

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Thursday, 27 October 2005

(extract from Book 7)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

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| Minister for Consumer Affairs and Minister for Information and Communication Technology..... | The Hon. M. R. Thomson, MLC |
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Standing Orders Committee — The President, the Honourables B. W. Bishop, Philip Davis and Bill Forwood, Mr Lenders, Ms Romanes and Mr Viney.

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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CONTENTS

THURSDAY, 27 OCTOBER 2005

| | |
|--|--------------|
| PETITIONS | |
| <i>Hazardous waste: Nowingi</i> | 1773 |
| PUBLIC SECTOR ASSET INVESTMENT PROGRAM | |
| <i>Budget information paper 2005–06</i> | 1773 |
| ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY | |
| <i>Victorian implementation review</i> | 1773 |
| PARLIAMENTARY DEPARTMENTS | |
| <i>Reports 2004–05</i> | 1773 |
| PAPERS | 1773 |
| BUSINESS OF THE HOUSE | |
| <i>Adjournment</i> | 1775 |
| MEMBERS STATEMENTS | |
| <i>Pest animals: control</i> | 1775 |
| <i>Immigration and Multicultural and Indigenous Affairs: performance</i> | 1775 |
| <i>Fernlea House: opening</i> | 1775 |
| <i>Rosa Parks</i> | 1776 |
| <i>Michael Stubbings and Wayne Tunnecliffe</i> | 1776 |
| <i>Preschools: funding</i> | 1776 |
| <i>Roads: outer south-east</i> | 1777 |
| <i>Industrial relations: federal changes</i> | 1777 |
| <i>Local government: elections</i> | 1777 |
| <i>Arthurs Seat Challenge</i> | 1777 |
| <i>Plumbing: utilities</i> | 1778 |
| <i>Brighton Bay shared trail</i> | 1778 |
| <i>Greater Western business excellence awards</i> | 1778 |
| STATEMENTS ON REPORTS AND PAPERS | |
| <i>Office of the Small Business Commissioner: report 2004–05</i> | 1778, 1782 |
| <i>Victorian Law Reform Commission: workplace privacy</i> | 1779 |
| <i>Fisheries Co-Management Council: report 2004–05</i> | 1780 |
| <i>Victorian Multicultural Commission: report 2004–05</i> | 1780 |
| <i>Human Services: report 2003–04</i> | 1781 |
| <i>Auditor-General: performance audits</i> | 1783, 1786 |
| <i>Library Board of Victoria : report 2003–04</i> | 1784 |
| <i>Drugs and Crime Prevention Committee: violence associated with motor vehicle use</i> | 1784 1787 |
| <i>Environment Protection Authority: report 2004–05</i> | 1785 |
| CRIMES (HOMICIDE) BILL | |
| <i>Second reading</i> | 1788 |
| MAJOR EVENTS (CROWD MANAGEMENT) AND COMMONWEALTH GAMES ARRANGEMENTS ACTS (CROWD SAFETY AMENDMENT) BILL | |
| <i>Second reading</i> | 1791 |
| RETAIL LEASES (AMENDMENT) BILL | |
| <i>Second reading</i> | 1793 |
| GROUNDWATER (BORDER AGREEMENT) (AMENDMENT) BILL | |
| <i>Second reading</i> | 1795 |
| DISTINGUISHED VISITOR | 1796 |
| CONGESTION LEVY BILL | |
| <i>Second reading</i> | 1796 |
| <i>Committee</i> | 1811, 1819 |
| <i>Third reading</i> | 1835 |
| <i>Remaining stages</i> | 1835 |
| QUESTIONS WITHOUT NOTICE | |
| <i>Electricity: supply</i> | 1812 |
| <i>Energy: future</i> | 1813 |
| <i>Consumer affairs: home builders</i> | 1814 |
| <i>Minerals and petroleum: exploration</i> | 1814 |
| <i>Hazardous waste: Lyndhurst</i> | 1815 |
| <i>Royal Commission into Aboriginal Deaths in Custody: government response</i> | 1816 |
| <i>Brimbank: soccer club funding</i> | 1817 |
| <i>Consumer affairs: rural and regional offices</i> | 1817 |
| <i>Real estate agents: practices</i> | 1818 |
| <i>Lysterfield Park: bike trails</i> | 1818 |
| <i>Supplementary questions</i> | |
| <i>Electricity: supply</i> | 1813 |
| <i>Consumer affairs: home builders</i> | 1814 |
| <i>Hazardous waste: Lyndhurst</i> | 1815 |
| <i>Brimbank: soccer club funding</i> | 1817 |
| <i>Real estate agents: practices</i> | 1818 |
| QUESTIONS ON NOTICE | |
| <i>Answers</i> | 1819 |
| CHILD WELLBEING AND SAFETY BILL | |
| <i>Introduction and first reading</i> | 1835 |
| CHILDREN, YOUTH AND FAMILIES BILL | |
| <i>Introduction and first reading</i> | 1835 |
| ENVIRONMENT EFFECTS (AMENDMENT) BILL | |
| <i>Introduction and first reading</i> | 1835 |
| ADJOURNMENT | |
| <i>Health practitioners: legislation</i> | 1836 |
| <i>Boating: Mornington Peninsula ramps</i> | 1836 |
| <i>Goulburn Valley Pregnancy Support Centre: funding</i> | 1837 |
| <i>Murrindindi: Cup Day work permit</i> | 1837 |
| <i>Lake Oval: future</i> | 1837 |
| <i>Local government: elections</i> | 1838 |
| <i>Information and communications technology: smartcard uses</i> | 1838 |
| <i>Responses</i> | 1839 |
| QUESTIONS ON NOTICE | |
| TUESDAY, 25 OCTOBER 2005 | |
| 2765. <i>Treasurer: State Trustees Ltd — capital works funding</i> | 1841 |
| 2989. <i>Treasurer: Office of the Administrator (SEAV, VicPower Trading) — external legal advice</i> | 1841 |

CONTENTS

| | | |
|-------|--|------|
| 2991. | Treasurer: Rural Finance Corporation of Victoria — external legal advice..... | 1841 |
| 2993. | Treasurer: Victorian Funds Management Corporation — external legal advice..... | 1842 |
| 2999. | Treasurer: State Trustees Ltd — external legal advice..... | 1842 |
| 4875. | Agriculture: FreeZa program — funding | 1842 |
| 4876. | Employment and youth affairs: National Youth Week — funding | 1842 |
| 4877. | Employment and youth affairs: Advance program — funding | 1843 |
| 4878. | Employment and youth affairs: youth services program — funding | 1843 |

| | | |
|-------|---|------|
| 5684. | Education and training: Merit Protection Board — entertainment expenses..... | 1849 |
| 5685. | Education and training: Registered Schools Board — entertainment expenses..... | 1849 |
| 5686. | Education and training: Victorian Curriculum and Assessment Authority Board — entertainment expenses..... | 1850 |
| 5687. | Education and training: Victorian Institute of Teaching — entertainment expenses | 1850 |
| 5690. | Education and training: Victorian Schools Innovation Commission — entertainment expenses | 1851 |
| 5691. | Education and training: Adult Multicultural Education Services — entertainment expenses | 1851 |

WEDNESDAY, 26 OCTOBER 2005

| | | |
|-------|---|------|
| 2552. | Education and training: Victorian Schools Innovation Commission — capital works funding | 1845 |
| 5304. | Education and training: Education and Training — advertising expenditure | 1845 |
| 5312. | Education and training: school closures | 1845 |
| 5453. | Education and training: Adult, Community and Further Education Board — external legal advice..... | 1846 |
| 5454. | Education and training: Merit Protection Board — external legal advice | 1846 |
| 5455. | Education and training: Registered Schools Board — external legal advice | 1847 |
| 5456. | Education and training: Victorian Curriculum and Assessment Authority Board — external legal advice | 1847 |
| 5458. | Education and training: Victorian Learning and Employment Skills Commission — external legal advice | 1847 |
| 5459. | Education and training: Victorian Qualifications Authority — external legal advice | 1847 |
| 5460. | Education and training: Victorian Schools Innovation Commission — external legal advice..... | 1848 |
| 5461. | Education and training: Adult Multicultural Education Services — external legal advice..... | 1848 |
| 5462. | Education and training: Council of Adult Education — external legal advice | 1848 |
| 5683. | Education and training: Adult, Community and Further Education Board — entertainment expenses..... | 1848 |

THURSDAY, 27 OCTOBER 2005

| | | |
|-------|---|------|
| 2298. | WorkCover: Victorian WorkCover Authority — advertising..... | 1853 |
| 4415. | WorkCover: Shannon's Way Pty Ltd — payments..... | 1854 |
| 4775. | Education services: Merit Protection Board — advertising and credit card expenditure..... | 1854 |
| 4943. | Treasurer: Treasury and Finance — communications staff..... | 1855 |
| 5083. | Premier: Victoria/New South Wales Border Anomalies Committee — communications staff..... | 1855 |
| 5231. | Treasurer: Treasury and Finance, strategic management division — communications staff..... | 1855 |
| 5251. | Treasurer: Treasury and Finance — communications staff..... | 1856 |
| 5299. | Health: Human Services — advertising expenditure | 1856 |
| 5406. | Community services: minister's office — alcohol purchases | 1857 |
| 5408. | Health: minister's office — alcohol purchases..... | 1857 |
| 5457. | Education and training: Victorian Institute of Teaching — external legal advice..... | 1857 |
| 5688. | Education and training: Victorian Learning and Employment Skills Commission — entertainment expenses..... | 1858 |
| 5689. | Education and training: Victorian Qualifications Authority — entertainment expenses | 1858 |
| 5692. | Education and training: Council of Adult Education — entertainment expenses..... | 1859 |

Thursday, 27 October 2005

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

Hon. Bill Forwood — On a point of order, President, yesterday during question time the Minister for Energy Industries quoted me from *Hansard* as having said the words:

... make the point quite frankly that we do not support the bill ...

While that is absolutely accurate, what he did not do was finish the quote. I know we have in this place a long history of not allowing members to put words into other people's mouths, and I put it to you, President, that we should not allow them to take words out of people's mouths as well. What I actually said was:

... we do not support the bill in the terms the minister asks us to, for all the reasons I have adumbrated in his absence.

It was a very selective quote by the minister. It is important in this point of order to make the point that we did not vote against the bill, therefore the minister should now have the opportunity to inform members of the rest of the quote.

Hon. T. C. Theophanous — On the point of order, President, I do not intend to debate the point but simply say that when I looked at the quotes from *Hansard* and the debate that took place, I became exceptionally confused about the position that was being adopted by the opposition, because *Hansard* says — and this is quoting Mr Forwood:

We think some parts of this bill are unexceptionable and can be supported, and on balance we have decided that we will oppose the bill.

Hon. Bill Forwood interjected.

Hon. T. C. Theophanous — That is what it says in *Hansard*.

The PRESIDENT — Order! The point of order raised by the member has been responded to by the minister and that is the end of the matter.

PETITIONS

Hazardous waste: Nowingi

Hon. B. W. BISHOP (North Western) and Hon. D. K. DRUM (North Western) presented petitions from certain citizens of Victoria requesting that the Legislative Council abandon the proposal to

place a toxic waste facility in the Mildura region (112 and 107 signatures respectively).

Laid on table.

PUBLIC SECTOR ASSET INVESTMENT PROGRAM

Budget information paper 2005–06

Mr LENDERS (Minister for Finance), by leave, presented public sector asset investment program — budget information paper no. 1.

Laid on table.

ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY

Victorian implementation review

Hon. J. M. MADDEN (Minister for Sport and Recreation), by leave, presented implementation review of recommendations in volumes 1 and 2.

Laid on table.

PARLIAMENTARY DEPARTMENTS

Reports 2004–05

Ms ROMANES (Melbourne), by leave, presented reports of Department of the Legislative Council and Department of Parliamentary Services for 2004–05.

Laid on table.

PAPERS

Laid on table by Clerk:

Adult Parole Board of Victoria — Report, 2004–05.

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

Auditor-General's Office — Report, 2004–05.

Barwon Region Water Authority — Report, 2004–05.

Building Commission — Report, 2004–05.

Central Gippsland Region Water Authority — Report, 2004–05 (two papers).

- Central Highlands Region Water Authority — Report, 2004–05.
- City West Water Limited — Report, 2004–05.
- Coliban Region Water Authority — Report, 2004–05 (two papers).
- Duties Act 2000 — Treasurer’s reports of approved exemptions made on corporate consolidations and reconstructions for 2004–05 (two papers).
- East Gippsland Region Water Authority — Report, 2004–05.
- EcoRecycle Victoria — Report, 2004–05.
- First Mildura Irrigation Trust — Report, 2004–05.
- Gippsland and Southern Rural Water Authority — Report, 2004–05.
- Glenelg Region Water Authority — Report, 2004–05.
- Goulburn-Murray Rural Water Authority — Report, 2004–05.
- Goulburn Valley Region Water Authority — Report, 2004–05.
- Grampians Wimmera Mallee Water Authority — Report, 2004–05 (two papers).
- Greyhound Racing Victoria — Report, 2004–05.
- Harness Racing Victoria — Report, 2004–05.
- Human Services Department — Report, 2004–05 (two papers).
- Infrastructure Department — Report, 2004–05.
- Justice Department — Report, 2004–05.
- Lower Murray Urban and Rural Water Authority — Report, 2004–05.
- Melbourne 2006 Commonwealth Games Corporation — Report, 2004–05.
- Melbourne Water Corporation — Report, 2004–05.
- North East Region Water Authority — Report, 2004–05.
- Ombudsman’s Office — Report, 2004–05.
- Phillip Island Nature Park Board of Management — Report, 2004–05 (three papers).
- Plumbing Industry Commission — Report, 2004–05.
- Port of Hastings Corporation — Report, 2004–05.
- Port of Melbourne Corporation — Report, 2004–05.
- Portland Coast Region Water Authority — Report, 2004–05.
- Public Transport Ticketing Body — Report, 2004–05.
- Roads Corporation (VicRoads) — Report, 2004–05.
- Rolling Stock (VL-1) Pty Ltd — Report, 2004–05.
- Rolling Stock (VL-2) Pty Ltd — Report, 2004–05.
- Rolling Stock (VL-3) Pty Ltd — Report, 2004–05.
- Rolling Stock Holdings (Victoria) Pty Ltd — Report, 2004–05.
- Rolling Stock Holdings (Victoria-VL) Pty Ltd — Report, 2004–05.
- Royal Botanic Gardens Board — Report, 2004–05.
- South East Water Limited — Report, 2004–05.
- South Gippsland Region Water Authority — Report, 2004–05.
- South West Water Authority — Report, 2004–05.
- Southern and Eastern Integrated Transport Authority — Report, 2004–05.
- Spencer Street Station Authority — Report, 2004–05.
- Surveyors Board of Victoria — Surveyors Registration Board of Victoria — Minister’s report of receipt of 2004–05 report.
- Sustainable Energy Authority Victoria — Report, 2004–05 (two papers).
- V/Line Passenger Corporation — Report, 2004–05.
- V/Line Passenger Pty Ltd — Report, 2004–05.
- Victorian Communities Department — Report, 2004–05.
- Victorian Environmental Assessment Council — Report, 2004–05.
- Victorian Rail Heritage Operations Pty Ltd — Report, 2004–05.
- Victorian Rail Services Pty Ltd —
 Minister’s report of failure to submit 2003–04 report within the prescribed period and the reasons therefor.
 Reports —
 2003–04; and
 2004–05.
- Victorian Rail Track — Report, 2004–05.
- Victorian Regional Channels Authority — 2004–05 (two papers).
- Western Region Water Authority — Report, 2004–05.
- Westernport Region Water Authority — Report, 2004–05.
- Yarra Bend Park Trust — Report, 2004–05.
- Yarra Valley Water Limited — Report, 2004–05 (two papers).
- Zoological Parks and Gardens Board of Victoria — Report, 2004–05 (two papers).

BUSINESS OF THE HOUSE**Adjournment**

Mr LENDERS (Minister for Finance) — I move:

That, notwithstanding any sitting of the Council on Friday, 28 October 2005, the Council, at its rising, adjourn until Tuesday, 15 November 2005.

Motion agreed to.

MEMBERS STATEMENTS**Pest animals: control**

Hon. PHILIP DAVIS (Gippsland) — I am pleased to have the opportunity to make a statement today about a problem for rural Victoria. Over the last six years, under the watch of the Bracks government the problem farmers have with pest animals, particularly those with farms adjoining Crown land, has increased significantly. We have seen the extraordinary growth in the number of wild dogs that invade farming land from state forests and national parks, particularly as a consequence of the alpine fires in 2003.

Foxes are significant predators in sheep farming areas, taking tens of thousands of lambs during lambing this year. Feral pigs are an incredibly challenging problem and a threat to our biosecurity. There are 20 million wild pigs between the Northern Territory and eastern Victoria, running right down as far as Cape Conran. These are vectors for foot-and-mouth disease.

This week the Liberal Party announced a policy to deal with the control of feral animals. It committed to a fox bounty program over four years and to trialling aerial baiting of wild dogs over three years.

Immigration and Multicultural and Indigenous Affairs: performance

Hon. H. E. BUCKINGHAM (Koonung) — It beggars belief but the commonwealth ombudsman has revealed that someone may have been wrongfully held in immigration detention for seven years. He is investigating 220 cases. Another person may have been wrongfully detained for 6 years, another for 4 years and 12 people may have been wrongfully detained for 3 years. In all, these cases add up to a staggering 75 years. The commonwealth ombudsman is investigating eight categories of these cases, including areas such as mental health, problems with immigration records, and also where a legal precedent had been set when other detainees were released. It also sadly

includes seven cases of detained children who may have become citizens on their 10th birthdays.

Every time more information is revealed about the running of this department, it becomes more damning. The ombudsman told a Senate select committee:

At this stage we have not completed the investigation of the cases so are not in a position to confirm that data is accurate or indicate whether any or all of the periods of detention were unlawful.

This is a disgraceful situation. The handling of detainees by the federal Department of Immigration and Multicultural and Indigenous Affairs is also disgraceful as we have witnessed with the Cornelia Rau and Vivian Alvarez Solon cases.

In Westminster tradition the current federal Minister for Immigration and Multicultural and Indigenous Affairs, Senator Amanda Vanstone, and the previous minister Philip Ruddock, must be accountable for not only the ineptitude of their department but the erosion of the rights of not only the 220 cases being investigated but the rights of all people still held in detention.

Fernlea House: opening

Hon. A. P. OLEXANDER (Silvan) — It is a pleasure to inform the house of the culmination of years of work as a result of the Fernlea House committee of management, a community organisation, putting together a great initiative for people in the outer eastern suburbs. This will culminate on 17 November with the opening of Fernlea House as a day care hospice for terminally ill people in the region. The federal member for La Trobe, Jason Wood, will officiate at the opening, which has come about as the result of a bequest of the house and land, and a huge volunteer effort. Bendigo Bank and many local businesses have put in a huge amount of time and effort, and the federal government has allocated \$800 000 for the project to come to fruition. Unfortunately there has as yet been not a cent of state government funds devoted to this project. This is an indictment of the government because there is a huge need for services for the terminally ill in the outer eastern suburbs.

I congratulate Jan Lancaster and her team of volunteers, the community, local businesses, and of course the federal government, for ensuring that this huge initiative will finally open as a day care hospice on 17 November. I would also like to call on the state government to finally come to the support of terminally ill people in the outer eastern —

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

Rosa Parks

Ms CARBINES (Geelong) — I pay tribute this morning to the life of Rosa Parks, a black woman who in 1955 refused to give up her seat on a Montgomery bus for a white man. This act, courageous in the face of Alabama's unconscionable racist segregation laws, was the catalyst for the advancement of the black civil rights movement in America.

As a former teacher of history, I have many times reflected on the bravery of Rosa Parks and her determination to confront deep-seated racial discrimination. Her simple act of civil disobedience achieved more for humanity than most of us achieve in a lifetime. The great Dr Martin Luther King is quoted in the *Australian* of 26 October as having said:

Actually, no-one can understand the action of Mrs Parks unless he realises that eventually the cup of endurance runs over, and the human personality cries out, 'I can take it no longer'.

Rosa Parks said:

But the real reason of my not standing up was I felt that I had a right to be treated as any other passenger. We had endured that kind of treatment for too long.

Rosa Parks died this week some 50 years after her protest on a Montgomery bus. Rest in peace, Rosa Parks. You will always be a source of much inspiration.

Michael Stubbings and Wayne Tunnecliffe

Hon. BILL FORWOOD (Templestowe) — I want to make some comments about the recent general staff meeting of the Parliament which was held on 14 October in room K. At that time Michael Stubbings, who was not present, was announced as a recipient of his 30-year award for service to this Parliament. Frankly, it is beyond the call of duty to do 30 years in here, but I think we should recognise the outstanding contribution that some staff in this place make to our wellbeing, and Michael is one of those.

There are others, I know, who have lengthy service in here as well.

An honourable member interjected.

Hon. BILL FORWOOD — It is like a sentence, I know! I know of one person who is approaching 40 years of service. I will not be around to celebrate the 40th anniversary of Mr Tunnecliffe's commencement in this institution, but I think this is an appropriate time

to recognise not just the outstanding service from both Michael and Wayne, but the other members of this organisation who spend their lives making our lives somewhat easier than they might otherwise be.

Preschools: funding

Hon. R. G. MITCHELL (Central Highlands) — On Thursday, 20 October, while reading the *Shepparton News* I saw a terrible headline: 'Slashed funding hurts preschool'. When reading through the article by Darren Linton, I noticed that Tatura's only childcare centre will run its preschool care at a loss for the first time because of cuts in Victorian government funding. Imagine my horror and shock when I read that, because I know how this government supports preschools.

The next day, 21 October, when some members were probably still in bed, I read another article in the *Shepparton News* headed 'State funding push to keep fees modest'. The article said that it was not the Victorian government which was slashing the funding; it was the dirty, greedy, grubby federal government. Not only is the federal government cutting the rights of workers and the rights of the disadvantaged, but here it is taking funding away from those for whom we care the most — children. It is not looking after children in areas that have been hard hit by drought and by trouble. What do we have?

The member for Shepparton in the other place, Jeanette Powell, has at least had the decency to get up and have a go, while our state Liberal members sit here, cower, duck and hide as they dance to the tune of their federal counterparts. Not only is the federal government cutting workers' conditions and cutting child care, it is not giving us the road funding we are entitled to. This house should condemn members of the federal government for being nothing more than the greedy mongrels they are!

Hon. R. H. Bowden — On a point of order, President, I would seek your comments and corrective action on the final comments of the preceding speaker when he described the commonwealth as 'greedy mongrels', as I interpreted it. If that is true, I want that comment withdrawn. I find it offensive.

Hon. R. G. MITCHELL — On the point of order, President, I believe that in previous rulings it has been noted that if something said is directed to a member and that member finds it offensive, a withdrawal can be requested, but on a general statement there are no grounds for a withdrawal.

Hon. G. K. Rich-Phillips — On the point of order, President, I submit that the nature of the point of order is that the language is unparliamentary rather than offensive to an individual.

The PRESIDENT — Order! I do not uphold the point of order asking for a withdrawal, but I remind the honourable member, and all members, about the standard of language to be used in the house. That sort of language is undesirable, and that is where I will leave the matter. I remind members this is the upper house of the Parliament and members are expected to act with decorum and use appropriate language.

Roads: outer south-east

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — The Bracks government is to be condemned for ignoring the infrastructure needs of the outer south-east. The Royal Automobile Club of Victoria has estimated that the backlog of road infrastructure needs in the south-east exceeds more than \$1 billion. In the city of Casey alone the RACV estimates that more than \$429 million in roadworks remains outstanding, including \$130 million for the Berwick–Cranbourne Road which carries 10 000 vehicles a day, \$80 million for the Western Port Highway which carries 6000 vehicles a day, and \$75 million for the Narre Warren–Cranbourne Road which carries 37 000 vehicles a day.

Government members dishonestly claim that the government has spent \$200 million in Casey, including on the Hallam bypass which was in any case an initiative of the previous government. This claim is as dishonest as describing the West Gate Bridge as local roads funding for Williamstown. The government must stop this arrogant dishonesty towards the people of south-east Melbourne and deliver a much-needed roads infrastructure.

Industrial relations: federal changes

Mr SMITH (Chelsea) — It does not give me a great deal of satisfaction to inform the house of something I read this morning in the *Herald Sun* — and given that it was in the *Herald Sun*, it must be true! In its telephone poll this morning some 1900 citizens of Victoria responded to the question, ‘Do you support John Howard’s industrial relations reforms?’. An overwhelming percentage, 72 per cent, said no.

Whilst I do not get any satisfaction from that, it gives me great hope for the future that middle Australia in particular is now fully awake to what the Prime Minister is really all about. They and their kids are

going to pay a very heavy price for what is coming down the road to them.

Skilled workers and professionals probably will not be under as much pressure or be damaged as much because of the skills shortage in the country. It will be the semiskilled and the young in particular who will bear the full brunt of this — the very people who supported John Howard in the last two elections. They will learn a very hard lesson. I look forward to the next election.

Local government: elections

Hon. J. A. VOGELS (Western) — I take this opportunity to congratulate all candidates who are prepared to have a go and who have put their hands up to test their popularity et cetera at this year’s council elections to be held on 26 November. It is hard work being a local government councillor, and you usually cop more barbs than bouquets.

A total of 1018 Victorians have put their hands up for the 375 council positions, so there will be many interesting contests. The residents of Indigo and West Wimmera shire councils are obviously satisfied with their councillor representation as all the sitting councillors have been returned unopposed. Every council position is opposed in 31 of the councils going to the polls, with the greatest number standing in Glen Eira, which is perhaps no surprise. Women are strongly represented in this year’s council elections with a total of 317 seeking election, which is 31 per cent of all candidates.

The Victorian Electoral Commission will mail postal ballots to all voters from Tuesday, 8 November. Voting is compulsory and must be received by the returning officer no later than 6.00 p.m. on Friday, 25 November. Good luck to all those involved.

Arthurs Seat Challenge

Hon. J. G. HILTON (Western Port) — On Sunday I will be participating in the annual run, or in my case, walk from Rosebud Pier to the top of Arthurs Seat. All proceeds go to providing education programs for young drivers. Still too many young people drive as if they believe they are indestructible. Just last week a 19-year-old P-plater was clocked driving at 170 kilometres per hour on the Mornington Peninsula Freeway. I believe he had three passengers in the car and, as the police said, just one small error of judgment and there would have been four more deaths.

This annual walk/run from Rosebud Pier to Arthurs Seat gets bigger every year, with 1400 participants last

year, and I am sure there will be more this year. For the third year running I will be presenting a signed Melbourne Storm jumper to the first male placegetter, and I would like to thank the club for its continued generosity. My personal objectives in this event are of a rather modest nature. I would like to beat my age. This will be the sixth year I have participated but for some reason Arthurs Seat seems to get steeper every year.

Plumbing: utilities

Hon. B. N. ATKINSON (Koonung) — I wish to express my concern yet again about the anticompetitive nature of the activities of South East Water and Yarra Valley Water in contracting specific plumbers to undertake work on behalf of their customers without allowing other plumbers to actually participate in that work. Both of these companies have actually been warned previously by the Treasurer, John Brumby, that they are sailing dangerously close to the wind in terms of national competition policy. They have both been told to stop their practice of advertising, or allowing to be advertised, their agency names in conjunction with particular plumbing services.

A number of plumbers believe the charge rates are being loaded and have formed an organisation called Plumbers Voice because of the commission that seems to be paid to both companies. This is not a quality control or customer service issue; it is about an inappropriate arrangement between particular commercial contractors and the agencies.

Brighton Bay shared trail

Mr PULLEN (Higinbotham) — I was pleased last Sunday to represent the Minister for Environment in the other place to officially open the Brighton Bay shared trail. The newly constructed section is between Bay Street and the Middle Brighton Baths. It will improve the safety of everyone, particularly cyclists. The state government's three-year commitment to this trail was realised with a total of \$750 000, with the final \$250 000 coming out of this year's budget. The Bracks government has delivered again. Bayside City Council has matched the funding.

The project has included construction of a multi-use shared path, with viewing decks, lighting, seating, landscape improvement works and the renourishment of the Sandown Street Beach. That means that now there is a continuous trail from Beaumaris to Altona. The construction of the path brings the government's vision of the Bay Trail extending from Point Nepean to Werribee South is a step closer.

The new trail will be the focus of the Bayside City Council's Warming Up Day on 20 November for the 2006 Commonwealth Games. There will be sack racing, rollerblading, three-legged racing, wheelbarrow racing plus much more. There will be a chance to win a mountain bike, which Mr Hilton might need next Sunday! I will have the pleasure of presenting the council with a flag of Wales, the country that it has adopted for the games. It will be a great day and I urge all citizens to be involved on 20 November.

Greater Western business excellence awards

Hon. S. M. NGUYEN (Melbourne West) — I congratulate the Greater Western Chamber of Commerce and Industry on its 2005 Powercor Greater Western business excellence awards. The ceremony was held on last Wednesday, 19 October, at Flemington racecourse. I was not able to attend because Parliament was sitting. I hope that next time I will be able to attend that important function for the western suburbs of Melbourne. I congratulate the businesses that won awards: best small office business, Dirtscape Dreaming; best medium business, McKnight's Retravision; best small business, The Paws Store; best agribusiness, the Galli Estate Winery; best export business, Plantic Technologies; business innovation award, Healthcare Assist; and best not-for-profit business, Open Family Australia.

I also thank the major sponsors: the four councils of Wyndham, Melton, Hobsons Bay and Maribyrnong, the Star News Group, Victoria University, City West Water, Web partner, Tabaret, Telstra, Delfin, the Commonwealth Bank, the Royal Automobile Club of Victoria, the Australian government through Austrade, and Melbourne's West Area Consultative Committee. It was an Australian government initiative — —

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

STATEMENTS ON REPORTS AND PAPERS

Office of the Small Business Commissioner: report 2004–05

Hon. B. N. ATKINSON (Koonung) — I wish to make a statement today on the Office of the Small Business Commissioner's report for 2004–05. At the outset I congratulate the office on its work over the past 12 months which is under review in the annual report. There is much to be pleased with in terms of the progress of the small business commissioner. I am on record as saying previously that Mark Brennan was

probably one of the best appointments that the state government has ever made. He has led a very good team at the SBC office and its members have made significant progress in the work that they have undertaken this year.

I am particularly impressed with some of the work they have done in dispute resolution. I note that this year some 79 per cent of disputes have been successfully settled. That is a significant result and a substantial improvement on last year, when 71 per cent of disputes were successfully resolved. This is one of the core functions of the small business commissioner. This year the commissioner's charter was expanded significantly by the government both under the original legislation and by additional legislation. He has been called upon by the government to investigate the operation of cemetery trusts and to review the food safety legislation, particularly with regard to the impact of that legislation on small businesses.

There is no doubt in my mind that the food safety laws introduced in Victoria have been unduly onerous, and in some cases absolutely foolish, in their application to many small businesses. I am aware of a canteen at a football ground that was told it had to have flywire on the back door despite the fact that the front serving area was completely open. You would need discriminating flies to cope with that situation. Many businesses face the same sort of petty approach by councils, particularly in policing food safety laws. I am pleased to see that the small business commissioner has lodged a report on the impact of these laws on small business, and I look forward to changes.

The report states, as I have said previously in this place, that the commissioner is now required under the act to have jurisdiction over the liquor code of conduct. However, as the report points out, at 30 June 2005 — and I might say, at 27 October 2005 — there is still no liquor code of conduct despite the fact that he is required to watch over it. This government's tardiness in that area is unfortunate.

The report also comments on the implementation of the government's land tax changes. I would have preferred that the commissioner felt confident under his charter of his ability to investigate the impact of those land tax charges on a considerably wider basis. There is no doubt that those changes have had a significant impact on many small businesses and will continue to have an impact, particularly next year when the next round of land tax charges comes into effect. The current proposals on family trusts will have a major impact on small businesses. I would have hoped that the small business commissioner might have had an opportunity

to discuss that legislation before it came before the Parliament, but I do not believe he was given that opportunity by the government.

The report also comments on fair payments. It points out that the government's plan to implement a fair payment system whereby small business accounts would be paid within 30 days has been developed further by the small business commissioner but that government agencies are not delivering on that government commitment. I hope the commissioner is able to ensure greater compliance in the future.

Victorian Law Reform Commission: workplace privacy

Hon. H. E. BUCKINGHAM (Koonung) — It is with great pleasure that I rise to make a contribution on the final report of the Victorian Law Reform Commission into the issue of workplace privacy tabled in Parliament on 5 October 2005. This report makes a number of important recommendations on issues affecting workers in Victoria. I congratulate the Victorian Law Reform Commission on the report, which makes a timely contribution to the debate on workplace privacy. Currently Victorian workplaces are not covered by regulation or legislation that would provide a guide to employers or workers on matters of privacy.

This final report is the culmination of the commission's work following the Attorney-General's launching of the terms of reference for the inquiry on 5 March 2002. Since then a number of steps have been taken that have led to the final report, including the publication of an issues paper and an options paper and extensive consultations. The importance of the report is clearly outlined on page 6:

Long-held assumptions about privacy are being challenged daily by the onslaught of rapidly advancing technologies...

Employers now have access to technology and medical science that allows them unprecedented access into workers lives.

The PRESIDENT — Order! I seek clarification as to which of the reports listed on today's notice paper the member is referring to.

