

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

**Thursday, 8 September 2005
(extract from Book 3)**

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By authority of the Victorian Government Printer

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Thursday, 8 September 2005

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

PETITIONS

Hazardous waste: Nowingi

Hon. W. A. LOVELL (North Eastern) presented petition from certain citizens of Victoria requesting that the Legislative Council abandon the proposal to place a toxic waste facility in the Mildura region (219 signatures).

Laid on table.

Hazardous waste: Nowingi

Hon. B. W. BISHOP (North Western) presented petition from certain citizens of Victoria requesting that the Legislative Council abandon the proposal to place a toxic waste facility in the Mildura region (231 signatures).

Laid on table.

Water: Creswick–Ballarat pipeline

Ms HADDEN (Ballarat) presented petition from certain citizens of Victoria requesting that the minister for environment and water stop the building of a pipeline connecting Creswick's Cosgrave Reservoir to Ballarat's White Swan Reservoir and that no further action be taken until an environmental impact study has been undertaken and the Creswick community fully consulted (230 signatures).

Laid on table.

MEMBERS STATEMENTS

Lakes Entrance: dredging

Hon. PHILIP DAVIS (Gippsland) — I wish to draw the attention of the house and particularly the government to a major problem emerging in Gippsland at Lakes Entrance. It is not a new issue but it is becoming quite critical — it is the sand accretion at the entrance and inside the entrance to the Gippsland Lakes. The Reeve Channel and Hopetoun Channel in particular have seen a sand accretion over the last decade which is now so obvious as to be a serious impediment to navigation. Indeed, it has come to the

point that boats of any significant draught are now unable to practically navigate from Lakes Entrance through the Gippsland Lakes to Paynesville where there are major boat servicing facilities. It therefore means that it is a long-term problem where progressively boats of shallower and shallower draught will be prevented from navigating.

But what is of critical significance is that the sand accretion effectively is restricting the flow on a king tide, and a high inflow to the Gippsland Lakes from its catchment of water, dispersing out to sea and therefore there is a high probability of inundation of low-lying areas. While this might not seem to be readily apparent to many people, it could well mean the flooding and submerging of Lakes Entrance and could seriously affect parts of Paynesville and other township areas of the Gippsland Lakes.

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

Skiing: world aerial championships

Hon. KAYE DARVENIZA (Melbourne West) — I wanted to let the Parliament know how delighted I was to again attend the aerial skiing world cup at Mount Buller last weekend. This is the eighth year the event has been held at Mount Buller and it is indeed an international event attracting athletes from China, Canada, the United States of America, Switzerland, Belarus and of course our Australian champions. This was a spectacular event to watch, and one could not help but be awe struck by the fantastic performances of those elite athletes. I want to congratulate all the athletes who participated, particularly Alisa Camplin who narrowly escaped severe injury following a spectacular crash, but secured fourth place and qualified for the Winter Olympics. Congratulations, too, to China's Nina Li who won the world cup, followed by Alla Tsuper of Belarus and China's Shaung Chen.

Congratulations also to all those at Mount Buller who worked so hard to secure such a successful event, particularly John Dyson, the chairman of Mount Buller resort management board; Laurie Blampied, the general manager of Buller lifts; and Dean Gosper, the president of Skiing and Snowboarding Australia. I encourage all members to get themselves and their constituents up to the World Cup Aerials at Mount Buller next year.

Brett Deledio

Hon. W. A. LOVELL (North Eastern) — I wish to congratulate a local boy from Kyabram in my electorate, Brett Deledio, who last week won the

Australian Football League's Rising Star Award. Brett polled 43 out of a possible 45 votes to win that award this year, which is quite a significant achievement. Brett was selected as no. 1 draft pick last year by the Richmond Football Club and he has had an extraordinary season, having played 22 games this year, averaging 15 possessions and 4 marks in each of those games. The people of the Goulburn Valley are terribly proud of Brett, not only for his achievement in winning the AFL Rising Star Award but for the way he carries himself as a person. He has been a tremendous ambassador for the Goulburn Valley and we are all very proud of him.

Brett is not the only star in his family. Brett's fame as an AFL footballer has actually earned his father star status. Brett's father Wayne is a casual relief teacher in the Goulburn Valley and is very popular with the young boys who like to talk football with him and talk about Brett's achievements. I know that Wayne would be very proud to talk about Brett's achievements. I congratulate Brett and say we are all very proud of his achievement.

Motor sport: Rally of Melbourne

Hon. R. G. MITCHELL (Central Highlands) — Last Sunday I had the pleasure of attending the Rally of Melbourne sponsored by NGK that ran through the Yarra Valley and up through the forest outside of Kinglake. It is a fantastic world-quality event that has been put on, and Justin and Neil do a fantastic job of building such a big event.

It started on Friday at Federation Square when all the cars were waved off, and it finished on Sunday afternoon in the magnificent surrounds of the De Bortoli Winery. I thank the De Bortoli family for opening up their winery and homes for people to see the rally through the winery and the magnificent scenery. They enjoyed watching the rally cars that they may not normally get to see.

Hon. D. McL. Davis interjected.

Hon. R. G. MITCHELL — As I said, it was a fantastic event. It is a pity that Mr Davis could not have found the time to get there. I congratulate Cody Crocker who won the three-day event; Simon and Sue Evans, a fantastic young couple, who finished second; and of course Yuha Kangas who came in third, giving a bookend to the Subaru team with a Toyota in the middle.

It was a fantastic day that was enjoyed by everyone. We enjoyed fantastic weather and great surrounds. I

congratulate everyone involved for putting on such a fantastic event in the Yarra Valley.

Manufacturing: investment

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — The release last week of the Australian Bureau of Statistics (ABS) capital expenditure survey again demonstrates the failure of the Bracks government to attract manufacturing investment to Victoria. The latest survey indicates that for the year to June 2005 Victoria attracted \$3.025 billion of capital investment in manufacturing. This compares to \$3.432 billion in the year to June 2003 — a decline of more than \$400 million in the last two years.

In February 2004 the Treasurer announced the establishment of yet another government agency, Invest Victoria, and the appointment of Ben Foskett as chief executive officer. Invest Victoria was to be the lead agency for attracting investment to the state. At the time Invest Victoria was formed, Victoria was attracting 27.9 per cent of Australia's manufacturing investment. Since then every new ABS survey has recorded a decline in Victoria's performance, the latest to just 23.9 per cent. Over the life of this government Victoria has gone from attracting \$1 in every \$3 of Australian manufacturing investment to less than \$1 in every \$4, a trend that has accelerated under Invest Victoria. Yesterday I examined the Invest Victoria web site, which is supposed to be a key source of information for potential investors. I was alarmed to discover that the web site contains fundamental errors about the taxation environment in Victoria. It is clear that Invest Victoria has not worked.

Peninsula Special Development School: refurbishment

Hon. J. G. HILTON (Western Port) — Last week I was very pleased to represent the Minister for Education and Training in the other place at the official opening of the refurbished Peninsula Special Development School. The refurbishment program included eight classrooms, a library, technology centre, multipurpose hall, administration building and paramedical facilities.

The total project cost was \$3.35 million; the state government contributed \$2.35 million; the federal government, \$800 000; and the school community, \$190 000. I believe the local community's contribution was tremendous, being 25 per cent of the federal government's contribution.

The special development school looks after the education and social development of approximately 70 children who have special needs. I believe we can be defined as a society by how we look after the least advantaged in our society. I compliment Karen Dauncey, the principal, and all her teachers who are so committed and dedicated, for helping and supporting the young people in their care. The Peninsula Special Development School is very special.

While the refurbished facilities I officially opened are important, those facilities are just bricks and mortar. What is of greater importance is the human teaching infrastructure which is absolutely vital in ensuring that these very special young people are able to reach their full potential.

Lloyd and Vera Saltmarsh

Hon. D. McL. DAVIS (East Yarra) — My contribution today relates to two great Australians, Lloyd and Vera Saltmarsh, people who were well known to me, and indeed to the Honourable Richard Dalla-Riva, as longstanding branch members in our area and remarkable contributors to the Victorian community. In the last two months both Lloyd and Vera have died, and their invaluable contribution will be greatly missed.

Lloyd and Vera were involved with the University of the Third Age (U3A) movement at a very early stage and contributed to that movement in Victoria to an extraordinary extent. The contribution they made to the U3A in the city was remarkable. They had been involved since its inception and they participated almost every week. Their involvement in their church community was also remarkable, and they will be greatly missed at their local church and by the local community more broadly. I know they will be missed by many of their U3A compatriots.

Lloyd and Vera were especially helpful to me at the time of planning for the positive ageing inquiry conducted by the Family and Community Development Committee of this Parliament. I pay tribute to them both and note that they will be sorely missed by many people.

Oxfam: Make Poverty History campaign

Ms ROMANES (Melbourne) — This coming Saturday, 10 September, people around the world who want to see the eradication of poverty will be wearing their 'Make poverty history' white wristbands, and I ask every member of the Victorian Parliament to join me and other MPs in wearing a wristband supplied by

Oxfam Australia between today and 10 September. I ask members to do this as a statement of commitment to fairer trade, further debt relief and better quality aid for the 1.2 billion people — 20 per cent of the world's population — who live on less than \$1 a day.

Urge your local constituents to join you in helping to persuade the United Nations and the Australian government to start acting to end poverty by implementing the Millennium Development Goals. Like the global movement Jubilee 2000, which lobbied for and achieved billions in debt relief for poor countries earlier this year, it needs a groundswell of global citizens to make poverty history.

Recycling: Towong shire

Hon. W. R. BAXTER (North Eastern) — Today I want to express my deep concern about the unwarranted attack made by the Honourable Robert Mitchell on my constituents in the shire of Towong. Mr Mitchell alleged that the ratepayers in that municipality were not pulling their weight in meeting recycling targets.

If Mr Mitchell understood the topography of the shire of Towong and had actually visited it on a couple of occasions he would surely realise that it is a very sparsely populated municipality with many residents living in long, deep valleys where it is not economic to send a recycling service. Mr Mitchell has clearly misused or misunderstood the statistics, because I am quite sure that if he had examined the recycling rates in the urban areas of the shire of Towong, in Corryong and Tallangatta in particular, he would have noticed that the citizens of the area are meeting recycling targets to the same degree as citizens elsewhere in the state.

It is very unbecoming of a member of Parliament to go outside his area and issue a statement criticising residents who are playing their part in their community in a proper manner.

Uncle Jack Kennedy

Mr GAVIN JENNINGS (Minister for Aboriginal Affairs) — I am taking the rare opportunity of making a 90-second statement to mark the passing of a wonderful leader in the Aboriginal community, Uncle Jack Kennedy, who passed away this week at the age of 86. At the time of his death he was believed to be the oldest Aboriginal male living in the state of Victoria.

Jack Kennedy, a Wotjobaluk man, who was born on the Wimmera River near Ebenezer Mission just outside of Dimboola, was a wonderful leader of his community

and will leave an outstanding set of memories for his family, his community and the Australian public about a great dedication to improving the quality of life for Aboriginal people, in particular the Wotjobaluk people. As leader of the Wotjobaluk native title claimant group he played a significant role in developing an agreement with the Bracks government, and I am very sorry that he did not see the culmination of that claim in the federal court — but that was only a matter of time.

We in the Victorian Parliament all say today that it is only a matter of time, Jack, before your great work is recognised in the satisfaction of that native title claim. I spent some time in your company at Ebenezer Mission during the last year, and I said to you then that that will come much sooner than Collingwood's next Grand Final victory — although I know both of those are very near and dear to your heart. When both those aspects are achieved, they can be marked 'In honour of Jack Kennedy'.

Economy: performance

Mr SOMYUREK (Eumemmerring) — I rise to comment on the state's continued strong financial performance. The latest Australian Bureau of Statistics (ABS) national accounts show the Victorian economy is powering ahead with a strong growth in business investment, building approvals and consumer spending. Victoria's final demand rose by 2.4 per cent in the June quarter — the highest increase in Australia. Over the year the growth was 4.85 per cent — again, the highest increase in Australia and well above the 4.3 per cent of last year.

The state's final demand data released yesterday showed other recent positive economic news for Victoria including record high building approvals at \$4.5 billion over the last three months — more than \$1 billion higher than in New South Wales. This in part was due to the state government's first home owners grant. Indeed yesterday's ABS figures showed record first home owner grants. There were also record high business investments, with trend business investments at 16.5 per cent higher over the year, above the national rate of 15.35 per cent. This has come on top of recent significant investment in Victoria — —

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

Pembroke Secondary College: students

Hon. C. D. HIRSH (Silvan) — Last week I, with other outer east region members of Parliament, visited Pembroke Secondary College at the request of a group

of year 10 students who were organising a program for the year 7 students as part of their study of civics. It was a great morning. The year 7 students were very interested in what we had to say and the year 10s did a wonderful job in organising this function.

Pembroke has a range of campuses but this one is for years 7 to 10. The years 11 and 12 are on a separate campus, do not wear uniforms and have a much more adult environment. Year 10s, being the senior group at the college, have to take a great deal of responsibility. It appears that compared to the normal year 10 student who often lacks a degree of maturity, the Pembroke year 10s who organised the information function for the year 7s show an extraordinary amount of maturity and understanding. I think the concept of the separate senior campus is probably good for those younger students. It was a great day, and I congratulate the school and year 10 students.

Solidarity: Polish community display

Hon. S. M. NGUYEN (Melbourne West) — I would like to congratulate the Polish Community Council of Australia and New Zealand for the exhibition in Queen's Hall at Parliament House this week. I was delighted to attend its opening on Monday. The exhibition is about the Solidarity movement because 25 years ago the Polish community in Australia as well as Poles in Poland made important changes to the reign of communism in Poland. They stood up and fought for the workers' rights and for the independence of the trade union movement in Poland. They raised their voices and fought for better wages and conditions.

The unions belonged to the Communist Party, and they strove for their independence. That led to the fall of communism in Poland, and it helped to finish communism in the Soviet Union bloc, with the dismantling of the Berlin Wall. That was great news for the world. This lesson could help many countries still under communist control. They can learn this lesson so they can stand up for their beliefs and gain independence for their countries.

Creswick: Celebrating Women exhibition

Ms HADDEN (Ballarat) — I had the very great honour and privilege of attending the official opening of an exhibition celebrating women at the Creswick district hospital auxiliary's major fundraiser last Friday evening in Creswick. It was a wonderful event and a very innovative exhibition entitled Celebrating Women. It was held in the historic Creswick town hall and was an exhibition of designer brassieres. It was inspired by Creswick boutique wedding dress designer and maker,

Jo Maxwell, a local Creswickian, and all proceeds from the exhibition are going to the Creswick hospital auxiliary. This event is the auxiliary's major fundraiser, and the proceeds will be used to provide very necessary furnishings and equipment to better provide for the comfort and wellbeing of the patients and nursing home residents at Creswick district hospital.

The exhibition comprises a collection of very fine design and creative work from many of Jo Maxwell's professional designer friends and colleagues from the Embroiders Guild and patchwork and textile artistry groups around Victoria. The exhibition ends this Sunday, and I would urge anyone and everyone to further attend. They have had hundreds through the exhibition already. I want to congratulate the president of the Creswick district hospital auxiliary and its members for a magnificent exhibition celebrating —

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

Alcoa: environmental management award

Ms CARBINES (Geelong) — Last Friday as Parliamentary Secretary for Environment I was delighted to present Alcoa with Waste Wise reaccreditation by EcoRecycle Victoria for its Point Henry, Anglesea and Portland sites. This is a very significant achievement by Alcoa and builds on its excellent record in environmental management as Victoria's first business to be accredited as Waste Wise by EcoRecycle in 1999. Six years of leading the state in waste reduction and the reuse and recycling of materials makes Alcoa a leader amongst Victorian industry. Alcoa has worked closely with EcoRecycle to identify waste reduction and recycling opportunities, and develop waste-reduction action plans at Point Henry, Anglesea and Portland. In this way Alcoa has set a benchmark in waste minimisation and resource efficiency and by doing so has shown that it is also good for business through increased efficiency, productivity and profitability. Importantly Alcoa does not rest on its laurels and continues to be an industry leader across the state. Last year the Point Henry plant was the first local industry in Geelong to sign up with Barwon Water for an audit of water consumption at the smelter. I congratulate the refinery manager, Jenny Purdie; the Portland plant manager, John Osborne; the manager at Anglesea, Phil Cooke; and their whole team for the efforts Alcoa makes in managing its environment sustainably.

STATEMENTS ON REPORTS AND PAPERS

Victoria Police: Terrorism (Community Protection) Act — report 2003–04

Hon. RICHARD DALLA-RIVA (East Yarra) — I rise to make a statement on the Terrorism Community Protection Act 2003 Annual Report 2003–04. This one-page report is made to the Minister for Police and Emergency Services pursuant to section 13 of that act. The range of issues that have been reported to Parliament under the act should ring alarm bells throughout the community. The report is provided in response to the act, so I looked at it to determine what action is being taken to deal with potential terrorism in the state of Victoria. Given that the information provided is essentially nil, there is absolutely no evidence whatsoever of any action being taken.

I say that in the context that I thought the legislation may have been enacted slightly late and therefore things had not got off the ground. In fact the principal act was first introduced by the Premier of this state on 26 February 2003 and it received royal assent on 15 April 2003, which was noted in *Hansard* on 29 April 2003. Essentially the report I am talking about today covers a 12-month period in which there should have been an adequate review of issues relating to terrorism.

The act provides for a range of underlying principles to ensure that covert action can be undertaken in gaining information. That can apply to covert search warrants or telephone applications and the like. I looked at the report and saw the following under item 13.1:

- (a) Number of applications — Nil
Number of warrants issued — Nil
- (b) Number of telephone applications — Nil
- (c) Number of applications that were refused — Nil

And of concern, in my view —

- (d) Number of premises covertly entered — Nil
- (e) Number of occasions on which items were seized — Nil.

Ms Mikakos interjected.

Hon. RICHARD DALLA-RIVA — I take up the interjection by Ms Mikakos, who makes a flippant comment about this issue, and I refer to the matters that are at hand. In early July this year we received reports of the London bombing. I refer to the front page of the *Herald Sun* of 8 July, which states:

London bombed

At least six terrorist blasts ripped through rush-hour central London yesterday. A coordinated attack on rail stations and a double-decker bus left scores injured and many feared dead.

This is not a joking matter, as I point out to Ms Mikakos or any of those in the government who think I am trivialising this issue. I am placing on the record my express concern that we have an act of Parliament to deal with terrorism which enables covert applications to be made by Victoria Police under section 6 where they believe on reasonable grounds that they could get a warrant if 'a terrorist act has been, is being, or is likely to be, committed'. However, the report that was tabled in Parliament this week shows quite clearly that no warrants have been obtained, no applications have been made and no premises have been searched or entered.

Are we saying, in the context of dealing with the issue of terrorism, that everything is okay in this state? Is that what we are saying? This is indicating that Victoria Police has taken no action in relation to issues of terrorism. Had Victoria Police taken action, there would have been at least one covert warrant, but there has been absolutely no action for the 12-month period. That should ring alarm bells, given that we know there have been terrorist attacks around the world and given that we know we are facing the Commonwealth Games next year and that Australia will be out there as a prime target. I find it amazing that we have legislation that was pushed through by this government — by the Premier — and we now quite clearly have a failure in terms of applying that act as it should be applied.

Victoria Police: Terrorism (Community Protection) Act — report 2003–04

Ms MIKAKOS (Jika Jika) — I also take this opportunity to make a brief contribution to the debate on the annual report for 2003–04 of the Victoria Police in relation to the Terrorism (Community Protection) Act 2003 and to focus on the very positive steps being put in place by this government to ensure the safety of all Victorians.

As the word implies, terrorism terrorises ordinary citizens by striking fear into their hearts and minds, and we have been very fortunate to remain free of such an attack in Victoria, yet we must remain prepared for any such incident. Terrorist incidents in other cities, most recently in London in July, have certainly impacted on many Victorians both directly and indirectly, and I take this opportunity to express my sympathy to those families affected by the London bombings. That is why the Bracks government has implemented very strong

measures to enhance our capability to protect our community from a terrorist act and to reassure the Victorian community of our readiness to deal with such an attack.

I will address those briefly. Members will recall that in April 2003 the Terrorism (Community Protection) Bill was debated and passed in this place. Together with the Terrorism (Commonwealth Powers) Bill, which was passed in March 2003, it implemented the government's pre-election commitments outlined in *Labor's Plan for Community Safety*.

The government's response to the increased threat of terrorism has been measured and is balanced between the needs of protecting our community and our civil liberties. A key provision of the Terrorism (Community Protection) Act is that members of Victoria Police have the power to enter and search premises such as a person's home or car without the owner or occupier of the premises knowing that the search is taking place. That power can, of course, be used only for the purpose of preventing or responding to a terrorist act.

Members will recall that the government put in place a number of safeguards to those powers. Police can apply for a covert search warrant only if the application is first approved at the highest level of Victoria Police — that is, by the chief commissioner or a deputy or assistant commissioner. The application then has to be made to a judge of the Supreme Court and the police member who executes the warrant is required to report back to the court on how the warrant was executed. However, while the act gives Victoria Police this additional power, it is, as I said, important that we have a range of safeguards to ensure that the power is not abused. Therefore the Chief Commissioner of Police is required to report to the Minister for Police and Emergency Services in the other place on a range of matters, including the exercise of search warrants and premises searched under such warrants. The tabling of the report in effect constitutes bringing into effect that reporting obligation.

Rather than being concerned that no applications have been made for covert search warrants and no premises have been covertly entered or searched, these results clearly demonstrate that the measures that the Bracks government has implemented in the past few years are having an effect. To suggest, as Mr Dalla-Riva does, that the nil reporting in the report suggests that members of Victoria Police are not doing their jobs properly is scurrilous and an unjustified attack on Victoria Police. His remarks are like those of his federal counterparts. Members of the Liberal Party have constantly wanted to use alarmist rhetoric, creating

anxiety in our community. The attack by Mr Dalla-Riva is completely unwarranted. The government is getting on with the job of giving the police the powers and resources they need to increase community safety.

I reiterate that the Bracks government regards the fight against terrorism as being of the highest priority and that it will act decisively and appropriately to protect all Victorians. In the 2005–06 budget it was announced that the government will spend \$20.2 million on an anti-terrorism package that will include funding for a new state-of-the-art state crisis centre, improved safety at ports and upgrades to security at government buildings. That will be in addition to the \$29.4 million that was announced in the 2004–05 budget for counter terrorism-related surveillance and intelligence equipment and associated security measures. The establishment of the state crisis centre will ensure coordination between police, commonwealth agencies and emergency services in the event of an emergency, whether it is a terrorist attack or a natural disaster. As has been seen recently in New Orleans, that kind of coordination is absolutely imperative. Again I pay my respects to the victims of Hurricane Katrina.

In conclusion, I reiterate that the Bracks government has responded to the threat of a terrorist attack and is doing so in a measured and balanced way, mindful of the civil rights of Victorians.

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

Library Board of Victoria: report 2003–04

Hon. ANDREA COOTE (Monash) — I have pleasure this morning in speaking on the Library Board of Victoria annual report 2003–04. As I have said in this chamber before, the State Library of Victoria is one of the jewels in the cultural crown of Victoria. However, this government is to be condemned for its lack of support for the state library, including a lack of funding for it and a lack of interest in it. The government continues to underfund it. It does not recognise that a far greater amount of money needs to be given to the state library so that additional staff can be put on and additional acquisitions can be made.

For some reason members of the government have been happy to open the various new developments that had been initiated by the Kennett government. They have been there with their bells and whistles, but they have not been there with the real dollars to support the infrastructure that will keep the library's success at the high level it has been at over so many years. We have an excellent and very comprehensive collection at the

State Library and it is imperative that we have a collections policy and the staff to carry it through well into the future, thereby making our State Library once more the jewel in the crown.

During 2005 the services at the State Library of Victoria have been reduced. There is now no evening retrieval of books from the stacks, and the La Trobe Australiana reference desk and key reference collections are closed from late afternoon. I am fearful we will see an increased reduction in services at the library in the years ahead, and it is imperative that it be addressed now. I charge the minister to have a close look at what is happening at the library and to rectify the situation.

I am in constant contact with several of the user groups and many people who are regular users of the library. What concerns me most of all is the newspaper collection. There is a very small increase in the consolidated stock holdings of the newspapers in the State Library, and I would again remind members that this state has been a centre of excellence for newspaper repositories. Victoria has a very wide collection, although not all of the newspapers in the library have been collected continuously from their inception until the current date, and it is important for the people of Victoria to understand the depth and breadth of that collection.

Although the Internet has given us enormous scope for accessing research material, there is nothing quite like going to a physical copy of a newspaper to see the location of articles and the physical format. If one looks at some of the newspapers in the State Library, they go back to the *Shanghai Times* and a whole range of unusual newspapers which reflect the history of the state and the collection policy in the state.

A deaccessioning program is now in place and the State Library's newspapers collection of 20th century interstate and international newspapers in particular will be deaccessioned, which means those newspapers will no longer be held and will be unavailable for the public to readily access. The newspapers are going off to a new location at the University of Ballarat, and we welcome a first-rate, state-of-the-art repository for the papers, because newspapers lose their condition very quickly, particularly those made from pulp paper which disintegrates very quickly. It is essential that we have them properly housed.

The user groups have expressed concern that about 50 per cent of the collection is being moved to Ballarat, and they say that although there have been some attempts to make the papers accessible, it looks as if

they will be out of reach for in excess of eight months while this move takes place. That is unacceptable, and I ask the library management to have a close look to see if they can help the users groups access this valuable collection while it is in transition to its new site. I am told that the library has already begun to pack up 50 per cent of its collection for transport to Ballarat. I ask the library to make certain that users have better access.

Economic Development Committee: economic contribution of Victoria's culturally diverse population

Hon. B. W. BISHOP (North Western) — I bring to the attention of the house some of the recommendations contained in the Economic Development Committee's report on the economic contribution of Victoria's culturally diverse population. This is an excellent report. It certainly covers a wide range of areas, including education, social activities and housing.

Today I wish to concentrate my remarks on housing, and I want to concentrate on a particular area, and that is Robinvale. I note that whilst the committee travelled quite widely after its hearings in Melbourne — it travelled to Swan Hill, Shepparton, Milawa, the Latrobe Valley and Canberra — it was not able to get to Robinvale. That is a pity, because Robinvale is what I would call an absolutely classical multicultural town. However, it has some difficulties with housing. It is as well explained as I could do it in the local paper, the *Robinvale Sentinel*, of 4 August this year. Under the headline 'Buck passing prolongs decisions on housing' it says:

The issue of housing crisis in Robinvale has no end in sight as developers, government agencies and politicians ride the endless merry-go-round of indecision.

Obviously when I saw the word 'politicians' I took some interest, because I have done quite a lot of work in relation to housing in Robinvale. In some conversations I had with Cr John Katis, a very hardworking councillor in the Robinvale area, he was quite annoyed. He advised me that Loddon Valley Housing had told him it did not believe any houses would be built in Robinvale for 18 months to 2 years. The concern was that there was no serviceable or affordable land available. I would question that, and I am sure Cr Katis and the Robinvale community would be able to help solve that difficulty.

I turn to the recommendations in this report. A really good one is recommendation 4.4. It is:

In partnership with local government, the Victorian government examine the provision of housing across regional

Victoria to ensure that strategies are developed which will allow those communities to take full advantage of current and anticipated economic investment.

The government supported that recommendation in its response, which states:

The government recognises that housing choice is a key regional development issue and is working to address the issue.

...

The regional migration incentive fund (refer to response to recommendation 3.3) also encourages the 11 selected regions to consider and address the housing needs of skilled migrants attracted to their regions.

That sounds good. When I read recommendation 3.3 I noted this paragraph in the government's response:

A \$3 million regional migration incentive fund to provide support to targeted regional areas to develop and implement local strategies to attract, receive and retain skilled and business migrants —

and it goes on. I rang the Premier's office about this, because obviously there is a great need for that in Robinvale. I spoke to a nice young man who said he would give me some information on the regional migration incentive fund. This was some time ago, but he has not been able to get back to me. I would like to know which the 11 regions are, and if Robinvale is not in that mix, how we can get it in there, because I would like to be very positive about the township of Robinvale. It is a great place. Its irrigated agriculture is expanding quickly, a bridge is being built across the Murray at this time and there is a huge amount of seasonal work that operates year round. We have many migrants coming in there, but we are short of housing and that is holding people back and stifling growth in the Robinvale area.

I appeal to the government to have a decent look at the recommendations in this particularly good report, especially with reference to the \$3 million regional migration incentive fund, to ensure we get the full potential out of the Robinvale township and surrounding area by providing adequate housing, which many of us have battled over many years to achieve. I urge the government to pick up those recommendations and act as quickly as possible.

Commissioner for environmental sustainability: framework for state of environment reporting

Hon. J. G. HILTON (Western Port) — Today I would like to make a brief comment on the August 2005 report of the commissioner for environmental

sustainability on the framework for state of environment reporting. In May 2003 I spoke on the Commissioner for Environmental Sustainability Bill, and in that contribution to the debate I noted that we all have a responsibility for the environment. We are merely custodians rather than the owners of the environment, and we neglect it at our peril.

The role of the commissioner for environmental sustainability is an indication that the Bracks government takes the environment seriously. This document is a framework for telling the public through the state of environment report what the commissioner considers to be useful and relevant information on the condition of the environment and the pressures acting upon it.

There are seven key objectives that the state of environment report seeks to achieve. These are:

To provide access to scientifically credible, robust, timely and relevant information on the current environmental conditions and trends in Victoria;

To identify driving forces and direct pressures influencing environmental change in Victoria;

To identify the likely implications of environmental trends;

To evaluate the effectiveness of current management responses to environmental issues;

To assist decision making in policy development, environmental management and resource use;

To raise public awareness and understanding of environmental issues in order to improve the way we use, manage and value the environment; and

To make recommendations on specific actions and future directions required to advance Victoria's progress towards environmental sustainability.

That is obviously a very broad agenda for the commissioner's state of environment reporting. The document to which I am speaking today sets out how he intends to approach that task.

Part 4 of this framework will identify the current conditions and trends in the natural environment. This will be done on a number of themes. They will be: atmosphere, land, biodiversity, water — which is divided into inland waters, coasts, estuaries and the sea. For example, the theme 'land' will be examined for reporting under a number of headings. These will include sustainable land and water management, land use and land use change, soil condition — erosion, nutrients, salinity, acidification and soil biota — agricultural pests, waste and contamination, impacts of climate change and reduced rainfall, education and awareness, and heritage issues. The framework for the

state of environment reporting is a very useful and interesting approach, and I look forward to reading further reports from the commissioner.

I would like to quote from the foreword of this document, which sets out the approach which Dr Ian McPhail, the commissioner, will take. He says:

The first important statutory requirement in the preparation of the state of the environment report for Victoria is the development of a framework for approval by the Minister for Environment. To develop this framework, I have consulted with the public and with the key stakeholders, including government, industry, business and non-government organisations. The feedback I received was extremely helpful and has assisted in shaping the scope of the report.

