) — I move:

That, pursuant to sessional order 27(a), the sitting be extended to complete the unfinished government business program determined on 22 November 2005.

Motion agreed to.

WORKPLACE RIGHTS ADVOCATE BILL

Second reading

Debate resumed.

Hon. C. A. STRONG (Higinbotham) — As I was saying in my closing remarks, I think it is very sad that this government is seeking, for purely philosophical

reasons, to work against the federal government to the detriment of Australia and Victoria.

Hon. W. R. BAXTER (North Eastern) — This is a terrible piece of legislation straight out of Lygon Street. It is the sort of legislation we used to get before the government had the numbers in this place. It is the type of legislation of which we saw several examples in the first term of the Bracks government — that is, legislation dictated to the government by the Trades Hall Council. The government was prepared to roll it up to Parliament because it knew it was going to be defeated in the upper house and it would not get on the statute book. In other words, some of the ridiculous notions that emanate from the citadel in Lygon Street were not going to get onto the statute book. But they seem to have forgotten on this occasion that they control the numbers in this house, and this piece of legislation is now going to become part of the law of the state.

As Mr Strong has pointed out, it is terrible legislation. It is so badly drafted and so broad in its impact it is impossible to understand what its ultimate implication is going to be, and I do not think it should be passed by the house today. It is absolute hypocrisy on the part of this government, and particularly the Minister for Industrial Relations in the other place, Mr Hulls, to say that he wants to deal himself back into the game on industrial relations, because what did he do when he became the minister? He rolled up the uniform systems legislation during the last Parliament. It was defeated in this house, so he rolled it up again after the 2000 election when the numbers were here to pass it, which —

Mr Lenders — That was my legislation in the last Parliament!

Hon. W. R. BAXTER — I beg your pardon, Minister. You were the minister at the time; indeed you were.

The Minister for Industrial Relations rolled it up and coerced the federal government into picking up the common-law rule under the threat — blackmail — that if it did not, the government of Victoria would turn the Victorian Civil and Administrative Tribunal into some sort of mickey mouse industrial relations tribunal. This government, having handed over its powers to the commonwealth, forced the commonwealth to pick up the remaining industrial relations powers that Victoria had, the Kennett government having handed over everything else other than schedule 1A employees previously, and it is now trying to deal itself back into the game by the creation of a workplace rights

advocate, notwithstanding that there is a workplace rights advocate established under the federal legislation.

I refer honourable members to part IVA of the commonwealth Workplace Relations Act 1996 concerning the employment advocate. I suggest members might well read the sections commencing at 83BA. If they do, they will realise that the government is proposing exactly the same office be created as has already been established and which has operated at the commonwealth level for many years. Why do we need to duplicate it? That question has not been answered at all.

The other question I would ask is: if the government wants to duplicate what the commonwealth is doing, why does it not ask for the industrial relations powers back? We have heard all this criticism of the commonwealth. Why does the government not ask to get the powers back? Has Minister Hulls ever done that? No, of course he has not, and he has no intention of doing it, but he is going to make it as difficult as he possibly can for the new industrial relations legislation of the commonwealth to work efficiently by establishing a mickey mouse organisation down here and giving it extraordinary powers to interfere in the making of agreements between workers and employers.

The house has just heard Mr Strong read out the glorious clause 5, which gives the workplace rights advocate the power to intervene in any matter or in any court regardless of anything under any other act. That is a most extraordinary provision, and like Mr Strong, I have not been able to find a practitioner in the law who has ever heard the likes of it before.

Then this very wide clause 12 of the legislation goes to the issue of victimisation. I know Mr Viney and Mr Mitchell were getting quite upset with what Mr Strong was saying, and alleging that he was misinterpreting it. I look forward to their explanations, but I refer them to clause 12(3) which says — after you get rid of the surplusage:

An employer ... victimises a worker ... if the employer ... subjects ... the worker ... to any detriment because the worker ... has informed the WRA of any matter ...

Then subclause (4) says:

For the purposes of this section, subjecting a worker or other person to a detriment includes doing any one or more of the following —

It then sets out five paragraphs of things that occur in workplaces from time to time, including workers being terminated.

Mr Viney — It is in the context of the workplace relations advocate. Are you happy to leave injured workers on the job?

Hon. W. R. BAXTER — Mr Viney, I am looking forward to your putting on the record clarification as to how the government intends this to work.

However, members should try to imagine a scenario: a worker, employed somewhere, has reported a matter to the workplace rights advocate — and I do not have any objection to that whatsoever; if there is such an officer in place the worker ought be entitled to make representations to that statutory officer. The worker is terminated at some point for whatever reason — say, a good and proper reason.

He could then allege that the reason he was terminated was because he had been in conversation with the workplace rights advocate. Whether or not that is the truth of the matter, the allegation will be made and we will see a repeat of the unfair dismissal scenario and debacle that existed when allegations made were very hard to prove one way or the other. What then happens? Rather than fight them, the employers will just pay up. I do not want to go down that track again and be driving — —

Hon. R. G. Mitchell interjected.

Hon. W. R. BAXTER — Of course I haven't, Mr Mitchell! If you had any understanding of the fact that out there, workers, with the high employment we have — —

The ACTING PRESIDENT

(**Hon. H. E. Buckingham**) — Order! Mr Baxter will address the Chair.

Hon. W. R. BAXTER — It is amazing that people like should come into the house with such bitterness over employers. People like Mr Mitchell have apparently had it drilled into them by unions that all employers are bad and that all employers grind employees into the ground. He cannot get it out of his small brain. It is really frustrating.

Hon. R. G. Mitchell — When was the last time you employed someone and actually had a job? Since 1973 you have sat there and done nothing.

Hon. W. R. BAXTER — Mr Mitchell, when history is written I would like to compare my record with yours. I am saying that clause 12 gives this extraordinary power for mischief to be made. I am not saying that mischief is made on every occasion, but, by Jove, we have plenty of examples of where unions will,

if they can, make workers the meat in the sandwich and run some sort of a case against an employer. There is no doubt that this piece of legislation is giving them open slather to make mischief.

If it were otherwise, the bill would be much more tightly drawn. I look forward to Mr Viney putting on the record how he thinks this legislation is going to work so that in the future employers, when they are confronted with the scenario that I have drawn, can point to Mr Viney's words and use that as extrinsic evidence as to what Parliament intended when it passed this legislation.

Mr Viney — You are just using the second-reading speech, not my contribution!

Hon. W. R. BAXTER — That is not so, Mr Viney. The Interpretation of Legislation Act, if you read it, says that extrinsic evidence can be taken into account in determining what Parliament's intent was. I want to make a reference or two to the WorkChoices legislation of the commonwealth — —

Mr Viney interjected.

Hon. W. R. BAXTER — Yes, you are, because I believe it is another step along the way of maintaining the Australian economy booming as it is. It is amazing how unions have opposed every reform on every occasion, even when the reform came from federal Labor governments — the Hawke and Keating governments — and I applaud both of them for the industrial relations reforms that they introduced. The whole nation has benefited dramatically from them, but they were bitterly opposed by the unions at the time. The 1996 Workplace Relations Act of the current government was opposed by the unions, yet we have employment higher than we have ever had before; we have real wages higher than we have ever had before; we have real increases in wealth going ahead at a rate higher than we ever had before.

The evidence is clear that if you have these sorts of reforms, you increase productivity and productivity expands wealth. That is exactly what is going to happen with the legislation that is currently subject to the federal Parliament. I have been quite interested in the last couple of days in reading the report of the Senate committee inquiry into the WorkChoices legislation, which was tabled on Tuesday. I want to quote to the house one or two interesting excerpts from that report. Under the heading 'Will employees be worse off?' it says:

Myths and legends that workers will be worse off under the WorkChoices abound . . .

The inquiry was conducted in an environment in which highly hysterical and implausible claims were continually being made by opponents of the bill. There would be insufficient space in this report to do justice to the full range of extreme claims being made by [the] bill's opponents. However, the following were some of the more absurd that have been made:

The Leader of the Opposition, Mr Kim Beazley, MP, argued that the enactment of the bill would increase the divorce rate ...

...

A Victorian state Labor MP —

of course we know who that is — he is a member of this house, none other than our friend, Mr Smith —

argued that the bill would provoke circumstances in which women and children could be murdered on picket lines ...

...

The New South Wales industrial relations minister, Mr Della Bosca, claimed in evidence to the committee that the bill contained elements of fascism ...

This is the sort of misinformation that your mob have been peddling around the place!

Mr Viney — Tell us what is in the legislation, rather than making a mockery of it.

Hon. W. R. BAXTER — I am doing that, Mr Viney, because I am pointing out how unions — your people — have gone around misleading the workers of Australia; and why did we have a few thousand of them down in Bourke Street the other day? Because they had been grossly misled by the sorts of examples I am reading out of this Senate report! It goes on at paragraphs 3.78 to 3.80 to say:

Mr Viney interjected.

Hon. W. R. BAXTER — They do not like the truth.

Witnesses have falsely submitted that sick and carer's leave is threatened by the legislation ...

Witnesses repeatedly alleged that employers would be put under duress by employers wanting them to sign an AWA.

Members should listen to this:

It was also alleged that employees will be forced to 'cash out' their annual leave ... In fact, this bill allows for two weeks annual leave to be cashed out, but only when the employee instigates the request, and the employer agrees. Currently —

and these are the operative words —

the WR act —

that is, the Workplace Relations Act —

places no restrictions on leave being cashed out, and parties are free to cash out annual leave in its entirety. This bill actually requires the preservation of at least half of an employee's annual leave entitlements.

What sort of rubbish have we heard out there on the streets with people being misled about that? In fact the opposite is true. The evidence presented to the committee by the Australian Council of Trade Unions (ACTU) was instructive of the highly misleading arguments being advanced by unions in relation to this issue. I will quote a couple of excerpts. A Nationals senator from New South Wales, Senator Nash, said in a question to Ms Bowtell from the ACTU:

Being a working mother, I am very well aware of needing to spend time with family. I want to revisit the annual leave part of this. Currently we can cash out four weeks annual leave and under the WorkChoices bill we can only cash out two. Isn't that an improvement?

The response from the union representative was:

The union movement has never supported the cashing out of leave ... You see it in AWAs but you do not see it in collective agreements.

That is what the union witness said to the Senate inquiry. But of course the senators did not come down in the last shower. They did a bit of research themselves and found out that was entirely untrue. The report goes on at paragraph 3.83:

The evidence advanced by the ACTU omits any reference to numerous collective agreements currently in force which have been negotiated by unions and contain specific provisions to allow annual leave to be cashed out.

It then gives examples:

... Wespine Industries Pty Ltd, CEPU ... enterprise bargaining agreement ...

It also refers to the Western Australia industrial relations system, as amended by the Gallop Labor government, which allows for the cashing-out of a portion of annual leave. It specifically refers to section 8 of the Western Australian Minimum Conditions of Employment Act.

Hon. J. H. Eren — And what does the chair of that committee say?

Hon. W. R. BAXTER — Senator Troeth? Senator Troeth said it was good legislation.

Parental leave was another area prone to misinformation. The bill preserves parental leave and adds extra protection. It goes on:

There is a general tendency amongst critics to see employers as inherently untrustworthy and employees as inherently vulnerable.

That is the point I was making to Mr Mitchell a few moments ago. Why have they got this suspicion — —

An honourable member interjected.

Hon. W. R. BAXTER — Hatred, Mr Vogels? Perhaps it is; I do not know, but certainly there is a suspicion that every employer is bad.

Honourable members interjecting.

The ACTING PRESIDENT

(Hon. H. E. Buckingham) — Order! Members should not interject while out of their seats.

Hon. W. R. BAXTER — It flies in the face of all the evidence. It flies in the face of reality; it flies in face of the fact that we are seeing wages increase and employment rates remain very high, and we are seeing more and more employees wanting to negotiate and deal directly with the employer and put aside the one-size-fits-all scenario that the unions want. This legislation wants to turn the clock back and give unions the right to interfere wherever they can.

I think it is terrible legislation. I do not think it should be on the Victorian statute book. We should have one lot of national industrial relations legislation. Victoria has already ceded its industrial relations powers in to the commonwealth. Why would we want to turn the clock back and introduce some sort of mickey mouse scheme as envisaged by this bill? I oppose it.

Mr VINEY (Chelsea) — I am particularly proud to rise and speak on this debate tonight. I support this legislation and support whatever the Victorian government can do to defend the rights of workers in this state in the face of the most severe and draconian onslaught this country has ever seen on the entitlements of a fair and just employment system. I say at the outset that as the Parliamentary Secretary for Innovation and Industry with particular responsibility for assisting the Minister for Industrial Relations in the other place I am particularly proud to be here in support of this legislation.

This country has a great tradition of fairness and egalitarianism. It has a record of egalitarianism and fairness in the workplace that is second to no other country in the world. It can be traced right back to federation and the enactment of the conciliation and arbitration system in this country. For the information of the honourable members in the chamber, I point out that the importance of that system is clearly explained

in Paul Kelly's book *The End of Certainty*. The introduction to that book talks about the five pillars of Australian settlement. One of those pillars was the industrial relations system of this country. At page 7 the book says:

The father of the arbitration bill was the South Australian liberal, Charles Kingston, but it was introduced by Deakin in a tour de force of lyricism ...

Kelly quotes Deakin as saying:

This bill marks, in my opinion, the beginning of a new phase of civilisation. It begins the establishment of the people's peace ...

Paul Kelly goes on to say:

The bill provided for conciliation between unions and employers and if necessary, compulsory arbitration in the form of an award made by a new court which would determine the 'right' in industrial disputes.

At page 9 of the book he says:

Arbitration was the greatest institutional monument to Australian egalitarianism and its quest for social order.

That is the system that formed the basis of this great country. It is a system that did us proud. By the 1980s that system had to start to change in the face of globalisation and international pressure. The system that was put in place as a result of the cooperation of employers, employees and their representatives, and the then Hawke and Keating governments, was a system that saw a breakdown of the old craft unions for a stronger industrial union base, but also a system that put in place collective bargaining agreements.

The evidence from across the world has shown that the most effective system for high levels of productivity and fair, reasonable and just wages and conditions is a collective bargaining system where employers and employees sit down and work through the issues and come up with a solution that suits all the stakeholders and parties involved, and, what is more, a system that has in place a social equity and a social security system driven by the government of the day, driven by the commonwealth government in this instance and by a range of state governments in our case. That has been the basis upon which this country has been able to reap the benefits and rewards of productivity, of wages growth, of fairness and of justice in the workplace.

In the current changes proposed by the commonwealth government, which are called WorkChoices, there is a breathtaking turning on the head of the fundamental positions that have been developed in this country and that have reaped us such great rewards until now.

What the federal government is doing is breathtakingly audacious. It is shifting the balance from a fair, just and equitable system to one that works in favour of the people with the most power in the negotiations — that is, the employers. That is what we face in Australia today with the Howard government's WorkChoices changes. It turns on its head the entire history of industrial relations in this country and the greatness that we have been able to see develop out of our system. When one looks at the evidence that has been presented by all of the objective observers and commentators on this matter, one is left with only one conclusion — that is, that these changes are driven entirely by ideology.

I draw the attention of the house to a report that has been prepared by 17 of Australia's leading academic researchers in the fields of industrial relations and labour market issues who are employed in universities across Australia. I quote from the report's overview, which states:

There are at least four critical labour market challenges facing Australia today, such as:

- labour and skill shortages exacerbated by an ageing population
- the productivity slow down
- work-family tensions
- the growth of low-paid, precarious employment.

In their report the 17 academics say:

On all the evidence available from this wealth of research, there is simply no reason to believe that the federal government's proposed changes will do anything to address these complex economic and social problems. The government's proposals will:

- undermine people's rights at work
- deliver a flexibility that in most cases is one way, favouring employers
- do — at best — nothing to address work-family issues
- have no direct impact on productivity
- disadvantage the individuals and groups already most marginalised in Australian society.

The Howard government is in breach of the most fundamental part of any government's mandate — that is, protecting the interests of its citizens. That is the mandate. Members of the federal government have no mandate to do what they are doing. They do not have a mandate to breach these fundamental rights and the fundamental basis of the way that Australians have been living in this country since Federation. Those rights and that system of industrial management in this

country are based on the enormous work done by our ancestors from both sides of this debate — by employers and employees and their representatives — who over the last 100 years have collectively worked through these issues and built this system.

I refer to people like my grandfather, who was a wharfie in Fremantle during the Depression and the war years. Mr Baxter and Mr Strong have talked about victimisation, but it is people like my grandfather who knew about victimisation. Bosses would come to the gate of the docks every morning and say, 'You can work and you can work, and the rest of you cannot'. At that time wharfies fought for the right to have these things drawn from a ballot, to have a fair system of employment for people. Those are the people who know about victimisation. It is a furphy for these people to come into this place today and suggest that any piece of legislation that outlaws victimisation of people who want to take a complaint to an appropriate authority is somehow draconian. It is absolutely appalling. The working-class people of this country know what victimisation is. They fought to stop it in time such as when my grandfather worked on the Fremantle wharves all those years ago.

This is important legislation because it puts in place a set of protections in the face of the fundamental changes that are occurring in this country today. The federal industrial relations changes completely turn on its head that pillar of Australian settlement, our conciliation and arbitration system, as well as all the fundamental productivity gains that have been achieved in this country through the collective bargaining process.

The academics went on point by point in their report, which states that employees' rights are undermined; that labour laws are corporatised; that the safety net is compromised; that wage inequality is increased; and that job security is weakened. On unfair dismissal their report says:

There is no convincing evidence that this measure will generate new jobs. Rather, the exemption is likely to cause the quality of jobs in small to medium sized enterprises (SMEs) to decline and make it difficult for such employers to recruit high quality workers.

The report makes the very valid point that the reforms do nothing to redress one of the fundamental problems of unfair dismissal — that is, it is a symptom of the wider problem of poor human resources management practices. It goes on to say that there is a negative impact on women and families. It questions productivity gains, and says the learning from the failed New Zealand experiment has been missed by this

legislation. It says that the deregulation is a furphy, and that the legislation does not meet the fundamental tests required at this time in our system.

I put to members opposite and to all the conservative parties in this country, that they have to start considering what they are really doing here. I ask individual members opposite whether they really support laws that will fine and jail unionists for doing some fundamental things such as standing up for the rights of workers. Do they really support making it illegal to ask for workers to be protected from unfair dismissal; or fining unionists \$33 000 for having the audacity to even ask about it? Do they think unionists should be fined and jailed for asking for union courses in an agreement, or for a collective bargaining commitment? Is this what they want in this country?

The legislation is entirely ideologically driven. The five minimum standards proposed in the Howard government's legislation are just a joke. This is going to drive down workers entitlements, wages and conditions. We ought be building a civil society, one that is based on egalitarianism, strength, productivity, cooperation and on building positive relationships in the workplace between employers and employees. There are plenty of employers and unions that want to go down that path, but this legislation is forcing them down the path of division. It is forcing them down the path of confrontation.

In terms of understanding the unfairness of this legislation one only needs to consider this fact. If a worker wants to take an employer to court over a disputed matter, they must go through the expensive processes of the court system. But if an employer wants to take a union to court to make a complaint about differences in the negotiating process, they go to the low-cost, no-fee Industrial Relations Court of Australia. That is what this legislation does. In calling it WorkChoices, the Howard government is bringing in a fundamentally dishonest piece of legislation, because it is not. It is diminishing choice and diminishing workers entitlements. It will diminish productivity in this country. It will break down the fundamental relationship between workers and employers to gain in productivity.

The legislation will also fundamentally diminish the coalition and the opposition — and people in the Labor movement will make sure that happens — as shown in the poll in this Tuesday's *Australian* which showed Labor surging, and in an article in the *Age* on Tuesday under the headline 'Labor surges to lead as IR fury bites'. The Labor movement in this country will hold the coalition individually and collectively to account.

The ACTING PRESIDENT

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

Hon. B. N. ATKINSON (Koonung) — I was most interested to hear Mr Viney's comments because they say a lot about the motivation of this legislation. It was very clear that he saw this legislation, and I daresay the government sees this legislation, not as a protection of workers, but as a device to unpick federal workplace reforms, and as an opportunity to attack those reforms, piece by piece and case by case, simply to create a diversion from significant issues, and to try to undermine in a political sense the changes that have been proposed by the federal government.

Make no mistake, this position that has been created by the Bracks government is a political position, and one would have to say that on any objective assessment it is an unnecessary position. For the most part it duplicates responsibilities and protections that are already available to workers under federal legislation.

In the event that the workplace reforms do not prove to be the opportunity the federal government suggests they will be and they create problems with some recalcitrant employers treating their employees unfairly, it may well be time to act then. I dare say it is better to act in a federal jurisdiction, given that the federal government has responsibility for our workplace relations in Victoria — the state government handed them over, as members are aware — but this legislation is, if nothing else in the context of the federal legislation not having been introduced let alone tried or tested, premature.

As has been indicated, it seems to be legislation that is driven by the Trades Hall Council and an attempt by the Bracks government to say to the union movement, which has been vocal in its opposition to the federal government's workplace changes, that it is doing something, that it is putting in an office that will be able to fight the good fight against those federal workplace changes. This is a position that has been created with very broad and unprecedented powers. The powers available to this officer go far wider than powers provided to almost any other state government official, far wider than powers provided even to the State Revenue Office, to the police or to any other state government agency. They include the power of intervention in any court case on any matter that this person happens to think is important — or worse, any matter the minister might think is worthwhile pursuing in a political sense, because this officer is clearly subject under this legislation to the direction of the minister.

You may have a minister who decides it is politically opportune to pursue a certain course of action and requires the workplace relations advocate to intervene in a court case to bring about what essentially is likely to be a political result rather than a result that has any play in terms of fairness in the treatment of a worker or fairness to an employer in conducting their business. This is extraordinary legislation in that context.

I ask government members as they speak to tell me about any legislation that goes anywhere near as far as this. I ask them to point out anybody else who has the powers of this person. I ask them to point out any other person in government agencies who has that opportunity of intervention in court proceedings and has that opportunity at the political whim of a minister, not simply on the merits of an issue that might come before the office. These powers are very broad.

I know that members, by interjection, earlier indicated that these powers ought to be taken in context and they ought to be of victimisation. I could not find an adequate definition of 'victimisation' in this legislation, but I dare say that will be the subject of significant court proceedings and will no doubt line a number of lawyers pockets over a period.

Most of the legislation will be subject to court challenges on the basis of jurisdictional issues and challenges on the basis of the fairness issues such as how the legislation lines up against other laws. While the government has sought to provide overriding powers in this legislation over other law, I am not sure the courts will see that it can be interpreted in that way. Frankly, this legislation could go all the way to the High Court of Australia because the introduction of powers that have been put in this legislation, which I believe is unprecedented, is certain to be tested at the highest court in the land.

If the position is used inappropriately or politically, there will be a need to clarify some of the broad scoping powers of the legislation against other legislation that has been established in a far more responsible and constructive way by governments with more sober reflection rather than in response to a range of rallies that seeks to provide a political outcome in this state.

I note some of the areas of detriment in which the workplace relations advocate may intervene in a workplace. They could presumably take action, including the termination of the contract under which a worker or other person performs work; injuring the worker or other person in relation to their work terms or conditions; altering the position of the worker or other

person to his or her prejudice; refusing to employ or engage the worker or other person to perform work; or discriminating against the worker or other person in the terms or conditions on which he or she is employed or engaged to perform work. In those five points there is an absolute recipe for a lawyers' picnic. Every one of those issues is open to very subjective positioning. In almost any workplace one of those points could be exploited for the sake of creating a dispute or for the sake of creating an opportunity for a political witchhunt in the business as a result of this legislation.

The reality is this is bad legislation. I do not think it has been thought through. It is a knee-jerk reaction to the federal government's industrial relations reforms. In that sense it is premature, as I indicated earlier, because it would be prudent for the government to wait until the legislation is introduced and see what is in it, then determine its position. Better still, in terms of setting up new offices — at what cost, we do not know — it may well be prudent to find out whether those laws to be enacted at the federal level have been tried and tested, and whether the hell and fury that is expected as a result of the introduction of those laws occurs. There are many occasions when people preach that the world as we know it will change with a particular piece of law; but when it comes to pass, there is little change.

As I have said before in this place, I do not support employers who exploit their workers. I believe most employers are very responsible and that they recognise that the most important assets they have in their business are their workers. People who are trained well, who are motivated and who are happy in that place of employment deliver the best results for that business or enterprise. It is incumbent upon management to ensure that they have safe, effective and happy workplaces, because that is how they get greater productivity gains. That is what will generate the new ideas, initiatives and innovation that will drive those companies forward. It is a very foolish employer, and an employer whose business will not be successful, who does not subscribe to that point of view.

I will stand alongside anybody if there are employers who are exploiting workers and doing the wrong thing. But at the same time in most instances I find that many employers who do the right thing, who are responsible and who go out of their way to be good employers, are very often the ones that are victimised. I only have to look at some of the examples that have been brought to me on issues such as unfair dismissal, which members have talked about in this place before. Even when a worker's performance has been hopeless, even in some cases where the worker has risked the lives of or risked injury to other workers by their behaviour, not just once

but on a consistent basis, those employers are still told, 'Pay up. Pay anything up to \$15 000 on unfair dismissal because it will cost you that much to go through the system even if you are right'.

Mr Viney interjected.

Hon. B. N. ATKINSON — It is not rubbish, Mr Viney, and you know it is not rubbish. There is case after case — I have discussed them in some of the other debates — and no doubt Mr Viney in his position as a parliamentary secretary has talked to some of the industry associations, and they will have raised these issues with him, too. These are matters of major concern. The government here is creating a political office for the sake of creating a political office. This is very bad legislation. It ought to be rejected. It is a retrograde step.

Hon. R. G. MITCHELL (Central Highlands) — I rise to speak in support of this bill and do so in the strongest manner. First and foremost this bill promotes the fair treatment of Victorian working families. Whilst the federal government attacks the living conditions of these people this Victorian government is standing up and looking after their interests. It is looking after those who go out every day to work and expect to be able to work in a safe environment, get a fair day's pay for a fair day's work, and come home and sit with their families and enjoy their loved ones.

Unfortunately, the problem we have is that while the Victorian government supports the rights of employers and employees to negotiate arrangements that best suit their respective needs, we will not and should not support the use of individual agreements which drive down the wages of vulnerable workers. It is fair to say that the federal government's legislation is nothing more than a management tool that is designed to drive down wages and conditions for workers and families in this country, and we should not let it happen.

I have sat here and listened to probably the worst diatribe I have ever heard coming from the opposition benches. I could not believe what I was hearing in this day and age from people who have not been out in the work force, have not been involved in business and have not looked at what goes on or participated in the work force this side of 1980 — or 1970 probably for most of them — to find out what goes on in a workplace.

We have heard some rubbish coming out of the 35-year cushion warmer over there, Mr Baxter, about how I hate management, I am a unionist and so on. Unlike Mr Baxter I have actually been out in the work force. I

have managed companies. I have employed people, and sometimes I have even had to fire people. That is one of the hardest things you have to do, because you realise you are taking away someone's livelihood. I found firing people one of the toughest things to do, whether it be a 50-year-old storeman who had done something wrong or a young new driver who was just starting out in the work force. When I sit down and think about these things I think that is just the hardest thing to do.

But the people on the opposition side of the chamber have no idea. They say what the federal government is doing with industrial relations reform will drive us forward and do all these wonderful things. What an absolute crock! If our economy has survived so well and is among the strongest and best in the world, as the Prime Minister in Canberra claims, why do we need to tear apart conditions and wages that people have worked for, as Mr Viney pointed out when he referred to his grandfather working on the wharf?

Why do we need to tear that apart? If we are going gangbusters, why do we have to pull this down? You will never get an answer from those on the opposition side because they know they cannot answer that question. This is just idealism: let us have a two-tiered society; let us have the haves and have-nots. They think they are the haves; they think they are the landed gentry and they do not care about the have-nots.

Fortunately Victoria is in a great position because it has a government that actually does care about every single person in the state. While I was sitting in the chamber waiting for my opportunity to speak on the bill I looked back over the time I was working in a shoe factory. We had a lovely opportunity there. We had migrants fresh into Australia who could barely speak English and who were unskilled outside of working on a production line. They were given two choices when they were working somewhere that was using highly inflammable glues: they were told they could either come to work, accept the conditions and take home their pay — I remember my pay was about \$70 a week — or they could go somewhere else and look for another job. They are the work choices that the opposition parties are trying to put on the rest of Australia. You do not have choices: it is either come to work, or go and get another job.

That might be fine when there is something of a labour shortage, but what happens when the market turns down? In Victoria, which is such a good place to live and work, invest and raise a family, we are a manufacturing state. As soon as the amount of income available for discretionary spending stops, people will stop buying things, which in turn will affect manufacturing industry. What will happen then? We

will then have an excess of workers but fewer jobs. Then we will start to see what actually happens. When people are put off they will be given fantastic choices, such as, 'You can cash in two weeks of your holidays'. Isn't that magnificent!

Hon. C. A. Strong — Do you know how many Australians are employed in manufacturing? What percentage is it? Is it 10 per cent who are employed in manufacturing?

Hon. R. G. MITCHELL — Why don't you get a job, it will give you something to do after November 2006, given that Inga Peulich has just knocked you off — and good on her for doing that!

An honourable member — He is not in his place.

The ACTING PRESIDENT

(**Hon. R. H. Bowden**) — Order! Mr Strong is not in his place.

Hon. R. G. MITCHELL — These things will happen. Members on the other side have no idea about what working means. I recall working and being involved in a training course with the Metropolitan Ambulance Service. I was talking to a paramedic about a 16-year-old boy who fell from the roof of a building site. While the paramedics were trying to revive this young fellow, do you know what his employer was doing? He was attempting to fit a safety harness to the boy so he would not be dragged through the courts.