Hon. H. E. BUCKINGHAM — The Victorian Law Reform Commission's Workplace Privacy final report.

The PRESIDENT — Order! I am trying to find it on the notice paper.

Hon. H. E. BUCKINGHAM — I was listed to speak last week, President, and I did not get up, so I became the first one this week.

The PRESIDENT — Order! I apologise to the member but the difficulty is that the report has not been put back on the notice paper. It must be relisted on the notice paper before it can be discussed. Unless the member wishes to speak on another report that is listed on the notice paper, I must ask her to finish her contribution.

Fisheries Co-Management Council: report 2004–05

Hon. R. H. BOWDEN (South Eastern) — I would like to make a contribution this morning on the 2004–05 annual report of the Fisheries Co-Management Council. The South-Eastern Province has the longest continuous saltwater frontage of any electorate in the state. When one considers that it takes in the Western Port area and the Mornington Peninsula, and then goes east almost to Wilsons Promontory, it can be seen that there is a huge amount of fishing and boating activity in the area. Certainly both commercial and recreational fishing activities comprise a large part of the community efforts over any given year.

First of all, I congratulate the Fisheries Co-Management Council on a well-prepared, comprehensive, detailed report that is quite satisfactory in its presentation. The detail available and the structure of the report makes the information that one is seeking readily available to the reader. I have a few suggestions or expressions of issues that the Fisheries Co-Management Council may care to take note of in relation to a few of its activities and it may be as time goes by that those issues and items could be considered.

In my opinion the report is in places somewhat bureaucratic. I refer honourable members to page 3, and will illustrate my point with a brief quote. The report is referring to the vision of the council:

In order to target this vision, the FCC will ensure that it is providing objective, holistic, strategic advice to government, that it is building and maintaining partnerships to improve understanding and that it is operating effectively in terms of governance.

Honourable members will know exactly what that means and in the main would have no trouble interpreting that rather bureaucratic definition of part of the organisation's vision. However, I respectfully suggest to the Fisheries Co-Management Council that it may want to retain that for the professionals in the business but also clarify it for the large number of

recreational and commercial fishers and participants in fishing and have a more user-friendly definition of the vision. It is very good that it has a vision, and I share the sentiments of that vision, but I would like to see it put in plain language.

I was impressed with the detail that has been provided, and a good example of that is the table under the heading 'Status of Victoria's fisheries'. In particular, pages 18 and 19 provide a great deal of detail about the status of different categories of the marine life in the Victorian jurisdiction. That is a very good feature.

Over a long time there has been a lack of focus on the development of aquaculture in Victoria. There are opportunities for employment and sustainable exports, and I am not convinced that the Fisheries Co-Management Council is focusing enough on the benefits of aquaculture.

I also believe that the status and quality of the ramps used by recreational and commercial fishermen in Victoria is substandard, and the Fisheries Co-Management Council should look into that issue. There is a lack of provision also for suitable ocean-going boats to work Bass Strait and police the illegal abalone take, and I would like to see that issue addressed too. In the case of Walkerville in eastern Victoria, there is a need for an access ramp for the safety of marine users there.

I also would suggest that given the salaries of more than \$6 million, the travelling component of only \$2000 or \$3000 in airfares is a little questionable, and I do not think that that is enough. With that, I conclude my comments.

Victorian Multicultural Commission: report 2004–05

Hon. KAYE DARVENIZA (Melbourne West) — I want to speak on the annual report of the Victorian Multicultural Commission. It is another excellent — —

Mr Lenders interjected.

Hon. KAYE DARVENIZA — Yes, my picture does happen to be in it, Mr Lenders. The commission always manages to find room for a photograph of me doing my work as the Parliamentary Secretary to the Premier on Multicultural Affairs.

Mr Lenders — A very hard worker.

Hon. KAYE DARVENIZA — Absolutely. I want to congratulate the Victorian Multicultural Commission, particularly Mr George Lekakis, the

chairperson; Mr Hakan Akyol, the deputy chairperson and director; and Sam Aziz, Joe Caputo, Stanley Chiang, Melba Marginson, Vicki Mitsos, Joe Pavlovic, Dalal Smiley and John Zika, who made up the commission for 2004–05.

I would particularly like to thank Sam Aziz, Melba Marginson, Joe Pavlovic, Dalal Smiley and John Zika, whose terms on the commission have expired since the report has been issued. I want to thank them for the excellent work they have done during their terms as commissioners and say what a pleasure it has been working with them. I particularly thank them for their contribution.

The report is terrific. There is so much in it. The community grants program is well worth a look. The Victorian government has allocated approximately \$3 million to the VMC's community grants programs. These grants cover everything from organisational support, senior citizens, buildings and facilities improvement, educational programs, festivals and events to community strengthening, so there is a lot there for our ethnic communities to be involved in. There is significant money for grants from the VMC. I urge all MPs to make sure they keep their eyes out for the grants applications and ensure that the ethnic communities in their electorates apply for the many grants that are available.

Community engagement and consultation is a big part of the commission's work. It does an excellent job in travelling around Victoria's rural and regional areas as well as metropolitan Melbourne, conducting ongoing consultations with ethnic communities. There have been more than 50 community consultations in the reporting period. The commission also maintains an open-door policy. George Lekakis and his team in the commission are more than happy to meet and deal with issues from faith and multicultural community representatives. Over the reporting period representatives from more than 180 communities and organisations as well as individuals have taken up that offer and expressed their views and concerns.

I shall pick out from the report a few things that members will be interested in. Victoria's Awards for Excellence in Multicultural Affairs is another initiative of the Bracks government, for which the Victorian Multicultural Commission is responsible. It is always a grand event at Government House, with the Governor and the Premier present.

There is a wide range of categories that people are able to be nominated for. These awards recognise and

reward the contribution of individuals and organisations in the promotion of Victoria's multicultural harmony.

Cultural Diversity Week is always a big week in the multicultural calendar, and this year it was held between 17 and 23 March. The commission spearheads all the major activities and is involved in a wide range of activities both with communities, councils and primary and secondary schools. It does an excellent job in coordinating and bringing together the many aspects that make our Cultural Diversity Week such a terrific week in celebrating Victoria's diversity.

Human Services: report 2003–04

Hon. D. McL. DAVIS (East Yarra) — My statement on reports concerns the Department of Human Services annual report for 2003–04, in particular the mental health output group. I note that the report has been superseded less than 1 hour ago by the tabling of the 2004–05 report. I look forward to the analysis of that report.

With regard to the mental health output group, I am particularly concerned to see it from the Auditor-General's report relating to the same period, 2003–04, and indeed into the 2004–05 period concerning matters brought to the attention of the house yesterday.

It is interesting to look at the 2003–04 period for mental health patients, where unplanned readmissions occurred within 28 days, which is regarded by the Auditor-General and others, and the department, as a major test of the performance of the department. I note the department's target of 14 per cent of patients readmitted within 28 days was not achieved in the period between the September quarter 2004 and the June quarter 2005. The rates of unplanned readmissions of mental health patients was 16 per cent in the September quarter 2004, 18 per cent in the December quarter 2004, 18.3 per cent in the March quarter 2005 and 17.3 per cent in the June quarter 2005. These are well beyond that 14 per cent target and unfortunately seem to be increasing.

The department also had measures in place which relate to the time spent in an emergency department, in particular by mental health patients, which is a matter for growing and worrying concern in the community. I was very worried, for example, to see an increase in the number of people waiting for over 12 hours, over 24 hours and over 48 hours, and indeed at the significant increase in the number of mental health patients waiting more than 78 hours on trolleys in an emergency department who need particular specialist

care — and care that is not easily able to be provided in the environment of an emergency department.

My concern is that the government appears not to be tackling these issues. It is true that the government has put more money into the mental health output group in the last two years, but that money has not made the difference. While there has been a modest increase in demand over the last two years there has been a significant deterioration in performance, as measured on some of these key measures that the Auditor-General has drawn our attention to this week.

I believe the government has to take some serious steps. Many of the issues that were put on the record with the not-for-service report by the Mental Health Council of Australia just a week or two ago made the very human face of patients with mental illness open to the community and made the human tragedy of the lack of treatment and of responsiveness of some services very obvious to the community.

I compliment the mental health council for the work it has done. I particularly want to pay tribute to the Auditor-General for his work. His work on mental health services for people in crisis in 2002 was a groundbreaking report in the sense of it being a performance audit in the human services area. He looked at things anew in terms of performance and outcomes for people with a mental illness, and their families and their carers. This follow-up report three years later is an important test of the government's response. While he indicates that the government has responded to some of his recommendations, there are still major areas where further intervention is necessary.

He, for example, makes a recommendation that the Department of Human Services implement benchmark reporting against its mental health performance indicators as a priority, which is a sensible recommendation. I believe the government should focus closely on what the Auditor-General has said. As I have indicated to the house before, I have the highest regard for his performance auditing work in the human services area and believe he has become an international leader. This report, and other aspects of earlier reports, will add to that reputation.

Office of the Small Business Commissioner: report 2004–05

Hon. J. G. HILTON (Western Port) — Today I also join with Mr Bruce Atkinson in making a brief statement on the Office of the Small Business Commissioner's annual report 2004–05. The creation of the small business commissioner was an election

promise of the Bracks government, and the bill to establish the commissioner's role was one of the first bills that I spoke on in this place some 2½ years ago.

As members know, small business is very important to the economy. The majority of people are employed in small business, and all big businesses at some stage were small businesses.

I noticed the cover design of the commissioner's report, which, if members are interested in looking at it, is very similar to the BHP Billiton logo. I am not sure whether that is by accident or design, or whether it is my imagination, but I am sure it could be viewed in some ways as an indication that even the smallest business at some point can become as big as BHP Billiton.

The chief role of the small business commissioner is to enhance the competitiveness and fair trading environment for small business, which has been identified in the annual report. Also, dispute resolution is a significant part of the commissioner's workload in the year. The commissioner's success in the mediation process, as has been mentioned by the Honourable Bruce Atkinson, is quoted in the report, which states:

Mediators conducting mediations, and staff managing the pre-mediation process, were involved in 831 disputes and achieved a remarkable 79 per cent success rate.

Disputes valued at more than \$80 million have now been handled resulting in savings to Victorian small business of millions of dollars in litigation fees and thousands of hours previously wasted in disputes.

The report says that the period between the initial dispute notification and mediation date was usually between 8 and 10 weeks, and most mediation sessions took 3 to 4 hours to complete. Obviously it is in everybody's interest to resolve disputes before they get too far and substantial legal costs are incurred.

The commissioner gives one example of his effectiveness, which is very instructive. The report states:

A tenant referred a dispute to the small business commissioner concerning responsibility for structural repairs.

The small business commissioner organised mediation between the parties. At mediation both parties believed that the other was legally responsible for the cost of repairs. Despite this, they were also conscious of the time, cost and risk of litigation.

The mediator suggested that both parties would benefit from the works being completed in that the tenant would have the ability to attract a larger number of higher fee paying customers and the landlord would have a building with a higher value use. The parties and their legal representatives agreed with this proposition and agreed to share the costs of

the repairs. The landlord also agreed to grant the tenant an additional option for a further term in order to amortise the cost of the works that the tenant's share involved, should the tenant intend to take up an additional term. The works program also meant that the tenant had a much more viable business that could now be sold at some future date.

I believe that is a first-class example of the role of the small business commissioner. It is a win-win situation. People are able to resolve issues without incurring expenses and without the rancour which legal situations usually entail.

Another role of the small business commissioner is to investigate and protect small business from unfair market forces generated by large business. I understand that 38 complaints were received last year and the commissioner was very successful in mediating the disputes.

The appointment of a small business commissioner in Victoria was a first for Australia, and the success of that role has been illustrated by the Australian Capital Territory recently passing its own small business commissioner act. I believe Mr Mark Brennan, the small business commissioner, has been very successful in his role, and he is making a significant contribution to the commercial environment for small business in this state. I congratulate him and his staff on a most successful year.

Auditor-General: performance audits

Hon. D. K. DRUM (North Western) — I would like to make a statement on the Auditor-General's report entitled *Follow-up of Selected Performance Audits Tabled in 2002 and 2003*. An extremely topical issue at the moment is mental health services for people in crisis. The Auditor-General's report is a progress report on the 2002 report. It goes to the heart of the matter and strongly makes two points. Firstly, the government has acted on the strategic plan it put in place, and secondly, mental health services at the moment are still in absolute crisis. The Auditor-General makes this clear not so much in his recommendations but in some of his findings.

The report refers to Area Mental Health Services around the state. The Auditor-General talks about how the Department of Human Services (SHD) developed a mental health demand management strategy in 2002–03 and has revised its budget for 2005–06 to address that strategy. The strategy identifies key demand drivers, anticipated growth and talks about critical pressure points. It identifies the current and desired outcomes, and considers the capital and infrastructure support that will need to be put in place to deliver those objectives.

Figure 5A on page 96 of the report indicates that in 2005–06, \$30 million will be budgeted for mental health in a range of six different areas. The table also shows that over the four years to 2008–09, that figure will be increased to \$180 million. That is an enormous increase.

We should congratulate the government on putting in place funding for the future in these areas — and \$55 million of that future funding will be used for capital development. That time will go quickly. Members in this chamber in 2008–09 will still be wondering how on earth we ever put up with it and allowed any government to spend one-sixth of what we are spending today, only four years previous. That is what we should be looking at — today we are spending \$30 million and in five years we are going to be spending six times as much. That is something we need to be very aware of when considering the crises in the system at the moment.

Also on page 96 of the report, under the heading 'Entry and assessment' it is noted that:

... triage processes (where patients are assessed and prioritised on the basis of risk and urgency) were unclear. There were no clear guidelines on ratings of risk and urgency; or on the appropriate service responses for different ratings.

Another area that is very pertinent is the number of patients attending emergency departments. The report tells us that about 18 per cent of patients present to hospitals through emergency departments. The 2002 Auditor-General's report found that that situation had to be addressed because there were too many people doing that.

Another issue we need to address is the lack of acute beds. The Auditor-General's report notes that a study conducted by SHD in 2004 identified that a major cause of long stays in emergency departments by mental health patients was the lack of access to beds. The study also identified that some of the mental health patients in emergency departments were only there because they could not access an acute bed anywhere else. The situation at the moment is extreme. In Bendigo people are being denied beds in acute mental health clinics. They are being forced to stay in motels with full-time, 24-hour carers or nurses to look after them. The carers cannot be any more than 2 metres away from the patients at any time because the patients are a risk to themselves.

This report by the Auditor-General highlights the fact that the government has put in place — —

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

Library Board of Victoria : report 2003–04

Hon. ANDREA COOTE (Monash) — I would like to make a contribution today on the Library Board of Victoria report for 2003–04. Recently I spoke about the State Library and referred to this report. I almost got to the end of my contribution when my time ran out. I had wanted to put on the record my praise for the librarian, Anne-Marie Schwirtlich, and her staff. They do an excellent job, they are very professional, and they have the library's best interests at heart.

However, as I have said in this place before, there are some concerns. Certainly the user groups I speak with have some major concerns about some of the library's policies. While I have full praise for Anne-Marie Schwirtlich and her staff, in the same breath I vehemently criticise the government for its lack of funding for and foresight on the state library. The government is certainly not funding the library to the extent to which it should be funded. Anne-Marie Schwirtlich and her staff do an exemplary job given the library's lack of recurrent funding and the lack of recognition by this government.

I have brought up before the matter of the deaccessioning of newspapers. Paul Fox has raised with me some concerns about that, and I want to record what happens regarding the deaccessioning of newspapers in Australia. The national plan for Australian newspapers (NPLAN) is a cooperative initiative established by the Council of Australian State Libraries and all state and territory libraries in Australia participate in it. The plan takes a coordinated approach to looking after collections of newspapers so that Australia will have a comprehensive group of newspapers that can be researched by all Australians and by international researchers.

The partners in NPLAN include the state and territory libraries of New South Wales, Victoria, Western Australia, South Australia, Queensland, Tasmania and the Northern Territory. Various libraries take responsibility for collecting newspapers to make sure there is a continuous availability. The Council of Australian State Libraries, the chair of which is Anne-Marie Schwirtlich, has come up with quite comprehensive guidelines for the collection and deaccessioning of newspapers within the NPLAN group. I would like some clarification on the problem that Paul Fox has brought up with me, and I hope the minister will be able to look at it and indicate some recognition of what should be done.

It would seem that the guideline document — and I am sure it is very comprehensive — has never been mentioned in the state library's guidelines for the deaccessioning of Victorian newspapers, so the public cannot be certain whether or not the guidelines are being adhered to. We need to have a debate on that. As Paul Fox said:

Interestingly this document has never been mentioned in the guidelines put out by SLV for deaccessioning its collections. Moreover, the national plan for Australian newspapers (NPLAN) and its implications for SLV collections, has never been debated, yet it seems to be used to underpin current moves for deaccessioning the state's collections.

He went on to say:

Again the question has to be asked: is this the intention of the Libraries Act of Victoria regarding the state collections?

I hope that in next year's report of the Library Board of Victoria we will be able to see the guidelines and understand what ramifications they have for the state library now and into the future. From one point of view it is impressive that our Victorian state librarian is the chair of the council, but it is important for Victorians to know what the guidelines are, why we are holding the newspapers we are holding and why we are deaccessioning the newspapers that are to be discarded. We need to have transparency. We need to see what is going on. I concur with Paul Fox in his concerns and hope we can get some clarity on the issue. I believe the newspaper collection in Victoria is highly regarded. It is a wonderful and rich resource. As I have said before, it is important that we have the physical newspapers because they add enormous depth for a researcher. People like to see the construction of the newspapers. Reading the newspapers on microfiche or on the Internet is not always possible.

Drugs and Crime Prevention Committee: violence associated with motor vehicle use

Mr SCHEFFER (Monash) — The government's response to the Drugs and Crime Prevention Committee's report entitled *Inquiry into Violence Associated with Motor Vehicle Use* was released last week. Members will recall that the report was tabled in April this year and was the most extensive analysis of the subject conducted in this country and probably anywhere in the world.

The report made 69 recommendations directed to agencies including Victoria Police, VicRoads, the Department of Justice, the Transport Accident Authority, the Australian Taxation Office and the media. The recommendations covered a very wide range of issues, including police data collection and

statistics relating to road violence, driver training, traffic calming improvements, media campaigns and public education, advertising, film classification, reporting road violence incidents and sentencing.

The committee adopted the view that the harm caused on our roads by slightly to moderately aggressive drivers is greater — at the overall population level — than that caused by the very small number of very aggressive drivers because there are many more of them. This approach was derived from the work of Professor Geoffrey Rose and was brought to the committee's attention by Dr Jan Garrard of Deakin University. On this basis the committee's recommendations were concerned with making small achievable changes that, when taken together, would have a positive impact on reducing the incidence of violence using a motor vehicle.

The government has supported or noted some 48 of the recommendations and has not supported some 21 of them. I am sure the other committee members and our researchers appreciate the serious attention the government has given to the report and its recommendations. The government has provided an explanation on almost every recommendation, setting out why it has taken the approach it has. There are too many recommendations to cover in a 5-minute contribution this morning, but I shall focus on a few by way of illustration.

The government has supported in principle the committee's recommendation that Victoria Police continue to review its data holdings to ensure that incidents involving road user violence are more accurately classified in the law enforcement assistance program — or LEAP, as it is popularly known — and that police receive ongoing training in the definition of 'road user violence' for the purposes of recording such incidents. The government has responded that consideration will be given to building an appropriate classification for road user violence into the proposed new LEAP system.

Victoria Police indicated in its submission to the inquiry that road user violence data recorded on LEAP may not accurately reflect the true extent of road user violence incidents reported to police. The submission indicated, for example, that one of the reasons this might be the case is that the incidents were not being correctly identified as falling within the definition of road user violence by police officers. The police data was important to the committee, because it relied on this information to form an assessment of the scale of the problem.

The committee verified the accuracy of the incidents recorded by the police on the LEAP database through analysing identified copies of LEAP records for all road user violence incidents that occurred in March 2004. It was found that all but one of the incidents involved road violence within the definition adopted by the committee. So the committee was satisfied that in March 2004, at least, LEAP accurately recorded incidents of road violence in Victoria.

The government also partly supports the committee's recommendation that Victoria Police provide a yearly report on the nature and extent of incidents recorded on the LEAP database involving road user violence, including data on victim and offender demographics, the prior history of offenders, the financial loss and personal injuries suffered by victims, and prosecution outcomes. The government agrees that data gathering improvements should be ongoing but believes that some of the categories the committee identified, such as financial loss and personal injuries suffered, is subjective and is therefore inappropriate for the police to assess and record.

There is a lot more to be said on the government's response to the Drugs and Crime Prevention Committee's report, but this will suffice for now. I commend the government's response to the house.

Environment Protection Authority: report 2004–05

Ms CARBINES (Geelong) — This morning I am very pleased to speak on the Environment Protection Authority's annual report 2004–05. The report has a very interesting and attractive cover. The cover is stark with a big carrot dangling on the front. Its title is *Come with Us*. The title pretty much encapsulates the whole sentiment that pervades the Environment Protection Authority (EPA), which is that rather than hitting polluters with a big stick, it wants to dangle a carrot in front of them to give them incentives to work cooperatively within the state's laws to improve their environmental performance.

On the first page the mission statement says:

Success is achieved by working together with all members of the community.

Together we can share our knowledge and experience to gain better environmental outcomes that move us towards achieving sustainability.

In doing so, the EPA maintains its existing environmental protection role, but in a manner that recognises the shift towards greater shared responsibility for the environment.

It finishes with:

Let's work together.

I believe that very much symbolises the method by which the Environment Protection Authority works in our state under the chairmanship of Mick Bourke. He is someone with whom I meet regularly to discuss matters pertaining to the environment in Victoria, and I greatly admire him. His manner is very matter of fact, very inclusive, and I know he works extremely hard to get the best environmental outcomes across the state. I enjoyed very much reading the chairman's report of Mick Bourke. I note he says:

It is pleasing to report that at the end of June 2005, the number of people employed by EPA is at an all time high.

Sometimes we read in the newspapers and hear from community activists, and sometimes organisations and industries, claims that the EPA is not well resourced, yet here the chairman tells us in his report that we have more people working for the EPA than ever before.

The report gives many examples of the work the EPA undertakes; it really does undertake so much. Not only is it responsible for looking after our water and air quality, but it undertakes a wide range of audits — from forest audits to dairy industry audits, to looking at how we can improve our treatment of ballast water in the state — and it has a pivotal role in investigating any hazardous incidents that take place in the state.

In my electorate I have been involved with the Environment Protection Authority on two key issues. These have concerned the health of Lake Modewarre and also continuing issues with the Shell refinery in Corio. I know the EPA is working very hard on both of those issues with the stakeholders in the local community and also with Shell to make sure that its environmental performance continues to improve. I know that a part of the report is devoted to looking at some of the indicators in relation to improved performance at the Shell refinery in Corio.

Last year, just after Christmas, we had an enormous carp kill in Lake Modewarre, and then in January thousands of eels died in Lake Modewarre. The local community and the recreational fishers have been very concerned about the health of that lake. I have been pleased to convene several discussions with the Environment Protection Authority which has been investigating the reasons behind the huge fish and eel kills at Lake Modewarre, and I have been totally impressed by the rigorous assessment that the Environment Protection Authority has been undertaking to examine the critical reasons why we

have experienced such a huge kill locally. I have been really pleased at the way it has attempted to engage our local community on this issue, and I thank them for that. The Environment Protection Authority serves us well in Victoria. We rely on it.

Auditor-General: performance audits

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I wish to make a statement on the Auditor-General's report entitled *Follow-up of Selected Performance Audits Tabled in 2002 and 2003*. In particular I take the house to section 3 headed 'Fire prevention and preparedness — Progress made on our 2003 report', which is one of the key audits that the Auditor-General has followed up in this report.

The Public Accounts and Estimates Committee first drew attention to this issue in 2000–01 at its hearings with the then Minister for Environment regarding the level of preventive burning that had been undertaken by the Department of Sustainability and Environment (DSE) — I think it was the Department of Natural Resources and Environment at that time. It became apparent to the committee then that not only had the government reduced the targets for fuel reduction burning — and page 57 of the report outlines that — but it had failed to meet its own reduced targets.

In the early 2000s there was a substantial reduction in the level of fuel reduction burning being conducted by the department. It is often said, and I think there is evidence to support it, that the worst neighbour you can have in Victoria is the state government in terms of land management.

Hon. Andrea Coote — The neighbours from hell!

Hon. G. K. RICH-PHILLIPS — The neighbours from hell, the Deputy Leader of the Opposition says. We quite often see the current Minister for Environment posing in his Speedos on the beach at Port Melbourne or Albert Park, or hugging a tree somewhere down the peninsula, but when it comes to the real issue of land management, the government has been found wanting.

Time and time again issues arise for rural land-holders in dealing with their neighbour, the Victorian government, whether they be issues of weed and pest control or of fuel reduction burning. One of the best things that could be done to address that problem would be to clean out some of the DSE and get the department's focus back on the issue of land management and the management of publicly

controlled land in the interests of the public and the surrounding land-holders.

It is therefore very significant that the Auditor-General undertook this review in 2003 into the issue of fire prevention and preparedness. He has included in the report a chart which outlines the government's targets for fuel reduction burning. From 1998–99 the target for fuel reduction burning was 104 000 hectares. It increased marginally in the following year to 105 000 hectares, before dropping away to 100 000 hectares, and then finally being raised again to about 130 000 hectares in 2003–04 and 2004–05, so we had a period when there was a significant reduction in the target set by government and, more significantly, a complete lack of action to achieve that target.

In 2002–03 the actual level of fuel reduction burning fell to less than 50 000 hectares, which was less than half the amount that had been undertaken by the previous government in 1998–99. We saw the consequences of that in the following fire season. It has only been in more recent times that the government has identified or recognised the need to undertake fuel reduction burning. It is important that we have regard to this report by the Auditor-General in which he identifies some of the shortcomings within DSE in terms of the fuel reduction burn program.

The Auditor-General also talks about fire preparedness and focuses on some of the issues with the Country Fire Authority, which, I put on record, does a fantastic job, particularly in country areas where it is very much self-sustaining. The Auditor-General makes some important recommendations with regard to the management of the infrastructure of the CFA, and particularly its vehicles. For a long time the CFA had an asset management policy that required vehicles to be replaced at the end of a 20-year life cycle; and that was without regard to the condition of the vehicle, its use et cetera. The Auditor-General has subsequently — —

The ACTING PRESIDENT (Mr Smith) —

Order! The member's time has expired.

**Drugs and Crime Prevention Committee:
violence associated with motor vehicle use**

Hon. S. M. NGUYEN (Melbourne West) — I rise to speak on the government's response to the report on the Drugs and Crime Prevention Committee's inquiry into violence associated with motor vehicle use. I have been involved with the committee for many years, together with Mr Scheffer from this house.

The committee investigated ways to improve the safety and behaviour of drivers on the roads. The report was written over many months. The committee's investigations were carried out around Australia and overseas. The report was then tabled in Parliament. I welcome the government's response to this report.

The committee attempted to discover the reasons for violence associated with motor vehicle use and ways to improve the safety of road users. The report made 69 recommendations, and I am sure the government has seriously looked at these recommendations one by one. We discovered that dangerous driving and selfish driving appeared to be the main causes. We investigated what could be done to implement change and looked at such things as education to help people improve their driving behaviour when they first start learning driving skills. We also looked at learner's permits, as well as ways police intervention could improve driver behaviour.

Among the recommendations made, the committee would like to see changes to the size and positions of street signs, with support from VicRoads. The report also talked about the safety of motorcycle and bicycle users. These riders are the most disadvantaged users on our roads. We looked at motor vehicle passengers, as well as pedestrians walking on and crossing roads. Car drivers need to develop a greater understanding of other road users and need to be aware that others are watching their behaviour and could report misbehaviour to the police.

A few days ago I heard a radio announcement about a media release from the Minister for Police and Emergency Services in the other place, the Honourable Tim Holding, on some tough laws that are to be introduced which not only apply to the drivers themselves, but which also provide for penalties which will include impounding or confiscating vehicles. The government wants to encourage drivers to consider others on the roads.

The committee recommended some measures that could be introduced to reduce the dangers on the road, including as part of any campaign against selfish driving a specific focus on the need to educate drivers to be courteous and to realise the roads are there for everyone to use. Everyone needs to feel safe and should act responsibly when driving a car. Another recommendation was that there should be a hotline — —

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

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

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

That the bill be now read a second time.

Incorporated speech as follows:

The release of the justice statement in May 2004 confirmed this government's commitment to modernise Victoria's justice system. This is a commitment to achieve greater transparency and to make the system fairer and more responsive and accessible.

The work performed by the Victorian Law Reform Commission has been integral to achieving this goal. In September 2001 the commission was provided with terms of reference to examine the law of homicide and, in particular, whether it would be appropriate to reform, narrow or extend defences or partial excuses to homicide.

The commission published a series of papers and conducted extensive consultation before producing its *Defences to Homicide — Final Report*. This report was tabled in November 2004 and contained a number of key recommendations for legislative reform.

This bill will implement key legislative recommendations made by the commission. In particular, it abolishes the law of provocation and amends the laws of self-defence to align them with community standards, especially with regard to family violence.

Provocation

The commission recommended that the partial defence of provocation be abolished. Provocation operates to reduce murder to manslaughter. The courts developed the partial defence of provocation at a time when murder carried a mandatory death penalty. The partial defence is outdated now that provocation can simply be taken into account, if relevant, alongside a range of other factors in the sentencing process.

The commission found that the law of provocation has failed to evolve sufficiently to keep pace with a changing society. By reducing murder to manslaughter, the partial defence condones male aggression towards women and is often relied upon by men who kill partners or ex-partners out of jealousy or anger. It has no place in a modern, civilised society.

In January this year the government publicly announced its intention to abolish the partial defence of provocation. The bill gives effect to this commitment by introducing a new section 3B into the Crimes Act 1958.

Self-defence

All Australian jurisdictions, except Victoria, have legislation which defines self-defence. In Victoria, the law of self-defence is governed by the common-law test as stated by

the High Court in the decision of *Zecevic v. DPP (Vic)* (1987) (162 CLR 645).

I will discuss the detailed components of that test, and how the bill affects the substance of that test, shortly.

Before I do that, it is important to note the commission's main concerns about the way that self-defence operates.

The first concern is about the immediacy of the threat to which the accused person was responding, and the level of force used by the accused person. The commission was concerned that the law of self-defence evolved to deal with violent confrontations between two or more males of roughly equal strength. Many cases of family violence involve very different circumstances and different dynamics.

For instance, under the existing common law, self-defence will not ordinarily apply unless the accused person is responding to an immediate attack. However, this is not an absolute requirement. It is simply an aspect of the broader issue of whether the accused person believed on reasonable grounds that it was necessary to act as he or she did.

Under the existing law, if there was no immediate attack, ordinarily a person could not believe that it was necessary to kill rather than taking other steps such as seeking help from the police or taking appropriate protective or evasive action. For example, if a person involved in any criminal activity believed that it was inevitable that a rival would kill him unless he killed his rival first, he would not be able to rely on the principle of self-defence: it would simply be murder.

Nevertheless, the courts have acknowledged that in cases involving family violence, there may be reasons why, for example, a woman might genuinely and reasonably consider that it is necessary to kill, even though she is not facing an immediate attack.

The bill does not alter the current legal position, which is that the immediacy of the threat and the proportionality of the response to it are not separate issues, but are simply aspects of the key issues of whether the accused person believed it was necessary to do what he or she did and whether there were reasonable grounds for that belief.

However, section 9AH, which is inserted by clause 6 of the bill, affirms the court decisions that have acknowledged that in some cases, particularly those involving family violence, a lack of immediacy will not necessarily mean that the accused did not believe that his or her actions were necessary and based on reasonable grounds.

Section 9AH also highlights the types of relationship and social context evidence that may be relevant in such cases. In such cases a jury may well ask themselves: why didn't she just leave the relationship or call the police? Fortunately many members of the community have not been placed in such a predicament. However, that can also mean that when they serve as jurors they can find it hard to fully appreciate the complexity of such situations and the difficulties that a person might actually face.

Sometimes a perpetrator of family violence may kill the victim, and then claim that they were acting in self-defence because the victim attacked him first. Similar relationship and social-context evidence may also be relevant in such cases to counter false claims of this nature.

The bill moves beyond the traditional notion that the family unit is comprised only of married couples. Through the adoption of a more inclusive definition of family violence, the bill reflects the government's strong commitment to ensuring that the criminal law remains relevant and responsive to a diverse community.

I will now turn to the legal test for self-defence in more detail. The current common-law test is in two parts.

The first part is subjective: did the accused person believe that it was necessary to do what he or she did to defend himself, herself or another?

The second part is more objective: did he or she have reasonable grounds for that belief?

This bill will change the way self-defence operates in relation to murder. For manslaughter the bill will state the common-law test, without making any changes to that test.

The first thing to note about the new test for self-defence in relation to murder is that it applies only if the accused person believed that it was necessary to do what he or she did to defend himself, herself or another from the infliction of death or really serious injury.

The second thing to note is that, in relation to murder, this bill will separate the 'belief' and 'reasonable grounds' components of the common-law test into two separate tests.

Under the first test, the jury would have to consider whether the accused person had the relevant belief. If the prosecution can prove that the accused did not have that belief, the accused will be guilty of murder. If the prosecution cannot prove that, he or she will not be guilty of murder.