The first state of the environment report will be available, I believe, in 2010. I am certainly looking forward to reading what the commissioner says. I believe he is taking a very useful approach. It is obviously a very complex process to summarise the state of the environment. He notes in his framework document that progress reports will be released regularly ahead of the date of the main state of the environment report, which is 2008.

The report will be tabled in Parliament and will also go to the minister, and the minister will have to respond to the commissioner's recommendations.

As I said at the beginning, I believe this is a very useful and interesting approach to reporting on our environment, and I wish the commissioner and his staff every success.

Human Services: report 2003–04

Hon. D. McL. DAVIS (East Yarra) — I wish to comment on the annual report of the Department of Human Services, and in particular the acute health output group mentioned in that report.

The Department of Human Services, as we know, is responsible for running our major public hospitals, both in country and metropolitan Victoria, but the point I want to make today concerns issues surrounding quality and safety in our major public hospitals.

The state government, through the Department of Human Services, has a responsibility to ensure that quality and safety are of the highest standard possible. I would contend to the house today that there is much more to be done in this area. We know that last year — indeed, in July last year — the health minister admitted that there should be a review of patient care in hospitals, and she had given the information that there were an estimated 4000 deaths of surgical patients in

Victoria. I hasten to add that not all of those deaths fall into the preventable, avoidable or adverse event categories, but that figure by any measure was concerning.

I note that the state government has a review of sentinel and adverse events. That is an important document and an important program. But much more needs to be done there. The 2003–04 program listed 85 reported events; 14 of those involved the wrong patient or the wrong part of the body; 1 involved a suicide in an inpatient unit; 8 cases relating to retained instruments or other material after surgery, requiring reoperation or a further surgical procedure, were reported. There were 4 cases involving medication error leading to the death of the patient reasonably believed to be due to the incorrect administration of the drugs. There were 2 cases of maternal death or serious morbidity associated with labour or delivery, and there were 55 other events listed. We know that this list in the sentinel and adverse events program is the tip of the iceberg. We know that there are many more — —

Mr Viney — What is the difference between this and when you were in government?

Hon. D. McL. DAVIS — What I am saying is that a great deal needs to be done. I am acknowledging that the state government — —

The ACTING PRESIDENT (Mr Smith) — Order! Mr Davis will address the Chair, and Mr Viney is not helping the debate.

Hon. D. McL. DAVIS — Acting President, I am giving them the credit for having a program, but I am saying a great deal more needs to be done. I suspect that Mr Viney and others on his side of the house do not disagree with me. I suspect he agrees in his quieter moments and that Mr Viney thinks more work needs to be done there. It is not as though there is not a lot of evidence that more work needs to be done.

In August 2001 the Iatrogenic Injury in Australia Report, prepared for the commonwealth Department of Health and Aged Care, concluded:

Health care is a risky business. Simply being a patient in an acute care hospital in Australia carries on average a 40-fold greater risk of dying from the care process than being in traffic, and a 400-fold greater risk than working in the chemical industry.

It went on:

Iatrogenic injury is costly; at least 10 per cent of admissions to acute care hospitals in Australia are associated with a potentially preventable adverse event.

Importantly, it concluded:

... as much as half of this burden to society may be removed within 5 to 10 years if the necessary investments are made in a systematic approach to this problem.

I commend that recommendation and that point. I believe much more can be done. I do not believe enough has been done in the recent period.

I was very happy to speak recently to the important Perioperative Nurses Group conference at Telstra Dome and pay tribute to some of the work that perioperative nurses are doing. I make the point that the work that needs to be done here needs to be led by government, and indeed led by government more strongly than the current government is doing. But it does need to involve professionals of all types in this process — not in a combative way, but in a constructive and positive way that leads to better outcomes and better approaches.

We know from a series of studies and examinations that much more can be done in terms of education and training and the implementation of systematic approaches in hospitals — in health care generally, but in surgery in particular. We know that where proper, more efficient and effective programs have been introduced in some of our public hospitals, the results have been very promising.

We need to do that work as a community. I do not believe the Bracks government has gone far enough in this regard. There is a series of wake-up calls nationally in terms of surgical and hospital standards — the Patel inquiry in Queensland being the most notable — but I ask the government to keep its focus — —

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

Education and Training Committee: pre-service teacher training

Ms ROMANES (Melbourne) — I rise to take note of the government's response to the Education and Training Committee's report on the suitability of pre-service teacher training in Victoria. In June 2003 the committee received terms of reference to inquire into, consider and report on the suitability of current pre-service teacher training and to make recommendation on specific requirements for pre-service teacher training courses. In its response the government supports nearly every one of the committee's recommendations. Those that it has not supported fully it supports in principle and makes the commitment to investigate further. The government

makes the point in its written response to the committee's report that the Victorian Department of Education and Training has been leading the way in the development of strategies and initiatives to improve the quality and standards of teacher education and the supply of teachers in Victoria.

Mr Viney — Making this a better place to raise a family.

Ms ROMANES — And making Victoria a better place to raise a family and educate the children of families in this state. Two early initiatives were the 2001 teaching scholarships to attract the best and brightest teacher graduates to employment in government schools, and the graduate recruitment program to provide employment opportunities to high quality graduates. Both of those were targeted at hard-to-staff curriculum and geographical areas across Victoria. Those initiatives were followed in 2004 by a number of others which were announced by the Minister for Education Services and which have been progressively implemented. They are the career change program, under which schools can employ an experienced professional, such as an engineer, information technology professional or tradesperson as a trainee teacher; the student teacher practicum scheme, which provides incentives for student teachers to undertake practicum placement in rural and outer metropolitan schools; rural retraining for staff in subject areas where there is difficulty in recruitment; refresher training for teachers returning to the work force; and a closer role with university education faculties around issues on pre-service teacher education course quality.

The government in its response also highlights the importance of national collaboration through the role of the Ministerial Council on Education, Employment, Training and Youth Affairs, and the emerging role of the National Institute for Quality Teaching and School Leadership. Both of those national bodies are undertaking research and other projects at the national level to align standards and activities across the nation, to contribute to informed decision making in this area and to work together to devise effective strategies. An important point the government makes in its response is that, as we all know, higher education, including pre-service teacher education, is a commonwealth responsibility. A lot of the needs that are highlighted in the committee's report point to the need for additional funding to implement many of its recommendations. That responsibility for education and training clearly resides with the commonwealth government, and the committee's report highlights the need for greater resources. As we all know in this place, the federal government has fallen far short of the mark in its

support for education and training across the nation and has an inadequate record in this area.

The recommendations in the committee's report have a ready vehicle for taking them further in the Victorian Institute of Teaching. The institute's Future Teachers project, which commenced in February 2004, is to review accreditation standards, guidance and processes in this area of teacher education and will incorporate many of the recommendations of this committee.

Education and Training Committee: pre-service teacher training

Hon. P. R. HALL (Gippsland) — I welcome the opportunity to speak to the government's response to the Education and Training Committee's report on the suitability of pre-service teacher training in Victoria. My first observation on looking at the government's response was to think that it must have been a pretty good report because the government has supported every recommendation in principle, and will give those recommendations further consideration. I cannot think of an example in the past of a parliamentary committee report where the government has actually said that it supported in principle every recommendation. For the benefit of people like my colleague the Honourable Helen Buckingham and the others who served on that committee with me, I think we must have worked hard and done a pretty good job.

First of all, the committee was asked to investigate, inquire into, consider and report on the suitability of current pre-service teacher training in Victoria. The terms of reference listed a number of issues within that broad framework into which the committee was required to investigate. That was not an easy task by any means, because when I think about what makes a good teacher, I ponder whether it is the person's own natural abilities or the training they are provided with. Are you born to be a teacher or can you be trained to be a teacher?

Ms Carbines — Both.

Hon. P. R. HALL — Ms Carbines suggests by way of interjection it is both. That is right. I think it is partly both — people need to have a natural inclination to be an educator, but they also need good training. An important consideration in training is subject content knowledge. If you are going to be a teacher, you need to know what you are talking about. Teachers need to know how to impart knowledge to others and how to relate to others. In part that can be taught. It is also very much an innate ability, but it takes a lot of practice. Nothing good ever comes about without a lot of

practice, and the same applies to teaching. Good role models are also needed so that trainees can see how others exercise their professional skill. That is very helpful as part of the whole training concept. The committee made recommendations in each of those areas.

As Ms Romanes has just said, the Victorian Institute of Teaching plays an important role now in terms of the recommendations made by this committee because that institute is a body that accredits teacher training courses. As a matter of logic, many of the recommendations contained in the committee's report were directed to actions to be undertaken by the Victorian Institute of Teaching (VIT).

I wish to comment on a couple of the recommendations in the government's response. The committee's recommendation 2.1 states:

That the Victorian Institute of Teaching substantially upgrade its accreditation standards to reflect world's best practice and that these standards be reviewed following stakeholder consultation every five years.

The government has supported that recommendation and in its reply outlined the fact that:

The Victorian Institute of Teaching commenced the Future Teachers project in February 2004 to review and upgrade its accreditation standards —

and a number of other matters related to the accreditation of teacher training courses. The recommendations made by the committee in the report will be of great assistance to the VIT in the Future Teachers project it is currently undertaking. The government's response also says that the:

... draft standards, guidelines and processes for the future accreditation of all Victorian pre-service teacher education courses will be released for stakeholder consultation later in 2005 —

and hopefully it will be implemented in early 2006. That is a tight time frame, but it will be interesting to look at the draft proposals by VIT later this year to see how well they will be implemented in time for 2006.

The report has almost 40 recommendations, and I do not have time to go through many of them, but flexible design and delivery of teacher education was a topic of great interest for many who made submissions rather than if we are going to accommodate people from other professions, such as mature-age students, in which case we need to be more flexible in the way teacher education training courses are delivered — for example, the possibility of weekend and out-of-hours delivery of some of those courses.

There is the issue of practicum. As I said, practice is important for teachers in their training. That was also a hotly debated subject during the course of the inquiry. The government has supported the committee's recommendations in that particular area, and once again VIT will look at those in its Future Teachers project, as I mentioned earlier. It is a good report, and I am pleased that the government's response has been one of wholehearted support as well.

Primary Industries: report 2003–04

Hon. PHILIP DAVIS (Gippsland) — I wish to comment on that part of the annual report of the Department of Primary Industries 2003–04, entitled *Growing Victoria's Future*. The report obviously talks about the achievements of the department in respect of agriculture and the development and provision of services to facilitate agricultural productivity. References are made to farm productivity, changing technology, and importantly to market access and development. It also talks about the Naturally Victorian initiative.

What I specifically want to focus on today is the issue of domestic sales of agricultural produce — that is, food produce. Many members of this house would be familiar with the Fair Dinkum Food campaign which has highlighted the frustration of many in the farming community, not only in Victoria but throughout Australia. In fact that campaign was generated out of Tasmania as a result of decisions made by McDonald's particularly with regard to substitution of imported potatoes.

One of the issues that has come out of the Fair Dinkum Food campaign is the frustration about country-of-origin labelling of foodstuffs. A series of rallies were held over 24 days at locations between Tasmania and Canberra. At the one held on the steps of Parliament House, Melbourne on 18 July many Tasmanians and Victorians from particularly the horticultural industry expressed their frustration about a number of aspects of market access within the supermarket industries in Australia, one specifically being about how produce is labelled.

It was interesting to note the support right across south-eastern Australia visibly demonstrated by the involvement of people like Richard Pratt; Bill Shorten of the Australian Workers Union; Gavin O'Connor, the shadow federal agriculture minister; and of course Peter McGauran, the commonwealth agriculture minister who has been leading the public debate on this issue. He has strongly made the point that there needs to be greater effort made to make disclosure to consumers

and to give them the option to make proper and informed choices on food labelling arrangements.

At the rally on the steps of Parliament House on 18 July — which I attended with people such as the president of the of the Victorian Vegetable Growers Association, Luis Gazzola — the president of the Victorian Farmers Federation, Simon Ramsay, addressed the crowd, as indeed did the Premier of Tasmania, Paul Lennon and, I might say, the Minister for Agriculture in this Parliament.

I make the point that this issue of concern about access to the domestic market for Australian produce is a bipartisan and community-wide issue. The only voice being sounded is one of support for better opportunities for farmers to have market access for their products. My point is simply that labelling is determined by national codes established under the Australia New Zealand Food Authority and that the enforcement of those labelling requirements is a matter for the state jurisdictions. In this case the Department of Human Services in Victoria is the primary agency. It is quite evident that it has been negligent in not ensuring that the required food labelling standards have been implemented and, I understand, only responding to complaints and taking no initiatives to investigate the standards whatever — —

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

Economic Development Committee: economic contribution of Victoria's culturally diverse population

Hon. S. M. NGUYEN (Melbourne West) — I would like to speak on the September 2004 report of the Economic Development Committee's *Economic Contribution of Victoria's Culturally Diverse Population*. The report was chaired by the member for Mitcham in the other place. The comprehensive report is important for the economy of Victoria and recognises the importance of the migrant community which has settled in Victoria.

The report refers to population, multiculturalism and the settlement of new migrants to Australia, especially to Victoria. The population of Victoria consists of people from 234 countries, who speak 182 languages. Victoria has a population of 5 million as of December last year. I remember when I came to Australia 27 years ago that Victoria's population was 3 million.

During its inquiry the committee visited many country towns including Mildura, Swan Hill, Shepparton and

Milawa to see how new migrant communities had settled in country Victoria.

There are many important points I want to make. There is a large African community in Swan Hill and Robinvale, and a lot of Vietnamese have settled in country Victoria. They are working on the farms, and they enjoy living there rather than in Melbourne — there are a lot of jobs in the farming areas.

The committee commented on the need to increase the supply of fruit-pickers in those areas and to encourage backpackers to do seasonal work as fruit-pickers because there is still a shortage of workers. I want to raise my concern about a lot of backpackers who come to Australia who would like to work on a short-term basis to earn money for their keep while living here. We should be more open to attracting those people. Some of the fruit-pickers are seasonal workers from overseas, but only people from certain countries are allowed to work — for example, people from Asia. People who come from Korea, Japan or Taiwan can work as fruit-pickers but people from other countries are not allowed to. This policy should be more open, so that everyone who comes to Australia as a backpacker is able to work. They will then be able to spend money while they are in Australia, particularly in Victoria.

The government's program providing 510 hours of English language instruction should also be more open so that people can receive more training in English, and we need to attract more skilled and trained overseas doctors to this country. We should not be wasting the skills of people who come to Australia, and we should be looking at how to attract more skilled migrants — —

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

Commissioner for environmental sustainability: framework for state of environment reporting

Ms CARBINES (Geelong) — I am pleased to speak this morning for a brief time on the report of the commissioner for environmental sustainability on the framework for state of environment reporting, which was released last month. It is an indication of the Bracks government's commitment to environmental sustainability in our state that we have legislated to set up the role of the commissioner for environmental sustainability. Working on the same floor at the Department of Sustainability and Environment as the commissioner, Dr Ian McPhail, I know that he takes his responsibilities very seriously, and I look forward to his

work in the coming years on critically assessing the state of the environment in Victoria.

I enjoyed reading Dr McPhail's foreword to the framework, which appears on page iii of his report. He said:

Improving our knowledge and understanding of the natural environment is the first step to achieving environmental sustainability. State of environment reporting provides a significant opportunity to enhance our knowledge and understanding and to inform actions for better management.

Later in the foreword he says:

My vision as commissioner for environmental sustainability is a future where all Victorians are living well within our environment. To advance this goal it is essential to have a timely and in-depth understanding of the environment, which I believe will be assisted through the implementation of this framework for state of environment reporting.

A couple of years ago, in 2003, when the debate on the establishment of the role of the commissioner for environmental sustainability was taking place in this chamber I was very pleased, as the Parliamentary Secretary for Environment, to contribute to the debate, and I looked forward at that time to the contribution the commissioner would make. One of the very first tasks the commissioner had to undertake was to design the framework for state of environment reporting. I know Dr Ian McPhail and his team have been working assiduously to bring this report before us for our assessment. Dr McPhail's appointment in 2003 was an independent statutory appointment, but he reports directly to the Minister for Environment. The framework we are looking at today will form the basis for state of environment reporting in Victoria, the first of which will be received in 2008.

Our creation of the role of the commissioner for environmental sustainability delivers on a key election commitment by the Bracks government, and as I said earlier it builds on our very good reputation for being environmental leaders in our nation. We have dramatically reformed forest policy across our state. This week the Legislative Assembly has been debating legislation creating the Great Otway National Park, and I look forward to that debate coming to this chamber in the near future. The creation of the world's premier system of marine national parks and sanctuaries has placed us at the forefront of marine conservation, not just in Australia but around the world. As testimony to that, Geelong is hosting an international marine congress in October. Congress participants have chosen to come here because Victoria is leading the world in marine conservation.

We have worked extremely hard in this term of our government to reform water provision across the state and to look at how we can better manage that natural resource, sustainably, to ensure that we can all avail ourselves of it — not just today but over the next 50 years. Of course there are many other important initiatives of this government which have placed it at the forefront of environmental conservation around the nation.

The role of commissioner for environmental sustainability is an important one. I do not think Dr Ian McPhail and his role yet have the prominence in this state they will eventually have, but I know he and his role will come to be regarded in the same way as the Ombudsman and the Auditor-General are regarded. We look forward to his reports as he deliberates on the state of the environment in Victoria, and I wish him well in his endeavours.

LAND (MISCELLANEOUS MATTERS) BILL

Second reading

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

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

That the bill be now read a second time.

Incorporated speech as follows:

This bill will provide for the change in land status of Crown land at Ballarat and East Melbourne.

Sovereign Hill at Ballarat

The bill will enable the addition of approximately 6360 square metres of Crown land to the Sovereign Hill tourist reserve at Ballarat.

Sovereign Hill, which is located on Crown land, is one of Victoria's major award-winning tourist attractions, providing visitors to the site with an authentic re-creation of life on the Victorian goldfields during the 1850s.

The Sovereign Hill Museums Association is responsible for the management of this unique area under a lease arrangement issued under the Ballarat (Sovereign Hill) Land Act 1970.

The City of Ballarat and the association identified two government roads, being part of Robertson Street and Wainwright Street, that abut the reserve that would complement and consolidate the boundaries of Sovereign Hill.

The council subsequently discontinued the roads under the provisions of the Local Government Act 1989, and both the council and the association have sought their addition to the reserve and the lease area occupied by the association.

The Bracks government is pleased to be able to introduce legislation that will further enhance the Sovereign Hill reservation.

Anglicare site

The bill will amend the land status of Crown land at East Melbourne that is currently vested by restricted Crown grant in Anglicare Victoria by revoking the permanent reservation of the land and the Crown grant.

The status of this land has been amended on a number of occasions since it was first reserved back in 1865 for purposes such as 'a site for a servants training asylum', 'a place of accommodation for girls undergoing any domestic or technical training' and in more recent times for welfare purposes.

Anglicare Victoria is one of the state's largest providers of care and support to children, young people and families in crisis. Its range of programs include foster care, food and material aid, care for children with disabilities, family and financial counselling, assistance for victims of child abuse and neglect, parenting advice and support, residential and crisis accommodation for young people and parish partnerships.

Prior to 1999 Anglicare's Berry Street property was used to facilitate its intensive support program for young women and their children who have been sexually or physically assaulted.

Since 2000 the Berry Street property has been let to Bayside Health as a facility for extended care for people living with HIV/AIDS and underlying illnesses such as mental health issues, drug and alcohol dependency or physical disabilities. Respite is also offered, which at times may include women who are HIV positive and their children.

Anglicare Victoria has agreed to surrender to the Crown its interest in the restricted Crown grant comprising approximately 1871 square metres to enable approximately 40 per cent of the land to be sold at public auction. Anglicare Victoria will receive an unconditional Crown grant for the balance of the site that it currently leases to Bayside Health.

The bill will preserve the existing lease between Anglicare Victoria and Bayside Health.

Berry Street child-care centre

The bill will also amend the land status of Crown land that is permanently reserved as a 'site for infant asylum' and also subject to a restricted Crown grant issued in the name of Berry Street Incorporated as the registered trustees.

Berry Street Incorporated trading as Berry Street Victoria has for nearly 130 years played a vital role in providing programs that support and protect children and young people who have suffered severe abuse and/or neglect. At any one time, Berry Street Victoria is directly caring for approximately 700 of the most disadvantaged and vulnerable children and young people in Victoria, as well as providing a range of other services to families, counselling, family violence, education and employment programs.

Berry Street Victoria's existing site at East Melbourne provides support for this extensive range of programs — human resources functions, training, information management and IT support, program support and financial management.

The passing of this legislation will enable Berry Street Victoria to strengthen its capacity to provide high-quality services to Victoria's most vulnerable children, young people and families.

The Crown land at East Melbourne which is subject to the restricted Crown grant issued in Berry Street Victoria is used part by Berry Street Victoria and part by the East Melbourne child-care centre.

Berry Street Victoria has agreed to surrender its interests in the entire site comprising approximately 1479 square metres to enable approximately 979 square metres to be temporarily reserved under the Crown Land (Reserves) Act 1978 for public purposes (child care). An unrestricted Crown grant for the balance of the site being 609 square metres will be issued to Berry Street Victoria.

I commend the bill to the house.

Debate adjourned for Hon. D. McL. DAVIS (East Yarra) on motion of Hon. Andrea Coote.

Debate adjourned until next day.

PIPELINES BILL

Second reading

Ordered that second-reading speech be incorporated on motion of Hon. T. C. THEOPHANOUS (Minister for Resources).

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

That the bill be now read a second time.

Incorporated speech as follows:

I am pleased today to make good on the government's commitment to update the 1967 Pipelines Act, and in doing so deliver real triple-bottom-line benefits for Victoria.

The bill delivers on the government's commitment to review the 1967 Pipelines Act announced in the June 2000 ministerial statement on minerals and petroleum. It also implements a number of recommendations from the national competition policy review of the 1967 Pipelines Act.

The Pipelines Bill represents a substantial rewrite of the outdated and inefficient 1967 Pipelines Act and follows an extensive public consultation process that began with the public release of an issues paper in 2002, a proposal paper in 2003 and most recently an exposure draft in May of this year. The bill reflects current best practice by pipeline companies and current community expectations for establishing and operating pipelines.

The importance of major pipeline infrastructure to Victoria should not be underestimated. More than \$1 billion has been invested in gas pipeline infrastructure in Victoria in the last five years. Gas pipeline infrastructure is particularly important as it underpins our ability to access clean, secure energy sources for years to come. For example, the SEA Gas pipeline was completed just in time to supply emergency gas from Victoria to South Australia following the Moomba gas plant fire in January 2004. Gas was also supplied from Victoria through the Eastern gas pipeline to Sydney. If this infrastructure had existed in 1998, when the tragic Longford gas plant accident occurred, Victoria would not have lost its gas supply for two weeks at a cost of hundreds of millions of dollars.

This bill is another example of the government's commitment to sustainable development for Victoria embodied in the *Growing Victoria Together* statement. This is reinforced by the sustainability principles in the bill that will guide implementation of this legislation.

The bill delivers greater certainty and efficiency to pipeline proponents so that they can access finance and minimise costs. The bill provides for one integrated licence authorising construction and indefinite operation of a pipeline. The bill also introduces clear time lines for a number of key decision-making processes, including time limits on 'good faith' negotiation between pipeline developers and land-holders.

The bill ensures a fair and open process for consultation and negotiation between pipeline proponents and land-holders that maximises opportunities and incentives for negotiated agreed outcomes. The bill enshrines early and ongoing consultation between parties and improved information on pipeline developments.

The bill promotes an approach of identifying and minimising potential environmental and safety risks throughout the lifecycle of a pipeline — from route selection, detailed design, construction and commissioning to decommissioning.

In determining the best route, pipeline proposals will continue to be subject to the Environment Effects Act 1978, and for the first time, pipelines will be banned from wilderness and reference areas which have the highest conservation values.

Pipeline proponents will have to prepare and have approved rigorous safety and environment management plans. Safety and environmental performance during the construction and operation of a pipeline will be enforced by Victoria's new independent safety regulator, Energy Safe Victoria. Compliance with workplace occupational health and safety requirements will continue to be managed by the Victorian WorkCover Authority.

The bill will also require proper rehabilitation of affected land, which will minimise any environmental impacts and allow most land uses, such as farming, to continue.

Finally, the bill is underpinned by a modern enforcement regime including a graduated range of offences and penalties. In this way, regulators can encourage improved performance, deter poor performance and ensure companies do not obtain a commercial advantage through failing to meet safety and environmental requirements.

I now turn to a brief outline of the bill itself.

Part 1 of the bill sets out the purpose, objectives and principles of the act and provides for its commencement.

It makes clear that the bill aims to facilitate the development of pipelines for the benefit of all Victorians, with an effective, efficient and flexible regulatory framework that establishes sound consultative processes and protects the public from environmental, health and safety risks.

Part 2 describes which pipelines will be subject to the bill.

The bill is primarily aimed at major gas and petroleum pipelines, but provides some flexibility to regulate other potentially hazardous pipelines or exempt particular classes of or individual pipelines. For example, the bill could, in future, regulate pipelines transferring CO₂ for large-scale commercial carbon capture and storage operations.

Part 3 establishes that a person must not construct or operate a pipeline without a licence under this act. This abolishes the dual licence and permit structure of the 1967 Pipelines Act.

Part 4 imposes a number of pre-licence application obligations on proponents, including a requirement to have an approved consultation plan and to issue a notice of the proposed pipeline to all owners and occupiers of land being considered or surveyed for a pipeline.

This aims to ensure that potentially affected land-holders are notified and consulted early in the process, and are provided with comprehensive information. This will include information of activities on land, potential adverse impacts and the avenues available for the negotiation of land access agreements. Details will also be provided to land-holders on the processes to be followed, including for any potential compulsory acquisition of land.

Part 5 sets out the pipeline licence application process to be followed, including notification of affected landowners and occupiers and key government ministers and agencies.

Substantial pipelines projects are likely to be subject to assessment under the Environmental Effects Act 1978, and this part provides for the coordination of pipeline and EES notification and assessment processes.

The bill provides for public submissions on an application, and where a pipeline proposal has not been subject to an EES, for a panel to review such submissions where the proposed pipeline raises significant environmental or social risks.

This part also sets out the matters for the minister to consider in determining an application, including the benefit of the proposed pipeline to the state relative to its potential impacts. Consideration will include economic, social, environmental, safety, and heritage issues, and advice arising from consultation across government and through assessment processes. Inherent in the determination process is a need to weigh local impacts with regional and statewide costs and benefits.

As well as introducing an explicit ban on pipelines in 'wilderness areas' and 'reference areas', the consent of the minister responsible for the National Parks Act 1975 must be obtained before a pipeline will be permitted to cross land managed under that act.

Part 5 provides for broad condition-setting powers including those relating to the protection of safety, environment and

heritage. The minister must also ensure that all land access arrangements are in place, including any native title land, before granting a licence.

Part 5 also provides for a licence to operate indefinitely until the pipeline is decommissioned. It outlines a process for future dealings with a licence, including obtaining amendments to licence conditions, altering the authorised route of a pipeline and transferring, surrendering and cancelling a licence.

Alterations to pipeline routes will not be permitted unless it can be demonstrated that such alteration is necessary and does not substantially affect the rights or interests of other parties. Where a major route alteration is contemplated which would pose significant new environmental or safety risks, a further EES may be required.

Part 6 sets out the process to be followed by a proponent in order to obtain the consent of the minister to compulsorily acquire an easement for the purpose of a pipeline. The process closely follows the well-established process provided for under the Land Acquisition and Compensation Act 1986.

The bill provides incentives for proponents to reach agreements with land-holders on access to land, rehabilitation and compensation. It does this by mandating good-faith consultation and negotiation with land-holders, for a minimum period of six months, before a pipeline proponent can access the compulsory acquisition process.

The minister has been given some discretion to amend this six-month period in certain circumstances to avoid unnecessarily delaying a pipeline project. This discretion is intended to be exercised by the minister in circumstances where owners and occupiers of land consent to a pipeline proponent compulsorily acquiring land, or where a proponent is unable to identify any owner or occupier of land required for a pipeline.

Part 7 provides for the construction phase of a pipeline, ensuring that licensees comply with standards and conditions.

Where a pipeline interfaces with other existing infrastructure, such as roads and railways, the licensee is required to construct the pipeline to the satisfaction of the relevant authority for that infrastructure, reimbursing them for any expenses incurred.

Part 8 regulates the operation of a pipeline in order to ensure it meets best practice safety and environmental requirements.

It prohibits digging near pipelines, building near pipelines and obstructing or interfering with a pipeline without the consent of the licensee.

It also provides a process whereby third parties can access any unused pipeline capacity or share the use of a pipeline easement for other infrastructure, such as another pipeline or electrical apparatus. This is in the state's interest, to ensure efficient use of established infrastructure corridors.

Part 9 establishes clearly the general duty of care a pipeline licensee has to minimise risks and protect safety and the environment. It provides for the preparation and approval of safety management plans and environment management plans before a pipeline can commence construction and operation. These plans are required to address the construction, operation and decommissioning phases of a

pipeline and will be enforced by Energy Safe Victoria. This reflects a flexible, objective-based approach that has been adopted in relation to safety and environmental management generally in Victoria.

Part 10 requires licensees to rehabilitate land following construction and decommissioning and removal of a pipeline.

Government policies, such as Victoria's Native Vegetation Management Framework — A Framework for Action, will be implemented and enforced through licence conditions, environment management plans and rehabilitation obligations.

Licensees must have acceptable rehabilitation bonds prior to constructing a pipeline. This will ensure that the state does not carry rehabilitation liabilities for companies who cannot, for whatever reason, carry out necessary rehabilitation. This part empowers the minister to rehabilitate land and recover the costs where necessary.

Part 10 also outlines entitlements for owners and licensees to negotiate compensation for loss and damage resulting from a pipeline operation, following survey work, construction and operation or emergency access to land. The entitlement to compensation will cover not only physical damage to the land, but any damage or disturbance to any activity being conducted on the land. In the event that the owners and licensees are unable to agree compensation for such loss and damage, a claim for compensation can be determined by the Victorian Civil and Administrative Tribunal under the Land Acquisition and Compensation Act 1986.

Part 11 sets out the enforcement regime for the bill, including the appointment of inspectors, giving them powers to monitor and enforce compliance under the bill using a range of modern enforcement tools such as improvement and prohibition notices.

It also gives the minister important powers to issue directions in emergency situations in order to ensure the protection of the environment or the health and safety of the public.

In the event that improvement notices, prohibition notices and financial penalties fail to ensure satisfactory compliance with the bill, the minister has the power to cancel the licence.

Schedule 1 to the bill sets out the pipelines that are excluded from the bill's operation. These include gas and petroleum pipelines operating below a certain pressure, water, sewerage and drainage pipelines and certain pipelines situated wholly within a residential property, a factory or farm.

Schedule 2 sets out the procedures to be followed by any panel appointed by the minister to consider submissions in response to a licence application.

In conclusion, the bill provides efficient modern processes for dealing with all aspects of pipeline route development, construction, operation and decommissioning. It reflects the government's expectation that pipeline infrastructure be developed and operated to the highest possible standards for safety and environmental protection.

Given pipelines are linear infrastructure which potentially affect a range of landowners and tenures, the bill seeks to foster early and ongoing consultation between all parties, transparent assessment processes and negotiated agreements on access to, use of and compensation for land.