That is the sort of thing that members opposite want to promote. They do not care about workers' rights and conditions. They talk about work choices — you can go on maternity leave for 12 months and while you are on maternity leave, a new EBA or workplace agreement will come in that has a lower standard of working conditions than you had before you went on leave. That's bad luck because if you want to go back to work, you have to accept the new rules or go and get a job elsewhere.

I am glad that Victoria has a government that actually cares about Victorians. What about the cashing in of two weeks holidays? Isn't that fantastic! People will get two choices. They will go to a job — —

Hon. David Koch interjected.

Hon. R. G. MITCHELL — It might not affect you, but it will affect the young people, the kids of today and the kids of tomorrow, our kids, our friends and families. You will go to a job and they will say, 'What we have done is incorporate the two weeks holidays you have cashed in into your hourly rate. You will get an extra \$3

a week'. It has all been done, you get two weeks holiday — end of story. If you don't like it, good luck in finding another job. That is the truth about how this system is going to work.

These things happen constantly and there are many examples. The house earlier heard the Honourable 'Highly Refreshed' from the opposition benches, who has walked out of the chamber because he does not want to hear this. He quoted from the *Australian Financial Review*. For Mr Strong's information, Victoria's largest employer group, the Victorian Employers Chamber of Commerce and Industry (VECCI), did not appear alarmed by this bill. Again his little 'Reds under the bed' theory has gone out the window. His friends are saying this.

VECCI's general manager for workplace relations is quoted as having said, 'We think we can probably live with this role if we have to'. There are no dramas, it is not an issue so long as we are looking after people. But Mr Strong could not read that far into the legislation — that would be too hard for him!

The federal government runs out with its little puppet Peter Hendry of the Australian Chamber of Commerce and Industry (ACCI) and tells us what a wonderful world it is going to be, that the sun is going to shine when people's wages and conditions are cut. I put it to members purely and simply that this bill is a necessity because the conservatives in Canberra are out to do one thing: they are out to drive down our wages and our conditions to bring us back to a Third World line, which is where they expect us to be. I support this bill.

Hon. J. H. EREN (Geelong) — Today I rise to speak on a bill that we should not have to have. We have this bill only because of the federal government.

Hon. W. R. Baxter interjected.

Hon. J. H. EREN — Mr Baxter keeps interjecting. He has the perfect opportunity after the 35 years he has been here to make a real impact and to contact Barnaby Joyce and say, 'Vote against that bill'. If he has the courage he should leave the chamber now, if possible, and contact Barnaby Joyce. Barnaby Joyce has the opportunity at this stage to be a hero, but I doubt that he is going to take up that opportunity, because he had that same opportunity with the sale of Telstra. He went to Canberra riding on a white horse. 'Barnaby Joyce is coming into town. He is coming into Canberra. The Nationals are going to save Telstra'. What happened? They buckled. Now Mr Joyce is saying, 'I'm really concerned about the impact that this legislation is going

to have on families'. Yes, it is going to have a huge impact on families.

If Barnaby Joyce were a decent politician in the federal arena, he would vote against the legislation. But he is not. I would suggest to Mr Baxter that if he wants to be useful in this place, he should go to the phone right now and talk to his federal colleague Barnaby Joyce and say, 'Don't vote for the legislation that is going to erode the fabric of society that we enjoy today'.

Hon. W. R. Baxter — What a load of rubbish.

Hon. J. H. EREN — No, it is not rubbish, Mr Baxter. You can say that. I support the Workplace Rights Advocate Bill because the federal government is leading the Australian worker down a path that will be rocky, to say the least.

Earlier today we dealt with a very good bill relating to veterans, which was wholeheartedly supported by all in this chamber.

Hon. C. A. Strong interjected.

Hon. J. H. EREN — I am sure members in this chamber also thought about our fallen heroes who fought and sacrificed their lives for the freedom we enjoy today, and it is important to keep that in mind when there is an all-out assault on our way of life in this country by the federal government. I think those heroes who fought so hard for this country's freedom would not have thought that many years down the track their children, grandchildren or great-grandchildren, who I would believe are the working men and women in this country, would be treated with contempt by a federal government that is hell-bent on taking their entitlements and freedom away from them — and that is the fact. That is what is happening. We inherited a system that was very hard fought for, and I do not want to leave to my children, grandchildren or great-grandchildren an industrial relations system that will grind them into the ground and deplete them of all their —

Hon. David Koch — You didn't worry about taking our water away yesterday.

Hon. J. H. EREN — Mr Koch, who I do not think is speaking on this bill, represents an area that has a lot of workers in it, and he should know better than to interject.

Hon. C. A. Strong — Are you reading page 5 of the bill? What does it say? Tell us what clause —

Hon. J. H. EREN — I do not know what the opposition does not understand about clause 12.

Hon. C. A. Strong interjected.

Hon. J. H. EREN — Clause 12 is very simple. It says it is an offence for an employer or any other person to victimise a worker.

Hon. C. A. Strong — You did not read the clause.

Hon. J. H. EREN — That is clause 12.

Hon. C. A. Strong — That is not what the clause says.

Hon. J. H. EREN — I do not understand what the problem is.

Hon. C. A. Strong — That is not what the clause says.

The ACTING PRESIDENT
(**Hon. R. H. Bowden**) — Order! Mr Strong!

Hon. J. H. EREN — I do not think Mr Strong is reading the same clause, because that is what the clause is saying. I do not see what his problem is with people —

Hon. C. A. Strong — It says 'prospective workers'.

Hon. J. H. EREN — We inherited a system that was hard fought for. The men and women of this country fought for better working conditions in the 19th and early 20th centuries, for the system we have today so that we can have better lives — and let us not forget that.

We now have a reasonable and, I would say, good system that is fair and equitable. As far as opinion polls are concerned, I read about one yesterday in the *Age* where 82 per cent of those polled believed our industrial relations system should not be changed. John Howard's industrial relations reforms are based on the Liberal Party's desire to bring working conditions back to the dark ages. That is what it is all about. This is despite the fact that John Howard has spent tens of millions of dollars on a media blitz trying to tell us that this legislation will be good for us.

An honourable member — More than \$50 million.

Hon. J. H. EREN — More than \$50 million.

Hon. C. A. Strong — On a point of order, Acting President, we are debating the Workplace Rights Advocate Bill, but all we have heard for about the last 7 or 8 minutes is the member talking about the federal government. The federal government does not get a

mention in this bill. Could you please direct him to come back to the bill.

Mr Viney — On the point of order, Acting President, I take you to the fact that under ‘Purpose’ the bill states:

The main purpose of this Act is to establish the Office of the Workplace ... Advocate ... and promote and monitor the development of, fair industrial relations practices ...

I also take you to the second-reading speech of the minister in the other place, where it says:

The bill establishes an independent office-holder ... in the face of changes by the commonwealth government.

These changes have the potential to undermine basic fairness at workplaces built up since Federation by removing the independent umpire that establishes and protects basic minimum conditions and industrial entitlements.

That is the opening paragraph of the second-reading speech. I put it to you, Acting President, that it is absolutely in order for the member to be referring comprehensively to the commonwealth government’s changes in the context of the purpose of the bill.

Hon. C. A. Strong — Further on the point of order, Acting President, as Mr Viney well knows, second-reading speeches can range broadly. This bill deals with the workplace rights advocate. Second-reading speeches do travel broadly, and we have not heard one word about this bill, and I think we should.

The ACTING PRESIDENT
(**Hon. R. H. Bowden**) — Order! There is no point of order.

Hon. J. H. EREN — These are the sorts of time-wasting tactics that opposition members use when they are hurting — and obviously they are hurting. I am conscious of the time and I want to get through my contribution quickly, so I will get on with it.

Despite the fact that John Howard has spent tens of millions — \$53 million, I think Mr Pullen said — trying to tell us that this legislation is good, we do not believe it. All sections of society — the young, old, mums, dads, community groups, churches, unions and business bodies — are telling him that the WorkChoices legislation is just too much. It will hurt the most vulnerable in our society, and we do not want it. He can spend a billion dollars on advertising if he wants to, but what is wrong is wrong and the people will not be conned. Regardless of how much taxpayers money he spends on promoting this legislation of reforms that he wants to implement, people will not be

conned by it. I am glad that the federal opposition leader, Kim Beazley, along with Stephen Smith, the federal opposition industrial relations spokesperson, have said publicly on many occasions that when we get into government in 2007 that piece of legislation will be in the bin. I fully support that, and I support the bill before the house.

Hon. H. E. BUCKINGHAM (Koonung) — I personally feel very privileged to be a member of Parliament. I feel even more privileged today to have the opportunity to speak on the Workplace Rights Advocate Bill. This government remains and always will be committed to a fair industrial relations system. I emphasise the word ‘fair’, which is something I believe is part of the Australian psyche. The Howard government’s changes to industrial relations laws are not fair. That is why the parliamentary caucus marched as a group in last week’s demonstration against the Howard government’s abhorrent — I have used this word three times now in this chamber to describe these changes, because that is what they are — industrial relations changes.

The explanatory memorandum says:

Clause 1 sets out the main purpose of the bill which is to establish the office of the workplace rights advocate (WRA) to provide information about, and promote and monitor the development of, fair industrial relations practices in Victoria.

This bill creates a new independent statutory office — the workplace rights advocate — whose primary role will be to inform and educate employees and employers. Under the new federal industrial relations regime a worker’s lack of understanding of their industrial rights is likely to be exploited. The workplace rights advocate will attempt to prevent this by providing information. The advocate will also monitor and report on industrial relations matters.

The commonwealth government has consistently refused to update research into industrial relations. The workplace rights advocate will monitor and report to the Minister for Industrial Relations and to Parliament on the impact of the commonwealth industrial relations reforms, and he or she will be very busy in the next 18 months. The workplace rights advocate, who is yet to be appointed, will therefore provide employers, workers and their representatives — not just employees — with information on their industrial rights and responsibilities. However, the advocate will not directly represent workers in negotiations or disputes, so I do not know why people are worried. He or she will have the power to make submissions to court proceedings or to the Victorian Civil and Administrative Tribunal with respect to the general

rights and responsibilities of all parties. The advocate will also investigate illegal and inappropriate practices, which in turn will be reported to the minister and Parliament, as they should be, so the public will know about them. The advocate will also assist independent and principal contractors.

I am extremely proud to belong to this government and have the opportunity to speak on this legislation. We have responded quickly to the commonwealth changes in an endeavour to protect young people, families, women and workers in low-skilled industries. I note from the *Herald Sun* of this week that there has been concern about outworkers and how they will be impacted by this legislation. We have done this because that is what good governments do — they protect the more vulnerable in the work force and indeed society — a concept the Howard government does not adhere to.

The commonwealth government has destroyed a unique industrial relations system that has worked effectively for over 100 years — a system that guaranteed basic wage levels and conditions. In stripping the powers of the independent arbiter, the Australian Industrial Relations Commission, the commonwealth will save \$10 million. However, it has spent \$44 million of taxpayers money on an advertising campaign, another \$29 million in setting up the Fair Pay Commission — and what a doozy of a name that is! — and approximately \$50 million in drafting the WorkChoices bill. It has spent a grand total of \$489 million associated with putting the WorkChoices reforms — if you can call them that — in place over the next four years.

This bill will deliver basic services and information to employees and employers, something the commonwealth government has failed to do. I am proud to be a member of a government that cares about workers and employees — and employers. We care about peoples' rights at work. We care about those in low-paid, precarious employment.

The Howard government's proposed changes will do nothing to address labour and skills shortages or the productivity slowdown. They will, however, promote poorly paid jobs with irregular hours and little security that will worsen the work-family balance. As 17 of Australia's leading academic researchers in the field of industrial relations and labour market issues said — and I note that my colleague Mr Viney has also quoted them:

The focus of federal government policy is to give employers power over employees instead of promoting innovative solutions based on workplace partnerships.

Australia faces significant labour market and workplace challenges. Now is the time for innovative workplace reform to address these challenges and secure social and economic prosperity for future generations. Yet, the government has missed this opportunity. It has come up with an old-fashioned low-wage solution. Today, facing new challenges, policy-makers can and should construct industrial relations policies which deliver better economic and social outcomes which benefit all Australians.

The legislation before the house today attempts to protect working Victorians so that they can be part of those better social and economic outcomes. This is good legislation and I am proud to be associated with it and to be a member of a government that promotes the fair treatment of Victorian working families. I look forward to the appointment of the workplace rights advocate, and I congratulate the Minister for Industrial Relations in the other place, Mr Hulls, and his department for this legislation and commend it to the house.

Debate adjourned on motion of Hon. J. G. HILTON (Western Port).

Debate adjourned until later this day.

URBAN GROWTH BOUNDARY: AMENDMENTS

For **Hon. J. M. MADDEN** (Minister for Sport and Recreation), **Hon. M. R. Thomson** (Minister for Consumer Affairs) — I move:

That pursuant to section 46AH of the Planning and Environment Act 1987, the following six amendments to modify the urban growth boundary be ratified:

Cardinia planning scheme — amendment C81.

Casey planning scheme — amendment C85.

Hume planning scheme — amendment C66.

Melton planning scheme — amendment c51.

Whittlesea planning scheme — amendment C83.

Wyndham planning scheme — amendment C80.

Motion agreed to.

HEALTH PROFESSIONS REGISTRATION BILL

Second reading

Debate resumed from 23 November; motion of Mr GAVIN JENNINGS (Minister for Aged Care).

Hon. D. McL. DAVIS (East Yarra) — I am pleased to make a contribution to the debate on the Health Professions Registration Bill. It is a long and complex bill that has not been well handled by the government. The government has crunched the bill through the lower house of this Parliament and later today will crunch it through this chamber. It requires enormous consideration by the community, particularly by members of the health professions. It would be a concern to most Victorians if they knew the full extent of the bill, given the impact it is likely to have on them in the future. On behalf of the opposition I have consulted extensively on the bill with almost every important group in Victoria that is affected by it.

The short description of the bill is that it collapses 11 registration acts and part of the Health Act into a single piece of legislation that establishes 12 registration boards and a complex legal scenario for dispute resolution and certain changes to the appeal rights of complainants. It also deals with professional discipline and procedures for registration. The opposition has a long series of concerns about the bill that relate to the safety of the public.

The primary objectives of the bill are to ensure the public safety. It is worth reading into *Hansard* the purposes clause of the bill:

The main purposes of the Act are to —

- (a) protect the public by providing for the registration of health practitioners and a common system of investigations into the professional conduct, professional performance and ability to practise of registered health practitioners; and
- (b) protect the public by providing for the registration of students of the health professions and investigations into the suitability of those students to undertake clinical training; and
- (c) regulate the advertising of regulated health services; and
- (d) establish or continue in operation various boards responsible for registering health practitioners and establish or continue the funds administered by those boards; and
- (e) regulate the operation of pharmacies, pharmacy businesses, pharmacy departments and pharmacy depots; and

- (f) repeal various Acts relating to the registration of health practitioners and to make consequential amendments to other Acts ...

The bill makes changes to important definitions. I draw the attention of the house to a number of them, particularly those relating to ‘unprofessional conduct’.

As the bill brings together a series of aspects from different acts in effect changes are made to the registration acts of most health professions. The list of changes is long but, to be fair to the government, certain things are preserved.

The opposition will seek to move a number of amendments to the bill. The first is a reasoned amendment. I move:

That all the words after ‘That’ be omitted with the view of inserting in their place ‘this house refuses to read this bill a second time until proper consultation has taken place with the Victorian community, including registered health professionals and other key stakeholders, about the effect of the legislation, and the government releases full departmental estimates and background documents including registration board estimates of the impact of the proposed changes on the registration fees of each of the health professional groups referred to in the bill’.

It was only on the 27th day of last month that this bill was brought to the lower house and the community saw precisely what the government proposed. Although it is true to say that the review of health practitioner registration has gone on since 2003, the general consultation that occurred with that through a series of papers and other steps is, I have to say, not the same as consultation on the specific matters in the bill.

There are a number of significant pieces of information which have not been provided by the government. Whilst some estimates were provided to the opposition following our briefing — and I thank the minister for that briefing and some of the information — the costings the government has developed as part of this relate only to formal hearings. They do not in any way relate to the other aspects of the Health Professions Registration Bill and its impact on costs, nor do they relate to behavioural aspects. I think it is important that those behavioural aspects are examined. I think the costs should be closely examined.

I see Ms Hirsh on the other side of the chamber. I know she has a background of being a psychologist. I think I am correct.

Hon. C. D. Hirsh — I am a registered psychologist and proud of it.

Hon. D. McL. DAVIS — She is a registered psychologist. She will be very interested to know that the figures provided to me by psychologists estimate that there will be an increase in registration costs of 50 per cent under this set of proposals. That is a conservative estimate of the costs. I know Ms Hirsh and others who may speak on this bill will seek to use the government's estimates, but they should understand that the government's estimates relate only, I repeat only, to the formal hearing aspects of the bill and not to the broader impacts of the registration changes.

I want to place on record the opposition's concern about a number of specific clauses of the bill. I would also like to place on the public record some of these concerns. I draw the attention of members of the house to clause 5 of the bill, headed 'Qualifications for general registration'. I think it is important to put the precise words that are in the bill into *Hansard*. The intention of the opposition is to move a set of amendments that will seek to delete provisions of this clause that are of concern. Clause 5 states:

5. Qualifications for general registration

- (1) A person is qualified for general registration as a health practitioner if the person has successfully completed all or any of the following that are required by the responsible board—
 - (a) a course of study approved by the responsible board or a course of study that, in the opinion of the responsible board, is substantially equivalent, or is based on similar competencies, to a course of study approved by the responsible board;
 - (b) any period of supervised practice approved by the responsible board or a period of supervised practice that, in the opinion of the responsible board, is substantially equivalent, or is based on similar competencies, to a period of supervised practice approved by the responsible board;
 - (c) any examination set ...

But it goes on to say:

- (2) The responsible board must have regard to any general or specific directions of the Minister before it approves or refuses to approve a course of study or require a period of supervised practice that qualifies a person for general registration as a health practitioner.
- (3) The responsible board must not, without the written approval of the Minister, approve a course of study or require a period of supervised practice that qualifies a person for general registration as a health practitioner if the board is satisfied that the approval may have a substantive and adverse impact on the recruitment or supply of health

practitioners to the workforce in the health profession regulated by the board.

- (4) The Minister may—
 - (a) grant approvals for the purposes of this section; and
 - (b) give a responsible board general or specific directions about approvals of courses of study or requirements for supervised practice if the Minister is of the opinion that the approval or requirement will have a substantive and adverse impact on the recruitment or supply of health practitioners to the workforce in the health profession regulated by the board.

To make this very clear to the house and the community, this clause has catch-all provisions and has powers that will allow the minister, whatever she says now — or, indeed, a future minister — to force a registration board to accept certain practitioners, a certain standard, a certain set of qualifications or a certain arrangement for supervised practice or internship.

This is a very wide set of powers that are new in Victoria. We have not seen these powers in the past. The only place I know that has utilised these powers to this extent is Queensland, and I place on the record my concern that the state government in Victoria has every intention of using these powers. It has every intention of lowering the standards of health practitioner registration. I, for one, believe that that is very risky. I believe it places the community at risk. I think that there is every opportunity, as this minister or a future Labor minister intervenes, to force down the standards of health practitioner registration requirement.

The lowering of standards may well see a Dr Patel registered in Victoria, and I believe that could be frightening for Victorians. It could see people harmed, it could see people injured and it could see worse clinical outcomes than should be achieved. My concern is that this minister has been so captured by a number of the senior bureaucrats and those people with particular ideological agendas to push that she has not understood the harm she could inflict through the wielding of the government's enormous majority in the lower house and its attempt to crunch this bill through both houses of Parliament in less than one month.

Members should make no mistake: these are foundational changes. These are changes that will resonate for decades in Victoria if they are allowed to pass through this chamber today. They are changes that will lower the standard of health care provision in Victoria. Victoria should be proud of its system of health care; it should be proud of the standards that it

has in place to ensure that health practitioners, the 12 registered professional groups, are of the strongest and highest standard. This bill will lead to a weakening and a lowering of those standards.

It is worth putting on the record the names of all the registration boards that will be impacted by this bill. The Chinese Medicine Registration Act is one of the acts that is to be amended. It will be abolished and brought under the current act, as will the Chiropractors Registration Act 1996 and the Dental Practice Act 1999. Many of the provisions in the Dental Practice Act that were passed last year have been retained by the government, and I welcome some of those important retentions; nonetheless, the fact is that the act will be abolished, and we will see the winding in of these provisions into this larger bill.

The Medical Practice Act 1994 and, thereby, the Medical Practitioners Board of Victoria will be impacted. The Medical Radiation Practitioners Board of Victoria is established under this act, and it is one aspect that is welcomed. Medical radiation practitioners, including all of their diverse incarnations now, will be brought under a more systematic approach. I am very pleased to concede to the government that it is appropriate that they have their own arrangements, but not under this act; in my view there should have been a separate act set up for the medical radiation practitioners.

The Nurses Board of Victoria, which was established under the Nurses Act 1993, the Optometrist Board under the registration act of 1996, the Osteopaths Registration Act 1996, the Pharmacy Practice Act 2004, the Physiotherapists Registration Act 1998, the Podiatrists Registration Act 1997 and the Psychologists Registration Act 2000 will be impacted.

I want to make some specific points. By bringing all of these acts under a Health Professions Registration Act 2005 the government will not only weaken the identity of some of these professions and their professional controls, as I outlined in relation to clause 5, but will create a system of discipline and maintenance of standards which is more cumbersome and costly. I have outlined some of the costs which have been put to me by groups within the psychological profession. These groups are respected, and I believe their estimates are largely reliable.

With respect to psychologists in particular, as an example of the confusion the government has created, more than 50 per cent of the profession of registered psychologists are not health care practitioners. Those practitioners will be offered an unsatisfactory choice, a

choice which defies the identity of their profession, a choice which will lead to less-than-optimal outcomes. Whether they be sports psychologists, organisational psychologists or part of the myriad other groups within the psychological profession which focus on something other than health, these people will be offered the choice of being registered as non-practising practitioners or as full practitioners under the act. It seems to me that the current system is a better one. The Psychologists Registration Board currently acts to register all psychologists and recognises the diversity of arrangements which are appropriate for each of the individual groups in the profession. It is able, by dint of its spread and knowledge, to ensure that the different occupational arrangements within the profession are recognised by the registration act. It will become more difficult and cumbersome to do that under this legislation.

In addition, psychologists who in some cases are not health practitioners will be dragged into the legal, administrative and cost nets that will be associated with this bill. The bill establishes a set of arrangements with appeals to the Victorian Civil and Administrative Tribunal — serious cases will be sent to VCAT — and I have to say that I am quite concerned about the costs and difficulties this will generate in the longer run. I will come back and say more about those matters shortly.

I think it is important to point out with respect to the psychologists that it is our intention to attempt to amend this bill. We seek the support of the government for those amendments which will seek to take the psychological registration processes out of the gamut of this bill and leave them as an independent arrangement. This is an example of where the government has gotten itself into real bother through its haste and its attempts to force this process through at an excessively fast pace. By not listening to the professions and the community the government has gotten itself into all sorts of trouble. It is important that the psychologists are taken out of this bill. It is important that they are able to have their own arrangements which reflect the need for particular arrangements for their profession and which do not catch them up in this broader net.

It is important to place on the record some of the concerns the professional groups have raised with me recently. I want to start with the psychologists and record some of the key aspects of their concerns. This is a document provided to me by the Australian Psychological Society. It is a carefully written document and I propose to list the concerns the society has raised in it. The first is the intrusive powers invested in the minister in setting the professional

standards and qualifications of professionals. I have spoken about clause 5, but clause 119(2) requires the board to seek ministerial approval for any guideline or code that relates to qualifications, supervised practice, examinations for registration or the scope of practice of registered health practitioners.

Again — and I want to draw this out more generally — this bill enshrines a new and concerning principle of ministerial intrusion in the work of individual health registration boards. Those boards have for many years been the custodians of community standards and registration standards, a protection for the community and a bulwark against bad practice and incompetent practitioners. In my view professions have a right and a deep responsibility to supervise their own and to bring their own professional people into order. Whilst registration boards have a balance of community, professional and legal representation for all the obvious reasons — and I welcome the government's increase in the number of community representatives on these boards — what the government has not understood is that this draconian new power for the minister to intervene in codes, practice, guidelines, professional standards and registration requirements is a recipe for disaster in the longer term.

Ministers and departments will use this power once it is in black and white. They will use this power, sometimes with good motives and sometimes not. The fact is that departments will be looking to search out and assist in a number of ways with work force issues, and there are legitimate questions about the work force, as we know. The Productivity Commission is doing its work at the moment — and I will say something about the commission and its activities in a moment — but the point is that we will enshrine in this legislation for the first time a shocking principle, a dangerous principle, a principle that will lead to a lowering of standards and may well see Dr Patel-types registered in Victoria. I do not want to see the provision used here in the way it was in Queensland. Dr Patel slipped through the net because he was registered under powers that the responsible minister used to override the medical board, the custodian of those standards, in Queensland. The Victorian minister is making a big mistake. Unfortunately the Minister for Health in the other place, Ms Pike, is deaf to the concerns of the professions and the concerns of the community. She should have listened.

Acting President, you have a background as a psychologist, and you understand some of these issues. I know Ms Hirsh understands some of these issues and that the professional bodies are very concerned about how this bill will be used. They are very concerned

about the lowering of standards. They are very concerned that this minister, a future minister or a future department will use the opportunity offered by these extraordinary new powers.

The second issue raised by the psychologists is the inevitability of increased costs from a number of aspects of this legislation. They talk about some points here, and it is worth putting these in the record. The first is discussion with registration boards in other states which have implemented such omnibus legislation. In New South Wales all such cases are referred to the Health Care Complaints Commission and the costs are borne by government. That is not the case here. In Victoria under this bill, as under the current legislation, case costs will be handled by the board, and Victorian Civil and Administrative Tribunal costs will be sheeted back to the board and passed on to practitioners through higher practitioner registration fees. Those costs in the longer term will be passed back to the community. People should have no doubt that this will have the effect of pushing registration costs up and at the same time through that mechanism forcing out of practice a number of part-time practitioners. Women practitioners and those who are perhaps near retirement age or whose practice is more marginal or who want to do less work will examine the higher costs of professional practice fees and may well make the decision to step out of practice. So there is a work force implication as well.

Hon. C. D. Hirsh — Nobody would practise at all without indemnity. Even for 2 hours a week you wouldn't practise without indemnity. You wouldn't dream of it.

Hon. D. McL. DAVIS — Of course they would not.

The ACTING PRESIDENT

(**Hon. J. G. Hilton**) — Order! Ms Hirsh is out of her place.

Hon. D. McL. DAVIS — I pick up Ms Hirsh's point about indemnity. I ask the Minister for Finance in this chamber — —

Hon. D. K. Drum interjected.

Hon. D. McL. DAVIS — I am going to take the whole time; do not worry. I am going to take a full hour, mate; do not worry.

I asked the Minister for Finance in this chamber about the indemnity costs associated with this bill and whether or not the government had costed out the indemnity implications. He has to date refused to answer that question. He promised to come back to me

in this chamber with figures about the impact on indemnity, but we have heard nothing about it from this Minister for Finance. I say to this house today that one reason for the reasoned amendment is to say that it is disgraceful for this government to force this legislation through in this way without giving the community and the professions the opportunity to properly examine the cost implications on the community.

I ask the Minister for Sport and Recreation, who is at the table, to at this late stage ask about the details on the impact on indemnity. If Minister Madden could see fit to do so, I ask that he speak to his colleague Minister Lenders and seek from him the costs on indemnity that were promised in answer to a question without notice in this chamber some weeks ago. I and many of the professions would be appreciative. If the government has not estimated the cost impact of indemnity, it is culpable, and it should not be pushing this bill through without looking at those medical indemnity costs. Let us face it, it is only two years since the state had a medical indemnity crisis and this government introduced a series of legislative steps — admittedly, belatedly, a year or so after Queensland and New South Wales — which sought to stem the flow and settle the enormous costs that were building up with indemnity. I do not want to see those costs being incurred under this bill. The government is culpable if it does not have those estimates in order. If it does have the estimates, I ask the minister to provide them before this debate concludes.

The third point raised by the psychologists is that half of them are not health practitioners and cannot ethically or legally be described as health practitioners. The idea of calling them ‘non-practising’ has been described as a legal fiction and a legal absurdity. That is what it is. It is nonsense. I think a number of health professions have similar issues, it is just that there are a very large group of psychologist practitioners who do not fit into that health practitioner category.

The fourth point made is that the extension of the bill’s coverage from health professionals to non-health professionals:

... is, we believe, ultra vires. The stated purpose of the bill is to regulate health professions, not any of the non-health professions. The problem with psychology is that some of its subfields are ‘health’ and other subfields are ‘non-health’.

The fifth point is the failure to provide specialist endorsement — and I want to deal with the issue of endorsement. There are some steps in the bill for the endorsement of nurses and others which we support. I am very happy to concede that and to indicate that to those professions and to the minister, but there are

important professions, like the psychologists, where there has been no attempt to deal with the sensible step of specialist endorsement. Again this reflects the government’s haste, its failure to consult and its failure to put the processes in place to get a better bill, and it is even more reason why this bill should be held over. The minister could stop the process tonight and let the bill lie over until February or March. The community and the health professions would then have time to comment, to improve the bill and to deal with some of these issues, which would provide a better result for the Victorian community.