However, in such a case, a finding that the accused was not guilty of murder would not be the end of the matter because, under this bill, the second test then arises. The second test is whether the person had reasonable grounds for his or her belief. This test determines whether the accused person is guilty of the new offence of defensive homicide or is completely acquitted.

This two-stage approach retains the same elements as the common-law test but, by separating out those two elements, it will ensure that the law of self-defence appropriately measures the culpability of those people who act in the genuine belief that it is necessary to do so to defend themselves or another person. The culpability of such a person is substantially different to that of a person who kills without such a belief. However, if there are no reasonable grounds for his or her belief, the bill reflects the importance that we attach to human life and ensures that such a person is guilty of the very serious offence of defensive homicide. Like manslaughter, defensive homicide has a maximum penalty of 20 years imprisonment.

The division of the common-law test into a new two-stage process is consistent with the recommendations of the commission and with the law in New South Wales and South Australia. It is also similar in some ways to the common-law rule of 'excessive self-defence' that existed prior to 1987 but was abolished by the High Court decision in *Zecevic's* case.

Under the earlier common-law rule of excessive self-defence, and the provisions in other jurisdictions, a person who has a genuine belief that his or her conduct is necessary in

self-defence, but who is not considered to have acted reasonably is guilty of the lesser offence of manslaughter. However, there could be confusion about the basis of the jury's verdict, as there were several potentially inconsistent ways that a jury could reach a manslaughter verdict. The new offence of defensive homicide will clearly indicate the basis of the jury's verdict to the sentencing judge. This will enable the sentencing judge to impose a sentence that accurately reflects the crime that the person has committed.

The offence of 'defensive homicide' will operate as a substantive offence in its own right as well as a lesser alternative offence in cases where a person is on trial for murder.

The commission recommended in favour of a two-stage approach to self-defence because it considered that it reflected an important principle. However, it noted that in practice most cases are likely to continue to result in either a conviction for murder or a complete acquittal.

Relatively few cases are likely to fall into the new defensive homicide category. This is because, although the bill formally separates the 'belief' test (which is used in section 9AC) from the 'reasonable grounds' test (which is used in section 9AD), in very many cases the difference between those two tests will not be decisive.

The belief test is subjective, in the sense that it requires a jury to consider whether the accused person had the relevant belief. But in doing so, a jury will certainly take into account whether the belief was reasonable or plausible in the circumstances, in order to decide whether they think that the accused person actually did have the belief. As I indicated earlier, unless the case is one involving particular features, such as family violence, the absence of an immediate threat would ordinarily mean that the belief was implausible — as in the example I referred to earlier concerning criminal rivals. Merely asserting such a belief does not mean that it will be accepted. If there do not appear to have been any reasonable grounds for the belief, a jury may well conclude that the accused person did not actually have that belief at all.

Therefore, in most cases, resolving the first test of whether or not the accused person actually had the belief will also resolve the separate test of whether there were reasonable grounds for the belief. In practice, the difference between the two tests will only matter in cases where it is clear that there is some reason why the person would have genuinely believed that it was necessary even though he or she did not have reasonable grounds for that belief. The situation where this distinction is most likely to arise is where the accused person is not suffering a mental impairment within the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997, but is suffering from a form of paranoia or distorted perception. In such cases a jury might find that he or she did genuinely believe it was necessary to act as he or she did, but that there were no reasonable grounds for the belief.

Duress and sudden or extraordinary emergency

Although a person will not be guilty of most crimes if he or she acts under duress, the common-law rule is that duress does not excuse a person from liability for the offence of murder. The common law continues to apply in most Australian jurisdictions.

Whether 'sudden or extraordinary emergency' (sometimes known as necessity) can ever excuse a person from liability for the offence of murder is less clear. Whilst there is established case law authority for the proposition that a person who kills intentionally will be guilty even if they acted out of necessity, recent English judicial pronouncements suggest that they may not be guilty in some situations (e.g., a mountaineer who cuts a rope holding her fellow climber in order to save her own life).

The commission, like the Model Criminal Code Officers Committee and the Law Commission for England and Wales, recommended that the Crimes Act be amended to provide that duress and sudden or extraordinary emergency should be available in cases of homicide.

Consistent with the value which we all place on human life, a high threshold must be passed before the intentional or reckless killing of another person may be excused.

Under this bill, a person will not be guilty of murder if he or she acts under duress. A person is acting under duress if the person reasonably believes that:

a threat of either death or really serious injury will be carried out unless they kill another person; and

there is no other reasonable way to avoid death or really serious injury.

This provision recognises that a person might be placed in the position of 'kill or be killed'. Where a person has no realistic choice, it is not appropriate to hold such a person responsible for the offence of murder.

The bill provides that duress does not apply if the threat is made by or on behalf of a person with whom the accused person is voluntarily associating for the purpose of carrying out violent conduct. If a person associates with another to carry out violent conduct, such as a bashing or a rape, he or she cannot seek to rely on duress if in the course of that conduct the violence escalates and he or she gets cold feet and tries to back out but is forced by threats from his or her associate to commit a killing or to participate in a killing.

The bill also provides that a person will not be guilty of murder if he or she acts under a sudden or extraordinary emergency. A sudden or extraordinary emergency exists if the person reasonably believes that:

circumstances of sudden or extraordinary emergency exist that involve the risk of death or serious injury; and

there is no other reasonable way to deal with the emergency; and

their response is a reasonable response to the emergency.

This provision recognises that a person might find themselves in the position where they have no realistic choice to act in another way but their conduct does lead to the death of another person. It is not appropriate to hold such a person responsible for the offence of murder.

The provisions concerning duress and sudden or extraordinary emergency will also apply to other homicide offences, with appropriate modifications. The provisions apply narrowly to the offence of murder given the seriousness

of that offence. For homicide offences other than murder, the provisions reflect the existing common-law approach.

Intoxication

As the High Court has indicated, evidence of intoxication is relevant to whether an accused in fact possessed the requisite fault element, for example intention, in relation to the commission of an alleged criminal act. However, the relevance of intoxication when assessing reasonableness is less clear. This issue is particularly important to consider when determining whether a person had reasonable grounds for his or her belief that they were acting in self-defence.

The government agrees with the commission's recommendation. The bill expressly provides that when considering the reasonableness of a person's belief or response in relation to murder, manslaughter or defensive homicide, regard must be had to the standard of a reasonable person who is not intoxicated.

The community is right to expect that the reasonableness or otherwise of the belief or response of a person who is intoxicated, for example, as a result of voluntarily consuming alcohol or ingesting some other drug and who then kills, must be measured against that of a person who is not so affected.

Infanticide

Like defensive homicide, infanticide is an offence which can be charged in its own right or which can operate as a lesser alternative offence in a trial for murder.

Under the existing criminal law, a woman is guilty of the offence of infanticide if she causes the death of her child, being a child under the age of 12 months, when the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child, or by reason of the effect of lactation consequent upon the birth of the child.

The commission concluded that infanticide recognises a distinctive kind of human tragedy, making it inappropriate to label the mother a 'murderer'. The formulation of infanticide under existing law does not adequately reflect modern medical understanding of the unique and complex factors which, tragically, may lead a mother to act in this way following childbirth. The commission found little evidence to suggest that emotional disturbances which may result in a mother killing her young child are principally due to chemical or hormonal imbalances from the birth itself. Rather, there is a range of complex factors which must be considered.

The government supports the commission's recommendation that the offence of infanticide be reformed to properly take account of these complexities. The bill removes that part of the existing restrictive legal limitation which operates to link a disturbance of the mind to the effect of lactation. The bill replaces it with a provision that infanticide applies where the balance of the woman's mind was disturbed either because she had not fully recovered from the effect of giving birth to that child or because of a disorder consequent on her giving birth to that child.

Having also found that the vast majority of deaths in these circumstances occur in the first two years, the commission further recommended that the age limit be raised from 12 months to two years. The government agrees that the current 12-month age limit needs to be changed. The present

requirement that the child be under the age of 12 months is increased by this bill to two years.

Procedural reform — mental impairment

At present, even where the prosecution and defence agree that a person is not guilty of an offence by reason of mental impairment, a jury trial must be conducted. Such trials are usually quite short. Most of the evidence is accepted by both parties and several medical experts will usually be called to give evidence. The jury is then asked by the judge to return its verdict. The jury is not directed that it must return a verdict of not guilty by reason of mental impairment, but is given very strong indications about what it should do. Sometimes the jury is asked to consider and return its verdict whilst sitting in the courtroom, without retiring to consider its verdict.

The commission recommended that this type of hearing be conducted before a judge alone. It concluded that where the prosecution, defence and the judge agree that the evidence supports a verdict of not guilty by reason of mental impairment, to then empanel a jury is both unnecessary and inappropriate. The government agrees. In the circumstances, the bill provides for a judge alone to hear and determine such cases. If there is any disagreement about such a verdict, the trial will be conducted before a jury, as is currently the case.

Conclusion

This bill introduces significant and much-needed reform to the criminal law. The bill ensures that the law of self-defence will operate in a way which is more effective and responsive to changing community values and expectations, particularly in relation to addressing women's experience of violence, while also delivering on the government's commitment to be tough on crime. This bill helps to make our system of criminal justice as fair, as efficient and as accessible as possible.

I commend the bill to the house.

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

Debate adjourned until next day.

MAJOR EVENTS (CROWD MANAGEMENT) AND COMMONWEALTH GAMES ARRANGEMENTS ACTS (CROWD SAFETY AMENDMENT) BILL

Second reading

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

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

That the bill be now read a second time.

Incorporated speech as follows:

The government is determined to provide safe, uninterrupted and enjoyable major events in Victoria. This is critical in retaining our international standing as Australia's sporting capital.

Traditionally crowds at major events in Victoria are well behaved. However, there has been a recent increase in unruly and dangerous behaviour at some major sporting events that has prompted a review of current crowd safety arrangements.

The introduction of the Major Events (Crowd Management) Act 2003 placed Victoria at the forefront of legislative measures to protect crowd safety at major events.

This bill seeks to improve the operation and effectiveness of the act by broadening its application and boosting its enforcement powers.

The bill will amend the Major Events (Crowd Management) Act 2003 to:

extend the operation of the act to the Bob Jane Stadium in South Melbourne and to all elite level soccer matches held at managed venues under the act;

allow additional venues to be declared under the act;

increase powers relating to bag searches both at managed venues and at ticketed Commonwealth Games venues;

introduce a range of new offences under the act;

ensure that enforcement is quick and effective by allowing police to issue infringement notices for some offences; and

enable the courts to ban certain offenders from venues and events for up to five years.

By these measures, the government aims to send a clear message that unruly and dangerous behaviour will not be tolerated at major events in Victoria.

The Major Events (Crowd Management) Act 2003 was developed to promote the safety and enjoyment of participants and spectators at certain venues and major events. The act was introduced in response to incidents at sporting events in Australia and overseas which had increased concerns in the community and among athletes about the adequacy of crowd control at major events.

The act aims to:

ensure the safety of both participants and spectators;

deter potential offenders; and

provide transparent, fair and equitable powers and processes to control activities in venues.

The provisions of the act were reviewed in 2004–05 through a consultation process led by government and involving Victoria Police, venue managers and other relevant organisations. The consultation process was instigated following a spate of poor crowd behaviour at a range of major

sporting events, particularly state league soccer events and international cricket matches.

The results of the consultation process suggested that while the act provided an effective means of control for some types of unruly behaviour such as pitch invasions, it did not provide authorised officers or police with sufficient powers to control other types of disruptive crowd behaviour such as throwing flares. A greater level of deterrence and a better capacity to respond were needed.

Venue managers and Victoria Police expressed particular concern about increased levels of violence and disruptive behaviour at state league soccer matches. A violent incident involving rival soccer fans at a football match at the Bob Jane Stadium in April 2005 led to discussions between the government, Victoria Police, Football Federation Victoria and the stadium operator about the possibility of bringing the Bob Jane Stadium within the jurisdiction of the act.

Spectators often pay a considerable premium to attend major events and expect that they will be able to enjoy events without undue disruption. The safety of athletes and officials is equally important and can only be protected by having robust and efficient crowd control mechanisms in place at all major events in Victoria.

With the recent escalation internationally in the threat of terrorist attacks, the issue of safety at major events is now more important than ever. In light of the issues raised the government has decided to amend the act to increase the level of safety venues are able to provide and to preserve the friendly and cooperative spirit in which major sporting events are conducted in Victoria and for which Victoria is renowned.

I now turn to the bill and its contents.

The bill is structured into four parts.

Part 1 sets out the main purposes of the bill, which are principally to extend and strengthen the operation of the Major Events (Crowd Management) Act 2003, and to increase bag-search powers under the Commonwealth Games Arrangements Act 2001.

Part 2 of the bill broadens the application of the Major Events (Crowd Management) Act 2003 to encompass additional venues and events.

The bill declares the Bob Jane Stadium in South Melbourne to be a 'managed venue' under the act and all international, national and state league soccer matches held at managed venues to be 'major events' under the act.

These provisions have been developed in response to the concerns that were raised following the violent incident at the Bob Jane Stadium earlier this year and will ensure that police and stadium management can employ the powers of the act at all major football events at the Bob Jane Stadium in future.

From time to time other sporting venues may need to be brought within the ambit of the act, particularly venues hosting regular major events such as national or state league soccer matches.

The bill therefore enables additional venues to be declared as managed venues under the act by virtue of a ministerial order published in the *Government Gazette*. If the venue is on

Crown land, the minister must consult with the minister responsible for the Crown Land (Reserves) Act 1978 before making the order. The minister must also be satisfied that the declaration of the venue is in the public interest and that the venue meets certain criteria such as having the capacity to host major events and having clear entry and exit points.

Part 3 of the bill introduces a range of new offences and strengthens enforcement powers.

The bill provides more rigorous bag-search powers. Currently the act allows authorised officers to ask people to open their bags for inspection, but it does not enable them to physically search through bags or ask patrons to empty their bags for closer inspection. This increases the risk of dangerous items such as flares or weapons being smuggled into venues.

The bill therefore specifies that authorised officers can search through bags with the consent of patrons, and can ask patrons to empty their bags and pockets. Under the act if a person refuses to comply with such a request, they will be directed to leave the venue and will not be allowed back in for 24 hours.

To maintain people's right to privacy, a person who has been asked to empty their bags or pockets may ask for the inspection to be conducted in a private area set aside in the venue.

Bringing prohibited items such as flares and weapons into managed venues is clearly unacceptable and threatens the enjoyment and safety of all patrons.

The bill now makes it an offence to possess prohibited items in a managed venue or to possess alcohol that has not been purchased at the venue. Previously this behaviour was prohibited under the act but was not an offence. A maximum penalty of 20 penalty units will apply to these offences. There is a higher penalty of 30 penalty units for the offence of possessing a lit flare, to reflect the seriousness of this offence and the danger it presents to public safety.

To provide a stronger deterrent to unruly crowd behaviour and to help venues and police quickly curtail such behaviour, clause 14 of the bill introduces a range of new offences prohibiting disruptive conduct.

It will now be an offence to throw flares or projectiles; to stand up in a seat and deliberately obstruct the view of other spectators; to damage seats or other property; to climb over fences or barriers; or to deliberately block stairs, exits and entries.

These and other offences will draw maximum penalties in the range of 10 to 40 penalty units, depending on the seriousness of the offence.

The offence of throwing projectiles is intended to apply to people throwing objects such as bottles or stones; it will not apply in situations where a patron simply throws a ball or other object that is being utilised in the field of play back onto the field.

In addition, police will now be able to issue infringement notices on the spot for some offences, ensuring that enforcement will be quick and effective.

The bill gives police the power to issue penalty infringement notices to any person caught carrying flares, throwing

projectiles, damaging or defacing property or re-entering a venue against a previous direction to leave.

Responsibility for issuing infringement notices and laying charges for all new offences under the act will rest with the police. In addition, authorised officers will have the power to direct patrons to leave a venue if they have witnessed offences being committed and the patrons refuse to leave the venue when asked. If people refuse to comply with a direction to leave, they can be removed from the venue by police.

The bill also provides new sanctions in relation to serious offences at major events. The courts will now have the power to ban some offenders from managed venues and major events for a period of up to five years.

The act already enables the Magistrates Court to issue orders excluding repeat offenders from major events. However, these provisions are largely directed at 'serial pest' offenders who repeatedly disrupt events.

The government has concluded that additional measures are needed to deal with offenders, including first-time offenders, who are found guilty of serious offences at major events that involve dangerous behaviour or violence.

The bill therefore provides all courts with an additional sentencing option for certain offenders.

When a court is sentencing an offender who has been found guilty of a specified offence under the act such as throwing a lit flare or a specified offence under the Crimes Act 1958 or the Summary Offences Act 1966 — such as assault — that has been committed at a major event, the court will have the option of imposing a ban or combination of bans on that offender.

The court will be able to impose bans for up to five years and will have the discretion to issue one, or a combination, of the following ban orders:

an order banning the offender from entering the venue where the offence was committed;

an order banning the offender from attending specified major events at the venue where the offence was committed;

an order banning the offender from attending a category of major events at any managed venue where those events take place.

It is expected that these bans will provide a more effective penalty for some offenders. They will also provide a powerful deterrent to dangerous, reckless and violent behaviour that places crowd safety at risk.

Part 4 of the bill outlines certain amendments to other acts.

The expanded powers proposed in the bill will apply to all venues and events declared under the Major Events (Crowd Management) Act 2003. As Victoria's largest ever event, the 2006 Melbourne Commonwealth Games is being managed under its own legislation. There will inevitably be some procedural differences between the two acts owing to the special nature of the Commonwealth Games.

Most of the powers in this bill, however, are already contained in the Commonwealth Games Arrangements Act

2001 or can be established by regulation under that legislation if necessary.

However, the enhanced powers in the bill relating to bag searches, which will definitely be needed at ticketed Commonwealth Games venues, cannot be established by regulation.

The bill therefore amends the Commonwealth Games Arrangements Act 2001 to ensure that authorised officers can undertake bag searches with the consent of patrons and ask patrons to empty out their bags at ticketed venues.

The powers and procedures being introduced by this bill mark a major step in the government's efforts to improve crowd safety at major events in Victoria. They provide a better management and enforcement structure that will deter unruly and dangerous behaviour and make major events safer for all spectators and participants.

I commend the bill to the house.

Debate adjourned for Hon. G. K. RICH-PHILLIPS (Eumemmerring) on motion of Hon. E. G. Stoney.

Debate adjourned until next day.

RETAIL LEASES (AMENDMENT) BILL

Second reading

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

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

That the bill be now read a second time.

Incorporated speech as follows:

The purpose of the bill is to provide for a range of amendments to the Retail Leases Act 2003 to streamline and improve its practical operation. The bill also promotes the fairness of property law in regards to 'notice for breach of lease' requirements under the Property Law Act 1958.

Before turning to its key provisions, I wish to broadly outline the context of the bill.

The government came to office in 1999 with specific commitments to overhaul Victoria's retail tenancy laws to strike a fairer balance between the interests of landlords and small retail tenants. Accordingly, following a comprehensive policy review that included extensive public consultation, the government delivered on its commitment with the introduction of the Retail Leases Act 2003.

The act established a new regulatory framework to govern the commercial relationship between landlords and tenants and has enhanced certainty and fairness in relation to retail leasing arrangements.

Important provisions that were enacted included protections for tenants and landlords against unconscionable conduct, requirements for disclosure of important information by a landlord to a tenant, a prohibition on land tax being passed on to tenants, protections for tenants in the event of relocation or demolition and the right to a minimum five-year lease term. The coverage of the act was broadened, as the replacement of the 1000 square metre rule with an occupancy cost threshold extended protections under the act to more tenants.

A major feature of the act was to improve the process for resolving retail tenancy disputes by creating a low-cost and efficient alternative dispute-resolution mechanism. The act established a number of key functions for the Victorian small business commissioner (SBC), including the power of the SBC to investigate and mediate disputes, and to assist landlords and tenants with the provision of preliminary advice concerning their rights and obligations with respect to dispute resolution.

This dispute resolution mechanism is proving to be particularly effective, with the SBC's success rate for mediations at 74 per cent. As a result, disputes are being settled in a timely and inexpensive way, with formal legal action minimised.

The act was successfully implemented and appears to be working well, with general support from both tenant and landlord groups.

However, retail tenancy is a complex and fluid area of law, being based on a combination of legal principles and several statutory regimes. From time to time, industry stakeholders have brought to the attention of the government some operational improvements and clarifications that could be made to address emerging issues and improve the practical operation of the act. In this context it is appropriate, now that over two years have passed, to implement improvements to the practical operation of the act.

The government has ensured that the feedback of key industry stakeholders within the retail leasing industry has been taken into account in developing the amendments proposed under the bill.

I turn now to the key elements of the bill.

A fairer balance

The bill reaffirms the government's commitment to strike a fair balance between the interests of landlords and small tenants.

The bill improves the notice provisions contained in the Property Law Act 1958 to give greater protection to tenants where there has been a breach of a lease by the tenant, including a breach amounting to repudiation.

The outcome of recent common-law cases suggests that a tenant may be subject to termination without notice, potentially on the basis of a trivial breach of the lease. Faced with the landlord regaining possession of the premises, for example, by changing the locks to the premises overnight, a tenant may be forced to go to the courts to seek relief against forfeiture. The bill restores the original intent of the notice provision contained in the Property Law Act 1958 of providing tenants with advance notice that the landlord is acting on a breach of lease.

In such cases, a landlord will be required to give the tenant a notice of breach and at least 14 days to rectify the breach prior to the landlord entering the premises. The amendment also provides greater clarity for landlords in specifying when a notice is required. The right of a landlord to re-enter premises in the case of non-payment of rent will remain.

The bill also addresses the application of the old Retail Tenancies Reform Act 1998 which, as a result of recent court decisions, has enabled tenants covered by the 1998 act, to recover rent that was paid during any period in respect of which they were not provided with a disclosure statement. This potentially means that a tenant could unfairly obtain a windfall gain by seeking to recover its rent paid over several years, even though it has enjoyed the use of the premises over that period and is no worse off for not having received a disclosure statement.

The government is of the view that it is desirable and fair that any outstanding claims by current and former tenants be resolved, and that landlords and former landlords are not subject to the uncertainty of future claims particularly where they may have changed their positions.

The bill addresses this situation by limiting claims that may be made in relation to 1998 act leases by providing that claims of this type may not be made after 1 May 2006. However, any court proceedings or retail tenancy disputes commenced under part 10 of the current act before then will not be prejudiced.

Tenants who may still be operating under a 1998 act lease that renew their lease after the bill receives royal assent will be subject to a regime similar to that provided for in the current act. The current 2003 act limits the likelihood of claims remaining unresolved by requiring the tenant to notify the landlord if a disclosure statement has not been provided within 90 days of entering into a lease. The tenant is only able to withhold rent after providing the notice of non-receipt to the landlord. It is considered that the changes result in consistency with the notice regime in the 2003 act and provide a balanced approach where a tenant has not been provided with a disclosure statement.

To enable these changes to take effect from 1 May 2006 the amendments made by the bill to the 1998 act disclosure and notice regime come into operation at the last moment of 30 April 2003. This is to ensure consistency with the operation of the 1998 act.

The bill also makes the protections regarding a landlord or tenant engaging in unconscionable conduct clearer. The act prohibits a landlord or tenant in connection with a lease from engaging in unconscionable conduct. Consequently, it was not clear that the prohibition extended to dealings in relation to proposed leases. The bill clarifies the application of the unconscionable conduct provisions of the act to prohibit unconscionable conduct by a landlord or tenant in relation to a proposed retail premises lease.

A streamlined and clearer Retail Leases Act 2003

The bill contains improvements which improve the practical operation and clarity of the act.

Under the current legislation, where a specialist retail valuer has been appointed, it is not always possible to carry out a market valuation of the rent within 45 days as required by the act. The bill addresses this issue by providing flexibility,

whereby the landlord or tenant can agree to another mutually suitable time frame.

The landlord must currently give a tenant a copy of the retail premises lease signed by both the landlord and tenant within 28 days of the tenant providing the landlord with a signed lease. The bill introduces further flexibility so that a landlord and tenant may agree in writing to extend the period within which the landlord must comply with this requirement.

The bill improves the determination-making power in the act by enabling the minister to make a determination from a date that is specified in the determination. Further flexibility is introduced in that a determination may leave a matter to be certified by another minister.

The bill streamlines the disclosure procedures that are to be followed where a renewal of a lease takes place. Currently, as an agreement for lease is a 'lease' for the purposes of the act, disclosure is required in relation to the agreement for lease and then, again, in relation to the lease proper. The bill will require that the landlord give the tenant only one disclosure statement at the time an agreement for lease is entered into, if the lease which is subsequently entered into is in accordance with the provisions of the agreement for lease.

Further streamlining has been made to the provision in the act governing security deposits. Tenants that have performed all of their obligations under a lease will now be entitled to the return of any security deposit paid, as soon as practicable after the lease ends. This is an improvement on the current section which did not place any obligation on a landlord to return a security deposit in a timely manner.

The definition of 'retail premises' is clarified by the bill. The current definition in part, has created uncertainty in relation to the application of the act in circumstances where a small retail area forms part of a much larger and predominantly non-retail area. The bill clarifies that a premises must be used wholly or predominantly for retail purposes for the act to apply. The bill also provides that any area of a premises intended for use as a residence is not to be taken into account for the purpose of defining a 'retail premises'.

The bill ensures that the SBC's register of retail lease details is kept up to date, by including the date that a lease or renewal was entered into in the notification requirements. The bill also gives the SBC the ability to use the information obtained for the purpose of carrying out his or her functions under any other act. This will enable the SBC to better inform and educate landlords and tenants as to their rights and obligations.

The outcomes of retail tenancy court decisions suggests that legal certainty is promoted when amending legislation is deemed to have commenced from the same commencement dates as the principal legislation. Accordingly, several clauses of the bill commence in line with the original commencement dates of those acts.

Repeal of Small Business Victoria (Repeal) Act 1996

The bill repeals redundant legislation. In 1996, Small Business Victoria was abolished under the Small Business Victoria (Repeal) Act 1996, with the activities of that body being incorporated into a government department. As this process is complete, it is appropriate that the repealing legislation should itself now be repealed. Its repeal will not affect the enduring rights and obligations of the corporation.

In conclusion, the bill complements the government's original reforms in this area by strengthening notice protections for tenants and by streamlining the practical operation of Victoria's retail tenancy legislation.

I commend the bill to the house.

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

Debate adjourned until next day.

GROUNDWATER (BORDER AGREEMENT) (AMENDMENT) BILL

Second reading

For Ms BROAD (Minister for Local Government), Hon. J. M. Madden (Minister for Sport and Recreation) — I move:

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

This bill has had some minor amendments from the other chamber, and I want to highlight what they relate to. The bill does not change the current extraction limits or water level limits, and the Border Groundwaters Agreement Review Committee will be reviewing the permissible rates of potentiometric surface lowering and permissible annual volumes as part of its forthcoming five-year review. If, in its opinion, amendments are necessary or desirable, the committee may make recommendations to the contracting governments accordingly.

Motion agreed to.

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

That the bill be now read a second time.

Incorporated speech as follows:

The purpose of the bill is to approve and ratify an amendment agreement to the border ground waters agreement (principal agreement). The amendment agreement is set out as a schedule to the bill.

As some honourable members will know, the principal agreement entered into between the states of Victoria and South Australia in 1985 provided for the coordinated management of ground water resources in the vicinity of the Victorian and South Australian border. In most areas adjacent to the border ground water is the only reliable water source. Over the last 20 years the principal agreement has provided a realistic and equitable framework for intergovernmental cooperation in the development of long-term strategies for protecting and sustainably harvesting the ground water resources in the border area.

The principal agreement is expressed to operate in both states for a distance of 20 kilometres from the border and extending for its full length. This strip of border land, defined in the principal agreement as the 'designated area', is therefore 40 kilometres wide. It is divided into 22 zones, 11 in each state. The principal agreement provides that the available ground water resources be shared equitably between the two states. It applies to all existing and future bores in the designated area, except stock and domestic bores. Extraction licences or permits may not be granted or renewed within the designated area other than in accordance with the management prescriptions set out in the principal agreement. The prescriptions limit water use in a particular zone to that specified as the permissible annual volume for total withdrawals from all aquifers, or to an average annual rate of potentiometric (water) levels as specified, or a permissible level of salinity.

Along the Victorian-South Australian border, ground water occurs in two main aquifer systems comprising the 'tertiary confined sand aquifer' and the 'tertiary limestone aquifer'. The tertiary limestone aquifer is the primary source of ground water for existing users. The use of the tertiary confined sand aquifer is generally limited to municipal supply, but there are increasing demands to use the aquifer where the tertiary limestone aquifer is fully allocated.

The current management prescriptions were drafted with only the tertiary limestone aquifer in mind. They enable only broad-based management to be applied. This has served well to date, but is no longer adequate due to the increased demand for ground water resources and the need for more targeted management approaches that can be applied to specific circumstances, aquifer types, geologic conditions and hydraulic conditions.

The amendments to the principal agreement proposed are:

firstly, to distinguish between aquifers and enable subzones to be established for more effective local management;

secondly, to allow management prescriptions to be set for the different aquifers and subzones within a zone;

thirdly, to simplify two of the management prescriptions which are unclear; and

finally, to update references to other legislation.

The bill does not change the current extraction limits or water level limits. The Border Groundwaters Agreement Review Committee will be reviewing the permissible rates of potentiometric surface lowering and permissible annual volumes as part of its forthcoming five-year review and, if in its opinion, amendments are necessary or desirable, may make recommendations to the contracting governments accordingly.

In conclusion it is clear that the simple model set out in the principal agreement, which was developed in the 1980s, has proved to be a sound basis for the equitable sharing of the resource. Both Victoria and South Australia have undertaken considerable investigations into the status and use of ground water along the border and have established a sound framework for management of this important resource. The amendments to the principal agreement and the continuing goodwill of the contracting parties will ensure the ground

water resources along our common border continue to be managed sustainably and effectively.

I commend the bill to the house.

**Debate adjourned on motion of
Hon. E. G. STONEY (Central Highlands).**

Debate adjourned until next day.

DISTINGUISHED VISITOR

The PRESIDENT — Order! I would like to acknowledge the presence in the chamber of Mr Nick Griffiths, the President of the Legislative Council of Western Australia. Welcome.

CONGESTION LEVY BILL

Second reading

**Debate resumed from 26 October; motion of
Mr LENDERS (Minister for Finance).**

Hon. D. K. DRUM (North Western) — I am glad to resume my contribution to this taxing bill. Last night we heard from Mr Viney and others that it is not a tax, it is only a levy, and that argument was systematically pulled apart and dissected by members on this side of the chamber. It is in fact a tax. It is building on a tax that is already in place; it is only doubling the existing tax. The government was saying that this levy has been put in place to address the costs of business losses and environmental harm caused by congestion. It was pointed out that if the government were truly concerned about those issues, it would already be putting the existing \$40 million that is generated for general revenue into these issues. But it is not; it is leaving that money in general revenue.

One of the other issues is that this legislation is a clear and blatant grab for money. No process has been put in place to monitor this increased revenue. How is the government ever going to determine whether this is an effective program to deter motorists coming into the city if it is not going to put in place a monitoring process? We will be sitting here in three years time and if this government is still in power all it will be doing is increasing the levy again. It will not be able to say that the monitoring process it put in place shows a decline which coincides with the increased charge introduced back in 2005.

We have no confidence that the government will not increase the area covered by schedule 1 of this bill, which now effectively includes the central business

district and extends to Docklands, to Punt Road and south to around Albert Park Lake. The Treasurer has already indicated that his personal preference is to increase the types of car parks that are caught up in this tax. He wants to extend this tax to a different category of car parks. That is a real problem.

Some of the issues we have with this bill have already been mentioned in the debate. We are concerned about the outcomes and have taken specific note of the independent report carried out by Access Economics into what it perceives to be outcomes of this tax. It is very pointed in suggesting that the tax will not reduce the number of cars coming into the city. The outcomes are quite simple — it will create further hardship for the workers who need to use long-stay car parks while they are at work. It will cause hardship for country Victorians who are unable to use public transport because of the inflexibility of the system and their inability to get appointments that are in line with the availability of public transport services. They have no option other than to bring their cars to the city and put them into car parks for the day. This will mean more revenue for the government.

Another outcome will be that the Bracks government will be placating the Greens. Mr Brideson pointed that out in his contribution yesterday when he effectively listed the Greens policy word for word as it is replicated in the second-reading speech. It is an indictment on the government that it would jump into bed with the Greens to such a degree that it would lift the Greens' policy and put it straight into the second-reading speech. That is a very dangerous path to tread. If the government is going to align itself that closely to the Greens in order to gain preferences, maybe we should be scrapping other projects around Victoria, like EastLink. I am sure the Greens do not want to see this government build EastLink, because they do not agree with spending money on road infrastructure. They want it all to go on public transport. According to the Greens not everybody can afford a car. The Greens need to get out into regional Victoria, where not everybody has access to public transport.

Hon. Andrea Coote — They will not be able to afford their cars when we have death duties as well.

Hon. D. K. DRUM — Death duties are another suggestion from the Greens. We might put 3000 gigitalitres of water down the Murray just to try to placate the Greens on that issue as well instead of the 500 gigitalitres that is currently being put down to save the Living Murray system. Maybe the government will want to legalise heroin just to go the whole hog with the Greens.