The bill ultimately aims to facilitate ongoing investment in Victoria's important pipeline infrastructure. Demand for clean, secure natural gas across Victoria is growing, and this bill aims to provide clear, certain and efficient processes for pipeline proponents. I look forward to the increasingly sustainable development of Victoria's pipeline infrastructure.

I commend the bill to the house.

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

Debate adjourned until next day.

LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 7 September; motion of Ms BROAD (Minister for Local Government).

Hon. J. A. VOGELS (Western) — It gives me no pleasure to speak on the Local Government (Further Amendment) Bill which has been rushed through Parliament this week so that Glen Eira council can go from being suspended to being sacked.

Firstly, the bill provides for the election of councillors to Glen Eira City Council on 26 November 2005. It is the same day 10 weeks away when 53 other councils in Victoria will also go to the polls. Glen Eira was also going to the polls on 26 November 2005 and all of those councils go into caretaker mode from 30 September, so what has the minister achieved by sacking this council? I suggest that by the time this bill receives royal assent she will have achieved nothing except a further loss of credibility for herself and for local government. In the debate in the lower house a couple of days ago I think 13 councils were mentioned as needing to be sacked. Many Assembly members got up and said, 'Our council is worse than that council', and so on. That has not done local government any good. I warned that the minister this would open a Pandora's box, but she did not listen.

Secondly, the bill provides for the dismissal of Glen Eira council as of 9 August. On that day the Governor in Council formally dismissed the council by suspending the councillors and appointing an administrator. Thirdly, the bill provides for the expiry of the Governor in Council order that suspended councillors and appointed the administrator. Fourthly the bill amends section 219(7) of the Local Government Act 1989 to provide that an order in council to suspend all the councillors of a municipality may expire on a date specified in the order that is less than one year after

the date the order is published. Presently under the Local Government Act councillors are suspended for 12 months and the minister must reinstate the councils after 12 months or call for a general election. There was not enough time to do that in this case as Glen Eira is only about 10 weeks away from an election. That is the reason for that amendment.

As the shadow spokesperson on local government I have visited all 79 councils across Victoria, and many on more than one occasion. I put on record that the overwhelming majority of local councils throughout Victoria are extremely responsible. The individual councils work hard and diligently with the chief executive officer and staff to deliver the best possible services that their revenue allows them to provide. They are not receiving any help from this Bracks government, which has perfected the art of cost shifting a lot of responsibility onto local councils. The Municipal Association of Victoria (MAV) says the figure is up to \$60 million per annum since the election of the Bracks government. Across Victoria we have a few councils that appear to be dysfunctional. I have no doubt that if the minister were willing to send in an administrator she would find behaviour which would make Glen Eira's indiscretions pale into insignificance. These councils are in the minority, but they are Labor councils. All calls for investigation appear to have fallen on deaf ears. We know there is a police investigation into the Brimbank council. There are also the councillors at Banyule and Hume, and the list goes on. The minister is not prepared to send a municipal inspector to look into those councils because they are basically Labor councils.

Local government's role has altered dramatically over time, with an expansion of services along with heightened expectations. On top of core services, such as roads and rubbish removal, councils today have much broader responsibilities, including planning, home and community care services, libraries, sporting facilities, crime prevention, environmental health and the arts just to name a few. Major decisions about the structure and finance of the local government sector tend to be made by other levels of government — that is, state and federal. As in any business, when your decision making and priorities are dictated from outside, and this is especially so in metropolitan councils, politics become involved and rational decisions are not always made.

It is now widely acknowledged throughout the local government sector that the Bracks government has failed to deliver on and meet its responsibilities in its much-vaunted partnership with local government. As I said before, this government has mastered the art of

cost shifting, and that puts pressure on councils, because as they are setting their budgets arguments arise about rate increases et cetera.

Let us have a close look at the report of the investigation into Glen Eira City Council handed down by the inspector of municipal administration, Merv Whelan, whose credentials are impeccable but who, it appears, has not been told the whole truth by some at the Glen Eira City Council. The report clearly shows that there was a breakdown in working relationships characterised by a total absence of goodwill, respect and trust between councillors and officers. There is no doubt that some councillors appear to have breached the council's specific expenses policy, and the council provided telephones for private purposes. Page 49 of Merv Whelan's report, under the heading 'Councillor expenses', states:

The review period of 30 months includes all expenses relating to all 12 councillors who held office during that time —

six for 30 months;

three for 19 months to March 2003;

three for 11 months from March 2003.

The report gives some figures, and anyone who wants to look them up can do so in the report. Page 49 also says:

A comparison of these figures with those of similar metropolitan municipalities shows that the civic expense costs incurred by the Glen Eira City Council were not excessive. This being so, the inspectors confined their attention to a review of councillor telephone costs.

So the civic expenses were basically the same as those of other metropolitan councils. We can then turn to page 51, which goes into councillors' telephone costs. The municipal inspector had a discussion with councillors about their phone use, and I would like to go through the points. Of Cr Grossbard's phone use, the municipal inspector said on page 52 of the report:

His overall council phone account was about equal to the councillor average.

Of Cr Goudge's phone use he said:

It is clear that Cr Goudge's phone usage was very high in comparison to every other councillor. Several other councillors criticised ... his usage.

Of Cr Esakoff's phone use he said:

The records show that her phone costs are moderate, her average monthly account being well below the councillor average.

And of Cr Bury:

No complaints have been made against Cr Bury's use of the council supplied phones and his monthly costs are below the councillor average.

Of Cr Hyams:

Cr Hyams' phone usage is moderate, being well below the average councillor usage.

Cr Marwick:

Cr Marwick's phone costs are marginally above the councillor average.

Cr Sapir:

... her overall average costs for phone usage per month are below average.

Cr Martens:

Her average monthly costs are well below the council average.

Cr Erlich:

Cr Erlich's use is about average in comparison to that of other councillors.

So we actually have one councillor who has abused that telephone provision, and he is mentioned further on in the report.

Mr Whelan concluded on page 58 of the report:

Cr Goudge's mobile phone usage is in breach of the provisions of the council's civic expenses policy. Other councillors have also breached the policy but to a lesser degree.

Each councillor must assess their accounts for council supplied phone, in consultation with the council's internal auditor, with refunds to be made to council where costs incurred exceed those allowed under the policy. (Note Cr Grossbard has completed this process)

I hope the other councillors follow suit and do the same. Some councillors failed to properly ensure that their telephones were not used for private purposes, but if they follow the municipal inspector's recommendation, as I said, I think the ratepayers of Glen Eira will be refunded those expenses.

Let us have another look at one of the other major reasons for Glen Eira council's dismissal — poor governance practices. Obviously these have occurred since 1998 and before 1998, otherwise Dr Greg Walsh would not have been asked to investigate this council seven years ago. I refer to page 13 of the report. If we look at the make-up of the council we see that three councillors have been there since Dr Walsh's

investigation — that is, since 1998. Another three councillors were elected in 2000 — a turnover of a third of the council — and at the 2003 election there was another turnover of a third of the council. So at every council election a third of the council either did not get re-elected or did not stand or whatever. There is a third, a third and a third.

Therefore I find it difficult to accept, as the report says, that the problems are the fault of poor governance and not of management. I find it unbelievable that a council that has a third of its councillors disappear or not be re-elected every three years — there is a turnover of a third — has had problems of conflict between governance and management ever since it was established. There is only one constant: there is a major turnover of councillors, but the management staff have been the same since day one.

As a former councillor and now the opposition spokesperson on local government I believe how the council is governed has a direct bearing on how the council is administered. It would appear to me that the administration of Glen Eira also participated in a divide-and-rule philosophy.

I turn to page 14 of the report, which shows the make-up of Glen Eira. It states:

The city has an area of 38.7 km², a population of about 125 000 and a total annual budgeted revenue of \$86.7 million ...

The council is in a relatively strong financial position. Liabilities are low; cash reserves and working capital are very positive; surplus results on operations are being achieved; and the rating level and expenditure level per assessment are lower than almost all other councils in the LGV inner metropolitan municipalities group.

Basically this council is doing everything right, except governance. Apparently that seems to be a problem. But if you ever saw a reason for a recommendation to do away with councils right across Victoria and have commissioners or whatever, then you would have to say this is a prime example. If Glen Eira is such a good council with a lot of councillors who are hopeless in governance, as it is according to this report, then without that lot of councillors who are hopeless in governance Glen Eira would be the best council in Victoria by a mile. Because the management is so good, it did all this despite having nine councillors sitting around the council table. If you wanted to follow through this report and its recommendations, you would say, 'Let us get rid of all councillors and go back to commissioners'. I am not recommending that, but that follows if you go down that track.

The report talks about lack of confidentiality on page 26. Confidentiality is a matter of prime concern. There should be no breaches of confidentiality from councils. The report says under the heading 'The importance of confidentiality':

A council may close a meeting to members of the public to deal with items such as personnel and contractual issues, legal advice and personal hardship of a resident or ratepayer.

...

It is important to ensure that powers to close meetings to the public and limit the circulation of documents is exercised in the public interest, and not to prevent appropriate public scrutiny ...

You can see that this council's confidentiality was hopeless. I have here the minutes of an ordinary council meeting from 13 December 2004. Ms Susan Richards asked this of the council:

I am pleased to note that in keeping with the recommendation of PricewaterhouseCoopers a government inspector has now been appointed to investigate the council. Will the finding be made public as per the promise made by the then mayor Dorothy Marwick?

That PricewaterhouseCoopers (PwC) report was confidential and it has only been seen by the councillors and probably some of the administration staff, so how did Ms Susan Richards quote directly from this report at a council meeting? Obviously someone had leaked that document to her and God knows who else. That is just one of the examples, but there is a problem with confidentiality.

This next item does concern me, and I do not know how to explain it but I will try. I quote from the bottom of page 68:

On 14 July 2003, he —

that is, Andrew Newton, the chief executive officer (CEO) —

wrote to the then mayor Cr Marwick stating that:

'I am seeking a proper process of performance feedback in which each councillor and the council collectively tell me how he/she/ they consider I have performed against the KRAs.

That means 'key result areas:

In my more than three years as CEO that has never happened.

I have been given an overall percentage score but without any feedback on any individual key result area and without any discussion with councillors either collectively or individually ...

The report further states:

According to Mr Newton, he has not, during his five-year term as a CEO, been involved in any consultation with the councillors to discuss performance at a meeting, or been provided with any feedback.

I return to the quote I read from page 68 of the report, which contains the sentence:

In my more than three years as CEO that has never happened.

The quote ends there, with a full stop, but I have here a memorandum dated 14 July from Andrew Newton, CEO of the council. The memo is addressed to Her Worship the Mayor, Cr Dorothy Marwick, and to Cr Jamie Hyams,. The subject matter shown is ‘Governance relationships’ and the memorandum is the original from which the extract on page 68 of the report was taken. In the memorandum that sentence does not end with the words ‘never happened’ followed by a full stop but with a dash and the following:

... until the current dialogue which you have kindly initiated.’

There is a huge difference between saying ‘No-one has ever spoken to me about my performance appraisals’ and that part of this memo which says ‘until the current dialogue which you have kindly initiated’.

I also have a record of a meeting on 2 July between Andrew Newton and the mayor, Cr Marwick, and Cr Hyams, who were representing the councillors, to discuss exactly what the CEO has said was never discussed. I quote from the notes of the meeting, which state:

Mayor explained that a number of councillors are not happy with the CEO’s performance. She and Jamie are here in a personal way to discuss things and deal with the notification of dispute. There are several points of councillor unhappiness. From now on matters of the CEO’s employment will be dealt with quickly. We will deal with contractual matters including the KRAs and take a more proactive role in council businesses and the CEO’s role. There is a concern amongst the councillors with the relationships between the councillors and the CEO and with his past conduct. Problems include:

vague responses to requests ...

lack of consultation ...

....

lack of honest and open public consultation, e.g. Princes Park;

...

employment practices such as the incorrect placing of the advert for Director of Community Services;

breach of section 74B of the LGA — Kerry acting director for more than 12 months. Andrew mentioned

that the position had been advertised within the 12 months period, so the act was complied with.

I would like to go into that later. Here we have two conflicting reports. We have the report from the investigator, which states — I have no doubt he got this on good authority from the CEO — that no discussions on the KRAs, performance criteria et cetera for the CEO were ever entered into, when the record clearly shows that that is not true. That puts a new spin on the council-CEO issues.

On pages 95 and 96 the report refers to a lack of transparency. At page 96 it addresses the appointment of the director of assets and facilities. The report states:

i. Allegation

‘The CEO has been warned by the chairman of the audit committee (Mr David Gibbs) that keeping Mr Kerry Martin in an acting position as Director of Infrastructure for well over 1.5 years was not in keeping with the LG act and was a risk management issue.

The CEO did not act on the chairman’s advice until pressure by certain councillors was constantly placed to advertise and appoint a permanent director infrastructure’.

Later the report shows basically that the CEO claimed that many times he tried to get the council to appoint a director of infrastructure. On page 97 the report states:

No further progress was made until March 2004 by which time Cr Bury had been elected as mayor.

I have here a memo of 8 December 2003 to the CEO, Andrew Newton. It states:

Dear Andrew,

As discussed at the audit committee meeting of 28 November 2003 there exists a risk to the city in that the position of Director of Infrastructure is still an acting position after a prolonged period of longer than one year.

This brings uncertainty to the city.

With regard to the restructure which you have proposed, at the time this was last discussed with you, the councillors conveyed their mind that the position criteria should include suitable formal engineering qualifications.

Obvious complications may arise if interviews were to be conducted with the position criteria being different from that which was advertised previously.

I am concerned that this situation remains unresolved.

It is signed by Cr Dorothy Marwick, mayor. Once again we have two different stories: the CEO no doubt having advised the inspector that there was no communication, that the councillors were unwilling to fill that position, he could not deal with them and it was not until the next mayor came along with whom he could deal that the

position was filled; and here is a conflicting memorandum. Whose word should members take?

Members of the Liberal Party do not oppose the legislation but we believe that it is politically motivated. Glen Eira would go to the polls on 26 November, regardless of whether the councillors were sacked. With the sacking of the council, the local member for Bentleigh, Rob Hudson, has managed to persuade the administrator to overturn a decision on their voting method made by elected councillors. Good councillors will have their names go down in history as sacked councillors, with everyone being tarred with the same brush.

I find breathtaking the hypocrisy of the minister, who has failed to act when calls have been made to investigate other councillor activities. It is interesting to note how the minister responds when breaches of the Local Government Act occur in other councils. Brimbank City Council is a good example. Over recent years at least five government members — the members for Keilor, Footscray, Sunshine, Kororoit and the Minister for Sport and Recreation, Justin Madden — not to mention residents and ratepayers of Brimbank, have all called on the minister to investigate the council.

As the shadow spokesperson for local government, I have also asked the minister to investigate some of the activities at Brimbank. The development at Wentworth Drive, Taylors Lakes went from 30 units to 61 units. Height limits were exceeded, secret deals were done with developers, a director of Hotel & Leisure Management is quoted as saying his company paid \$6650 to help fund the election campaigns of ALP candidates and their dummies to get them elected to Brimbank council, and Chesson Printers, which ran the campaign, including providing the photographs, were happy to provide the minister with invoices to show who paid what, how and when. The developer was smart. He got what he wanted. After the new councillors were sworn in, that 30-unit development turned into the 61-unit development that the developer had been wanting. That led to five ALP MPs asking the minister to investigate but to no avail.

In the adjournment debate on 16 August, I asked the minister to investigate a possible breach of section 77A(2), headed 'Disclosure of interests', of the Local Government Act, which states:

This sub-section applies if, were the matter to be decided in a particular manner, the Councillor or member, or a person with whom the Councillor or member is closely associated —

- (a) would receive or have a reasonable expectation of receiving, a direct or indirect pecuniary or non-pecuniary benefit ...

And so on. The minister responded only a week ago. I will read her response into *Hansard*:

Adjournment debate question: failure of a Brimbank mayor to disclose interest

I refer to the matter you raised in the adjournment debate in the Legislative Council on 16 August 2005 regarding a possible breach of section 77A of the Local Government Act 1989 ... by Brimbank City Council's mayor, Cr Natalie Suleyman.

I understand that the basis of your concern is that it is alleged that Cr Suleyman voted on a council proposal to move the Albion soccer club to Cairnlea Park and to provide \$650 000 funding towards facilities for the club at the park without declaring a conflict of interest in the matter as her brother was a committee member of the club at the time and her father was a former public officer of the club.

The council minutes for the ordinary meeting of 8 March 2005 show that in relation to item 14 — Management Group Reports the council resolved in part to approve the relocation of the Albion junior soccer club from Green Gully Reserve to Cairnlea Park upon completion of the Cairnlea Park sporting facilities. The motion relates to the Albion junior soccer club not the Albion soccer club as indicated in the Sunshine Residents and Rate Payers Association press release from which you quoted during the adjournment debate.

I am advised that Cr Suleyman's brother and father do not hold any office with the Albion junior soccer club. The council's chief executive officer has advised my department that Cr Suleyman's brother has, and her father had, an association with the Albion Rovers soccer club which is a separate organisation to the Albion junior soccer club.

Who advised the minister of this? I would say that a phone call was made by someone in the department to someone at Brimbank who said, 'No, you're wrong; it's a separate organisation', and the minister immediately accepted what she was told. That is not good enough. Let us look at what really happened, at the facts.

The Sunshine Residents and Rate Payers Association — —

Mr Pullen — That has nothing to do with Glen Eira.

Hon. J. A. VOGELS — I am talking about councils being sacked for breaching the Local Government Act. I have here a letter from the Sunshine Residents and Rate Payers Association which states:

Dear Minister,

Request for intervention: Brimbank council

It states also:

1. Examination of mayor's failure to disclose an interest.

We allege that the mayor, Cr Natalie Suleyman, breached — the act, as I have said, because she failed to declare that her father and brother were members of a certain soccer club.

As I also said, obviously someone in the minister's office rang someone at Brimbank who said, 'He doesn't know what he's talking about; he's got the wrong soccer club'. I have here a brief prepared by a council officer on recreation reserves in Brimbank. It says:

Council's draft sports facility development study (SFDS) identifies the future use and development potential for sporting grounds and facilities throughout the municipality.

It continues:

Following distribution of the draft SFDS to clubs for comment, the Albion Rovers Soccer Club wrote to council in February this year expressing concern over the future use of Lloyd Reserve, Sunshine North, and the reserve's capacity to meet the club's future needs. (The reserve is currently used by the Albion Rovers Junior Soccer Club — —

Hon. J. H. Eren — What have you got against Albion?

Hon. J. A. VOGELS — Nothing. I am not talking about the club, I am talking about the minister's failure to investigate. The brief continues:

The draft SFDS had recommended that the club be relocated in 5–10 years but the club submitted that the need was more immediate.

...

Whilst the club's letter is on Albion Rovers Soccer Club letterhead, the club representative has indicated in discussions that the Albion Rovers Junior Soccer Club is a separate, although unincorporated group. Also, that the Delahey proposal is for junior use only.

It further states:

The Albion Rovers Junior Soccer Club appears to have evolved around 1997/98 when it was allocated Lloyds Reserve, Sunshine, for use by juniors only. The club is not an incorporated or legally registered body. It appears to be directly linked and/or be part of the Albion Rovers Soccer Club.

I do not believe that you would give \$650 000 to a club that is not supposed to exist.

Hon. J. H. Eren — It does!

Hon. J. A. VOGELS — Just wait. Hold your breath. The brief later states:

In 1994 the club was informed by the City of Sunshine that the club's lease on Selwyn Park would not be renewed when it expired in 1996 — later confirmed by the new Brimbank

City Council. Apart from the constraints on the Selwyn Park site, the club had been considered to be a bad tenant, owed money to council and the club's use of the site had resulted in complaints from residents about late night activities and nuisance.

Throughout 1995, Brimbank City Council assisted the club with relocation options, and in September 1996, the club entered into a 25-year + 25 years lease with the Melton Shire Council to use McPherson Park. In 1996/97 Melton council had allocated \$300 000 to prepare the grounds, car parks, lighting, fencing, landscaping and road access at the site. Also, a further \$100 000 in 1997/98 towards erecting a building (apparently with \$100 00 from SRV grant funding, so most likely a joint project of at least \$200 000).

The club appears to have adopted a series of playing names/name changes, during 1997–2000 period ...

It is difficult to follow the trail.

Hon. Kaye Darveniza — On a point of order, Acting President, I do not see what this has to do with the bill we are debating at the moment. Mr Vogels has been talking at length about the Brimbank council in particular. I ask you to bring him back to the bill.

The ACTING PRESIDENT (Hon. J. G. Hilton) — Order! There is no point of order. Mr Vogels is the lead speaker for the opposition on this bill and is allowed a fair amount of latitude. He is contrasting the actions of the minister in relation to the Glen Eira council and other councils, which I believe is perfectly legitimate. However, I ask him to note that the bill is specifically about Glen Eira, and I am sure he will address that issue in his remaining 26 minutes.

Hon. J. A. VOGELS — Part of the bill amends the Local Government Act so that from now on councillors can be sacked in less than 12 months. This bill involves all councils across Victoria, not just Glen Eira. The brief also states:

The club appears to have adopted a series of playing name/name changes, during the 1997–2000 period — Albion Red Sox Soccer Club, Melton Reds Soccer Club and then Satellite City Rovers.

...

In July 1997, the club (Melton Reds Soccer Club formerly Albion Red Sox Soccer Club) began lobbying to return from Melton to the Brimbank municipality.

In September 1997, the Shire of Melton wrote to Brimbank City Council expressing concern about newspaper inquiries relating to the Albion Turk Gucu Soccer Club Inc's possible relocation back to Brimbank. Melton's letter pointed out the 25 plus 25-year lease arrangement and the capital (\$400K+) investment by that council in the development of facilities for the club at McPherson Park.

...

Around 1999, the club's lease with Melton was terminated. Melton council has since written off an outstanding debt of approximately \$14 000. (Rental was approximately \$3450 per annum).

The club relocated to the Calabria Club at Bulla.

In July 2000, the club formally applied for a change of incorporated association name from Satellite City Rovers Soccer Club to Albion Rovers Soccer Club.

...

The 'junior club' has continued to use Lloyd Reserve although its 2003 winter season licence application form names the applicant club as 'Albion Rovers Soccer Club'. Recent correspondence from the club is on Albion Rovers Soccer Club letterhead and the Victorian Soccer Federation website's 2003 details for the junior soccer club lists the same secretary and mailing address as for the Albion Rovers Soccer Club but different presidents and liaison officers.

So there is a clear connection. The brief later states:

There is a need to identify whether the Albion Rovers Soccer Club and the Albion Rovers Junior Soccer Club are in fact two different bodies wanting to remain separate or if they are effectively one and seeking a new home for the whole club or one seeking a new home for its junior activities only.

The club representative has indicated that the juniors can become incorporated. Also that they would change their name to Delahey Junior Soccer Club.

Hon. T. C. Theophanous — On a point of order, Acting President, I am mindful of your previous ruling in relation to granting significant leeway to the lead speaker in relation to bills of this nature. However, I have been listening to the honourable member, who has been giving in great detail an analysis of the Albion soccer club and in relation to the council associated with that soccer club. In my estimation he has been going on for about 20 minutes, and while we all acknowledge that some leeway should be given, he is going into detail about this particular soccer club's structure, its youth component and so on. He is testing the patience of everyone here. While I recognise your ruling, you also said there should be a comparison with the council which is the subject of this bill. I have not heard the member draw any comparisons. He is simply using this opportunity to get into another council that is not the subject of this bill. He is not even bothering to draw any comparisons. I request that you ask him to come back to the bill.

The ACTING PRESIDENT (Hon. J. G. Hilton) — Order! I believe Mr Vogels has spent a fair amount of time on this particular aspect, and that is at his discretion. However, he should be getting to the end of that part of his contribution, and I am sure he will address himself to the purpose of the bill in the time remaining.

Hon. J. A. VOGELS — I am trying to compare one council with another and ask why the minister acts differently in respect of one council as against another, and why the minister will not intervene at Brimbank. A report states:

The Brimbank City Council has since early 2003 been in negotiations with Albion junior soccer club to ... move from Lloyd Reserve ... to the Delahey Recreation Reserve in Yeats Drive ... to Green Gully Reserve ... to Cairnlea Park.

A report to the Brimbank council indicated that the Albion junior soccer club had then recently changed its name to Delahey Junior Soccer Club and became incorporated. The reason I ask these questions is because I wish to know why the minister or her department does not investigate why the mayor of Brimbank voted on an issue where she clearly had a conflict of interest.

Let us have a look at the political geography here. Delahey is a suburb in the Overnewton ward of the City of Brimbank. Cr Natalie Suleyman is the Overnewton ward councillor. She is also the present mayor of Brimbank and a part-time assistant to the state Labor member of Parliament for Kororoit, André Haermeyer. Overnewton ward is within the state electorate of Keilor, north of the Kororoit electorate. George Seitz is the state Labor member of Parliament for the Assembly seat of Keilor. The state electorates of Keilor and Kororoit are within Dousta Galla Province, which is held by the Minister for Sport and Recreation. The Minister for Sport's part-time assistant is Hakki 'Harry' Suleyman, the father of Cr Natalie Suleyman and the former public officer of the Albion Rovers Soccer Club. The vice-president of the Albion Rovers Soccer Club committee of management is Mehmet Suleyman. He is the brother of Cr Natalie Suleyman and the son of Mr Hakki Suleyman.

How could the mayor vote for a decision to give \$650 000 to a soccer club when her father and her brother are part of that soccer club? She should have declared a conflict of interest. If she had done so there would not be an issue. She should have declared a conflict of interest but she did not do it. The minister has written back to me to say the Suleymans are not involved with this soccer club. There is an advertisement in the *Star* newspaper of Tuesday, 1 March 2005 entitled 'Albion roves for new members'. It says:

Pre-season is in full swing at the Albion Rovers Soccer Club. A new coach and a fresh set of faces on the committee have injected enthusiasm into the ranks with junior training also kicking off recently.

I think that is fantastic. I am not criticising the Albion soccer club.

Hon. J. H. Eren — But you are!

Hon. J. A. VOGELS — I am not. I am criticising the mayor for not declaring a pecuniary interest.

The article goes on:

This year Albion will field senior and reserve teams as well as juniors in every age group from under 9s to under 15s, and girls' under 16 teams. The club is on the lookout for new senior and junior members as well as a reserves coach ... For more information contact Mem —

Mehmet Suleyman —

on 0433 234 839.

Yet the minister wrote to me and said he is not involved.

Hon. J. H. Eren — They deserve the funds because they are a legitimate soccer club.

Hon. J. A. VOGELS — I have not got a problem with them getting funds. What I have a problem with is the mayor voting for \$650 000 when — —

Hon. J. H. Eren — There is no conflict. That is a genuine soccer club achieving a lot of things.

The ACTING PRESIDENT (Hon. J. G. Hilton) — Order! Mr Eren!

Hon. J. A. VOGELS — Her brother and her father are on those committees. I am saying we have two sets of rules here. The minister is prepared to intervene to appoint a municipal inspector when requested and investigate councils where Labor councillors are in the minority, but she refuses to act when a council is dominated by ALP councillors, and especially if they work closely with members of Parliament. That is the issue here — a conflict. The minister is not prepared to act to discipline or follow up requests where Labor councils are in power, but she is happy enough to do it at Glen Eira. I believe the minister has brought local government into disrepute by sacking the Glen Eira council. It was going to an election on 26 November 2005 anyway, 10 weeks away. This bill has not even gone through Parliament, and by the time it is given royal assent those councillors would have been in caretaker election mode. The minister should have made the report public and put it out there — and I am sure Mr Pullen would have used his opportunity in the house to speak about it. It should have been made public. There was no need to sack councillors two

months before a council election. It is going to be expensive.

Mr Smith — Yes there was. It was perfectly justified.

Hon. J. A. VOGELS — It was not justified. If there is any reason for sacking anyone I call on the minister to send an investigator, someone with Merv Whelan's impeccable record, to look into Brimbank. I think once you started turning a few things over around there you would find lots of things that are not up to scratch.

Hon. P. R. HALL (Gippsland) — Let me start by saying that The Nationals will not be opposing this bill. However, that is not to say that the government's decision to sack the Glen Eira City Council is not without criticism. There is much to be critical of, and I think it is quite extraordinary that the situation in Glen Eira was allowed to fester for such a long time before something was done. In the course of my contribution I will outline some of those criticisms. In making my contribution to the debate on this bill I do not intend to make an analysis of the report of the investigation into the Glen Eira City Council by the inspector of municipal administration, Merv Whelan. That is an extensive report of 130 odd pages that has now been made public for people to look at and digest its contents. That very valuable and important report enables Glen Eira ratepayers to acquaint themselves with its contents and the issues Mr Whelan has identified in it

Some of the issues have been outlined very broadly by the minister in the second-reading speech. The Honourable John Vogels in his contribution as opposition spokesperson on local government also dissected some of the issues in the report and highlighted them. I do not need to go over the contents of this report in detail. Instead I wish to talk about issues that relate to the decision to sack Glen Eira council and comment on other matters of local government that I and The Nationals feel strongly about. The first of those issues is the timing of this decision to sack the Glen Eira council. The council was sacked on 9 August, less than four months from its scheduled election date, which is 26 November this year.

As the Honourable John Vogels said, by the time this bill has been passed through the Parliament and received royal assent, it will be less than three months until the council would have gone to an election anyway. I would have thought that had the government decided it needed to sack the council, there was not much benefit to the Glen Eira ratepayers in sacking it

less than three months before an election was due anyway. I believe the timing of the government's decision is pretty poor.

I looked through the government's response to the report on this council and at this piece of legislation, but I still do not know what action the government intends to take following the elections in November. I asked myself, 'Will things change simply by sacking a council and then having another election in November with the same councillors eligible for re-election?'. How are things going to change in the future? After all, the episodes of conflict and poor governance in Glen Eira council were not just recent. History is illustrative — and it does not look a very nice picture. On the first page of the report's covering letter from Mr Whelan to the Minister for Local Government, he points out that in 1998 an inspector of municipal administration in the form of Mr Greg Walsh was appointed, and he compiled a similar report.

Hon. David Koch interjected.

Hon. P. R. HALL — Excellent man. I know Greg personally, and I think he is a man of very high calibre. He produced what I gather would have been a report similar to the one before us today and which identified poor governance as a serious concern for council. It was recommended that that deficiency be addressed by implementing a code of governance and engaging the services of a mediator. My understanding is that that recommendation about a code of governance has never been formulated by the council despite the fact that there have been two separate councils since that 1998 recommendation.

As to engaging the services of a mediator, I believe a mediator was appointed in, I think, 2002 but who lasted only four months before council terminated their services. Even with an umpire there, council simply could not have agreed.

It has been going on for seven years over several different elected councils — and the problems seem to have got worse. Nothing has been done until now, when the council was sacked.

My original point was: what is it going to change post-26 November 2005? This Parliament and the ratepayers of Glen Eira have been given no assurance that anything will change. If such an important decision as sacking a council has been taken, there should be some guarantee of follow-up procedures to ensure that there will be a monitoring program, an assistance program or an education program, or something like that, to help the new council when it is elected, yet we

see no evidence of that in this bill, nor in public comments made by the government. I think that is pretty disappointing — and that is one of my criticisms.