The sixth point concerns the dubious capacity of the Victorian Civil and Administrative Tribunal (VCAT) to provide fair and appropriate judgments on professional matters. That is a fair point. It is going to be very interesting to see how VCAT operates. I again use the psychologists as an exemplar because what I am quoting is relevant to other professions:

The Psychologists Registration Board provides a strongly professionally focused capacity to assess and rule on the practice of professional psychologists. It is well established that panels of professional peers are generally more demanding than those based on, or heavily including, other professions and non-professional people.

It goes on to make many other points:

- 7 Loss of consumer and legal representatives. One of the major reforms here mooted in the earlier position papers regarding the act was the increased number of consumer representatives. This has failed to eventuate in either the VCAT panels or even the membership of the boards.

It is not quite true to say ‘not in the boards’ — it is only partly true — but issues have been raised with me by consumers. I will return to talk about the minister’s views on some of these consumer issues and other points. The issue is that again there has been a failure to consult and talk this through, but it will be very interesting to see how the Victorian Civil and Administrative Tribunal panels work. I am concerned about how they will work or will not work, but I do not believe the minister has consulted widely enough.

I also want to put on the record some of the comments made on 15 November 2005 to the minister by four major professional associations. This is what I call the four presidents letter. It is from Dr Chris Callahan, president of the Dental Association of Victoria; John Jackson, president of the Pharmaceutical Society of Australia, Victorian branch; Kathleen Phillip, president of the Australian Physiotherapy Association, Victorian branch; and Dr Mark Yates, president of the Australian Medical Association Victoria.

I have to say this letter fell on the deaf ears of the minister — a sign of the minister's increasing arrogance and being out of touch. Increasingly professional groups are finding it difficult to deal with the minister. She has had a number of forays or adventures over the last little while into areas of health policy that have not been well thought through, and this is one of them. In this case if she would only listen, if she were only prepared to take on board the sensible, balanced, rational points that have been made to her quite widely, we would have a much better bill and set of arrangements. She might have begun by pausing.

I know also that the Premier has been asked to look at this, and to date there has been no response from the Premier. I am concerned that he seems to have absented himself from the process, which I think is of great concern.

I make the point that the letter of 15 November drew attention to serious concerns regarding the bill, particularly with proposed sections 5 and 119.

Our interpretation of the intention of these sections is that they transfer very significant and unprecedented powers over professional training and standards to the responsible minister.

The sections appear to enable a minister to override the registration boards and national training accreditation authorities on courses of study, periods of supervised practice codes and guidelines on professional practice. In particular, we are concerned that an inappropriate use of the proposed ministerial powers could have a detrimental impact on professional standards and the quality of health care available to the Victorian community.

This change also seems to contradict the Productivity Commission's recommendations to establish uniform national qualifications ...

I note the mechanisms used by some professions are referred to here by the Australian Medical Council and the Australian Dental Council. Similarly, we believe many provisions within the bill require a great deal more attention, with particular regard being had to ensuring procedural fairness for practitioners in relation to other settled legal doctrines which have developed over time to give effect to just outcomes.

I make the point that health professionals are entitled to procedural justice and fairness; they are entitled to a process that ensures that where their livelihood and future is under examination, as it can be as they go before one of their professional boards, proper processes ensure that those matters of fairness and justice are dealt with properly.

I note a new procedure has been inserted where complainants are able to make comment and within

28 days ask for an examination of a board decision as to whether they will refer a matter to the Victorian Civil and Administrative Tribunal. If the board decides to handle the matter internally, if it decides to take a set of steps internally rather than refer a disciplinary or professional conduct matter to VCAT, then complainants — 'notifiers', as they are called in the legislation— are able to complain.

There will be a review — almost a double jeopardy situation — and it will be examined. It may be that a decision is made to refer it to the Victorian Civil and Administrative Tribunal. Similarly, where a board makes a decision to refer these matters to VCAT, you would think there is an equal right for practitioners to examine the internal processes of the board to ensure procedural justice. That right is not accorded to practitioners and that is a concern. Many in the profession see this as an unbalanced step.

I will take this opportunity to talk about some of the background. I place firmly on the public record that I think some boards could have improved their processes, should have improved their processes, and need to improve their processes of handling complaints and disputes with consumers or patients, or whatever word the professional group chooses to use.

Hon. C. D. Hirsh — Clients.

Hon. D. McL. DAVIS — Clients, if you are a psychologist. I accept Ms Hirsh's point.

But the point here is that we need to think this through. The government has not thought this through. These boards handle these matters with varying degrees of effectiveness. I read the government's review very carefully and I noted the concerns of consumers, and consumers have put concerns to me about the processes of boards. I met with a man who had a very serious set of dealings with the medical board just last week. He indicated that he had not been able to see people like the Minister for Health in the other place.

The opposition is very alive and aware of the concerns of practitioners, but it is equally concerned about the issues that consumers face. Many of the procedural issues that the review, which was conducted at the department's request, pointed to are things that could be dealt with procedurally. Many could be dealt with through improved processes. It is not satisfactory for a health professions registration board to leave a complainant sitting for many months without a proper and fair hearing and without a proper explanation of why, for example, delays in process may occur. Many of the complaints were due to delays.

Some complaints and some issues with board processes related to a perception that boards were looking after their own professional group. Boards need to be careful not to be seen to be doing that. They need to be careful to ensure that their processes and their approaches to complainants and notifiers are beyond reproach. Transparency and openness are important. At the same time I do not think the bill will actually improve many of these things. I think it will make much of it more cumbersome and costly. I am very concerned about the impact.

I want to put on record also another point made in the letter by the four professions:

There are significant concerns that the regulatory regime will increase costs far beyond the estimates made by the department. We are concerned these costs will substantially increase the registration fees charged to practitioners with flow-on effects on the costs ultimately borne by consumers. We request further information on the likely increases in costs associated with the proposed new regulatory model.

It goes on to say:

We look forward to ongoing consultation ...

That consultation did not occur.

The Australian Physiotherapy Association wrote to me separately about its specific concerns with section 118. I think it is quite right to highlight those concerns. A letter of 10 November from Kathleen Philip states:

The APA understands that under section 118 a responsible board is required to regulate the standards of practice in the public interest.

It went on to say:

The APA interprets these provisions —

section 118 —

to mean that a responsible board will set standards that generate high quality services in the public interest.

In this context the association has sought clarification from Minister Pike as to why section 5 of the bill provides for new ministerial power in relation to ministerial approval of courses of study and requirements for supervised practice and why section 119 provides for new ministerial powers in relation to ministerial approval of any guideline or code dealing with qualifications, supervised practice, examinations for registration, a scope of practice or a scope of registration in a division of the register. The APA fears that such provisions could be abused at some stage in the future under the guise of achieving work force flexibility, to reduce standards to deliver lower quality health care at reduced cost.

I want to pick up those points because I think that is exactly how the government intends to use these issues. We have heard health economists and others — and I

do not think I need to refer to individuals by name — begin to increasingly talk about generic health practitioners. Practitioners who would be trained over two or three years may or may not have the option of a short top-up course. These people would be trained in very narrow areas and not have the overall gamut or view that well-trained professionals have. You only need to see some of the recent papers by Professor Stephen Duckett and others to understand that this is very much alive at the moment.

I think the government does want to ensure that there are generic health practitioners in the field. I think it wants to break down the identity between a number of the key professional groups, the occupational therapists and the physical therapists. I see Ms Hirsh shaking her head. I will be very happy to hear that the minister will rule out such provisions because when the committee stage of the bill comes I intend to ask some questions about this in order to understand how this mechanism will operate. It seems to me that this is very much part of the government's agenda.

I place on record my concerns with the government's approach to the Productivity Commission's inquiry. This is an important inquiry. There are significant efficiencies to be gained in the health sector through a sensible examination of the sector and through a sensible use of resources, through sensible training changes perhaps, through sensible thought processes that will lead to new ways of doing things and approaching things. That should not be at the expense of standards. Standards should be the base line. We should be ensuring that standards are protected and not weakened.

I invite Ms Hirsh to read the government's submission to the Productivity Commission inquiry over the dinner break and to reflect on that in her contribution which I look forward to, but I make the point that that inquiry — a whole-of-government submission and not a submission by the minister alone — appears to have had a significant influence on the Productivity Commission. I for one am concerned about some of the directions that are flagged in that document. I am concerned that the government has sought again to look at ways of weakening professional standards.

There is also in that government submission something of — I do not think it is wrong to say — a vicious, anti-professional approach. I find it disheartening and concerning that a state government would put a submission to a national inquiry that used the words 'class warfare' — words that sought to denigrate the contribution of health professionals. I find it quite extraordinary that that submission got through the

filters of the Bracks government's submission approach, the one we heard about a year or so ago in this place. But the Productivity Commission inquiry also flagged much more. It flagged the introduction of charges on training and I am concerned about that impact.

I am very concerned that professional groups will find it harder to organise training and that those at the end of their formal university period, as they enter traineeships, internships, clinical placements in hospitals and other public health facilities, may well face, under the government's proposals, additional charges. The government flagged in the submission very clearly that there would be three options: a charge would be placed on those who went into private practice; an agreement would be sought that in private practice they would treat public patients under precisely what arrangements it was not clear; or they would be bonded for a period into the public system. It seems to me we have a health work force shortage in Victoria, nationally and internationally. What the government seems to have failed to understand is that we are in competition for a health work force.

Sitting suspended 6.30 p.m. until 8.02 p.m.

The ACTING PRESIDENT (Hon. Andrew Brideson) — Order! Before I call Mr David Davis to continue, I remind the chamber that this is hopefully the last evening of the sitting. If anyone would like to hold conversations, I suggest they hold them outside the chamber. The Honourable David Davis, to continue.

Hon. D. McL. DAVIS — I also want to raise a point of order, Acting President. Earlier this evening the Minister for Sport and Recreation was not in the chamber and the usual explanation, which is customary and courteous to the house, was not given on the motion regarding the urban growth boundary. I am concerned that this chamber has not received that usual courtesy and consequently the options of the Liberal Party, The Nationals and the Independent member in this chamber to put a full and complete case has been restricted. I ask for your ruling on that.

Hon. J. M. Madden — On the point of order, Acting President, I understand the member opposite was not in the chamber at the time and the motion was passed comprehensively. The member is obviously embarrassed, so I do not believe there is a point of order.

The ACTING PRESIDENT (Hon. Andrew Brideson) — Order! There is no point of order. The correct procedures of the house were followed. There

were no speakers in the chamber after the Clerk called on the motion. The motion was put and carried and the business of the house proceeded. Everything is in order. The Honourable David Davis, to continue.

Hon. D. McL. DAVIS — To continue my contribution on the Health Professions Registration Bill, I want to make a couple of points about the government's consultation with consumers. I make the point that the study completed by Liza Newby and Tony McBride was ordered by the work force policy section of the Department of Human Services.

The paper itself made a number of concessions as to its own inadequacies and inability to draw conclusions, and I quote from a number of sections on this. At page 12 the conclusion states:

Caution is needed in implying too much from precise numbers of complainants who, in general, expressed 'satisfaction' or 'dissatisfaction' with board processes. A significant proportion of complainants (although a minority overall) were satisfied. However, within that context — —

Ms Hadden — On a point of order, Acting President, there is a lot of talk in the chamber from members on my left. I will be speaking on this bill and I need to hear the arguments put by the main speaker for the opposition. I ask, Acting President, that the members move out of the chamber if they want to throw interjections and inappropriate comments across the chamber during a very serious debate.

Hon. E. G. Stoney — On the point of order, Acting President, it is obvious that government members have been out to dinner. I am sitting next to Mr David Davis, yet I cannot hear him. I ask you to bring government members to order.

The ACTING PRESIDENT (Hon. Andrew Brideson) — Order! There is no point of order. However, I remind members that many of the interjections are not appropriate for this chamber. I suggest that if people want the evening's proceedings to continue, they behave in an orderly fashion. I will not tolerate any further interjections. I ask the chamber to come to order so that we can proceed as professionals.

Hon. D. McL. DAVIS — Thank you, Acting President. My point about the consultation undertaken through the government's Newby and McBride paper is that it is incomplete and does not give a full and adequate description of the experiences of consumers. They concede that the methodology was flawed, and I do not believe it is a sufficient basis for the government to move in the way it has with this Health Professions Registration Bill. But it is important that the rights of consumers are protected.

As I was saying before the dinner break, it is extremely important that boards and the processes that surround them are fair and are seen to be fair. I certainly believe there is plenty of scope for improvement in that respect. Also before the dinner break, I was making the point that at a national level the issues of work force are being addressed by the Productivity Commission. That commission is holding an inquiry, and there have been submissions to it from many parties including the Victorian government.

I indicated to the chamber my concern with a number of the points made in the Victorian government's submission, and just as the house adjourned for dinner I indicated my great concern not only about the tone of the Victorian government's submission but also the fact that it appeared to flag a state tax or charge on health professionals completing their internship or clinical placements after the end of their course. The concept advanced in that paper is a most unhelpful one. The idea that you can fix work force shortages and training issues by placing a tax on them is absurd in many respects, and I think the state government has underestimated the impact it would have.

An honourable member interjected.

Hon. D. McL. DAVIS — My eyesight is not that good! As I said, the key point is that we are in an internationally competitive marketplace for health professionals.

We need not only to be able to attract quality health professionals to Victoria from interstate and overseas but also to have in place proper arrangements for their training. The state government has a significant role to play in training, and it needs to ensure that it plays its part. I do not believe it has sufficiently supported training in our public hospitals, and many of the professional groups say that. It is no good for the minister to try to wind up the college of surgeons or other professional groups. The fact is that most of these groups, if she is prepared to work cooperatively with them, would be prepared to increase the number of people going through courses and clinical training.

The idea that placing a tax on clinical training in public facilities would be helpful is absurd. Taxing things like that would simply reduce the supply and make Victoria less competitive internationally. In terms of the Productivity Commission's recommendations and its position paper, I am concerned that the concept of the generic health worker and health professionals having their professionalism weekend is advanced by some of the recommendations and suggestions in that paper. The federal government, other state governments and

the community need to look carefully at the Productivity Commission paper before it is adopted in any way.

I want to place on record the concerns expressed by a number of the smaller professions, some of which are not registered. A number of occupational therapists have expressed concern about the deskilling that may well occur with the government's approach to the generic health professional, which the government appears to be determined to follow.

In conclusion I want to come back and talk about clause 5, regarding qualifications for general registration. It is in my view impossible to interpret the clause in any other way than that it will see a weakening of standards. I am not sure where the Minister for Health dreamed this up, if it is not from Queensland, and I am not sure why she is determined to push it through.

It is true that we have work force issues, and it is true that there are concerns about increasing the work force, but weakening professional groups, weakening standards and leaving the community in a position where it has much less security and safety when it is seeing health professionals is not the way to go about it.

Hon. D. K. DRUM (North Western) — I wish to add my contribution to the debate on the Health Professions Registration Bill, which will hopefully protect the public by providing for a regime for registration of health practitioners and create a common system for the investigation of unprofessional conduct.

The ACTING PRESIDENT (Hon. Andrew Brideson) — Order! I advise Mr Drum that he is able to speak on the bill and the reasoned amendment.

Hon. D. K. DRUM — Thank you, Mr Acting President. We will be supporting the reasoned amendment moved by Mr David Davis. The amendments moved in the committee stage and the government's response to those amendments will determine The Nationals support or opposition to the legislation.

The purpose of the bill is laid out in the second-reading speech, but we have some serious concerns about granting the Minister for Health extraordinary powers that will run the risk of weakening the health system and the standards for health professional qualification. We do not believe it is right that the minister should have overarching powers that will put at risk the standards of medicine and health care in this state.

As the member for Lowan in the other place has indicated, The Nationals have been in touch with the Australian Nursing Federation (Victorian Branch), the Medical Practitioners Board of Victoria, the Victorian Health Association and a raft of other medical associations in getting their opinions on the bill and how they think it will affect them on the ground in the real world of the health service industry throughout the state.

The bill replaces separate pieces of legislation that involved different health professionals. I could read out a list of health professionals who will be combined under the legislation. People working in fields such as ophthalmology, physiotherapy and the like will be brought together in a practitioners model that is meant to suit all. The 11 medical registration boards will continue with some changes — the composition of the boards may alter slightly — but there will be an overall board. When there are challenges to the conduct of health practitioners they may be taken to the Victorian Civil and Administrative Tribunal. That will be a worry because of the costs associated with VCAT proceedings.

Victorian health professionals need to be registered before they can work. The reasons for that are obvious. We need to make sure there is a high standard of care and that qualifications are maintained throughout the state. We need to ensure those qualifications are maintained by practitioners and a registration system is the only way we can do that. Victorians need to be protected by health professionals having the appropriate qualifications. If complaints arise about the poor performance of health professionals, the registration board will have the responsibility of investigating these complaints. They may have to impose sanctions that may be deemed to be appropriate.

One of the consequences of the bill, as set out in clauses 62 and 63 of part 3 of the bill, concerns a practitioner being called before a panel. This is something that concerns The Nationals. A health practitioner who has had a complaint made against him will be called before a panel hearing but will be denied legal representation. That is something that worries us and is not the case now. The Nationals will move an amendment to alter those provisions. I hope the government will acknowledge that when people have a complaint lodged against them and go before a panel hearing that rules against them, there is a real chance they will be restricted or deregistered. Health professionals who have a complaint made against them should be provided with legal representation. The Nationals will move amendments in the committee stage to ensure that occurs.

The Nationals are concerned about clause 119, which gifts considerable powers to the minister. We have some serious concerns about that. We believe those powers will be at the expense of the medical industry and the respective health boards.

Dr Mark Yates has contacted The Nationals. He is very critical of the legislation. I know a Mr Mark Yeates but I do not know whether he is a doctor. He used to call himself a doctor, but I think he was more a doctor of life. The Mark Yeates I know could have been a doctor because he used to fix up a lot of people. I know he fixed up Dermott Brereton once, so he may have been a doctor. Dr Mark Yates certainly has some serious concerns about the ministerial powers. He is very concerned about the minister having being able to simply tell the registration boards what types of qualifications they should be setting, and that it could simply come down to the minister's opinion and she could have the opportunity to overrule the registration board; and if in the minister's opinion the board is going to make decisions that will have an adverse effect on the supply of professionals to the industry then she will have an overarching opportunity to determine what will occur. I think there are some real concerns with that.

One of the aspects that worries The Nationals about that is that this new board will be required to have regard to the directions and/or obtain the written approval of the minister. That means the minister who may or may not have any literal medical knowledge will be in control of health boards which effectively have medical experts on them. That is certainly something that really concerns The Nationals. Should the minister under these powers give directions to the health boards to lower the standard of registration then she would obviously be putting Victorians at risk. This would be totally unsafe.

Apart from being unsafe, it would effectively mean that Victorians would be receiving one standard of health care while people in the rest of Australia were receiving a different standard of health, and those in other states would be enjoying a higher level of health care than we would, simply because the Victorian minister would have all these unbelievable powers. That would mean also that the national register of medical practitioners would be a thing of the past and that health-care workers and medical practitioners would no longer be free to work across borders and move from state to state under a national health care model. We have some serious worries about that as well.

The Nationals also have some concerns about procedural fairness. We cannot understand how

Mr David Davis took 30 minutes to get through this part of it. Effectively if a complaint is lodged against a medical practitioner and the Victorian Civil and Administrative Tribunal hands down a decision that does not suit the notifier, that person will have the opportunity to appeal that decision, but as to procedural fairness, those same opportunities will not be afforded the medical practitioner. Certainly Dr Mark Yates and his group are very upset about that. They just think that is an out and out miscarriage of justice and something that we really need to fix up.

The Nationals have received some quite damning correspondence about this bill. Experts within the industry are in agreement that this is flawed legislation. The reasoned amendment moved by the Liberals seeks to have the legislation delayed, taken back out for consultation and brought back at a later date to give some of the medical fraternity a chance to make a bit more of a contribution to it and so that they can work collaboratively with the government and hopefully come up with legislation that is a bit more balanced.

This bill is similar to certain aspects of the Children, Youth and Families Bill that we debated earlier in the week. The big winners will not be the patients or the clients, but the legal people, and the public responsibility will be lifted from the respective government departments. They will be the big winners in this. The Minister for Health will have powers that were previously unheard of. The minister will be able to effectively direct the medical board as to the way it should set its respective standards for registration and the standards of qualification. That is just not the way that we always imagined the health system would work.

Issues concerning the health sector and the community services sector are seen by the government as poisoned chalices. This bill is more about the government keeping these departments off the front pages of the papers, rather than working to the best of its endeavours to improve health standards and services. We have a government that legislates in such a way that it abdicates its own responsibilities. We have a government that is more concerned about keeping itself out of the public spotlight and less concerned about trying to legislate to fix some of the problems.

We believe this bill has gone too far and we will be moving amendments, as previously mentioned. If they are not accepted, The Nationals will be opposing this bill.

Hon. C. D. HIRSH (Silvan) — I hope that government members will give me a little leeway because I intend voting for the bill as a member of the

Labor Party. But before I say anything about the bill, I want to say that I was not a member of the Labor Party during its development, so there are some things I would like to say that may not necessarily be in support of the bill.

Ms Hadden interjected.

The ACTING PRESIDENT (Hon. Andrew Brideson) — Order! Ms Hadden will have her opportunity next.

Hon. C. D. HIRSH — The main purpose of this bill is to protect the public by providing for the registration of health practitioners and for a system of investigations into the professional conduct, professional performance and ability to practise of registered health practitioners in particular. The purpose of boards is to protect the public. The majority of professions in health and other fields have very strong professional organisations. The medical profession certainly has a very strong lobby group in its professional organisation. Psychologists — I know because I am a registered psychologist — have a good lobby group, the Australian Psychological Society, which is improving politically and doing very well in bringing its concerns to governments. I congratulate APS members on the work they have done in lobbying on this bill.

Concern has been expressed about the minister being involved in the registration boards. At the moment the Minister for Health — as far as psychologists go — appoints the majority of members anyway, so the minister is already pretty well involved in registration boards. The purpose of that involvement is to ensure that there is not such a hurdle created that the profession no longer attracts people — for example, I refer to the concept in Western Australia where psychology has academic requirements for registration of six years plus one year of supervised practice. That is not something that would be encouraged, and not something that is being encouraged in other states. If that system were brought in it might discourage young people from entering the profession. In psychology we would end up with a dearth or a deficit of psychologists and not enough to — —

Hon. D. McL. Davis — A shortage.

Hon. C. D. HIRSH — I thank Mr Davis. ‘Shortage’ is an excellent word, which I shall use. A lowering of standards is not what this legislation is about. It is about ensuring that industry needs in the various professional practices are met and that students will be enabled to enter the various professional health fields.

My main contribution to the debate on this bill is in regard to the psychologists board because that is the area about which I know most. I am sure that doctors, with their strong lobby, are able to deal quite well with any problems they might have. I think, though, that as far as psychologists go, there needs to be first some clarification of what the bill does, and then further down the track I think we need to look at some of the terminology.

The concept of non-practising health practitioners only applies to about half the registered psychologists currently in Victoria. Also, the list of registrations will continue as it is, so to call those people non-practising health practitioners may not be the most appropriate way to go. I am wondering — and I hope the board will take this up — whether it has the ability to have a category within its registration of non-health practising psychologists. This would certainly suit me as an educational psychologist.

Non-health practising psychologists would be practising in fields other than health. I would like to see the board able to change that, so that that term could be used. If the registration board does not have the jurisdiction to insert such terminology, I would like to see it changed in the future so that the 50 per cent of psychologists who practise in their field of psychology — organisational psychology, psycholinguistics, sports psychology or educational psychology — would be catered for under the regulations as non-health practising psychologists.

I would also like to see, though, a non-practising practitioner or a psychologist remain. I believe that is a good thing in the bill. It is a new category and I personally like it, because for a person who may be retired but may want to retain registration or who may be on maternity leave but may want to retain registration and is out of the work force, it would be good to see a reduced registration rate for that group of people, as happens in the Australian Psychological Society (APS) at this stage. I believe that would be a useful future direction, so again the current new category would be of benefit.

As far as some of the points that people have raised, as I have already said, the register will be saved and will continue. The board will continue to register the various categories of psychologist. It will continue to renew registrations in exactly the same way. Its guidelines will continue to recognise and acknowledge all the different types of practice.

I will say one thing quickly about hearings, and then I will wind up because I believe — —

Hon. D. K. Drum — We are all trying to be cooperative.

Hon. C. D. HIRSH — I know we are, and I am cooperating. I have been told to be quick.

The ACTING PRESIDENT (Hon. Andrew Brideson) — Order! I ask Ms Hirsh to ignore the interjections.

Hon. C. D. HIRSH — But I do want to speak about disciplinary hearings.

Hon. D. K. Drum — Then do it.

Hon. C. D. HIRSH — Mr Drum spoke about people not being able to have legal representation at a preliminary hearing within the board. There are already those hearings, and there has never been legal representation at those hearings. To legalise and introduce legal representation at that stage after a person has made a complaint would increase the costs quite dramatically and would be an overstatement of the necessary process.

People on the Victorian Civil and Administrative Tribunal, will be qualified in the various registration fields and they will hear cases. There are plenty of other things I could say, but we want to get out of here this evening, so I will not go on. I would like, though, for the issues of terminology to be addressed either within the board or in the future by the government, but I commend generally the bill to the house.

Hon. J. G. HILTON (Western Port) — I rise to make a brief contribution to the Health Professions Registration Bill and at the outset declare that since the early 1980s I have been a member of the Australian Psychological Society and I am also registered with the state Psychologists Registration Board.

In relation to this bill I have had a telephone conversation with Dr Helen Lindner, the chair of the Australian Psychological Society Victorian state committee, and received emails from a number of my fellow members, as I believe have other members in this house.

Before discussing the details of the major concerns with the bill, it is worth mentioning that the Australian Psychological Society has a rather different purpose than that of the Psychologists Registration Board. The society's *raison d'être* is obviously to promote and protect the interests of its members, which the previous speaker said it is doing very effectively. The registration board's purpose is to protect the interests of the public. I believe the concerns which have been

expressed to me by members of the society reflect to some extent a confusion between those two roles.

The two concerns I would like to discuss relate to, firstly, the perception that psychologists not working in the health sector are in some ways disadvantaged by this legislation, and secondly, that the minister will now have power to reduce the qualifications and experience necessary for registration — or, as the common parlance would have it, dumb down. I would like to deal with the second first.

It is in the interests of any professional body to set high benchmarks for entry into a profession. This can be done by setting high pass marks in entrance examinations or requiring evidence of many years of study and experience. Rigorous entry requirements ensure some exclusivity and raise the prestige of existing members. The registration board also needs to set entrance standards, but at a level which is appropriate to protect the interests of the public — that is, to ensure that service providers are appropriately credentialed to provide the quality of service which the public expects. This legislation does enable the minister to set standards, but it is not in the interests of the minister or the registration board to set standards which devalue the quality of the service which is provided and, hence, adversely affect the public's interest. I understand that the present requirement is four years of tertiary study and two years of either supervised experience or postgraduate study. That is essentially six years study and/or experience, which I believe will be appropriate, and I cannot envisage the minister reducing that requirement.

The other issue relates to the use of the term 'non-practising health practitioners', which is a category now available when seeking or selecting a category of registration within the board. The key point is that the category is available. The choice of that category does not need to be exercised.

The society has made the point that 50 per cent of psychologists do not work within the health field, and I presume that in that case there are many types of psychologists — educational, sports and, in my case, industrial-organisational — who would not need to be registered as health practitioners but could still be registered with their appropriate title within the registration board. The new category of non-practising health practitioners is designed for people who are either retired or, in the case of my colleague the Honourable Carolyn Hirsh and of me, in a profession or occupation where they do not provide psychological services, although I sometimes think that we still

practise psychology skills, but in a covert rather than overt way.

From the briefing I have received from the departmental advisers, for which I thank them, I learned that it is still possible to register with the board as an educational, organisational, sport or other type of psychologist, and that option will continue. The concerns raised by the society are valid and legitimate and it is the responsibility and duty of the society to raise these matters.

The society's concerns were detailed in an email to me co-authored by the society's executive director, national office; the chair of the Victorian state committee; and the national office manager for professional issues. I have provided a copy of this email to the minister responsible for the carriage of this legislation in this house and have asked him to respond to the concerns expressed in that letter in his reply to the debate. I believe this is an appropriate and balanced piece of legislation which protects the interests of the public and I am very happy to commend it to the house.

Ms HADDEN (Ballarat) — I wish to speak on the Health Professions Registration Bill before the house, which I do not support. It is an appalling piece of legislation; it is flawed, it is a mess, it needs more work and it should be withdrawn. I also support the reasoned amendment to be moved by the Honourable David Davis. I have consulted with the professionals who will be impacted on by the bill. They are very angry with the government and very disappointed with the Minister for Health in the other place.

The bill introduces a common system of registration for health practitioners and a common system for investigations and hearings relating to professional performance, professional conduct and the ability of registered health practitioners to practise. It will subsume 12 different acts and regulations covering 12 different professional bodies across the state. They are the Chinese Medicine Registration Board of Victoria, the Chiropractors Registration Board of Victoria, the Dental Practice Board of Victoria, the Medical Practitioners Board of Victoria, the Medical Radiation Practitioners Board of Victoria, the Nurses Board of Victoria, the Optometrists Registration Board of Victoria, the Osteopaths Registration Board of Victoria, the Pharmacy Board of Victoria, the Physiotherapists Registration Board of Victoria, the Podiatrists Registration Board of Victoria and the Psychologists Registration Board of Victoria.

If I listened to Jack and Jill on Bourke Street, they would probably say this bill is just a dumbing down of

the professions, making them all egalitarian, as we have heard tonight from one of the government speakers — dumbing them down and making them generic. But the professional bodies and the professionals are not generic and they should not be demeaned and demoralised —

Hon. D. K. Drum — They are specialists.