Hon. Andrea Coote — We will not be able to eat meat.

Hon. D. K. DRUM — Where are we going to stop? I ask the government not to do it anymore. It certainly is a worry to us that the outcomes that will be achieved by the introduction of this tax are going to harm a lot of people. This tax will produce a lot of money for the government, but that money will not be hypothecated back to the infrastructure system to get rail gauge standardisation so we can get our produce straight to ports on the national rail grid and even to Darwin to facilitate timely exports to Asia. The government has shown no initiative on those issues. It talks about an overarching, broad policy, but that does not exist. Effectively this tax has been shown for what it is. Along with my Nationals colleagues and the opposition, I have no option but to oppose this legislation.

Hon. J. G. HILTON (Western Port) — I am very pleased today to make a contribution to debate on the Congestion Levy Bill. I would like to start by saying that congestion is a problem that is universally acknowledged. It is a problem for a number of reasons but probably one of the biggest reasons is that it causes pollution, which has a significant effect on the health of our community.

I refer to a commonwealth Bureau of Transport and Economics 2005 report entitled *Health Impacts of Transport Emissions in Australia — Economic Costs*. The report states that motor vehicles are one of the major sources of smog in capital cities and are major emitters of air pollutants in urban Australia. Motor vehicles are the major source of nitrogen oxides and carbon monoxide. According to Environment Victoria, 90 per cent of pollutants pumped into the air come from cars.

Research carried out in the 1990s shows that people's health may be affected by exposure to much lower levels of some common air pollutants than was previously believed. This study estimates that in Australia in 2000 motor vehicle pollution accounted for between 900 and 4500 morbidity cases. Morbidity is defined as loss of quality of life due to ill health such as cardiovascular disease, respiratory disease and bronchitis. Motor vehicle pollution also accounted for between 900 and 2000 early deaths, more than 85 per cent of which occurred in the capital cities. The combined economic cost of motor vehicle-related mortality and morbidity was between \$1.6 billion and \$3.8 billion. Obviously those statistics indicate that we have a problem, which is that we need to reduce

congestion to reduce pollution to reduce its health impacts.

Various cities around the world are struggling with the problem in various ways. People pay a congestion charge if they want to drive into the centre of London. I understand that has been very successful. I understand that the solution in Mexico City is that people can drive their cars into the city on alternate days. People cannot drive into the city of Oxford in the United Kingdom at all. They must park at a bus station, from where buses ferry people into Oxford and out again when they have finished their visit.

So far in this debate members of the opposition have made great play of whether the bill imposes a tax or levy. I do not really care what it is. The objective of imposing this cost is to change behaviour. The Honourable Andrew Brideson made great play of the *Oxford English Dictionary* definitions of 'levy' and 'tax'. I suppose that in some way he illustrated his cultural cringe. Why did he refer to the *Oxford English Dictionary* when there is a perfectly adequate *Macquarie Dictionary* in this chamber? As I said, what we call it is not particularly relevant. Mr Brideson also quoted extensively from the Access Economics report and I am tempted to refer to a quote from *The Merchant of Venice*:

The devil can cite scripture for his purpose.

The Access Economics report is just one source of advice to government which does not necessarily have to accept every report that Access Economics produces. In this case the government has come up with a strategy which Access Economics has criticised in its report. That does not make the strategy wrong. Access Economics is one source of advice; it is not gospel.

I refer also to some comments made last evening by the Honourable Ron Bowden. I was quite impressed by his contribution because since he announced his retirement he has been somewhat quiet in this place. I am glad to hear that he is still interested in a few issues and roads is obviously one of them. Mr Bowden referred to:

... the increasing unreliability of the so-called Monash Freeway, which has become a car park ...

If that is a problem for Mr Bowden, I would have thought he would be supporting the bill because one of its purposes is to stop cars from coming into Melbourne by making it more expensive to come in in the morning and cause the traffic jams on the Monash Freeway, Tullamarine Freeway and all the other access roads.

He went on in his contribution to say that it is not possible for people with employment in the city to rely on public transport to get to work because they have to work irregular hours. I know from personal experience that it is possible to commute into Melbourne on public transport. I actually did so from approximately 1978 until I was elected to this place. I held a reasonably senior position with a major consulting firm, PricewaterhouseCoopers. It is possible if you have the will and desire to do it.

Mr Bowden went on to say that if the levy is imposed Melbourne will be at risk of losing its competitiveness with other major cities. I point out that even if the levy is imposed the early bird parking charge in Melbourne will be about \$12, which again is approximately half what it would be in Sydney. Those arguments put forward do not really have any credibility.

I started my contribution by saying that we have a problem. It has been belatedly acknowledged by Senator Campbell, the federal Minister for the Environment and Heritage. Up to this stage the federal environment minister has not been all that interested in the environment but in today's *Australian* he is quoted as saying:

On global warming, I have spent an enormous amount of my time getting to understand the problem and getting to understand the solutions, and I think the Australian government owes it to the public to tell it like it is — it is a very serious threat to Australia.

If we accept that global warming is a very serious threat to Australia and that pollution from cars is a major problem in our capital cities, I would like to hear from the remaining speakers for the opposition what they are going to do about it. The purpose of the legislation is to put in place measures which will alleviate a major problem in our society. It is all very well for members of the opposition to come in here and criticise, but until they start putting forward their own proposals as to how they will deal with those issues they will have no credibility with the community — that is, with the electorate.

I ask the several opposition speakers who will contribute to the debate: besides criticising what the government has done and quibbling about whether it is a levy or tax impost, tell the chamber, if they acknowledge there is a problem — and the federal environment minister has said there is a problem — what is the solution. I am looking forward very much to hearing what their solutions are.

Hon. W. A. LOVELL (North Eastern) — I rise to speak on the parking tax bill. In doing so, I declare that

the Liberal Party will oppose the bill. There is no doubt that the bill is about a tax. The government has tried to disguise it by calling it a levy. On looking at the definitions of the words 'tax' and 'levy', we see that tax means:

... a compulsory contribution to state revenue, levied by the government on personal income and business profits or added to the cost of some goods, services, and transactions.

This tax is being added to the cost of a long-term car park in the city of Melbourne. The definition of the word 'levy' is:

... the imposition of a tax, fee, fine, or subscription.

So it is actually a tax. The origin of the word 'levy' is an Old French word, 'lever', which means to raise. There is no doubt that the Bracks government intends to raise this particular tax year after year. The tax will not reduce congestion in the city; it is just about revenue raising. Members know that because in 2006 the tax will start at \$400, which is \$15 per week, in 2007 it will be increased to \$800, or \$30 per week, and following that it will go up by the increase in the CPI.

Who will pay the cost of the levy? The consumers will pay. It is another tax to add to the Bracks government's long list of state taxes. It will just again raise the cost of living in Victoria, making it harder for Victorians to manage their budgets and making Victoria a more expensive place to live and raise a family.

Nothing in the bill will address congestion in the city. It is just a greedy grab for revenue from a high-taxing, high-spending government. In order to reduce congestion the government would need to consider ways of reducing the numbers of cars driving into the city every day. A tax alone will not do that. Before the government can achieve a reduction in the number of cars coming into the city, the government needs to provide adequate alternative transport for the workers who need to come into the city on a daily basis. That means providing public transport that is reliable and has a user friendly timetable. Some of the new services that the Bracks government intends introducing will not have user friendly timetables.

I refer to the farce train project — that is, not the 'fast' train because it is only slightly faster. It is known as the farce — f-a-r-c-e — train project. On the Traralgon line, to get the only express train, which arrives in Melbourne 2½ minutes earlier than the current service, you need to leave Traralgon at 5.00 a.m. and it arrives in Melbourne at 7.10 a.m., 2 hours before you are to start work. But in the evenings it is even worse. The only express train to go home leaves Melbourne at

4.10 pm., 1 hour before you have finished work. So this is not a user-friendly timetable for the users from Traralgon.

This tax will actually be a penalty on shift workers. Shift workers need to lease parking in safe and secure environments because of the times when they are coming and going from their cars. To do that they tend to lease car parks on a weekly or monthly basis. Certainly this parking tax will be passed on to those shift workers. It will also impact on country commuters because of the poor public transport from country Victoria into the city, the unreliability of that transport and the timetables that are not user-friendly for people who have set hours of work. Country commuters are more likely to have to bring the cars into the city. They will be looking for some security of parking, so they will be leasing them on a weekly or monthly basis. The cost of this tax will be passed on to those country commuters.

This tax is another impost on business. It will increase compliance costs and create more red tape for car park operators in the metropolitan area. It will also restrict business investment because people are less likely to invest in building new car parks in the area where the tax will be imposed.

This is another example of a government that has no idea what it is doing. On Sunday, 23 October, the Treasurer was saying the owners of car parks used for private purposes would have to register their parks with the State Revenue Office to gain their exemption. On Monday, 24 October, the Treasurer said the State Revenue Office would be writing to all car park owners advising them that they are exempt and need to take no further action. Obviously the Treasurer is not fully informed about this car parking tax bill. The government has rushed this into the Parliament and is rushing it through the Parliament without having thought through its ramifications.

There is no doubt this is just another tax. It adds to the Bracks government's long list of taxes, all of which are indexed annually, which means the cost of living in Victoria rises annually. It also makes Victoria a more expensive place to live and a more expensive place to raise a family. The congestion levy or parking tax is an unjustified grab for extra tax revenue that will have little, if any, effect on reducing congestion in the metropolitan area of Melbourne.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I rise to oppose the bill before the house today. It would be a bit of a joke if it were not quite so serious. We have had a protracted debate over the course of

yesterday and today because of the straight out arrogance on the part of the Leader of the Government in that he insisted the debate should be conducted forthwith and took the extraordinary position of insisting that Ms Romanes, a member of the government, be the first speaker in the debate.

Not only did the government and Minister for Finance use their numbers in this place to force this debate to be held, but the minister also used the numbers to gag the opposition and to ensure that the opposition did not enjoy the longstanding practice of having the first right of reply to the second-reading speech. It either demonstrates straight out arrogance on the part of the government and the minister or it demonstrates a great deal of insensitivity on the part of the government in wanting to push this silly legislation through the house this week.

This legislation has caused the Treasurer considerable embarrassment as he has been all over the place in the media and in public comment on how it will impact on those people seemingly unfortunate enough to hold car parking spaces within the arbitrarily drawn boundary shown in schedule 1 on page 24 of this bill. It will be very interesting to listen to the minister during the committee stage this afternoon when he is required to account for some of the baffling utterances of the Treasurer in respect of this legislation.

In his contribution Mr Hilton said the bill is all about reducing congestion; he said it does the same as London, Perth and Sydney et cetera have done. He asked what would the opposition do to reduce congestion? I would have to say to Mr Hilton that the answer is pretty simple — improve public transport and improve the roads network. You do not need to put a tax on every parking spot within the greater central business district (CBD) and Melbourne environs. I am baffled that Mr Hilton thinks this so hard.

Mr Hilton contends that introducing this \$800 tax on each parking space in Melbourne will somehow convince Melbourne commuters not to drive cars to the city or the greater Melbourne environs. If Mr Hilton actually believes that, I will have to suggest that he has not been on public transport in Melbourne for some time.

The reality is that the Melbourne public transport system is an absolute joke, and there is no reason why anybody who does not absolutely have to use Melbourne's public transport would do so, because the trains are unreliable, infrequent and dirty; and you could argue they are unsafe during certain hours. There is no incentive for commuters to the central business

district of Melbourne to make use of public transport. In my electorate, located in the outer south-east of Melbourne, the level of service provided by public transport is simply inadequate for people who commute from there to the CBD.

It beggars belief that the government somehow thinks that imposing a tax on CBD parking spots will reduce the number of vehicles driven from the south-east into Melbourne and will increase patronage of public transport. I find it interesting that the application of this bill is to inner Melbourne, the greater CBD, because I would argue that the worst congestion is not actually in the CBD but on the roads in the inner suburbs and indeed on the arterials to Melbourne rather than in the CBD. If the government were serious about addressing the issue of congestion in inner Melbourne, it would address the need for public transport and roads infrastructure.

This morning I spoke about the research done by the Royal Automobile Club of Victoria, which has determined that in the outer south-eastern suburbs more than \$1 billion worth of roads upgrades is required to deliver to my constituents the standard of roads that people in the middle and inner suburbs take for granted, yet we are not seeing any effort by this government in that regard. In fact, members of the government in the other place say that everything is all right in the south-east because the government has apparently spent \$200 million on roads in that area.

For some reason those members, and in particular the member for Narre Warren North in the other place, are of the view that the government has spent \$200 million in the south-east despite the fact that that \$200 million includes at least \$175 million for construction of the Hallam bypass. Somehow the people from Endeavour Hills and Narre Warren are supposed to benefit in a local sense from a freeway, which is the same as saying that the people of Williamstown are beneficiaries of the West Gate Bridge and therefore should not complain about needing more local roads funding.

There is a lot to be done to improve our roads system to deal with congestion before we take the tack in the bill that the government has introduced this week. Of course the government would do that if the bill were really about congestion on the roads. The fact is it is not; this tax is merely about revenue raising. We know this government is hungry for cash and has an insatiable desire to spend.

Over the last six years of this government we have seen it increase its spending by over \$10 billion. This government is now spending \$10 billion more per

annum than its predecessor did. Victorians can look around and judge for themselves what extras they are getting for the \$10 billion. I have to say that the Victorians I speak to do not think they are getting very much at all.

We see this bill as yet the latest effort by this government to put its hand in Victorians' pockets. It tries to justify it; in the second-reading speech the Treasurer talks about the support of environmental groups when he really means the Greens. He claims the support of the Business Council of Australia, but I have been unable to find any evidence that the BCA supports this harebrained scheme that the Treasurer is bringing in. I note that Mr Brideson also did some research on this matter and found no evidence of support by the BCA.

One of the things the department has done is prepare a summary document which has appeared on the State Revenue Office web site, dated September 2005, so it clearly presumes to know the will of the Parliament which was to consider this legislation some six weeks later. I can only say that publishing on the SRO web site this document — even before Parliament had the opportunity to consider it — on how the policy would be implemented is again a demonstration of the arrogance of the Treasurer and this government.

I would have to say, having looked at the 15-page so-called implementation strategy summary, that it raises more questions than it answers, not least the very basic element of this proposal being the definition of a car parking space. When the minister is called before this house this afternoon to explain exactly what the government is proposing, I can only wonder what he is going to say about cars parked in front yards and the detail of this document which pre-empted the Parliament's consideration of this matter.

The ACTING PRESIDENT

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

Hon. B. W. BISHOP (North Western) — I am pleased on behalf of The Nationals to oppose this ridiculous Congestion Levy Bill. The first point I make concerns the way it was introduced into the house. Its being rammed into this place really shows the arrogance of the government. It will obviously use its numbers to ram this bill through the legislative program.

Having been in this house for some years I find it interesting to look back on the excellent cooperation we were able to get in years past. That excellent

cooperation grinds to a sudden halt the minute the government wants to impose its numbers to force a bill through the house. Everything goes along pretty well until the government wants to ram things through. We then get the ridiculous circumstance we have in this instance of having debate on the bill at this time imposed on us when we could have easily managed it through cooperation, as we have done in the past.

We have had the unusual circumstance this week of Ms Romanes being dropped into the position of lead speaker on the bill and, to the best of my knowledge, no other government member rising to defend the government's position — —

Mr Lenders interjected.

Hon. B. W. BISHOP — Were there two, Mr Lenders?

Mr Lenders — There were three up to support it.

Hon. B. W. BISHOP — I am sorry, I did not notice. Their contributions must not have been all that inspiring.

Hon. G. K. Rich-Phillips — Inconsequential.

Hon. B. W. BISHOP — That is probably right, Mr Rich-Phillips. However, we have had the bill rammed into the house and there has not been much support for it on the government side.

I will look quickly at what the bill purports to do. It will bring in a levy. I challenge the description of it as a levy, because I see from page 1 of the bill that the Labor spin doctors are well and truly alive. Clause 1 defines the purpose of the bill. It states:

The purpose of this Act is to impose a levy on long stay parking spaces in the central business district and inner Melbourne to reduce traffic congestion and amend the Taxation Administration Act 1997.

Clearly it is not a levy. It is another tax from a really hungry Treasurer in a really hungry government that wants to gain as much money as it can. But there is further proof of that. At page 6 the second-reading speech states:

This bill provides that for the purposes of the Taxation Administration Act 1997, the Congestion Levy Act 2005 is a 'taxation law'.

It is absolutely clear that this is a taxation bill, so the levy is a tax

The purpose of the bill is stated to be to impose a levy on long-stay car parking places in the central business

district and inner Melbourne to reduce congestion. I have proved the levy is a tax, but let me move on to some of the issues that will arise out of the proclamation of the bill. From 1 January 2006 a levy of \$400 per leviabie car parking space will be applied and — wait for it! — it will increase to \$800 in 2007. Mr Strong will agree that is a fair sort of increase. I wish we could get that sort of imposed increase on our farm. I am sure that any business would enjoy having that sort of imposed increase available to it if it could be funded. This will be funded not only by business but everyday Victorians, ordinary men and women, will be saddled with this tax. And — here we go again! — the amount will be indexed annually from 2008. We might ask by how much it will be indexed. It could be anything. It will be up to the Treasurer of the day, and if the current Treasurer is still there I bet he will have a red hot go at it as well.

Ultimately this levy, which we in The Nationals say is really a tax, will raise \$40 million per annum for the government. We again challenge that the reason this so-called congestion levy is being imposed on the people who use these very necessary car parks is to reduce traffic congestion. We say it is not for that; it is simply another grab for money by the government. It is interesting to note that in other jurisdictions where this levy applies it does not appear to reduce traffic congestion as much as you would think. All the basic terms that are required to impose this tax on us are in the bill, but to say there has been universal acceptance of the measure is incorrect. The opposite is true. It is not surprising that there has been a universal outcry against this legislation from both the business and private sectors.

As previous speakers have picked up, apparently the bill does have a bit of support. A careful reading of the second-reading speech reveals that the Greens are supporting it. What a wonderful thing they are doing! It is interesting that the Greens policy was dropped into the second-reading speech and will take effect through this bill. As we run up to the next election I suggest to the community out there that it keep a pretty clear eye out for other Greens policies that might be dumped into this government's policies as it without doubt panders to its mates in the Greens in the hope of getting Greens votes.

The third paragraph of the second-reading speech states:

Research by the Victorian Transport Association has also found that congestion is significantly restricting productivity in our important freight industry.

We agree that there is no doubt about that. The Nationals believe that freight is absolutely important. But not only will the government impose this tax on parking places in the city, it is about to slug B-doubles, the most efficient road transport sector.

The second-reading speech states:

Around Australia and across the globe, governments are grappling with how best to maintain a city's accessibility, while reducing levels of traffic congestion and related environmental impacts.

That is true, but the government should try to be innovative, which could involve not only spending money on public transport systems but making them work better. I am absolutely certain that all the citizens who come into the city of Melbourne would use our public transport system much more if it were up to a good and reliable standard. Who wants to pay to park the car? What is the use of a car in the city environment if you work in the city all day? It is much easier to come in by public transport. Improving public transport is a real challenge for the government, but it has fumbled that. If we look at the fumbling of the Minister for Transport in another place — he was formerly the Minister for Major Projects — we see his performance has been abysmal. There has been a slightly faster train and failures in everything he has put his hand to. I wish I had time to talk about them all, because there are plenty.

The government should look at being more innovative with roads around the area. I bet after the last fiasco the government had with the Mitcham–Frankston so-called freeway, now tollway, it would hardly be game to look at another road in the particular area. The government should look to innovation rather than taking the easy way out with government members sitting around the cabinet table and saying, 'Let's tax them'.

Hon. C. A. STRONG (Higinbotham) — In rising to speak on the Congestion Levy Bill, I must say that I am most supportive of the proposed amendments, which clearly bring home the real truth of what this legislation is about — that is, taxation by this mean-fisted government that wants to tax everything that moves because it cannot control its finances.

The government is probably trying to copy its role model, 'Red Ken' Livingstone from the Greater London Council who implemented a congestion levy in the city of London. That congestion levy sought to reduce traffic in London. The record shows it has been quite successful. Anybody who drives a car into the congested areas of the centre of London faces a

significant charge. Therefore people are not driving their cars in and congestion has been reduced.

This so-called congestion levy is nothing like that at all. This is a tax on car parks which will 9 times out of 10 probably be passed on to some employer, who will in turn pass it on in the costs of their goods and services to their consumers. Its effect as a deterrent will be microscopic. It certainly does not seek to stop people driving into the centre of Melbourne, because they can still drive in with impunity. It is just that they will have to pay this tax when they park their car. It will do nothing for congestion because it does not go to the heart of what congestion is about, which is cars driving in and through the centre of Melbourne. It is an absolute joke!

The amendments that will be moved by the Honourable Bill Forwood make it clear that this is no more than a tax. The amendments set out in the clearest possible way, so that nobody can be under any confusion, that this is another grab by this government, another hand in the pocket of the average taxpayer. There should be no mistake; it is Mr and Mrs Average who will pay the cost because the cost will be passed on in goods and services which they, as consumers, will buy. It is simply another tax by a government which has shown its absolute inability to manage the money of this state. We have seen a government which, in its six years in office, has increased the size of the budget from slightly less than \$20 billion per annum to over \$30 billion per annum — a 50 per cent increase in six years.

I have worked out what the effect of that will be on somebody earning average weekly earnings. Somebody on average weekly earnings will have to work an extra six weeks every year to pay the extra taxes that the Premier has put on in the six years since his election. How can anybody with any sense see how the tax take realistically could have risen that much? One only has to look at the bureaucracy to see that Parkinson's law is rampant. It is simply a disgrace. The money is there, so the government spends it. The government is like a drug addict — it gets used to spending the money and it wants more and more, so it casts around to find another thing to tax. The government is the master of spin so it has to try to find some flash way of disguising another naked grab for money as some sort of community good, hence this farce, trickery and deception of a congestion levy, when it is no more or less than a continuing tax grab.

We wonder where it will end. When this so-called congestion levy was initially announced it was only going to cover the central business district — certainly that is what the public was led to believe. However,

when the legislation was introduced we found that the area it covers is significantly greater, reaching into all sorts of areas where there are clearly domestic dwellings and residential developments. As we know, the government's mad Melbourne 2030 scheme will push more people into the central city area, which means that this tax will go straight into residential areas where these people have car parks.

One only has to think of it to see the inconsistency of trying to push people into central business areas, which of itself causes congestion, be it in the centre of Melbourne, Ballarat, Bendigo or any other area — that is the clear policy of this government through its Melbourne 2030 plan — but at the same time being totally inconsistent and saying, 'We cannot have the congestion of all this traffic coming into the city so we will put a tax on car parking spaces'. It is ridiculously inconsistent and shows the hypocrisy of the government. It is simply another tax.

In conclusion, in a way this is a wonderful piece of legislation because it shows the total hubris and arrogance of the government that it can continue to tax the people of Victoria, people who are already groaning under tax. The government is once again alienating a group of the population. It has alienated whole swags of Victorians with its farcical fast train, and with land tax it has alienated another group of Victorians.

With EastLink the government members have sealed their fate in a whole swag of eastern suburbs seats, and once again with this legislation they have set out to get thousands of people offside. Thousands of people have wives, husbands, uncles, aunts, brothers, sisters and children, all of whom hate what they are doing, and all of whom will oppose what they are doing. Every time they do something like this with hubris and arrogance they think they are untouchable, but in fact they alienate another class, another group of people. Those people are building year by year, and they will come back with a vengeance and bite you. It is the hubris of members of this government that makes them think they can get away with it. Have they not learnt anything?

When, with breathtaking arrogance, this government brings in something like this, the people of Victoria and the people of Melbourne will understand how breathtakingly arrogant members of this government are; how they do not care; how all they want to do is to tax them. People will ask, 'Who is next? When will this be extended to Ballarat and Bendigo? When will it be extended to other areas where there is significant congestion?'. Frankston and Dandenong are both highly congested areas, with many car parking spaces. Will they be next? Of course they will be; and they will

be quite clearly thinking they will be; and believe me, we will let them know that they probably will be.

This is an amazing piece of legislation that, as I said, shows the utter hubris and arrogance of this government and proves that it is out of touch. Long may it keep doing what it is doing because the longer it does, the sooner it will be gone.

Hon. E. G. STONEY (Central Highlands) — I have to correct the Honourable Chris Strong — he forgot something: he forgot to say that the government is not smart either. If the government had been smart, this would have been all over yesterday, and all over very quickly.

The Honourable Bill Forwood, in his opening address, mentioned that we only had five speakers on our list. We intended to make our point, we intended to move our amendments, we intended to go into committee, and we intended to get it done and get out of it. But what happened — it has turned into an absolute farce.

I must say that if any shearing contractor had acted like the government acted yesterday, there would be a walkout. I have run a few shearing sheds in my time and shearers are a great lot, but they can get a bit touchy because their backs get a bit sore. Yesterday the situation in this house went from a positive one to a negative one in a matter of minutes. It was as though the contractor, in this case Minister Lenders, presented the house with wet sheep. That is exactly what happens when you present a shearing shed with wet sheep, and this is what happened yesterday. The government presented us with some wet sheep and we virtually walked out. We were affronted by it, so everyone on this side of the house said they wanted to speak, and that was to their credit.

It is obvious that the government is very touchy about this tax. It is obvious that it wants to get it off the agenda. It is obvious that the Treasurer told the Minister for Finance, Mr Lenders, 'Mate, whatever it takes, just get it off the agenda. Get it out of the papers!'. You can see why he would say that if you look at some of the papers.

For example, the *Sunday Age* of 9 October reported that the Treasurer had introduced the Congestion Levy Bill. It quoted the Treasurer as saying earlier in that week that the levy would:

... provide an incentive for those currently commuting by car to and from the city during peak hours to look at other options, such as car pooling, public transport and walking.

So we get to public transport. But the same article says:

But the April 2004 report, commissioned by the Department of Infrastructure and released to the *Sunday Age* under freedom of information laws, indicates there is little room for more commuters and identifies increased capacity hurdles on the city loop and inner city stations.

'Given that the existing throughput can be regarded as at capacity, then the overall existing loop utilisation is close to 100 per cent', the report finds.

The article goes on to tell us that the report was written by transport engineers and planners. It says that the report shows:

... train volume on the Broadmeadows, Sydenham, Melton, Werribee and Williamstown lines is at capacity during peak hours.

The *Herald Sun* of Wednesday, 26 October, carries an article with the headline, 'More car parks on tax alert'. It states:

Treasurer John Brumby yesterday failed to rule out extending his \$40 million car park tax to other inner city suburbs.

Asked by the opposition in Parliament for a guarantee the congestion levy boundaries would not be expanded, Mr Brumby refused.

The *Herald Sun* of Friday, 7 October, got to the heart of Mr Forwood's amendment. In an article headed 'State's \$800 million bonus' it states:

The RACV —

the Royal Automobile Club of Victoria —

called on the government to use the cash bonus to axe GST on the federal fuel excise and scrap the car park tax.

It was all bad news for the government, so no wonder it wanted to get it out of the papers; hence the undue haste. But government members mucked it up. They offended the opposition by not following proper procedures in this house. We are affronted by that, and we have taken the appropriate action.

There is no doubt that this levy is in fact a parking tax. Various speakers in the house today have confirmed that. We have had quotes from the dictionary and interpretations of what it means. It is just a parking tax. There is no doubt that the Treasurer did a backflip when it became obvious that registering private car park spaces was going to be very unpopular. The whole concept of this levy smacks of opportunism; it smacks of big brother, and it has certainly been very interesting to listen to the debate in this place.

Ms Romanes, who in my opinion spoke out of turn, talked about congestion. Then Mr Forwood, who is a

brilliant debater on these matters, had the opportunity of actually questioning whether congestion had been measured. I agreed with the Minister for Sport and Recreation, Mr Madden, when he said, 'We will miss you, Bill'. It is about the only time I have agreed with Mr Madden — and he said constantly, 'We will miss you, Bill'. And Bill — Mr Forwood — we will!

Mr Forwood questioned whether congestion had been measured and challenged the government to produce its data on the measurement of congestion, which I thought was a very interesting and positive request from the opposition. As we know, the government had hardly any speakers, and I do not believe its members responded to Mr Forwood or anything else the opposition raised during this long debate. They certainly have not responded to anything Mr Brideson said about the Greens in his brilliantly researched contribution to the debate late last night.

When I first heard about this tax it sounded to me a little bit like the government was saying, 'Let's just cut down the tall poppies'. It sounded like, 'If you have a private car parking spot in the city, you must be rich'. The philosophy of the Labor Party is to tax the rich, so I thought it must want to tax people with a private car parking spot. That is what it smacks of to me.

Mr Forwood pointed out that the concept being floated of a congestion levy would in fact undermine the goal of reducing congestion.

Honourable members interjecting.

The ACTING PRESIDENT

(Hon. J. G. Hilton) — Order! Mr Pullen and Ms Hadden will come to order. There should be no exchanges across the chamber!

Hon. E. G. STONEY — As I was saying before I was so rudely interrupted — and thank you for your protection, Acting President — Mr Forwood pointed out that this tax would probably increase congestion. He said that Access Economics had alerted the government to the fact that more short-term parking would increase congestion as more cars will come and go during the day. It appears to us that this bill will have the reverse effect to what is planned. We certainly believe — and it is quite obvious — that the tax will enlarge the government coffers, and that is all that matters to the government.

A big question has not been answered: what is the hidden agenda? It raises the question of whether the Treasurer's real reason for inflicting these bureaucratic rules is to build up a database. Does he want a database showing how many residential parking spots there are

in the inner city? Does he want to know who owns them? Will that make it easier for him to tax them in the future? Yes, it will, and in my opinion that is the secret agenda.

This tax will affect motorists and it will affect trade in the city. It will cast a shadow over the future of the boundaries of the area involved, which may be taken further out in the future. As several speakers on our side have said, this tax will shake business confidence in the central business district. It will not assist congestion because there will be an increase in short-term parking places, which will mean a higher flow of traffic. As Mr Brideson so eloquently demonstrated, it has been brought in to get the Green preferences. I wish Mr Bishop were here, because I am going to mention his dogs. This is a dog of a bill, and it should be thrown out.

Hon. A. P. OLEXANDER (Silvan) — What a very interesting debate this has been so far. It is interesting from a number of perspectives. Speakers in the chamber today have indulged in a lot of semantics over the definitions in and the intentions and objectives of this legislation, but one thing cannot escape even a casual observation of what has been said so far — that is, if it looks like a tax, sounds like tax and tastes like a tax — —

Ms Hadden — And it smells like a tax!

Hon. A. P. OLEXANDER — And if it smells like a tax, then it is going to be a tax. It does not matter whether we are quoting Shakespeare or the Oxford dictionary or the *Macquarie Dictionary*; it does not matter whether we are quoting the Dalai Lama or Tony Blair — it is going to be a tax, and a tax is a tax. This legislation is a grab for revenue. It has no connection with environmental outcomes because it has been demonstrated quite objectively by the experts who understand the impact of these sorts of impositions that it will not have the desired objective of reducing congestion. All it will do is raise approximately \$40 million a year by the imposition of an \$800 levy on non-residential parking spaces in the city of Melbourne.

The bill will have other consequences for the many people who use non-residential parking spots in the city and associated areas, and deserves to be rejected by this Parliament for the sham that it is. When you look at any legislation that imposes a new tax, you have to turn your mind to questions of the incidence of that tax and the ability of those upon whom it will be levied to pay. You have to turn your mind to questions of the efficiency of the taxation instrument and the administrative burden it places on the people and

organisations who will be required to comply with the legislation. At the same time you also have to look at the efficacy and objectives of the instrument. Very important equity considerations also have to be taken into account with the levying of any tax. This bill is found wanting on every one of those key principles of taxation.

In terms of incidence, we see that the people required to carry the cost of this tax are the ones who are already paying significantly for the right to park their vehicles in non-residential parking spaces in the city and associated areas as a necessity. People coming to the city for work purposes and for other purposes associated with the earning of their income will be hit by this, because organisations will, of course, pass on the cost of this tax to them. Its imposition will have an impact on the ability of individuals to pay, and it is unfair to require that those individuals just going about their normal business be required to do this — but they will.

The administrative burden which this tax will place on organisations and individuals is incredible for the amount of revenue it will raise — \$40 million. It is an administrative burden which makes the GST and the filling out of a business activity statement look like a walk in the park! It is quite amazing. We are told that individuals who have private parking spaces in the many apartments and residences that have gone up in the central business district and surrounding areas will be required to fill out a form to register their parking space, even if it is wholly used for private purposes.

Ms Hadden — A 60 penalty unit fee.

Hon. A. P. OLEXANDER — Ms Hadden makes the excellent point that if, as a private resident with a parking spot, you do not fill out this voluminous form, you will incur a 60 penalty unit fine — which I believe is \$6000 in current terms. A fine of \$6000 if you do not fill out a form is the height of arrogance in terms of an administrative burden being placed on individuals — and thousands of individuals will be affected by the burden of this tax.