I also want to make the observation that there appears to be growing discontent amongst many local governments right across the state, and I do not believe the problems identified with Glen Eira are by any means isolated. I can recall watching the ABC's *Stateline* program a couple of weeks ago when that program highlighted the situation with some councils where conflict existed between some councillors. Both metropolitan and country councils were identified on that program, but I will not name them as I cannot recall them all; I can recall some but it would be wrong of me to name some but not all.

In the report's covering letter provided by Merv Whelan to Minister Broad he spoke about councillors and said:

Their conduct is characterised by hostile, acrimonious behaviour, denigration of colleagues and a lack of mutual respect and goodwill — behaviour which seriously inhibits their decision-making capacity.

That was the message from that *Stateline* report. I suggest some of those words could apply to a number of councils around the state. It certainly does not make for healthy decision making. I know at some of the local councils in my electorate — and there are five of them — there is evidence locally of some discontent with the way council operates. This is a very serious issue.

One of my criticisms of the various local government ministers who have served the Bracks government — the previous minister, as well as the current minister — is they should take a more proactive role in their dealings with local government, that they should keep their fingers on the pulse and implement measures to address what is a serious problem of growing discontent.

I suggest there are a couple of reasons for that growing discontent, and I want to put those on the record. The growing influence of party politics in local government is a particularly unhealthy move. We are seeing it more so nowadays with the major political parties getting involved in local government. I do not think that has helped one bit. Instead of getting that cooperation, coordination and collaboration between people in local government, we are seeing division along political lines, and that certainly does not help.

Anybody is entitled to stand for election to local government, and I have no criticism of that whatsoever.

Party political membership should not disqualify somebody from being in local government, but it should be left out of the council table. If people could base their decisions on good commonsense and what is good for the municipality rather than on political lines, I think we would have a much healthier situation.

The amalgamations of local councils to create bigger municipalities has led to a loss of local focus and has exacerbated some of the discontent with local government.

Mr Pullen interjected.

Hon. P. R. HALL — Yes, the previous coalition did that, and in some of those situations I do not think we got it right. I do not think the boundaries of those local governments were right.

The two issues that identified the growth of party politics in local government and the size of local government are not mutually exclusive, because the bigger the councils got, it seemed to me the more party politics played a role in them, because you lose that local focus on serving your local communities. Many of the external boundaries of local government should be revisited. I, for one, am not afraid to admit that we got it wrong in part. Some have worked out well, some have not, but there should have been a mechanism in place by which we could go back and review those local government boundaries. I am not sure but maybe the party politics at Glen Eira have gotten worse since local government amalgamations. If that is the case, we should go back and revisit it.

What I find disappointing about the Bracks government is that it has refused to play a proactive role in trying to assist local government through some of the tough times they have experienced. It has allowed things to bubble along until they got to a point of no return, and so it is here today with Glen Eira that we have got to the point of no return because nobody could condone those sorts of actions and matters as identified by Mr Whelan in his report. But it has been allowed to fester, as I said before, for seven years without this government taking a more hands-on, proactive role. Had it done so, we may not have been in the position that we are today.

I said in my opening comments that I am not going to just criticise without putting forward some of the views of The Nationals and some of my personal views about how I believe local government can better operate in Victoria. So it is that just in the last week or so The Nationals have published a discussion paper entitled *The Victorian Nationals Plan for Local Government Policy Directions Paper*.

Hon. J. H. Eren interjected.

Hon. P. R. HALL — We have many policies, Mr Eren, and that is out for public comment at the moment. I want to mention a couple of the points made in that policy paper that we believe will improve local government governance across the state.

I think it is important that councils be returned an increased revenue stream by way of a guaranteed proportion of the goods and services tax revenue received by this state. The problem with many local councils is that some of these tensions and disquiet from ratepayers arise because of the financial constraints being imposed upon local government. We do not think the distribution of GST funds coming into the state now appropriately acknowledges the needs of local government, so we say that there needs to be a guaranteed stream of GST revenue flowing directly back to local government areas.

We also put forward a suggestion in that policy directions paper recommending that we should have a local government ombudsman. I know the current Ombudsman has an ability to deal with complaints from local government; however, we believe a specific ombudsman in the area of local government would give ratepayers and community members greater confidence and more opportunity to raise matters of particular concern with local government directly with a special ombudsman for that area.

We also suggested a local government bureau, independent of government, should be established to assist local governments and ratepayers across the state and give people guidance on roles and responsibilities of council laws and councils. Through that process the local government bureau could work closely with the local government ombudsman to resolve some of the conflicts, issues and challenges local governments across Victoria face.

As I said before, I also believe there should be a mechanism to enable the regular review of local government boundaries. I do not think they are always appropriate in the way they are structured in this state. The Labor Party is being somewhat hypocritical. When local government amalgamations took place under a previous conservative government it was stridently critical of the process of sacking councils and forcing amalgamations, yet it has now been in office since 1999, and it has not done anything about what it was so critical of in the past. The Labor Party is not prepared to review those local government boundaries. To my knowledge the only local government external boundary that has been reviewed under a Labor

government is that of the former Delatite shire. The outcome of that review was to split it into two councils — Mansfield and Benalla. Having visited those councils in recent times I know that both those communities seem to function much better and are happier with the arrangements.

The point I make is that there are many other situations in Victoria where some of the acrimony, some of the problems and division within local councils might better be addressed by looking at the external boundaries and maybe subdividing some of the municipalities. I make that point, and this government should be prepared to go back and look at that issue.

One other further matter is a general issue about local government: I believe we have a real problem in attracting candidates for council elections. People now say they do not want to stand for council, sit around the council table and join in the weekly bunfight councils generally have. That is the poor perception people have of councils. Why would they want to get involved? The remuneration is only partly to do with it. If a person is going to do a job as a councillor, which is a rather onerous and time-consuming task, they should be appropriately remunerated, but that is not the sole criterion for people wanting to stand for council. I am no expert in that area, and I do not offer a solution in terms of my comment. People with far more expertise and knowledge than I have should sit down and look at the dearth of candidates for council elections and work out ways in which that issue needs to be addressed. I am sure we would all appreciate good people from different backgrounds with a commitment to serving their local communities standing as councillors. Many people with those qualities do not seem to wish to stand. I do not know whether it is because of remuneration or time commitments or whether it is the infighting and politics of local councils. These are issues that I think need to be thoroughly canvassed.

They are some of the broad issues I wanted to talk about this morning that relate specifically to the subject of the bill — and that is the Glen Eira City Council. As I said before, I do not think any of us could condone the antics of the councillors as identified in the inspector's report, but I say that the minister should have been far more proactive in the first place. This issue has been inflicted upon the ratepayers in Glen Eira for a period of seven years now. If I was a ratepayer in Glen Eira I would be far from satisfied as to the goings on over that period of time. To sack the council with less than three months to an election is pretty poor timing. It does not reflect well on the government, it will not be particularly helpful to the people of Glen Eira, and I do

not see anything being significantly changed or influenced in that short, three-month period.

Before I sit down I want to re-emphasise one of the basic points I made at the start: the important thing we all should be looking at is what is going to happen after 26 November when a new council is elected. What is the government going to put in place to monitor the workings of the new Glen Eira council? What mechanisms will the minister put in place to ensure that the sorry stories of the last seven years are not simply repeated with the newly elected council in November?

Mr Pullen — I will give the member the answers.

Hon. P. R. HALL — I do not know what the answers are, but there needs to be something put in place to ensure that the sorry saga of the last seven years is not repeated post November, and if there are answers, Mr Pullen, I would love to hear them, because I think that is the most critical thing now. The past is the past; the future is what is important, and let us hope the council elected in November will function far better than previous councils have done in Glen Eira.

It is not a happy situation that we face here today, to have to pass legislation that sacks a council. It is not something I enjoy doing, but the issues identified by Mr Whelan in that report are fairly compelling evidence that things are not right. We cannot condone some of the activities Mr Whelan has identified in the report. It is with some reluctance and a fair amount of criticism of the Labor government in terms of its involvement in this issue that I have indicated to the house that The Nationals will not oppose this legislation today.

Mr PULLEN (Higinbotham) — I support the Local Government (Further Amendment) Bill. It is a sad day, as Mr Hall said, that we have to debate this bill, but it is the result of a report by Merv Whelan into the Glen Eira City Council. It is a sad day because I would consider myself friends of most of the sacked councillors, even including members of the Liberal Party who were former councillors. It must be remembered that the council itself requested that an inspector be appointed.

The council's request to appoint an inspector was supported by groups such as the Glen Eira Residents Association. I received from that organisation a copy of a letter which had been sent to the Minister for Local Government, dated 9 December 2004, and signed by the president of the association, Jack Campbell. I shall read the first couple of paragraphs in the letter, which state:

This association strongly supports Glen Eira council's request to have a municipal inspector appointed to investigate the conclusions of the auditor's report into the Glen Eira councillors' civic expenses under that council's civic expenses policy in the year 2001 to 2004.

It is now over a year since members of the public and some councillors raised questions about councillors' civic expenses.

It is nine months since council determined to audit its civic expenses over the years 2001 to 2004 and to make the findings public.

The audit report was received by council last September and council declared it a confidential document. Council then requested the appointment of a municipal inspector and to our knowledge no action has yet been taken on this request.

That was covered when Mr Whelan was appointed. I take up the point made by Mr Vogels, who said Glen Eira was a Liberal-controlled council. The opposition has been telling us that it was a Liberal-controlled council, as has the member for Bass in the other place.

The member for Caulfield in the other place said that it was not a Liberal-controlled council, but the member for Bass tried to deflect the blame from the Liberal-controlled council on to the chief executive officer and staff members. The member for Bass also turned his venom on the appointed administrator, John Lester, accusing him of being a puppet of the Bracks government. I remind the member for Bass that Mr Lester was appointed by the Kennett government in the past to administer councils.

Yesterday the Minister for Energy Industries suggested there are a lot of children in the Liberal Party. I will give the children opposite some homework to do between now and when we sit next week because I want them to read the contribution by the member for Bentleigh in the other place, which clearly covers the goings-on of the council. I will not go over what the member for Bentleigh said in the other place, but I recommend it to opposition members in this chamber as good reading.

It is important that I touch on a couple of things in the report. The letter from Mr Whelan to Minister Broad, dated 13 July, which appears at the front of the report is important. I shall pick out a couple of points in it as to why the council has been dismissed. It says:

In 1988, Dr Greg Walsh, an inspector of municipal administration, identified poor governance as a serious concern for the council and recommended that the deficiency be addressed by implementing a code of governance and engaging the services of a mediator. Seven years and two elections later, the council has made no progress on this issue. Rather, its performance has declined.

The elected council has failed, and continues to fail, to provide good government. This is primarily due to a serious

breakdown in working relationships between councillors and an incapacity and unwillingness by them to positively pursue any remedial action. Their conduct is characterised by hostile, acrimonious behaviour, denigration of colleagues and a lack of mutual respect and goodwill — behaviour which seriously inhibits their decision-making capacity.

That is very important, and that is why the council had to be removed even if an election is due in November. The letter continues:

They are widely perceived as ineffectual and irrelevant. According to the councillors themselves, attempts to implement change have been completely ineffective because entrenched bitterness and resentment between them has negated any will to achieve it.

Glen Eira City Council is recognised as a high performing municipality due to the expertise and professionalism of the chief executive officer and the administration. Their competence has, to a large extent, concealed the inadequacy of councillor performance.

Then it goes on and says:

The council has been given ample advice, time and opportunity to rectify its deficiencies.

Finally Mr Whelan said:

Accordingly, I recommend that you consider suspending the councillors of Glen Eira City Council and appointing an administrator for approximately four months, pending the general election of councillors scheduled for the last Saturday in November 2005.

That is why the minister has taken the action she has. It has been well documented by other speakers of the shenanigans of the Liberal Party in relation to the reappointment of the chief executive officer, Andrew Newton. As Mr Whelan said, and I repeat:

Glen Eira City Council is recognised as a high performing municipality due to the expertise and professionalism of the chief executive officer and the administration.

I will leave it at that. Last Friday the Minister for Health turned the sod for the building of a new ambulance station on Nepean Highway, Brighton East, in the city of Bayside. Why is it there? It was originally going to be just down Nepean Highway, on the corner of Brewer Road, but that would have been in the city of Glen Eira. It was knocked back by the Liberal-controlled Glen Eira council. There is no doubt the Liberals rejected that important project because it was being done by the Bracks Labor government. It was vital for the area so they had to move it out of Glen Eira. Only last week could the sod be turned for the building of that ambulance station in the city of Bayside.

I like the Honourable Chris Strong, a member for Higinbotham Province, but I have warned him in this house before that he should watch what company he

keeps. I shall go through a couple of things Mr Strong has done in his attempt to discredit people involved with the Glen Eira council. On 21 April 2004, in a member's statement in this house, Mr Strong said:

Mr Pullen yesterday continued his one-sided attacks on certain of our constituents. While he does this I must set the record straight, and I intend to do this by reading a fax from the City of Glen Eira dated 2 March 2004 to Mr Noel Pullen from Cr Noel Erlich of the Glen Eira council. The fax states:

Dear Noel,

Hope we find you alive and well. I enclose the following for your perusal and hope they are of interest.

As you are aware, the local Liberals attacked Rachelle Sapir for cheap political gain and I took on the courageous Chris Strong (especially when he's inked up) and received very bad press. I'm sure you have the article, and I enclose a letter I sent to the *Leader* which has just been published.

Unfortunately every time I think about Chris Strong's threat I have to change my underwear and my wife has been forced to buy new ones at Target (20 per cent off sale).

How did Mr Strong get this fax? I presume it was faxed to him by one of his Liberal cronies. It was reported in the *Moorabbin Leader* of 3 August 2004 that:

Glen Eira council has resorted to locking filing cabinets in its executive suite overnight after a councillor claimed paperwork was stolen from the council's Caulfield office.

Council chief executive officer, Andrew Newton, answered the *Leader's* questions about document security after the issue was raised at last week's council meeting by Cr Noel Erlich.

Cr Erlich claimed a copy of a fax was stolen or removed and photocopied from his file held at the Hawthorn Road Civic Centre.

It goes on to say:

Mr Newton said councillors had access 24 hours a day, 7 days a week, along with himself and community relations director Paul Burke.

...

Cr Erlich said the paperwork was a copy of a fax typed for him by a staff secretary that was to be sent to Higinbotham state Labor MP Noel Pullen.

...

'I sent no copies out whatsoever', he said.

'I had a copy and the council had a copy on file.

'It was either stolen, or they took it out and photocopied and put it back in'.

I now ask Mr Strong to come clean and tell the house how he got the fax. On 14 October 2004 Mr Strong, in an adjournment matter, said:

The issue I would like to raise is for the Minister for Local Government. It arises out of an article in the *Moorabbin ... Leader* of 13 October headed 'Advice sought on inspector'. It says:

Local government minister Candy Broad has sought advice from her department on Glen Eira council's request for a municipal inspector —

to look at abuse of expenses, particularly phones. I would like to help the minister in making her decision.

I would like to make available to her some freedom of information logs for council phones that have to be used under the Glen Eira council policy, which says they are only to be used for reasonable council use for dealing with constituents. I would like to turn, firstly, to the logs for Cr Rachelle Sapir.

Mr Strong is very selective, so let us all see what the report says about the telephone calls of Cr Sapir. This is what it says on page 55 of the report:

Cr Sapir agreed with the recommendations in the PwC report. Her call costs escalated during the latter half of 2003 due to an increase in both council-generated calls and private calls. She received verbal reminders from the DCR about these increases. Cr Sapir agreed to reimburse council for the cost of private calls.

However, her overall average costs for phone usage per month are below average.

Let us see what the report says about Cr Goudge. It says:

PwC concluded that Cr Goudge used his phone extensively for private purposes; during the state election campaign in October/November 2002 when he was a Liberal Party candidate for the seat of Oakleigh; and during the council election campaign in February/March 2003.

The report further says that he made 940 private phone calls to one person on his mobile during four months in 2004. It states:

It is clear that Cr Goudge's phone usage was very high in comparison to every other councillor. Several other councillors criticised the extent of his usage.

Then Mr Strong tried to meddle in the appointment of the chief executive officer (CEO) — I do not know whether this was done under Liberal Party direction or not. In his member's statement on 15 December 2004 he said:

I welcome the appointment of a municipal inspector to the Glen Eira City Council. I have raised in this place the abuse of councillor entitlements — for example, the obscenely excessive use of ratepayer-provided phones by Cr Rachelle Sapir, not to mention my friend Underpants Pullen —

whatever that means —

Now we have alleged abuses of the process around the reappointment of the ... CEO. I urge the council not to proceed to reappoint — and I hope it will not — the CEO pending the outcome of this municipal inspection.

Mr Strong has come out of this whole affair in a very sorry way.

Unfortunately, with the dismissal of the council many good councillors were kicked out with the ones who were making life difficult on the council. It was really throwing the baby out with the bathwater.

I note from an answer the Minister for Local Government, Ms Broad, gave to Mr Vogels on Tuesday that she will have discussions with local government peak bodies about the way those things happen.

I want to place on record that Cr Rachele Sapir is a member of the ALP but was not endorsed by the party when she ran for council. I am proud to stand in this chamber and say that she is a great friend of mine. She, along with other ex-councillors Bury, Martens and Erlich, has been unfairly maligned in this whole sad affair. I also put on record that Cr Marwick is a personal friend.

I urge the good citizens of Glen Eira to be very vigilant and have a good, long look at the candidates standing for election. They should watch out for anyone associated with a shadowy organisation known as the Ratepayers Association of Glen Eira, or RAGE. I will read a letter written by David Kennedy of East St Kilda that appeared in the *Glen Eira Leader* on 26 April 2004, and I trust that the good citizens of Glen Eira will listen to this. It reads:

Much has been heard in your newspaper of a group calling itself the Ratepayers Association of Glen Eira, or RAGE, a group that masquerades as a community group.

But I wonder how many of your readers know that the meetings of this so-called community group are not open to the public, that the minutes of their meetings are not available to the public and that membership of this shadowy group is not open to all members of the community.

I also wonder if your readers know that this group holds its meetings in secret at the home of the president of the Alma branch of the Liberal Party; that apparently the president of the ratepayers association, Mr Feldman, is not a ratepayer in the City of Glen Eira and nor apparently is the secretary of the group, who is the son of the former Bentleigh Liberal MP Inga Peulich, who was beaten at the last state election.

How outrageous that the Liberal Party thinks we are all so stupid.

They are not my words, they are the words of David Kennedy of East St Kilda.

I could read a stack of these sorts of letters that have appeared about that discredited council, but I will say one thing: I support the bill; bring on the election and watch out who you vote for!

Hon. B. N. ATKINSON (Koonung) — The excitable contribution of Mr Pullen was an interesting one, but I think the point he finished on was probably the most salutary remark he made in his entire contribution to the debate, and that is that people ought to be very careful about the candidates they vote for in local government.

I guess that out of this whole sorry saga and similar episodes in some municipalities around Victoria, particularly municipalities that have a close association with the Labor Party, we have learnt that there is every reason for voters to pay a lot more attention to the calibre of candidates they return to councils in future. They need to pay more attention to the qualifications of people seeking office and their capacity to actually deliver good governance in municipalities throughout Victoria.

As somebody who had a long association with local government — and I know some other members of this house have also had a long association with local government — and as someone who has a very high regard for the contribution that so many people make as elected officers in local government, I despair when I see incidents such as the ones that have led to the minister's decision on Glen Eira. I am a little surprised at the minister's decision on Glen Eira, because she had not made similar decisions about a number of other councils. She has repeatedly refused in this place to investigate a range of complaints that have been brought to her attention on a number of occasions by various members, including in particular the Honourable John Vogels as the opposition spokesperson on local government, just as she had done with other matters that have been raised with her by residents of various municipalities.

It seems she must have some secret form, and unless you fill in the secret form the complaint does not get dealt with. She does not want to know about it. The fact is that rorts are exposed in local newspapers, rorts that ought to be of concern to every member of this place as well as to the residents who are being short-changed by those elected representatives who are not behaving properly and are not providing good governance to their municipalities. There ought to be concern about those, but this minister, while she clearly receives the press clippings, obviously chooses to ignore the fact that she should investigate such matters that have become public knowledge unless somebody submits a

complaint in a form that she deems appropriate to act upon.

In that context I am quite surprised that on Glen Eira she was prepared to intervene. I suppose it will be suggested that that was because the City of Glen Eira itself actually sought an investigation into its affairs. That was a pretty astute political move by a number of people! Clearly the minister could not afford to ignore a request from a municipality itself, but I think this minister has to sit down and work out a process whereby she pays more attention to complaints brought to her and investigates breaches of local government and works with local government more quickly and effectively, because the integrity of local government is called into question every time somebody stuffs up. The reputation of all local government is diminished every time somebody does the wrong thing.

As a supporter of local government I am saddened to see somebody overstep the mark deliberately, sometimes maliciously, sometimes in a way that could probably constitute a criminal offence. In fact there are charges at the moment associated with a number of individual councillors. I am very sorry to see that. In each case it goes against the high regard in which I hold local government. When I look at this minister's performance in the area of local government I am concerned that the minister does not seek to promote and encourage a local government tier that is committed to community issues, that pursues the aspirations and needs of its communities and that is committed to good governance. Time and again I see a minister who not only is prepared to turn a blind eye to issues in local government but at other times is prepared to go out of her way to try to politicise them.

We had a situation some two months ago where the minister actually called together all the Labor Party candidates and mayors involved in local government but was not prepared to brief on local government issues people who were not members of the Labor Party. That is an outrageous and ridiculous circumstance. The fact is that local government ought not be politicised in that way. The minister ought to be trying to promote cohesive local government. She ought to say to people that once they are elected to a local council in fact they represent all ratepayers and not political party interests.

One of the things that concerns me is the number of members of councils who are ministerial advisers or who are electorate officers. I do not propose to go through some witch-hunt of names. I simply observe that from my perspective it is pretty hard to serve two masters. I find that many of these advisers often have to

protect Labor Party interests. They have to try to protect state government aspirations and they ignore the needs of their local communities. I know some councillors in a number of suburbs in the eastern municipalities who have literally faced intimidation from this government, particularly from the Minister for Transport in the other place, Peter Batchelor, in regard to the stance they may or may not have taken on the Scoresby freeway and the government's decision on tolls. Those councillors were told that they would lose funds from the state government if they did not change their views, if they did not stop — —

Hon. T. C. Theophanous — On a point of order, President, I do not think it is appropriate for the member to claim as he just did that local councillors have been intimidated by the Honourable Peter Batchelor. I ask that you ask him to withdraw that comment.

The PRESIDENT — Order! On the point of order, the member made some claims about comments or inferences — something about the minister having concerns or making comments to the councils. I believe that is more a debating point that can be argued during the course of the second-reading debate on this bill. I do not uphold the minister's point of order, but I remind honourable members of the practices of the house.

Hon. B. N. ATKINSON — Thank you, President. A number of councillors — —

Hon. C. D. Hirsh interjected.

Hon. B. N. ATKINSON — There is a parrot in the back seat that is actually not on her own perch.

A number of councillors have expressed concerns about the fact that the Labor Party has insisted that they toe the line on a number of issues. As I said, that has not always been in the best interest of the communities.

I think it is bad enough that some councils have been regarded as retirement homes for Labor Party hacks and places where prospective state and federal Labor Party candidates can build their resumés and profiles. It is bad enough that local government is used in that way and that people are not there with a community focus but a party-political focus. I do not care which party they come from, because my record will show, and the records of people who served with me at Nunawading from both sides of politics will show, that the Nunawading council was apolitical from the mid-1970s in particular to the early 1990s. It had people from all sides of politics on it, and they worked constructively together in the interests of the community. They did not put party affiliations or party agendas first. I think they

took the right approach to the way local councils should behave in this state and to the way in which they should deliver services to the community.

Too often today we see councils compromised by people who believe their party allegiances take preference over their responsibilities as sworn councillors of municipalities. There are a number of things at the root of this problem, and the first is the way in which elections are now conducted under legislation that has been introduced by this government. The process of postal voting that has been brought in, combined with a refusal to address the issue of dummy candidates, is prostituting local government elections. It is resulting in people rorting the system, and candidates who have absolutely no intention of winning elections being there simply to harvest preferences for other candidates. Local government and the communities are the losers, and I think it is about time we started — —

Hon. C. D. Hirsh interjected.

Hon. B. N. ATKINSON — The cocky on the perch is shouting again.

The PRESIDENT — Order! I do not need to hear those sorts of comments. Ms Hirsh should desist from interjecting. She is also out of her place, and that is inappropriate. Mr Atkinson should deal through the Chair.

Hon. B. N. ATKINSON — I am amazed at how sensitive that member and a couple of other members are about these sorts of issues, because I would have thought that the contribution I am making is not attacking individuals but is going to broad issues associated with local government, in which everybody ought to have some genuine interest. One of the solutions that we perhaps ought to look at in addressing this is first-past-the-post voting for local government to take out the incentive to have dummy candidates. You put in place a position where the only people who will stand will be those who want to get elected. I think maybe it is about time we looked at first-past-the-post voting in local government.

If we continue with preferential voting perhaps we should look at the British system, which stops at second preferences and goes no further, because again it might be it is better to start looking at a system that delivers better local government. From the point of view of the City of Maroondah — and I raised it in the house yesterday — there appear to be discrepancies in the way preference votes are calculated and therefore in the way some candidates have been elected. I sought advice from Victorian Electoral Commission on exactly

how it is making those allocations. We need to ensure that the integrity of these elections is preserved, because that is crucial to how these councils go forward, to the trust that councillors have in one another and in their officers and to the way in which they behave going forward.

The behaviour of Glen Eira councillors was inexcusable. The behaviour of councillors at a number of other municipalities is also inexcusable. We have had circumstances at Banyule, Hume, East Gippsland and Brimbank councils where the minister ought to have intervened and looked very carefully at how good governance had broken down in those municipalities at a cost to the community, but that has not happened. From the minister's point of view there is a need to say, 'Glen Eira is now a line in the sand and from now on I am going to get stuck into local councils that do not behave and councillors in those municipalities who do not behave. I am not going to wait for the complaint to come in on some mysterious form. I am actually going to act where I see that rorts are uncovered, because in every case they are to the detriment of the community'. It is interesting to note that Glen Eira was one of the most effective councils in making town planning decisions, and it is interesting to see that on that one — —

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

Hon. KAYE DARVENIZA (Melbourne West) — I am very pleased to rise and make a contribution to this debate and to speak in support of this very important bill. What an outrageous contribution we have just heard from Mr Atkinson. He would not be prepared to make outside some of the comments and allegations he has made in this chamber, particularly those in respect of many councillors, particularly those at Labor councils. He has come in here and made accusations in the form of wide, sweeping generalisations that have attacked councils. He has attacked in particular those councils that happen to be associated with the Labor Party and has failed to make any of those attacks against those who might be associated with his own party.

In fact it is not just Mr Atkinson's contribution that has been poorly lacking, because there have been some very sad contributions indeed from the other side. Mr Vogels made some outrageous statements. Both Mr Vogels and Mr Atkinson talked a bit about other councils and about how they have had problems as well. They went on to talk about how they believed there was some mysterious form the minister has that nobody knows about that has to be filled out, and that

unless you fill that form out — a form which of course does not exist — nothing is done when issues and complaints are raised. That is absolutely wrong, and they know it is. Any complaints made to the government, to the minister or to Local Government Victoria are always looked into, and many complaints come in. Some of those are legitimate but others can be quite vexatious. It is a matter of the minister and the department determining which of those complaints should be investigated, but they are all looked into. The minister makes that decision on the basis of what evidence is provided to support the allegations and accusations made.

Many complaints, allegations and accusations made by members on the other side of the chamber have no substance to them and there is no evidence to support them. We do not waste our time, taxpayers money and the department's time on investigating those allegations when they are not supported by evidence. That is particularly evident when you look at the way the minister responded when complaints were made against the Glen Eira council. She moved quickly to set up an investigation to look into the complaints, have that investigation concluded and act on it. All complaints are looked into, so to say that the minister, the department or the government ignores complaints is simply outrageous, incorrect and wrong.

A number of councils came in for some criticism from members of the opposition. I think Mr Vogels talked about how there were problems at the Hume council. He said they were all being ignored and made an accusation that the minister was not acting fast enough or doing enough regarding the problems with that council. This matter is before the courts, so it is absolutely not appropriate that we go into those matters here today.

Banyule is another council that the opposition referred to. No-one who has been making complaints has been able to point to any breach of the Local Government Act, and the opposition spokesman on local government has not been able to point to any breach at all.

Hon. J. A. Vogels interjected.

Hon. KAYE DARVENIZA — The complaints made by the Honourable John Vogels amount to a lot of talk. There is absolutely no evidence to back them up or support them, and certainly no evidence has been provided by Mr Vogels, yet he stands up in this house and criticises.

Brimbank council is another one. The opposition went on and on about Brimbank, and a police investigation is currently going on in Brimbank. It is wrong to say it is all happening out there and nothing has been done. There is a police investigation and charges have been laid, but it is inappropriate to comment on that issue while it is being dealt with by the courts and by the police.

Let me be very clear about this: when complaints are being made that clearly involve a breach of the Local Government Act, and that breach is supported by evidence, then we investigate it. We take those matters very seriously, and we do undertake investigations. That is exactly what has happened in the case of Glen Eira. Complaints were made about the way in which councillors were doing their job and the sorts of actions they were taking. Those allegations were supported by evidence and were brought to the minister's attention. As always, such matters were taken seriously and an investigation was set up, a report was given to the minister and, based on the recommendations in that report, the council was sacked and an administrator installed.

I will stay with some of the comments that were made by the opposition spokesperson on local government.

Hon. J. A. Vogels interjected.

Hon. KAYE DARVENIZA — Mr Vogels interjects now. We had to sit and for an hour listen to him waffle through his contribution and make outrageous statements, but according to a report on *ABC Online* of Thursday, 11 August:

The state opposition backed the government's move to suspend the council and appoint an administrator until elections could be held in November.

Hon. J. A. Vogels interjected.

Hon. KAYE DARVENIZA — They are quoting you all over the press, yet you deny it. I quote from the *Australian Financial Review* of 12 August:

Opposition local government spokesman John Vogels said he had no problem with the report's findings or the sacking...

There is no problem with the report or with the sacking! Mr Vogels certainly knows how to change his tune. That quote was from the *Australian Financial Review* of 12 August, so he obviously changes his opinion pretty often.

I will now take up a particular matter that was raised by The Nationals. The Nationals have released a discussion paper in which they indicate that they want

funds taken out of Victoria's coffers to directly fund local government, which is mainly a federal government responsibility. That is just another attempt at cost shifting and moving responsibility from the federal government to the states.

Hon. P. R. Hall interjected.

Hon. KAYE DARVENIZA — Instead of the federal government being responsible for funding local government it would become a state government responsibility, so Mr Hall wants \$240 million taken out of the state budget. That is money that the government could spend, and the Bracks Labor government has spent money on ensuring that we have nurses in the country — —

Honourable members interjecting.