Ms HADDEN — They are specialists, and they should be respected for that, but for some reason the government has a problem with it. It wants to make us all egalitarian.

The major concerns are many, but I will summarise them: increased costs of registration, professional indemnity insurance, increased fines — which is a major concern — a reduction in standards and the proposal to make them generic across the 12 professions. The bill will also give unprecedented power to the minister over the responsible board. That is probably one of the most alarming things to me as a lawyer — albeit a non-practising one. It is a major concern to me. Under this legislation the minister will have unprecedented power.

An article in the *Age* of 17 November was headed 'Experts alarmed by minister's power bid'. Lo and behold, the article reports that:

Opposition health spokesman David Davis dubbed the proposal the 'Dr Patel clause', referring to Queensland's so-called Dr Death, and accused the government of 'gagging' debate ...

in the lower house. We know all about that, with the guillotining across the way. The article describes the Australian Medical Association (AMA) Victorian president, Dr Mark Yates, as saying the legislation could result in another Dr Death disaster. It quotes Dr Yates and states:

The Patel case occurred because a hospital accredited a doctor to work as a junior surgeon in a hospital and then, without reference to the college of surgeons, he was given a position of director of surgery of a hospital ...

In that way the Queensland department of health and (Bundaberg) hospital bypassed the very boards that establish the standards and that is the role the minister wants.

The Australian Psychological Society is quoted in the article as calling the new ministerial powers 'frightening'.

We have all received letters from these professionals, but I expect government members have probably binned them. They certainly would not have read them, or they would have made submissions on the issue at

the Labor caucus before the bill went through the consent process.

The AMA has listed a number of concerns about the bill on its web site and in letters to its members. What alarms me as a member of Parliament is that in one information bulletin to members, the AMA president said:

Despite various assertions to the contrary by the minister in her second-reading speech, AMA Victoria and the associations representing the other professions have found the process leading to the development of the bill as being highly secretive rendering consultation unproductive.

I know all about the government's secretiveness, lack of accountability, openness and probity. It would probably shock the AMA. The AMA also alerted its members to the new tribunal structure that will be established as a division of the Victorian Civil and Administrative Tribunal (VCAT) to take over the formal hearing role previously addressed by each of the 12 health practitioner registration boards.

VCAT will have the power to impose sanctions from a range of 15 options, including fines of up to \$50 000 for an individual, which is a very significant increase over the \$2000 fine which currently applies. The fine payments will be appropriated by the board into its board fund. As a non-practising lawyer I am just wondering whether the president of VCAT is aware of this bill and whether he has actually been given substantial funding from the Treasurer and the Attorney-General in the other place to implement the proposals in this bill. VCAT does not have the funding or the resources at the moment to cope with even a thought of what the minister has put into this bill regarding these hearing processes.

Mr Drum has mentioned the issue of legal representation by Victoria Legal Aid. VLA is going to need a big boost in its funding as well. I think we ought to bring Mr Hulls back from his trip overseas, because the Attorney-General should have considered these issues as the Treasurer should have considered them and as the cabinet should have considered them. But they have not; and it is obvious they have not. They continue to consult the public on bills with earmuffs on and using bulldozers.

The other issues to which the AMA alerted its members was that it was bemused, if not rather confused, about the changes to the requirements for qualification for general registration. It was not clear to the AMA how anyone would qualify for general registration. Also there was a related concern about the potential for unprecedented influence in registration issues by the

minister in relation to her powers in section 5 and section 119(2) of the bill. The latter provides that the board must not issue any code or guideline that relates to qualifications, to supervised practice or examinations for registration or to the scope of practice of registered practitioners unless the minister approves them. This is just unprecedented interference by the minister.

The AMA also said that the minister and the department had not heeded its warnings about the folly over and muddling of the role of the boards in consumer dispute resolution processes, which are properly the responsibility of the Health Services Commissioner. I am just wondering whether Ms Beth Wilson, the commissioner, has been informed about this bill, and the nonsense in it; I bet she has not been. The AMA said what it was going to do was sit back and watch for the first signs that the new regime was not working. It would then be able to say, 'I told you so'.

There is no rush for this bill. The government could eat humble pie and lay the bill over, then go out and consult with the professionals who have submitted very learned and erudite submissions in relation to the failings of the bill. According to the bill, it is not going to come into effect before July 2007 and — some parts of it — September 2007, so there is no rush.

I repeat the AMA's warnings that the bill is a mess, that it needs more work and should be withdrawn and started again. A group of professionals representing the AMA, the Australian Dental Association, the Pharmaceutical Society of Australia, the Australian Nursing Federation and the Australian Physiotherapy Association wrote two letters to the minister regarding their serious concerns about the bill on 28 July and 15 November. Still the government is not listening. It is refusing to take those letters into account. It must think these people are just uneducated fools. I do not know what the government is thinking.

Sections 5 and 119 in particular are of major concern across the board to all the health professionals, including the psychologists and the AMA. Their interpretation of these sections is that:

... they transfer very significant and unprecedented powers over professional training and standards to the responsible minister.

That really is not acceptable.

I also received a representation from a psychologist from the Adolescent Forensic Health Service. She sent me a generic email, which was sent also to all members of the Legislative Council. Government members

would all have read the email, if they had bothered to, because it was certainly sent to them. She said that if this bill was passed by this house, psychological services to the Victorian public would be severely eroded: She stated:

Initially all psychologists will have their registration transferred to the new register and it will appear that nothing has changed.

But — wait for it! Come time to renew their registration, some will be audited in regard to their practice under section 18 and found not to be delivering a health service, so they will be relegated to the non-practising category of section 11. The psychologist wrote:

Their non-health services will become deregulated. This includes some educational and sports psychologists providing services to children, some forensic psychologists providing services to prisoners and some organisational psychologists providing services through the workplace, as well as others.

She says:

It will be realised that these psychologists cannot be registered at all, not even under section 11, because they were never trained to deliver a health service and do not qualify to be registered under the bill as a general health practitioner [in accordance with] (sections 5 and 6). For them to attempt to register will be an offence under section 83. They will be disenfranchised —

they will also be unemployed, I suggest —

from using the title 'psychologist'. This will affect 50 per cent of currently registered psychologists.

She further said:

... do not repeal the Psychologists Registration Act 2000.

She says also that it will have an absolutely unintended implication for the public and that the regulation of psychological services provided under the Psychologists Registration Act 2000 should continue and not be taken away from the Victorian public.

Those people put in a lot of effort and took a lot of time to plead with members to use some commonsense and pull the bill out before it was second read so that it could be properly considered and thoroughly looked at by the registered health professionals and all the other key stakeholders. It is clear from the submissions made to me by the professionals, including Dr Helen Lindner, the chair of the state committee of the Australian Psychological Society, and David Stokes, the society's manager of professional issues, that members of the government have not listened to one word that has been said to them. They probably have not read the submissions. If they had, members of the government

would have responded and would not have presented the bill in this form. As I said, members of the government continue to listen with earmuffs and bulldozers! That really is not good enough.

The Australian Psychological Society has submitted a very learned and easy-to-read summary of the major concerns of its members. The first is:

The intrusive powers invested in the minister in setting professional standards and qualifications of professionals.

Second:

The inevitability of increased costs from a number of aspects of this legislation.

Third:

About half the currently registered psychologists in Victoria are not health workers, and cannot be ethically or legally described as 'health professionals'.

Fourth:

The extension of the bill's coverage from 'health professionals' to 'non-health professionals' is, we believe, *ultra vires*.

They asked me to ask the government whether it got some legal advice from the state Solicitor-General because they believe that it is certainly needed in relation to the legal issues in the bill. The fifth concern is:

Failure to provide specialist endorsement for psychology.

That is, in clause 27. The sixth is:

Dubious capacity of VCAT (Victorian Civil and Administrative Tribunal) panels to provide fair and appropriate judgments on professional matters.

Seventh:

Loss of consumer and legal representation.

In conclusion they say that the bill:

... is seriously problematic for Victorian psychologists. The defects in the bill for psychologists are serious not only for psychologists but also for the public. The simple solution to these problems is to excise references to psychology and psychologists from the bill.

They ask for my support for this solution. I do support them and I support all the people who have made representations and submissions to me. I oppose the bill. It is an appalling piece of legislation. It is an attempt to dumb down the professionals and specialists in this state. I suppose the question in the back of my mind is: who's next? For all we know we members of Parliament might be next. We will be dumbed down

and made generic, with an egalitarian chamber — that will be next.

The bill defies any logic. The members of this government do not have any commonsense. They treat the professionals and specialists of this state with contempt, like they treat the people of my electorate and the people of the Sunraysia-Mildura district with contempt. They want to transfer Melbourne's toxic waste into the beautiful Sunraysia district — into a dump! They will not do it. As Peter Byrne, the mayor of the Rural City of Mildura and a life member of the Labor Party, said, 'Steve, stop the music or there'll be blood on the Calder'. Believe me, people right along the Calder Highway and the Western Highway have had enough of this government! The Ballarat City Council wants to put a halal abattoir and saleyards on prime agricultural land at Learmonth, over the water supply within the sensitive catchment aquifer where Coghills Creek commences, and on a sacred Aboriginal site. That is what this government does!

Honourable members interjecting.

Ms HADDEN — Through Mayor Vendy. I hope the members of Ballarat City Council take a long, hard look at themselves — because they are not going to have an easy ride for the next two years, and neither are the members of this government. They ought to hang their heads in shame. Look at the rabble on my left, Acting President — they are an absolute disgrace!

The ACTING PRESIDENT (Hon. Andrew Brideson) — Order! The honourable member's time has expired.

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

Ayes, 21

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

Noes, 19

Atkinson, Mr	Forwood, Mr
Baxter, Mr	Hadden, Ms
Bishop, Mrs (<i>Teller</i>)	Hall, Mr (<i>Teller</i>)
Bowden, Mr	Koch, Mr
Brideson, Mr	Lovell, Ms
Coote, Mrs	Olexander, Mr

Dalla-Riva, Mr
Davis, Mr D. McL.
Davis, Mr P. R.
Drum, Mr

Rich-Phillips, Mr
Stoney, Mr
Strong, Mr

Amendment negatived.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Hon. D. McL. DAVIS (East Yarra) — After discussion with the minister I intend to make a couple of general comments about the purposes clause of the bill and ask him some general questions. The opposition is very concerned about a number of the cost aspects of this bill. That relates to many of the different clauses and their interaction, which is why I think it is appropriate that these questions be asked on the purposes clause. My first question for the minister relates to costs. The minister will be aware that the department produced estimates of costs, based on the formal hearings, that would be generated under this bill, but those costs appear not in any way to estimate the other costs generated by the bill and by other parts of the procedures that surround the bill. Can the minister indicate whether the government has other cost estimates that go wider than the formal hearing part and, if so, would it make them available?

Mr GAVIN JENNINGS (Minister for Aged Care) — I note that, just as Mr Davis concluded his question and his comment, he acknowledged that there some cost estimates for the formal hearing processes have been made available publicly — —

Hon. D. McL. Davis interjected.

Mr GAVIN JENNINGS — I think in fact Mr Davis is actually thanking the government for providing those, so we have some common ground on cost estimates in relation to the formal hearing process.

Hon. D. McL. Davis — We do not necessarily agree with them.

Mr GAVIN JENNINGS — Yes, but the supplementary question is: what are the additional costs that may be borne — for instance, in relation to the costs of indemnity insurance? This was a matter that Mr Davis raised in his contribution to the second-reading debate. The government has made

estimations of those costs based upon the assumption of the likelihood of successful early completion of the processes that may culminate in hearings or complaint processes, and the likelihood of the proportion of matters that would formally end up through the panel processes that would require a resolution or compensation.

The government's estimations of those matters have indicated that we do not believe that there will be a significant change in the number of matters which culminate through those processes. Indeed, there may be fewer hearings and complaints which go through to the formal stages of those review panels. On that basis the government believes there will be no additional costs to cover the indemnity insurance. Indeed, at this point of time, on the assumptions we have made in terms of the effectiveness of the bill, the estimation is there will be no further costs to the industry as a result of those changes.

Hon. D. McL. DAVIS (East Yarra) — That is certainly not the information which has been put to me by people in the industry. I wonder if the Minister for Aged Care would make those estimates available.

Mr GAVIN JENNINGS (Minister for Aged Care) — The estimates are not available at the present time. However, the logic I have outlined is basically the logic that has been applied in terms of the mechanisms of the bill. If that logic follows through in relation to the number of matters that will end up going through the formal hearing process, then, on the basis of the internal consideration of the government, you can see how we believe the cost structures will not change significantly and there will not be changes to the insurance policies. The explanation which has been provided to me makes logical sense and mathematically would mean there would be no changes. However, I do not have any additional material beyond what I have described to the committee.

Hon. D. McL. DAVIS (East Yarra) — I thank the minister for his explanation. However, the essence of it is the minister will not provide these cost estimates on the indemnity or the other matters which surround the processes in the bill beyond the formal hearing information. That is a travesty. It is a great concern to the community because the Parliament is now in the position of having to go forward without the benefit of the government's cost estimates and is expected to vote on this matter without being fully aware of those issues.

I also want to ask the minister about the continuing professional development requirements that relate to parts of the bill. There are codes and a series of clauses,

which is why I suggested we ask this as a general issue. In particular, under this bill could psychologists be subjected to continuing professional development requirements of a wholly or mainly health professional kind when they are not health professionals?

Mr GAVIN JENNINGS (Minister for Aged Care) — There is some degree of apprehension pervading in the sector and indeed in society, as has been reflected in the question Mr Davis has asked. However, I think it is very important for us to understand where the residual power of the boards lies in relation to their determinations about the accreditation standards. In fact, the residual power continues to lie with the boards themselves. The provisions in the bill allow the minister to provide directions which the boards will be obliged to consider in the context of their decisions if the minister is of the view that the changes to the standards and accreditation may lead to some reduction in or limitation of the availability of the work force. In that context the board is obliged to consider the direction but ultimately the power still resides with the board. There is no fundamental change in that regard with the exception that there is a requirement to consider the minister's direction, and the minister's imperative to ensure that there is no additional burden or pressure in terms of satisfying the work force demands of the relevant discipline.

Hon. D. McL. DAVIS (East Yarra) — I understand the minister's reference to general matters and especially clause 5, and I will come to some of that shortly. I am not sure the minister fully understood what I was asking about non-health professional development and individuals who are registered as psychologists. A further question of that type is: could they be denied recognition of non-health continuing professional development activities on the ground that those activities are non-health related in terms of the objectives of the act?

Mr GAVIN JENNINGS (Minister for Aged Care) — Again, accreditation standards and professional development will continue to be residual powers of the board. It is important to note that the minister is equally obliged under the purposes of the bill to ensure that there is appropriate professional development and effective standards within the legislation, but not to discount the scope of practice for those who exercise their discipline outside the health environment.

Hon. D. McL. DAVIS (East Yarra) — On this purposes clause, every one of these provisions relates to health matters, so under what head of power would the

board recognise non-health-related continuing education?

Mr GAVIN JENNINGS (Minister for Aged Care) — Under section 118(1)(g).

Hon. D. McL. DAVIS (East Yarra) — That is the ministerial direction of codes and so forth, but none of those relates to the head of power under the purposes clause, which is about health-related matters. I thank the minister for his answer, but I do not think that explains it. I have one further general question that relates to legal advice that the government may have obtained either from its own solicitors or others regarding the natural justice matters surrounding the procedures in this bill and how that will impact on registered health professionals. Is the government in receipt of any advice about those natural justice matters and will it make the advice available to the committee?

Mr GAVIN JENNINGS (Minister for Aged Care) — First of all, the way Mr Davis responded to my last answer shows he did not take notice that the purposes clause includes the phrase 'and for other purposes' regardless of what other construction you want to put on it, and the substantive answer of section 118(1)(g) applies to the guidelines that can be established by the board to satisfy that question. That is important for us to understand.

I have taken some instruction in relation to the second matter. Any provisions that relate to any actions and administrative decisions that are made under any aspect of the bill have not changed, so there has been no concept of change from the way those decisions would be made and it would be expected to comply with natural justice. My advisers have no legal advice because there has been no change in relation to the processes of natural justice and we have an expectation that all the provisions that have been rolled over from pre-existing bills to this one remain the same.

Clause agreed to; clauses 2 to 4 agreed to.

Clause 5

Hon. D. McL. DAVIS (East Yarra) — Our amendment to clause 5 seeks to remove these ministerial powers. I have said enough in the second-reading debate about why we need to do that. I believe this clause will weaken safety and standards in Victoria, and that is a view widely shared by the professions.

The CHAIR — Order! I ask Mr Davis to formally move his amendment.

Hon. D. McL. DAVIS — I move:

1. Clause 5, page 14, lines 7 to 33, omit all words and expressions on these lines.

Mr GAVIN JENNINGS (Minister for Aged Care) — I indicate to the committee that the government will oppose the amendment. I make it crystal clear that the government rejects the proposition that any board covered by this legislation would take its obligations and responsibilities for the quality of care and the professional standard more seriously than the minister would provide for and be supportive of. The minister is obliged under the purposes of this bill as the minister responsible for the legislation to ensure that those standards are maximised in the interests of public wellbeing.

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

Ayes, 21

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

Noes, 19

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

Amendment negatived.

Clause agreed to; clauses 6 to 61 agreed to.

Clause 62

The CHAIR — Order! I invite the Honourable Damian Drum to move his amendment 2, which will test his amendments 5 to 8, which he can foreshadow.

Hon. D. K. DRUM (North Western) — I move:

2. Clause 62, line 30, omit “no” and insert “a”.

Clause 62 and clauses 66 and 69 effectively pertain to representation at Victorian Civil and Administrative Tribunal hearings. Now that we have taken these complaints away from the individual health boards and moved them over into VCAT, we think it only right that people at these hearings have legal representation. They have had complaints made against them and they are fighting for their jobs. Because these panel hearings can have these very serious consequences and outcomes we believe there should be a right to legal representation.

If they want legal representation, it is only right that they should be able to have legal representation. The bill requires that they have the leave of the VCAT panel to have legal representation, whether they have adequate legal representation will be at the behest of the VCAT panel. We believe that is inadequate, which is why we have sought to amend the bill to provide that legal representation is at the discretion of the person against whom the complaint has been made.

Mr GAVIN JENNINGS (Minister for Aged Care) — Going back to my earlier answer to Mr David Davis, the government has made a number of assumptions about the way in which the system should work to minimise cost exposure to the various sectors covered by the scope of the bill. We recognise that ways in which costs can blow out are through legal and administrative processes. We determined that the mechanism in the bill is that, by leave, Victorian Civil and Administrative Tribunal can make a determination whether legal representation is appropriate in circumstances. I would assume that VCAT would act in an extremely sensitive and appropriate way in accordance with its obligations and grant leave if in fact the potential sanctions would jeopardise someone’s professional standing or their livelihood. On that basis the government rejects the proposition and the amendment.

Amendment negatived; clause agreed to; clauses 63 to 79 agreed to.

Clause 80

The CHAIR — Order! Mr Davis to move his amendment 2 which is the test for his amendments 5 to 40, which he can foreshadow.

Hon. D. McL. DAVIS (East Yarra) — I move:

2. Clause 80, page 93, in the Table, omit “psychologist registered psychologist”.

This is a test for the removal of psychologists from this omnibus bill and the opportunity to ensure that the

Psychologists Registration Board in its current form continues and is able to provide a comprehensive arrangement for all registered psychologists rather than trying to squeeze all of the psychologists from their various different backgrounds and disciplines into a health psychology stream.

Mr GAVIN JENNINGS (Minister for Aged Care) — The government does not accept that proposition. Indeed the government is mindful of the different roles and functions of psychologists and recognises that there are different practical methods by which psychologists will practise so in fact there is no assumption by the government that bundles everyone into the same category. However, this is a substantial piece of legislative reform that provides the template for registration processes, administrative processes and review processes right across a number of disciplines which includes psychologists. The government has at various stages offered the professional society the option of having non-health psychologists excluded from the provisions of the bill and that was rejected by the society as an appropriate approach. Therefore the government was left with the proposition of having this bill cover the entire scope of the profession.

Amendment negated; clause agreed to; clauses 81 to 182 agreed to; schedules 1 to 4 agreed to.

Reported to house without amendment.

Report adopted

Third reading

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

That the bill be now read a third time.

In so doing, I would like to thank members for their contributions and also for the way in which the committee stage has been conducted. I thank members of the committee for the conduct of the committee stage.

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, 22

Argondizzo, Ms	Madden, Mr
Broad, Ms	Mikakos, Ms
Buckingham, Mrs	Mitchell, Mr
Carbines, Ms	Nguyen, Mr
Darveniza, Ms	Pullen, Mr
Eren, Mr	Romanes, Ms

Hilton, Mr (*Teller*)
Hirsh, Ms
Jennings, Mr
Lenders, Mr
McQuilten, Mr

Scheffer, Mr (*Teller*)
Smith, Mr
Somyurek, Mr
Thomson, Ms
Viney, Mr

Noes, 19

Atkinson, Mr
Baxter, Mr
Bishop, Mr
Bowden, Mr
Brideson, Mr (*Teller*)
Coote, Mrs
Dalla-Riva, Mr
Davis, Mr D. McL.
Drum, Mr
Forwood, Mr

Hadden, Ms
Hall, Mr
Koch, Mr
Lovell, Ms
Olexander, Mr
Rich-Phillips, Mr (*Teller*)
Stoney, Mr
Strong, Mr
Vogels, Mr

Question agreed to.

Read third time.

Remaining stages

Passed remaining stages.

SUPERANNUATION LEGISLATION (GOVERNANCE REFORM) BILL

Rescission

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

That the order of the Council appointing later this day for the committal of the Superannuation Legislation (Governance Reform) Bill be read and rescinded.

Motion agreed to.

Third reading

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

That the bill be now read a third time.

To sum up, I take on board the issue raised by Mr Strong about the clause dealing with the fire services representative on the Emergency Services Superannuation Scheme board and the clarification of the status of that clause. I undertake to write to the Chief Parliamentary Counsel seeking his views as to whether there is a more efficient way of expressing that terminology. I commend the bill to the house.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

WORKPLACE RIGHTS ADVOCATE BILL

Second reading

Debate resumed from earlier this day; motion of Mr GAVIN JENNINGS (Minister for Aged Care).

House divided on motion.

Ayes, 22

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

Noes, 19

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

Pair

Theophanous, Mr	Philip Davis, Mr
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Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 11 agreed to.

Clause 12

Hon. C. A. STRONG (Higinbotham) — Clause 12 is the only clause with a penalty attached to it. How is the penalty initiated, because the bill is silent on that? Will there be some sort of PERIN court arrangement. Is the advocate able to bring an action in the Victorian Civil and Administrative Tribunal or in the Magistrates Court, or is it the Attorney-General who brings the

action? How is this penalty issue to be initiated? That is my question. If the minister is able to provide the answer tonight, that would be appropriate, but failing that I am happy for the minister to advise the chamber in due course.

Mr GAVIN JENNINGS (Minister for Aged Care) — I thank the member for his question and his generosity about when I can answer the question, but I can answer it now. It is a civil action that comes before the Magistrates Court, and it will be instigated by the person who believes he has been victimised. He does it on the basis of advice he has received from the workplace rights advocate or he could receive the advice from the police in pursuing civil action on the basis that he has been victimised under the provisions of the act. It can be brought by the person to the Magistrates Court. The workplace rights advocate may join as a party to the matter but would not instigate the matter.

Hon. C. A. STRONG (Higinbotham) — I thank the minister for his advice.

Clause agreed to; clauses 13 to 15 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

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

That the bill be now read a third time.

In so doing I thank members for their contributions in the second-reading debate and the committee stage of the bill.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

**WATER (RESOURCE MANAGEMENT)
BILL**

Committee

**Resumed from 23 November; further discussion of
clause 54 and Mr Baxter’s amendment:**

32. Clause 54, page 118, line 6, omit “information; and” and insert “information.”.

Amendment negatived.

Hon. W. R. BAXTER (North Eastern) — I move:

35. Clause 54, page 118, lines 14 to 28 and pages 119 to 133, omit all words and expressions on these lines and pages and insert—

“Division 2— Water-Use Licences

64L. Power to grant water-use licences

- (1) The Minister, on receiving an application under this Division from an owner of land, may grant to that person a licence that authorises the use of water (authorised to be taken under Part 3A) on the land owned by the person that is specified in the licence.
- (2) The Minister must set out in the licence—
 - (a) the name and address of the licence holder; and
 - (b) a description of the land specified in the licence; and
 - (c) the conditions to which the licence is subject (including annual use limit); and
 - (d) the date on which the licence takes effect.

64M. Matters to which a Minister must have regard in granting water-use licences

The Minister, in granting a water-use licence must consider the following matters—

- (a) whether there are works or systems in place or likely to be installed in the near future for delivering water to the land; and
- (b) whether the use of water for the purpose set out in the application is prohibited by or under an Act; and
- (c) whether the maximum volume of water proposed in the application is reasonable for use for the purpose set out in the application; and
- (d) the impact the proposed use of water may have on other persons or the environment (in particular waterlogging, salinity and nutrient impacts); and

- (e) any other matters the Minister considers relevant.

64N. Conditions on water-use licences

The Minister may impose conditions on a water-use licence as to all or any of the following matters—

- (a) the maximum volumes of water per hectare that may be applied to land specified in the licence over any 12 month period; and
- (b) any requirements to minimise the impact of the use of water on other persons and the environment.

64O. Applications for water-use licences

- (1) An owner of land may apply for a water-use licence to authorise the use of water on that land.
- (2) An application for a water-use licence must—
 - (a) be in the form and made in the manner approved by the Minister; and
 - (b) contain any prescribed particulars; and
 - (c) be accompanied by any documents or information required by the Minister.

64P. Change of ownership of land specified in licence

- (1) In the case of a transfer of ownership of the whole of the land specified in a water-use licence, the person to whom ownership is transferred is deemed to be the holder of the licence.
- (2) In the case of a transfer of ownership of part only of the land specified in a water-use licence, the licence is to be taken to be cancelled on the day on which transfer of the ownership of the land takes place.”.

36. Clause 54, page 134, line 1, omit “8” and insert “3”.

37. Clause 54, page 134, line 3, omit “64AJ” and insert “64Q”.

38. Clause 54, page 136, line 1, omit “64AK” and insert “64R”.

39. Clause 54, page 137, line 18, omit “64AL” and insert “64S”.

40. Clause 54, page 138, line 22, omit “64AM” and insert “64T”.

41. Clause 54, page 139, line 1, omit “64AN” and insert “64U”.

42. Clause 54, page 139, line 20, omit “64AO” and insert “64V”.

43. Clause 54, page 139, line 23, omit “64AN” and insert “64U”.

44. Clause 54, page 140, line 1, omit “9” and insert “4”.
45. Clause 54, page 140, line 2, omit “64AP” and insert “64W”.
46. Clause 54, page 140, line 11, omit “64AQ” and insert “64X”.
47. Clause 54, page 140, line 26, omit “64AR” and insert “64Y”.
48. Clause 54, page 141, line 10, omit “64AS” and insert “64Z”.
49. Clause 54, page 141, line 22, omit “64AT” and insert “64AA”.
50. Clause 54, page 142, line 1, omit “10” and insert “5”.
51. Clause 54, page 142, line 3, omit “64AU” and insert “64AB”.
52. Clause 54, page 143, line 1, omit “64AV” and insert “64AC”.
53. Clause 54, page 144, line 5, omit “64AW” and insert “64AD”.
54. Clause 54, page 144, line 14, omit “64AX” and insert “64AE”.
55. Clause 54, page 145, line 1, omit “64AY” and insert “64AF”.
56. Clause 54, page 145, line 4, omit “64AX” and insert “64E”.
57. Clause 54, page 145, line 16, omit “11” and insert “6”.
58. Clause 54, page 145, line 17, omit “64AZ” and insert “64AG”.
59. Clause 60, page 180, lines 5 to 7, omit all words and expression on these lines and insert—
- “(c) ensured that there are arrangements in place to continue to meet the ongoing domestic and stock use requirements for each property.”
60. Clause 61, page 184, lines 19 to 32, omit all words and expressions on these lines and insert—
- “(a) must provide the service of delivering to the owner or occupier (where the owner is not the occupier) of each serviced property in its irrigation district, water for domestic and stock use on a scale of volumes fixed by the Authority; and
- (b) must provide the service of delivering water to the owner or occupier (where the occupier is not the owner) of each serviced property in its irrigation district for the purposes of irrigation for the periods that are determined by the Authority in accordance with this Part; and”.
61. Clause 61, page 184, line 33, omit “(b)” and insert “(c)”.

62. Clause 61, page 185, line 1, omit “(c)” and insert “(d)”.

Amendment 35 will test a range of other amendments. It is a very large amendment. It deletes the complex regulatory provisions relating to water-use licences imposed by division 2 of the bill. These complex provisions are replaced by a much simpler system of water-use licences. The Nationals would have preferred to delete altogether the requirement for the water-use licence, but the advice we received was that this was too difficult without a complete rewrite of the bill. As a result we have decided to replace those provisions in the bill with a simpler system of water-use licences.

The provisions in the bill which The Nationals seek to delete allow for annual fees on water-use licences. This is in direct contravention of the commitment given by the government on page 88 of the white paper that ‘licences will have ongoing tenure’. The provisions this amendment seeks to delete also require, in division 3, the establishment of complex water-use objectives for licences, and in division 4, standard water-use conditions that can be applied to the whole or to part of the state.

Proposed section 64Z allows the minister to establish standard water-use conditions covering things like the way water is used and reused on land, drainage from land specified in licences, monitoring and reporting requirements of licence-holders, and any other matter the minister thinks fit. That is an attempt to manage irrigation farms from Spring Street, which is obviously an absurd proposition.