We have heard the Bracks government talk about the administrative burden of the GST ad nauseam. The GST business activity statement requires you to tick a box once every six months or once a quarter. This is going to be an annual registration requirement which is intrusive and quite purposeless unless, as Mr Stoney said, the government has an agenda of building up a database to raise revenue in the future from these individuals with private car parking spaces. It is unreasonable to expect that anybody with a residence in

the Melbourne central business district (CBD) or surrounding areas — Southbank, Docklands and elsewhere — would not have access to a car parking space. Most people with a car parking spot on the title of their properties have paid dearly for it. They are very expensive — between \$20 000 and \$50 000 just to have the rights to a spot. Now those car parking spots are going to be used by the state government as a potential revenue-raising tool. It is the most outrageous thing. If the government thinks there is not going to be a backlash to the administrative burden that will be placed on individuals as a result of this tax then it has another think coming. If it looks like a tax and smells like a tax and tastes like a tax, it is a tax, no matter whose dictionary or lexicon you use.

The government has spoken to us today about the objectives of this legislation. This is where the rub is in terms of debate on this bill. We are told that the objective of this so-called levy is to reduce congestion in the city of Melbourne and surrounding areas. We are told that this is a legitimate objective and that the outcome is an environmental one.

We know that that is not the case. We know that models similar to this that have been implemented overseas have not had the desired effects. We understand that those who are experts in the area — people such as those at Access Economics — have condemned this tax and have said quite clearly that it will not achieve the desired objectives. The only objective it will achieve is the financial one, and the future of car parking spaces as well. The tax regime that may then very easily be imposed will be, and is, another key objective of this legislation.

In the Access Economics report there are some choice quotes which have been conveniently ignored by the government. The report says on page 1 that the tax is:

at best a blunt, poorly targeted and discriminatory method of mitigating the costs associated with traffic congestion in the Melbourne CBD.

You cannot get it any clearer than that. It says also:

using it to increase the supply of short stay off-street parking directly undermines its role in reducing traffic congestion and associated costs.

That is actually saying that it is going to have the opposite effect to what the government wants. I quote from page 13 of the Access Economics report:

the bases for the levy are conflicted, confused, and likely to generate inefficient outcomes and perverse results.

This is a very clear condemnation of what we are doing. It is against policy best practice. It is against models

which have worked to reduce congestion. It could have the opposite effect. It is an unfair imposition financially on people visiting and staying in the CBD. This legislation is opposed strenuously by the Liberal Party and we believe by most Victorians. The government should withdraw this. It is a tax.

Ms HADDEN (Ballarat) — I rise to speak on the Congestion Levy Bill, which is really a parking tax bill. I will not support this bill. It is absolute arrogance on the part of the Bracks Labor government to think it can get away with its obscene taxing of the Victorian people.

This tax bill will create an administrative and bureaucratic nightmare. It clearly shows that the Bracks Labor government is out of touch with Victorians. It is a pants-on-fire bill. There is no empirical evidence produced by this Labor government to show that congestion will be reduced by this tax bill. The only empirical evidence that it has produced is that it will swell the coffers of the Treasurer. It will have a reverse effect on so-called congestion in the Melbourne and central business district (CBD) areas, except that it will swell the coffers of Melbourne City Council by \$5 million in the first year. That was the carrot for Melbourne City Council to shut up.

This so-called congestion levy is a tax. The purpose of the bill in clause 1 says it is a tax:

The purpose of this Act is to impose a levy on long stay parking spaces in the central business district and inner Melbourne to reduce traffic congestion and to amend the Taxation Administration Act of 1997.

It is a tax, and Mr Brumby ought to start telling the truth for a change, because I know he really means it is a congestion tax bill — he just puts a little spin on it, which he is very adept at doing. I do not believe him, the people of Victoria do not believe him, and the people in the Melbourne CBD do not believe him, nor do the commuters on our appallingly late, over budget, over time public transport system, which is just about clogging to a standstill, as it was this morning with all the trams along Swanston Street. Nothing works in this city and in this state under this government. It is absolutely inept and incompetent.

It is a sneaky little tax revenue raising for the Premier and the Treasurer for the next election. It is a greedy grab for money and is an insult, a disgrace and an offence. It ought to be withdrawn by the government, but it does not have the brains to do that.

On page 1 of the second-reading speech on the bill the Treasurer talks about the broader strategy. I know what

he really means by that because I know him and he knows me. In fact I will tell members what the broader strategy is: to swell the coffers even more because the Victorian Competition and Efficiency Commission (VCEC) on its web site announced an inquiry into managing transport congestion. It says:

On 14 September 2005 the Victorian Treasurer, John Brumby, announced that the VCEC will undertake an inquiry into managing transport congestion.

Further down it says:

The commission has been asked to advise the Victorian government of a range of policy options to tackle transport congestion in Melbourne and major regional cities.

The commission is seeking submissions from interested parties by 2 December this year and the commission will forward its final report to the Treasurer by 14 September 2006 — just before the next state election. What is the hidden agenda here and the broader strategy?

In the press release of the Treasurer of Victoria, dated 14 September and headed 'Efficiency Commission to tackle urban congestion', he should have said, 'and to swell the coffers of the Bracks Labor government' because the Treasurer said the VCEC would examine a range of issues surrounding transport congestion, including the nature and incidence of transport congestion in Melbourne and the main regional cities of Geelong, Ballarat and Bendigo.

That is the sting. The mayor of Ballarat, Cr Vendy, was on the front page of the Ballarat *Courier* the other Saturday telling everyone to shut up. He was telling the people of Ballarat and along the line of that slow fast train to shut up. We will just see how much Cr Vendy shuts up when the broader strategy of the Treasurer hits Geelong, Ballarat and Bendigo, because that is the sting. This parking tax is going to be extended to the major regional centres, courtesy of the Treasurer.

We all know that the public transport system in this state is very slow, and that is certainly true of services into Spencer Street. It is inefficient, it runs late, it is overcrowded and it is uncomfortable. The *Age* of 24 October reported on a forum hosted by the Municipal Association of Victoria — I will bet their faces were red! — and the article says:

Director of public transport Jim Betts told stunned audience members at a transport forum recently that the government planned no major train or tram extensions during the next 15 to 20 years.

So we have more of this congestion and overcrowding and uncomfortable public transport in this state

courtesy of Messrs Batchelor, Bracks and Brumby. Mr Betts is quoted further as having said:

The sheer constraints we face on our existing system and getting it to work right and the importance of getting flexible, cost-effective bus services into those outer suburbs will take priority over train and tram extensions for the short and medium term.

There we have it! South Morang is suffering with yet another broken promise by the Bracks Labor government. During its 1999 election campaign Labor promised to build a South Morang railway station. The locals can say goodbye to that — there is no money. I do not know what the Minister for Transport is trying to do because the fast train certainly is not operating and it is not likely to operate; or, when it does, it will be as big a farce as it is now.

Access Economics, which officially costs most of the government's election promises, released a report for the Property Council of Australia in July. It said that the concept of a congestion tax was:

... a blunt, poorly targeted and discriminatory method of mitigating the costs associated with traffic congestion ...

It also said:

... on balance, only the third objective cited for its introduction rings true — it appears more likely to be focused on raising revenue through the imposition of a new, selective business tax rather than reducing congestion costs.

That report is very good, and I recommend it to people to read.

David Broadbent in the *Sunday Age* on 7 August said:

The Bracks government's plan for a so-called 'congestion tax' in the form of an \$800-a-year slug on all long-term city car park spaces, is not due to come into effect until January, but the idea is already generating massive hostility.

It certainly is, and we have seen that from the many comments in the Melbourne media. Some of these comments are that people are absolutely furious and are asking what will be next. This is just a greedy grab for the tax dollar from we poor, hard-working Victorians.

The other issue in relation to this bill is that it is leviable parking space as determined by the State Revenue Office and every owner of a private car park must apply to the commissioner of state revenue. There is no discretion there; it applies to every owner of a private car park, every owner of a public car park and every operator of a public car park, who must apply to the commissioner of state revenue in accordance with clauses 27 and 28 of the bill. If they do not there is a payment of 60 penalty units. They must register with

the commissioner, pay the levy for the year and lodge a return in respect of that year on or before 21 January of each year.

Let us look at the levy, which is another issue. The levy is to be imposed on each leviable parking space, which will result in \$40 million in the first year flowing into the coffers of the Bracks Labor government, \$80 million in the second year and then the consumer price index will apply to it from 1 January 2008. The levy is a charge on the land as detailed in clauses 32 and 33, and the commissioner has the discretion to register a charge on your land and only the commissioner can remove that charge on your land. I suggest to everyone who owns property in the central business district in the city of Melbourne to read the act, because they have been misled if they think, as the Treasurer, Mr Brumby, told the people at a forum on 25 October and as was reported in the *Age* — —

The ACTING PRESIDENT

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

Hon. PHILIP DAVIS (Gippsland) — The Congestion Levy Bill is the short title of the bill, but I have to say it is better described, as some of my colleagues have said, as the Parking Tax Bill. However, I will stick to the original title because that title comes directly from the Greens policy on transport. It says that the Greens Party supports the introduction of a congestion levy. I go further. The Greens policy is quite instructive, because it also talks about halting the construction of freeways. I thought it might be an interesting thing for the government to discuss how much of the Greens transport policy it intends to introduce. Does it intend to go beyond introducing the Greens proposal for a congestion levy and proceed to stop any further construction of freeways? I will leave that question to hang for a response by a member of the government. I note that there are many members of the government who have failed to contribute to this debate and therefore the opportunity is open for them to clarify this.

I wondered why it was necessary for such a policy to be introduced. We have the most profligate government in the history of Victoria. We have the highest taxing government in the history of Victoria. We have a government that is taking Victoria back into debt for the first time in a decade. We have a government that has now emboldened itself and created new forms of taxation to satisfy the avarice of its policy agenda to increase waste in the public sector in Victoria.

I thought we should go back to an earlier time and consider other such inappropriate administration by government and the Crown. I note in considering what happened in the 17th and 18th centuries in the United Kingdom that in 1696 a window tax was introduced. The tax was introduced under King William III of England. It was designed to impose tax relative to the prosperity of the taxpayer — the bigger the house, the more windows it was likely to have, hence the more tax the occupants would pay. This is the reason for the bricked-up windows so often seen in very old houses in the UK. In 1792 houses with 7 to 9 windows had to pay a tax of 2 shillings and those people with a property containing 10 to 19 windows would pay a tax of 4 shillings. In 1825 the number of windows taxable went from 6 to 8 windows.

The window tax was replaced in 1851 by a tax called 'house duty', and that tax was effectively what we now know to be local government rates. The term 'daylight robbery' is assumed to come from the notion of the origins of a window tax because people were forced to brick up their windows and have no daylight. This became known as daylight robbery.

I accuse the Minister for Finance, Mr Lenders, and his government of introducing the notion of daylight robbery into Victoria's taxation regime. This is robbing people to satisfy a political agenda, to win preferences and support in the next coalition government that the Labor Party aspires to form with the Greens. The Labor government in Victoria has changed the constitution and the Electoral Act to give priority to having the Greens elected to Parliament. This is about delivering a policy commitment so that the Greens will support the Labor Party in Parliament.

This bill does nothing at all to deal with traffic management issues. It is an underhanded form of generating additional new revenue for the government in the order of \$40 million a year so it can continue to dispose of those taxes in the profligate manner which we have become used to.

The Congestion Levy Bill second-reading speech makes various statements about traffic congestion and improving the metropolitan transport system. These are all weasel words of justification for the introduction of a new tax regime in this state. It talks about providing incentives for those who are currently commuting by car to and from the city to look at other options of transport. It talks about solutions needing to be multifaceted. It then says the levy is about reducing congestion, not raising revenue.

I do not believe that case is credible. The government has not put in place alternative arrangements to better dispose of traffic congestion. It is simply seeking to argue a case that a levy — a new tax — will impose a discipline on people parking in the city precincts as defined by the bill. I do not believe the government has any real intention of investing significantly in alternative traffic management arrangements to reduce the level of congestion. That may be an issue for reasons which I will not go into now, because I want to turn to deal specifically with the notion of tax.

The Parliament authorises the government to collect tax from the people on the basis of a trust in the government to dispose of those funds collected wisely. I do not believe the people of Victoria have any confidence now in the financial stewardship of this government. It is now following the path of its predecessors, the Cain and Kirner governments, which were the most outrageously incompetent financial administrators Victoria has ever seen. They trebled the state debt in under a decade, leaving a deficit-funded budget of \$2.5 billion a year when they left office, which means they spent 15 per cent more than their revenue base every year.

The government in Victoria today has learnt nothing from that experience. It has found there are no hollow logs left, and so it is creating new forms of taxation. The consequence of that is the people of Victoria are being burdened with additional forms of taxation, and this is but one additional form. Some 2000 fees, fines and charges have been increased over the course of the Bracks government. The Minister for Finance should know full well that when the next election comes, judgment will be made on the performance of the government as regards the discharge of its solemn obligation to spend taxpayers funds wisely.

I allege that this government is profligate, ineffective, a poor financial administrator and, importantly, is deceitful. Its introduction of a tax, referred to here as a congestion levy, is simply a spurious endeavour to satisfy a political agenda to win the support of the Greens Party at the next election and, more importantly, to deceive the people of Victoria —

The ACTING PRESIDENT

(Hon. J. G. Hilton) — Order! The Leader of the Opposition's time has expired.

Mr LENDERS (Minister for Finance) — I will certainly sum up in my allocated 5 minutes, and I know members will undoubtedly have a fulsome debate during the committee stage.

I would like to talk about the context of the bill and address some of the issues raised by members opposite. In opening, there are several things I would like to address. Firstly, there is no question this debate is a lot more controversial because of the decision of the government yesterday on its timing. I acknowledge that has brought a lot of speakers out into the open. I raise that in this context because a number of members opposite have said the government is not interested. Four members of the government have spoken on the bill in this debate. As the Opposition Whip acknowledged in his contribution, five speakers were listed for the opposition but their response has brought more out. I am not commenting on their response but noting that the government has an interest in this. That is the first point I wish to make.

The second point I wish to make is that amendments will be moved by Mr Forwood; I understand they total 100. I flag now that the government will not accept them. While there may be 100 amendments, and that sounds dramatic, it comes down to changing two words in many places; and this is the debate over a tax and a levy. I will not go into that debate because I think it has been thoroughly canvassed already.

The third point I make is about a number of speakers having said that there is no strategy. I urge anybody here who wants to talk about congestion in the city to look at the strategies that the government has in place to deal with the metro transit system. I refute the simplistic solutions to this very complicated and complex issue of dealing with congestion. We could trawl around the world and that has been done to an extent in debate here and in the Assembly.

I also advise members to look at some of the work done by the City of Melbourne, which shows that 25 per cent of the traffic in Melbourne is made up of people roaming around, looking for a short-term car parking spot. So freeing up more of those is actually a serious effort to deal with congestion.

Hon. B. N. Atkinson interjected.

Mr LENDERS — I urge Mr Atkinson to have a quiet and calm discussion with people at the City of Melbourne, if he wishes to refute that.

I touch on the final two points. Consistently through the debate the government has asserted this is a levy and the opposition has asserted it is a tax. I will not canvass any of that again, but on the comment by a number of opposition speakers that this is somehow or other a slug on motorists, I invite members of the opposition to reflect on what their colleague the federal Treasurer,

Mr Costello, is doing through the fringe benefits tax (FBT) that is imposed on many motorists.

Honourable members interjecting.

Mr LENDERS — He is effectively putting a \$2000 slug on motorists through FBT. Without going into debate on whether it is a tax, I suggest that members opposite look at the real world and what employers are paying in FBT for those sites.

Honourable members interjecting.

Mr LENDERS — I am not saying whether it is a good or bad thing; I am making the point that people are being a tad selective.

The final point I make in concluding the second-reading debate is on the issue of a number of opposition speakers having referred to the arrogance of the government in putting information about the levy on the State Revenue Office web site. I know that people are scoring points in debate, and I am sure that is all it is, but just in case any opposition speakers have been slavishly reading from the notes they presumably got from their Whip, they should reflect on two things.

The first is the history of this state — and Mr Baxter, as a former minister of the Crown, well knows this. Every year some minor documents like the budget are put out as an intent of government policy. Information goes out to the world — to the community — as it is started so the community can be kept informed as to the debate in the Parliament. Firstly, it is not presumptive, arrogant or showing contempt of Parliament to put out information as to what would happen if legislation passed. Secondly, part of the dialogue — —

Hon. Bill Forwood — On a point of order, President, I am very interested in the minister's attempts to justify the fact that the State Revenue Office has that information up. I invite him through you to explain why the SRO has taken the deliberate decision to not put up similar information about the government's changes to tax on trusts.

The PRESIDENT — Order! That is not a point of order. I do not uphold it.

Mr LENDERS — My point is that it is certainly not arrogant to put out information to inform the community. The SRO is seeking a dialogue in getting out information, as it is committed to do.

Finally, if anybody on the other side has any vague concerns about the principle of this, I suggest that they but look north of the Murray to Canberra, where they

will see that their federal leader spent \$40 million in advertising an industrial relations campaign on legislation that has not even gone through the Parliament!

My points are that this has been a good debate. I like it when people speak in debate in this place.

Honourable members interjecting.

Mr LENDERS — In rebutting those two or three points, this is good legislation. I urge it a speedy passage.

House divided on motion:

Ayes, 23

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

Noes, 20

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

Motion agreed to.

Read second time.

Mr LENDERS (Minister for Finance) — I desire to move, by leave, that the bill be now read a third time.

Leave refused.

Committed.

Committee

Clause 1

The CHAIR — Order! Mr Bill Forwood will move his amendment 1, which is a test for his amendments 2 to 74 and amendments 77 to 79, which he can foreshadow.

Hon. BILL FORWOOD (Templestowe) — I will move my amendment later. Before I do I would like to spend some time on the purpose clause because, as the Chair said in introducing the committee stage, the purpose of this legislation is to reduce traffic congestion. While there are substantial mentions of congestion throughout the second-reading speech, to the best of my knowledge the word ‘congestion’ appears only three times in the whole bill. That is in the long title, in the short title and in the purpose clause. The purpose of this bill is to reduce traffic congestion, so I would like to deal in some detail with that issue. First I would like the government to explain what is the existing level of congestion in Melbourne.

Mr LENDERS (Minister for Finance) — There has been a long public debate on congestion in the central activities district. Everybody in this place knows that over time various plans under various governments have been put forward to have rights of way, for major roads to go one way or another, and there have been debates about tunnels under this or that. The whole CityLink process is a classic attempt to remove through traffic from the city. I do not think there is any dispute that there is congestion.

Mr Forwood is seeking from the committee an explanation of what measure is used for congestion. I can assure Mr Forwood that whether it be discussions between the government and the City of Melbourne, whether it be community responses to all governments to alert them to the fact that the city is gridlocked and things of that nature, it is fair to say there is an undisputed community view that there is congestion in the central activities district of Melbourne. This is one of the tools being used to address that.

Hon. BILL FORWOOD (Templestowe) — I do not dispute a single word that the minister has said about the congestion issue. The problem we have is that the government has decided that this is the mechanism it will use to reduce it. I think I can be confident in saying that the government hopes to reduce it by 20 per cent by the year 2025 — or was it 2015? I have forgotten. Anyway it has put that particular figure on how much it wants to reduce it. As I said, when we were briefed on the bill I wanted to know first about where the line in the sand was. If we are saying we want to reduce congestion by X amount over a period of time, and this is the mechanism or the start of the mechanisms, then I think the committee and the people of Victoria have a right to know where to start measuring from. Yes, we accept there is congestion, but what is the level of it? How do you measure it, and what steps is the government taking to monitor it?

Mr LENDERS (Minister for Finance) — I do not have those figures at my fingertips. I have no doubt that one of the ways it will be measured is by a VicRoads measure or count of traffic. I have no doubt that the City of Melbourne will have one, although I do not have the figures in front of me. I know that Mr Forwood will spend a lot of time dwelling on this, and give detailed consideration to word after word and definition after definition. I am sure he will seek further information than that. I can assure him and the committee that there is no dispute about the issue in any corner of Victoria that I have come across.

His issue is how we measure it. I am sure we could ask VicRoads and others how it is measured. A legitimate question to ask over time is, ‘Will this make a difference?’. I do not have the figures in front of me, but it is clear to the community that whatever can be done to reduce congestion in the central activities district is a desirable outcome.

Hon. BILL FORWOOD (Templestowe) — I do not disagree with a single thing the minister has said. In my own defence I would like to say that I raised the issue of congestion measurement in the briefing that we had, and that was some weeks ago. I have still got it written across the top of the bill: ‘What measure will you use?’. The government has not responded to that question which I asked in the briefing which, as I said, was a while ago. It would be good if over lunch the government were able to address the issue, because I am sure the minister is aware that the Melbourne City Council — Liberals, Independents, Greens and members of the Labor Party — unanimously passed a motion two nights ago that the City of Melbourne monitor and report in 12 months on the impact of the car park levy on traffic congestion in Melbourne.

What we need now is the line in the sand from where we all agree we start the measuring. Everybody knows that this legislation will pass through this house some time in the next day or two, and I think we now need to agree where the line in the sand is.

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

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Electricity: supply

Hon. BILL FORWOOD (Templestowe) — My question without notice is to the Minister for Energy Industries, the Honourable Theo Theophanous. Today’s *Statement of Opportunities* from the National

Electricity Market Management Company Ltd shows that, if we have a hot summer, power supplies for Victoria and South Australia are in jeopardy and will be insufficient to cope. We know that last year when there were power problems in Queensland thousands of homes were disconnected in order to protect the security of the system. What is the government’s hierarchy of power shedding arrangements this year in the event of a hot summer?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — Let me first of all correct the honourable member opposite — —

An honourable member — Yet again!

Hon. T. C. THEOPHANOUS — Yet again, because the National Electricity Market Management Company Ltd (Nemmc) has not said that there is insufficient power for this summer. That is a factually incorrect statement. In fact it has said the opposite — that there is sufficient power for this summer.

What Nemmc has said is that in an extreme circumstance, what it calls a 1-in-10-year event, when a number of things have happened at the same time — for instance when you have had three or four days of continuing hot weather in both South Australia and Victoria occurring in the middle of the week when factories are working and so forth — there would still be enough power. However, if on top of that a major piece of infrastructure came off line for whatever reason and was unavailable, then there would be a difficulty with supply, but only in those very extreme circumstances. There is sufficient power. That is the first thing that needs to be put on the record.

I noticed that Mr Forwood was quoted this morning in the media as saying, ‘This summer we are in trouble’. He is trying to beat this up. I was not sure whether he was talking about his summer vacation plans or the Liberal Party’s half-baked policies or Robert Doyle’s leadership when he was saying, ‘This summer we are in trouble’, but I can assure Mr Forwood that, if he was talking about the energy system, that has been significantly improved during the course of this government.

Hon. Bill Forwood — Tell us about load shedding!

Hon. T. C. THEOPHANOUS — I will come to that. But I want to put on the record first of all, because I know the opposition does not like to hear this, that when we came to power, for seven years it had not put on a single piece of infrastructure — not 1 extra megawatt! During the course of our time in government we have put on more than 1000 megawatts of power, in

contrast with what the opposition did when in government, and we have a further 900 megawatts, which will come on stream in the next few months. Let me say first of all that this attempt by the opposition to beat this up does not help anyone. There is sufficient supply.

In answer to the question which the honourable member asked in relation to how we prioritise in those circumstances, in the first instance that is a matter for NEMMCO. NEMMCO then relies on a priority list which is established by VENCORP for an extreme circumstance such as I described — it could happen as a result of a terrorist attack in which you lost two or three power stations. I can tell Mr Forwood that in that circumstance domestic consumers would be last on the list to be disconnected and we would manage the system in a way that ensured the minimum impact on domestic consumers and small businesses.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — Will the minister guarantee there will be no blackouts during the Commonwealth Games?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I was interested this morning to hear the spokesperson from the NEMMCO answer this very same question. He said that NEMMCO's projections of a shortfall in reserve did not apply during the marked period of the Commonwealth Games. It did not apply. That is what the spokesperson from NEMMCO said. Mr Forwood knew that before he asked his question, but as usual he is trying to beat up something which is not an issue. We have managed the system properly; his side did not. That is the difference between the opposition and us!

Energy: future

Mr VINEY (Chelsea) — My question is to the Minister for Energy Industries. Will the minister advise the house about recent projections in the energy sector and what they may mean for Victoria's energy needs?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for his question. I know Mr Forwood only concentrates on one thing at a time — we do a bit more than that on this side of the house — and he automatically assumed that this had to do with the National Electricity Market Management Company Ltd projections.

Let me just indicate to the house that I recently launched a report that identifies the gas and electricity needs for Victoria for the next 25 years. The report,

prepared by VENCORP and entitled *Vision 2030*, is an important step in planning ahead for Victoria's transmission requirements. I can advise the house that the report identifies a number of key development needs for the energy industry in Victoria. The report indicates that the size of Victoria's energy industry will at least double over the next 25 years. This is a significant challenge for all of us, because if the size of the energy system is going to double over the next 25 years there are two sets of issues that we need to consider and plan for. The first is the investment required to facilitate that expansion in the energy sector. The second is how we manage emissions and greenhouse gas issues over that period. Both of those are significant issues. They are certainly the main issues I have to deal with in this area in my portfolio.

Let me tell the house that this government takes both of those issues very seriously indeed. That is why we have established — —

Hon. Bill Forwood — Tell us what you have done.

Hon. T. C. THEOPHANOUS — I am happy to tell Mr Forwood. We have brought on stream more than 1000 megawatts of power, which I mentioned earlier. We will have a further 900 megawatts coming on stream in the next few months — —

Hon. Bill Forwood — One day, we hope!

Hon. T. C. THEOPHANOUS — Mr Forwood should listen to what I say. In the next few months we will have other infrastructure coming on stream in relation to the energy sector in wind, in renewable energy and in other areas as well — something the opposition just washed its hands of completely. We have announced as the latest proposal that we are prepared to spend more than \$100 million in new, clean coal technology to try to secure a future for our children. The government is putting its money into this kind of proposal because we recognise that we have an obligation not only to provide the investment for future energy requirements but also that we have to try to do it in a clean way from the point of view of the environment.

Under the previous government we never saw any investment whatsoever in clean coal technology. It did not build a single power station. All it did was sell the system without any thought for consumers, without any thought for the environment and without any thought for investment. We are fixing up the mess that the previous government left behind.

Consumer affairs: home builders

Hon. C. A. STRONG (Higinbotham) — My question is to the Minister for Consumer Affairs. The minister would be well aware of concerns over so-called shonky builders and the total failure of the government to deregister those who come to the attention of Consumer Affairs Victoria and Building Advice and Conciliation Victoria. The number of domestic building permits issued in Victoria last year was close to 100 000 and a similar number was in New South Wales, but whereas last year in Victoria only 15 domestic builders had their licences cancelled, in New South Wales some 300 builders had their licences cancelled — a 2000 per cent increase over the number cancelled in Victoria for the same amount of building activity!

Does the fact that New South Wales is more efficient in removing shonky builders than Victoria concern the minister in her role as Victoria's minister charged with protecting consumers?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — The issue of the registration of builders is undertaken by the Building Commission, and the deregistration of builders is the responsibility of the Minister for Planning under the Building Commission. We work very closely together as ministers and the departments work closely together to try to service the needs of consumers when it comes to building. In fact, we have established the conciliation component for building complaints between the Building Commission and Consumer Affairs Victoria to conciliate complaints. We are successfully conciliating complaints that consumers have with builders.

If the member has any questions in relation to registration or deregistration of builders, then they are matters for the Minister for Planning in the other house, but he I am sure has also noted, as I have, that the Building Commission has as recently as this week taken action against one builder and lodged 27 criminal charges against Glenvill Homes, whose representatives will appear before the Magistrates Court on Monday.

Registration specifically is a matter for the Minister for Planning, but he, the Building Commission, Consumer Affairs Victoria and I are ensuring that we work closely together to address the concerns of consumers.

Supplementary question

Hon. C. A. STRONG (Higinbotham) — My supplementary question goes to the minister's continual answer that this is not really her responsibility.

Consumer Affairs Victoria finds these shonky builders but somebody else deregisters them, so it is nothing to do with her — she is not out there trying to protect people from shonky builders because the deregistration has nothing to do with her. She says to go and talk with the Minister for Planning. I ask the minister what agreements she has in place to ensure that there is a protocol so that, when she identifies shonky builders, that information goes to other ministers who can act to remove them for the benefit of consumers?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — As I indicated in my answer, there is a close working relationship between the Building Commission and Consumer Affairs Victoria to deal with shonky builders, and there is certainly a close relationship between the Minister for Planning and me in dealing with matters to do with shonky builders.

We understand how important this issue is to consumers. After all, building a home may be the most expensive exercise an individual may undertake. We do not take that responsibility lightly. We understand the importance of it, and we are working closely to ensure that we are protecting the rights of consumers, and we will continue to do so.

Minerals and petroleum: exploration

Ms ARGONDIZZO (Templestowe) — My question is to the Minister for Resources. Can the minister advise the house of any new developments in the mining and petroleum industries in western Victoria and how they will impact on the families of Victorians living in this great area of the state?

Hon. T. C. THEOPHANOUS (Minister for Resources) — I thank the member for her excellent question about a very important area of the state. Western Victoria is a new frontier from the point of view of the mineral resources industry here. It is so because of the developments that are taking place, which I want to outline to the house.

An honourable member interjected.

Hon. T. C. THEOPHANOUS — I would rather talk about this important new frontier in the state because it is something which has occurred during the time of this government. I want to make a contrast, because in 1999 western Victoria faced the prospect that the only major mine in the area, the Stawell mine, which underpinned the economy of Stawell, was potentially going to close. That is what we faced in 1999. That is what the opposition, when in government, left us.

I shall go through what we now have in that region of Victoria. Western Victoria is seeing massive resurgence in exploration and investment. You would already know, President, about the massive \$260 million Iluka Douglas project near Horsham and Hamilton. This is a new industry for this state in mineral sands. The house would also know about the resurgence that took place at the Stawell goldmine, now owned by a local miner, Leviathan Resources, which has pumped more money into this mine and revived it so that it is producing more gold than any other mine in Victoria.

I am pleased to advise the house today that there are new proposals and more exploration in mineral sands, in gold, and in a new one in this area for coal seam gas. I can inform the house that the government has received a proposal from Astron Mining, an international company involved in the production of advanced materials such as zircon and zirconium and other rare earths used in a wide variety of products, including electronics, paint, jewellery and ceramics.

Astron has proposed to develop a mineral sands project near Donald at a estimated investment of around \$125 million and providing up to 75 permanent positions and up to 200 jobs during the construction phase. Of course the company will need to develop its proposals through the appropriate channels and approvals processes, but if it is successful, the project could add \$50 million every year into the local economy.

This is not the only project on the horizon for western Victoria. I have mentioned Iluka and development of the KWR mineral sands deposit near Ouyen as well. Leviathan has recently announced new high-grade gold intercepts at its Stawell mine. There are plenty of reasons why the people of western Victoria ought to vote for and keep supporting this government. Those reasons are more jobs and more investment in western Victoria.

Hazardous waste: Lyndhurst

Hon. B. W. BISHOP (North Western) — My question is to the Minister for Major Projects. Given his assurances that the \$92.8 million Revitalising Central Dandenong project is not contingent on the Lyndhurst waste facility being closed down before its time and also given his assurances to the people of the Mallee that the proposed new facility will be totally safe, why would he not integrate the new facility into the development plans for Dandenong–Lyndhurst, therefore addressing the unnecessary transport costs and safety considerations that will occur if the dump is

in the Mallee food bowl 500 kilometres from the source of the waste?

Mr LENDERS (Minister for Major Projects) — I thank Mr Bishop for his question, but I would urge him to read the Coleman report — Mr Coleman being a former ministerial colleague of Mr Baxter's — which gave bipartisan support to the government, the Parliament and the Victorian community about the criteria that should be applied for a long-term containment facility.

On the basis of the information in the Coleman report this government has examined four sites, the fourth of which is now Nowingi in his electorate, where the environment effects statement process is going on. Firstly, because it is based on the bipartisan Coleman report as a starting point for our quest for a site for a facility, and secondly, as Mr Bishop would know — because I am sure he has assiduously read through the 24 volumes that are part of the environment effects statement (EES) so that he can have an informed discussion on this — the questions his community is asking are being addressed.

Mr Bishop would also know that the meeting-the-consultants day was held in Mildura yesterday. There were two sessions. Other than one guy coming in, throwing down 30 shekels and walking out with a bit of a flourish, most of those who attended were members of the local community who asked questions of the consultants as part of probably the most open EES process this state has known.

The short answer to Mr Bishop's question is: we looked at the recommendations out of the Coleman report to start addressing the sites, and out of that the government has gone through four sites. Mr Bishop will find that the site he is proposing will probably have met very few of the criteria of the Coleman report.

Supplementary question

Hon. B. W. BISHOP (North Western) — Following on from the minister's answer, I ask: will the minister confirm that the Bracks government will not close down the Lyndhurst facility before its licence expires in 2012?

Mr LENDERS (Minister for Major Projects) — I will at any stage in any place happily have a discussion with Mr Bishop about the long-term containment facility and its background, but not necessarily happily. I will have a discussion with Mr Bishop at any time, but it would not be one of the more joyous discussions I might have. Mr Bishop knows — he has been in this place longer than I have — that in the end the

Lyndhurst facility is under the jurisdiction of the Minister for Environment in the other place, not mine. Having said that — —

Hon. Bill Forwood — Ducking and weaving!