Hon. KAYE DARVENIZA — What The Nationals are now advocating is having fewer nurses in our country hospitals, fewer police on our front line and, of course, fewer teachers in our regional classrooms. I guess members should not be surprised by that, given the support that members of The Nationals gave the Kennett government when they were in coalition. They did not do much to stop the cutting of those essential services in health, education and police and emergency services.

Hon. P. R. Hall interjected.

Hon. KAYE DARVENIZA — You did not do much then and now you want to cost shift. It is an outrageous suggestion. It is the responsibility of the federal government to ensure that local government receives adequate funding for its services. Slashing state services is not the way to ensure that local government is funded. A reduction in a share of federal government revenue would put enormous pressures on councils, particularly those that Mr Hall is responsible for in rural and regional areas.

I refer quickly to exactly what the bill does. It provides for an election to be conducted at the City of Glen Eira on the same date as the other 53 councils which are holding elections in 2005, which is also the date that Glen Eira was scheduled to have an election until the council was suspended. In order to achieve that, the bill provides for the council to be dismissed, for an election to be held on 26 November and for the suspension order to expire at the first council meeting held after that election. The existing provisions of the Local Government Act specify that an order in council to suspend a council applies for one year. The bill is necessary to allow an election to be held in Glen Eira on the date it was scheduled to occur before the

suspension order was made. It is necessary to have the dismissal of the council as part of the bill to ensure compliance with the provisions of the Constitution Act.

Some specific provisions relate to the council. The bill will come into operation upon royal assent. The council will be dismissed and the councillors will cease to hold office. As I said, the council election will be held on 26 November. The rolls will close on 7 October. The draft rolls will have to be made available for public inspection from 3 October. The elected council must meet within 14 days after the declaration of the poll. The administrator will go out of office at the start of the first council meeting.

This is good legislation which deserves the support of all members of the house. I commend the bill to the house.

Hon. ANDREA COOTE (Monash) — The web site of the Department for Victorian Communities has the following statement on it:

About Local Government

Local government is an important part of the Australian system of government. As the tier of government at the local level, councils exert significant influence on local economies and communities. Local government is responsible for delivering a wide range of economic, human, recreational and property services as well as developing and maintaining essential community infrastructure.

...

Local government is recognised in part 2A of the Constitution Act 1975 to be a:

distinct and essential tier of government consisting of democratically elected councils having the powers that the Parliament considers necessary to ensure the peace, order and good government of each municipal district.

I have worked closely with all the councillors of the Glen Eira City Council, the councillors at the centre of this sacking, the subject of this debate. I have worked closely also with the chief executive officer, Mr Andrew Newton, and the deputy chief executive officer, Mr Paul Burke. At all times I found the councillors to be courteous, dignified, professional, hard-working and dedicated. They took on the job so that they could serve the community to the best of their ability. Most of them went in to make this a better place for the citizens of Glen Eira. In many instances they went in on a single issue, to make a difference, to work for their community. As individuals they really do work in a hard and dedicated manner. They have shown me courtesy and, indeed, they have certainly helped me with any function and event in which I have been associated and affiliated with them.

I put on the record also my thanks to Andrew Newton and Paul Burke, both of whom have helped me in my portfolio areas and in my role as a member of Parliament. They are always courteous, helpful and very professional. The work I have done with them has been very helpful in enabling me to do the job I need to do.

The criticism in the debate has been that the councillors actually asked to be investigated. Members should pause for a moment and think about why the councillors asked for that. Instead of vilifying them for welcoming scrutiny and accountability, we should take a moment to reflect upon the courage they had to ask for an investigation. It is important to understand that they needed and sought out external help and assistance to make certain that they could perform their work better.

However, the democratic process to which I have referred has been subjugated in this action. The underlying focus of the minister has been a witch-hunt for political reasons. I and other members of the Liberal Party are not the only ones who believe that. I refer to a media release of 11 August in which Cr Geoff Lake, the president of the Municipal Association of Victoria, states:

So much for the government's platitudes about partnership and working cooperatively with local government.

The government lays claim to restoring democracy in local government but repeatedly fails to live up to the mantle it has built for itself.

This is not a solution to Glen Eira City Council's problems — it is the dismantling of democratic government and the imposition of central control by the state government.

...

This is a decision that should be made by the people at the ballot box. It is the height of arrogance for the state government to pre-empt this choice.

...

In my brief read of the inspector's report and the state government's press release I have yet to see any justification for taking this decision out of the hands of the people.

That is absolutely the truth.

In the contributions by the 13 members who spoke in the debate on the bill in the other place, at least 10 councils were significantly condemned. Those councils include Cardinia, Frankston, Monash, Surf Coast, Brimbank, Banyule, North Grampians, Buloke and others. That condemnation is indicative of what is wrong with local government councils in this state. The minister has chosen to vilify Glen Eira and put in place

the process members are dealing with today, to sack a council that was not corrupt. Glen Eira did not go out and waste \$12 million in taxpayers money like the Surf Coast Shire Council did under former councillor Julie Hansen and her cohorts. This council made inappropriate use of phones, and that is totally and utterly unacceptable. I think everybody in this chamber would agree with that. However, there was not endemic corruption.

Members who spoke about the 10 councils raised issues that included corruption, assaults and public calls for the sacking of councils. I am not talking about the Glen Eira council, these are the councils whose names I read out earlier. Communities right across the state lack confidence in their local councils, but what has this minister chosen to do? She has chosen to attack a Liberal-leaning council. She has made this a political witch-hunt, and that is recognised right across the state. I encourage the minister to scrutinise the councils I mentioned earlier, which the community has many concerns about.

I now turn to the very tragic contribution to the debate made by Ms Darveniza. I would like to reiterate and emphasise what she said, because it is a major concern, and it should be a major concern for the people of Victoria. In her contribution Ms Darveniza said the Minister for Local Government, Ms Broad, investigates complaints. She said the Liberal Party's allegations had no substance. She said the minister's department would not bother to waste taxpayers dollars on looking into the allegations raised by the Liberal Party and the community. What is this government all about? That is what the minister is supposed to look at. She is supposed to look into allegations. Let her look into the allegations about the municipalities that I spoke about before and the allegations of corruption, assault and the leaking of information. I think Ms Darveniza should have a closer look at what government is supposed to do, and make certain those allegations are looked at. Her contribution to the debate was disgraceful.

Other people have spoken about the time lines of this bill, which reinforce the fact that this is a witch-hunt. It is a ridiculous thing to do. The minister probably had two choices: leave this bill and the report for the ratepayers of Glen Eira to have a closer look at or sack the council. Like 53 other councils in this state, Glen Eira will hold elections in November. She could have left it to the democratic process of the people in Glen Eira, for whose choice of councillors I have great regard. It is their choice; it is not the minister's choice. She has rushed this bill through Parliament in one week so she can justify her actions. She should not have wasted her time justifying a bill which in reality is only

going to be effective for, maybe, two weeks. She should have spent her time getting her department to investigate the allegations about Labor-dominated councils. That is where she should spend her time, not bringing in a bill which will only be implemented for a short time.

She has put in an administrator, Mr Lester. I am certain he is trying very hard to do a good job, but I have major concerns about a decision brought down on Monday night. As I said at the outset of my contribution to the debate, these councils are democratically elected and make decisions based on that. Prior to being dismissed by the minister the council took a democratic decision to have attendance voting at the council elections in November, and the whole council agreed on it. But Mr Lester has overridden that decision in a most inappropriate way and decided to use postal voting in the November elections. That is directly contrary to the democratic process. I think the minister should investigate that as being improper.

Other concerns were raised in debate on this bill, particularly in the other place. I have some concerns about the report brought down by Merv Whelan. There were suggestions that the report was not complete and that it omitted various sentences and aspects of evidence given. The minister should have been listening to the debate and she should have a very close look at the allegations. If they turn out to be correct, then nobody can have any confidence in Mr Whelan's report.

One of the councillors, Dorothy Marwick, has given me a letter saying that Merv Whelan failed to investigate breaches of confidentiality. She said that Ms Susan Richards quoted the PricewaterhouseCoopers report, which is a report that is confidential to the council, at a public meeting in 2004. That breach of confidentiality remains uninvestigated. She also raised issues of probity and separation of interest in relation to council tenders, and she was relying on guidelines distributed by the Victorian Auditor-General. They remain uninvestigated. Apparently this is dealt with under the heading 'Commentary' on page 111. I call on the minister to ask the Ombudsman to investigate this matter. It is probably too close for her department to adequately investigate it. I think the people of Victoria need to have confidence in this process. I am certain the minister will take up our challenge and investigate all of the 10 councils I have spoken about. We need to have a process we can have confidence in. The minister needs to scrutinise all councils in Victoria and make certain that they are accountable and that taxpayers money is being put to the best possible use. It is imperative that we have such a process in place.

In conclusion, the Victorian Local Governance Association has also been concerned about this matter. Its president, Warren Maloney, said;

This decision reeks of party political influence and takes us back 10 years where unaccountable administrators and commissioners ran roughshod over local decisions and interests. This action fails any test of good governance.

I believe this government is negligent in bringing this bill to the house. It is a blatant political witch-hunt designed to redirect attention from the major issue, which is an investigation of other councils in this state.

Sitting suspended 1.00 p.m. until 2.02 p.m.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Superannuation: state schemes

Hon. C. A. STRONG (Higinbotham) — I direct my question without notice to the Minister for Finance, Mr Lenders. On Tuesday the minister told the house of a major restructuring he is undertaking of the state superannuation office, combining it with the emergency services superannuation scheme. This change will require the appointment of a new board, the majority of whose members will be hand picked by the government.

Will the minister make it quite clear that the investment strategies of this new board should exclude the dream of George Pappas that would see the funnelling of public servants' life savings into high-risk investments to achieve the Premier's biotech dream?

Mr LENDERS (Minister for Finance) — I am absolutely delighted that Mr Strong is back and asking questions on the finance portfolio, which is a critical portfolio, and that he is persistent.

Firstly, Mr Strong is correct that it is a proposal of this government to amalgamate the emergency services superannuation scheme and the government superannuation scheme with a view to having a better way of administering these while absolutely maintaining the benefits of every worker in Victoria who receives superannuation. Unlike the government of which Mr Strong was a part, which in 1992 and 1993 slashed the benefits and the retirement income of public sector workers, this government will maintain them. It is looking at running these schemes efficiently.

We are also in that process, and before I come to this Parliament with a piece of legislation, talking to the

stakeholders as to what the best form of board would be. Again, unlike the government Mr Strong was part of, which unilaterally slashed the benefits of workers, we are engaged in a dialogue as to what the best form of scheme and governance would be and what form of board we would use.

The next thing to put on the record is that this government believes absolutely in prudent financial management. We have a system in place where the investments from the earnings of superannuation funds are made under a prudential scheme under the supervision of the Treasurer, which is designed to achieve the maximum financial benefit for the schemes and their members. This government has not been involved in a process of directing where or what — that is, it has had prudential statements of the range of things which you would expect the Treasurer to do, but it has not been in the business of prescribing various schemes that people get involved in using taxpayers' funds. We have not gone down that path, nor will we go down that path.

I have read with interest the views of Mr Pappas in the paper, and we wish well a lot of investment in a lot of great Victorian innovation schemes. But it is certainly not our intention to be directing funds from superannuation schemes into those. We leave it to the prudent financial management of the Victorian Funds Management Corporation (VFMC) to make those investments. It will make investments which will have a good return for the state of Victoria, without our meddling and without our directing the type of thing it needs to do. That is our view of sound financial management. That is our view of superannuation. I reiterate for Mr Strong's benefit, because perhaps in the last five and a half years his memory has slipped a little, that unlike the government he was part of, we actually consult on these issues; and again unlike the government he was part of, we actually protect the benefits of Victorian workers when dealing with superannuation. In fact, in the last piece of legislation dealing with untaxed benefits we actually improved the benefits for members coming out of the emergency services superannuation scheme, which is something his government would never have dreamed of doing because it did not like workers a lot, and did not like public sector workers in particular.

We will continue with sound financial management and the prudential supervision of these funds — which is in the Treasurer's portfolio, not mine, although the general administration of superannuation is mine. The house can rest assured that we are after good financial management and, through other means, making this a good place to invest, to bring in high-tech, innovative

jobs. I could talk at length to Mrs Coote about the synchrotron project, but I do not have enough time at this juncture. I would welcome a question on it.

We will continue to bring good jobs and attract investments to make Victoria a good place for jobs, a good place to bring up a family in high-skilled, well-paid jobs.

Supplementary question

Hon. C. A. STRONG (Higinbotham) — I am glad to hear the minister is working hard to see that the funds are managed properly. In that context, will the minister undertake to use his best endeavours to ensure that George Pappas, with his crazy high-risk scheme of biotech investment, is not appointed to the new board?

Mr LENDERS (Minister for Finance) — Mr Strong probably comes from the Bronwyn Bishop School of Public Service Bashing! If Mr Pappas wants to attract high-tech industries to Victoria and form a debate on that, I welcome the debate, and I welcome his efforts. This government is serious about attracting high-tech industries to Victoria. However, when vacancies arise on the boards of any of our super funds we will continue to appoint people who can manage funds, who are conscious of our prudent financial record, who are conscious of our prudential standards, who can manage the funds well, who can bring down the liabilities, who look after the members and who, like the rest of the Bracks government, can maintain sound fiscal rectitude in a way that most of the world would dream of having. We will appoint the best people available to the job while protecting the members funds in a sound environment. That is what this government is about, and we are proud of our record.

Commonwealth Games: Plan Australia partnership

Ms ARGONDIZZO (Templestowe) — My question is to the Minister for Commonwealth Games. I ask the minister to outline to the house what action the Bracks government is taking through the Melbourne 2006 Commonwealth Games to raise awareness of issues facing children in developing nations of the commonwealth and how benefits will be generated for those children.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the member's interest in this issue. There are only 188 days until the opening ceremony of the Commonwealth Games. The games, as we all appreciate, are about more than just sport. We can already see new buildings and

infrastructure being developed around Melbourne, with projects going gangbusters in every sense. We are also very conscious that the games are not only delivering new sporting venues but that the benefits will extend to environmental benefits, educational benefits and community-based programs. In every sense the Commonwealth Games are about much more than just sport.

One of the major initiatives I had the great pleasure of announcing today, and which I am happy to announce to the chamber now, is that Plan Australia has been appointed as the goodwill partner for the Melbourne 2006 Commonwealth Games. To give a bit more background on this, this is the first time that an organising committee of the Commonwealth Games movement will form a partnership with a charitable organisation. What is unique about this is that Plan Australia's focus is predominantly on children, so the theme of its partnership with Melbourne 2006 is 'Our children are our common wealth'. The theme was chosen because the wealth of many developing nations rests with their children and young people. That goodwill partnership has a number of primary objectives. They are to raise awareness of issues facing children in less developed commonwealth nations; to encourage Australians to be part of the solution to ending child poverty, and this might be in the form of a child sponsorship or the supporting of particular projects; to create long-term tangible benefits for the children of the commonwealth; and, as importantly, to celebrate the values of the Commonwealth Games — humanity, equality and destiny.

This is a fantastic initiative, and this is the first time it has happened. We expect that as well as growing the benefits to the state of Victoria because of the games we will be growing benefits across the commonwealth. In particular, as well as the child sponsorship Plan Australia engages in, it has a number of urgent focuses in commonwealth nations. Those are community learning in Bangladesh, early childhood care and development in India and reducing vulnerability to HIV/AIDS in Uganda, Mozambique, Kenya and Zimbabwe. I am particularly proud that this partnership has been entered into. It will give us a unique opportunity to do things with the games for more than just Victoria and Australia. It will give us a unique opportunity to do even greater things across the commonwealth.

I encourage members to go to the Plan Australia web site and check it out. They might even promote this partnership. On behalf of the Victorian government I would particularly like to congratulate Plan Australia

and welcome it to the Melbourne 2006 Commonwealth Games family.

Hazardous waste: Nowingi

Hon. PHILIP DAVIS (Gippsland) — I direct a question without notice to the Minister for Major Projects. In continuing to insist on the Hattah-Nowingi site as a toxic waste dump the Bracks government has chosen to ignore the Biosis Research report and other indicators of environmental significance. Identified so far are 4 birds of national significance, 4 types of birds and lizards of state significance, as well as 3 rare and 2 vulnerable plant species. It is safe to presume that these creatures have not simply packed their bags and left at the news of the impending destruction of their habitat. I therefore ask: why does the government continue to ignore the scientific evidence that indicates the unique and valuable nature of the site that it is seeking to fill with a toxic waste dump?

Mr LENDERS (Minister for Major Projects) — One of the observations I guess I would make of my short time in parliamentary life is that it is amazing how people swing in the breeze and play to an audience, how they change their tone and change their language when it suits them. They even wear decorations when they have an audience. I say to the Leader of the Opposition that what we are doing with the environmental effects statement is receiving a series of reports on a lot of serious questions that have been asked by the Sunraysia community about the proposal for a long-term containment facility near Mildura.

Hon. D. McL. Davis — Toxic dump, you mean.

Mr LENDERS — Mr David Davis plays the opposition card and calls it a toxic dump, but he was remarkably silent on these areas during the time of the Kennett government, when people were talking of open landfill sites without any effort at processing waste or any effort at recycling. It was open landfill writ large. This government has a commitment to deal with waste, to refine it on site and to find a place to put it. We understand that no community in Victoria is keen to have the long-term containment facility. In response to that we have commissioned 19 separate reports. These will be released in the next couple of weeks as part of the environmental effects statement so that each of the questions that the Leader of the Opposition has raised — and I might say raised for the first time in this place; I will give Mr Bishop his due in that he is persistent on this — will be addressed scientifically and answered as to what the effects of those will be. One is about native species, and we on this side of the house have probably cared a lot more about environmental

effects than those on the other side. Leaving that aside, we will get answers to the questions that have been legitimately raised by the Sunraysia community over the recent period.

The answers will all be released in the environment effects statement. That statement will then be out and available in the community for a period of at least six weeks, as is the correct process. After that — and there has been a lot of debate already — the government will need to start making some decisions. The steps are that the issues people have legitimately and understandably raised over a period of time are being addressed. A series of reports have been commissioned, and those reports are now going through a technical reference group which will ask whether all the questions have been answered. They will be released in the next few weeks and will be out for a period of time for comment. These are difficult decisions. The decisions about what a community does with its waste do not go away and they need to be addressed. They can be deferred, but they need to be addressed. We have gone through a very difficult and painful process to try and find an appropriate site.

Based on the criteria of the Coleman report — a bipartisan report produced by a former minister in the Kennett government that dealt with more than 30 issues — on where to find a site we are going through a process. I hope the issues the Leader of the Opposition raises will actually be addressed to his satisfaction by the environment effects statement, which the member will be able to see in the next few weeks, and on the basis of that informed opinion I hope we will be able to satisfy the community that this is the best approach to take.

That information is sought for a purpose and this process is followed for a purpose: so that we can make an informed decision in a more informed way than governments have ever made such decisions before.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — The minister's answer raises a whole lot of issues, including the allegation that it is the first time I have raised this matter in the house, which I completely repudiate. The minister full well knows that his selective memory ignores the fact that I have raised this issue a number of times. Given the government's overwhelming concern for the bats that inhabited the botanical gardens here in Melbourne in plague proportions, why does the government display such complete disregard and lack of concern about its proposed toxic waste dump threatening the habitat of the greater long-eared bat,

which has been seen in the region only five times since 1888 and is a creature which is already considered to be a vulnerable species due to its habitat destruction?

Mr LENDERS (Minister for Major Projects) — I thought my colleague the deputy leader had the most exquisite Thespian skills in this chamber, but I take my hat off to the sincerity displayed by the Leader of the Opposition in his asking of the supplementary question. This government is serious about an environment effects statement. If the creatures the Leader of the Opposition has such concern about are threatened by this, that will be picked up in the environment effects statement, but the serious issue here — the absolutely serious issue here — is how to get a process in place that takes critical issues for the state and balances them with local needs so that there is sufficient information to enable informed decisions to be made. That is the task before the state. We will carry out that task. We will release the statement, and on the basis of that, and with the community, we will make an informed decision.

Commonwealth Games: baton relay

Ms MIKAKOS (Jika Jika) — My question is to the Minister for Commonwealth Games. I congratulate the minister on the success of the ticketing ballot for the Melbourne 2006 Commonwealth Games.

Honourable members interjecting.

The PRESIDENT — Order! Honourable members should desist from interjecting. Ms Mikakos has the call and is asking the minister a question. The Chair is having difficulty hearing, and so is Hansard. Members should stop interjecting across the chamber.

Ms MIKAKOS — I congratulate the minister on the success of the ticketing ballot for the Melbourne 2006 Commonwealth Games —

Hon. D. McL. Davis — Did the member get tickets?

Ms MIKAKOS — I did very well with the ticket allocation I can assure the member. It is clear that Australians and Victorians in particular are excited about the games, I am very excited. I ask the minister to advise the house on what the Bracks government is doing to ensure that those members of our community who are not attending sporting events have the chance to be part of the games experience?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the member's interest in the Commonwealth Games, and I know how

interested the member really is because she has done particularly well in the ticket ballot. I congratulate her. The Commonwealth Games in March 2006 will undoubtedly be a sporting extravaganza, but as well as a sporting extravaganza there will be more than just sport. These games are about maximising community involvement for people right across this state and right across this country. The highly successful Getting Involved program has seen communities right across Victoria already wholeheartedly excited about the prospect of the games.

One of the great ways that members of the community can get involved is by nominating people to carry the Queen's baton. What is worth noting is that the Queen's baton relay will go through every local government area in Victoria. It will go right across Victoria in the lead-up to the games. This is a great opportunity for members to nominate those unsung heroes in their respective communities who have not carried the baton — there might be a few on the opposition's side who have not carried the baton but would like to — to carry the baton. Tomorrow is the last day for members to be able to nominate community members to participate in the baton relay. I would particularly encourage parliamentary members in this chamber to take up that opportunity and nominate somebody they think should be encouraged to get involved.

As well as that there are other opportunities — a range of opportunities, a whole host of opportunities — for members of the community to get involved. The one I know the Deputy Leader of the Opposition would be particularly interested in is the cultural program, the cultural festival known as Festival 2006. This is a great opportunity for people to get involved right across the state. We will see alongside the sporting extravaganza a festivals extravaganza. We will see throughout those festivals a celebration of diversity and commonality throughout the commonwealth presented here in Melbourne and right across the regions for everybody to get involved with.

The performing arts program will be free and the exhibition program will be free during the games. The collaborative effort to get there and put all this together has involved the arts community and the international consular agencies, as well as a huge level of involvement at the grassroots local community level in order to make sure that the festival will be a spectacular success. It will cover areas such as visual arts, film and literature. Not only will local artists be included, they will share the limelight alongside the best in the commonwealth.

I point out to Mr Drum that there will be music, there will be dance, there will be physical theatre, there will be street theatre — there is a bit of street theatre on the opposition side from time to time, but more often we see circus — and there will even be circus involved. There will be visual culture, including exhibitions, collaborative projects, film and even literature — unending! It will be an absolute extravaganza in its own right.

It will be fantastic. What makes it better is that there is even more: we will see festivals and festivities take place in Ballarat, Geelong, Bendigo and Moe, not just at a local level. This will be spectacular! There is an enormous amount of local community enthusiasm. I have been to those regions in recent weeks and members should see how people are excited about it. It will make Victoria a better place to raise a family.

Hazardous waste: Nowingi

Hon. B. W. BISHOP (North Western) — My question without notice is directed to the Minister for Major Projects, Mr Lenders. Over the past couple of weeks we have had some real revelations in the toxic dump debate. Firstly, the minister's consultants let the cat out of the bag and confirmed what we have maintained from day one — that is, if the dump is built, our area will suffer huge losses. Such losses include \$40 million per year in agriculture and tourism, and 232 jobs. These losses were represented by a silent vigil on the steps of Parliament House a couple of hours ago.

Will the minister now concede that the Mallee area will be adversely affected and as such, will he terminate the project as promised by the Premier before more taxpayers' funds are squandered and our communities are put through a torturous and expensive environment effects statement process?

Mr LENDERS (Minister for Major Projects) — I thank Mr Bishop for his question and his ongoing interest in this issue. The only consistency in the debate about opposing long-term containment facilities that I have seen is from the member for Mildura in the other place, Mr Savage. Mr Bishop's views seem to change when he crosses the aisle in this Parliament as to where something should go. Mr Savage has been consistent on these matters — whether it be in Werribee or Sunraysia.

Leaving that observation aside, I say to Mr Bishop about the issues raised by the Sunraysia community and their concerns about what may happen to the great agricultural industry of Sunraysia if there were a scare or if there were in any way hazardous wastes

threatening, that these are ones you can absolutely understand and are why the government commissioned the McKinna report — to make an assessment on these issues so that there could be an informed debate on the environment effects statement process.

I understand Mr Bishop's anxiety and that of his electorate. I understand his representing strongly for that area, just like Mr Savage has been in my ear and beating me, in a metaphorical sense, on this issue since I became minister.

I can absolutely understand why a local member would be pursuing this. I can tell Mr Bishop and the Sunraysia community that because of the issues they wanted answers to, we commissioned Dr McKinna to come up with his report, and that is why we are now doing the preliminary briefings in Mildura and other parts of the state so that some organisations can actually speak to the technical reference group. In the next couple of weeks we will release the full EES so there is an informed decision, so the community can see what the government has and needs to make its decision on.

The process is that the McKinna report, plus 18 other reports, will be released as part of the EES process so that the Sunraysia community and the rest of the Victorian community, as well as government, has information that will be released for six weeks for further comment so people see all the information. At the end of that process the government needs to make a decision on whether it refers it to a panel to come back to government with recommendations.

This process is slow and exhaustive, which I fully acknowledge. That is something that we need to balance. On the one hand people want quick decisions but on the other hand they also want all these questions answered — forensic evidence of this — before government makes a decision. What we are doing, as we said we would do, is listening, acting and consulting. We are getting information. There would be nothing more desirable for government than to have made a quick decision on this a couple of years ago and not gone through the pain, like the Kennett government always did.

We are committed to getting the information and having a community debate so that there are no surprises. Then people know what is happening. Then the facts will be in place and therefore the government can make an informed decision. That is why we are going through that process, and that is why Dr McKinna's report and all the others will be released in the next couple of weeks; and then we will have an informed six-week discussion on these issues.

An honourable member — How long is a couple of weeks?

Mr LENDERS — I take up the interjection of, 'How long is a couple of weeks?'. I fully acknowledge that this process has gone on longer than we as a government planned, but it has gone on longer because the local community has asked for more information, and we have responded to that. The McKinna report is a classic example of that. We listen, we act and we will have information to make an informed decision — something our predecessors never did.

Supplementary question

Hon. B. W. BISHOP (North Western) — I thank the minister for his sort-of answer. As a supplementary question: is it true that the Premier has stated that if the area were adversely affected, he would terminate the project immediately? If that is true, I ask the minister to discuss the issues with the Premier so this project can be terminated immediately.

Mr LENDERS (Minister for Major Projects) — Again I understand that Mr Bishop needs to perform for an audience, but I will give him the credit for being consistent on this as a question. I am sure Mr Bishop understands that the point of an environment effects statement (EES) is so governments can make informed decisions on risks, which is why the Premier has been leading a government that puts an EES in place and why it pays heed to an EES, so that we can make an informed decision. When the EES comes out it will advise government of the risks and of all the other things that are in front of it. It will make estimates on that and the government will make an informed decision on it.

I urge Mr Bishop, which I am sure he will diligently, to read the entire documentation. The EES will be out under the appropriate process and he will form an informed opinion on it, as well as making some fairly blatant political statements.

Commonwealth Games: Karak mascot

Mr SOMYUREK (Eumemmerring) — I refer my question to the Minister for Commonwealth Games. In the past the minister has spoken about a number of wonderful initiatives that are being implemented by the Bracks government to ensure that the hosting of the games generates benefits for the natural environment.

I ask the minister to advise the house of what actions are being taken to specifically protect the endangered species, the red tailed black cockatoo, that is signified as the games mascot Karak?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the member's interest in all things environmental. It is not often we get to talk about bats and cockies at the same time, but today is one of those days! This will be a fantastic once-in-a-lifetime event, but the benefits will be ongoing. What is particularly important with the preparation of the games is to minimise their impact and the effect that they will have on the natural environment. We are doing that in a range of ways through three initiatives in particular. We are doing that through being water wise, reducing litter, and being carbon neutral. These three initiatives play an important role in all our preparations in not only getting the games but also their delivery.

One of the great initiatives is not only the fact that we are planting in the order of 1 million trees to offset the carbon emissions but the great outcome of that is if we plant the right trees, we can assist in maintaining and sustaining the habitat of the south-eastern red tail black cockatoo, our good friend known as Karak, which has become one of the symbols of the Commonwealth Games. What is fantastic about this special bird, this majestic cockatoo, is that we sadly appreciate that it, the real bird, is in danger of disappearing. There are only about 1000 of these birds left in the wild in Victoria.

Mr Smith interjected.

Hon. J. M. MADDEN — We are doing something, Mr Smith. By celebrating Karak as part of the games we are spreading the word about how we need to maintain our natural environment in order to maintain the habitat of Karak's species. Whilst we know that Karak's species is endangered, it is not the only endangered thing in this chamber.

The survival of this species depends largely on the cooperation of the rural community, and the government will cooperate with the rural community to ensure that adequate habitat management is undertaken. A lot of the old growth is being cleared, and that is diminishing and causing detriment to the habitat of the south-eastern red-tailed black cockatoo. Not only is Karak a symbol of the games, it is also an important part of Victoria's indigenous and cultural heritage.

Yesterday I had the good fortune, together with my colleague the Minister for Environment in the other place, to launch limited edition Commonwealth Games numberplates. The revenue from those numberplates —

Hon. D. McL. Davis interjected.

Hon. J. M. MADDEN — Mr Davis, why do you hate Karak? Members opposite are displaying hypocrisy. When we talk about bats they want to listen, but when we talk about cockatoos they do not give a Karak. Not one Karak!

The revenue from these numberplates will ensure that the habitat is restored and maintained. We are doing that by contributing that revenue to the heritage fund, Trust for Nature (Victoria), and Birds Australia. This will make Victoria an even better place to live.

Minister for Commonwealth Games: Delhi visit

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — My question is for the Minister for Commonwealth Games. Next week the minister will miss Parliament to attend a Queen's baton relay reception in India. What are the minister's objectives in visiting Delhi next week, and why do they take a higher priority than his parliamentary responsibilities?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I appreciate the member's question in relation to this matter because this is another good news story.

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBER

The PRESIDENT — Order! Under sessional order 31, I ask Mr Eren to vacate the chamber for 30 minutes. I also ask the Usher of the Black Rod to collect that flag and confiscate it.

Mr Eren withdrew from chamber.

Questions resumed.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the member's question, because my venture in India next week is a very important one. It is not specifically about being there at the time the baton relay is in India, but there are a number of matters that need to be dealt with in India, and I am happy to elaborate on the itinerary.