The proposed section also makes catchment management authorities enormously influential. We do not think they necessarily have expertise in these areas at the moment, nor are they likely to acquire it. There is also provision to vary water-use licences enabling the minister, on the minister’s own motion, to impose new conditions on a water-use licence. There are almost no checks and balances in the legislation to ensure that the enormous powers given to the minister are used fairly or reasonably.

Ms BROAD (Minister for Local Government) — In response I would indicate to Mr Baxter that, as he has advised, the amendments he is moving seek to substantially change the way in which water-use licences would operate. The approach in the bill is consistent with the policy framework set out by the government in the white paper. I would also advise Mr Baxter that amendments to the bill in the Assembly further strengthened consultative arrangements.

I also want to advise Mr Baxter that catchment management authorities have an important role to play

in consulting on and recommending to the minister or his delegate standard-use conditions. However, the minister or his delegate will set any new conditions, and in the past the delegate has been the relevant water authority.

I would also indicate to Mr Baxter that his amendments remove any ability to vary licences. In the government's view this is not acceptable given that water-use licences will be ongoing and as a result there must be an ability to amend licences to reflect changing community standards over time.

Hon. W. R. BAXTER (North Eastern) — I thank the minister for her advice. I do not accept a lot of that reasoning. It is true that the water authorities have made decisions in the past. They have vastly more expertise and a different complement of members than do the catchment management authorities, which actually have other interests. I do not have quite the confidence that they will be as understanding of irrigation. Our amendment provides for water-use licences full stop. Our system is just a simple licence. It does not require all the fiddling around that the minister talked about. Therefore, there is no need for a provision to amend it, because ours is to be couched in a way that will not require amendment.

Amendment negated; clause agreed to; clauses 55 to 59 agreed to.

Clause 60

Hon. W. R. BAXTER (North Eastern) — I move:

59. Clause 60, page 180, lines 5 to 7, omit all words and expression on these lines and insert—

“(c) ensured that there are arrangements in place to continue to meet the ongoing domestic and stock use requirements for each property.”

This amendment ensures that a water authority must maintain a stock and domestic service if it withdraws irrigation supplies from an area under a proposed system reconfiguration. The current bill simply requires authorities to give consideration to meeting the ongoing stock and domestic requirements of each property. Again this is inconsistent with the comments given in the white paper. At page 86 the white paper states that where irrigation supplies are to be phased out the reconfiguration plan must propose a way of meeting stock and domestic needs.

I do not want to take up any more of the time of the committee. I canvassed this issue at length in my contribution to the second-reading debate and I stand by the remarks I made at that time.

Amendment negated; clause agreed to.

Clause 61

The CHAIR — Order! Mr Baxter to move his amendment 60 which will test amendments 61 and 62.

Hon. W. R. BAXTER (North Eastern) — I move:

60. Clause 61, page 184, lines 19 to 32, omit all words and expressions on these lines and insert—

- “(a) must provide the service of delivering to the owner or occupier (where the owner is not the occupier) of each serviced property in its irrigation district, water for domestic and stock use on a scale of volumes fixed by the Authority; and
- (b) must provide the service of delivering water to the owner or occupier (where the occupier is not the owner) of each serviced property in its irrigation district for the purposes of irrigation for the periods that are determined by the Authority in accordance with this Part; and”.

This goes to the same issue. The purpose of this amendment is to retain the priority the current water act provides to domestic and stock supplies. The Nationals believe it is absolutely essential and very important that we do that, particularly on the dry plains in northern Victoria. We have sought advice from a very experienced lawyer in the water industry, and he assures us that this amendment would meet our objective, at least within the irrigation areas. It is partially achieving our objective.

Ms BROAD (Minister for Local Government) — In response to Mr Baxter, I can advise that in the government's view the amendment changes the way the obligations of an authority are expressed, but does not appear to make any substantial change. It places an obligation on the authority to provide water for stock and irrigation but does not afford it a priority. The current obligations of an irrigation authority do not give this priority in irrigation districts, but it is the case that in times of extreme shortage the minister has the option of temporarily qualifying rights in different proportions.

Hon. W. R. BAXTER (North Eastern) — I make the comment that there have been many court cases fought over water issues over the years. My adviser has won more than the commission or the government have won, so I am going to stick with his advice.

Amendment negated; clause agreed to; clauses 62 to 73 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

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

That the bill be now read a third time.

In doing so, I thank all members for their contributions to the debate.

The 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, 22*

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

Noes, 19

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

Pair

Theophanous, Mr	Davis, Mr P. R.
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Question agreed to.**Read third time.***Remaining stages***Passed remaining stages.****Business interrupted pursuant to sessional orders.****BUSINESS OF THE HOUSE****Sessional orders**

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

That the sessional orders be suspended to the extent necessary to enable the Standing Orders Committee report to be tabled.

Motion agreed to.**STANDING ORDERS COMMITTEE****Legislation Committee**

On behalf of the President, Hon. BILL FORWOOD (Templestowe), by leave, presented interim report on Legislation Committee, including appendix.

Laid on table.**Ordered to be printed.****BUSINESS OF THE HOUSE****Adjournment**

Mr LENDERS (Minister for Finance) — I move:

That the Council, at its rising, adjourn until Tuesday, 7 February 2006, at 2.00 p.m. or until a day and hour to be fixed by the President, whichever is the earlier, and which will be notified in writing to each member of the Council.

Motion agreed to.**ADJOURNMENT**

Mr LENDERS (Minister for Finance) — I move:

That the house do now adjourn.

WorkCover: newsagents

Hon. BILL FORWOOD (Templestowe) — I wish to raise a matter with the Minister for WorkCover and the TAC on behalf of the Victorian Newsagents Association. The association recently wrote to me, and I subsequently met with its executive officer, Peter Cowley, on an issue concerning its WorkCover premiums.

What the association maintains, and has maintained all along — and it is accurate — is that its premium used to be 0.86 per cent but it was increased at the time of the surcharge for the reintroduction of common law to 1.04 per cent. Then of course it was frozen, at the high level, for three years. So the premium used to be 0.86 per cent, it went to 1.04 per cent for one year and was frozen there for the next three years. After the freeze was off the new industry rate was 0.43 per cent — half of what it used to be beforehand — but because of the system of allowing the premiums to

come down only 10 per cent at a time, the industry got stung again.

The minister would understand that the reason the freeze was brought in was to protect small businesses, but what happened to the newsagents in this case was, firstly, that they were slugged more than they should have been in the initial increase, and then they were not able to have that increase mitigated over time.

The association said:

The solution is simple and not expensive and for limited durations — with little or no possibility of precedent being created.

If the Victorian WorkCover Authority and the government are serious about creating a fairer simpler premium system ... how can they allow a situation —

to —

exist which is extremely unfair to this small group of employers — which has occurred as a result of the complexity of the changes and transitions, provisions to remain unresolved.

The association took up the matter with the Victorian WorkCover Authority (VWA) and received correspondence back from Greg Tweedly on 17 October.

Mr Lenders — A good man.

Hon. BILL FORWOOD — Yes, I accept that he is a good man, but sometimes he is just a bit cute. In this particular case he maintains that the premium orders:

... use industry rates which once set (either in the orders or more recently by gazettal) cannot be varied.

The minister knows that that may well be technically correct, but if the minister wishes to solve the problems caused by the actions of the VWA, it is possible to do so. On behalf of the Victorian Newsagents Association I ask that the minister review the premium situation the association finds itself in.

Hon. S. M. Nguyen — I wish to raise a point of order, President, in relation to your ruling last night that my request for the Minister for Police and Emergency Services in the other place to investigate the editor of *Thoi Bao* was out of order. Whilst I do not intend to make any further comment about this matter inside or outside Parliament, because I am suing the paper, I would like clarification in relation to your ruling, as it may create the impression that you were ruling on the substance of my concerns rather than the process I was adopting. I further ask if it would be in order to ask the

Minister for Police and Emergency Services to refer the matter to Victoria Police.

The PRESIDENT — Order! To clarify my ruling of last night for the honourable member, I did not rule on the substance of his matter. It was the parliamentary process that was out of order. My ruling was on the basis that it was inappropriate to ask the Minister for Police and Emergency Services in the other place to investigate the matter as it was a matter for the police and not the minister for police. I hope that clarifies the ruling for the honourable member.

Hon. Bill Forwood — On the point of order, President, I was not here last night so I am not fully across the issue. However, as I understand it Mr Nguyen is looking for some sort of capacity for this matter to be referred to the police. I suggest that even if it is not done through the house, it is possible for that to be done through other means.

The PRESIDENT — Order! As Mr Forwood said, he was not here last night. Mr Nguyen raised a matter for the Minister for Police and Emergency Services in the other place, and I ruled it out of order under the separation of powers principle. However, I want to make it clear that it was the parliamentary process that was in question and not the issue or the substance of the matter raised by the honourable member.

Castlemaine: community radio station

Hon. R. G. MITCHELL (Central Highlands) — I raise a matter for the attention of the Minister for Consumer Affairs. I ask the minister to have Consumer Affairs Victoria make inquiries of an incorporated association, KLFM Inc., regarding its failure to meet its stated intention of establishing a Castlemaine station.

KLFM is a radio station based at Bendigo; it also had a station in Castlemaine. There was a common broadcast, so when the Bendigo station was operating both Bendigo and Castlemaine heard the Bendigo station, and when the Castlemaine station was operating both Bendigo and Castlemaine heard the Castlemaine station. There are aerial towers both in Bendigo and in Castlemaine, each with a different radio frequency. Early this year the KLFM headquarters in Bendigo ordered that the Castlemaine station close. They cut the telephone line connection and closed the station, to the great disappointment of the Castlemaine volunteers, who had suspected that it had been KLFM Bendigo's intention to do this for a long time.

The community radio station is managed and tightly controlled by Brad Geier, the president. It is meant to

be a community radio station, but the membership fee is \$100, which prevents community participation as it is too high. Despite being a community radio station, volunteer broadcasters do not participate in general meetings as is common in other community radio stations. The organisation was formed about 16 years ago. Mr Geier has been unemployed for most of that time — he is capable of working, as is evidenced by the fact that he can manage a radio station — yet he has somehow avoided the federal government's requirement to find for paid work when possible.

The Castlemaine community wants its own radio station, and given its treatment by KLFM Bendigo, it would like to establish one of its own. The best way for this to happen is for KLFM Bendigo to relinquish its Castlemaine frequency. However, KLFM says it does not want to relinquish the Castlemaine frequency as it wants to keep it for itself despite its stated intention to have a local station. Earlier this year a community group established Castlemaine District Community Radio, anticipating that Bendigo KLFM would close the Castlemaine station despite its promises to the contrary. A lot of towns smaller than Castlemaine have a radio station, and Castlemaine residents want one as well.

Will the minister please examine whether an inquiry can be made into KLFM for failing to act on its intention of having and maintaining a Castlemaine station. KLFM has treated Castlemaine badly. If the minister will not do that, could she advise if there is a relevant federal authority, given that KLFM is a broadcasting organisation.

Victorian Government Solicitor: Undera land

Hon. W. A. LOVELL (North Eastern) — My adjournment debate issue is for the attention of the Attorney-General in the other place. It is about the failure of the Victorian Government Solicitor to finalise a transfer of land for constituents of mine, P. J. and B. L. Quinn of Undera. The Quinns have a farming property in Undera district that has a Goulburn Murray Water community drain running across its edge. A couple of years ago when the Quinns applied to put a water pipe across the drain area they found that they could not, because the area was under a not-in-common title. This had apparently occurred several years earlier, prior to the Quinns purchasing the property, when the drain was put through an area that involved properties with three different owners. Everyone, including the Quinns' bank, was astounded that the paperwork had not been completed at the time of the drain going in and that the not-in-common title had not been detected at the time the Quinns purchased the property.

The Quinns then engaged a Shepparton lawyer who has been dealing with the Victorian Government Solicitor since the beginning of August 2004 to try to resolve this matter. On 5 July the Victorian Government Solicitor wrote to the Quinns's lawyer enclosing the transfer of land to be endorsed with an order to register from the Commonwealth Bank. The Quinns's lawyer returned the transfer with the bank's consent and order to register endorsed thereon on 15 August. We are now at the end of November and the transfer is yet to be lodged by the Victorian Government Solicitor.

The Quinns have been more than patient. This is a situation that was caused by an error created by a government authority, and the Victorian Government Solicitor has dragged the resolution of this matter out beyond a reasonable time frame. To add insult to injury, the Quinns were issued with a land tax assessment for the land this year. As the category of land use is primary production, the land should be exempt from land tax and the Quinns have had to lodge an objection with the State Revenue Office.

To assist the Attorney-General in following up this issue, the Victorian Government Solicitor's reference for this matter is GMRWA 9908973, and the matter has been handled by a Ms Gayle Ryan. My request of the Attorney-General is that he take whatever action is necessary to ensure the transfer of land is lodged immediately so that this matter can be brought to a satisfactory conclusion.

Hepburn: spa redevelopment

Ms HADDEN (Ballarat) — My adjournment matter tonight is for the attention of the Minister for State and Regional Development in the other place, the Honourable John Brumby. It is to do with the funding of the redevelopment project of the Hepburn spa bathhouse in my electorate and the Hepburn shire. That redevelopment project was costed at \$7.2 million, three to four years ago. The state government committed to a contribution of \$5.5 million and with \$500 000 coming from the federal government, the Hepburn Shire Council was asked to borrow \$1.2 million, which is a very large sum of money for a small rural shire of just on 15 000 people.

The problem is that there has been an overrun; the redevelopment has gone over budget. The redevelopment is costed now in excess of \$9 million. A small shire such as Hepburn certainly cannot afford to borrow another \$3 million. The shortfall is in excess of \$3 million, and certainly that is of great concern to the ratepayers of the shire. The council's position is put in its annual report, tabled on 30 June 2005. It lists total

liabilities of \$5.2 million. The council has annual losses over the last three years amounting to \$4.5 million. It did not even have enough money this year to buy a new shire grader after its grader wore out; it had to borrow \$200 000 and now the ratepayers have to pay for that loan, plus the interest on the loan. There are all sorts of problems as well with the \$1 million allocated to road maintenance; the money was not there, and council had to take that money out of capital works projects which now cannot go ahead.

My request for the minister is to fully fund the shortfall for the Hepburn spa redevelopment project and to not ask Hepburn shire ratepayers to be obligated to fund something like \$3 million, which is way out of their league.

Rosanna: veterans social club

Hon. B. N. ATKINSON (Koonung) — I wish to raise a matter with the Minister for Sport and Recreation, but he may well need to liaise with one of his other colleagues and perhaps even refer to legislation we passed today to do with veterans. The matter I raise with him is a concern expressed to me by the Victorian Totally and Permanently Incapacitated Soldiers Social Bowling Club, which I understand has operated a bowls club in Rosanna since 1941. This facility now needs a new green. The club is seeking financial or other assistance with upgrading the green and providing maintenance on its facility. The club makes the point that the average age of its membership is now in the low 80s.

Hon. Bill Forwood — The average age?

Hon. B. N. ATKINSON — The average age is in the low 80s! And each and every member is dependent on a war pension in varying degrees and on a service pension. These people rely on the opportunity that is afforded to them by the social bowling club. As the club points out:

As well as providing a sporting outlet, it is still regarded as holy ground to the memory of thousands of veterans and ex-service personnel who have passed through the Heidelberg repatriation hospital.

The facility is also important for the rehabilitation of people who have been hospitalised and consider the opportunity to play bowls with their mates and other ex-service patients of the repatriation hospital very important for their quality of life.

I seek the advice of the minister on what funds might be available or what other intervention he might make to support the club and help the members get a new green

for their facility. It would be an appropriate recognition of the organisation. It would not be terribly costly, and that facility might well be used by others in the future. I seek the minister's intervention.

Before sitting down, I take the opportunity of wishing everybody a merry Christmas and a safe and happy holiday period. We look forward to seeing you on 7 February.

Responses

Mr LENDERS (Minister for Finance) — I probably need to be less explanatory about the adjournment debate than I was in Colac, because I think the vast number of people listening to this adjournment debate understand the rules far better than those in Colac.

Honourable members interjecting.

Mr LENDERS — It is difficult when there are rows of people here to hear this evening's adjournment debate.

The issue raised by my good friend Mr Mitchell for the Minister for Consumer Affairs was about KLFM, a radio station in Bendigo and Castlemaine. I will take up his issue with the minister who I am sure will follow it through with vigilance.

Ms Lovell had an issue for the Attorney-General in the other place regarding drain titles and the transfer of land in her electorate. I will certainly follow that up with the Attorney-General, who is in Singapore and to whom I spoke some hours ago.

Honourable members interjecting.

Mr LENDERS — The Attorney-General was actually very down following his meeting with the Singaporean minister, but very courteous. He was interested in some of the events in this chamber earlier today.

Ms Hadden had an issue for the Minister for State and Regional Development in the other place regarding a project in the Hepburn shire in her electorate. I will pass it on to the minister for his attention.

Mr Atkinson had an issue for the Minister for Sport and Recreation regarding a veterans bowling club in Rosanna. I will certainly follow that up with the minister for his attention.

Finally, my good friend Mr Forwood had an issue regarding WorkCover. I always welcome Mr Forwood raising issues about the Victorian WorkCover Authority. WorkCover is a great scheme and we are

seeing premiums coming down — Mr Forwood knows my pitch on that. He raised an issue from the newsagents association about the premiums freeze and some anomalies he sees coming from that. I can assure Mr Forwood and the people on whose behalf he is speaking that our fairer and simpler premiums policy is designed to address those issues.

We are seeking to phase out some inequitable cross-subsidisations and some of the things that have happened following some past decisions. We periodically review the premiums order and I can assure Mr Forwood that the objective is to remove the anomalies he was addressing. I think we are moving through them fairly swiftly on an annual basis but I am happy to have an ongoing dialogue with him because our objective is to have people pay premiums that are commensurate with the risk and to reward people who reduce injuries.

On that note, I offer felicitations to everybody and thank members for a very productive day, week and year.

The PRESIDENT — Order! On behalf of all members of this chamber, I wish all the staff who have assisted us through the year a very enjoyable Christmas and festive season and rest, so that they are ready for us to return in February. I take this opportunity to wish all members and their families a very merry Christmas.

Motion agreed to.

House adjourned 10.24 p.m.

QUESTIONS ON NOTICE

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

Tuesday, 22 November 2005

Major projects: minister's office — alcohol purchases

- 4058. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Local Government (for the Minister for Major Projects): 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:

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.

Energy industries: Office of Chief Electrical Inspector — communications staff

- 4999. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries: As at 30 June 2005:
- (1) How many officers in the Office of Chief Electrical Inspector 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:

- (1) The OCEI education and information work was shared between officers also engaged with other duties. The OCEI engaged a part-time specialist contractor to provide media and writing services.
- (2) Not applicable.
- (3) Not applicable.

Energy industries: Electric Line Clearance Committee — communications staff

- 5006. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries: As at 30 June 2005:

- (1) How many officers in the Electric Line Clearance Committee are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

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

1. There are no officers in the Electric Line Clearance Committee engaged in communications.
2. Not applicable.
3. Not applicable.

Victorian communities: Public Records Advisory Council — entertainment expenses

5391. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Aged Care (for the Minister for Victorian Communities): In relation to the Public Records Advisory Council's entertainment expenses incurred in 2004-05, 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:

I am informed that:

In response to the specific question asked about the Public Records Advisory Council's entertainment expenses incurred in 2004-05, in excess of \$500, there is one return:

- (a) 8 September 2004
- (b) \$550
- (c) 50 (including Public Records Advisory Council members)
- (d) Lunch for members of historical societies and other interested groups in the Geelong area. This was held in conjunction with a seminar aimed at increasing regional access to Public Record Office Victoria and its public services.
- (e) Steampacket Fine Foods, 24 Moorabool Street, Geelong

Victorian communities: Victoria Grants Commission — entertainment expenses

5395. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Aged Care (for the Minister for Victorian Communities): In relation to the Victoria Grants Commission's entertainment expenses incurred in 2004-05, 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:

This is not within my portfolio responsibilities.

Multicultural affairs: VITS LanguageLink — entertainment expenses

5398. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Aged Care (for the Minister for Multicultural Affairs): In relation to the VITS LanguageLink’s entertainment expenses incurred in 2004-05, 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:

I am informed that:

VITS LanguageLink incurred entertainment expenses in excess of \$500 on one occasion in 2004-05. The details are as follows:

- (a) date incurred: 20 October 2004
- (b) cost: \$6,495.42
- (c) number of guests: 215
- (d) purpose: Launch of two Good Corporate Citizen Projects
- (e) name of service provider: Radisson Flagstaff Gardens

Aboriginal affairs: minister’s office — alcohol purchases

5405. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Aboriginal Affairs: In relation to alcohol purchased by the Minister’s Office since 30 June 2004, what was the —

- (a) the date of each purchase;
- (b) the value of each purchase; and
- (c) the items purchased.

ANSWER:

I am informed that:

The research required to provide a response would place an unreasonable burden on the time and resources of my office.

Employment and youth affairs: minister's office — alcohol purchases

5407. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Aged Care (for the Minister for Employment and Youth Affairs): In relation to alcohol purchased by the Minister's Office since 30 June 2004, what was the —

- (a) the date of each purchase;
- (b) the value of each purchase; and
- (c) the items purchased.

ANSWER:

I am informed that:

Costs for my Ministerial Office are managed through the Department of Education and Training.

Environment: greenhouse gas emission targets

5442. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Local Government (for the Minister for Environment): In relation to the greenhouse gas emission targets calling for a reduction in carbon dioxide emissions, have any targets been set in Victoria; if so, what are they; if not, why.

ANSWER:

I am informed that:

The Victorian Greenhouse Strategy Action Plan Update was released in April 2005. The Plan articulates Victoria's goal to play its part in international efforts to reduce greenhouse gas emissions sufficiently to eliminate any dangerous threat to the climate.

This will require deep cuts in emissions, with substantial progress in the first half of the century. To do so, major technological advances will be needed - advances that will take decades to achieve, but requiring action to begin now.

The Victorian Greenhouse Strategy Action Plan Update includes a range of policies and measures the Government is implementing to reduce greenhouse gas emissions. The document is available at www.greenhouse.vic.gov.au

Multicultural affairs: VITS LanguageLink — entertainment expenses

5909. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Aged Care (for the Minister for Multicultural Affairs): In relation to the VITS LanguageLink'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:

I am informed as follows:

- (1) The total cost incurred by VITS LanguageLink for entertainment expenses for 2004-05 was \$8,457.42.
- (2) VITS LanguageLink incurred entertainment expenses in excess of \$500 on one occasion in 2004-05. The details are as follows:
 - (a) date incurred: 20 October 2004
 - (b) cost: \$6,495.42
 - (c) number of guests: 215
 - (d) purpose: Launch of two Good Corporate Citizen Projects
 - (e) name of service provider: Radisson Flagstaff Gardens

Health: Human Services — entertainment expenses

5911. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Aged Care (for the Minister for Health): In relation to the Department of Human Services' 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:

I am informed that:

On occasions the Department of Human Services arranges events and hospitality in accordance with the "Guidelines for the Provision of Official Hospitality" issued by the Department of Premier and Cabinet. To provide the requested information would constitute an unreasonable diversion of staffing resources.

Community services: disability services — Barwon south western region

6082. THE HON. DAVID KOCH — To ask the Minister for Aged Care (for the Minister for Community Services): As at 30 June 2005:

- (1) How many individuals on the Disability Services Needs Register in the Barwon South Western Region were waiting for —

- (a) shared supported accommodation;
 - (b) in-home accommodation support (ie. Home First or Support and Choice Packages);
 - (c) day programs; and
 - (d) foster care.
- (2) For each category, how many were classified as —
- (a) urgent priority;
 - (b) high priority; and
 - (c) low priority.
- (3) For each category, how many were aged —
- (a) under 18 years;
 - (b) 18 to 24 years;
 - (c) 25 to 29 years; and
 - (d) 30 years or more.

ANSWER:

I am informed that: As at 30 June 2005:

- (1) The number of individuals in the Barwon South Western Region waiting for –
- (a) shared supported accommodation was 129;
 - (b) homefirst 160; and
 - (c) day programs 63;
 - (d) Applications for foster care are not recorded on the Service Needs Register.
- (2) For each category the number classified as –

- (a) urgent priority was;

Priority	shared supported accommodation	homefirst	day programs
urgent	63	126	47

- (b) high priority;

Priority	shared supported accommodation	homefirst	day programs
high	63	34	16

- (c) low priority;

Priority	shared supported accommodation	homefirst	day programs
low	3	0	0

(3) For each category the number aged –

(a) under 18 years was;

Age	shared supported accommodation	homefirst	day programs
under 18 years	6	18	0

(b) 18 to 24 years;

Age	shared supported accommodation	homefirst	day programs
18 to 24 years	33	20	0

(c) 25 to 29 years;

Age	shared supported accommodation	homefirst	day programs
25 to 29 years	11	14	1

(d) 30 or more;

Age	shared supported accommodation	homefirst	day programs
30 or more	79	108	62

Community services: disability services — Southern Grampians

6085. THE HON. DAVID KOCH — To ask the Minister for Aged Care (for the Minister for Community Services): As at 30 June 2005:

- (1) How many individuals on the Disability Services Needs Register in the Southern Grampians Shire were waiting for —
 - (a) shared supported accommodation;
 - (b) in-home accommodation support (ie. Home First or Support and Choice Packages);
 - (c) day programs; and
 - (d) foster care.
- (2) For each category, how many were classified as —
 - (a) urgent priority;
 - (b) high priority; and
 - (c) low priority.
- (3) For each category, how many were aged —
 - (a) under 18 years;
 - (b) 18 to 24 years;
 - (c) 25 to 29 years; and

- (d) 30 years or more.

ANSWER:

I am informed that:

Information from the Disability Service Needs Register is not available by Local Government Area (LGA).

Community services: disability services — Moyne

6087. THE HON. DAVID KOCH — To ask the Minister for Aged Care (for the Minister for Community Services): As at 30 June 2005:

- (1) How many individuals on the Disability Services Needs Register in the Moyne Shire were waiting for —
 - (a) shared supported accommodation;
 - (b) in-home accommodation support (ie. Home First or Support and Choice Packages);
 - (c) day programs; and
 - (d) foster care.
- (2) For each category, how many were classified as —
 - (a) urgent priority;
 - (b) high priority; and
 - (c) low priority.
- (3) For each category, how many were aged —
 - (a) under 18 years;
 - (b) 18 to 24 years;
 - (c) 25 to 29 years; and
 - (d) 30 years or more.

ANSWER:

I am informed that:

Information from the Disability Service Needs Register is not available by Local Government Area (LGA).

Community services: disability services — Golden Plains

6088. THE HON. DAVID KOCH — To ask the Minister for Aged Care (for the Minister for Community Services): As at 30 June 2005:

- (1) How many individuals on the Disability Services Needs Register in the Golden Plains Shire were waiting for —
 - (a) shared supported accommodation;
 - (b) in-home accommodation support (ie. Home First or Support and Choice Packages);

- (c) day programs; and
- (d) foster care.
- (2) For each category, how many were classified as —
 - (a) urgent priority;
 - (b) high priority; and
 - (c) low priority.
- (3) For each category, how many were aged —
 - (a) under 18 years;
 - (b) 18 to 24 years;
 - (c) 25 to 29 years; and
 - (d) 30 years or more.

ANSWER:

I am informed that:

Information from the Disability Service Needs Register is not available by Local Government Area (LGA).

Community services: disability services — Queenscliffe

6091. THE HON. DAVID KOCH — To ask the Minister for Aged Care (for the Minister for Community Services): As at 30 June 2005:

- (1) How many individuals on the Disability Services Needs Register in the Borough of Queenscliffe were waiting for —
 - (a) shared supported accommodation;
 - (b) in-home accommodation support (ie. Home First or Support and Choice Packages);
 - (c) day programs; and
 - (d) foster care.
- (2) For each category, how many were classified as —
 - (a) urgent priority;
 - (b) high priority; and
 - (c) low priority.
- (3) For each category, how many were aged —
 - (a) under 18 years;
 - (b) 18 to 24 years;
 - (c) 25 to 29 years; and

- (d) 30 years or more.

ANSWER:

I am informed that:

Information from the Disability Service Needs Register is not available by Local Government Area (LGA).

Victorian communities: Public Records Advisory Council — freedom of information

6162. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Aged Care (for the Minister for Victorian Communities): In relation to Freedom of Information requests received by the Public Records Advisory Council for 2004-05:

- (1) How many requests were received.
- (2) Of these requests, how many were —
 - (a) denied in full;
 - (b) released in part;
 - (c) released in full; and
 - (d) given to the Minister before being given to the applicant.

ANSWER:

I am informed that:

No Freedom of Information requests were received by the Public Records Advisory Council during 2004-05.

Victorian communities: Public Records Advisory Council — interstate travel

6388. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Aged Care (for the Minister for Victorian Communities): In relation to interstate travel by the Public Records Advisory Council for 2004-05:

- (1) How many trips were undertaken.
- (2) What were the destinations.
- (3) What was the purpose of each visit.
- (4) What costs were associated with the travel, including —
 - (a) airfares;
 - (b) car rental and hire cars, including the type of cars rented or hired;
 - (c) taxis;
 - (d) accommodation, including the name of the establishment and itemised costs;
 - (e) entertainment, including its nature, the venue and itemised costs; and
 - (f) other expenses.

- (5) Did family members, associates, or guests accompany the traveller(s) on each trip; if so, at what cost.

ANSWER:

I am informed that:

No interstate travel was undertaken by the Public Records Advisory Council during 2004-05.