Mr LENDERS — Mr Forwood said, ‘Ducking and weaving’. I will at any time talk about the projects in my portfolio, and I have talked at length in this house and in public about the long-term containment facility project. But the issue of the licensing of the Lyndhurst project comes under the purview of the Minister for Environment in the other place or the Environment Protection Authority, and not me. I will take that part of Mr Bishop’s question on notice for the Minister for Environment.

Royal Commission into Aboriginal Deaths in Custody: government response

Hon. J. G. HILTON (Western Port) — My question is to the Minister for Aboriginal Affairs, Mr Jennings. Can the minister advise the house of the Victorian government’s response to the report of the implementation review of the Royal Commission into Aboriginal Deaths in Custody?

Mr GAVIN JENNINGS (Minister for Aboriginal Affairs) — I thank Mr Hilton for his question and for his concern about the wellbeing of Aboriginal people in the state of Victoria. I am pleased to have the opportunity to provide the house with the initial government response to the tabling of this important report, which documents the progress we have made. It also documents the journey we need to continue in relation to the justice system, the corrections system and community life in Victoria, to address what was a very pressing need in 1991 when the Royal Commission into Aboriginal Deaths in Custody across this nation established a set of recommendations that all jurisdictions have been required to respond to.

I was at an event this morning hosted by my colleague the Parliamentary Secretary for Justice and a member for Jika Jika, Ms Mikakos, who has played an important role in supporting the work of the independent review, which was led most ably by Dr Mark Rose and Dr Joy Murphy Wandin. I am sorry to inform the house that Dr Joy Murphy Wandin was not at today’s event because, tragically, her husband died overnight. This repeats an all too often experience within Aboriginal communities of communities grieving over lost loved ones. Her loss lent a very sober note to the event, totally in keeping with the grieving that many of the people in the audience have experienced when they have lost loved ones.

Mark Rose handed the royal commission’s report to the Attorney-General in the other place, the Honourable Rob Hulls. I followed the response given by Mr Hulls in indicating that the government is extremely vigilant and extremely concerned about the range of issues that were identified in the report. The royal commission made 164 recommendations for the government to respond to, most of them within the justice area. My colleagues in the other place, the Attorney-General, the Minister for Corrections, and the Minister for Community Services in the context of juvenile justice, are charged with responding to this overwhelming number of recommendations.

Hon. Bill Forwood — What about Boy Wonder and the cops?

Mr GAVIN JENNINGS — The Minister for Police and Emergency Services is also the Minister for Corrections.

Hon. Andrea Coote — You knew exactly who he meant!

Mr GAVIN JENNINGS — Indeed he was a co-signatory to the government’s response to this important piece of work. The government recognises that its prime obligation to Aboriginal people in this state is to be able to look them in the eye and say, ‘We will do whatever we can to ensure there are no ongoing incidents of deaths in custody in Victoria’, because we recognise that we have a duty of care.

I have some good news about the incidence of these deaths in Victoria. Whilst it is acknowledged that one death — any death — is one too many, seven deaths have occurred in Victoria since 1991. One death that has occurred since the year 2000 is currently being investigated. There has not been a final determination about whether that one death occurred in accordance with the criteria outlined in the deaths in custody report, but I can assure the house that the Victorian government is determined to ensure that our corrections system works in a way that mitigates deaths in custody. Within our criminal justice system — the implementation of community justice panels, the introduction of Koori courts, the range of diversionary programs we are embarking upon, and the degree of community participation and community empowerment processes — the government is firmly committed to working in partnership with Aboriginal people. These measures will mitigate deaths in custody occurring in the future. I appreciate the gravity the house has demonstrated in responding to this very important issue.

Brimbank: soccer club funding

Hon. J. A. VOGELS (Western) — I direct my question without notice to the Minister for Local Government, Ms Broad. It is now quite clear, following the release of documentation from Brimbank City Council under freedom of information, that the Albion Rovers Soccer Club and the Albion Junior Soccer Club are one and the same organisation — evidence the minister's department failed to reveal and which Brimbank City Council wanted to bury. An internal council email acknowledges that no incorporated association called the 'Albion Junior Soccer Club' exists, or has ever existed.

Based on the evidence now before her department, will the minister thoroughly investigate why Brimbank City Council voted to move the Albion Junior Soccer Club to Cairnlea Park and provided \$650 000 towards the development of facilities for a club that does not exist?

Ms BROAD (Minister for Local Government) — Advice that has been provided to me by my department on this matter from Brimbank council's chief executive officer confirms that the Albion Junior Soccer Club was incorporated as the Delahey Junior Soccer Club in January 2004, and that is a quite separate organisation to either the Albion Rovers Soccer Club, or the Albion Junior Soccer Club in 2005.

I appreciate that this is a matter that the member opposite has pursued, but that is the advice I have been provided with. The department and I have received correspondence about these matters and that is the best advice I have available to me. It has been supplied by the chief executive officer of the council.

Supplementary question

Hon. J. A. VOGELS (Western) — Because the Minister for Local Government refused to properly investigate the earlier claims of cover-up and deceit by certain Australian Labor Party councillors on the Brimbank City Council, will she now do so, and is she willing to appoint an independent investigator to get to the bottom of this matter?

Ms BROAD (Minister for Local Government) — As I have advised this house on many occasions, if the member opposite, members of the public or anyone else cares to provide information which can form the basis for an investigation — —

Hon. Bill Forwood interjected.

Ms BROAD — To respond to Mr Forwood's interjection, he likes to use this place to defame people

and then it is not sustained by investigations — and he refuses to apologise when he misuses this place!

As I have advised this house many times, where proper information is provided to me or my department, it will be investigated. But simple allegations, not substantiated with any information, are no basis for an investigation.

Consumer affairs: rural and regional offices

Mr SCHEFFER (Monash) — My question is to the Minister for Consumer Affairs. The Bracks government has been expanding its assistance for consumers in rural and regional Victoria. Can the minister advise of developments in the south-west of Victoria?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I thank the member for his question. Members will be aware that the government has opened Consumer Affairs Victoria offices in regional Victoria, and that they are being most welcomed in those communities. The offices will assist us to ensure that we have the proper policies in place to address the issues that affect people who live in country Victoria and in regional centres.

Most recently I have had the opportunity to be in the south-west of Victoria, a part of Victoria I always enjoy visiting. I went to Portland, Warrnambool and Hamilton. We have established suboffices throughout south-west Victoria to assist consumers with issues they may have there, and also to assist businesses in understanding their obligations under the law.

I also took the opportunity to launch the 2005 edition of *Stuff* at Baimbridge College, which was closely associated with the late Bruce Chamberlain. I met the years 10 and 11 students, who were a terrific bunch. *Stuff* provides really useful information to consumers, from buying a car to renting a house, getting a job or a mobile phone contract. In Portland I conducted a walk through Percy Street — the main street — with the Consumer Affairs Victoria manager, giving information and handing out a useful consumer kit. I was also able to assist one of the retailers who is interested in obtaining a second-hand dealers licence; I was able to tell her how she might go about doing that. It proves how important it is for them to be connected to the government and the services it can provide.

Then it was off to Warrnambool to meet with local community organisations, the Warrnambool City Council, the local Returned and Services League and the Salvation Army. We have offices in Ballarat, Bendigo, Wangaratta, Geelong and Morwell, and it is

obvious that the face-to-face services are welcome in those communities. It shows that the Bracks government is delivering for the people of the south-west, and it will continue to do so.

Real estate agents: practices

Hon. B. N. ATKINSON (Koonung) — I also direct a question to the Minister for Consumer Affairs, who has just completed a tour of her new electorate.

I refer to a decision of the Victorian Civil and Administrative Tribunal in which Simon Lukauskas was fined \$2000 and had his estate agents licence revoked for two years after selling a property in Carnegie to a flat mate — with whom he had a personal relationship — for \$160 000 when independent valuations said the property was worth \$195 000.

Recognising the need to ensure that this type of fraudulent and unscrupulous offence is stamped out, will the minister review the legislative provisions and penalties for this type of offence?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I thank the honourable member for his question. We are constantly looking at the legislation in relation to the latest practices occurring in the industry, what new developments there are in the industry and whether the legislation meets those new developments. The Estate Agents Council has representatives from the Real Estate Institute of Victoria, from estate agents who are not with the REIV, consumer representatives and a number of representatives who are less attached to the industry itself. It reports to me and advises me from time to time on what is required not only in relation to the legislation but on education and other matters.

Consumer Affairs Victoria takes its obligations under the Estate Agents Act very seriously, and matters are taken before the Victorian Civil and Administrative Tribunal with the intention of getting redress. The provisions in the act allow for considerable redress, and it is left to the discretion of the presiding tribunal officer at the time to determine what the levels might be. From time to time they are quite severe, and at other times they might be more lenient, depending upon the discretion of that court.

We believe in the independence of the judiciary to determine matters based on their facts, and we would not seek to interfere in that, so I certainly would not want to comment in relation to this matter. But I can assure the member that we take very seriously the provisions of the act that enable Consumer Affairs Victoria to take action against shonky practices. We

will continue to review the act to ensure that we are giving the best possible protection to consumers against such shonky practices.

Supplementary question

Hon. B. N. ATKINSON (Koonung) — I note the minister's assurance to the house and indicate that in this particular case it would be improper to reflect directly on the actual jurisdiction. However, my observation was that on this occasion the judgment seemed to be rather on the lenient side for the loss suffered by the people. Has the minister investigated, or is she prepared to investigate, further proceedings that could be instituted to assist the family involved in the Lukauskas's sale to recover their financial loss?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — We do not normally assist in following what I assume the member is suggesting is a civil action in relation to this matter, but certainly I have no doubt that Consumer Affairs Victoria will be looking at whether action can be taken in relation to other matters where there may be breaches.

Consumer Affairs Victoria looks very closely at which components of the legislation it uses to take action, and it takes it under the one it thinks will have the greatest success. As I said before, I will not make any comment in relation to this case; it would be inappropriate to make comment on the judgment in this case —

Hon. Bill Forwood — You don't know anything about it.

Hon. M. R. THOMSON — I know plenty about it. In relation to this matter, it was a decision of the court. It is its prerogative to make that decision. We uphold the independence of the courts.

Lysterfield Park: bike trails

Mr SOMYUREK (Eumemmerring) — My question is to the Minister for Sport and Recreation. Will the minister advise the house of what action has been taken by the Bracks government to ensure that improvements are made to the bike trails at Lysterfield Park to provide a long-term benefit for Victorians?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — When the spotlight shines on Melbourne next year for the Commonwealth Games, it will shine not only on Melbourne and the likes of Bendigo, Ballarat, Geelong and Traralgon but importantly it will also shine on Lysterfield Park. With only 139 days to go until we welcome 4500 athletes and 1500 officials from 71 nations, the audience of more than 1 billion

people around the world who will have the opportunity to tune in will be looking at one of the most magnificent mountain bike trails in the world.

Last Saturday I had the great fortune to officially open the state mountain bike course at Lysterfield, which is now fully completed. Not only was it completed ahead of schedule, it was also completed under budget.

Hon. D. K. Drum interjected.

Hon. J. M. MADDEN — That means, Mr Drum, that the \$3 million we provided for it will not only deliver a magnificent facility for the elite mountain bike athletes of the commonwealth but it will also provide additional trails for the recreational users who currently might want to use Lysterfield Park. By bringing the facilities together, focusing on them and providing that they be maintained by Parks Victoria under a proper maintenance regime we are enhancing the qualities of the park. We are removing stresses caused to the park by focusing riders in the course precinct.

What is fantastic about the sport is that it is growing in leaps and bounds in every sense of the word. There are 13 000 tickets available for the Commonwealth Games mountain bike competition at Lysterfield Park for which we received 40 000 applications. There is enormous demand for those tickets, and this is an enormous opportunity to grow the sport.

The investment in Lysterfield Park will result in great benefits well beyond the Commonwealth Games. It might even be worthwhile for members of the opposition to take up mountain bike riding. I have heard them being told on a number of occasions, ‘Get on your bike’, and I reckon that is pretty appropriate for the opposition. We will now have 20 kilometres of trails in Lysterfield Park for riders of all ages and abilities. Most importantly this facility will be used week in and week out after the Commonwealth Games.

I compliment those concerned on the environmental initiatives that have been delivered at the park. We have seen 25 000 trees planted along the course by volunteers from Nestlé Australia, Holmesglen Institute of TAFE, Greenfleet and Parks Victoria. I thank them for their efforts and their dedication. I also thank Lysterfield Landscapes and R & C Asphalt for their work in the construction of the course. They have done a magnificent job. You can see there are ongoing benefits with this world-class competition course. It will become a magnet for mountain bike riders and we will see some thrilling events and thrilling rides. There is also enormous community benefit to be derived by delivering this project. Through projects like this we

will make Victoria a better place to live and raise a family.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 2298, 4415, 4775, 4943, 5083, 5231, 5251, 5299, 5406, 5408, 5457, 5688, 5689, 5692.

CONGESTION LEVY BILL

Committee

Debate resumed; further discussion of clause 1.

The CHAIR — Order! The Minister for Finance, Mr Lenders, to respond to Mr Forwood’s comments before the luncheon break.

Mr LENDERS (Minister for Finance) — Mr Forwood asked about measures for testing congestion. I am confident that VicRoads does traffic counts on major roads in and out of the central activities district, but I am still seeking confirmation that is the case. On the assumption that VicRoads has such a measure, it would clearly be one the government could use, as Mr Forwood says, to see if there is a difference in the amount in the traffic going into and out of the central activities district as a result of the congestion levy. But as he alluded to in his contribution to the committee debate earlier, the City of Melbourne is also measuring this, and obviously as a government we would be interested in any data that it has because we work closely with it in these matters.

The CHAIR — Order! Mr Forwood, still on the purpose clause?

Hon. BILL FORWOOD (Templestowe) — Still on the purpose clause, although I do not intend to detain the committee much longer on this particular issue.

I would be grateful, and I am sure others would be, if the government could provide some statistics from VicRoads on the current situation on the key roads which lead into the city and are the cause of the congestion. We would then have the capacity to measure on a year-by-year basis, or however you wanted to do it, the success of this particular action that the government is taking. I would be looking for a commitment that the government will not hide this away, bring it out 10 years later and say, ‘We did well’,

but we need the opportunity to know now what the actual starting point will be.

Mr LENDERS (Minister for Finance) — I will seek that information from my colleague the Minister for Transport.

Hon. BILL FORWOOD (Templestowe) — I thank the minister for that. I want to touch on a couple of other things in the second-reading speech because they are not dealt with elsewhere in the bill. The second-reading speech on page 2 says that the Business Council of Australia supports congestion charges. I wonder if the minister could give us the source of that particular claim?

Mr LENDERS (Minister for Finance) — The Business Council of Australia has over a period of time clearly been keen in whatever jurisdiction to deal with the issue of congestion in the central activities district and congestion generally. I certainly have heard the business council calling for governments to act on the issue of congestion. As to the claim that the business council supports this particular form of congestion levy, I do not have information that it supports this particular form of levy, but certainly I, for one, have heard the business council saying that we need to address the issue of congestion as a whole. I am sure the Treasurer has heard those same words, and that is why the words Mr Forwood referred to are in the second-reading speech, but I do not have a source for the business council supporting this particular form of levy.

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his honest and frank answer. I would have been very comfortable if in the second-reading speech the government had said that the Business Council of Australia is looking for methods for reducing congestion, but this does say ‘support congestion charges’. I think that is grossly misleading, and I would look for more accuracy in second-reading speeches. I doubt that the minister wants to respond to that.

Let me turn to one other issue from the second-reading speech. It is probably more appropriate to do it now. At the bottom of page 2 it says:

Car parks without charge and owned by health, education, religious and other community and emergency service organisations will be exempt from the levy.

There is a particular clause in the exemptions which deals with universities and which we will get to later. The sentence I read says ‘education’. Does that mean schools? Are schools exempt?

Mr LENDERS (Minister for Finance) — Yes.

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his answer and I guess when we get to the clause the minister will be able to point out to me the clause that exempts schools, because frankly I could not find it.

Let me now turn to my amendment 1 which suggests that the word ‘levy’ be replaced with the word ‘tax’, which would change the purpose clause to read:

The purpose of this Act is to impose a tax on long stay parking spaces in the central business district and inner Melbourne to reduce traffic congestion and to amend the Taxation Administration Act ...

In my contribution to the second-reading debate — I do not need to repeat it — I made the point that this bill comes under the purview of the Taxation Administration Act and, as honourable members have said before, if it looks like a duck, walks like a duck and quacks like a duck, it is a duck.

We all know that this is a tax. We have had a number of contributions during the debate about what is a levy and what is a tax. I wonder if the minister could explain to the house why the government chose the word ‘levy’ as opposed to the word ‘tax’ when everybody agrees that this levy is a tax?

Mr LENDERS (Minister for Finance) — In the second-reading debate members spent a lot of time on this issue of ‘levy’ versus ‘tax’, and I will certainly respond to Mr Forwood, but I would suggest to him that in the end a lot of these things have objective and subjective views. Parliament has, at various times, described measures to raise finances in different terms. Local government calls it a ‘rate’. The government that Mr Forwood was part of, for example, had a levy, sometimes called in the community a poll tax at the time, on all rates as I understand it — that is, local government rates — for a specific purpose. The term for it is something that is taken to the Parliament.

Without dwelling too much on it, the purpose of this levy is to reduce congestion and therefore the government has chosen to call it a levy because it is levied for a purpose. I am sure Mr Forwood will have a series of views about this and why sometimes something is sometimes called a levy, sometimes a rate and sometimes something else, but from the government’s perspective we see this as a congestion levy for the centre of the capital city. That is why the government is using that terminology and presenting it to Parliament with that terminology.

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his answer. I am very sorry that the minister will not accept that this is a tax and accept the amendments that we will be moving in relation to this.

The second-reading speech says that:

... the levy will be used to fund important metropolitan transport initiatives ...

Is this levy, or tax, to be fully hypothecated?

Mr LENDERS (Minister for Finance) — In the sense of hypothecation into a specific account, no.

Hon. BILL FORWOOD (Templestowe) — If that is the case, could the minister please advise the committee what it means when the second-reading speech says:

All revenue generated from the levy will be used to fund important metropolitan transport initiatives including in the immediate vicinity of the city of Melbourne, city of Yarra and city of Port Phillip.

Mr LENDERS (Minister for Finance) — Without playing with words, it means exactly that. The government intends to fund a series of those projects that Mr Forwood is alluding to, as this government does on a range of metropolitan transport improvement projects to the order of the hundreds of millions of dollars a year which this government has spent and will continue to spend. That is what it is: it is the intention of the government to spend it on that, and that is why we are calling it a congestion levy.

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his answer. Will the minister guarantee that no funds will be withdrawn from the current amounts that the government puts to these projects? In other words, will the minister guarantee that the sleight of hand — —

Hon. W. R. Baxter — That there will be no substitution.

Hon. BILL FORWOOD — Thank you. Will the minister guarantee that there will be no substitution sleight of hand? Here we have \$80 million, or \$40 million raised from the levy, and we put it all there at the same time as we have taken away an existing \$40 million or an existing \$80 million and spent it on something else. Will the minister guarantee that this money will be new money, raised through the levy and spent on the projects outlined in the second-reading speech?

Mr LENDERS (Minister for Finance) — I can certainly confirm that what is in the second-reading

speech is the intention of the government. The second-reading speech is a cabinet document. It is the intention of the Bracks cabinet that that happen. Mr Forwood asked for a guarantee. I can guarantee that this government, through a cabinet-endorsed second-reading speech, is committing that money for the areas that he is talking about.

As Mr Forwood well knows — as does Mr Baxter, who is in the house and is a former minister for roads — we also have variables in our system. This government at the moment has had the rug pulled out from under it with the Scoresby money. Without going into the arguments for and against — and the commonwealth has its view on why it is withholding the money; but not pursuing that — that is an example of funds for the state that have changed. This government has put into the second-reading speech, which is endorsed by cabinet, the statement that it will spend this money on the purposes which are specified there and which are measures to reduce the congestion in the capital city central business district.

Hon. BILL FORWOOD (Templestowe) — The paragraph goes on to say that each year \$5 million will be provided to the City of Melbourne. I could not find any of that anywhere in the bill. Could the minister explain how the City of Melbourne will get that money and what guarantee it will have that that will happen year on year? Will it be indexed, and if the levy raises more than the government anticipates, will the amount go up or will it going be stuck in a sinking market and the \$5 million be worth less and less as time goes by?

Mr LENDERS (Minister for Finance) — Mr Forwood is correct, it is something that is not in the bill but it is something that was announced in the second-reading speech, and my understanding is that the Treasurer on behalf of the government will be drafting with the City of Melbourne a memorandum of understanding (MOU) on the matter.

Hon. BILL FORWOOD (Templestowe) — He will be drafting a memorandum of understanding (MOU). I thank the minister I would like the MOU to be a public document so that people know what is in it. I am sure the minister will address that request as well.

Will the MOU include the fact that the levy will be indexed? As we know that after the year 2008 the car parking levy will be indexed by the consumer price index (CPI), and there is a CPI formula in the bill. I want to know whether or not it is the government's intention that the \$5 million will also be adjusted by the CPI and if that will be in the memorandum of

understanding between the council and the government?

Mr LENDERS (Minister for Finance) — I cannot answer the question for Mr Forwood on whether the memorandum of understanding will include a consumer price index factor for the city of Melbourne — I do not have that information — but I can assure Mr Forwood and the committee the intent of this, as is set out clearly in the second-reading speech, is that this is a partnership between the state of Victoria and the City of Melbourne. That is indicated in the second-reading speech by the figure of \$5 million that Mr Forwood refers to. I do not have the answers to the technical details he raises about whether it goes up or down and what the portion will be to the City of Melbourne, but the Treasurer will address that in the MOU with the City of Melbourne.

Hon. BILL FORWOOD (Templestowe) — I wonder if the minister would be prepared on behalf of the committee to undertake to come back to the committee or to the Parliament at a later date and tell us whether the government has decided to make the \$5 million subject to the consumer price index. This question has been put to me explicitly by some councillors of the City of Melbourne who unanimously passed the motion I referred to. Point 3.4 of that motion says:

allocate to the City of Melbourne \$5 million or 13 per cent of projected revenue —

and you can understand why 13 per cent —

whichever is greater on 1 January each year.

The City of Melbourne is concerned to ensure that the value of the money does not diminish over time and also, if the take grows exponentially, that it shares in that as well. I would like to know the answer to the issue about the consumer price index and I would be grateful if the minister could come back to the committee on that point.

Mr LENDERS (Minister for Finance) — I will seek to get back to Mr Forwood on that. I would obviously need to seek advice as to the nature of the MOU. My suggestion would be that if he were to put that on notice, I would personally follow it up and make sure it is answered within 30 days.

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his suggestion. I move:

1. Clause 1, line 3, omit 'levy' and insert 'tax'.

I do not propose to speak for long on this issue. Honourable members know that my view of this government is that it cannot lie straight in bed, that its attitude towards the truth is fast and loose and that it will hide, prevaricate, distort and obfuscate with the best of them. The best example of that is in this particular bill which uses the word 'levy' instead of the word 'tax', which every Victorian knows this to be. As we have already established, this has very little, if anything, to do with congestion. That is just the reason given for this fundraising exercise.

I understand that the clerks and others have decided that this particular amendment, no. 1, tests just about every other of my amendments. While I intend to deal with this bill in committee clause by clause, I accept I have little choice but to say we are going to test this one and it will therefore test the rest. If I had it my way — and I may still do this — we would divide on every clause. At the moment I want to say we on this side of the house stand by our view that just as if a duck walks, quacks and looks like a duck, it is a duck —

An honourable member — And tastes like a duck.

Hon. BILL FORWOOD — And if it tastes like a duck. In this case we have a tax is a tax is a tax. I formally move that we omit the word 'levy' from line 3 of clause 1 and insert the word 'tax' so that the purpose of the bill will read:

The purpose of this act is to impose a tax on long stay parking spaces in the central business district and inner Melbourne to reduce traffic congestion and to amend the Taxation Administration Act 1997.

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

Ayes, 22

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

Noes, 20

| | |
|--------------------------------|-------------------|
| Atkinson, Mr (<i>Teller</i>) | Forwood, Mr |
| Baxter, Mr | Hadden, Ms |
| Bishop, Mr | Hall, Mr |
| Bowden, Mr | Koch, Mr |
| Brideson, Mr (<i>Teller</i>) | Lovell, Ms |
| Coote, Mrs | Olexander, Mr |
| Dalla-Riva, Mr | Rich-Phillips, Mr |

Davis, Mr D. McL. Stoney, Mr
 Davis, Mr P. R. Strong, Mr
 Drum, Mr Vogels, Mr

Amendment negatived.

Clause agreed to.

Clause 2

Hon. PHILIP DAVIS (Gippsland) — At the request of the Treasurer the Victorian Competition and Efficiency Commission is undertaking an investigation into issues relating to transport efficiency including congestion issues. I understand that a discussion paper has been put out by that body. I understand also that the commission is not intending to report for another year. Will the minister advise the committee why the commencement date for the act to come into operation is 1 January 2006 when as I understand it in its discussion paper the commission is proposing that there should be no implementation for at least another year?

Mr LENDERS (Minister for Finance) — Because that is what was announced by the Treasurer in the budget speech in May last year.

Hon. PHILIP DAVIS (Gippsland) — I thank the minister for that response but it remains unclear to the committee why there would be an inquiry with a proposal by the commission which the Treasurer has charged with that investigation that any such implementation should be at the end of 2006 rather than the beginning. Would the minister like to embellish on that point?

Hon. BILL FORWOOD (Templestowe) — The minister has indicated that he does not wish to explore that issue any further so we will not push it. But we do want to put on the record that we consider this another piece of evidence that the bill before the house is in fact a tax-raising revenue issue other than a congestion issue. If it were a congestion issue then there would have been full and frank analysis and we would have got it right. What we have in this case is that the government has decided that it wants to slap on a tax.

Mr LENDERS (Minister for Finance) — In response to the Honourable Philip Davis, I did make the comment that that was the date that the government announced it would seek to have the levy come into operation after, obviously, seeking the support of the Parliament. The good work that the Victorian Competition and Efficiency Commission is doing to give the government further information to assist it is not inconsistent with that. The VCEC work on congestion is not about just the central activities district

of the city of Melbourne, it is also about regional centres and a range of other areas with congestion across the whole of Victoria, whereas this piece of legislation applies specifically to the central activities district of the city of Melbourne.

Hon. BILL FORWOOD (Templestowe) — I am pleased to pick up the contribution by the minister. The Access Economics report, from which I quoted extensively in the second-reading debate, makes that very point, that rather than bringing on such a discriminatory tax we should be looking at congestion at the source, which is what I understand VCEC is planning to do in its report. I make a further point that this is the first time that we have had from the minister any real indication of the government's overall strategy — that is, once VCEC has finished its report this parking levy or tax will be extended to regional cities. The minister just put it fairly on the table that part of the VCEC analysis will be to look at regional cities.

Mr LENDERS (Minister for Finance) — For the record, I refute Mr Forwood's assertion that that is the government's intention.

Hon. D. McL. DAVIS (East Yarra) — Does that mean that we can rule out the possibility of any such tax in regional Victoria?

Hon. BILL FORWOOD (Templestowe) — I just want the committee to note that the minister declined to answer Mr Davis's question.

Mr LENDERS (Minister for Finance) — On the contrary, I did across the chamber indicate to the Honourable David Davis and I have answered that through responding to Mr Forwood's previous question.

Clause agreed to.

Clause 3

Hon. BILL FORWOOD (Templestowe) — Clause 3 contains the definitions. This is a good time for us to have a conversation.

Mr Lenders — Get your *Melway*!

Hon. BILL FORWOOD — I have my *Melway*, but I will come to that a bit later. Members know that there is a complicated relationship between the terms 'car park', 'parking space', 'private car park' and 'public car park'. The first issue I raise with the minister is whether he can confirm that the definition of 'parking space', which is:

... a space set aside for the parking of a motor vehicle, whether or not the space is used for the parking of a motor vehicle and whether or not the space is permanently delineated as such —

means that in fact every piece of vacant land is captured under the definition of ‘parking space’?

Mr LENDERS (Minister for Finance) — I always welcome Mr Forwood in committee. You would, of course, expect a commonsense interpretation of this, and a commonsense interpretation would obviously include precedents, the wisdom that the State Revenue Office (SRO) and the Victorian Civil and Administrative Tribunal would have developed, and that the local municipality would have a common usage of the terms. There is always a commonsense approach to these things in legislation, and that would be tested over time.

Hon. W. R. Baxter — We have to take it on trust.

Hon. BILL FORWOOD (Templestowe) — Please do not say things like ‘tested over time’ to me because that leads to a whole different route that I am not planning to go down. I pick up Mr Baxter’s comment on take it on trust. For many years I went to suburban football matches. When I did a bloke who had a bit of land in his front yard used to stand outside with a sign saying, ‘Parking \$5’ and I would go in there.

Hon. J. G. Hilton interjected.

Hon. BILL FORWOOD — Mr Hilton has done the same thing — we have all done it. That spot is not delineated but, according to the letter of the bill in front of us, because the guy is charging \$5 for parking all afternoon it is a long-term parking space under the definition here, is it not?

Mr LENDERS (Minister for Finance) — A commonsense approach would obviously mean if you are anywhere within the designated area — for example, there could be a few good rhododendron bushes there. A common sense approach would quickly rule out a vast number of the areas which is where I think Mr Forwood is leading us. A commonsense approach would be to firstly ask: what is a parking space?

Mr Forwood does not like us saying that these things should be tested over time. I accept that testing something over time is not the first point you want to come from. But clearly there are enormous safeguards under a commonsense approach. Firstly, the State Revenue Office needs to be willing to go forward. Secondly, you have the other checks of what

commonsense is through SRO rulings and through the judicial system after that.

I do not shy from a commonsense approach. We can obviously explore this longer with examples that the member will undoubtedly use and I will seek to the best of my ability to answer them, but we have a definition of a parking space in proposed section 3 of the bill, which is:

- (a) a space set aside for the parking of a motor vehicle, whether or not the space is used for the parking of a motor vehicle and whether or not the space is permanently delineated as such; or
- (b) a space used for the parking of a motor vehicle, whether or not the space is permanently delineated as such —

but does not include —

And a number of exceptions are listed.

Hon. BILL FORWOOD (Templestowe) — I thank the minister for that answer. Let us rule out all that stuff — carriageway, street, road or lane open to the public. We will leave aside public bits of open space; I am happy to do that. But I know of a block of land in Smith Street which is an ordinary car park for employees during the day, but during the football season an entrepreneur sits there and charges you 5 bucks to park your car there, and you catch a tram and walk across the ground to the Melbourne Cricket Ground. Is he going to be required to register that and pay pro rata a long-term car parking fee?

Mr LENDERS (Minister for Finance) — Yes.

Hon. BILL FORWOOD (Templestowe) — Yes, we have established that. Now that guy is using a bit of land that is normally parked on by other cars, so the answer is yes. Next door is a house and the bloke who lives in the house happens to be a friend of mine. He saw the bloke over the road in the commercial block of land making a few bob so he thought, ‘I will have my share of this as well’. He does not have a car park. He does not run a car park. No-one parks cars there at any time, but he has a large area. He is able to park nine cars there most Saturdays and often Friday nights as well. That is all just because he lives there. It is not delineated; it is not set aside for parking a vehicle. His kids play there a lot of the time, apart from when the old man is getting his gambling money this way. I want to know whether he is done or not. I presume that the answer is going to be, ‘Yes, pro rata’ but I am looking for the minister to confirm this.

Mr LENDERS (Minister for Finance) — I am not the commissioner, the State Revenue Office or the

Victorian Civil and Administrative Tribunal, but I would say in Mr Forwood's example it is probably not pro rata, it is probably event parking. Some of this obviously will be tested. I know Mr Forwood is seeking to flesh this out here, but ultimately it will be tested. I think the answer is probably no.

Hon. BILL FORWOOD (Templestowe) — At the risk of upsetting the committee I would like to leap forward to clause 20, 'Parking for people attending special events'. I think the minister just suggested that the person in the example would not be charged because it is a special event, but clause 20 says a parking space is exempt:

... if it is set aside or used exclusively for the parking of a motor vehicle in conjunction with a particular event ...

Firstly, I would say it is not 'set aside', nor is it 'used exclusively', and it is not 'with a particular event'. On the reading of the words, that answer cannot be right.

Mr LENDERS (Minister for Finance) — This is a good discussion, but when we read clause 20, it says:

A parking space is an exempt parking space if it is set aside or used exclusively for the parking of a motor vehicle in conjunction with a particular event and at all other times is not available for the parking of a motor vehicle.

An example is a parking space in Yarra Park that is only available:

... when events are held at the Melbourne Cricket Ground or Melbourne Park.

That would be the qualifier.

Hon. BILL FORWOOD (Templestowe) — He will be very pleased to hear that. I will pass it on to him. He was most concerned as he thought the State Revenue Office was after him. Let us turn to the term 'car park' which means:

... premises or part of premises ...

I dealt with space first and now we are talking about a car park. If you deal with space first, the definition of 'car park' is that it contains one or more parking spaces, so despite the alphabetical order in which they are listed, to be logical you need to start with the spaces because they make up the definition of a 'car park'. Later on we will move to 'public' and 'private', if the committee follows me. Clause 3(1) says, in part:

'car park' means premises or part of premises in the levy area that contain one or more parking spaces;

Therefore, does it mean that every single place in the levy area that has the capacity for a car to be parked —

that is, one car — off the street is, by definition, a 'car park'?