In particular the priority is to report to the Commonwealth Games Federation executive board meeting. This will be the last executive board meeting of the Commonwealth Games Federation prior to the Commonwealth Games in March 2006, so it is a prime opportunity to brief that board face to face and update

its members on the progress we have made not only in terms of the delivery of the games but in respect of many of the items I have raised today. I will be telling those members of the executive about the value we are adding to the Commonwealth Games brand.

What is also particularly of great benefit is the fact that, as I have mentioned in this chamber on a number of occasions, Delhi will host the 2010 Commonwealth Games and we need to continue to develop our relationships with India — Delhi in particular — to make sure the skills, the knowledge and the intellectual property we will have developed around the games are taken up. That can be a fantastic thing for the Victorian economy in the long term. We often take for granted the skill base we have, whether it be in events, in facilities management, in volunteers or in sport generally, and these are not necessarily things that come naturally to the Indian community. If we can translate those skills into expertise that can be supplied to or purchased by the Indian community in preparation for Delhi, that will give us a great economic benefit into the future.

It is also worth appreciating that whilst the economy in China is going gangbusters, apparently India is the next economy behind China, so this is a great opportunity to develop and forge economic connections with India on the back of the Commonwealth Games relationships. As well as that I will have the opportunity and great privilege of seeing part of the Plan Australia program in operation on the outskirts of Delhi where I will inspect one of the programs and meet face to face a number of the children who are involved in that program.

On top of all that, the baton will be in India for a number of days and that will give me a great opportunity to see it and help generate enthusiasm not only for the games in Melbourne but in the Indian community, in Delhi in particular, for the 2010 Commonwealth Games in that city.

It will be a particularly short trip of three days, and unfortunately I will miss out on attending Parliament. However, I know, and the opposition would also know, that this is not for the benefit of any particular party but of the long-term economic and cultural relationship with India going into the future. No matter which party is in government in the future, benefits will be generated from the Commonwealth Games. We are doing that, but I know that in years to come when the benefits flow in whatever party is in government will no doubt claim the credit.

Supplementary question

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I thank the minister for his answer but I ask: given that Commonwealth Games committee chairman Ron Walker is also going to Delhi next week, will he inform the house what he expects to achieve that Ron Walker by himself can not?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the member's question. There is a group going. The last I heard from the chairman was that he was not going but that may have changed in the last few hours given that Plan Australia has done such a remarkable presentation with the launch of its program. The chairman may have changed his mind but my understanding is that he will not be going.

It needs one of us to go. I put up my hand because I understand that Indian food does not settle well on the chairman's stomach. The chairman has also travelled extensively in the last 12 months. He is in every sense of the word jet-lagged when it comes to travelling around the world because he travels long distances for short periods of time for the benefit of the Victorian government and the Victorian community. As always we work collaboratively —

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

Commonwealth Games: schools program

Hon. KAYE DARVENIZA (Melbourne West) — My question is to the Minister for Commonwealth Games, the Honourable Justin Madden. I ask the minister to advise the house what action is being taken by the Bracks government to use the Commonwealth Games as a platform for our schoolchildren to learn more about the commonwealth and forge links with schools in other nations as part of that learning experience.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — As I keep telling the chamber and as I keep telling Victoria, the Commonwealth Games are about more than just sport. They are a tremendous opportunity to build benefits well into the future. One great way we can do this is through the Commonwealth Games education program. Many benefits will present themselves for forging links across commonwealth nations.

A fantastic initiative which I have already had the opportunity to see implemented is the School2School program, where schools in Victoria form relationships

with schools around the commonwealth. This not only has the benefit of getting students to understand and appreciate other cultures and how close we are in the global community but also means students can develop individual relationships with other students in classrooms around the commonwealth. They share and send each other letters, emails, photographs, artwork, stories, poems and even PowerPoint presentations and DVDs of their respective schools. This presents a tremendous opportunity to inspire young people around the commonwealth to visit Melbourne and the rest of Victoria in years to come. That can only be great for the state.

This is linked at the local level with the Adopt a Second Team program. Local governments who are connected to other countries around the commonwealth adopt a second team. Many of the schools in a particular area have elected to form a relationship with schools in a commonwealth country. There is a great connection and crossover of those links.

Last week I had to travel to New Zealand to launch Business Club Australia 2006 for the Commonwealth Games. Whilst I was in Auckland I had the opportunity to visit Dawson Primary School in Auckland and present to the students a PowerPoint projection, a DVD that had been sent to them from the students of Watsonia South Primary School. It was presented to them with a flag and the mascot Karak to promote not only Victoria and Melbourne but also the benefits of the Commonwealth Games. Again there was the recurring theme that children are our common wealth.

It is fantastic. In the lead-up to the games at every level, whether it be as the baton travels throughout the 71 commonwealth nations, whether it be when the baton comes to Victoria, whether it be the School2School relationship, whether there is a local government involvement with the Adopt a Second Team program or the Getting Involved program, the games are generating enormous goodwill and benefit for everybody across the commonwealth.

A number of schools are already involved in this program. St Mary's Primary School in Ascot Vale is already concentrating on cultural diversity as part of its education program. A range of initiatives will develop benefits well into the future. I have spoken about economic benefits, but the social benefits from this education program will be long lasting and will make Victoria not only a better place to live but a better place to raise a family.

Hospitals: risk management

Hon. D. McL. DAVIS (East Yarra) — My question is for the Minister for Finance. I refer to the section of the Victorian Managed Insurance Authority (VMIA) report for 2003–04 dealing with clinical risk management and specifically the work of the VMIA's two clinicians who according to the report assist the agencies with risk management education and by providing feedback from investigations of adverse events. Have these doctors or others in the VMIA clinical risk management group reported on or drawn attention to the lessons of the Dr Death inquiry in Queensland?

Mr LENDERS (Minister for Finance) — I am delighted to receive a question from Mr David Davis about his interest in clinical risk mitigation. As a body the Victorian Managed Insurance Authority (VMIA) plays an important role. Government departments and agencies can go to it to get expert advice on issues of risk mitigation. I am delighted this issue is being raised in the Legislative Council, as it is one that should be generally discussed in the Victorian community. Only by our having skilled people who can advise us on risk and only by our knowing that we should test and check a lot of these risk issues before they happen can we actually avoid risk. That is the nature of risk mitigation.

To give full credit where it was due, the VMIA is a body that was set up by the Kennett government, and it has been embraced and enhanced by the Bracks government.

Hon. Andrea Coote — That must have hurt.

Mr LENDERS — No, it did not hurt, Mrs Coote. It was set up as a body to advise on best practice in the public sector, which is a good administrative arrangement and one that Victoria is proud of. The VMIA does a lot of work, and not just in clinical risk issues. It advises on a whole range of areas on readiness for a whole range of issues in government. We have set it up, empowered it and it given so it can advise.

Of course the material issue is that it acts as a body and is accountable to me as a minister for a number of areas, but in the end the advice it gives is advice that is sought by individual minister's departments or agencies. The advice is then provided to individual minister's departments and agencies as they see fit, and is the property of the agency that has sought it.

While I appreciate Mr David Davis's interest — I commend him for it and appreciate it — the reality is that issues and questions for the health portfolio should

either be put on notice or asked of the Minister for Health in the Legislative Assembly. Those are the procedures and rules of this place. This is a place steeped in tradition, as Mr Philip Davis periodically lectures me about. It has the Westminster-style accountability where a minister is accountable to the Parliament. I am sure that if Mr David Davis has confidence in the member for Caulfield in another place, the opposition spokesperson on health, and gets her to ask the question of the Minister for Health in the Legislative Assembly, the minister will gladly respond to the question. Or he has the option of putting it on notice — or, dare I say it, perhaps he could run for the Legislative Assembly!

It is a serious question and they are important issues, but as Mr David Davis knows, it is a matter that is more appropriately asked of the Minister for Health. I would be happy to facilitate his request by taking it on notice for her. We answer for our portfolios, and I am happy to talk about the good and ongoing work done by the VMIA, but it is a question for the Minister for Health, and I suggest he put it on notice to her.

Supplementary question

Hon. D. McL. DAVIS (East Yarra) — Again the minister dodges the essence of the question. He is responsible for the clinical risk management activities of his staff at the VMIA, and it is not true that the VMIA only acts as a sort of agency of health care or other organisations across the system. His own report on page 19 says:

VMIA disseminates information that might assist in preventing adverse events ...

It has an overall role in the dissemination of information. There have been warnings from Peter Beattie, the Queensland Premier. He said of the Dr Death inquiry:

If any inquiry was done similar to what we have put up here in New South Wales, Victoria, other states in Australia, you would get a similar result. Now we are the only government with the guts to actually take it head on.

I ask the minister again: has he considered or have officers in his department, including those clinicians in that section, considered the implications of this and possible dissemination of those lessons to agencies as outlined in the minister's report?

Mr LENDERS (Minister for Finance) — I share Mr David Davis's lack of confidence in Mrs Shardey's ability to ask a question, but having said that, it is a serious question that he asks. But I think in my earlier answer I explained to him why I will take it on notice.

Mr David Davis may well regret that he is the shadow Minister for Health and is in the Legislative Council, when the minister is in the Legislative Assembly, but he surely respects the 150-year tradition of this place.

I have been accused by him of ripping up enough traditions without starting to breach that Westminster-Victorian tradition of how you answer a question and who answers it. I would again suggest that he put it on notice for the Minister for Health in the Legislative Assembly. If, like me, he does not have confidence in Mrs Shardey's ability to ask the question, he could simply put it in writing — I might even help him do so if he needs it — for the Minister for Health. It is appropriate for him either to ask her in writing or to get his shadow in the Legislative Assembly to ask the minister there. He will get the answer he deserves to a serious question, but he knows the rules, and I suggest he not play games in this place.

Ordered that answer be considered next day on motion of Hon. D. McL. DAVIS (East Yarra).

Commonwealth Games: public transport

Hon. S. M. NGUYEN (Melbourne West) — My question is to the Minister for Aged Care. Can the minister advise the house what action is being taken by the Bracks government to provide free public transport to Victorian Seniors Card holders for cultural festival events in the week before the Commonwealth Games in March next year?

Mr GAVIN JENNINGS (Minister for Aged Care) — I would like to thank Mr Nguyen for his question and for his concern about the wellbeing of older members of the Victorian community. I would also like to thank the Minister for Commonwealth Games, because not only is he a good Minister for Commonwealth Games, he is a good bloke. He shared his question time with me, and he has also demonstrated during the course of question time that he will take a trip in the name of the gastronomic wellbeing of others. I think that is quite an extraordinary commitment that he makes on behalf of the Victorian community and the Commonwealth Games.

The reason I get asked a question today relates to the good news for senior members of the Victorian community who will be able to build on the great cultural festival and activities that are the Commonwealth Games, the \$12 million cultural extravaganza that the Minister for Commonwealth Games has talked about, by taking the opportunity to

have free travel in the week leading up to the Commonwealth Games.

Hon. D. K. Drum — What about country Victoria?

Mr GAVIN JENNINGS — Yes, Mr Drum, country Victoria. Under normal circumstances Seniors Festival Week would be held in the first week of March, but we have actually cleared the decks of the Seniors Festival for that occasion to make sure that older members of the community can participate in the full cultural, sporting and participatory activities that are associated with the lead-up to the Commonwealth Games. Very importantly we recognise that many senior Victorians take the opportunity of the free travel that is available, particularly for residents of country Victoria, to move around the state and embark upon their holidays or other activities.

Today I am announcing that next year seniors will have two bites of the cherry in relation to Seniors Festival activities and free travel. I suggest that anybody who bites a cherry should do so twice, because the stone is actually very difficult to get around. It is the best way to eat a cherry.

Twice next year seniors will have the opportunity for free travel. The first will be during the lead-up to the Commonwealth Games on the followings days: Sunday, 5 March; Tuesday, 7 March; Wednesday, 8 March; Thursday, 9 March; and Saturday, 11 March. On those days they will have the opportunity to come to town for a number of seniors-specific cultural events that are going to be held in a variety of centres, such as the Melbourne Museum, the Ian Potter Gallery and other galleries.

Hon. David Koch interjected.

Mr GAVIN JENNINGS — I knew Mr Koch and others would be interested. It is a two-way street, because there are many activities that will encourage people to go to regional Victoria and to centres right throughout Victoria. The traffic will go in a whole variety of ways. For instance, that week the Queen's baton relay will be in Hamilton, Horsham, Ararat and Ballarat. There will be opportunities to go in the other direction and participate in regional centres, explore the great attractions and activities that take place in those regional centres and be associated with the baton relay as it passes through those towns. It is a wonderful opportunity for seniors from all over Victoria — 850 000 of them — to have free travel that week and to participate in these great cultural events.

The good news is that we have moved the Seniors Festival that is normally held in March to October, to

align it with the United Nations International Day of Older People, which occurs on 1 October, so they will be able to do it all over again right throughout Victoria to all the decentralised activities of the Seniors Festival. We are proud to make sure that activities will be occurring throughout regional Victoria as well as in the centre of town.

There will be free travel and opportunities at the beginning of October — the week after the Australian Football League Grand Final, during the lead-up to the Spring Racing Carnival and the Melbourne International Festival of Arts. Senior Victorians next year will have great opportunities to participate fully in cultural life.

The PRESIDENT — Order! The time for questions without notice has expired.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 2047, 2048, 2274–83, 2506–15, 2738–47, 2972–81 and 3206–15.

LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL

Second reading

Debate resumed.

Mr SCHEFFER (Monash) — About 123 000 people live in the city of Glen Eira and something less than half of the western part of the city falls within Monash Province. The Glen Eira town hall was built in 1885, and a succession of councils converted the market gardens to housing and developed the city's suburban infrastructure, surveying and planning roads and public buildings, installing street lighting, laying drainage and sewers, managing rubbish collection and establishing public health services. Even though the city is today meeting the challenge of redeveloping ageing infrastructure, it is an established municipality that has excellent physical and social infrastructure. Glen Eira is a prosperous and comfortable place to live. The municipality is in a strong financial position.

The point here is that there can be no municipality in Victoria that is better placed for a council that is prepared to work to make a real contribution to the

quality of life of its residents and to leave a positive legacy for future generations. However, in Glen Eira the opposite has been the case. For some years the council has been the focus of unseemly quarrelling and bad behaviour that has increasingly embarrassed the community. Like my neighbours I searched in vain to find a basis for the conflict. We felt that the rancour on show in the local papers and publicly displayed at council meetings must have been motivated by differences of opinion about public administration or policy direction, but it became clear that there was no higher purpose to the quarrelling. It all seemed to turn on personal animosity and point scoring.

It is worth noting and important that both Mrs Coote and Mr Pullen were very clear about how well they personally got on with Glen Eira councillors, and I can say the same thing. I have worked very cordially with Glen Eira councillors and have developed a respect for them as individuals who have worked hard in very difficult circumstances. What I have to say will not be an attack on individuals. I will base my remarks on Mr Whelan's report and on what the constituents of Monash Province tell me. I think what has happened has fundamentally been a consequence of a group of people losing control of the good governance processes that are the lifeline of those working in public office. As a result hardly a week went by in Glen Eira without a story in the local paper discrediting the council, and more often than not some individual councillors went to the journalists with more attributed and unattributed material, further fuelling each story to give it another run in the following week's edition. It was hard for us residents to keep up with what was happening from week to week. The slow decline and continued accusations and counter accusations sucked all credibility and legitimacy out of the council and made it a public shame. The Glen Eira City Council became the butt of jokes and an occasion for eye rolling whenever it was mentioned right across my electorate. I do not think this was because anyone who thought what was happening was funny. It expressed a sense of impotence and disbelief.

The final chapter for the council, last month's suspension, was a humiliation for both the councillors and for Glen Eira residents, but it was also a circuit breaker that has put an end to this very unfortunate episode in the history of Glen Eira. Sadly it has to be said that the councillors are collectively responsible for bringing about the circumstances that led to the suspension. This does not mean that each individual councillor is equally responsible. I know that some councillors were deeply upset and disturbed about what was happening and tried to work to much higher standards. The appointment of Mr Merv Whelan, the

inspector of municipal administration, was instigated by the Glen Eira council itself and was the trigger that set in train the damning report that ensured the minister would have little choice but to accept the inspector's recommendation to suspend all the councillors. It would be a mistake to think that all councillors were shocked and appalled to wake up on the morning of 9 August to learn that they had been suspended. At least one councillor told me during Mr Whelan's investigation that in his view the minister should suspend the council.

The terms of reference for the investigation into the Glen Eira City Council required Mr Whelan to look at the governance practices of the council, including the relationship between individual councillors and council staff and what steps were being taken by the councillors to address any deficiencies. Mr Whelan found that the councillors were not providing effective leadership, showed no inclination to focus on strategic direction and were almost completely immersed in divisive point scoring and interpersonal conflict. By contrast, he found that the CEO and municipal officers were managing the municipality very well and to a great extent masking the shortcomings of the councillors. Council meetings were characterised as dysfunctional owing to the unruly behaviour of councillors, resulting in the councillors being seen to be 'ineffectual and irrelevant'.

The inspector's report noted that the councillors had failed to effectively adopt and stick to a code of conduct to lift their game, despite their awareness of how important that was for the good of the community that had elected them. The drawn-out, seven-month process of the reappointment of the CEO was another example of the failure of the councillors to do their job effectively. It is alarming to read in the report that notices had to be served on individual councillors who had privately retained documents relevant to the appointment of the CEO, in contravention of the Public Records Act.

Allegations made by some individual councillors to discredit the CEO were found to be groundless and very badly managed, leading the inspector to question their motives. The report mentions examples of councillors releasing confidential information to the local media, exacerbating the deterioration of trust and good governance. The report also records that some councillors appear to have used their phones in contravention of the council's civic expenses policy, which states that councillors must not use their telephones for electorate or private purposes, other than their mobile phones for 'incidental private use'. The report is full of that kind of thing. While it gives no-one

any pleasure, it is important that we face up to the fact that some very bad things were happening and that what residents thought they knew has now been confirmed and documented and placed on the public record.

Mr Whelan recommended unequivocally that all the councillors be suspended and an administrator be appointed until the 26 November municipal elections. He recommended that steps be taken to recover any telephone costs that had been incurred in excess of the allowances permitted by the civic expenses policy and that specific action be taken against an individual councillor.

The report is very disappointing and disturbing and I am very sorry that all those things occurred. On a personal level, like Mr Pullen and Mrs Coote, I believe I have developed very cordial relationships with all the Glen Eira councillors with whom I have worked. I guess in one way or another each of them has been caught up in a destructive logic that took away from them, at least for some time, their judgment and sense of proportion and balance. I know that some people tried very hard to correct the course of events. Members are not called upon in this debate in this place to provide explanations, but it is important to learn the lessons of what can go wrong when personal differences between elected figures overwhelm their individual and collective purpose and responsibilities. From time to time we are all drawn into dangerous logic. The only way to keep our practices and behaviour on an even keel is to make sure that we observe the principles of good governance and the rules of conduct that afford us some protection.

The only substantive criticism of the minister's decision to suspend the council that I have heard from members of the opposition is that the minister should have allowed the councillors to remain in office until the elections were held in November and let the voters decide. The argument is that providing a circuit breaker is not a good enough reason for the suspension and that the action is somehow undemocratic. I disagree and I know that the overwhelming majority of residents of Glen Eira also disagree. The minister and the government have acted to remove a dysfunctional process, a destructive logic that had consumed the councillors and was daily undermining the good name of the municipality. The voters of the city now have space to reflect on what happened and the election can take place in a much calmer climate than would otherwise have been possible.

The bill provides for the dismissal of the Glen Eira City Council and for the general election to be held in

November. I echo Mr Pullen's advice to fellow voters in Glen Eira: we need to consider very carefully how we cast our vote in November. I commend the bill to the house.

Hon. C. A. STRONG (Higinbotham) — I must say that I find this bill that provides for the Glen Eira City Council to be sacked to reflect hypocrisy at two levels. It is hypocrisy to be sacking the Glen Eira City Council simply because it has a significant number of Liberal members, whereas the behaviour of councils with Labor majorities is very much worse and those councils are just left alone.

The report prepared by Mr Merv Whelan shows a breathtaking misunderstanding and confusion. It is one of the most unbelievable documents I have ever read. I make a few elaborations on that by quoting certain parts of the report. I begin by quoting from the findings. On page 2, under 'Management', the general findings include:

The council is in a strong financial position. Rating levels and operating costs are relatively low in comparison to those of similar municipalities, debt is minimal, the operating position is sound, cash levels and working capital are satisfactory, and capital works investment is increasing to address identified infrastructure needs.

That is a description of a local government organisation that is well managed. There is no problem, with no graft or corruption. Who ran that council? It was the same group as runs any corporation — the board. The councillors are responsible: they produce the budget every year; they give the instructions; they say what infrastructure is to be invested in; and they set the operating regime. The councillors run the corporation. Nobody should think that the manager runs the corporation. The corporation is run by the board, which is made up of the councillors acting jointly. The report says clearly that the council was superbly managed. 'So why are they being sacked?', members may well ask.

To reinforce that, I refer to page 6 of the report where, under 'Consultation/Communication', it says:

Consultation and communication procedures and processes, both external and internal, are extensive and effective.

On the same page, under 'Audit Committee', it states:

The council audit committee is performing its role effectively and has a reputation of being the body which keeps the organisation 'honest'. It has a strong focus on risk management, effective financial procedures ...

Here is an organisation that was running extremely well on every measure set out by the said Merv Whelan.

What does he say? On page 2, under ‘Governance’, the report says:

The council is ... badly governed.

How can that be, when he says everything is running properly? All the evidence he leads refutes his opening statement. The report goes on to say:

There has been, and continues to be, a serious failure to provide good government.

How can that be, when he quotes all those things that are going so well? It goes on:

During the investigation — —

Mr Pullen interjected.

Hon. C. A. STRONG — You haven’t got an idea. Just shut up. Why don’t you keep quiet?

The PRESIDENT — Order! Mr Pullen has had his opportunity. Mr Strong, I do not want that language heard again in this chamber or I will remove you, even if you are on your feet.

Hon. C. A. STRONG — It goes on to say:

During the investigation it became clear that councillors were not providing effective leadership, showed no inclination to focus on strategic direction and were almost completely immersed in divisive point scoring and interpersonal conflict.

I ask anybody who was in this chamber half an hour ago to consider our behaviour during question time. What would they have seen? They would have seen exactly that: personal conflict, point scoring and what is described here as dysfunctional behaviour. Question time is probably dysfunctional, but that is part of adversarial government. That is part of the way our adversarial system works. It is part of the way the law works; it is part of the way our courts work. That is the way life works.

In any democratic process there will be different points of view and they will be expressed robustly in any way. The report says that the corporation these people oversaw is running and managed superbly — yet they have been sacked. In my view it is breathtaking. I have never met Mr Merv Whelan, but I can only say that I have no respect for a man who can go into an organisation, say it is well run and everything is going properly and then turn around and say the very people who manage it, the members of the board, are dysfunctional and no good. It is a massive failure in logic. It makes absolutely no sense at all. Mr Merv Whelan and his report stand condemned for this massive failure of logic.

What is his rationale, totally flawed though it is, for going ahead? Page 7 of the report asks:

Are there reasonable grounds for believing that there has been a serious failure to provide good government?

Clearly there are no reasonable grounds, given that the place is so well managed. It then goes on to say:

The act requires that council perform its functions for the ‘good government’ of the municipality ...

It continues, and in quotes and italics it says:

...provide leadership for the governance of the municipal district and the local community.

Mr Whelan went on to say that the whole point is that there has been bad governance. On page 7 of the report Mr Whelan went on to make a breathtaking leap of unbelievable logic. The report states:

Good government and good governance are interdependent, requiring establishment of an organisational culture based on goodwill and trust, adherence to principles and values, honest open communication, productive working relationships, effective decision-making processes, a focus on strategic planning, sound performance management —

et cetera. All the things that were exhibited so manifestly in this chamber only half an hour ago during question time! I thought, ‘If he says there is a failure in good governance, what does the act say about good governance? Where does the act say there has to be good governance? Where does the act deal with the question of good governance? Where does the act define ‘good governance’, given that he has recommended the council be sacked for a failure of good governance?’.

I did a word search through the Local Government Act — and anybody who has done that will know it is pretty big; it is at least 2 centimetres thick — and I found the word ‘governance’ mentioned four times: twice in the end notes and only twice in the body of the act. So this man, this Merv Whelan, who went into Glen Eira and said it was a superbly managed organisation, then on the basis of two obscure references to ‘governance’ in the whole Local Government Act said that the council should be sacked for bad governance. Nowhere in the act does it define what good governance is. Nowhere in the act does it say that that is required. This man has a fundamental misunderstanding of logic, and I think this report is an absolute disgrace.

In a way it is not necessarily totally the fault of the minister, because she was given a report, but that report is absolutely flawed. To think that any person, any inspector can say of any company, any organisation

which on every measure is performing extremely well, that it is dysfunctional because there are some arguments between its board members is disgraceful. Here is a superbly run and managed organisation, with all its performance measures getting an A1, and somebody says, 'We will sack the board'. It is an absolute joke. I look forward to meeting Mr Merv Whelan one day. I will tell him that I think he has no idea and needs to go back to primary school and learn basic logic.

Hon. S. M. NGUYEN (Melbourne West) — I am delighted to make my contribution to the debate on the Local Government (Further Amendment) Bill. The government wanted to have a look at the performance of the Glen Eira City Council, and I have a report in front of me entitled *Report of Investigation into Glen Eira City Council* which was tabled in Parliament in July. It was compiled by Mr Merv Whelan, who is the inspector of municipal administration.

The bill is a response to that report. Local government is a very important organisation. It is the third level of government after the federal and state governments. It is close to the community. It is elected by ratepayers; the people who live in the council area, and must provide services to the local community. Up until now the mayor and the local councillors have been elected every three years, but the rules have changed, and in November elections will be held providing for four-year terms for councillors. The state government recognises that councillors have an opportunity to serve the community. The state government is responsible for keeping an eye on the council, supporting it as much as possible, providing funding, speaking on its behalf, and lobbying for more resources from the federal government. But at the same time we take responsibility for its performance. It is not an easy task. Every local council does its best to deliver services to the community. Some councils are not doing well because of the politics of the councillors. There can be tension between councillors and councillors, between councillors and the senior staff and sometimes with the community.

As a member for Melbourne West Province, I deal with the Maribyrnong, Hobsons Bay, Wyndham and Brimbank councils. Before each election every candidate knocks on the door of their local member of Parliament and asks for support. They want to get onto council to represent their ratepayers or their lobby groups. Some people commit a lot of time to the council. Councillors do not get paid, so it is hard for many councillors who work full time and serve at the same time. Some of them have young children, some are mothers, but they want to spend time working as

councillors because they believe in what they stand for. I recognise the importance of councillors.

This bill is about the performance of the Glen Eira City Council. We have not played politics in sacking the councillors because they are not Labor-leaning councils. They have been suspended at the request of the mayor of Glen Eira in September last year.

She wrote to the Minister for Local Government and asked for an investigation. We are not about singling out councillors who do not support Labor. We do not do that sort of thing. The Minister for Local Government was requested to investigate what was going wrong at Glen Eira City Council. When the council informed us we sent an investigator there and found out what the problems were from the community, the ratepayers, the councillors and some of the people who worked for the council. The minister decided in December last year to send an investigator to Glen Eira City Council, and today we have his report before Parliament.

The minister is trying to get this bill through so that we can appoint commissioners and be sure that Glen Eira City Council will hold elections just like every other council in Victoria. It will not miss the chance. The minister will ensure by having commissioners there that the election will go well, and they will be there to take responsibility after the election is announced. They will make sure that everything is in order and satisfactory for the ratepayers and businesspeople in Glen Eira, who will then be able to regain their confidence in local government and trust the new councillors who will be elected in November this year to get on and build a new city council management. I support the bill and commend it to the house.

Hon. RICHARD DALLA-RIVA (East Yarra) — I rise as part of the opposition's contribution to this rather small bill. It is interesting to note in a sense that it relates to a particular city council. I know there has been some heated debate about the merits or otherwise of the process that has been undertaken. As one of the newer members here I am fascinated that we often hear the Minister for Local Government berating the former Kennett government for dismissing councils, yet here we are on 8 September 2005 with a bill to dismiss a council. I am very pleased that the minister is present in the chamber as we discuss this, because it is obviously an issue. I am sure that during question time and at other times the minister will in future be circumspect in respect of berating the former Kennett government on this issue.

I also note that the government's action arose from a unique request by the council itself that the Minister for Local Government appoint an inspector. I do not think the councillors quite expected that the investigation would end up as it did, but that is one of the risks you always face when you open yourself up to high levels of scrutiny in any process — that is, that the outcome may not always be as you intended or expected it to be. This is a classic example of that, where the council was caught out in relation to an investigation. I know there have been discussions on the merits of the investigation, but I do not intend to go through that in detail. Certainly I understand there is a significant issue in relation to the expenditure incurred by one councillor as the result of the misuse of a telephone. I must say that from my role as opposition spokesman on the scrutiny of government I do not think there would be any point in trying to defend the use of taxpayers or ratepayers money in the manner reported in the investigation.

I think perhaps the minister may have been a bit aggressive in relation to the sacking. Glen Eira council will go to the polls on 26 November and all councils that are due to go to the polls then will be in caretaker mode from 1 October. It is now 8 September, so we are essentially three weeks away from the caretaker period. From my own perspective I consider that a number of councils are dysfunctional because of the amount of infighting in them. We know that the Labor Party uses councils as a training ground for people to move into the state or federal Parliaments. It is interesting to note that, as I said, we have this dysfunctional council in Glen Eira. I would have thought that the greatest leveller in terms of dysfunction was a thing called an election. I recall that in my own local area the City of Boroondara was a dysfunctional council that was failing to listen to the people of the municipality. It appeared to be not at arm's length from the state government's policy agenda on a number of issues, and Kew Cottages is but one example. There was an election, and guess what? The councillors who supported the government, who tried to be the second arm of the Bracks state government, were comprehensively kicked out. It is unusual in my view to have the mayor booted out of any council, yet the former mayor of the City of Boroondara was booted out. Again the merit or otherwise of any government's actions is determined by the people of Victoria in the case of the state government and the ratepayers in the case of councils. They made that determination in Boroondara 1999, and one hopes that voters will make that determination in 2006 and boot out the Bracks Labor government because they are sick of waiting around for anything to be delivered, apart from the spin

and rhetoric that we consistently hear from the government.

That is part of the democratic process and, as has been pointed out before in relevant debates from both sides — and certainly from our side — local government councils will be in caretaker mode within three weeks. There is no need for this legislation to be here. If anything, the democratic process would see the ratepayers of Glen Eira make a determination whether a councillor or councillors should appropriately remain elected. There are certainly issues about one of those councillors, as I have said before, in relation to the misuse of telephone calls — and I am not about to defend that councillor. My view is there was quite clearly an abuse of ratepayers' funds — in particular, the use of the mobile phones provided by council for council-related use.

It is quite bizarre that this legislation is now before the house. It will be debated; I assume it will pass today. That means the legislation will go to the Governor in Council for assent, who then has to have all the processes take place. It may end up being signed off after the start of the caretaker mode, which makes a mockery of why we are passing the bill today.