Victorian communities: Victorian Grants Commission — interstate travel

6392. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Aged Care (for the Minister for Victorian Communities): In relation to interstate travel by the Victorian Grants Commission for 2004-05:

- (1) How many trips were undertaken.
- (2) What were the destinations.
- (3) What was the purpose of each visit.
- (4) What costs were associated with the travel, including —
 - (a) airfares;
 - (b) car rental and hire cars, including the type of cars rented or hired;
 - (c) taxis;
 - (d) accommodation, including the name of the establishment and itemised costs;
 - (e) entertainment, including its nature, the venue and itemised costs; and
 - (f) other expenses.
- (5) Did family members, associates, or guests accompany the traveller(s) on each trip; if so, at what cost.

ANSWER:

This is not within my portfolio responsibilities.

Multicultural affairs: VITS LanguageLink — interstate travel

6395. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Aged Care (for the Minister for Multicultural Affairs): In relation to interstate travel by VITS LanguageLink for 2004-05:

- (1) How many trips were undertaken.
- (2) What were the destinations.
- (3) What was the purpose of each visit.
- (4) What costs were associated with the travel, including —
 - (a) airfares;
 - (b) car rental and hire cars, including the type of cars rented or hired;

- (c) taxis;
 - (d) accommodation, including the name of the establishment and itemised costs;
 - (e) entertainment, including its nature, the venue and itemised costs; and
 - (f) other expenses.
- (5) Did family members, associates, or guests accompany the traveller(s) on each trip; if so, at what cost.

ANSWER:

I am informed as follows:

No interstate travel was undertaken by VITS LanguageLink in 2004-05.

Health: Human Services — capital works

6550. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Aged Care (for the Minister for Health): In relation to the Department of Human Services' allocation of funds to major capital works, including major maintenance, replacement and upgrades, what were the priority major projects that were approved for the year 2004-05 and were each of these priority projects achieved.

ANSWER:

I am informed that:

The list of 2004/05 DHS capital projects is on page 279 of Budget Paper No.3. Priority major projects (\$15m and over) approved were:

The Alfred Centre - \$60M

The project is currently on program and due for completion late 2006.

Grace McKellar Centre Redevelopment Stage 2 -\$50M

The project is currently on program and due for completion in mid 2007.

Medical Equipment - \$25M.

The project is 91% complete. All funding is committed and all equipment has been ordered. The remaining expenditure relates to the provision of some specialist medical equipment, which has been required to be manufactured to order. The equipment is made overseas and shipped to Australia and once received, requires testing prior to installation.

Statewide Infrastructure - \$20M

The project is 97% complete. There was a minor delay caused by the need to manufacture and deliver dental caravans. This is currently progressing and will be completed by December 2005.

Geelong Radiotherapy - \$18M

The project is currently on program and due for completion early 2007.

Dandenong Hospital Redevelopment Stage 2c - \$15M

The project is currently on program and due for completion mid 2006.

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, 23 November 2005

Premier: public authorities — staff numbers

4666. THE HON. BILL FORWOOD — To ask the Minister for Finance (for the Premier): What were the numbers of full time equivalent staff employed as at 30 June 2004 in each of the 229 Victorian public authorities referred to on page 12 of the 2003-04 Annual Report of the Commissioner for Public Employment.

ANSWER:

I am informed that:

The number of full time equivalent staff employed as at 30 June 2004 in each of the 229 Victorian public authorities is as follows:

Public Authority	FTE
Teaching Service Act and Education Act Crown Employees	48216
Monash University	6889
Southern Health	6515
University of Melbourne	5371
Melbourne Health	5182
Austin and Repatriation Medical Centre	4426
Bayside Health	4156
Eastern Health	3753
RMIT - City Campus ¹	3363
Women's and Children's Health	3279
Barwon Health	2957
Western Health	2750
Deakin University	2604
La Trobe University	2580
VicRoads	2326
Victoria University of Technology	2261
Peninsula Health	2228
Metropolitan Fire and Emergency Services Board	1963
Ballarat Health Services	1865
Swinburne University of Technology ²	1784
Bendigo Health Care Group	1777
Northern Health	1668
Peter MacCallum Cancer Institute	1322
Metropolitan Ambulance Service	1250
Country Fire Authority	1207
Holmesglen Institute of TAFE	1056
University of Ballarat ³	1030
Victorian WorkCover Authority	986

¹ Includes RMIT - TAFE

² Includes Swinburne University of Technology TAFE

³ Includes University of Ballarat - TAFE Division

Public Authority	FTE
Goulburn Valley Health Services	950
Parks Victoria	920
Latrobe Regional Hospital	918
Rural Ambulance Victoria	906
Chisholm Institute of TAFE	856
Northern Melbourne Institute of TAFE	782
South West Healthcare	756
Box Hill Institute of TAFE	743
West Gippsland Health Care Group	740
Kangan Batman Institute of TAFE	736
Adult Multicultural Education Services (AMES)	731
Northeast Health Wangaratta	618
Western District Health Service	593
Goulburn-Murray Rural Water Authority	586
Dental Health Services Victoria	575
Central Gippsland Health Service	534
Transport Accident Commission	517
Gordon Institute of TAFE	497
Melbourne Water Corporation	495
Wodonga Regional Health Service	467
Wimmera Health Care Group	457
Royal Victorian Eye and Ear Hospital	416
Museum Victoria	412
Victoria Legal Aid	403
Bairnsdale Regional Health Service	386
Zoological Parks and Gardens Board	386
Emergency Communications Victoria	363
Melbourne Convention & Exhibition Centre Trust	356
Anti-Cancer Council of Victoria	348
Goulburn Ovens Institute of TAFE	338
Mt Alexander Hospital	331
State Library of Victoria	330
Barwon Region Water Authority	316
Swan Hill District Hospital	310
Echuca Regional Health	308
Colac Area Health	304
William Angliss Institute of TAFE	299
Wodonga Institute of TAFE	295
Bendigo Regional Institute of TAFE	291
West Wimmera Health Service	282
National Gallery of Victoria	264
Central Gippsland Institute of TAFE	263
Victorian Arts Centre Trust	258
Maryborough District Health Service	256
Portland and District Hospital	254
South West Institute of TAFE	252
Bass Coast Regional Health	247
East Gippsland Institute of TAFE	237
ForensiCare (Victorian Institute of Forensic Mental Health)	227
East Wimmera Health Service	219
Gippsland Southern Health Service	204
East Grampians Health Service	203
Djerriwarh Health Services	190
Victorian College of the Arts	187
Gippsland Water (Central Gippsland Region Water Authority)	184
Hepburn Health Service	182
Goulburn Valley Region Water Authority	178
Sunraysia Institute of TAFE	175
Benalla and District Memorial Hospital	172
Centre for Adult Education	169

QUESTIONS ON NOTICE

Wednesday, 23 November 2005

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Public Authority	FTE
Port of Melbourne Corporation	165
Central Highlands Water	158
Necropolis Springvale The	157
Alpine Health	154
Stawell Regional Health	151
Rural Northwest Health	151
Royal Botanic Gardens Board	148
Australian Centre for the Moving Image	144
Edenhope and District Memorial Hospital	144
Beechworth Hospital	134
Kyabram and District Memorial Community Hospital	126
VicUrban	123
Yarrawonga District Health Service	121
Southern Rural Water	113
Wimmera-Mallee Rural Water Authority	112
Grampians Region Water Authority	109
North East Region Water Authority	108
Melbourne and Olympic Parks Trust	105
Seymour District Memorial Hospital	102
State Sport Centre Trust	102
Fawkner Crematorium and Memorial Park	101
Government Superannuation Office	100
Building Control Commission	100
Numurkah District Health Service	95
Kerang and District Hospital	95
Western Region Water Authority	94
Lower Murray Region Water Authority	94
Kilmore and District Hospital	93
Beaufort and Skipton Health Service	91
Mansfield District Hospital	89
Robinvale District Health Services	88
Prince Henrys Institute of Medical Research	87
Kyneton District Health Service	86
Moyne Health Services	86
South West Water Authority	86
Terang and Mortlake Health Service	85
Victorian Energy Networks Corporation (VENCorp)	85
Kooweerup Regional Health Service	85
Orbost Regional Health	82
Cobram District Hospital	80
Tallangatta Hospital	77
Yarram and District Health Service	74
Mallee Track Health and Community Services	74
Rochester and Elmore District Health Service	72
Rural Finance Corporation of Victoria	71
Casterton Memorial Hospital	70
South Gippsland Region Water Authority	70
Upper Murray Health and Community Services	70
Cohuna District Hospital	69
East Gippsland Region Water Authority	67
Inglewood and District Health Service	67
West Gippsland Catchment Management Authority	65
Lake Mountain Alpine Resort Management Board	65
Coliban Region Water Authority	60
Coleraine District Health Services	60
The Queen Elizabeth Centre	58
Harness Racing Board of Victoria	57
Treasury Corporation of Victoria	56
Dunmunkle Health Services	56
Sunraysia Rural Water Authority	55

Public Authority	FTE
Otway Health & Community Services	52
Boort District Hospital	51
McIvor Health and Community Services	49
Plumbing Industry Commission	49
Greyhound Racing Control Board	48
North Central Catchment Management Authority	48
Heywood Rural Health	47
Mt Buller Alpine Resort Management Board	46
Mount Hotham Alpine Resort Management Board	46
Hesse Rural Health Service	45
Falls Creek Alpine Resort Management Board	45
Spencer Street Station Authority	44
Victorian Health Promotion Foundation	43
Emerald Tourist Railway Board	43
Nurses Board of Victoria	43
Westernport Water	42
Goulburn-Broken Catchment Management Authority	42
Gippsland Ports	40
Ecorecycle Victoria	39
Australian Grand Prix Corporation	39
Nathalia District Hospital	39
Glenelg-Hopkins Catchment Management Authority	39
South Gippsland Hospital	38
Victorian Managed Insurance Authority	38
Medical Practitioners Board of Victoria	37
Mount Baw Baw Alpine Resort Management Board	37
Film Victoria	36
Timboon and District Health Care Service	35
First Mildura Irrigation Trust	35
Alexandra District Hospital	35
Tweddle Child and Family Health Service	34
Cheltenham & Regional Cemeteries Trust	34
Office of Gas Safety	34
Corangamite Catchment Management Authority	34
Victorian Institute of Teaching	34
Melbourne Market Authority	34
Yea and District Memorial Hospital	31
Southern and Eastern Integrated Transport Authority	30
Omeo District Hospital	30
Wimmera Catchment Management Authority	30
Memorial Park Cemetery Trust	29
North East Catchment Management Authority	28
East Gippsland Catchment Management Authority	25
Emergency Services Superannuation Board	25
Glenelg Region Water Authority	24
Geelong Cemeteries Trust	22
Transport Ticketing Authority	22
Victorian Funds Management Corporation	22
Geelong Performing Arts Centre Trust	22
Dairy Food Safety Victoria	21
Mallee Catchment Management Authority	20
Trust for Nature (Victorian Conservation Trust)	20
Portland Coast Region Water Authority	19
Lilydale Memorial Park and Cemetery	17
Ballarat General Cemeteries Trust	16
Port Philip + WesternPort Catchment Management Authority	15
Manangatang and District Hospital	14
Legal Practice Board	13
VITS LanguageLink	13
Bendigo Cemeteries Trust	13

Public Authority	FTE
PrimeSafe	10
Pharmacy Board of Victoria	8
Shrine of Remembrance Trust	7
Health Purchasing Victoria	7
Timber Promotion Council	7
Murray Valley Citrus Marketing Board	7
Psychologists Registration Board of Victoria	6
Least Waste	6
Dental Practice Board of Victoria	5
Andersons Creek Cemetery Trust	4
Templestowe Cemetery Trust	4
Veterinary Practitioners Registration Board of Victoria	3
Infertility Treatment Authority	3
Victorian Regional Channels Authority	3
Architects Registration Board of Victoria	2
Queen Victoria Womens Trust Centre	2
Alexandra and District Ambulance Service	2
Chiropractors Registration Board	1

Finance: minister's office — alcohol purchases

5399. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: 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.

WorkCover: minister's office — alcohol purchases

5403. THE HON. RICHARD DALLA-RIVA — To ask the Minister for WorkCover: 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.

Local government: minister's office — alcohol purchases

5412. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Local Government: In relation to alcohol purchased by the Minister's Office since 30 June 2004, what was the —

- (a) the date of each purchase;
- (b) the value of each purchase; and
- (c) the items purchased.

ANSWER:

I am informed that:

The research required to provide a response would place an unreasonable burden on the time and resources of my office.

Victorian communities: Victorian Grants Commission — external legal advice

5679. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Aged Care (for the Minister for Victorian Communities): How much has been spent by the Victorian Grants Commission on external legal advice since 1 June 2004.

ANSWER:

This is not within my portfolio responsibilities.

Victorian communities: Public Records Advisory Council — entertainment expenses

5902. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Aged Care (for the Minister for Victorian Communities): In relation to the Public Records Advisory Council'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:

I am informed as follows:

In response to the specific question asked about the Public Record Advisory Council's entertainment expenses incurred in 2004-05:

- (1) The total cost incurred was \$550
- (2) (a) 8 September 2004

- (b) \$550
- (c) 50 (including Public Records Advisory Council members)
- (d) Lunch for members of historical societies and other interested groups in the Geelong area. This was held in conjunction with a seminar aimed at increasing regional access to Public Record Office Victoria and its public services.
- (e) Steampacket Fine Foods, 24 Moorabool Street, Geelong

Victorian communities: Victorian Grants Commission — entertainment expenses

5906. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Aged Care (for the Minister for Victorian Communities): In relation to the Victorian Grants Commission'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:

This is not within my portfolio responsibilities.

Community services: disability services — Geelong

6083. THE HON. DAVID KOCH — To ask the Minister for Aged Care (for the Minister for Community Services): As at 30 June 2005:

- (1) How many individuals on the Disability Services Needs Register in the City of Geelong were waiting for —
 - (a) shared supported accommodation;
 - (b) in-home accommodation support (ie. Home First or Support and Choice Packages);
 - (c) day programs; and
 - (d) foster care.
- (2) For each category, how many were classified as —
 - (a) urgent priority;
 - (b) high priority; and
 - (c) low priority.
- (3) For each category, how many were aged —

- (a) under 18 years;
- (b) 18 to 24 years;
- (c) 25 to 29 years; and
- (d) 30 years or more.

ANSWER:

I am informed that:

Information from the Disability Service Needs Register is not available by Local Government Area (LGA).

Community services: disability services — Colac Otway

6089. THE HON. DAVID KOCH — To ask the Minister for Aged Care (for the Minister for Community Services): As at 30 June 2005:

- (1) How many individuals on the Disability Services Needs Register in the Colac Otway Shire were waiting for —
 - (a) shared supported accommodation;
 - (b) in-home accommodation support (ie. Home First or Support and Choice Packages);
 - (c) day programs; and
 - (d) foster care.
- (2) For each category, how many were classified as —
 - (a) urgent priority;
 - (b) high priority; and
 - (c) low priority.
- (3) For each category, how many were aged —
 - (a) under 18 years;
 - (b) 18 to 24 years;
 - (c) 25 to 29 years; and
 - (d) 30 years or more.

ANSWER:

I am informed that:

Information from the Disability Service Needs Register is not available by Local Government Area (LGA).

Community services: disability services — Corangamite

6090. THE HON. DAVID KOCH — To ask the Minister for Aged Care (for the Minister for Community Services): As at 30 June 2005:

- (1) How many individuals on the Disability Services Needs Register in the Corangamite Shire were waiting for —
 - (a) shared supported accommodation;
 - (b) in-home accommodation support (ie. Home First or Support and Choice Packages);
 - (c) day programs; and
 - (d) foster care.
- (2) For each category, how many were classified as —
 - (a) urgent priority;
 - (b) high priority; and
 - (c) low priority.
- (3) For each category, how many were aged —
 - (a) under 18 years;
 - (b) 18 to 24 years;
 - (c) 25 to 29 years; and
 - (d) 30 years or more.

ANSWER:

I am informed that:

Information from the Disability Service Needs Register is not available by Local Government Area (LGA).

Community services: disability services — Surf Coast

6092. THE HON. DAVID KOCH — To ask the Minister for Aged Care (for the Minister for Community Services): As at 30 June 2005:

- (1) How many individuals on the Disability Services Needs Register in the Surf Coast Shire were waiting for —
 - (a) shared supported accommodation;
 - (b) in-home accommodation support (ie. Home First or Support and Choice Packages);
 - (c) day programs; and
 - (d) foster care.
- (2) For each category, how many were classified as —
 - (a) urgent priority;
 - (b) high priority; and
 - (c) low priority.
- (3) For each category, how many were aged —

- (a) under 18 years;
- (b) 18 to 24 years;
- (c) 25 to 29 years; and
- (d) 30 years or more.

ANSWER:

I am informed that:

Information from the Disability Service Needs Register is not available by Local Government Area (LGA).

Women’s affairs: Queen Victoria Women’s Centre Trust — freedom of information

6163. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Local Government (for the Minister for Women’s Affairs): In relation to Freedom of Information requests received by the Queen Victoria Women’s Centre Trust for 2004-05:

- (1) How many requests were received.
- (2) Of these requests, how many were —
 - (a) denied in full;
 - (b) released in part;
 - (c) released in full; and
 - (d) given to the Minister before being given to the applicant.

ANSWER:

I am informed that:

There were no Freedom of Information requests received by the Queen Victoria Women’s Centre Trust for 2004-05.

Victorian communities: Victorian Grants Commission — freedom of information

6166. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Aged Care (for the Minister for Victorian Communities): In relation to Freedom of Information requests received by the Victorian Grants Commission for 2004-05:

- (1) How many requests were received.
- (2) Of these requests, how many were —
 - (a) denied in full;
 - (b) released in part;
 - (c) released in full; and
 - (d) given to the Minister before being given to the applicant.

ANSWER:

This is not within my portfolio responsibilities.

Finance: Adult, Community and Further Education Board — office accommodation

6674. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: In relation to the Adult, Community and Further Education Board's leases of office accommodation:

- (1) What is the location of each lease currently held.
- (2) What is the expiry of the leases currently held.
- (3) What is the cost per metre of each lease currently held.
- (4) What is the total cost of each lease currently held over the term of the contract.

ANSWER:

I am informed that:

This organisation does not fall within the ministerial responsibility of the Minister for Finance. Repeated failure to appropriately direct questions on notice to the Minister responsible places unnecessary demands on the resources of my department and devalues the entire questions on notice provisions of the Parliament.

Finance: Merit Protection Board — office accommodation

6675. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: In relation to the Merit Protection Board's leases of office accommodation:

- (1) What is the location of each lease currently held.
- (2) What is the expiry of the leases currently held.
- (3) What is the cost per metre of each lease currently held.
- (4) What is the total cost of each lease currently held over the term of the contract.

ANSWER:

I am informed that:

This organisation does not fall within the ministerial responsibility of the Minister for Finance. Repeated failure to appropriately direct questions on notice to the Minister responsible places unnecessary demands on the resources of my department and devalues the entire questions on notice provisions of the Parliament.

Finance: Registered Schools Board — office accommodation

6676. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: In relation to the Registered Schools Board's leases of office accommodation:

- (1) What is the location of each lease currently held.
- (2) What is the expiry of the leases currently held.
- (3) What is the cost per metre of each lease currently held.

- (4) What is the total cost of each lease currently held over the term of the contract.

ANSWER:

I am informed that:

This organisation does not fall within the ministerial responsibility of the Minister for Finance. Repeated failure to appropriately direct questions on notice to the Minister responsible places unnecessary demands on the resources of my department and devalues the entire questions on notice provisions of the Parliament.

Finance: Victorian Curriculum and Assessment Authority Board — office accommodation

6677. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: In relation to the Victorian Curriculum and Assessment Authority Board's leases of office accommodation:

- (1) What is the location of each lease currently held.
- (2) What is the expiry of the leases currently held.
- (3) What is the cost per metre of each lease currently held.
- (4) What is the total cost of each lease currently held over the term of the contract.

ANSWER:

I am informed that:

This organisation does not fall within the ministerial responsibility of the Minister for Finance. Repeated failure to appropriately direct questions on notice to the Minister responsible places unnecessary demands on the resources of my department and devalues the entire questions on notice provisions of the Parliament.

Finance: Victorian Institute of Teaching — office accommodation

6678. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: In relation to the Victorian Institute of Teaching's leases of office accommodation:

- (1) What is the location of each lease currently held.
- (2) What is the expiry of the leases currently held.
- (3) What is the cost per metre of each lease currently held.
- (4) What is the total cost of each lease currently held over the term of the contract.

ANSWER:

I am informed that:

This organisation does not fall within the ministerial responsibility of the Minister for Finance. Repeated failure to appropriately direct questions on notice to the Minister responsible places unnecessary demands on the resources of my department and devalues the entire questions on notice provisions of the Parliament.

Finance: Victorian Learning and Employment Skills Commission — office accommodation

6679. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: In relation to the Victorian Learning and Employment Skills Commission's leases of office accommodation:

- (1) What is the location of each lease currently held.
- (2) What is the expiry of the leases currently held.
- (3) What is the cost per metre of each lease currently held.
- (4) What is the total cost of each lease currently held over the term of the contract.

ANSWER:

I am informed that:

This organisation does not fall within the ministerial responsibility of the Minister for Finance. Repeated failure to appropriately direct questions on notice to the Minister responsible places unnecessary demands on the resources of my department and devalues the entire questions on notice provisions of the Parliament.

Finance: Victorian Qualifications Authority — office accommodation

6680. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: In relation to the Victorian Qualifications Authority's leases of office accommodation:

- (1) What is the location of each lease currently held.
- (2) What is the expiry of the leases currently held.
- (3) What is the cost per metre of each lease currently held.
- (4) What is the total cost of each lease currently held over the term of the contract.

ANSWER:

I am informed that:

This organisation does not fall within the ministerial responsibility of the Minister for Finance. Repeated failure to appropriately direct questions on notice to the Minister responsible places unnecessary demands on the resources of my department and devalues the entire questions on notice provisions of the Parliament.

Finance: Victorian Schools Innovation Commission — office accommodation

6681. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: In relation to the Victorian Schools Innovation Commission's leases of office accommodation:

- (1) What is the location of each lease currently held.
- (2) What is the expiry of the leases currently held.
- (3) What is the cost per metre of each lease currently held.
- (4) What is the total cost of each lease currently held over the term of the contract.

ANSWER:

I am informed that:

This organisation does not fall within the ministerial responsibility of the Minister for Finance. Repeated failure to appropriately direct questions on notice to the Minister responsible places unnecessary demands on the resources of my department and devalues the entire questions on notice provisions of the Parliament.

Finance: Docklands Authority — office accommodation

6684. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: In relation to the Docklands Authority's leases of office accommodation:

- (1) What is the location of each lease currently held.
- (2) What is the expiry of the leases currently held.
- (3) What is the cost per metre of each lease currently held.
- (4) What is the total cost of each lease currently held over the term of the contract.

ANSWER:

I am informed that:

This organisation does not fall within the ministerial responsibility of the Minister for Finance. Repeated failure to appropriately direct questions on notice to the Minister responsible places unnecessary demands on the resources of my department and devalues the entire questions on notice provisions of the Parliament.

Finance: Federation Square Management — office accommodation

6686. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: In relation to the Federation Square Management's leases of office accommodation:

- (1) What is the location of each lease currently held.
- (2) What is the expiry of the leases currently held.
- (3) What is the cost per metre of each lease currently held.
- (4) What is the total cost of each lease currently held over the term of the contract.

ANSWER:

I am informed that:

This organisation does not fall within the ministerial responsibility of the Minister for Finance. Repeated failure to appropriately direct questions on notice to the Minister responsible places unnecessary demands on the resources of my department and devalues the entire questions on notice provisions of the Parliament.

Finance: Marine Safety Victoria — office accommodation

6688. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: In relation to the Marine Safety Victoria's leases of office accommodation:

- (1) What is the location of each lease currently held.
- (2) What is the expiry of the leases currently held.
- (3) What is the cost per metre of each lease currently held.
- (4) What is the total cost of each lease currently held over the term of the contract.

ANSWER:

I am informed that:

This organisation does not fall within the ministerial responsibility of the Minister for Finance. Repeated failure to appropriately direct questions on notice to the Minister responsible places unnecessary demands on the resources of my department and devalues the entire questions on notice provisions of the Parliament.

Finance: Melbourne Port Corporation — office accommodation

6689. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: In relation to the Melbourne Port Corporation's leases of office accommodation:

- (1) What is the location of each lease currently held.
- (2) What is the expiry of the leases currently held.
- (3) What is the cost per metre of each lease currently held.
- (4) What is the total cost of each lease currently held over the term of the contract.

ANSWER:

I am informed that:

This organisation does not fall within the ministerial responsibility of the Minister for Finance. Repeated failure to appropriately direct questions on notice to the Minister responsible places unnecessary demands on the resources of my department and devalues the entire questions on notice provisions of the Parliament.

Finance: Spencer Street Station Authority — office accommodation

6692. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: In relation to the Spencer Street Station Authority's leases of office accommodation:

- (1) What is the location of each lease currently held.
- (2) What is the expiry of the leases currently held.
- (3) What is the cost per metre of each lease currently held.
- (4) What is the total cost of each lease currently held over the term of the contract.

ANSWER:

I am informed that:

This organisation does not fall within the ministerial responsibility of the Minister for Finance. Repeated failure to appropriately direct questions on notice to the Minister responsible places unnecessary demands on the resources of my department and devalues the entire questions on notice provisions of the Parliament.

Finance: Urban and Regional Land Corporation — office accommodation

6693. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: In relation to the Urban and Regional Land Corporation's leases of office accommodation:

- (1) What is the location of each lease currently held.
- (2) What is the expiry of the leases currently held.
- (3) What is the cost per metre of each lease currently held.

- (4) What is the total cost of each lease currently held over the term of the contract.

ANSWER:

I am informed that:

This organisation does not fall within the ministerial responsibility of the Minister for Finance. Repeated failure to appropriately direct questions on notice to the Minister responsible places unnecessary demands on the resources of my department and devalues the entire questions on notice provisions of the Parliament.

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, 24 November 2005

Corrections: custodial community permit program — review

- 1805. THE HON. RICHARD DALLA-RIVA** — To ask the Minister for Energy Industries (for the Minister for Corrections): In relation to the review of the prison system’s Custodial Community Permit Program:
- (a) How has the current status of the review program been implemented.
 - (b) Have all the key recommendations arising out of this review been implemented.
 - (c) What time frame will the Minister be using to implement all key recommendations.
 - (d) When will funding be allocated for the planned specific initiatives for 2003-04 and what will the levels of funding be for each initiative.

ANSWER:

I am advised that:

- (a) The Review of the Custodial Community Permit Program, chaired by Mr Neil Comrie was undertaken in 2002. There were 32 recommendations resulting from the review relating to Legislation, Guidelines, Approval Process, Ministerial Community Advisory Committee (MCAC), Communications Strategy and Victims Register. An implementation plan was developed and actioned by Corrections Victoria resulting in the issuing of revised operational guidelines in October 2003 and again in July 2005.
- (b) In summary, the progress as at 30 September 2005 in relation to implementation of the recommendations is as follows:
 - I. Recommendations 1 (a) and 1 (b) have been actioned with the amendments to the *Corrections Act* 1986 becoming effective as at 1 August 2005. Recommendations 1 (c) - 1(e) are being considered as part of amendments to the Corrections Regulations.
 - II. All the recommendations for reflections and inclusions in the revised guidelines have been actioned [2(a) – 2(e), 3(a) - 3(e)].
 - III. The recommendations 4(a) - 4(c) in relation to operation of the MCAC have been actioned and entrenched within written processes. Recommendation 4(d) was undertaken in October 2004 resulting in the development of a report which was provided to the Minister on 4 November 2004.
 - IV. Recommendation 5(d) was implemented at the time of the operation of the revised guidelines, with on-going support and updates being provided to staff by the Offender Management Unit, Corrections Victoria.
 - V. Recommendations 6(a) and (b) have been fully implemented with the Victims Register commencing operation on 30 August 2004 and production of an information brochure for victims of violent crime.
- (c) Recommendations where actions are outstanding include:
 - I. Recommendations 5(a) - 5(c) in relation to a communication strategy developed by professional media consultants and a small team of correctional staff being trained to undertake public relations activities; **Status:** It has been determined that this recommendation would not provide value for public money;

- II. Recommendation 7(a) which suggests the Prisoner and Offender Employment Pilot Program (POEPP) could be accommodated under the provisions of the Rehabilitation and Transition Permit Program;
Status: The POEPP is currently limited to the following locations: Fulham Correctional Centre; Loddon; Barwon; Dhurringile; Dame Phyllis Frost Centre; Tarrengower; and does not require prisoners to be absent from prison for any component. Therefore Corrections Victoria does not consider implementation of this recommendation necessary at this time.
- III. Recommendation 7(b) which calls for a longitudinal study of the efficacy of the Rehabilitation and Transition Permit Program. At this time it is seen as perhaps more appropriate to wait until the Program is established within the prison system prior to conducting such a study;
Status: This recommendation will be referred to the Director, Strategic Services; and
- IV. Recommendation 7(e) which recommends a review, in collaboration with the Sheriff’s Office, of the Program as it applies to fine defaulters. The fine default program will be considered in future reviews of the Corrections Act 1986;
Status: This recommendation will be referred to the Director, Strategic Services for consideration.

(d) Funding for this initiative has been allocated out of Corrections Victoria’s budget.