Mr LENDERS (Minister for Finance) — Again, it depends on use, so using the earlier example of my front lawn, which is not in this area — far from it, being 38 kilometres away in Endeavour Hills — you could arguably put five or six cars on it but we have the problem of the odd birch tree and rhododendron bush and other things that would stop it, so it would be the logical interpretation of available space that could be used for that particular purpose.

Hon. BILL FORWOOD (Templestowe) — Thank you. Let me pick up the point made by the minister because a little further on we get to the clause that says you need to have 25.2 square metres in order for it to be decided that it is a space, a 'car park'. Forgetting about the rhododendron bush and the tree, if you have a space that is 25 by 2 square metres for parking off the street at your house, where you park one car because you are a one-car family, that falls into the definition of a 'car park', so virtually every house in the whole of the levy area is in fact defined as a 'car park'?

Mr LENDERS (Minister for Finance) — I will take advice, and I suggest to Mr Forwood that I understand the point he is making, but I suspect 2 metres wide is probably just a tad squeezey for most cars.

Hon. Bill Forwood — No, 25.2.

Mr LENDERS — I thought he was saying 25 metres by 2 metres.

Hon. Bill Forwood — No, it says, 'the total area occupied' — —

Mr LENDERS — I misunderstood him to mean 25 metres by 2 metres.

Hon. Bill Forwood — No, 25.2 square metres and disregard the remainder.

Mr LENDERS — Chair, it may help the committee to know that the formula is not unique to Victoria but is one that you would use if, for example, you had the whole of the Parliament House car parking area out the back; if you assume it passes all the tests for car parking but the spots are not actually marked, so you have an area and you are trying to establish how much it is.

The 25.2 square metres is a device that takes into account that you will need access for people to drive in and out and to have space to park an average car. It is a formula that takes all those things into account, but the starting point has to be that it is an area that could be

used for this and it is one that does not have markings on it.

Hon. BILL FORWOOD (Templestowe) — Given all of that, we are back where we started. All I want is for the minister to answer my question: is every single house and flat in the levy area that has space for one car park by definition a ‘car park’? It is not a house or a flat or a block of units — it is a car park?

Mr LENDERS (Minister for Finance) — I can see where Mr Forwood is coming from. Going back to our earlier discussion of words being taken out of mouths I will say very clearly that the answer is yes, but not every car park is leviable. For the purposes of the complete record, it is yes, but before Mr Forwood’s friend and your constituents, Chair, should be alarmed, not every place is leviable.

Hon. BILL FORWOOD (Templestowe) — I know they are not leviable, and we will spend some time on leviable parking spaces later. It is a little further down the list, but it was easier to do this in this area.

Having established that every house that has a car parking space is now a car park I now turn to the issue of public and private car parks, because the way I read the bill:

‘private car park’ means a car park or part of a car park that is not a public car park.

It means by definition that every single parking space, which we started with, which leads into a car park — which came second — is caught either as a private or a public car park?

Mr LENDERS (Minister for Finance) — Yes — with no buts!

Hon. BILL FORWOOD (Templestowe) — No buts! We are treating this with a bit of mirth but the point I want to make is that in drafting this piece of legislation the government has set out to cover absolutely every single piece of space in the definitions. If you read them, starting as I have with the definition of ‘parking space’, which is part of the definition of a ‘car park’, which is part of the definition of a ‘private car park’ or a ‘public car park’ we end up with the capacity under these definitions for this tax or levy to be levied on absolutely every single piece of space whether or not a car is parked there all the time. I know that is not the government’s intention, but I am putting on the record that that is the way this legislation has been drafted.

I understand the reasons why the Revenue Office has done this. The SRO’s task is not to decrease congestion in the city. Its task is to run a tax system and the way it does that is that it ring-fences, and this is what the SRO has done with this piece of legislation. I congratulate the great minds at the SRO whom I have got to know well over the years, and I can tell the committee that if I wanted to design a tax system you could not get around, I would go to them every time.

We have here a very effective system for ensuring that, as honourable members have said, every single piece of space is caught — and then the next bit comes in. That is the bit we are very concerned about: it is the registration process. What we know, because the government has already admitted this, is that even if you do not have to pay the levy, you are required to register. The minister, I know, will say, ‘Yes, that is what the Treasurer in the other place said, but after all the hoo-ha blew up he backed down on that’.

Mr Lenders — ‘Hoo-ha’ is a Margaret Whitlam term; I am surprised you are using it.

Hon. BILL FORWOOD — It shows you how old I am; but one thing I cannot do is kick-start a jumbo!

The point I am making is that we have now reached a situation where we have covered every area through the definitions, and now we are getting to the situation of whether or not we are going to charge the levy. The issue is that every single person who is in this category appears now to be caught under clause 27, which deals with the requirement for registration of private car parks. If the minister thinks this is an appropriate time to deal with it, I want him to explain to us how he thinks the registration of private car parks will work.

Mr LENDERS (Minister for Finance) — I will do so, but in leading into it will certainly reflect again on the Medicare levy as another example. I appreciate Mr Forwood’s comments about the role of the State Revenue Office to get a system in place that is watertight so then the exemptions can be applied. That is an appropriate thing to do. But it is not dissimilar, in a sense, to the Medicare levy — which Mr Forwood’s federal colleagues continue to call a ‘levy’ — in that the levy applies to everybody until an exemption is shown. I would say to Mr Forwood, if it gives him and the committee and the community any comfort, that there is nothing unusual about a levy like this if we just look to the Medicare levy and find the exemptions.

But he asks a specific question — we are jumping around a bit between clauses, but I have no problem with that because I think it is helping the discussion and

they are all linked together. Perhaps Mr Forwood and I should discuss at the Standing Orders Committee a better procedure for this. How would the government see this as happening? I know the opposition has created some mirth with this, and it thinks it has in some way got the Treasurer on the run. On the contrary! What we have here is a debate — and that is one of the great things about a parliamentary discussion and debate with the community involved. There are legitimate questions such as: is it overly onerous for all these people to register in the first instance, particularly when they are exempt?

A number of members of the opposition raised in their second-reading contributions a fear that somehow or another this discretionary 60 penalty units would unilaterally apply to all these citizens of central Melbourne. As I see it — and again some of this goes to Mr Rich-Phillips's contributions in the second-reading debate about being presumptuous and leaping ahead before Parliament approves something — and as the Treasurer would see it operate, the SRO would deem a number of people to have registered and those who are exempt to have registered.

That is not overly onerous in the sense that a starting point is that the City of Melbourne, for example, keeps extensive municipal records. There should be no logical reason why those records cannot be the starting point of deeming people to have registered for the purposes of this legislation. The SRO could seek to get that information. I do not have the figures, I could be advised on them, but my understanding is we are talking of potentially 8000 to 10 000 people who would be there. Once you knock out the exemptions you are dealing with a much smaller number.

In a sense, you have to look at a logical way forward for this and create the information so you know who is exempt without putting an onerous burden on people, particularly in the first year when the new project is starting. The easiest way would be for the SRO to simply deem them to be registered. The best information they would have, which in the vast majority of cases I am confident would be accurate, is simply the municipal figures, which would show all these areas and which the City of Melbourne would have kept. I think that is a way it could be done.

It would obviously depend on some things: on the commissioner's being confident that he had the power to do this and on the status of the legislation. This is part of the government's anxiety to get this legislation through quickly, so there can be certainty that the commissioner can get this in place so that those exempt taxpayers do not face any onerous burden.

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his comprehensive answer. Let me see if I can put it into some words a touch simpler for myself — that is, the minister anticipates that the State Revenue Office will deem private houses and flats in the catchment area to be registered as exempt car parks without any action taking place on behalf of the people who live there?

Mr LENDERS (Minister for Finance) — I am advised that a procedure, as I would see it, is that those exempt residents would then be written to and advised that based on this information we consider them exempt, and there would be a request for them to come back if the information was not correct. Someone who is exempt would be advised that they were exempt in the first year at this point. There would be an expectation, though, that if the information sent to them was inaccurate they would reply back and correctly register.

Hon. BILL FORWOOD (Templestowe) — Dealing with the right people who do the right thing, they will not have to respond if the information given is correct?

Mr LENDERS (Minister for Finance) — Correct.

Hon. BILL FORWOOD (Templestowe) — But if they do not respond and say, 'They think I am exempt, but I am actually not; I am going to chuck the letter in the bin and they will never catch me because there are 10 000', then if they get caught because they have not registered, they will be potentially liable for the penalty for failure to register?

Mr LENDERS (Minister for Finance) — I am seeking to be helpful to Mr Forwood here, because again I am treading into an area that belongs to an independent commissioner to make these decisions. If I strip through to what Mr Forwood has said, we have an obligation under the proposed act to register. The commissioner would then seek — and the Treasurer has indicated this — to find a way for those who are exempt to remove the burden for them to register in this first year.

I use the example Mr Forwood gave of someone who has the obligation to register and pay the levy, and if they did not register there would be a penalty. Again, this is not just the commissioner; we are talking about the Victorian Civil and Administrative Tribunal and others, and I am treading on very dangerous water. Presumably — —

Hon. Bill Forwood — Talking hypothetically.

Mr LENDERS — Yes. Presumably 60 penalty units is a maximum penalty. If a person comes forward and says, ‘The State Revenue Office told me I was exempt; I threw it in the bin and did not respond’, I am assuming that the discretion exercised by a court would not be 60 penalty units. It would be a warning or something a lot lower. But I am treading into dangerous territory.

Hon. BILL FORWOOD (Templestowe) — I thank the minister for that response. If the government’s intention is that those people be not caught, then our view on this side of the house is that the legislation should have said that homeowners, householders — whoever — who park cars on their property are not subject to the levy. Rather than our going through the disquiet that has been caused particularly because of the comments by the Treasurer in the second-reading debate when he was summing up in the other place, our view very strongly is that we would be miles better off if we said, ‘This covers every person who has a car park except if you have a home and you have a car park in your home, your flat or your apartment’.

Mr LENDERS (Minister for Finance) — Mr Forwood’s proposition is a sound one. The qualification, and the reason the government is going down this path, is that if we are catering for either a change of use or a multi-use, his solution, which would work for many people, would not work in those circumstances. Hence the government wants to go down this path.

Hon. BILL FORWOOD (Templestowe) — This is a little outside the scope of the bill except that the purpose clause talks about the bill amending the Taxation Administration Act. I wonder what authority the tax commissioner has to deem someone to be in or out of a particular category, because there is certainly nothing in this bill about that. The bill says that these people must register, so I presume somewhere in the Tax Administration Act there is a clause that says ‘For the purposes of the Tax Act the commissioner can do anything he likes, including scratching his ear after lunch’.

Mr LENDERS (Minister for Finance) — I am not sure whether the latter part is in the act. I will seek further advice, but certainly the commissioner has always had a commonsense discretion in applying the act, and the concept of deeming, particularly its introduction in the first year, is something I am advised he has the authority to do. Often people get a bit grumpy when things go wrong with the State Revenue Office, but on most occasions both the SRO and the Australian Taxation Office take a commonsense

approach with the minimum amount of administration possible to get the outcomes required under their acts. I am confident the commissioner has the power under those headings.

Hon. BILL FORWOOD (Templestowe) — The last issue I want to deal with is the definitions of ‘operator’ and ‘owner’, because again we have these negative and back-to-front definitions the government is so keen on. The definition of ‘operator’ is someone who is not the owner but who is doing the job. What I am interested in, and I guess this is as good a time as any to ask, is for the minister and I to have a discussion about the joint and several nature of the liability this parking tax bill creates for both the operator and the owner and how that will work. Who ultimately has the responsibility? How does the SRO intend to apply — to use the minister’s words — commonsense in ensuring that the amount of money raised from the car park tax is finally paid? Whose responsibility does the minister believe it is — is it the owner’s or the operator’s responsibility?

Mr LENDERS (Minister for Finance) — The SRO could go to the owner or the operator, but I am advised that it would go to the owner first as a matter of course. That is an issue on which over time the SRO would take a commonsense approach. It would go to the owner first before the operator, but in the end both are there.

Hon. BILL FORWOOD (Templestowe) — Subclause (2) of clause 3, the definitions clause, says:

The commissioner may determine that part of a car park is not a public car park for the purposes of this act ...

That goes back to the definition of a public car park, which is one that the general public can normally park in. What are the circumstances under which the commissioner can say that part of a car park is not a car park?

Mr LENDERS (Minister for Finance) — Again there is a very commonsense approach. If you go into a building with a number of floors and it says that 14 bays are for the use of the staff of the owner, or whatever — X, Y, Z — and the next 30 bays, or whatever, are for anyone who comes in and pays, it is that sort of segmentation in the car park that the SRO would use to define those subcategories Mr Forwood is talking about. It would use commonsense. If one car park says it is not open to the public — it is for private use only for a designated group — then that is quite different from something that is public.

Hon. BILL FORWOOD (Templestowe) — Let me explore that, because my view is that you can have a long-term car parking space whether it is public or private. The minister just indicated that if there are a dozen spaces for the staff of the owner then they are not part of the car park. My understanding is that it is a private car park and probably caught by the long-stay provision.

Mr LENDERS (Minister for Finance) — There is a different definition. Some private spaces are exempt and some are not. Specifically Mr Forwood is asking: when is a car park not a car park, or when some bits are a car park with regard to clause 3(2). The example I used was how you would segment a car park. Where there are different uses in a car park some will be for public use and some will be for private use, and in that example it is clear that it can only be used by a tenant or a staff member.

Hon. BILL FORWOOD (Templestowe) — Let me fix this in my head again. We start with a public car park and then the commissioner may say that some of it is not a public car park, so therefore we have a private and a public car park in the same premises. The bit down one end, which is the public car park, says that 75 per cent will be deemed as long stay. In the other bit there might be a place where he parks himself because he lives there, and then five places where his staff park would be caught because they are long-term private car parks. The one space of his own would not be caught. In the one area we have a public car park, a private car park and an exempt private car park?

Mr LENDERS (Minister for Finance) — That is correct.

Clause agreed to.

Clause 4

Hon. BILL FORWOOD (Templestowe) — Clause 4 deals with the long-term car parking space and how it works. I want to again run the example that I ran in the second-reading debate and get the minister's comments. I live in Ballarat. I am coming to shop in Melbourne on my one day a year. I leave at 6.00 a.m. I get into my car park in Melbourne before 9.30 a.m. I park my car there, and it is there for more than 4 hours. I am therefore a long-term car park user.

Mr LENDERS (Minister for Finance) — Yes, this is a congestion levy. Mr Forwood used the example of a person coming into the city during peak hour and using a car park space that is designated as long-term stay for the purposes of this piece of legislation. Of course, it means 'the owner' because he leases it out —

but that is correct; for the purposes of this legislation, it is long stay.

Hon. BILL FORWOOD (Templestowe) — I put it to the minister — I know he will understand this — that the owner is not going to take the cost out of his profit, he is going to pass it on. So what this is going to do is put up the price, and that is of course the deliberate intention of the government.

I object to the way the minister says it is an incentive; frankly I would call it a blunt instrument or a bludgeon. I want to make the point that a person from Ballarat or anywhere else in country Victoria has not contributed to the congestion in the inner city of Melbourne; they come down for one day and get sluggish.

This gets back to the Access Economics argument, that the government should be dealing with congestion at the source, not at the end. I put it to the minister that it is grossly unfair that people from the country who rarely come to the city will now find themselves sluggish in this manner. I am dead certain that they will not take kindly to the fact that this is the way they will be treated on their very infrequent trips to Melbourne.

Mr LENDERS (Minister for Finance) — In response to Mr Forwood — and I know I am going back to the earlier debate — if this were a tax, as Mr Forwood is calling it, it would apply uniformly. This is a congestion levy. Using his example, if the person were to arrive in a central activities district later they would not be caught by this levy. The levy is specifically designed to reduce congestion by discouraging the use of parking spaces at peak times and other times. I rest my case that it is a congestion levy.

Clause agreed to.

Clause 5

Hon. BILL FORWOOD (Templestowe) — We actually dealt with clause 5 in some detail earlier. It is the clause that says if something is not marked as a car park space, then you use 25.2 square metres. Subclause (2) of clause 5 then says:

For the avoidance of doubt, the number of parking spaces ... is in addition to the number of parking spaces on the premises that are individually delineated by permanently marked lines.

Would the minister care to explain what that actually means?

Mr LENDERS (Minister for Finance) — It simply means that some of the areas are marked and some are not. It is a mixture of areas; that is how it works.

Hon. BILL FORWOOD (Templestowe) — I thank the minister. We are back on the mixture of areas. The more we delve into this, as we did with the previous example where we had one floor which was part public, part private and part exempt, we get to understand why people are concerned about the compliance issues and the amount it is going to require for them to be involved in this particular tax-raising initiative.

Subclause (3) of clause 5 says that if you put up a sign that says, 'This is not a parking space' it still is a parking space. Again, this is the sort of government we have — I am not asking the minister to comment. I know that if you put up a sign that says, 'This is not a parking space', then it is not a parking space.

Take somebody who has a long-term car parking spot in a general public car park and they say, 'This is not a parking space' because they keep a trailer there, or something like that. It has a sign saying 'Do not park here' but it has not got the trailer in it. The State Revenue Office (SRO) will be around there. That is part of the 75 per cent. 'Don't you worry about that', as my friend, Joh Bjelke-Petersen, would have once said.

I just wanted to reinforce the point I made earlier — that there is not going to be one skerrick of open space in the city of Melbourne where the SRO is not going to have their little man with a magnifying glass and the grease sniffer out to make sure no car is ever parked there.

Clause agreed to; clause 6 agreed to.

Clause 7

Hon. BILL FORWOOD (Templestowe) — This is the clause entitled 'Act binds the Crown'. I take it that the Parliament House precinct is caught by this legislation?

Mr LENDERS (Minister for Finance) — Yes.

Hon. BILL FORWOOD (Templestowe) — The minister said that he did not think schools were caught by this legislation. If the act binds the Crown, why are schools not caught?

Mr LENDERS (Minister for Finance) — I am advised that if we go forward to clause 18 we see that the State Revenue Office (SRO) regards a school as a charity under those terms, provided it does not charge for the car parking spot.

Hon. BILL FORWOOD (Templestowe) — Their staff come to work; does this mean that any of the schools in here — for example, Melbourne Grammar School, Merton Hall or South Yarra Primary School — as long as they are not in the business of charging their staff, will be right? In other words, St John's Catholic Primary School does not need worry because it is regarded as a charitable institution. It is very good to get that clear because some people were most concerned about it.

The bill talks about universities and about no charges being made for the parking of a motor vehicle in a space. The University of Melbourne is not caught by this because it is outside the boundary at the moment, although we all believe it will not be long before it is inside. It charges a gold-coin entrance — \$2 — and I am pretty sure that a number of the institutions in that area charge their students \$2 or \$3, for example, to park for more than 4 hours. I wonder whether, because it charges that nominal amount, it gets caught under clause 18(b)?

Mr LENDERS (Minister for Finance) — If there is a charge, it is leviable. If there is no charge, it is not leviable.

Hon. BILL FORWOOD (Templestowe) — No matter what the charge is?

Mr LENDERS (Minister for Finance) — Yes.

Hon. BILL FORWOOD (Templestowe) — It is good to get that on the record. I remember parking at the Alfred hospital for not very much.

Clause agreed to.

Clause 8

Hon. BILL FORWOOD (Templestowe) — Clause 8 states that:

This Act imposes a levy each year in respect of each leviable parking space.

I take it that in this circumstance we are talking about calendar years rather than financial years. I wonder if the minister would care to explain why he is taking that approach?

Mr LENDERS (Minister for Finance) — When this came through as part of the process last year, around the time of the budget, my recollection is — and I ask Mr Forwood to take my recollection on this, and I will get back to him with more details — that it was simply a proposal for a congestion levy and because there would need to be a fair amount of time for the

community to become familiar with this and for the administrative things to be in place, it was appropriate for it to commence then. I guess the calendar year has simply remained in place as a starting point. I can get back to Mr Forwood on that, but in reality it is an annual levy that is being proposed. I take his point that it is a bit unusual, but it is an annual levy. It is not unique in being levied for a calendar year.

Hon. BILL FORWOOD (Templestowe) — I understand that, and I accept everything the minister says, but given the extraordinary haste with which the government is processing the bill, it seems to me the easiest way around it would have been to have it apply on a financial year basis. We would then have been starting on 1 July and not on 1 January.

Clause agreed to; clauses 9 to 12 agreed to.

Clause 13

Hon. BILL FORWOOD (Templestowe) — There is some confusion about how the levy will be assessed and whether or not people will end up paying more than they are required to because of what happens later on under clause 14 or under the special provisions in schedule 2. I wonder if the minister can explain to the council the government's thinking in relation to schedule 2 and, in particular, the final adjustment of the 2006 levy? This is a new system that will come into place on 1 January 2006. It will require major changes in the behaviour of individual parking operators, particularly those in the general operators, who will not know how many of their spaces are short term or long term. This is an area where people are gravely concerned that they are going to get done over big time.

Mr LENDERS (Minister for Finance) — Mr Forwood makes valid points. Firstly, this concept has been out and about since May. The legislation is obviously here now, but the concept has been out since May. Secondly, he referred to schedule 2. Clearly in the first year we will start on estimates, and that is why there will be a provision made at the end of the first year. This is like any new levy. I am sure there were teething issues when the Medicare levy first came in. Firstly, this has effectively been coming for eight months. Secondly, we will start with estimates and there will be an adjustment at the end of the year, because it is new.

Hon. BILL FORWOOD (Templestowe) — I thank the minister for that. I pick up his point that the concept has been around for a long time. Business people do not make their decisions based on concepts, they wait until they get the information about what they have to do. As

I said in my second-reading contribution, there is not a lot of computer equipment around that helps a car park operator to know how long a car has been at a particular car park. Given the 75 per cent deeming provision, one would think it is going to take a lot of effort for people to ensure they do not find themselves in a situation of paying more than they are required to pay. I wonder if the minister could address that issue?

Mr LENDERS (Minister for Finance) — Obviously there is information on the web site. That was the object of some in the second-reading debate. I guess we cannot have it both ways. In fairness to Mr Forwood, I do not recall him having a go about the web site — he may well have if I read the record — but most of his colleagues did.

Firstly, the whole point of the information on the web site was to equip the users early on and give them the chance to be involved in the process. Secondly, I note that a half levy, not a full one, is proposed in the first year. The main thing is that the active web site was one of the ways of engaging people early so there would be minimal teething problems.

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his response. At what frequency will the fees be paid by the operator once the levy has been assessed?

Mr LENDERS (Minister for Finance) — It will be by quarterly instalments. Again, if a business wishes, it will be able to pay annually.

Hon. BILL FORWOOD (Templestowe) — Quarterly in arrears or in advance — and calculated on 75 per cent? Quarterly on what?

Mr LENDERS (Minister for Finance) — Quarterly in arrears. We have a friendly State Revenue Office.

Clause agreed to; clauses 14 and 15 agreed to.

Clause 16

Hon. BILL FORWOOD (Templestowe) — We have dealt with clause 16 before. I foreshadow that we intend to divide on this clause. It is the residential parking clause that we do not think is very good. I want to deal with one particular question. The word 'exclusively' is used throughout these clauses. Clause 16(1) states:

A parking space is an exempt parking space if it is set aside or used exclusively for the parking of a motor vehicle by a person for residential purposes.

On the face of it, that is relatively straightforward. But I put it to the minister that there will be virtually no car park anywhere in the central business district area which is used exclusively. A better word might have been ‘predominantly’. In these circumstances, if somebody came to fix my plumbing or paint my house and parked in my car park for more than 4 hours and started before 9.30 a.m., by definition they would be caught under the other parts of this act. My car park would not be exempt any more because it would not have been used exclusively by me.

Mr LENDERS (Minister for Finance) — My response to Mr Forwood is that if the reason for the visit is an integral part of your residence, then you are exempt. For example, if I came as Mr Forwood’s plumber — and heaven forbid I would be fixing the plumbing; you would probably be better off going to Dodgy Brothers — or was providing a service to his residence, by the nature of its being his residence, it would be exempt. It goes to its nature. He would not have to fear that a visiting tradesman, medical professional or whoever else might come to his place would be caught by this, because they would be visiting and by its nature it is his residence.

Hon. BILL FORWOOD (Templestowe) — I thank the minister for the clarification. I am sure many people would be pleased to have that on the record, but I make the point that is not what the words say, because of the use of the word ‘exclusively’. If you go to the next clause — and we will be getting there in a moment — you see it says that:

A parking space is... exempt... if it is set aside or used exclusively for the parking without charge of a motor vehicle —

by a person providing maintenance. It will not be used exclusively for maintenance; it is going to be used by me as well.

The use of the word ‘exclusively’ does not capture what the government wanted to capture. I am sure government members will take a commonsense approach about this and that we are not going to have little guys with their magnifying glasses around there fixing up the plumber or fixing up me because I let the plumber park there. I am making the point that this is poorly drafted, because the use of the word ‘exclusively’ in those two clauses makes it very clear that, according to the letter of the law, you are skun if anybody other than you exclusively parks in that spot.

Committee divided on clause:

Ayes, 22

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

Noes, 20

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

Clause agreed to.

Clauses 17 and 18 agreed to.

Clause 19

Hon. BILL FORWOOD (Templestowe) — I am grateful to the Leader of the Government for advising me that he does not intend to use his capacity to extend the sitting because the business program has not been completed, which is within his gift. We on this side of the house have been acting under the obvious misapprehension that because the business program had the capacity for debate to be extended through tonight and into tomorrow if necessary, we would be able to deal with this important bill in a thorough manner. But the minister has advised me that it is his decision that we will not have that capacity and therefore this debate will draw to a close sometime soon. Again, I put on the record my great disappointment at the treatment of the house in this manner. I must say that I am not surprised, though I am extraordinarily disappointed.

Clause 19 deals with the parking of emergency vehicles. I refer again to point 3.1 of the motion passed unanimously by the Melbourne City Council, where it says that the state government be asked to consider inclusion of medical practitioners within the list of exemptions provided for emergency services. I understand that the government would like to catch doctors because there are a number of consulting suites where these people park all day, and they will be caught because they will not be defined as a hospital or a

charitable or public benevolent institution. I wonder what response the government intends to make to the resolution of the Melbourne City Council which asks that medical practitioners be included?

Mr LENDERS (Minister for Finance) — The reality is that people contribute to congestion and like other workers in the area, it is always difficult to draw the lines, but this is a congestion levy, and hence it applies.

Clause agreed to; clauses 20 and 21 agreed to.

Clause 22

Hon. BILL FORWOOD (Templestowe) — This is the clause that deals with parking for shift workers. Is Trades Hall the other side of Queensberry Street, or this side of Queensberry Street?

An honourable member — It is this side.

Hon. BILL FORWOOD — I take it all the long-term car parks at Queensberry Street are going to be caught by this legislation and therefore the trade unions are going to get sluggish?

Mr LENDERS (Minister for Finance) — It is in the area.

Hon. BILL FORWOOD (Templestowe) — It is in the area, okay. If it is in the area, it gets caught.

Let us deal with clause 22 concerning parking for shift workers. A parking space is exempt if it is set aside or used — and here is that word again — exclusively for the parking of a motor vehicle of an employee of a business that operates 24 hours a day on working days while the employee is attending work. How does the word ‘exclusively’ assist us in the case there, because one would not have thought that the park would have been exclusively used by a person who is there on his shift as it would have been used by other people during the day?

Mr LENDERS (Minister for Finance) — I am advised if, for example, there was a data centre with three shifts a day and the worker went into that spot and that was part of the shift work, that is what is intended to be caught or exempted by this.

Hon. BILL FORWOOD (Templestowe) — That is a very good example and I thank the minister for his answer, but I make the point again that the word ‘exclusively’ is wrongly used in this legislation. We should have come up with a better word.

Clause agreed; clauses 23 to 26 agreed to.

Clause 27

Hon. BILL FORWOOD (Templestowe) — I have had considerable debate about registration procedures under clause 27. In particular I am now asking whether or not the application for registration form has yet been determined by the commissioner and if so, can one be made available so that those of us in this house can have a look at it before the bill passes?

Mr LENDERS (Minister for Finance) — There is no application form yet. The commissioner is awaiting the legislation before he does it.

Hon. BILL FORWOOD (Templestowe) — That is a very cheeky answer, the minister told us he put it all up on the web site so that the people could get ready for the concept, but what we have now is the minister saying that despite the fact he is ready for the concept, he has not done the work that is required for there to be an application form. We all know that this comes into operation on 1 January 2006, we are two months away from the commencement of this levy and we know that there are between 8000 and 10 000 people caught in this particular area, with 70 000 car parks, yet still at this stage we do not have a copy or even a draft of a form. We do not even know what sort of information the commissioner wants to put in it because a form is not available?

Mr LENDERS (Minister for Finance) — The commissioner is an independent officer and as to whether he has done any draft work, I would make the assumption — and I am not advised of this — that he has probably looked at some things in his own mind to be ready for when the power is given. In the end the history of the commissioner, and we have seen that by the information on the web site, is actually to go out to stakeholders and get their information in many areas of the taxation system. In this congestion levy arrangement it would be my view that the history of the commissioner is that once he has the power, he will be engaging in trying to get the best information possible in the most user-friendly form. That is his history. In this case I am advised that as he has not got the power, he cannot put a form out there.

Clause agreed to.

Clause 28

Hon. BILL FORWOOD (Templestowe) — This is the requirement for registration of a public car park and it says:

The owner of a public car park must apply —

‘must apply’, there is no choice —

... in accordance with this section for registration —

and there is a penalty of 60 penalty units, which is \$6000. It says in subclause 4 that it:

must be in the form, and contain the information, determined by the Commissioner.

I guess I am correct in saying that if we have not got the form containing the information determined by the commissioner for a private car park, we certainly would not have it for a public car park either. Yet we are talking, as this government told us, about 70 000 car park spaces. We are two months away and 75 per cent of these spaces are going to be automatically deemed by this government to be subject to an annual tax of \$400 next year and \$800 in the year after, yet still the government cannot provide Parliament or the people affected by this tax with a look at the form required?

Mr LENDERS (Minister for Finance) — I am advised there are 134 public car parks in this area. There is information from the State Revenue Office (SRO) on the web site. It is engaging with people and there are obviously associations covering this. I take Mr Forwood’s point — if this was like the people who will be exempted, there is a strong argument, and hence the SRO is approached to deem people to be registered. But we are talking about 134 car parks. It is a large-scale area and I am absolutely confident the SRO will be engaging them at the soonest opportunity once the commissioner has the powers. I am confident that the 134 stakeholders will not be left hung out to dry. People are accessing the web site; there is a dialogue going on. Mr Forwood is correct — the form is not out there, but I am confident there will be a very good dialogue.

Hon. BILL FORWOOD (Templestowe) — I wonder if the minister could arrange for the list to be made available.

Mr LENDERS (Minister for Finance) — I do not have that. I will certainly seek to find out through the Treasurer whether that is information that can be made public. I am not aware of the confidentiality arrangements of it, but I will certainly put the request to the Treasurer. The commissioner will make a judgment on whether it is appropriate for it to be made available.

Hon. BILL FORWOOD (Templestowe) — I thank the minister. I am pleased about that. I understand there is a car park association which we are talking to as well. I particularly would like to ask every single one of the 134 whether they believe they have been properly

consulted and their interests preserved in relation to the tax the government is bringing on. We all know about the Boston Tea Party — no taxation without representation et cetera. This is a heavy-handed blunt instrument being whacked through this Parliament. It should be in the dead of night, but it is not quite. It would be disappointing if we were not able to ascertain that sort of information.

As time is on the wing I am very keen to ask the minister a question in relation to clause 29, which states:

The Commissioner must register a person who applies for registration ...

Does that mean he must register them even if they do not do the form and everything properly?

Business interrupted pursuant to sessional orders.

The CHAIR — Order! Pursuant to the resolution of the Council on 25 October 2005 in relation to the government business program, the time has arrived for me to interrupt business. The question is:

That clauses 28 to 37 inclusive and schedules 1 and 2 be agreed to and that I report the bill to the house without amendment.

Hon. Bill Forwood — I would like to speak to the motion. You are going to tell me I cannot, aren’t you? You are going to say this is a motion, I just want to make the point — —

The CHAIR — Order! Mr Forwood, it cannot be debated; it is a procedural motion.

Hon. Bill Forwood — But I want to make the point we are being gagged; that the government has decided — —

Committee divided on question:

Ayes, 22

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

Noes, 20

| | |
|------------------------------|-------------|
| Atkinson, Mr | Forwood, Mr |
| Baxter, Mr | Hadden, Ms |
| Bishop, Mr (<i>Teller</i>) | Hall, Mr |

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

Question agreed to.

Reported to house without amendment.

Report adopted.

Third reading

The PRESIDENT — Order! I am of the opinion that the third reading of the bill requires to be passed by an absolute majority. I understand there will be a division, and that will determine whether such a majority exists. The question is:

That the bill be now read a third time.

House divided on question:

Ayes, 23

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

Noes, 20

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

Question agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

CHILD WELLBEING AND SAFETY BILL

Introduction and first reading

Received from Assembly.

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

CHILDREN, YOUTH AND FAMILIES BILL

Introduction and first reading

Received from Assembly.