I would have thought the better democratic process would have been a better solution. In the end this legislation will be seen as a poor decision made by a minister who could not hold fire but let it go. It becomes difficult for the minister to allege the Kennett government mistreated and sacked councils when the legislation now before the house will do exactly that.

I do not propose to make further comments on the bill. The opposition will not fully support it on the basis that councils are approaching caretaker mode and that the Glen Eira council will be going to the polls in November next. However, the opposition will not oppose the bill.

Hon. R. H. BOWDEN (South Eastern) — I shall make a brief contribution on the Local Government (Further Amendment) Bill. As colleagues have already mentioned, it is primarily about the government's decision to dismiss the current Glen Eira City Council, to provide for an administrator in that council, and to make the necessary arrangements which are specified under clause 6 so that an election must be held on 26 November this year.

I have on occasions in this chamber expressed concern about the behaviour of certain councils. I will not repeat myself in any detail at this stage, but in one respect the passage of this bill could be considered as desirable. I

am not familiar with the circumstances surrounding or the details of the Glen Eira City Council, and it would be unfair of me to pretend otherwise. However, from time to time when the minister of the day believes he or she should take disciplinary action against a council, it becomes a healthy exercise.

There have been occasions — and there will be occasions in the future — when it has been a good thing for democracy that the exercise of real power by the state government is delivered and where a council, after prudent and careful examination, is deemed not to be carrying out its functions in the interests of the constituents that the minister of the day should decide to act in the way the bill is framed. That is a good move, and I support it.

I become concerned at times about the behaviour of some councils, because with the increased powers that have been given to councils in recent years — certainly in the last decade — from time to time there have been unhealthy suggestions that some of the councils have become arrogant and more interested in their local government title than in being servants of the constituents they are elected to serve and provide services for.

I recall that on occasions certain councils have spent huge amounts of money on developing sophisticated plans, forward options and all sorts of administrative and bureaucratic programs that did not deliver practical services to their constituents. I know of examples when all sorts of expensive administrative arrangements and structures have been put in place, and where highly paid staff have been engaged — yet the garbage has not been removed regularly, the roads have not been maintained the way they should be, and maintenance on ovals and other infrastructure, which is the responsibility of a council, has not been carried out.

I was particularly disappointed several weeks ago to read that many councils in Victoria are now putting an administrative charge onto their rate notices. That concept is an absolute disgrace. In the structure behind councils functioning the rates paid by ratepayers should cover council administrative costs. It would be of great concern and reflection if a pattern emerged whereby the administrative costs to councils got out of balance with the services they are obliged to provide to their ratepayers and constituents.

I do not intend to encourage debate or fruitless argument on blaming federal–state cost-shifting and so on because that would be a pointless exercise. I simply point out that I am concerned about the rising costs of administration in many councils where some of the

advisory committees and organisations connected to the councils appear to be empire building and are not entirely cognisant of the fact that they are supposed to be prudent, careful and quite conscious of the need to deliver their services and meet their responsibilities with the lowest possible costs.

I also think there are times when councils ignore the constructive assistance, advice and contribution that members of Parliament can make. I come from a view where one of the real responsibilities that a member of Parliament has is to — in confidence, carefully and prudently — be in a position to provide honest advice on and off the record to a council if it is sought.

If a council seeks an opinion or wants some advice, members of Parliament should be comfortable in providing that in confidence. The extra powers and the extra attitude that have been developed in certain councils is unhealthy, and on many occasions councils tend to diminish or even ignore the contribution that can be made by state members of Parliament. There are circumstances where councils can, should and will make their own decisions with their appropriate authority, and that is fine, but I am not entirely happy with the overall pattern where, as more power and more responsibility is given to councils, they seem to be wanting to break away from the strong connection to, in many cases, the state government, and certainly the locally elected representatives.

I return to my earlier comment about the introduction of the bill not being a negative decision. It is good that the minister of the day has made the executive decision to discipline the Glen Eira council. I have no problems with that. In the broader context of the state government meeting its responsibility to councils, it is a good thing provided there is substantial evidence that the council requires that executive decision making to be carried out.

The government has made that decision in the case of the Glen Eira council. There is certainly no doubt that in a short space of time — only a few months; indeed on 27 November — the ratepayers and constituents in that area will have the democratic opportunity to elect a new council. The arrangements are detailed, and I have no problem with that. The opposition is not entirely comfortable with several points, and those points have been made in previous contributions to the debate, so I will not go over them. With those few words I complete my contribution.

Ms HADDEN (Ballarat) — I rise to speak on the Local Government (Further Amendment) Bill, and I will not be opposing the bill. I think it is probably a

pretty sad day for local government in Victoria when it has come to this and we are asked as members of Parliament to in effect dissolve and sack a council under legislation as a result of a report from Mr Merv Whelan, the inspector of municipal administration, arising from his report of July 2005.

I have read that report. I read it at some length when it was first tabled in this place, and I saw it as being on the lower end of culpability compared with the probity investigation report into the Hepburn Shire Council which was handed down last October. I do not, of course, have sufficient time allocated to me today to go into the differences between the probity investigation report into Hepburn Shire Council and this report by Mr Whelan, the inspector of municipal administration, but comments have been made to me by individuals who are not party political people in my electorate of Ballarat Province and who are also ratepayers and residents of Hepburn shire.

They have also read this report by Mr Merv Whelan on the investigation into Glen Eira City Council, and they were surprised that the council was being sacked on the basis of that report, given what the ratepayers and residents of Hepburn shire had to put up with last year in relation to the investigation into that council over the Hepburn spa bathhouse lease fiasco.

Having said that, the recommendation of the inspector on page 10 of this report is very clear. It is that the minister consider:

- (i) recommending to the Governor in Council that all the councillors of the Glen Eira City Council be suspended; and
- (ii) appointing an administrator for the council who shall remain in office until the general election for the council is held on the last Saturday in November —

this year.

There are two other aspects of the recommendations. The first is that steps be taken to recover any telephone costs that have been incurred by the councillors in excess of their council's civic expenses policy. I think that is very appropriate and ought to send a very loud warning and be an alert. I urge the Minister for Local Government to do more than send a media release and instruct all councils in this state through the Victorian Local Governance Association that inappropriate access to council coffers — which in effect contain the rates of the residents — will not be treated lightly and that they can look forward to some pretty harsh treatment. I certainly urge the minister to consider giving some very clear direction to the councils in this state.

Another recommendation of the inspector was that appropriate action be taken against a particular councillor, Cr Peter Goudge, and that action has been initiated.

On 11 August the government announced by media release — I am not sure which minister it was, but it was a government media release — that an administrator had been appointed to Glen Eira City Council on the basis of a serious failure by councillors to provide good governance. That was clearly unacceptable according to the administrator. The media release said that the Minister for Local Government, Ms Broad, had said that the council was suspended because of this damning report. I do not find the report all that damning after the report on the probity investigation conducted by Phillips Fox into Hepburn Shire Council. Be that as it may, the minister has accepted this report by Mr Whelan and has acted on it and the council has been sacked. The media release says that the:

... report outlines ... a litany of deficiencies of governance which made it impossible for the council to provide fair representation for its local community.

Yes, that is unacceptable, and the act is clear that local government and councillors who are elected to office must act in accordance with the best practice principles and with the act, which is to provide good governance for the community and in the long-term and cumulative effects of their decision making. First and foremost they must put their community before any other private or pecuniary interests. The objectives and purpose are set out very thoroughly in the act.

The government press release of 11 August sets out the reasons outlined in the inspector's report of the investigation to explain why the council was to be suspended:

the lack of an appropriate councillor expenses policy,
breaches of confidentiality,
misunderstanding of councillor role and responsibilities,
a poor relationship between councillors and council staff, including the chief executive officer, and
the lack of an effective code of conduct to deal with these matters.

My view on all of that is that it is possibly a bit too harsh to have sacked the council. All those items of concern and reasons for suspending the Glen Eira council can be said of most councils across this state — not all but most. I urge the minister to consider some really thorough training or education of councillors

before they go into office and then continuing ongoing education, similar to the ongoing education lawyers and barristers have with ongoing professional training through their continuing legal education (CLE) points where they have to accumulate 10 CLEs a year.

They are continuing to be trained up. I can see this happening again and again. I am sure the Minister for Local Government does not wish to be put in this insidious position of having to be the minister who sacks the council. The Victorian Local Governance Association has been scathing of the decision and of the minister. The VLGA president is Cr Warren Maloney, a former mayor and current councillor of the Hepburn Shire Council. He has been positively scathing and, I might say, the minister might consider it insulting.

A media release issued by the VLGA president, dated 5 September and headed 'Community and principles betrayed, Glen Eira council administrator fails good governance test', contains seven long paragraphs of highly overt criticisms of the minister and the government of being Kennett-like, showing disregard for democratic processes and conventions, and directing or encouraging the administrator, Mr John Lester, to override a democratically made decision of council to have a particular way of conducting the elections in November.

The decision to conduct the forthcoming elections by postal vote, which overturns the council's previous decision in May to conduct mixed attendance and postal voting, was made unilaterally by the administrator on 5 September. The VLGA's concern goes further, and it says that it is dismayed that the proposed decision was made on 5 September, over a week before full parliamentary scrutiny of the suspension is dealt with. The protection against unilateral dismissal of councils by a minister is that the process requires parliamentary scrutiny. This is arrogant in the extreme.

Cr Warren Maloney is also very scathing and highly critical of the Labor Party member for Bentleigh, Mr Rob Hudson, who is also the chairperson of the Victorian parliamentary Law Reform Committee. Cr Maloney says that Mr Hudson has:

... unduly interfered in this process by urging for this change of decision, this tactic empowers party-specific candidates in the forthcoming elections. I think the prospect of very large fields in each ward fuelled by party-specific interests will open the sector up to substantial criticism on the use of 'dummy' candidates and will do nothing to support the communities of Glen Eira in electing a new council.

The chief executive officer of the VLGA, Mr Andrew Rowe, also published a media release on 11 August — the day the council was sacked. He says:

Following VLGA demands, the state government agreed that no minister can act unilaterally on matters like this and dismissals need to be brought before the Parliament to provide full protection and full accountability to the community. In the past, ministers could act with no reference to Parliament.

Mr Rowe goes on to say:

The VLGA calls for Minister Broad to instruct the incoming administrator to:

make no decisions that would unnecessarily bind an incoming council

respect and honour all policies and strategies currently in place when making decisions that have to be made over the next three and a half months —

which includes the caretaker period of 57 days prior to the election at the end of November. That has all gone out the window. I am concerned that the VLGA has been so scathing and critical of the government, the Minister for Local Government and the member for Bentleigh in the other place. The VLGA is there to advise and assist government and to represent 79 councils across the state. It is the peak body association.

The government needs to look very clearly at how it will have an ongoing and professional relationship with the VLGA because at the moment all I can see from these press releases and the anger across some communities is that relationships are fragile at the moment and there needs to be a lot of work done.

On the Glen Eira City Council web site anyone can have the chief executive officer welcome you to the club. He says:

Council is like a club. We have about 123 000 members — our residents and business people — in 55 000 properties.

Average rates (our 'club subscription') are about \$880 per year —

And he signs off with:

Welcome to your club. Andrew Newton, chief executive officer.

I notice some members in this place laughing. It may appear to be funny, but it is disgraceful and the minister should direct that the web site be revisited and probably wiped out. That chief executive officer's, 'Welcome to your club' is an insult to local government in Victoria, and Mr Newton ought to be advised on proper processes and the professional conduct required of a local government chief executive officer. I do not think

it is funny — it is appalling, disgraceful and offensive. 'Welcome to the club' is a disgrace.

I was very vocal in this chamber when tabling a petition last October, the signatories on which called for the Hepburn Shire Council and its chief executive officer to be immediately suspended; the grounds for that submission were clearly set out in the petition. That was not done lightly. The residents clearly had their grounds set out in case the minister wanted to have a meeting with the community to sort out that issue. That was never done, and that is an issue I have raised about petitions being tabled in this place. Members table petitions here, but the government does nothing about them. It does not respond whereas it jolly well should. It says on its web site that as part of its policy it will respond, but it does not.

I note in a media release when Cr Maloney of Hepburn Shire Council was elected the VLGA president on 14 February that he said:

New president means renewed energy for the VLGA.

He has certainly done that and has really put a broadside across the Labor government. Mr Maloney has been a Labor Party member for about 25 or 26 years. He has certainly put a broadside across the party. He said he has put the government on notice by saying:

... we will be looking hard and long at policies and positions taken.

The chief executive officer of the VLGA has clearly put the government on notice, and I ask the minister — —

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

Motion agreed to.

Read second time.

Third reading

Ms BROAD (Minister for Local Government) — By leave, I move:

That the bill be now read a third time.

In so doing, I thank members for their contributions to the debate.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

RADIATION BILL

Second reading

Mr GAVIN JENNINGS (Minister for Aged Care) — I move:

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

The purpose of the bill is to provide for a regulatory regime to protect against the harmful effects of ionising and non-ionising radiation. Amendments were made in the Legislative Assembly and their effect has been to change the second-reading speech. I would like to read from the speech the effect of those changes:

The definition of 'relevant practitioner registration board' in clauses 44(2), 60(5) and 136(3) of the bill, as introduced, did not refer to the Dental Practice Board. This omission was addressed by an amendment to those clauses in the other place. The clauses relate to the transfer of information between health practitioner boards and the Secretary of the Department of Human Services regarding radiation safety. The provisions also require the secretary to notify the relevant health practitioner board if the secretary cancels or suspends a person's authority under the act.

That was the substantive change that was made to the bill as it passed through the other place. There is no further amendment of and no section 85 statement in the speech.

Motion agreed to.

Mr GAVIN JENNINGS (Minister for Aged Care) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The purpose of this bill is to create new radiation protection legislation that will provide a consistent regulatory regime, consistent with national directions to protect people and the environment from harmful effects of ionising and non-ionising radiation.

The bill is based upon the national directory for radiation protection developed by the National Radiation Health Committee of the Australian Radiation Protection and Nuclear Safety Agency. Following substantial consultation, the national directory was agreed to by health ministers from the states, territories and the commonwealth. Health ministers undertook to revise legislation in accordance with the national directory and the bill before you is the result of such revision.

In creating new radiation protection legislation, the bill proposes to repeal sections 108AA to 108AK of the Health

Act. The Health Act commenced operation in 1958 and is broadly consistent with the national directory, but requires further improvements to meet current agreed national and international directions in the practice of radiation safety as detailed in the national directory.

The bill provides a single piece of radiation protection legislation that will provide a consistent regulatory regime to protect the public and the environment from the harmful effects of radiation.

The Radiation Bill is also consistent with the recommendations of the national competition policy review of the radiation protection legislation completed in 2001.

The principal objectives of this bill are to protect the health and safety of people and the environment from the harmful effects of radiation.

I will now turn to the key aspects of the bill.

Part 1 of the bill describes the purpose of the act and provides for the part of the act which ensures the continued operation of the Health (Radiation Safety) Regulations 1994 to come into operation on the day after the day the act receives royal assent. The remaining provisions come into operation on 1 September 2007. This part also contains definitions and outlines the purpose and application of the act.

Part 2 of the bill contains the guiding principles including the radiation protection principle and the matters that the secretary must have regard to.

Part 3 of the bill deals with the role of the secretary. In particular, it sets out the functions and general powers of the Secretary of the Department of Human Services.

Part 4 of the bill deals with licensed activities. These include 'management licences' which may authorise the conduct of a radiation practice including possession of a radiation source and a 'use licence' authorising a person to use a radiation source for a specific purpose. This part creates offences for the conduct of unlicensed radiation practices and for the unlicensed use of radiation sources. It creates an offence for the unlicensed construction of radiation facilities. It also creates an offence for a licence-holder to not comply with a condition of their licence. It will create other offences for a person to falsely represent that they are a licence-holder and to allow a person who does not hold a 'use licence' to use a radiation source. It will require a management licence-holder to notify the secretary of the loss or theft of a radiation source. This part also creates the offences of causing another person to receive a higher radiation dose than is prescribed and to cause serious harm to the environment.

Part 5 of the bill deals with approved testers and the testing and use of prescribed radiation sources. Approved testers will be individuals approved by the Secretary of the Department of Human Services to conduct tests on prescribed radiation sources to determine whether the source meets radiation safety standards. The secretary is also able to specify the radiation safety standard that must be met by a radiation source and the tests that must be used to determine whether the source meets the standard. If commissioned to test a radiation source, the tester must issue a certificate of compliance to the person that commissioned the test when the source meets the standard. The tester must also provide the information in the certificate to the secretary. There is an offence for a tester to knowingly issue a certificate of

compliance that is false. The bill also creates an offence for a person in possession of a prescribed radiation source to require, direct, allow or permit a person to use the prescribed radiation source unless there is a current certificate of compliance in respect of that source. There is a corresponding offence for a person to knowingly use a prescribed radiation source unless there is a certificate of compliance for that source that has not yet expired.

Part 6 of the bill deals with authorities which are defined as a management licence, a facility construction licence, a use licence and a tester's approval. The bill provides that any person may apply for the first two types of licence whilst only natural persons may apply for the last two types. The bill provides for certain information to be included with applications for licences and details the matters that the secretary may take into account when considering an application for a licence. The bill also provides for the secretary to have regard to the advice of relevant practitioner boards which are also defined in the bill. The bill describes the content and period of the licences which can be up to three years in length. The bill also provides for a detailed licence renewal process. Division 3 of this part provides for the suspension and cancellation of authorities under certain conditions. This process includes the issue of a show cause notice. Division 4 provides for the transfer of management licences or facility construction licences and for the variation to a licence by the secretary.

Part 7 of the bill contains the enforcement provisions. This includes appointment of authorised officers and their powers including the power of entry. It sets out procedures for entry, both with and without a warrant. It also includes an offence of impersonating an authorised officer.

Part 8 of the bill deals with radiation emergencies. It provides for the secretary to authorise an authorised officer to take action in relation to a radiation event. These emergency powers are needed to ensure that the Department of Human Services has adequate powers to deal with radiation emergencies. Such powers are needed to deal with small or large-scale emergencies where a group of people or a place may have been contaminated by radioactive material following an accident or the intentional release of radioactive material or radiation.

Part 9 of the bill deals with the review of decisions and provides that applicants or licence-holders will be eligible, following decisions by the secretary in relation to their licence, for both an internal review within the department and where necessary, external review by the Victorian Civil and Administrative Tribunal (VCAT). The exceptions to this are in relation to prescribed radiation facilities. These facilities will be prescribed in regulations but can be expected to include the most active radiation sources including a large facility such as the synchrotron. Applicants and licence-holders will be eligible for an internal review but not for review by VCAT. Such decisions are considered to be of significant importance because of the nature of the facilities and secondly because the highly technical nature of the facilities is such that administrative review is impractical. Therefore the decisions in relation to prescribed radiation facilities will only be reviewable by the Supreme Court on matters of law.

Part 10 of the bill establishes the Radiation Advisory Committee, which substantially replicates the current

provisions in the Health Act 1958 to ensure that this independent committee will continue into the future.

Part 11 of the bill is a general part, which amongst other things establishes radiation analysts as persons who can be appointed by the secretary to certify certain things including the radiation dose that a person has been exposed to. The part also establishes an infringement regime for prescribed offences. Division 5 details compensation and recovery of costs provisions. These will follow a finding of guilt by a court and could cover situations where a clean up of a place has been necessary to deal with contamination caused by a radiation source. The bill also provides for an annual report to be published by the secretary of the activities under the act. There is a requirement for the secretary to notify the chief executive of the Australian Radiation Protection and Nuclear Safety Agency of prescribed radiation incidents that the secretary has become aware of. The bill also details provisions to provide for disclosure of information to other agencies including the Environment Protection Authority and the Victorian WorkCover Authority, radiation regulators in other states or territories as well as bodies in other countries that have similar functions. A register of declarations, authorities and exemptions must be kept by the secretary. The bill also contains a regulation-making power as well as making consequential amendments to the legislation. There are also detailed transitional provisions.

The proposed regulatory framework will come into force on 1 September 2007 giving sufficient time for a proper development of regulations and importantly for an appropriate level of education and consultation with industry, and in particular with small business to ensure that they are well prepared for the introduction of the new legislation.

The definition of 'relevant practitioner registration board' in clauses 44(2), 60(5) and 136(3) of the bill, as introduced, did not refer to the Dental Practice Board. This omission was addressed by an amendment to those clauses in the other place. The clauses relate to the transfer of information between health practitioner boards and the Secretary of the Department of Human Services regarding radiation safety. The provisions also require the secretary to notify the relevant health practitioner board if the secretary cancels or suspends a person's authority under the act.

As I stated at the outset, regulatory reform of this nature can be expected to enhance the overall business competitiveness of the Victorian economy. The move to legislation that is consistent with the national directory for radiation protection is an important step towards nationally consistent laws. Feedback from industry has confirmed that this is a positive move particularly for those businesses and individuals who conduct business across state borders.

I believe that the bill strikes the right balance between meeting national commitments to adopt nationally consistent legislation and avoiding unnecessary or overly complex regulation. It also provides a framework to ensure that radiation sources are secured.

In summary, the legislative proposal once enacted will place Victoria in a leading position in Australia in the regulation of radiation safety to protect both people and the environment.

I commend the bill to the house.

Debate adjourned for Hon. D. McL. DAVIS (East Yarra) on motion of Hon. E. G. Stoney.

Debated adjourned until next day.

NATIONAL PARKS (OTWAYS AND OTHER AMENDMENTS) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Ms BROAD (Minister for Local Government).

RESIDENTIAL TENANCIES (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 7 September; motion of Ms BROAD (Minister for Local Government).

Hon. D. K. DRUM (North Western) — I had nearly completed my contribution last night prior to the adjournment debate, and I will be able to wrap up reasonably quickly. The Nationals will again be opposing this legislation. There are two aspects I want to talk about. We believe on balance that the period for the granting of full residential status to caravan park tenants should be kept at 90 days.

The other aspect of the bill The Nationals are concerned with relates to rooming and boarding houses. In particular we are concerned about clause 14, which in effect creates a situation where accommodation providers will not be able to charge a fee for gas, electricity and other utilities when rooms are metered. We think that needs to be fixed. People say that you can simply raise the rent to cover the money you would otherwise have received through a service fee, but as we understand it the vast majority of people in boarding houses are on a pension and their accommodation is set at a maximum of 25 per cent of their welfare package. The ability of an organisation, generally a not-for-profit charitable organisation, to raise the rent to cover monies it would otherwise have received via a service fee simply is not available.

Effectively the providers, including the not-for-profit charitable organisations, that are making this accommodation available for these vulnerable people have two choices. Their first option is not to put more than one person in a room, thereby excluding couples, excluding people from sharing with a close friend and

excluding people who might be compatible from sharing a larger room. The second option is to put them in the accommodation but not charge them a service fee. This would effectively cost the provider money, and these organisations make very little as it is — they virtually only cover their costs.

We have to be aware that if we keep running these organisations so close to the bone so that they are continually scratching to make ends meet, they are going to be tempted to look at running other more profitable forms of accommodation, such as backpacker accommodation, to which these buildings are ideally suited. In fact some have changed from boarding house to backpacker accommodation. We need to be very careful that the policies set by the government to try to help vulnerable people who need this accommodation do not have the opposite effect. This is only a very small aspect of the bill, but The Nationals would like to have it removed. We will therefore move an amendment to delete clause 14. We hope the government will support that amendment. Apart from those comments, as I said earlier we have consulted widely, and we are letting the Parliament know that we will be opposing this legislation.

Ms ROMANES (Melbourne) — I appreciate the opportunity to speak this afternoon on the Residential Tenancies (Further Amendment) Bill 2005. The bill addresses two key issues that are a result of the work and recommendations of the residential tenancies legislation working group. They are, firstly, an amendment to the Residential Tenancies Act to ensure residency rights for residents in shared rooms in rooming houses, and secondly, to alter the waiting period for recognition as a caravan park resident from the current period of 90 days to 60 days.

From listening to the lead speakers from the opposition and The Nationals I think the government and the opposition parties are fairly close in their positions on rooming houses. There is an understanding that following the decision in the courts in *Kirkland Fisher v. Aboriginal Hostels* this is an opportunity to provide some clarification in terms of the coverage of the Residential Tenancies Act and to remove doubt that arose following that case as to whether the provisions of the Residential Tenancies Act extend to cover residents in shared rooms in rooming houses.

The bill formally creates a shared-room right which arises where a resident is occupying a room on a shared basis at the time the relevant provisions of the act commenced or where a vacant room is offered to a resident on a share basis after the commencement of the relevant provision and the resident consents to

occupancy of the room on the shared basis having been provided with all the prescribed information, or where a resident who has an exclusive occupancy right consents to share the room in the future.

At the same time as making sure that residents who share rooms will have residential tenancy rights, the new provisions will also benefit rooming house providers by allowing rooming house owners to conduct their businesses in a properly regulated environment that will contribute to greater housing stability and most importantly to certainty for all parties. There is a need to be certain about what the rules are should a dispute arise. We can all imagine that one of the most difficult situations for people who are very vulnerable and on low incomes is not only to share a rooming house but to also share a room within a rooming house. Therefore it is very important to make sure that those residency rights are beyond doubt from this point forward.

On the second issue, about residency rights for people who have their home and are permanent residents in a caravan park, the government and opposition appear to diverge. Having listened to the debate it seems to me that there is some muddled thinking on the other side of the house. There have been, and Ms Lovell quoted from, numerous letters and other documents which seem to perpetuate a range of views, some of them mistaken, about residents' rights and on the other side the rights of caravan park owners in terms of fulfilling their obligations.

It is important to make it clear that currently a person who does not have prior written consent from the caravan park owner to occupy a site in a caravan park as his or her only or main residence must have occupied the site for a minimum of 90 consecutive days before he or she is regarded as a resident and eligible for protection under the act. Under the new provisions this period will be reduced to 60 days. The aim is to afford longer term occupiers of caravan park sites rights and protections under the act sooner than is currently the case, without interfering with the provision of accommodation for tourism. In the current situation where there are those rights after 90 days, the caravan park owners still have to manage the situation in conjunction with moving others in and out of the caravan parks, others who may be tourists or short-term stayers.

In putting forward a change in the qualifying period for residential tenancy rights for those who call a caravan park their home or who have established permanent residency in a caravan park we have to look at what is happening. Currently everyone else who rents, whether

a rooming house or a private residence, has residential tenancy rights to seek perhaps some improvements, maintenance or changes in the dwelling. The only people who do not have those rights to seek to improve their quality of life if there is some problem with their accommodation are residents of caravan parks. This is about looking at the rights of some of the most vulnerable people in our community and looking at what is fair, reasonable and balanced in terms of when they should qualify for those rights.

The government has taken into account a range of views. It has looked at the recommendations put forward originally by the residential tenancies legislation working group on which both caravan park owners and residents were represented. It has listened to the tenants union, which has made a strong argument that no waiting period should apply just as it does not apply for tenants in other situations. It has also looked at the views of the caravan park owners and listened to views on each side.

The caravan park owners have put strong arguments saying that their issues are unique and that they have to manage residential complexes which are of mixed use — that is, they cater for tourists and for non-tourists. The government has decided on a change that retains a waiting period, and it has listened to the caravan park owners in this situation. However, the government has decided that 60 days is a better balance to allow those rights to kick in earlier than the current 90-day legal recognition. It believes that is a reasonable balance to strike in the circumstances.

Hon. A. P. Olexander — What did the caravan park owners want? Not 60 days.

Ms ROMANES — Mr Olexander is talking about the views of caravan park owners, and a lot of situations were put forward by Ms Lovell about what it would mean for residents of caravan parks to have that reduction of the qualifying period to 60 days and have the right to seek action, such as repairs or maintenance to improve their residential accommodation.

I think it is worth reminding members of the house that caravan park owners do have access to provisions under which they can take action in response to other behaviour which may cause a difficulty for them. They may serve a notice to vacate in a wide variety of circumstances. Putting aside the issues of tenancy rights which we are talking about and which are covered in the Residential Tenancies Act, caravan park owners under other provisions of the bill may serve immediate notice to vacate a site in a number of circumstances, such as if the resident or the resident's visitor

intentionally or recklessly causes or allows serious damage to the site, the caravan park or any facility in the caravan park; or if the resident or the resident's visitor intentionally or recklessly causes or allows serious damage to a hired caravan; or where by an act or omission such resident or resident's visitor causes a danger to any person or property in the caravan park; or where the resident or resident's visitor seriously interrupts the quiet and peaceful enjoyment of the caravan park by other occupiers.

In those circumstances immediate notice can be served. In other circumstances seven days notice to vacate a site can be served if a resident owes at least seven days rent to the caravan park owner or owes at least seven days hiring charges to the caravan owner or fails to comply with an order of the Victorian Civil and Administrative Tribunal or has breached a duty provision three times or has used the site or caravan or permitted its use for any purpose that is illegal.

There are further provisions for caravan park owners at six months notice to vacate a site if the caravan park is to be converted to a use other than a caravan park; or 14 days notice to vacate a caravan hired for a fixed term if the caravan owner intends to occupy the caravan himself or herself or to make it available for a member of the family; or 120 days notice to vacate a caravan site without specifying a reason for the giving of notice.

We are talking about balance here. We are talking about the entitlement of permanent residents who call a caravan park their home to the same sorts of rights that other tenants in different forms of accommodation have to seek redress and to seek improvements in their dwelling and circumstances. On the other hand there is already a range of provisions in the legislation to cover a whole range of behaviours and other circumstances that a caravan park owner may need to rectify a difficult situation.

To come back to the first point and make it absolutely clear to members of the opposition, who, as I said earlier, were sounding a bit muddled about what it is that we are on about today, the act clearly states at clause 3 that a resident of a caravan park is a person who occupies a site in the caravan park as his or her only or main residence and has either obtained the prior written agreement of the caravan park owner to do so or has so occupied any site in the caravan park for at least 90 consecutive days.

That is the definition of the group we are talking about. We are looking to move that 90 consecutive days to 60 days to make it a fairer situation for that group of people who are currently totally reliant on the park

owners' goodwill until they obtain that coverage under the act. We are looking to establish a better balance of rights in these circumstances, and the government has considered the range of views on this matter and through this legislation is putting forward the changes to the act that we are debating today. It is important to shift that balance to that degree, having taken into account the different views. I commend the bill to the house.

Hon. A. P. OLEXANDER (Silvan) — Having listened to Ms Romanes's contribution to debate on this bill, the salient point is that the government has not listened to all of the relevant feedback that has come to it regarding this piece of legislation, and the opposition has listened. We are not muddled about what impact this legislation will have in one particular area — that is, with regard to caravan parks and caravan park tenants, and importantly people seeking crisis accommodation in caravan parks. We are not muddled about that at all, and neither are the caravan park owners or the caravan park association. They have made very clear to this government the detrimental social and equity consequences that will arise as a result of the residential tenancy rights period being reduced from 90 days to 60 days, which is something that Ms Romanes and every other government speaker, including the responsible minister in another place, have conveniently ignored.