Premier: Shannon’s Way Pty Ltd — payments

4412. THE HON. GRAEME STONEY — To ask the Minister for Finance (for the Premier):

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

ANSWER:

I am informed that:

This question was also asked in the Legislative Assembly on 30 November 2004 (Question on Notice Number 596a) and the answer has been tabled. The answer is the same as has been provided in the Legislative Assembly and is as follows:

With reference to payments made to Shannon’s Way Pty Ltd since 28 October 2003, the following outlines the responses to question 4412 (1), (2) and (3):

SHANNON’S WAY PTY LTD		
Payment Dates	Description of Project	Amount (\$)
28/05/2004	Copywriting for Radio & Press Advertisements – Economic Statement	12,301.96
28/05/2004	Production Services – Economic Statement	12,457.50
30/07/2004	Revisions to previously supplied material – Economic Statement	726.00
30/07/2004	Economic Announcement – Australian Financial Review and Brisbane Courier Mail	5,368.00

SHANNON'S WAY PTY LTD		
30/07/2004	Radio advertisement production – Economic Statement	7,195.21
24/12/2004	Video Production	5,038.00
	TOTAL (including GST)	\$ 43,086.67

Premier: Social Shift Pty Ltd — payments

4452. THE HON. GRAEME STONEY — To ask the Minister for Finance (for the Premier):

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

ANSWER:

I am informed that:

This question was also asked in the Legislative Assembly on 30 November 2004 (Question on Notice Number 597a) and the answer has been tabled. The answer is the same as has been provided in the Legislative Assembly and is as follows:

With reference to payments made to Social Shift Pty Ltd since 26 August 2003 to the date the question was asked are as follows:

- (1) Nil
- (2) Not Applicable
- (3) Not Applicable

Transport: Infrastructure — advertising

4612. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Local Government (for the Minister for Transport): In relation to advertising undertaken by the Department of Infrastructure in 2003-04:

- (1) What was the date of approval for each contract.
- (2) What was the cost of each contract.
- (3) What was the purpose of the advertisement.
- (4) What was the duration of the advertisement.
- (5) Where and when was each advertisement published or broadcast.
- (6) To whom was each contract awarded.

ANSWER:

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

I am informed that due to the broad nature of the question the research required to provide a response would provide an unreasonable burden on the time and resources of my department. It would involve many staff examining hundreds of documents when they could be engaged on more productive and important work.

Transport: V/Line services — Ararat and Bairnsdale

4934. THE HON. ANDREW BRIDESON — To ask the Minister for Local Government (for the Minister for Transport): In relation to V/Line rail passenger services for Ararat and Bairnsdale:

(1) How many V/Line passenger tickets for first class and economy class, respectively for —

- (a) single;
- (b) ordinary return;
- (c) Super Savers;
- (d) Weekend Savers;
- (e) adult paying; and
- (f) concession paying;

were sold from —

- (a) Spencer Street;
- (b) Flinders Street;
- (c) Caulfield;
- (d) Dandenong;
- (e) North Melbourne;
- (f) Footscray;
- (g) Ballarat;
- (h) Warragul;
- (i) Moe;
- (j) Morwell; and
- (k) Traralgon;

for travel to —

- (a) Rosedale;
- (b) Sale;
- (c) Stratford;
- (d) Bairnsdale;
- (e) Lakes Entrance;
- (f) Beaufort;

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- (g) Ararat;
- (h) Stawell;
- (i) Murtoa;
- (j) Horsham;
- (k) Dimboola and
- (l) Nhill;

since the resumption of the V/Line passenger rail services to Bairnsdale on 3 May 2004 and Ararat on 11 July 2004 until 18 May 2005, respectively.

- (2) What percentage of fare-paying passengers travelling beyond Traralgon to East Gippsland and beyond Ballarat to western Victoria pay a concession fare.
- (3) What number of pensioner free concession vouchers have been issued between each station in (1) above since 3 May 2004 for the Bairnsdale service and 11 July 2004 for the Ararat service.
- (4) What was V/Line's estimated cashbox fare revenue (excluding Government reimbursement of concession fares) and estimated expenses for each of the Ararat and Bairnsdale services since rail services have resumed.
- (5) Do 42 per cent of V/Line travellers across its entire network pay an adult fare; if not, why.
- (6) What amount has V/Line spent on accommodation in Bairnsdale for its conductors or catering assistants since the resumption of rail services.
- (7) Have any other staff been accommodated at Bairnsdale; if so, what rank of employee has been accommodated and what has been the total expenditure on each rank of employee since 3 May 2004.

ANSWER:

This answer is to be tabled in lieu of the original answer tabled on 15 September 2005:

- (1) See tables below:

Tickets sold from Spencer Street, Flinders Street, Caulfield, Dandenong, North Melbourne, Footscray, Ballarat, Warragul, Moe, Morwell and Traralgon to Rosedale, Sale, Stratford, Bairnsdale and Lakes Entrance between 03/05/04 and 18/05/05									
Sold From	To	Class	Adult Single	Adult Return	Adult Off Peak	Adult Weekend	Concession Single	Concession Return	Concession Off Peak
Traralgon	Bairnsdale	F	14	6	5	0	50	22	2
	Bairnsdale	Y	257	34	22	4	551	164	48
	Lakes Entrance	F	0	0	0	0	0	0	0
	Lakes Entrance	Y	1	0	0	0	4	3	0
	Rosedale	F	0	0	2	2	7	18	7
	Rosedale	Y	247	9	22	3	446	106	18
	Stratford	F	0	0	0	2	1	0	0
	Stratford	Y	18	1	0	2	25	2	1
	Sale	F	8	2	3	0	18	39	7
	Sale	Y	486	95	205	12	1,173	246	439

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Tickets sold from Spencer Street, Flinders Street, Caulfield, Dandenong, North Melbourne, Footscray, Ballarat, Warragul, Moe, Morwell and Traralgon to Rosedale, Sale, Stratford, Bairnsdale and Lakes Entrance between 03/05/04 and 18/05/05									
Dandenong	Bairnsdale	F	41	6	4	0	64	74	6
	Bairnsdale	Y	386	95	9	5	681	510	29
	Lakes Entrance	F	0	0	0	0	0	0	0
	Lakes Entrance	Y	0	3	2	0	3	8	0
	Rosedale	F	1	0	0	0	1	0	2
	Rosedale	Y	13	1	0	0	40	15	0
	Stratford	F	3	1	0	0	3	6	0
	Stratford	Y	21	5	0	0	22	18	1
	Sale	F	77	8	1	0	93	32	4
	Sale	Y	592	149	15	5	901	612	33
Ballarat	Bairnsdale	F	2	0	0	0	6	4	0
	Bairnsdale	Y	30	5	1	0	53	50	5
	Lakes Entrance	F	0	0	0	0	0	0	0
	Lakes Entrance	Y	0	0	0	0	0	1	0
	Rosedale	F	0	0	0	0	0	0	0
	Rosedale	Y	0	0	0	0	2	3	0
	Stratford	F	0	0	0	0	0	1	0
	Stratford	Y	1	0	0	0	0	3	2
	Sale	F	1	0	0	0	7	14	0
	Sale	Y	13	6	5	0	50	77	2
Caulfield	Bairnsdale	F	99	19	7	1	79	43	3
	Bairnsdale	Y	291	53	11	4	345	164	23
	Lakes Entrance	F	0	0	0	0	0	1	0
	Lakes Entrance	Y	2	2	0	0	1	1	0
	Rosedale	F	1	0	0	0	1	1	0
	Rosedale	Y	14	1	0	1	17	0	0
	Stratford	F	6	0	0	0	4	0	0
	Stratford	Y	17	7	1	0	33	7	4
	Sale	F	80	28	6	0	57	27	4
	Sale	Y	348	67	8	5	352	132	20
Footscray	Bairnsdale	F	1	0	0	0	2	1	0
	Bairnsdale	Y	5	7	3	0	6	19	1
	Lakes Entrance	F	0	0	0	0	0	0	0
	Lakes Entrance	Y	0	0	0	0	0	0	0
	Rosedale	F	0	0	0	0	0	0	0
	Rosedale	Y	0	0	0	0	2	1	0
	Stratford	F	0	0	0	0	0	0	0
	Stratford	Y	0	0	0	0	0	0	0
	Sale	F	1	0	0	0	1	1	2
	Sale	Y	6	5	0	0	4	16	0

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Tickets sold from Spencer Street, Flinders Street, Caulfield, Dandenong, North Melbourne, Footscray, Ballarat, Warragul, Moe, Morwell and Traralgon to Rosedale, Sale, Stratford, Bairnsdale and Lakes Entrance between 03/05/04 and 18/05/05									
Spencer Street	Bairnsdale	F	254	52	27	1	144	102	9
	Bairnsdale	Y	1,235	377	75	6	844	618	62
	Lakes Entrance	F	0	0	0	0	0	0	0
	Lakes Entrance	Y	0	18	0	0	4	11	1
	Rosedale	F	7	0	0	2	0	0	0
	Rosedale	Y	52	11	1	1	46	21	2
	Stratford	F	26	3	1	0	7	7	1
	Stratford	Y	75	12	6	0	30	22	2
	Sale	F	409	142	17	1	259	75	11
	Sale	Y	2,067	443	107	27	1,256	574	73
Flinders Street	Bairnsdale	F	139	34	15	2	155	38	12
	Bairnsdale	Y	709	139	53	0	938	293	44
	Lakes Entrance	F	0	0	0	0	0	2	0
	Lakes Entrance	Y	0	9	0	0	1	11	0
	Rosedale	F	6	1	1	0	9	3	3
	Rosedale	Y	43	5	2	1	109	10	5
	Stratford	F	8	3	2	0	14	3	0
	Stratford	Y	100	10	3	0	114	6	5
	Sale	F	350	83	45	2	293	37	12
	Sale	Y	1,246	149	62	9	1,597	253	53
Moe	Bairnsdale	F	7	2	0	0	32	11	4
	Bairnsdale	Y	67	13	4	0	199	166	37
	Lakes Entrance	F	0	0	0	0	0	0	0
	Lakes Entrance	Y	1	0	0	0	0	1	0
	Rosedale	F	0	0	0	0	0	0	0
	Rosedale	Y	2	2	0	0	24	4	9
	Stratford	F	0	0	0	0	1	0	0
	Stratford	Y	2	1	1	0	9	5	2
	Sale	F	4	0	0	0	31	3	0
	Sale	Y	101	19	16	0	240	101	105
Morwell	Bairnsdale	F	6	2	0	0	17	6	0
	Bairnsdale	Y	75	17	3	2	294	132	25
	Lakes Entrance	F	0	0	0	0	0	0	0
	Lakes Entrance	Y	0	0	0	0	1	0	0
	Rosedale	F	0	0	0	0	1	0	0
	Rosedale	Y	64	11	4	1	81	7	2
	Stratford	F	0	0	0	0	0	0	0
	Stratford	Y	4	0	1	1	13	0	3
	Sale	F	5	0	0	0	20	7	2
	Sale	Y	175	42	40	3	595	197	159

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Thursday, 24 November 2005

Tickets sold from Spencer Street, Flinders Street, Caulfield, Dandenong, North Melbourne, Footscray, Ballarat, Warragul, Moe, Morwell and Traralgon to Rosedale, Sale, Stratford, Bairnsdale and Lakes Entrance between 03/05/04 and 18/05/05

North Melbourne	Bairnsdale	F	0	0	0	0	2	0	0
	Bairnsdale	Y	1	0	0	0	4	0	0
	Lakes Entrance	F	0	0	0	0	0	0	0
	Lakes Entrance	Y	0	0	0	0	0	0	0
	Rosedale	F	0	0	0	0	0	0	0
	Rosedale	Y	0	0	0	0	0	0	0
	Stratford	F	0	0	0	0	0	0	0
	Stratford	Y	0	0	0	0	0	0	0
	Sale	F	1	0	0	0	1	0	0
	Sale	Y	1	0	0	0	0	2	0
Warragul	Bairnsdale	F	9	1	3	0	14	10	1
	Bairnsdale	Y	104	15	8	0	243	134	11
	Lakes Entrance	F	0	0	0	0	0	0	0
	Lakes Entrance	Y	0	0	0	0	2	2	0
	Rosedale	F	1	0	0	0	0	1	0
	Rosedale	Y	4	0	0	0	16	3	1
	Stratford	F	0	0	0	0	0	0	0
	Stratford	Y	6	0	0	0	3	1	1
	Sale	F	3	0	0	0	4	10	6
	Sale	Y	98	10	1	4	183	51	16

Tickets sold from Spencer Street, Flinders Street, Caulfield, Dandenong, North Melbourne, Footscray, Ballarat, Warragul, Moe, and Traralgon to Beaufort, Ararat, Stawell, Murtoa, Horsham, Dimboola and Nhill between 11/7/04 and 18/05/05.

Sold From	To	Class	Adult				Concession		
			Single	Return	Off Peak	Weekend	Single	Return	Off Peak
Traralgon	Ararat	F	0	0	0	0	0	0	0
	Ararat	Y	2	2	0	6	7	5	0
	Beaufort	F	0	0	0	0	0	0	0
	Beaufort	Y	1	0	0	0	0	0	0
	Dimboola	F	0	0	0	0	0	0	0
	Dimboola	Y	0	0	0	0	1	0	0
	Horsham	F	0	0	0	0	0	0	0
	Horsham	Y	0	4	0	0	3	0	0
	Murtoa	F	0	0	0	0	0	0	0
	Murtoa	Y	0	0	0	0	0	0	0
	Nhill	F	0	0	0	0	0	0	0
	Nhill	Y	0	0	0	0	0	0	0
	Stawell	F	0	0	0	0	0	0	0
	Stawell	Y	0	0	0	0	0	4	0
Dandenong	Ararat	F	0	0	0	0	0	0	0
	Ararat	Y	5	17	5	1	20	43	3
	Beaufort	F	0	0	0	0	0	0	0
	Beaufort	Y	0	0	0	0	0	2	0

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Tickets sold from Spencer Street, Flinders Street, Caulfield, Dandenong, North Melbourne, Footscray, Ballarat, Warragul, Moe, and Traralgon to Beaufort, Ararat, Stawell, Murtoa, Horsham, Dimboola and Nhill between 11/7/04 and 18/05/05.

	Dimboola	F	0	0	0	0	0	0	0
	Dimboola	Y	1	0	0	0	0	5	0
	Horsham	F	0	0	0	0	0	0	0
	Horsham	Y	0	0	1	0	4	3	0
	Murtoa	F	0	0	0	0	0	0	0
	Murtoa	Y	0	0	0	0	0	0	0
	Nhill	F	0	0	0	0	0	0	0
	Nhill	Y	0	0	0	0	0	0	0
	Stawell	F	0	0	0	0	0	0	0
	Stawell	Y	1	1	0	0	2	3	0
Ballarat	Ararat	F	0	0	0	0	0	0	0
	Ararat	Y	594	59	99	47	986	449	226
	Beaufort	F	0	0	0	0	0	0	0
	Beaufort	Y	286	14	15	6	706	134	53
	Dimboola	F	0	0	0	0	0	0	0
	Dimboola	Y	31	4	0	0	87	46	0
	Horsham	F	0	0	0	0	0	0	0
	Horsham	Y	275	33	5	0	539	236	19
	Murtoa	F	0	0	0	0	0	0	0
	Murtoa	Y	12	0	0	0	15	11	5
	Nhill	F	0	0	0	0	0	0	0
	Nhill	Y	8	0	0	0	16	2	0
	Stawell	F	0	0	0	0	0	0	0
	Stawell	Y	270	21	8	2	403	100	9
Caulfield	Ararat	F	0	0	0	0	0	1	0
	Ararat	Y	1	2	0	2	10	9	0
	Beaufort	F	0	0	0	0	0	0	0
	Beaufort	Y	0	0	2	0	0	0	0
	Dimboola	F	0	0	0	0	0	0	0
	Dimboola	Y	0	0	0	0	0	0	0
	Horsham	F	0	0	0	0	0	0	0
	Horsham	Y	1	0	0	0	4	3	0
	Murtoa	F	0	0	0	0	0	0	0
	Murtoa	Y	0	0	0	0	0	0	0
	Nhill	F	0	0	0	0	0	0	0
	Nhill	Y	0	0	0	0	0	0	0
	Stawell	F	0	0	0	0	0	0	0
	Stawell	Y	0	0	0	0	0	2	0
Footscray	Ararat	F	0	0	0	0	0	0	0
	Ararat	Y	3	1	3	0	8	11	3
	Beaufort	F	0	0	0	0	2	0	0
	Beaufort	Y	1	0	0	0	0	0	0
	Dimboola	F	0	0	0	0	0	0	0
	Dimboola	Y	0	0	0	0	0	0	0
	Horsham	F	0	0	0	0	0	0	0
	Horsham	Y	1	0	0	0	2	3	0
	Murtoa	F	0	0	0	0	0	0	0
	Murtoa	Y	2	0	0	0	0	0	0

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Tickets sold from Spencer Street, Flinders Street, Caulfield, Dandenong, North Melbourne, Footscray, Ballarat, Warragul, Moe, and Traralgon to Beaufort, Ararat, Stawell, Murtoa, Horsham, Dimboola and Nhill between 11/7/04 and 18/05/05.

	Nhill	F	0	0	0	0	0	0	0
	Nhill	Y	0	0	0	0	0	0	0
	Stawell	F	0	0	0	0	0	0	0
	Stawell	Y	0	0	0	0	4	4	0
Spencer St	Ararat	F	1	1	0	1	0	0	0
	Ararat	Y	1,797	469	99	75	1,354	521	79
	Beaufort	F	0	0	0	0	0	0	0
	Beaufort	Y	191	38	4	2	123	27	15
	Dimboola	F	0	0	0	0	0	0	0
	Dimboola	Y	34	11	2	0	31	21	0
	Horsham	F	0	0	0	0	0	0	0
	Horsham	Y	348	54	21	0	245	92	15
	Murtoa	F	0	0	0	0	0	0	0
Spencer St	Murtoa	Y	8	1	0	0	8	4	1
	Nhill	F	0	0	0	0	0	0	0
	Nhill	Y	17	4	0	0	19	7	0
	Stawell	F	0	0	0	0	0	0	0
	Stawell	Y	202	45	8	0	163	56	12
Flinders St	Ararat	F	0	0	0	0	0	0	0
	Ararat	Y	39	16	5	5	19	26	2
	Beaufort	F	0	0	0	0	0	0	0
	Beaufort	Y	9	1	0	0	4	0	0
	Dimboola	F	0	0	0	0	0	0	0
	Dimboola	Y	1	1	0	0	1	3	0
	Horsham	F	0	0	0	0	0	0	0
	Horsham	Y	18	9	4	0	8	8	1
	Murtoa	F	0	0	0	0	0	0	0
	Murtoa	Y	0	0	0	0	0	0	0
	Nhill	F	0	0	0	0	0	0	0
	Nhill	Y	0	0	0	0	2	2	0
	Stawell	F	0	0	0	0	0	0	0
	Stawell	Y	14	7	3	0	4	1	0
Moe	Ararat	F	0	0	0	0	0	0	0
	Ararat	Y	1	1	0	0	7	2	2
	Beaufort	F	0	0	0	0	0	0	0
	Beaufort	Y	0	0	0	0	0	0	0
	Dimboola	F	0	0	0	0	0	0	0
	Dimboola	Y	1	1	1	0	0	1	0
	Horsham	F	0	0	0	0	0	0	0
	Horsham	Y	0	0	0	0	2	1	0
	Murtoa	F	0	0	0	0	0	0	0
	Murtoa	Y	0	0	0	0	0	0	0
	Nhill	F	0	0	0	0	0	0	0
	Nhill	Y	0	0	0	0	0	0	0
	Stawell	F	0	0	0	0	0	0	0
	Stawell	Y	0	0	0	0	0	2	0
Morwell	Ararat	F	0	0	0	0	0	0	0
	Ararat	Y	4	3	0	0	6	5	1

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Tickets sold from Spencer Street, Flinders Street, Caulfield, Dandenong, North Melbourne, Footscray, Ballarat, Warragul, Moe, and Traralgon to Beaufort, Ararat, Stawell, Murtoa, Horsham, Dimboola and Nhill between 11/7/04 and 18/05/05.									
	Beaufort	F	0	0	0	0	0	0	0
	Beaufort	Y	1	0	0	0	1	2	0
	Dimboola	F	0	0	0	0	0	0	0
	Dimboola	Y	1	0	0	0	5	0	0
	Horsham	F	0	0	0	0	0	0	0
	Horsham	Y	1	2	0	0	5	1	1
	Murtoa	F	0	0	0	0	0	0	0
	Murtoa	Y	0	0	0	0	0	0	0
	Nhill	F	0	0	0	0	0	0	0
	Nhill	Y	0	0	0	0	0	0	0
	Stawell	F	0	0	0	0	0	0	0
	Stawell	Y	0	0	0	0	0	0	0
Nth Melb	Ararat	F	0	0	0	0	0	0	0
	Ararat	Y	6	3	0	0	2	1	0
	Beaufort	F	0	0	0	0	0	0	0
	Beaufort	Y	0	0	0	0	1	0	0
	Dimboola	F	0	0	0	0	0	0	0
	Dimboola	Y	0	0	0	0	0	0	0
	Horsham	F	0	0	0	0	0	0	0
	Horsham	Y	0	0	0	0	0	0	0
	Murtoa	F	0	0	0	0	0	0	0
	Murtoa	Y	0	0	0	0	0	0	0
	Nhill	F	0	0	0	0	0	0	0
	Nhill	Y	0	0	0	0	0	0	0
	Stawell	F	0	0	0	0	0	0	0
	Stawell	Y	1	6	0	0	0	0	0
Warragul	Ararat	F	0	0	0	0	0	0	0
	Ararat	Y	2	0	0	0	7	7	0
	Beaufort	F	0	0	0	0	0	0	0
	Beaufort	Y	0	0	0	0	0	0	0
	Dimboola	F	0	0	0	0	0	0	0
	Dimboola	Y	0	0	0	0	1	0	0
	Horsham	F	0	0	0	0	0	0	0
	Horsham	Y	0	0	0	0	2	1	1
	Murtoa	F	0	0	0	0	0	0	0
	Murtoa	Y	0	0	0	0	0	0	0
	Nhill	F	0	0	0	0	0	0	0
	Nhill	Y	0	0	0	0	0	0	0
	Stawell	F	0	0	0	0	0	0	0
	Stawell	Y	0	0	0	0	0	0	0

- (2) For the period of 1 Jan 2005 to 31 Mar 2005 62 per cent of fares travelling beyond Ballarat to western Victoria were concession and 58 per cent of fares travelling beyond Traralgon were concession.
- (3) V/Line has provided the following data on the number of vouchers issued for travel to and from the listed stations ((a) to (l)) where journeys originate or terminate at any of the following stations: Spencer Street, Flinders Street, Caulfield, Dandenong, North Melbourne, Footscray, Ballarat, Warragul, Moe, Morwell and Traralgon from the resumption of rail services to 18 May 2005:

- (a) Rosedale 140;
 - (b) Sale 6,482;
 - (c) Stratford 240;
 - (d) Bairnsdale 12,006;
 - (e) Lakes Entrance 124;
 - (f) Beaufort 80;
 - (g) Ararat 3,112;
 - (h) Stawell 519;
 - (i) Murtoa 27;
 - (j) Horsham 601;
 - (k) Dimboola 99 and
 - (l) Nhill 104.
- (4) V/Line advises that they cannot to provide estimated cashbox revenue for these services.
- (5) The proportion of V/Line passengers across the whole V/Line network paying full fare prices for their tickets is 42 per cent.
- (6) \$55,526.75.
- (7) Yes, staff including drivers, regional managers and other head office employees have been accommodated in Bairnsdale. Accommodation costs for these staff are not assigned to particular stations and are not captured in a manner that would permit an amount to be calculated for Bairnsdale.

Transport: Officer intersection — traffic signals

4941. THE HON. GORDON RICH-PHILLIPS — To ask the Minister for Local Government (for the Minister for Transport): In relation to the installation of traffic signals at the intersection of Tivendale Road, Station Street and Princes Highway, Officer:

- (1) How many intersections rank above the Tivendale Road intersection in VicRoads priority list for the installation of traffic signals.
- (2) What criteria is used to rank the above mentioned intersections in priority order.
- (3) Which specific intersections are afforded a higher priority than Tivendale Road, by VicRoads for the installation of traffic signals.

ANSWER:

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

- (1) VicRoads prioritises all types of road safety improvement proposals against each other on the basis of the benefits the proposal provides for its cost. In accordance with the Government's *arrive alive!* road safety strategy, particular emphasis is placed on proposals targeting sites with a history of fatal and serious injury accidents. A preliminary assessment of this intersection has indicated that the installation of traffic signals would provide a Benefit Cost Ratio (BCR) of less than one.
- (2) Road safety proposals are generally ranked based on the BCR of the most appropriate treatment to address the crash trend identified at an intersection over the previous five-year period.
- (3) There were three casualty crashes at the Princes Highway/Tivendale Road intersection in the five-year period to 31 December 2004. There are over 2500 intersections across metropolitan Melbourne with more than three

casualty crashes recorded in the same period. Safety improvement proposals are being progressively developed for these intersections.

Transport: Spencer Street Station Authority — communications staff

5000. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Local Government (for the Minister for Transport): As at 30 June 2005:

- (1) How many officers in the Spencer Street Station Authority are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

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

- (1) The Spencer Street Station Authority has two officers engaged in communications.
- (2) VPS Grade 4
VPS Grade 6.1
- (3) Communications Adviser
Communications Manager

Premier: Australia Day Committee (Victoria) — communications staff

5081. 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 Australia Day 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:

- (1) There are three Government officers who are members of the committee, only one of whom is directly engaged in communications.
- (2) Government officers are not paid in their capacity as members of this committee.
- (3) Member of the Australia Day Committee.

Premier: Premier and Cabinet, sector improvement group — communications staff

5085. 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 Sector Improvement Group, Department of Premier and Cabinet 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) 18 officers in the Sector Improvement Group are engaged in communications, including public, corporate and media relations.
- (2) 2 x VPS Grade 2 - \$33,971 - \$43,625
 3 x VPS Grade 3 - \$44,580 - \$54,128
 2 x VPS Grade 4 - \$55,189 - \$62,618
 4 x VPS Grade 5 - \$63,678 - \$77,046
 6 x VPS Grade 6 - \$78,107 - \$104,523
 1 x EO 2 - \$136,959 - \$218,214
- (3) Director Strategic Communications
 Media Monitor
 Media Monitor
 Communications Adviser
 Designer
 Media Monitor Team Leader
 Manager Australia Day
 Communications Adviser
 Senior Communications Adviser
 Designer
 Senior Communications Adviser
 Senior Research Analyst
 Principal Online Adviser
 Senior Manager Events and Communications
 Senior Communications Adviser
 Manager Communication Contracts & Compliance
 Manager Media Monitoring Unit
 Senior Communications Manager

Premier: Premier and Cabinet, strategic directions group — communications staff

5086. 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 Strategic Directions Group, Department of Premier and Cabinet 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:

As at 30 June 2005, the Strategic Directions Group did not exist.

Premier: Premier and Cabinet, policy and cabinet group — communications staff

5087. 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 Policy and Cabinet Group, Department of Premier and Cabinet 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:

This question is identical to Question on Notice number 5084 and the answer is the same:

- (1) Nil.
- (2) Not applicable.
- (3) Not applicable.

Transport: rail — compensation claims

5278. THE HON. DAVID KOCH — To ask the Minister for Local Government (for the Minister for Transport):

- (1) How many claims for compensation did V/Line Passenger Corporation, V/Line Passenger Pty Ltd, Metlink or the Department of Infrastructure receive for each month between April and June 2005 for the following rail lines:
 - (a) Geelong, Colac, Warrnambool;
 - (b) Ballarat, Ararat;
 - (c) Sunbury, Kyneton, Bendigo, Swan Hill, Echuca;
 - (d) Seymour, Shepparton, Albury; and
 - (e) Warragul, Traralgon, Bairnsdale.
- (2) How much compensation has been paid in each month for each rail line between April and June 2005.

ANSWER:

This answer is to be tabled in lieu of the answer tabled on 15 September 2005:

- (1) Only V/Line receives and processes claims for passenger compensation on the services nominated. The number of claims and amounts paid are shown in the following table.

	April	May	June
(a) Geelong–Colac–Warrnambool	40	30	32
(b) Ballarat–Ararat	17	15	29
(c) Sunbury–Kyneton–Bendigo–Swan Hill–Echuca	3	2	0
(d) Seymour–Shepparton–Albury	3	6	5
(e) Warragul–Traralgon–Bairnsdale	18	14	14

	April \$	May \$	June \$
(a) Geelong–Colac–Warrnambool	1,195.00	902.00	1,578.00
(b) Ballarat–Ararat	758.80	529.20	958.30
(c) Sunbury–Kyneton–Bendigo–Swan Hill–Echuca	399.60	24.30	Nil
(d) Seymour–Shepparton–Albury	37.20	204.20	169.00
(e) Warragul–Traralgon–Bairnsdale	772.20	742.00	1,261.00

Transport: rail — Parliament station elevators

5283. THE HON. DAVID KOCH — To ask the Minister for Local Government (for the Minister for Transport): In relation to the Parliament Railway Station elevators:

- (1) Were the elevators out of service at the station on Friday 5 August 2005 from 1000 to 1300 hours due to scheduled maintenance.
- (2) Were wheelchair-bound passengers required to travel to Melbourne Central Station to use an elevator during this time.
- (3) What notice was given to passengers travelling to Parliament Station that day.
- (4) How often is maintenance scheduled to be carried out on the elevators at:
 - (a) Parliament Station;
 - (b) Melbourne Central Station;
 - (c) Flagstaff Station; and
 - (d) Spencer Street Station.
- (5) Are the elevators slated for replacement at any of the City Loop stations and if so when.
- (6) What is the expected cost of any such replacement.
- (7) Which body or bodies would be responsible for the cost in (6) above, and what percentage of the total cost would each of them have to pay.
- (8) Can these elevators be maintained between 0100 to 0500 hours when the stations are closed to passengers or between 2100 to 0000 hours when passenger demand on a weekday is at its lowest.