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

ENVIRONMENT EFFECTS (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

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

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

I call the Honourable David Davis.

Hon. Bill Forwood — Don't I get the call? I was the first member to stand.

The PRESIDENT — Order! The Honourable Bill Forwood.

Hon. BILL FORWOOD (Templestowe) — I want to briefly say on the adjournment motion that that is the first time to my knowledge that the house has used the guillotine on a Thursday. Mostly — —

Honourable members interjecting.

Hon. BILL FORWOOD — I can speak to the adjournment!

The PRESIDENT — Order! The member knows the practice of this house. If he wants to raise a matter for the adjournment, first he has to identify the minister, and the matter must meet the guidelines and fall within

the minister's portfolio responsibilities. Does the member wish to continue?

Hon. BILL FORWOOD — No, mine does not qualify on any of those. I just want to make the point — —

The PRESIDENT — Order! Mr Forwood is out of order.

Health practitioners: legislation

Hon. D. McL. DAVIS (East Yarra) — My matter is for the attention of the Minister for Finance and concerns the government's health practitioners bill that is about to be introduced in the other place. To precis the bill for the house, it will abolish the 11 or 12 health practitioner registration boards and seek to conglomerate them in some way under one act. It will allow a series of appeals and oversights to the Victorian Civil and Administrative Tribunal for more serious matters of discipline and other matters relating to the behaviour of health care practitioners. It will set up a disputes resolution procedure. In short this bill will involve much greater legal involvement and greater administration and bureaucracy.

The costs involved are likely to be passed through to the registration authorities as set up under the bill and later passed to the Victorian community. The house will also remember that just two years ago there was a medical indemnity insurance crisis in Victoria. In that crisis, prices for medical indemnity insurance rose to extraordinary levels. That crisis was ameliorated by some federal actions and by some actions taken belatedly by the Bracks. Notwithstanding that, we lost medical work force and health care work force, and there was a significant impact on the health system of Victoria.

My concern about the health practitioners bill relates to the additional legal and administrative costs it will generate, in particular the increased legal costs associated with cases against health care practitioners. It seems likely that given the shape of the mooted bill there will be an increase in medical indemnity insurance premiums, and I am concerned about that.

I seek from the Minister for Finance information about whether there has been an assessment of the likely impact on medical indemnity insurance of the government's health practitioner registration bill. If there is such an assessment, would he make it publicly available to health practitioner groups and the community to help it assess that impact? If such an examination has not been undertaken by his department

or by the Victorian Managed Insurance Authority, I ask that he undertakes or orders the undertaking of such an assessment of the increased medical indemnity costs under the government's legislation.

Boating: Mornington Peninsula ramps

Hon. R. H. BOWDEN (South Eastern) — I seek the assistance of the Minister for Transport in the other place in relation to launching ramps and fishing facilities in four specific locations in my electorate. There are also other locations, but the four I am particularly concerned about are the recreational fishing facilities and launching ramps at Stony Point, Hastings, Rye and Rosebud. Generally speaking from this time of each year until April these ramps are popular and well patronised. They form an important part of the recreational infrastructure that is used by the people of the Mornington Peninsula and by thousands of people in the wider metropolitan area as an outlet for boating, water-based recreational sports and other activities.

I suggest to the minister that the capacity of the Stony Point ramp is too small. It is three lanes wide but the pontoons are inappropriately small and inappropriately placed. The ramp at Hastings is at least three lanes wide but is also inappropriate from the pontoon aspect. Access to it is far too limited and does not represent a safe or acceptable level of accommodation for boats that are launched there, moored there or prepared there for retrieval or sending out to a wider area. Rye and Rosebud have similar problems. Whilst the ramps themselves and the number of lanes may be adequate, the support facilities attached to the ramps are clearly totally inadequate and need to be expanded.

Many journeys from those ramps start in darkness. In particular the people who are chasing snapper — and a lot of people do — need good, safe facilities when they use the ramps in the hours of darkness. The lighting on the ramps is certainly unsafe and unacceptable. The capacity for the parking of trailers and boats is not acceptable and needs to be expanded in view of the high costs that are now being incurred in the total pattern of licence and registration fees, as well as other expenses that are part of the normal access arrangements.

I ask the minister to conduct an examination of the facilities at Stony Point, Hastings, Rye and Rosebud in particular, and put in place a program to fund within the next 12 months substantial upgrades to the car parking, trailer parking, pontoon and lighting facilities at those ramps.

Goulburn Valley Pregnancy Support Centre: funding

Hon. W. A. LOVELL (North Eastern) — I raise a matter with the Minister for Health in the other place regarding the imminent closure of the Goulburn Valley Pregnancy Support Centre, which has been run under the auspices of the Caroline Chisholm Society's Goulburn Valley branch for the past 30 years.

The Goulburn Valley Pregnancy Support Centre provides counselling and support to pregnant women of all ages and circumstances whether they decide to proceed with their pregnancy or not. It is vital that this service continue to ensure that counselling be available during the crucial decision-making time so that women have all the facts and can make an informed decision. It is important that practical and ongoing support is available to all women when they become pregnant, and it is particularly vital for those who are in low socioeconomic circumstances.

Over the years the service has provided practical and material aid to hundreds of Goulburn Valley families from the birth of their children until they are six years old. During the past few weeks the minister has been outspoken about the need for counselling for women who may be in the position of having to decide whether they want to proceed with their pregnancy or not. The Goulburn Valley Pregnancy Support Centre has provided counselling and support to hundreds of women in the valley, and it would be a tragedy if these services were no longer available. Without government funding this vital service will close its doors on 18 November. It would be a tragic loss for the Goulburn Valley community.

The action I seek from the minister is for her to provide recurrent state government funding to allow the Goulburn Valley Pregnancy Support Centre to continue to provide this vital counselling and support service to the women of the Goulburn Valley.

Murrindindi: Cup Day work permit

Hon. J. A. VOGELS (Western) — I raise an issue for the Minister for Local Government that concerns the pruning of olive trees on Cup Day. Mr Onoufriou Newy Gorozidis and Mr Tseprilidis, joint owners of an olive grove at 3826 Whittlesea-Yea Road, Flowerdale, intended to have a working bee on Cup Day to prune the olive trees. They have previously had working bees to plant the trees and up to 100 people have attended. The development officer for the shire, Karen Girvan, informed Mr Gorozidis that he would need a permit for the working bee if more than eight people were present.

This was later changed to 20 people. He had applied to the council to have 100 people at the working bee but that application was rejected.

A shire officer indicated to me that a planning permit was required for the holding of an event or an assembly of people. I said I thought a permit had been applied for but had been rejected. He said no, that the parties had indicated to the council that they wished to hold the working bee on Cup Day, as they had done previously, with 100 people present but that it did not fit in with the Shire of Murrindindi's planning scheme. I find this absolutely amazing. I am sure there will be many events held on Cup Day all around Melbourne and Victoria where there are more than 100 people present. For someone to say you have to have a planning permit to have more than 20 people attend a working bee on Cup Day to help prune olive trees seems to me to be bureaucracy gone mad.

These people are very upset about this. Cup Day is not far away so I ask the minister to urgently contact the Shire of Murrindindi and ask under what act or scheme this restriction applies. I do not know how you can reject an application for a work permit for 100 people who want to come to probably watch the Melbourne Cup and help prune an olive grove. What is wrong with that? I think it would be fantastic. I ask the minister to urgently take action to get on to the Murrindindi shire and sort this problem out for these people.

Lake Oval: future

Hon. B. N. ATKINSON (Koonung) — I raise a matter for the Minister for Sport and Recreation regarding the future of the old South Melbourne grandstand and the Bob Jane Stadium and the role they might play on a continuing basis in the sports culture of Melbourne. Supporters of the Sydney Swans have raised with me their disappointment that they were unable to return to their former home ground to celebrate the Australian Football League premiership the team won in 2005.

The key reason they were unable to return there was because of the fees they were to be charged for them to gather at that ground. It was unfortunate, because although the Sydney Swans are obviously now a Sydney-based club, as the minister would be aware, the club retains a significant membership in Melbourne and has substantial links with the community in and around South Melbourne.

For some time now the former grandstand used as part of the Lake Oval has been in a state of disrepair, and I have little doubt that there is quite a bit of concern from

the soccer club that owns the adjoining Bob Jane Stadium about that stadium and the insurance liabilities. The soccer club has expressed concern to me about the attraction of further vandalism in that area as a result of that stadium being there and about problems from an insurance point of view with public liability. I know the soccer club is concerned, and I am sure it has raised the issue with the minister.

This facility is in the region of the Melbourne Sports and Aquatic Centre and other sports facilities, all of which I might add have just recently been slugged by a parking charge by the government, and the minister is seeking to establish the sports house adjacent to MSAC as a home for a range of sports organisations. All of those things are laudable, but it still begs the question of what is to be the future of the Bob Jane Stadium, particularly as the Melbourne Victory team is now to go to Olympic Park as part of the Olympic Park precinct, and what is also to happen with the former football stadium, which is definitely in a state of disrepair and quite dangerous.

I ask the minister what the government's plan for the former Lake Oval grandstand is, and I seek his advice as to how that might fit into a precinct plan for this area.

Local government: elections

Ms HADDEN (Ballarat) — I wish to raise a matter for the Minister for Local Government. The matter is a most urgent one, given that Hepburn Shire Council elections are next month and the ballot papers are to be posted out to electors between 8 and 10 November.

The action which I seek of the minister is that she undertake an urgent investigation into Cr Warren Maloney of Hepburn Shire Council and alleged breaches of the Local Government Act under section 55A in relation to misleading and deceptive material and the code of conduct section 76C(4), and particularly paragraph (c), to ensure that council resources are not inappropriately applied during an election period.

By way of background, the Phillips Fox probity investigation report into the conduct of Hepburn Shire Council over the Hepburn Springs bathhouse lease, which was publicly released in October 2004, was far from flattering of Hepburn Shire Council and raised a number of concerns in relation to council's handling of the matter. However, a crucial document, namely an independent audit dated 2 November 2001, was withheld by council from the probity investigator. This hidden independent report showed that the bathhouse tenant owed rent to council, had negative equity and

was technically insolvent. The tenant subsequently went into liquidation in 2004. Cr Maloney was the mayor from March 2003 until December 2004.

Cr Maloney published advertisements in the *Daylesford Advocate* of 19 and 26 October headed 'Maloney delivers results', which listed 10 results he personally claims to have already delivered, including the bathhouse redevelopment and a new park leading to Lake Daylesford.

Another advertisement is headed 'Maloney delivers results — the next steps', which lists six items including bringing a cinema and a heated indoor swimming pool to Daylesford. These advertising publications are likely to mislead or deceive electors in their casting of votes because Cr Maloney's claims are in many instances wrong.

Further, Cr Maloney has cost the shire's ratepayers a total of \$95 215 between March 2003 and June 2005 — or \$800 per week. The amount of \$42 808 was paid to him by way of council allowance; \$29 140 was paid to him by way of travel allowance; and \$11 141 was for management conferences and meetings.

Cr Maloney is also the president of the Victorian Local Governance Association, having been elected last February. He uses his council and ratepayer-funded mobile telephone no. 0408 323 607 for both personal and council purposes. It is also published on his election advertising publications. He also uses it in his role as president of the VLGA, and it is included in his media publications. Of great concern is Cr Maloney's presidency of the VLGA creating extra expenditure for the shire's ratepayers when it should be the responsibility of the VLGA.

The Hepburn Shire Council's code of conduct requires councillors not to use public resources for electoral or other personal purposes and not to use council resources in ways that may influence voting in an election or provide undue advantage. Any council resource is not authorised for any purpose that may influence voting in the election.

Information and communications technology: smartcard uses

Hon. S. M. NGUYEN (Melbourne West) — I wish to raise a matter for the attention of the Minister for Transport in the other place. The Victorian government has recently made the decision to introduce smartcards. This latest technology will help create a much better service for the travelling public. Smartcards are used in many countries around the world. In today's world

smartcards are being identified as a key technology for our online economy. Banks, telecommunications companies such as Telstra, governments and even health departments are looking at introducing or have introduced smartcards to allow improved efficiency and enhance service delivery.

The reusable smartcard in Victoria will work across the metropolitan and regional bus, train and tram networks. While the smartcard will be introduced in Victoria to make it a more efficient way to use our public transport, it can have many other uses. A particular use that will help with safety at railway stations is the use of the card to allow access to public toilets at stations. It has been raised many times that women in particular do not feel safe on train stations. With the smartcard technology it is a viable option to have toilet doors locked and let them be accessed via the swiping of the smartcard. This is an example of increasing security on our rail stations.

There are other uses that will be discussed as time goes on. However, the safety of public toilets on railway stations is one that could be investigated now. I ask the Minister for Transport to investigate the uses of the smartcard.

Responses

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The Honourable David Davis raised the matter of the health professions registration legislation and the associated financial costs. I will refer that to the Minister for Finance.

The Honourable Ron Bowden raised a matter of boat launching ramps. I will refer that to the Minister for Transport in the other place.

The Honourable Wendy Lovell raised a matter concerning the Goulburn Valley Pregnancy Support Centre. I will refer that to the Minister for Health in the other place.

The Honourable John Vogels raised the matter of the olive tree working bee in the Murrindindi shire, and I shall refer that matter to the Minister for Local Government.

The Honourable Bruce Atkinson raised a matter of the former Lake Oval, the Bob Jane Stadium, the old grandstand and surrounds. My understanding is that it is currently managed by Parks Victoria, which is undertaking some work in relation to the whole area. Money has been invested in the Albert Park precinct to renew most of the facilities around there, and I know Parks Victoria is also conscious of the strategy in relation to the former Lake Oval grandstand.

I look forward to making further announcements in the not-too-distant future on many of the master planning issues on that site, but currently some consideration is taking place as to various options of the potential uses of the grandstand. I understand work is being undertaken in one form or another by Parks Victoria in relation to that. Once I have further information I will be happy to inform the house accordingly.

Ms Hadden raised a matter about the Hepburn Shire Council and other local government issues, and I shall refer it to the Minister for Local Government.

The Honourable Sang Nguyen raised the matter of smartcard technology and its appropriate application. I shall refer it to the Minister for Transport in the other place.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 5.08 p.m. until Tuesday, 15 November.

QUESTIONS ON NOTICE

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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, 25 October 2005

Treasurer: State Trustees Ltd — capital works funding

2765. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): In relation to State Trustees Ltd's allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

I am informed that:

The priority projects approved were as follows:

Building refurbishment – ground, 7th, 9th floors, boardrooms and toilets: \$1.22 million
State Trustees have been undergoing a program to upgrade the building facilities to improve their general effectiveness, provide an improved working environment and to ensure ongoing compliance with building standards. These upgrades are largely completed and have achieved all of the expected outcomes.

IT network enhancements including \$450,000 in sun server and Cabletron switch replacements: \$743,000.
This is part of a “normal” program to ensure that the IT infrastructure can appropriately support the business and ensure all applications run efficiently.

IT computer hardware including \$350,000 in disaster recovery back up equipment and \$392,000 in PC and printer upgrades: \$838,000.
This was to ensure that appropriate DRP equipment was in place and staff computers could adequately run key software applications.

Treasurer: Office of the Administrator (SEAV, VicPower Trading) — external legal advice

2989. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): What has been the expenditure by the Office of the Administrator (SECV, VicPower Trading) on external legal advice since 1 January 2003 to date.

ANSWER:

I am informed that:

Expenditure on external legal advice from 1 January 2003 to the date of your question is \$389,520.

Treasurer: Rural Finance Corporation of Victoria — external legal advice

2991. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): What has been the expenditure by the Rural Finance Corporation of Victoria on external legal advice since 1 January 2003 to date.

ANSWER:

I am informed that:

Expenditure on external legal advice from 1/1/03 to 31/5/04 was \$185,236.

Treasurer: Victorian Funds Management Corporation — external legal advice

2993. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): What has been the expenditure by the Victorian Funds Management Corporation on external legal advice since 1 January 2003 to date.

ANSWER:

I am informed that:

Legal advice fees for the period 1 January 2003 to 8th June 2004 were \$14,241.50 for advice in relation to licensing requirements for VFMC under the federal Financial Services Reform Act.

Treasurer: State Trustees Ltd — external legal advice

2999. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): What has been the expenditure by State Trustees Ltd on external legal advice since 1 January 2003 to date.

ANSWER:

I am informed that:

During the period \$687,000 in legal fees were incurred.

Agriculture: FreeZa program — funding

4875. THE HON. GORDON RICH-PHILLIPS — To ask the Minister for Aged Care (for the Minister for Employment and Youth Affairs): What was the total amount of money that was allocated and spent on the FreeZa Program in 2002, 2003 and 2004, respectively.

ANSWER:

I am informed that the amount allocated and spent on FReeZA in 2002-03, 2003-04 and in 2004-05 was \$2 million each year.

Employment and youth affairs: National Youth Week — funding

4876. THE HON. GORDON RICH-PHILLIPS — To ask the Minister for Aged Care (for the Minister for Employment and Youth Affairs): What was the total amount of money allocated and spent on National Youth Week in 2002, 2003, 2004 and 2005 to date, respectively.

ANSWER:

I am informed that the amount allocated and spent on National Youth Week events in Victoria in 2001-02 was \$0.09 million, in 2002-03 was \$0.12 million, in 2003-04 was \$0.12 million and in 2004-05 was \$0.16 million. The amounts allocated and spent on National Youth Week events in Victoria include a percentage of Australian Government funding.

Employment and youth affairs: Advance program — funding

4877. THE HON. GORDON RICH-PHILLIPS — To ask the Minister for Aged Care (for the Minister for Employment and Youth Affairs): What was the total amount of money allocated and spent on the Advance Program in 2002, 2003 and 2004, respectively.

ANSWER:

I am informed that the amount allocated and spent on Advance in 2002-03 was \$3 million. The amount allocated and spent on Advance in 2003-04 was \$3 million. The amount allocated and spent in 2004-05 was \$4 million.

Employment and youth affairs: youth services program — funding

4878. THE HON. GORDON RICH-PHILLIPS — To ask the Minister for Aged Care (for the Minister for Employment and Youth Affairs): What was the total amount of money allocated and spent on the Youth Services Program in 2002, 2003 and 2004, respectively.

ANSWER:

I am informed that the amount allocated and spent on the Youth Services Program in 2002-03, 2003-04 and 2004-05 was \$4.1 million each year.

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Wednesday, 26 October 2005

Education and training: Victorian Schools Innovation Commission — capital works funding

2552. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): In relation to the Victorian Schools Innovation Commission's allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

I am informed as follows:

The Victorian Schools Innovation Commission is not a prescribed body for the purposes of Questions on Notice.

Education and training: Education and Training — advertising expenditure

5304. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): What was the Department of Education and Training's advertising expenditure, including public, corporate and media relations, but excluding mandatory or staff recruitment, for 2004-05.

ANSWER:

I am informed as follows:

In 2004-05 the Department of Education and Training spent \$406,283 on advertising.

Education and training: school closures

5312. THE HON. ANDREW BRIDSON — To ask the Minister for Energy Industries (for the Minister for Education and Training): In relation to the closure of Government schools:

- (1) Which schools have been closed in each region, for each calendar year since 1999.
- (2) What was the reason for the closure of each school.

ANSWER:

I am informed as follows:

In all cases of school closures the school councils and communities voluntarily recommended the school closure in order to better meet the needs of the students and the interests of the local community through alternative education provision.

Since October 1999, the following school closures have occurred:

| <i>School</i> | <i>Date Closed</i> |
|--|--------------------|
| Barwon South Western Region | |
| - Wando Vale Primary School | 31 December 2000 |
| - Gerangamete Primary School | 31 December 2001 |
| Eastern Metropolitan Region | |
| - Brandon Park Secondary College | 31 December 2003 |
| - Mooroolbark Primary School | 31 December 2004 |
| Grampians Region | |
| - Brim Primary School | 31 December 2000 |
| - Lexton Primary School | 31 December 2001 |
| - Harrow Primary School | 31 December 2002 |
| - Ewing House School for Deaf Children | 31 December 2002 |
| - Dean Primary School | 31 December 2003 |
| - Kingston Primary School | 31 December 2004 |
| Hume Region | |
| - Youanmite Primary School | 31 December 2000 |
| - Tatura East Primary School | 31 December 2002 |
| - Mudgegonga Primary School | 31 December 2002 |
| Loddon Mallee Region | |
| - Watchem Primary School | 31 December 2001 |
| - Wareek Primary School | 31 December 2002 |
| Northern Metropolitan Region | |
| - Yan Yean Primary School | 31 December 2002 |
| - Moreland City College | 31 December 2004 |
| Southern Metropolitan Region | |
| - Heatherton Primary School | 31 December 1999 |

Education and training: Adult, Community and Further Education Board — external legal advice

5453. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): How much has been spent by the Adult, Community and Further Education Board on external legal advice since 1 June 2004.

ANSWER:

I am informed as follows:

The nature of the question and given that identical questions have been asked of a number of different educational bodies indicates that this is not a genuine inquiry but a speculative question and as such a response would require an unreasonable diversion of time and resources.

Education and training: Merit Protection Board — external legal advice

5454. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): How much has been spent by the Merit Protection Board on external legal advice since 1 June 2004.

ANSWER:

I am informed as follows:

This question does not fall within my portfolio responsibilities.

Education and training: Registered Schools Board — external legal advice

5455. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): How much has been spent by the Registered Schools Board on external legal advice since 1 June 2004.

ANSWER:

I am informed as follows:

The nature of the question and given that identical questions have been asked of a number of different educational bodies indicates that this is not a genuine inquiry but a speculative question and as such a response would require an unreasonable diversion of time and resources.

Education and training: Victorian Curriculum and Assessment Authority Board — external legal advice

5456. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): How much has been spent by the Victorian Curriculum and Assessment Authority Board on external legal advice since 1 June 2004.

ANSWER:

I am informed as follows:

The nature of the question and given that identical questions have been asked of a number of different educational bodies indicates that this is not a genuine inquiry but a speculative question and as such a response would require an unreasonable diversion of time and resources.

Education and training: Victorian Learning and Employment Skills Commission — external legal advice

5458. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): How much has been spent by the Victorian Learning and Employment Skills Commission on external legal advice since 1 June 2004.

ANSWER:

I am informed as follows:

The nature of the question and given that identical questions have been asked of a number of different educational bodies indicates that this is not a genuine inquiry but a speculative question and as such a response would require an unreasonable diversion of time and resources.

Education and training: Victorian Qualifications Authority — external legal advice

5459. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): How much has been spent by the Victorian Qualifications Authority on external legal advice since 1 June 2004.

ANSWER:

I am informed as follows:

The nature of the question and given that identical questions have been asked of a number of different educational bodies indicates that this is not a genuine inquiry but a speculative question and as such a response would require an unreasonable diversion of time and resources.

Education and training: Victorian Schools Innovation Commission — external legal advice

5460. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): How much has been spent by the Victorian Schools Innovation Commission on external legal advice since 1 June 2004.

ANSWER:

I am informed as follows:

The Victorian Schools Innovation Commission is not a prescribed body for the purposes of Questions on Notice.

Education and training: Adult Multicultural Education Services — external legal advice

5461. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): How much has been spent by the Adult Multicultural Education Services on external legal advice since 1 June 2004.

ANSWER:

I am informed as follows:

The nature of the question and given that identical questions have been asked of a number of different educational bodies indicates that this is not a genuine inquiry but a speculative question and as such a response would require an unreasonable diversion of time and resources.

Education and training: Council of Adult Education — external legal advice

5462. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): How much has been spent by the Council of Adult Education on external legal advice since 1 June 2004.

ANSWER:

I am informed as follows:

The nature of the question and given that identical questions have been asked of a number of different educational bodies indicates that this is not a genuine inquiry but a speculative question and as such a response would require an unreasonable diversion of time and resources.

Education and training: Adult, Community and Further Education Board — entertainment expenses

5683. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): In relation to the Adult, Community and Further Education Board's entertainment expenses incurred 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.

I am informed as follows:

The nature of the question and given that identical questions have been asked of a number of different educational bodies indicates that this is not a genuine inquiry but a speculative question and as such a response would require an unreasonable diversion of time and resources.

Education and training: Merit Protection Board — entertainment expenses

5684. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): In relation to the Merit Protection Board'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.

I am informed as follows:

This question does not fall within my portfolio responsibilities.

Education and training: Registered Schools Board — entertainment expenses

5685. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): In relation to the Registered Schools Board'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:

The nature of the question and given that identical questions have been asked of a number of different educational bodies indicates that this is not a genuine inquiry but a speculative question and as such a response would require an unreasonable diversion of time and resources.

Education and training: Victorian Curriculum and Assessment Authority Board — entertainment expenses

5686. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): In relation to the Victorian Curriculum and Assessment Authority Board’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:

The nature of the question and given that identical questions have been asked of a number of different educational bodies indicates that this is not a genuine inquiry but a speculative question and as such a response would require an unreasonable diversion of time and resources.

Education and training: Victorian Institute of Teaching — entertainment expenses

5687. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): In relation to the Victorian Institute of Teaching’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:

The nature of the question and given that identical questions have been asked of a number of different educational bodies indicates that this is not a genuine inquiry but a speculative question and as such a response would require an unreasonable diversion of time and resources.

Education and training: Victorian Schools Innovation Commission — entertainment expenses

5690. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): In relation to the Victorian Schools Innovation 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:

I am informed as follows:

The Victorian Schools Innovation Commission is not a prescribed body for the purposes of Questions on Notice.

Education and training: Adult Multicultural Education Services — entertainment expenses

5691. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): In relation to the Adult Multicultural Education 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 as follows:

The nature of the question and given that identical questions have been asked of a number of different educational bodies indicates that this is not a genuine inquiry but a speculative question and as such a response would require an unreasonable diversion of time and resources.

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, 27 October 2005

WorkCover: Victorian WorkCover Authority — advertising

2298. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Minister for WorkCover): In relation to the Victorian WorkCover Authority’s advertising undertaken between 1 July 2002 and 30 June 2003:

- (a) What was the — (i) date of approval of each contract; (ii) cost of each contract; (iii) purpose of the advertisements; and (iv) duration of each advertisement.
- (b) Where and when was each advertisement published or broadcast.
- (c) To whom was each contract awarded.

ANSWER:

I am informed that:

- (a) (i) Shannon’s Way provided the Victorian WorkCover Authority with advertising services between 1 July 2002 and 30 June 2003. The firm was contracted to provide these services in May 2001 following a competitive tendering process which was overseen by Paxton Partners.
- (ii) Total payments under this contract for 2002/03 financial year were \$2,260,292.15.
- (iii) The VWA conducted seven media campaigns during 2002/03 to reinforce to the Victorian community the importance of workplace health and safety, and promote effective return-to-work practices for injured workers.
- (iv) Duration of each advertisement:

| CAMPAIGN | TIMING AND DURATION |
|--------------------------|----------------------------|
| Fatalities Campaign | September 2002- four weeks |
| Inspectors Campaign | March- June 2003 |
| Return to Work Campaign | April 2003- six weeks |
| Asbestos Campaign | March 2003- June 2003 |
| Bullying Campaign | February 2003- three weeks |
| Forklift Safety Campaign | May 2003- two weeks |
| Farmers Campaign | April 2003- three weeks |

- (b) When and where each advertisement was published or broadcast:

| CAMPAIGN | BROADCAST COVERAGE |
|----------------------|--------------------------------------|
| Fatalities Campaign | Television, print, radio and outdoor |
| Inspectors Campaigns | Television, print, radio |

| CAMPAIGN | BROADCAST COVERAGE |
|--------------------------|--|
| Return to Work Campaign | Television, print, radio, interactive CD |
| Asbestos Campaign | Print |
| Bullying Campaign | Print, radio |
| Forklift Safety Campaign | Print, radio |
| Farmers Campaign | Television, print, radio |

Note duration of campaign is detailed in a (iv)

- (c) All advertising work was carried out by Shannon’s Way in accordance with the contract awarded in May 2001 as described above at (a) (i).

WorkCover: Shannon’s Way Pty Ltd — payments

4415. THE HON. GRAEME STONEY — To ask the Minister for Finance (for the Minister for WorkCover):

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

ANSWER:

I am informed that:

This information has been previously provided to the Opposition under Freedom of Information.

Education services: Merit Protection Board — advertising and credit card expenditure

4775. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education Services): In relation to the Merit Protection Board:

- (1) What was the advertising expenditure in 2003-04.
- (2) What was the credit card expenditure in 2003-04.

ANSWER:

I am informed as follows:

Advertising expenditure by Merit Protection Board in 2003-04 - Nil

Credit card expenditure by Merit Protection Board in 2003-04 was \$6,368.87.

Details as follows:

- Accommodation costs for running training programs in country Victoria \$3,103.65
- National Public Sector Appeals Conference - attendance by Senior Chairperson in Brisbane (airfare and conference) \$899.56
- Office Requisites \$2,355.66
- Credit card fee \$10.00

Treasurer: Treasury and Finance — communications staff

4943. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer):

- (1) As at 31 May 2005 how many officers in the Department of Treasury and Finance were engaged in communications, including public, corporate and media relations.
- (2) What is the salary band of each of these officers.
- (3) What is the job title of each of these officers.

ANSWER:

I am informed that:

- (1) Ten
- (2) EO3: one
VPS6: three
VPS5: three
VPS4: two
VPS3: one
- (3) Director, Communications
Strategic Communication Manager-Internal and Online
Manager, Strategic Communication
Senior Communications Advisor (three)
Communications Advisor (two)
Project Manager-Online Communication
Executive Assistant

Premier: Victoria/New South Wales Border Anomalies Committee — communications staff

5083. 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 Victoria/New South Wales Border Anomalies Committee are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am informed that the Victoria/New South Wales Border Anomalies Committee has been abolished in 2004.

Treasurer: Treasury and Finance, strategic management division — communications staff

5231. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): As at 30 June 2005:

- (1) How many officers in the Strategic Management Division, Department of Treasury and Finance are engaged in communications, including public, corporate and media relations.

- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am informed that:

- (1) Nine
- (2) EO3: one
VPS6: three
VPS5: two
VPS4: two
VPS3: one
- (3) Director, Communications
Strategic Communication Manager-Internal and Online
Manager, Strategic Communication
Senior Communications Advisor (x 3)
Communications Advisor
Project Manager-Online Communication
Executive Assistant

Treasurer: Treasury and Finance — communications staff

5251. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): As at 30 June 2005:

- (1) How many officers in the Department of Treasury and Finance are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am informed that:

I refer the Honourable Member to the answer to his question numbered 5231.

Health: Human Services — advertising expenditure

5299. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Aged Care (for the Minister for Health): What was the Department of Human Services' advertising expenditure, including public, corporate and media relations, but excluding mandatory or staff recruitment, for 2004-05.

ANSWER:

My response is that:

The wording and definitions of your request regarding expenditure "including public corporate and media relations, but excluding mandatory or staff recruitment" is unclear, and as such I cannot reasonably respond.

Community services: minister's office — alcohol purchases

5406. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Aged Care (for the Minister for Community Services): In relation to alcohol purchased by the Minister's Office since 30 June 2004, what was the —

- (a) the date of each purchase;
- (b) the value of each purchase; and
- (c) the items purchased.

ANSWER:

I am informed that:

On occasion the Ministerial office provides refreshments for official Ministerial functions and to provide the requested information would constitute an unreasonable diversion of staffing resources.

Health: minister's office — alcohol purchases

5408. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Aged Care (for the Minister for Health): In relation to alcohol purchased by the Minister's Office since 30 June 2004, what was the —

- (a) the date of each purchase;
- (b) the value of each purchase; and
- (c) the items purchased.

ANSWER:

I am informed that:

On occasion the Ministerial office provides refreshments for official Ministerial functions and to provide the requested information would constitute an unreasonable diversion of staffing resources.

Education and training: Victorian Institute of Teaching — external legal advice

5457. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): How much has been spent by the Victorian Institute of Teaching on external legal advice since 1 June 2004.

ANSWER:

I am informed as follows:

The nature of the question and given that identical questions have been asked of a number of different educational bodies indicates that this is not a genuine inquiry but a speculative question and as such a response would require an unreasonable diversion of time and resources.

Education and training: Victorian Learning and Employment Skills Commission — entertainment expenses

5688. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): In relation to the Victorian Learning and Employment Skills 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:

I am informed as follows:

The nature of the question and given that identical questions have been asked of a number of different educational bodies indicates that this is not a genuine inquiry but a speculative question and as such a response would require an unreasonable diversion of time and resources.

Education and training: Victorian Qualifications Authority — entertainment expenses

5689. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): In relation to the Victorian Qualifications Authority’s entertainment expenses for 2004-05 —

- (1) What was the total cost incurred.
- (2) What are the itemised details of all expenditure in excess of \$500, including —
 - (a) date incurred;
 - (b) cost;
 - (c) number of guests;
 - (d) purpose; and
 - (e) name of service provider.

ANSWER:

I am informed as follows:

The nature of the question and given that identical questions have been asked of a number of different educational bodies indicates that this is not a genuine inquiry but a speculative question and as such a response would require an unreasonable diversion of time and resources.

Education and training: Council of Adult Education — entertainment expenses

5692. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): In relation to the Council of Adult Education'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:

The nature of the question and given that identical questions have been asked of a number of different educational bodies indicates that this is not a genuine inquiry but a speculative question and as such a response would require an unreasonable diversion of time and resources.

QUESTIONS ON NOTICE

1860

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