ANSWER:

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

- (1) The elevators at Parliament Station were scheduled to be out of service between 10.00am and 1.00pm due to maintenance and repair works but these works were completed by 11.30am.

- (2) Yes.
- (3) Notification posters were put up at Parliament Station on Tuesday 2 August 2005 advising customers that the elevator would not be operating between 10.00am to 1.00pm on Friday 5 August 2005.
- In addition drivers were advised to inform wheelchair passengers who were intending on alighting at Parliament Station of the works.
- (4) Planned maintenance is undertaken for approximately 1 hour per month for each elevator.
- (5) & (6)
There are no plans to replace any elevators at underground rail loop stations.
- (7) The Department of Infrastructure would fund any elevator requiring replacement.
- (8) Planned maintenance is undertaken after the morning peak period.

Transport: V/Line coach services — passenger numbers

5285. THE HON. DAVID KOCH — To ask the Minister for Local Government (for the Minister for Transport): In relation to V/Line 'Link' Coach services:

- (1) How many passengers were conveyed over any part of the Speedlink (Albury/Adelaide); Daylink (Bendigo/Adelaide); and Canberra Link (Albury/Canberra) routes on Thursday 4 August 2005.
- (2) How many passengers were conveyed on the Narooma/Bairnsdale and Bairnsdale/Batemans Bay Sapphire Coast Link coaches on Thursday 4 August 2005.
- (3) How many passengers were conveyed on the Bairnsdale/Canberra Capital Link coach on Monday 1 August 2005.
- (4) How many passengers were conveyed on the Canberra/Sale Capital Link coach from any locations prior to Bairnsdale on Tuesday 2 August 2005.
- (5) At what locations did each passenger conveyed on each of these services on the nominated dates:
 - (a) board; and
 - (b) alight from the coach.
- (6) How many passengers did each of these services carry (noting that information relating to the Capital Link and Sapphire Coast Link services is sought only for journeys to and from locations east of Bairnsdale) in:
 - (a) 2003-04; and
 - (b) 2004-05.
- (7) Does V/Line ever advertise these coach services on radio, television, the Internet or in newspapers and if so, what was the cost of any such advertising in 2004-05.
- (8) Excluding government top-ups of concession fares, what was the annual loss of each of these coach services in 2004-05.
- (9) Have any of these services been impacted by Virgin Blue's and Jetstar's increased air services and if so, what strategies are being adopted to increase patronage.
- (10) On how many occasions in July 2005 was the Speedlink service late in departing from Albury railway station for its journey to Shepparton and Adelaide by more than:

- (a) five minutes;
- (b) fifteen minutes;
- (c) thirty minutes;
- (d) one hour; and
- (e) two hours or more.

ANSWER:

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

(1)	Speedlink	24	
	Daylink	19	
	Canberra Link	12	
(2)	Sapphire Coast Link		
	Narooma/Bairnsdale		11
	Bairnsdale/Batemans Bay		7
(3)	Capital Link 1 August 2005		6
(4)	Capital Link 2 August 2005		15
(5)	<u>1 August 2005</u>		
	<u>Capital Link</u>		
	Boarded	Orbost	1
		Bairnsdale	5
	Alighted	Orbost	1
		Cooma	2
		Jolimont	3
	<u>2 August 2005</u>		
	<u>Capital Link</u>		
	Boarded	Jolimont	2
		Kingston	2
		Cooma	2
		Bairnsdale	9
	Alighted	Lakes Entrance	1
		Stratford	1
		Sale	13
	<u>4 August 2005</u>		
	<u>Sapphire Coast Link</u>		
	Boarded	Bairnsdale	7
	Alighted	Eden	1
		Cobargo	1
		Narooma	1
		Batemans Bay	4

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Boarded	Narooma	1
	Cobargo	1
	Merimbula	3
	Pambula	1
	Genoa	1
	Orbost	1
	Nowa Nowa	2
	Lakes Entrance	1

Alighted	Bairnsdale Station	11
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SpeedLink Albury-Adelaide Service

Boarded	Narooma	1
	Wodonga	1
	Wangaratta	1
	Shepparton	1
	Echuca	2
	Cohuna	1
	Kerang	2
	Swan Hill	1
	Pinneroo	1
	Peake	1

Alighted	Kerang	1
	Swan Hill	2
	Manangatang	2
	Geranium	1
	Adelaide	6

Boarded	Adelaide	5
	Swan Hill	3
	Kerang	3
	Echuca	1

Alighted	Lameroo	1
	Walpeup	1
	Kerang	3
	Shepparton	1
	Wangaratta	2
	Albury	4

DayLink - Bendigo – Adelaide

Boarded	Bendigo	5
	Dimboola	1

Alighted	Adelaide	6
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Boarded	Kaniva	7
	Nhill	1
	Horsham	4
	Dunolly	1

Alighted	Dimboola	8
	Rupanyap	1
	Dunolly	1
	Bendigo	3
<u>Canberra Link</u>		
Boarded	Albury	8
Alighted	Gundagai	2
	Canberra	6
Boarded	Canberra	4
Alighted	Holbrook	1
	Albury	3

- (6) The data is unable to be broken down in the requested manner.
- (7) There is no specific advertising or promotional budget for the Link services.
- (8) Speed Link \$216,000
 Canberra Link \$36,000
 The other 'Link' services did not make a loss.
- (9) No data is available that can provide any evidence of the impact of increased Virgin Blue or Jet Star air services.
- (10) (a) five minutes (2)
 (b) fifteen minutes (1)
 (c) thirty minutes (0)
 (d) one hour (0)
 (e) two hours or more (0)

Environment: greenhouse gas emissions

5443. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Local Government (for the Minister for Environment): In relation to the greenhouse gas emissions:

- (a) What has been the annual increase in emissions for each year since 2000-01.
- (b) What are the reasons for these increases in emissions.
- (c) What is being done to reduce these emissions in 2005-06.

ANSWER:

I am informed that:

Data on greenhouse gas emissions is prepared by the Commonwealth Government through the National Greenhouse Gas Inventory Committee. The most recent data for greenhouse gas emissions at a State level is for 2001/02. Figures were not provided as part of this work for 2000/01.

The Victorian Greenhouse Strategy Action Plan Update was released in April 2005. The Plan outlines a wide range of actions being pursued by the Bracks Government both to reduce greenhouse gas emissions and to facilitate adaptive responses to climate change. The Action Plan Update and the Victorian Greenhouse Gas Inventory are available at www.greenhouse.vic.gov.au

Premier: Treasury Deli — operating costs

5445. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Premier): What has been the annual operating cost of Treasury Deli, 1 Marcarthur Street, East Melbourne, for each year since 2000-01.

ANSWER:

The annual operating cost to government for the Treasury Deli is **NIL**.

The Treasury Deli is a commercial operation. The Treasury Deli pays an annual rent for the space occupied to the government's leasing agents.

Premier: 1 Treasury Place gymnasium — operating costs

5446. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Premier): What has been the annual operating cost of the 1 Treasury Place gymnasium for each year since 2000-01.

ANSWER:

I am informed that:

As was the response to Question on Notice No. 3012, the operations of the gymnasium fall within the responsibilities of the Minister for Finance. As such, the member may wish to direct the question to the responsible Minister.

Premier: Victoria/New South Wales Border Anomalies Committee — external legal advice

5541. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Premier): How much has been spent by the Victoria/New South Wales Border Anomalies Committee on external legal advice since 1 June 2004.

ANSWER:

I am informed that:

Since the 1 June 2004 the Victoria/New South Wales Border Anomalies Committee has not expended any funds on external legal advice.

Victorian communities: Public Records Advisory Council — external legal advice

5675. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Aged Care (for the Minister for Victorian Communities): How much has been spent by the Public Records Advisory Council on external legal advice since 1 June 2004.

ANSWER:

I am informed that:

From 1 June 2004 to the date of the question, the answer is nil.

Premier: Office of Public Employment — entertainment expenses

5764. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Premier): In relation to the Office of Public Employment'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:

I am informed that:

- (1) The Office of Public Employment expended a total of \$813 on entertainment in 2004-05.
- (2) There was no expenditure on entertainment in excess of \$500.

Premier: Chief Parliamentary Council — entertainment expenses

5765. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Premier): In relation to the Office of the Chief Parliamentary Council'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:

I am informed as follows:

- (1) The Office of the Chief Parliamentary Council's total expenditure on entertainment costs for 2004-05 was \$2,222.
- (2) There were no instances where expenditure exceeded \$500.

Premier: Australia Day Committee (Victoria) — entertainment expenses

5766. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Premier): In relation to the Australia Day Committee (Victoria'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:

I am informed that:

The Australia Day Committee (Victoria) does not allocate a budget for entertainment expenses. However, there is a separate budget allocated for the approved activities for the Australia Day Program.

Premier: Public Service Medal Committee (Victoria) — entertainment expenses

5767. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Premier): In relation to the Public Service Medal Committee (Victoria'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:

I am informed that:

The Public Service Medal Committee (Victoria) did not incur any entertainment expenses in 2004-05.

Premier: Victoria/New South Wales Border Anomalies Committee — entertainment expenses

5768. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Premier): In relation to the Victoria/New South Wales Border Anomalies Committee'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:

I am informed that:

The Victoria/New South Wales Border Anomalies Committee did not incur any entertainment expenses in 2004-05.

Premier: Premier and Cabinet — entertainment expenses

5912. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Premier): In relation to the Department of Premier and Cabinet’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:

I am informed that:

Due to the time frame given to answer this question, to provide a detailed answer would be too resource intensive for my Department. However the following information can be provided:

The total cost of events and hospitality for the Department of Premier and Cabinet (including Arts Victoria), in supporting the Premier as Head of Government, was approximately \$439,000. These costs were incurred from 7 July 2004 to 24 June 2005. The total number of guests was approximately 9768.

This expenditure is consistent with the Department’s output reporting in the annual Budget Papers.

The purpose of this expenditure included a range of events and hospitality gatherings which included, but not limited to, functions for:

- State Dignitaries
- Commonwealth Dignitaries
- Foreign Dignitaries
- Corporate Hospitality at major events
- Community Cabinet
- Foreign Delegations
- State Events and Launches
- Governor General Visits
- Royal Visits
- Order of Australia Association
- International Celebratory Events
- Days of national significance

The service providers have included:

Anglican Parish of West Wimmera
 Artistic Food Services
 Australian Grand Prix Corporation
 Castlemaine Bowling Club
 CBD Cellars
 Damm Fine Foods
 Epicure Catering
 Federation Square Management Pty Ltd
 Food and Desire Pty Ltd
 Government House
 Jim's Catering
 Leftovers Catering
 Marylands Country House
 Melbourne Aquarium
 Melbourne Underwater World Pty Ltd
 Nhill and District Sporting Club Inc
 Peter Rowland Catering
 Placesettings for Hire
 Rocket Catering
 Roseview Restaurant
 Simply Creative Foods
 Simply Superb
 Spotless Services Australia
 Staging Connections (Victoria) Pty Ltd
 Taste of Fine Food Caterers Pty Ltd
 Tennis Australia
 The Big Group at Old Treasury
 The Big Group Pty Ltd
 The Metropolitan Hotel
 The Victorian Wine Precinct
 Tim Hollands Catering Pty Ltd
 Warracknabeal Community Centre

Premier: Office of Public Employment — freedom of information

6004. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Premier): In relation to Freedom of Information requests received by the Office of Public Employment for 2004-05:

- (1) How many requests were received.
- (2) Of these requests, how many were —
 - (a) denied in full;
 - (b) released in part;
 - (c) released in full; and
 - (d) given to the Minister before being given to the applicant.

ANSWER:

I am informed as follows:

The information sought will be available in the Attorney General's Freedom of Information (FOI) annual report for 2004-05. The FOI annual report is generally tabled in Parliament during the Spring Sitting.

The Office of Public Employment's (now State Services Authority) annual report is due to be tabled in November 2005. It will also contain information about requests received. The Office complies with the Attorney General's Freedom of Information Guidelines of February 2000 and the Improved Accountability Guidelines of October 2002.

Premier: — Office of the Chief Parliamentary Counsel — freedom of information

6005. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Premier): In relation to Freedom of Information requests received by the Office of the Chief Parliamentary Counsel for 2004-05:

- (1) How many requests were received.
- (2) Of these requests, how many were —
 - (a) denied in full;
 - (b) released in part;
 - (c) released in full; and
 - (d) given to the Minister before being given to the applicant.

ANSWER:

I am informed as follows:

The information sought will be available in the Attorney General's Freedom of Information (FOI) annual report for 2004-05. The FOI annual report is generally tabled in Parliament during the Spring Sitting.

The Office of Chief Parliamentary Counsel's annual report is due to be tabled in November 2005. It will also contain information about requests received. The Office complies with the Attorney General's Freedom of Information Guidelines of February 2000 and the Improved Accountability Guidelines of October 2002.

Premier: Australia Day Committee (Victoria) — freedom of information

6006. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Premier): In relation to Freedom of Information requests received by the Australia Day Committee (Victoria) for 2004-05:

- (1) How many requests were received.
- (2) Of these requests, how many were —
 - (a) denied in full;
 - (b) released in part;
 - (c) released in full; and
 - (d) given to the Minister before being given to the applicant.

ANSWER:

I am informed as follows:

The Australia Day Committee (Victoria) is not a prescribed authority under the *Freedom of Information Act 1982*. Any documents sought to be accessed about that committee would be covered by requests made to the Department of Premier and Cabinet.

The information sought would be included in the Department of Premier and Cabinet's data in the Attorney General's Freedom of Information annual report for 2004-05. The Department of Premier and Cabinet complies with the Attorney General's Freedom of Information Guidelines of February 2000 and the Improved Accountability Guidelines of October 2002.

Premier: Public Service Medal Committee (Victoria) — freedom of information

6007. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Premier): In relation to Freedom of Information requests received by the Public Service Medal Committee (Victoria) for 2004-05:

- (1) How many requests were received.
- (2) Of these requests, how many were —
 - (a) denied in full;
 - (b) released in part;
 - (c) released in full; and
 - (d) given to the Minister before being given to the applicant.

ANSWER:

I am informed as follows:

The Public Service Medal Committee (Victoria) is not a prescribed authority under the *Freedom of Information Act 1982*. Any documents sought to be accessed about that committee would be covered by requests made to the Department of Premier and Cabinet.

The information sought would be included in the Department of Premier and Cabinet's data in the Attorney General's Freedom of Information annual report for 2004-05. The Department of Premier and Cabinet complies with the Attorney General's Freedom of Information Guidelines of February 2000 and the Improved Accountability Guidelines of October 2002.

Premier: Victoria/New South Wales Border Anomalies Committee — freedom of information

6008. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Premier): In relation to Freedom of Information requests received by the Victoria/New South Wales Border Anomalies Committee for 2004-05:

- (1) How many requests were received.
- (2) Of these requests, how many were —
 - (a) denied in full;
 - (b) released in part;

- (c) released in full; and
- (d) given to the Minister before being given to the applicant.

ANSWER:

I am informed as follows:

The Victoria/New South Wales Border Anomalies Committee is not a prescribed authority under the *Freedom of Information Act 1982*. Any documents sought to be accessed about that committee would be covered by requests made to the Department of Premier and Cabinet.

The information sought would be included in the Department of Premier and Cabinet's data in the Attorney General's Freedom of Information annual report for 2004-05. The Department of Premier and Cabinet complies with the Attorney General's Freedom of Information Guidelines of February 2000 and the Improved Accountability Guidelines of October 2002.

Premier: Premier and Cabinet — freedom of information

6074. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Premier): In relation to Freedom of Information requests received by the Department of Premier and Cabinet for 2004-05:

- (1) How many requests were received.
- (2) Of these requests, how many were —
 - (a) denied in full;
 - (b) released in part;
 - (c) released in full; and
 - (d) given to the Minister before being given to the applicant.

ANSWER:

I am informed as follows:

The information sought will be available in the Attorney General's Freedom of Information (FOI) annual report for 2004-05. The FOI annual report is generally tabled in Parliament during the Spring Sitting.

The Department of Premier and Cabinet's annual report is due to be tabled in November 2005. It will also contain information about requests received. The Department of Premier and Cabinet complies with the Attorney General's Freedom of Information Guidelines of February 2000 and the Improved Accountability Guidelines of October 2002.

Community services: disability services — Warrnambool

6084. THE HON. DAVID KOCH — To ask the Minister for Aged Care (for the Minister for Community Services): As at 30 June 2005:

- (1) How many individuals on the Disability Services Needs Register in Warrnambool City were waiting for —
 - (a) shared supported accommodation;
 - (b) in-home accommodation support (ie. Home First or Support and Choice Packages);

- (c) day programs; and
 - (d) foster care.
- (2) For each category, how many were classified as —
- (a) urgent priority;
 - (b) high priority; and
 - (c) low priority.
- (3) For each category, how many were aged —
- (a) under 18 years;
 - (b) 18 to 24 years;
 - (c) 25 to 29 years; and
 - (d) 30 years or more.

ANSWER:

I am informed that:

Information from the Disability Service Needs Register is not available by Local Government Area (LGA).

Community services: disability services — Glenelg

6086. THE HON. DAVID KOCH — To ask the Minister for Aged Care (for the Minister for Community Services): As at 30 June 2005:

- (1) How many individuals on the Disability Services Needs Register in the Glenelg Shire were waiting for —
- (a) shared supported accommodation;
 - (b) in-home accommodation support (ie. Home First or Support and Choice Packages);
 - (c) day programs; and
 - (d) foster care.
- (2) For each category, how many were classified as —
- (a) urgent priority;
 - (b) high priority; and
 - (c) low priority.
- (3) For each category, how many were aged —
- (a) under 18 years;
 - (b) 18 to 24 years;
 - (c) 25 to 29 years; and

- (d) 30 years or more.

ANSWER:

I am informed that:

Information from the Disability Service Needs Register is not available by Local Government Area (LGA).

Premier: Office of Public Employment — interstate travel

6252. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Premier): In relation to interstate travel by the Office of Public Employment for 2004-05:

- (1) How many trips were undertaken.
- (2) What were the destinations.
- (3) What was the purpose of each visit.
- (4) What costs were associated with the travel, including —
 - (a) airfares;
 - (b) car rental and hire cars, including the type of cars rented or hired;
 - (c) taxis;
 - (d) accommodation, including the name of the establishment and itemised costs;
 - (e) entertainment, including its nature, the venue and itemised costs; and
 - (f) other expenses.
- (5) Did family members, associates, or guests accompany the traveller(s) on each trip; if so, at what cost.

ANSWER:

I am informed that:

There were 4 interstate trips undertaken for the Office of Public Employment over the 2004-05 financial period, at the total cost of \$2003.62 for air fares.

The Office of Public Employment is no longer an entity and has not been in existence since April 2005. In order to extract further detailed information in response to your question would be too resource intensive within the time limitations and an unreasonable diversion of my Department's time and resources.

Premier: Chief Parliamentary Counsel — interstate travel

6253. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Premier): In relation to interstate travel by the Office of the Chief Parliamentary Counsel for 2004-05:

- (1) How many trips were undertaken.
- (2) What were the destinations.
- (3) What was the purpose of each visit.

- (4) What costs were associated with the travel, including —
 - (a) airfares;
 - (b) car rental and hire cars, including the type of cars rented or hired;
 - (c) taxis;
 - (d) accommodation, including the name of the establishment and itemised costs;
 - (e) entertainment, including its nature, the venue and itemised costs; and
 - (f) other expenses.
- (5) Did family members, associates, or guests accompany the traveller(s) on each trip; if so, at what cost.

ANSWER:

I am informed that:

- (1) 10 interstate trips were undertaken by the Office of the Chief Parliamentary Counsel staff during 2004-05.
- (2) 8 trips were to Canberra, 1 trip to Darwin and 1 trip to Sydney.
- (3) 4 staff travelled to Canberra to attend the Parliamentary Counsel IT Forum. 3 staff attended a conference in Canberra. 1 staff member visited the Canberra Parliamentary Counsel Office to investigate new technology used by that Office. 2 trips (Sydney and Darwin) were to attend meetings of the Parliamentary Counsel Committee attended by Chief Parliamentary Counsel from around Australia.
- (4)
 - (a) The total cost of airfares was \$4,145;
 - (b) Nil.
 - (c) Costs for the use of taxis for interstate travel are not kept separately. The time and resources required to extract this information would be excessive.
 - (d) The total cost of accommodation was \$1,940. As accommodation costs are reimbursed to the employee, the time and resources required to extract the names of establishment and itemised costs would be excessive.
 - (e) Nil.
 - (f) Nil
- (5) No family members, associates or guests accompanied the employees on any of the trips.

Premier: Australia Day Committee (Victoria) — interstate travel

6254. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Premier): In relation to interstate travel by the Australia Day Committee (Victoria) for 2004-05:

- (1) How many trips were undertaken.
- (2) What were the destinations.
- (3) What was the purpose of each visit.
- (4) What costs were associated with the travel, including —

- (a) airfares;
 - (b) car rental and hire cars, including the type of cars rented or hired;
 - (c) taxis;
 - (d) accommodation, including the name of the establishment and itemised costs;
 - (e) entertainment, including its nature, the venue and itemised costs; and
 - (f) other expenses.
- (5) Did family members, associates, or guests accompany the traveller(s) on each trip; if so, at what cost.

ANSWER:

I am informed that:

No interstate travel was undertaken by members of the Australia Day Committee (Victoria) in 2004-05.

Premier: Victoria/New South Wales Border Anomalies Committee — interstate travel

6256. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Premier): In relation to interstate travel by the Victoria/New South Wales Border Anomalies Committee for 2004-05:

- (1) How many trips were undertaken.
- (2) What were the destinations.
- (3) What was the purpose of each visit.
- (4) What costs were associated with the travel, including —
 - (a) airfares;
 - (b) car rental and hire cars, including the type of cars rented or hired;
 - (c) taxis;
 - (d) accommodation, including the name of the establishment and itemised costs;
 - (e) entertainment, including its nature, the venue and itemised costs; and
 - (f) other expenses.
- (5) Did family members, associates, or guests accompany the traveller(s) on each trip; if so, at what cost.

ANSWER:

I am informed that:

No interstate travel was undertaken by members of the Victoria/New South Wales Border Anomalies Committee in 2004-05.

Women's affairs: Queen Victoria Women's Centre Trust — interstate travel

6389. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Local Government (for the Minister for Women's Affairs): In relation to interstate travel by the Queen Victoria Women's Centre Trust for 2004-05:

- (1) How many trips were undertaken.
- (2) What were the destinations.
- (3) What was the purpose of each visit.
- (4) What costs were associated with the travel, including —
 - (a) airfares;
 - (b) car rental and hire cars, including the type of cars rented or hired;
 - (c) taxis;
 - (d) accommodation, including the name of the establishment and itemised costs;
 - (e) entertainment, including its nature, the venue and itemised costs; and
 - (f) other expenses.
- (5) Did family members, associates, or guests accompany the traveller(s) on each trip; if so, at what cost.

ANSWER:

I am informed that:

There was no interstate travel undertaken by the Queen Victoria Women's Centre Trust for the 2004-05 financial year.

Transport: drivers — over-65

6396. THE HON. JOHN VOGELS — To ask the Minister for Local Government (for the Minister for Transport): Since 1 January 2004:

- (1) How many reports of persons aged 65 years or over claimed to be driving erratically or dangerously have been reported or submitted to VicRoads by Driving Instructors.
- (2) How many driving licences held by persons aged 65 years or over have been suspended or cancelled for alleged erratic or dangerous driving.

ANSWER:

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

VicRoads does not currently keep any statistical data relating to the questions raised regarding drivers over 65 years of age.

Premier: Public Service Medal Committee (Victoria) — capital works

6483. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Premier): In relation to the Public Service Medal Committee (Victoria's) allocation of funds to major capital works,

including major maintenance, replacement and upgrades, what were the priority major projects that were approved for the year 2004-05 and were each of these priority projects achieved.

ANSWER:

I am informed that:

The Public Service Medal Committee (Victoria) did not have any major capital works in 2004-05.

Premier: Victoria/New South Wales Border Anomalies Committee — capital works

6484. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Premier): In relation to the Victoria/New South Wales Border Anomalies 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 2004-05 and were each of these priority projects achieved.

ANSWER:

I am informed that:

The Victoria/New South Wales Border Anomalies Committee did not have any major capital works in 2004-05.

Premier: Premier and Cabinet — capital works

6551. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Premier): In relation to the Department of Premier and Cabinet’s allocation of funds to major capital works, including major maintenance, replacement and upgrades, what were the priority major projects that were approved for the year 2004-05 and were each of these priority projects achieved.

ANSWER:

I am informed that:

The Department of Premier and Cabinet’s allocation of funds to major capital works is stated in the Department of Premier and Cabinet’s 2004-05 Annual Report:

<u>Project Name</u>	<u>Total Project Budget</u>	<u>Actual to 30 June 2005</u>	<u>Balance*</u>
	\$millions	\$millions	\$millions
State Library of Victoria Redevelopment - Phase 4	91.4	69.0	22.4
State Library of Victoria Storage Facility	11.5	2.4	9.1
WoVG ICT Standardisation Strategy – Office of the Chief Information Officer	17.5	0.0	17.5
Yarra Precinct Arts Integration Project	61.0	6.4	54.6
Arts Agency Review - Assets	8.6	8.3	0.3
Metropolitan Meat Market Art Centre	3.3	3.3	0.0
Redevelopment of Core Business Systems	4.0	2.1	1.9
State Crisis Centre	6.0	0.6	5.4
Developing Library and Community Networks	1.6	1.6	0.0
Victorian Arts Centre - Asset Management Plan	8.4	6.3	2.1
TOTAL	213.3	100.00	113.3

* Balance of project costs to be incurred in future periods in accordance with individual project plans.

Victorian communities: Victorian Grants Commission — capital works

6630. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Aged Care (for the Minister for Victorian Communities): In relation to the Victorian Grants 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 2004-05 and were each of these priority projects achieved.

ANSWER:

This is not within my portfolio responsibilities.

Finance: Adult Multicultural Education Service — office accommodation

6682. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: In relation to the Adult Multicultural Education Services' leases of office accommodation:

- (1) What is the location of each lease currently held.
- (2) What is the expiry of the leases currently held.
- (3) What is the cost per metre of each lease currently held.
- (4) What is the total cost of each lease currently held over the term of the contract.

ANSWER:

I am informed that:

This organisation does not fall within the ministerial responsibility of the Minister for Finance. Repeated failure to appropriately direct questions on notice to the Minister responsible places unnecessary demands on the resources of my department and devalues the entire questions on notice provisions of the Parliament.

Finance: Council of Adult Education — office accommodation

6683. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: In relation to the Council of Adult Education's leases of office accommodation:

- (1) What is the location of each lease currently held.
- (2) What is the expiry of the leases currently held.
- (3) What is the cost per metre of each lease currently held.
- (4) What is the total cost of each lease currently held over the term of the contract.

ANSWER:

I am informed that:

This organisation does not fall within the ministerial responsibility of the Minister for Finance. Repeated failure to appropriately direct questions on notice to the Minister responsible places unnecessary demands on the resources of my department and devalues the entire questions on notice provisions of the Parliament.

Finance: VicUrban — office accommodation

6685. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: In relation to VicUrban's leases of office accommodation:

- (1) What is the location of each lease currently held.
- (2) What is the expiry of the leases currently held.
- (3) What is the cost per metre of each lease currently held.
- (4) What is the total cost of each lease currently held over the term of the contract.

ANSWER:

I am informed that:

This organisation does not fall within the ministerial responsibility of the Minister for Finance. Repeated failure to appropriately direct questions on notice to the Minister responsible places unnecessary demands on the resources of my department and devalues the entire questions on notice provisions of the Parliament.

Finance: Hastings Port (Holding) Corporation — office accommodation

6687. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: In relation to the Hastings Port (Holding) Corporation's leases of office accommodation:

- (1) What is the location of each lease currently held.
- (2) What is the expiry of the leases currently held.
- (3) What is the cost per metre of each lease currently held.
- (4) What is the total cost of each lease currently held over the term of the contract.

ANSWER:

I am informed that:

This organisation does not fall within the ministerial responsibility of the Minister for Finance. Repeated failure to appropriately direct questions on notice to the Minister responsible places unnecessary demands on the resources of my department and devalues the entire questions on notice provisions of the Parliament.

Finance: Office of Gas Safety — office accommodation

6690. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: In relation to the Office of Gas Safety's leases of office accommodation:

- (1) What is the location of each lease currently held.
- (2) What is the expiry of the leases currently held.
- (3) What is the cost per metre of each lease currently held.
- (4) What is the total cost of each lease currently held over the term of the contract.

ANSWER:

I am informed that:

This organisation does not fall within the ministerial responsibility of the Minister for Finance. Repeated failure to appropriately direct questions on notice to the Minister responsible places unnecessary demands on the resources of my department and devalues the entire questions on notice provisions of the Parliament.

Finance: Chief Electrical Inspector — office accommodation

6691. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance: In relation to the Office the Chief Electrical Inspector's leases of office accommodation:

- (1) What is the location of each lease currently held.
- (2) What is the expiry of the leases currently held.
- (3) What is the cost per metre of each lease currently held.
- (4) What is the total cost of each lease currently held over the term of the contract.

ANSWER:

I am informed that:

This organisation does not fall within the ministerial responsibility of the Minister for Finance. Repeated failure to appropriately direct questions on notice to the Minister responsible places unnecessary demands on the resources of my department and devalues the entire questions on notice provisions of the Parliament.