Not only did the responsible minister say that she had received feedback from the industry, which was not true, but feedback has not been sought from caravan park owners and operators since 2000, when the Residential Tenancies Legislation Working Group issued its report. When the minister responsible for this legislation says, quite falsely, that the government has heeded the views of caravan park owners on the 60-day, 90-day issue, that is clearly not the case. It is clearly not the case that the residential tenancies legislation working group in 2000 recommended that that period should be reduced from 90 days to 60 days. The working group did not. It was very clear in its report at the time, a copy of which I have and have read and understood. There was no unanimous agreement on that working party about the reduction of the 90-day rule vis-a-vis caravan parks. It is quite disingenuous of the government to pretend that there was, and any statements to the contrary should be seen in that light. There are very good reasons why the change to 60 days is not supported by the industry, and there are very good reasons why the opposition does not support the change from 90 days to 60 days.

Having said that, we on this side of the chamber are not opposing the legislation in toto, but we are moving — —

Hon. W. A. Lovell — We are opposing it.

Hon. A. P. OLEXANDER — We are opposing the legislation if our amendments are not accepted.

Hon. W. A. Lovell — We are opposing.

Hon. A. P. OLEXANDER — Yes. Given that the government will have an opportunity to accept — —

Hon. J. H. Eren interjected.

Hon. A. P. OLEXANDER — I may well read a letter, Mr Eren, because you need to understand that there are social arguments — —

The ACTING PRESIDENT (Mr Smith) — Order! Mr Olexander needs to understand that he should address the Chair.

Hon. A. P. OLEXANDER — I do understand that, Acting President, and continuing with my contribution I may very well read from a letter which spells out clearly the negative social consequences of this move. Just in case government members have not realised it, Victoria does have a crisis in terms of transitional and crisis accommodation and has had that crisis for some time. It is a crisis that has worsened significantly since this government came to office. I am referring to the early housing waiting lists, which in the eastern region of Melbourne — —

Hon. J. H. Eren interjected.

Hon. A. P. OLEXANDER — They have not gone down. In fact, for the last 12 months, as I am sure the Independent member for Silvan, who is in the chamber this afternoon, is aware, the early housing list in the eastern region has increased by 144 per cent, which actually represents 456 or so extra families waiting for that sort of accommodation. Quite often because there is a shortage of accommodation in Victoria, those people are housed in caravan parks. What government members need to understand is that this change in conferring residency rights, reducing the time period from 90 to 60 days, will make it more difficult for those people to be housed in those caravan parks.

Hon. C. D. Hirsh — That is a specious argument!

Hon. A. P. OLEXANDER — It is not a specious argument, it is a very rational argument, because this piece of legislation is an active disincentive for

commercial operators who run, manage, own and operate caravan parks to provide that accommodation.

If Mr Eren does not want to listen to the opposition on this, I will quote a letter from the caravan park owners which spells it out very clearly. I am quoting from a letter which was written on 27 July this year to the shadow Minister for Housing in the other place, Mrs Shardey, from the Victorian Caravan Parks Association president, Mr Bob Farmer. In part he says in this letter:

The position of the association has been, and continues to be, that this change will reduce the capacity of caravan park owners to clearly differentiate between residents and persons requiring shorter term, flexible accommodation, such as crisis accommodation clients and transitional housing clients.

That is very important, because these are the very people who cannot currently be catered for within the normal stock of crisis accommodation housing in Victoria and upon whom this change will impact. There is a very clear and present social equity argument about this, and that is why our amendments will seek to return to the 90-day situation rather than the 60-day one.

An honourable member interjected.

Hon. A. P. OLEXANDER — Well, maintain the 90-day situation, which is really what has always been the situation in Victoria.

Mr Farmer continued:

Caravan park owners are aware that there is a shortage of crisis accommodation in Victoria —

and there certainly is, and I have just cited figures to honourable members about the region I represent, and that situation has worsened enormously since the Bracks government came to office —

but should the definition of ‘resident’ be altered in the way suggested by Ms Pike, park owners would find that there would be a greater business risk involved in accepting crisis accommodation clients and transitional housing clients.

That major stakeholder in a Victorian industry — that is, caravan parks — is telling the government and the opposition directly that if this change is implemented, the park owners will have an active disincentive to accepting people of that category into their caravan parks. They are telling it like it is. There is a business case for them, there is a bottom line situation.

On the one hand the government is prepared to oversee a blow-out in the early housing waiting list in this state, while on the other hand it intends to reduce the opportunity for those people who require transitional,

crisis and emergency housing to obtain it in a caravan park — and the government knows this is the situation.

Business interrupted pursuant to sessional orders.

SUSTAINABILITY VICTORIA BILL

Introduction and first reading

Received from Assembly.

Read first time for Ms BROAD (Minister for Local Government) on motion of Hon. M. R. Thomson.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Children: playgrounds

Hon. A. P. OLEXANDER (Silvan) — This afternoon I seek the assistance of the Minister for Health in the other place. The issue I raise is one that has caused much concern in the community, particularly amongst parents with children who use public kindergartens and in some cases state school playground facilities. It is of course the exposure of those children to arsenic and in specific terms to timber which has been treated with chrome arsenate, or CCA. Many parents and health professionals in the community are concerned that children exposed to timber that has been treated in this way will suffer detrimental health effects.

I might add, however, that the science on this is not in any way conclusive. There is scientific opinion that it presents a clear danger to young people who come into contact with it and there is scientific opinion to the contrary. That often happens in this area. Importantly the Australian Pesticides and Veterinary Medicines Authority, in a report to the Bracks government this year — I believe it was in March — concluded that the presence of arsenic in CCA-treated timber did not present a clear danger, but said it could not be satisfied that there was no danger to young people from contact with it. So the government’s own advice is that it could be dangerous to young people.

Many parents believe the reasonable doubt that exists is enough justification for the removal of timber treated in that way from playgrounds, whether they are state controlled or controlled by local government. One can well understand why they would have those concerns. In response to that, some local councils have decided to

remove treated timber, and Yarra Ranges council is one of them. But this is a statewide issue. We are talking potentially about state schools, kindergartens and other public play facilities. My request to the Minister for Health is: will she actively consider providing support to all publicly owned or controlled facilities which have such timber present to enable the removal of that timber — because at the moment the state government's advice is that it is potentially harmful to children — and will she provide the financial support?

Malvern Valley Primary School: rebuilding

Mr SCHEFFER (Monash) — I raise a matter for the attention of the Minister for Education Services in the other place, Jacinta Allan. In July this year the minister and I, as a member for Monash Province, turned the first sod for the \$2.2 million building works at Malvern Valley Primary School. Members will know that the school was burnt to the ground in March 2004. Right after the fire the Victorian government announced that the school would be rebuilt on the site and would include the construction of six replacement classrooms, a library, an administration block, a canteen and a multipurpose space. It is scheduled for completion early next year.

Malvern Valley Primary School and the City of Stonnington have asked for a financial contribution under the Community Facilities Fund towards the sportsground, outdoor sports courts and cricket practice nets for the school's children and the community to use. Could the minister let me know about the progress of the application so that I can advise the school and the City of Stonnington?

Hallam Road, Hampton Park: upgrade

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I wish to raise a matter for the attention of the Minister for Transport in the other place. On 22 August the Leader of the Opposition in the other place, Robert Doyle, and the shadow cabinet visited the City of Casey at the city's invitation to hold a shadow cabinet meeting and also to talk to councillors and council officers about many of the issues that confront the city, which is the fastest growing area in Victoria.

I take this opportunity to thank the mayor, Cr Neil Lucas; his council colleagues Crs Clissold, Wreford, Wilson and Smith; and the chief executive officer, Mike Tyler, and his senior officers for hosting the shadow cabinet on that occasion and spending time talking to shadow cabinet members about the issues that confront the city.

During the course of that visit the city provided a bus tour of the municipality which allowed the senior officers to explain to the shadow cabinet some of the problems confronting the city, particularly in relation to transport infrastructure. One of the areas we were shown during that visit was Hallam Road in Hampton Park, specifically the section between the South Gippsland Highway and Pound Road. This was brought to our attention for a couple of reasons, one of which is the sheer volume of traffic it now carries. Another is the mix of residential growth on the western side and industrial growth on the eastern side, such as the CSR quarry and the waste management site.

The City of Casey regards this section of Hallam Road as one of its key priorities for upgrade and notes that it is a responsibility of VicRoads as a main declared arterial road. The council is seeking to have that road upgraded to a dual carriageway and is obviously seeking the support of VicRoads to do that at an early stage in that project. I therefore bring this matter to the minister's attention and ask him to have that road added to the VicRoads priority list. I also seek from the minister an understanding of how this road can be progressed and his support for the City of Casey receiving funding so that this duplication can take place.

Commonwealth Games: Melbourne information centre

Hon. B. N. ATKINSON (Koonung) — I wish to raise a matter for the Minister for Commonwealth Games, although perhaps he has already packed his bag and absconded to India. I have an issue that concerns me and I believe most members of this house. It has come to my notice that the City of Melbourne proposes to close its information centre during the Commonwealth Games at its normal time of 6 o'clock at night. During this major event we will have tourists from overseas and interstate and we are encouraging, as we heard today, people from throughout Victoria to come to Melbourne and have a total experience of Melbourne during the Commonwealth Games. I would have thought that it was absolutely crazy for the City of Melbourne to close the information centre at 6 o'clock at night. I understand their rationale is that people do not really need information after that time because they have decided by 6 o'clock what they are going to do that night.

I suggest that visitors to a city do not behave in that way, that they are looking for information and are keen to find advice on what is happening in the city. Frankly, if I were part of the City of Melbourne I would consider having that information centre running 24 hours a day.

Certainly I would consider having it open well into the evening to ensure that visitors to Melbourne have that opportunity at this important time, when we are looking to showcase Melbourne and all its attractions — entertainment venues, restaurants, retailers and so forth. We should be trying to make every post a winner and provide a service to those people visiting Melbourne and obviously to ensure that they are able to access information.

All members would join me in expecting that that information service would be open for longer. I ask the Minister for Commonwealth Games to address this matter with the City of Melbourne in an endeavour to have the information centre open for extended hours.

Medical practitioners: overseas-trained

Hon. D. McL. DAVIS (East Yarra) — My matter is for the attention of the Minister for Health in the other place. It concerns the quality issues that I have talked about over the last few days, in particular issues surrounding the quality of medical services in Victoria. Prior to my asking the minister for a specific action, it is worth putting on the record some statements made by her colleague the Premier of Queensland, Peter Beattie. He made a series of statements on radio and television after the release of the interim Forster report. On 2 August on the ABC he said:

If any inquiry was done similar to what we have put up here in New South Wales, Victoria, other states in Australia, you would get a similar result. Now we are the only government with the guts to actually take it head on.

A day or so later, on radio 4BC, he said:

... the truth is this — we do have a good system; there are problems with it, but no government in Australia has had the guts to do what we did. See, if you went to New South Wales or Victoria or anywhere else, you would find the system would be in a similar state, or in case of elective surgery, as I read out, worse.

He specifically pointed to the Royal Melbourne Hospital and other places. He stressed:

If you went to Sydney and Melbourne, you went anywhere else in Australia, there would be no difference.

We know the problems with Dr Patel, at Bundaberg Hospital and with overseas-trained doctors. I hasten to add that most overseas-trained doctors in Australia, and indeed in most of Victoria, make a very valuable and good contribution to the system. I am pleased that they are making that contribution, but it is also essential that proper training and support be provided to those overseas-trained doctors. It is important that it involve risk management programs, which we have talked

about in this place today. I note that the minister has made a submission to the national inquiry that the Productivity Commission is conducting, which has looked at adopting a national doctor training and screening program. I acknowledge that some of that is important, but it is important that the training occur here. It would be good if the minister led by example rather than simply by demanding that the federal government take every step. In that sense I am calling on the Minister for Health to take some serious steps.

I make the point that there seems to be some demarcation between the Minister for Health and the Minister for Finance and his role in the Victorian Managed Insurance Authority (VMIA) coordination programs, but I ask both ministers, in particular the Minister for Health, to provide greater training and support for the integration of overseas-trained doctors into Victoria.

Fuel: prices

Hon. D. K. DRUM (North Western) — My adjournment matter is for the Treasurer. The issue I raise with him is that of GST revenue from the sale of petrol flowing into the Bracks government's reserves. As Victoria receives 21 per cent of the GST revenue, it is estimated that when petrol hits the price of \$1.10 a litre Victoria receives in the vicinity of \$420 million a year on the GST from that petrol sale. We also know that every 10-cent increase in the price of petrol creates an additional \$35 million per year in revenue for the Victorian government. Given that petrol is now costing over \$1.30 a litre it would be fair to conservatively estimate that this year's revenue to Victoria from GST on petrol would be about \$500 million. Of even greater concern to Victorians who are buckling under the weight of these excessive prices is the inbuilt GST component applied to the fuel excise, which sits at 38 cents a litre. As the Treasurer would be aware, the federal coalition government capped the excise on fuel when previous governments had refused to do so.

Hon. M. R. Thomson — Because we made them.

Hon. D. K. DRUM — The Labor government refused to commit to doing it prior to the election. The GST charged on the fuel excise is currently giving the Victorian government more than \$150 million a year.

I call on the Treasurer to look at the South Australian and Queensland models of returning some of their windfall gains in GST revenue to the motorists of their respective states. The South Australian model has provided motorists with stepped discounting. Petrol is slightly cheaper the further away from the Adelaide

GPO they purchase it. This model would give a bit more equity to Victorians who are unable to enjoy the billion-dollar subsidies that the Victorian government is currently paying the public transport system operators in Melbourne. Should this be too complicated, the Queensland model may offer a simpler approach to returning GST on excise tax by simply cutting the price of petrol at the terminal gate. I urge the Treasurer to immediately look at ways of returning the \$150 million-plus that the Victorian government is receiving as a tax on a tax from Victorian motorists so that they may receive some relief from the current exorbitant prices that they are paying for petrol.

Hon. M. R. Thomson — That is absolutely dishonest.

Hon. D. K. DRUM — You know you are getting the money.

The PRESIDENT — Order!

Hon. D. K. DRUM — Don't call me dishonest in the chamber!

The PRESIDENT — Order!

Hon. D. K. DRUM — You heard her.

The PRESIDENT — Order!

Water: Creswick–Ballarat pipeline

Ms HADDEN (Ballarat) — I wish to raise a matter with the Minister for Water in the other place. The matter is to do with the recent decision by the Central Highlands Regional Water Authority to connect Creswick's water supply at Cosgrave Reservoir to Ballarat's White Swan Reservoir, which will mean pumping water from the Upper Loddon catchment to south of the Great Dividing Range. This will result in depletion of Creswick Creek's natural flow, which will destroy St George's Lake, a prime tourist and recreational feature of the town and district, and also lead to the ultimate demise of Creswick's natural environment and vibrant community. I ask the minister to take no further action on this decision until an environmental impact study has been undertaken and the Creswick community has been fully consulted in an open and transparent manner.

The minister issued a media release dated 4 August confirming approval of the construction of a \$2.1 million pipeline connecting Cosgrave Reservoir with Ballarat's White Swan Reservoir. The minister's media release confirms the intention to use the Cosgrave water to supplement Ballarat's water supply

on the basis of an independent review which backed the water authority's decision and confirmed that the decision would provide positive outcomes and value for money for Central Highlands Water Authority customers and other stakeholders, whoever they might be. The minister's media release further said that the Creswick community's interests were fully considered in the decision. The problem with this media release and the decision is that the independent consultant was specifically directed not to undertake broader community consultation. His brief only allowed one telephone contact with me as the local member of Parliament and a member of the elected community action group. Clearly the terms of reference could result in only one outcome, and that was in favour of the water authority.

It is also clear from the media releases of the minister and the Central Highlands Water Authority that it is intended to pump more than 500 megalitres of water per year over the divide, and it could mean pumping the reservoir's average annual flow of 1200 megalitres per year. The effect of the decision will be no overflow from Cosgrave Reservoir into Creswick Creek. It will mean St Georges Lake will not have a water source and will therefore dry up. The creek through town will have only a minor flow from Slaty Creek during winter. The ecosystem of Creswick Creek, including the platypus and blackfish colonies, will be threatened. Central Highland Water's discharge from the Creswick sewage treatment plant to Creswick Creek will be deprived of its necessary dilution with fresh water under its Environment Protection Authority licence, thus creating a serious water quality problem through to Tullaroop Reservoir via Clunes. Yet the impact this decision will have on the environment and the sensitive Upper Loddon catchment was not part of the independent consultant's brief from the minister, nor was consulting with Creswick's community, which many view as a denial of natural justice. This decision by the minister and the Central Highlands Water Authority is seen by the community as a blatant grab for the precious high-quality water of the Upper Loddon at the expense of Creswick's environment and the water users of the Loddon River system.

Responses

Hon. M. R. THOMSON (Minister for Consumer Affairs) — The Honourable Andrew Olexander raised a matter for the Minister for Health in the other place concerning the exposure of young children to arsenic from treated pine that is used in some playgrounds. I will pass that on to the minister for her response.

Mr Scheffer raised a matter for the Minister for Education Services in the other place concerning the \$2.2 million rebuild of the Malvern Valley Primary School and asked when there will be an outcome in relation to community facilities funding for outdoor sporting infrastructure to go along with that rebuild. I will pass that on to the minister for her response.

The Honourable Gordon Rich-Phillips raised a matter for the Minister for Transport in the other place concerning Hallam Road at Hampton Park and sought an upgrade to the dual carriageway. I will pass that on to the minister for response.

The Honourable Bruce Atkinson raised a matter for the Minister for Commonwealth Games concerning the City of Melbourne's proposal to maintain the closure of its information centre at 6.00 p.m. during the Commonwealth Games, and sought that the minister undertake discussions with the City of Melbourne to extend those hours. I will pass that on to the minister for his response.

The Honourable David Davis raised a matter for the Minister for Health in the other place concerning the quality of medical services in Victoria.

The Honourable Damian Drum raised a matter for the Treasurer in relation to the GST on petrol. That will be passed on.

Ms Hadden raised a matter for the Minister for Water in the other place concerning the Central Highlands Water Authority's proposed pipeline from Cosgrave Reservoir to the White Swan Reservoir in Ballarat. That will be passed on to the minister.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 4.51 p.m.

QUESTIONS ON NOTICE

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

Tuesday, 6 September 2005

Innovation: ministerial staff

1284. THE HON. W.R. BAXTER — To ask the Minister for Small Business (for the Minister for Innovation): Are any members of the Minister's staff listed in the *2003-04 Victorian Government Directory*, persons who have replaced those listed, or staff engaged since the Directory's publication, remunerated by way of consultancy fees in lieu of salary and allowances.

ANSWER:

I am informed as follows:

No members of my staff listed in the *2003-04 Victorian Government Directory*, persons who have replaced those listed, or staff engaged since the Directory's publication, are remunerated by way of consultancy fees in lieu of salary and allowances.

State and regional development: ministerial staff

1286. THE HON. W.R. BAXTER — To ask the Minister for Small Business (for the Minister for State and Regional Development): Are any members of the Minister's staff listed in the *2003-04 Victorian Government Directory*, persons who have replaced those listed, or staff engaged since the Directory's publication, remunerated by way of consultancy fees in lieu of salary and allowances.

ANSWER:

I am informed as follows:

No members of my staff listed in the *2003-04 Victorian Government Directory*, persons who have replaced those listed, or staff engaged since the Directory's publication, are remunerated by way of consultancy fees in lieu of salary and allowances.

State and regional development: Stan Yakatan

1333. THE HON. DAVID DAVIS — To ask the Minister for Small Business (for the Minister for State and Regional Development): Has Mr Stan Yakatan been employed or contracted by the Minister or the Department for State and Regional Development; if so — (i) how much was he paid as a consultant/adviser to the Department and the Minister; (ii) what was the term of his contract with the Department and/or the Minister; (iii) who authorised his contract/s with the Department and/or the Minister; (iv) has the contract been renewed since its original commencement; (v) is he paid by the Department as a consultant or adviser; (vi) what were/are the key performance indicators of his contract; (vii) did he meet his performance indicators; (viii) who undertook reviews of the contract and his performance; (ix) how much has been paid in international and domestic travel for him; (x) has the Department paid hotel bills for him; (xi) how much did the Department pay on hotel bills in Melbourne since he commenced his original contract with the Department and/or the Minister; (xii) how many days has he spent at hotels in Melbourne for which the Department has paid; and (xiii) how much did the

Department pay on his international hotel bills since commencing his original contract with the Department and/or the Minister.

ANSWER:

I am informed as follows:

A detailed response to this question would be too voluminous and an unnecessary diversion of the Department's resources.

State and regional development: science, technology and innovation division — staff

- 1334. THE HON. DAVID DAVIS** — To ask the Minister for Small Business (for the Minister for State and Regional Development): In relation to the Department's Science, Technology and Innovation Division:
- (a) How much was spent on domestic and international travel in the years ending 30 June 2000, 30 June 2001, 30 June 2002 and 30 June 2003, respectively.
 - (b) What is the salary of the Executive Director.
 - (c) Has the Executive Director met all performance targets and criteria.
 - (d) How much was the travel bill for the division and the Minister for the visit to San Diego and Mexico.
 - (e) Who authorised the hire of cars for the San Diego visit, how much did they cost and what were the cars used for and by whom.
 - (f) How many staff have been on sick or stress leave in the years ending 30 June 2000, 30 June 2001, 30 June 2002 and 30 June 2003, respectively.
 - (g) How many staff have received workers compensation in the years ending 30 June 2000, 30 June 2001, 30 June 2002 and 30 June 2003, respectively.
 - (h) What were the results of the Staff Climate for the division and the Department of Innovation, Industry and Regional Development in the years ending 30 June 2000, 30 June 2001, 30 June 2002 and 30 June 2003, respectively,
 - (i) What procedures are in place to boost staff performance and morale.
 - (j) What was the total number of staff employed at 30 June 2000, 30 June 2001, 30 June 2002 and 30 June 2003, respectively.
 - (k) What were the total staff salaries in the years ending 30 June 2000, 30 June 2001, 30 June 2002 and 30 June 2003, respectively.
 - (l) How much has been spent on communications and marketing initiatives in the years ending 30 June 2000, 30 June 2001, 30 June 2002 and 30 June 2003, respectively.
 - (m) How many communications contracts have been awarded in the years ending 30 June 2000, 30 June 2001, 30 June 2002 and 30 June 2003, respectively.
 - (n) To whom have the communications contracts been awarded.
 - (o) How much did each of the communication contracts cost.

ANSWER:

I am informed as follows:

A detailed response to this question would be too voluminous and an unnecessary diversion of the Department's resources.

Police and emergency services: traffic infringements

1576. THE HON. PHILIP DAVIS — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services):

- (a) What are all the traffic infringements that fall under the Minister's portfolio responsibility.
- (b) What was the level/rate of each these fines in October 1999.
- (c) What is the current level/rate of each these fines.

ANSWER:

I am advised that:

While Victoria Police has the primary responsibility for enforcing the law in Victoria, the setting of traffic infringement penalty levels falls within the portfolio responsibilities of the Minister for Transport.

Employment and youth affairs: publications

3739. THE HON. GORDON RICH-PHILLIPS — To ask the Minister for Aged Care (for the Minister for Employment and Youth Affairs): Since 1 June 2003 to 14 September 2004, what are the details of all publications produced by agencies for which the Minister has responsibility, indicating in each case the — (i) title; (ii) date of issue/distribution; (iii) cost of production; (iv) number printed; (v) name of printer; and (vi) details of distribution, including numbers and cost and the purpose of production.

ANSWER:

I am informed that the details of Office for Youth publications since 1 June 2003 to 14 September 2004 are as follows:

a) Title of Publication	Advance Guideline for Government Schools 2004	Advance Brochure	Advance Handbook for Government schools (included learning modules and support materials)	Advance Guidelines for Govt Schools 2005	Taking Young People Seriously (3 hand books)	FReeZA applications and guidelines 2005
b) Date of issue/distribution	December 2003	December 2003–February 2004	February 2004	August 2004	October 2004	September 2004
c) cost of production	\$200	\$1,221	\$8,970	\$4,662	\$68,532	\$1,900
d) quantity printed	Web based only	5000 copies	400 copies	1000 copies	22,500 (7,500 copies of each handbook)	300
e) name of printer	N/A	Kinko's International	Worldwide Online Printing	Designery	Finsbury Printers	I-Print

f) details of distribution including number and costs	N/A	Multiples provided to all Victorian Government secondary schools delivering Advance and the partnering community organisations for distribution through their networks. Distribution costs are included in cost of production.	Provided to all Victorian Government secondary schools delivering Advance and the partnering community organisations. Distribution cost approx. \$450.00	Provided to all Victorian Government secondary schools, and community organisations who have expressed interest in participating in Advance. Distribution costs included in cost of production.	Expected to be provided to all Victorian secondary schools, Youth service providers and local governments	Sent to all local councils, current and past FReeZA grant recipients
g) purpose of production	Promotion and provide schools with information on Advance.	To promote Advance to young people, parents, schools and community organisations.	To provide program materials and resources to schools and community organisations to assist in the delivery of Advance.	To provide information to schools about Advance the expression of interest process to enter the program.	Practical handbooks designed to increase young people's participation in their communities	Promotion and application for FReeZA grant scheme

Racing: Harness Racing Victoria — freedom of information requests

3942. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Racing): In relation to the Freedom of Information requests received by Harness Racing Victoria between 1 July 2003 and 30 June 2004:

- (1) How many requests were received.
- (2) How many were —
 - (a) denied in full;
 - (b) released in part; and
 - (c) released in full.
- (3) How many were given to the Minister before being given to the applicant.

ANSWER:

I am advised that:

- (1) & (2) Information in relation to Freedom of Information requests received by Harness Racing Victoria was compiled for the Freedom of Information (FOI) Annual Report. I refer you to the 2003/04 FOI annual report.
- (3) As dictated by the Attorney-General's guidelines responses to Freedom of Information requests are forwarded to the Office of the Minister. Statistics regarding Freedom of Information responses which are forwarded to the office of the Minister are not collected by the Department of Justice.

Racing: Racing Appeals Tribunal — freedom of information requests

3946. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Racing): In relation to the Freedom of Information requests received by the Racing Appeals Tribunal between 1 July 2003 and 30 June 2004:

- (1) How many requests were received.

- (2) How many were —
 - (a) denied in full;
 - (b) released in part; and
 - (c) released in full.
- (3) How many were given to the Minister before being given to the applicant.

ANSWER:

I am advised that:

(1) & (2)

The Racing Appeals Tribunal is part of the Department of Justice and not a separate prescribed authority under the Freedom of Information Act 1982. Their statistics are incorporated into the Department of Justice figures. I refer you to the 2003/04 Freedom of Information Annual Report.

- (3) As dictated by the Attorney-General's guidelines responses to FOI requests are forwarded to the Office of the Minister. Statistics regarding Freedom of Information responses which are forwarded to the office of the Minister are not collected by the Department of Justice.

Gaming: Victorian Casino and Gaming Authority — freedom of information requests

3948. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Gaming): In relation to the Freedom of Information requests received by the Victorian Casino and Gaming Authority between 1 July 2003 and 30 June 2004:

- (1) How many requests were received.
- (2) How many were —
 - (a) denied in full;
 - (b) released in part; and
 - (c) released in full.
- (3) How many were given to the Minister before being given to the applicant.

ANSWER:

I am advised that:

(1)& (2)

As outlined in the Victorian Casino and Gaming Authority Annual Report 2003-04 and the Freedom of Information Annual Report 2003 - 2004, between 1 July 2003 and 30 June 2004, the Authority received three Freedom of Information requests. Access was granted in part to the three requests.

- (3) As dictated by the Attorney-General's guidelines responses to FOI requests are forwarded to the Office of the Minister. Statistics regarding Freedom of Information responses which are forwarded to the office of the Minister are not collected by the Department of Justice.

Small business: Haystac Public Affairs Pty Ltd — payments

4384. THE HON. GRAEME STONEY — To ask the Minister for Small Business:

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

ANSWER:

I am informed as follows:

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

Financial services industry: Haystac Public Affairs Pty Ltd — payments

4385. THE HON. GRAEME STONEY — To ask the Minister for Small Business (for the Minister for Financial Services Industry):

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

ANSWER:

I am informed as follows:

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

Manufacturing and export: Haystac Public Affairs Pty Ltd — payments

4387. THE HON. GRAEME STONEY — To ask the Minister for Small Business (for the Minister for Manufacturing and Export):

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

ANSWER:

I am informed as follows:

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

Small business: Shannon's Way Pty Ltd — payments

4425. THE HON. GRAEME STONEY — To ask the Minister for Small Business:

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

ANSWER:

I am informed as follows:

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

Financial services industry: Shannon's Way Pty Ltd — payments

4426. THE HON. GRAEME STONEY — To ask the Minister for Small Business (for the Minister for Financial Services Industry):

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

ANSWER:

I am informed as follows:

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

Manufacturing and export: Shannon's Way Pty Ltd — payments

4428. THE HON. GRAEME STONEY — To ask the Minister for Small Business (for the Minister for Manufacturing and Export):

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

ANSWER:

I am informed as follows:

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

Arts: budget — Museum of Victoria

4691. THE HON. ANDREA COOTE — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the 2004-05 Budget Estimates, which specified a budget allocation of \$6 million to

be directed to “refresh and redevelop new exhibits at the Museum of Victoria” and the \$3 million of which it specified to be provided in 2004-2005”:

- (1) What particular exhibits has the \$3 million been directed towards.
- (2) What was the individual costing of each exhibition during 2004-05 to date.
- (3) During what dates were the exhibitions shown at the Museum of Victoria.
- (4) What exhibitions will be shown for the remainder of 2005.
- (5) During what dates will these exhibitions be shown.

ANSWER:

I am informed that:

Each year, the Museums Board of Victoria’s annual report provides details about Museum Victoria’s exhibition programs.

The Board’s 2004-05 annual report or the Museum Victoria web site will provide information about refurbishments to long-term exhibitions, the dates of new temporary exhibitions, and exhibitions for the remainder of 2005.

Corrections: HM Prison Ararat — capacity

4801. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Corrections): As at 28 February 2005:

- (1) What was the ‘design’ prisoner capacity at HM Prison Ararat.
- (2) What was the actual prisoner population at this prison.

ANSWER:

I am advised that:

“Design prisoner capacity” is a redundant measure that bears no relationship to actual prison capacity.

As at 28 February 2005:

- (1) The actual prisoner capacity at HM Prison Ararat was 397.
- (2) The actual prisoner population at HM Prison Ararat was 381.

Arts: film industry — product input

4842. THE HON. ANDREA COOTE — To ask the Minister for Sport and Recreation (for the Minister for the Arts): What specific product did Arts Victoria put into the Victorian film industry in 1999, 2000, 2001, 2002, 2003 and 2004, respectively.

ANSWER:

Information on the recurrent and other funding Film Victoria received from State Government is available in Film Victoria’s Annual Report 2003-2004.

Arts: film industry — training facilities

4843. THE HON. ANDREA COOTE — To ask the Minister for Sport and Recreation (for the Minister for the Arts): What specific training facilities has the Government put in place to encourage and develop new talent in the Victorian film industry in 1999, 2000, 2001, 2002, 2003 and 2004, respectively.

ANSWER:

Information on the recurrent and other funding Film Victoria received from State Government is available in Film Victoria's Annual Report 2003-2004.

Arts: film industry — training facilities

4844. THE HON. ANDREA COOTE — To ask the Minister for Sport and Recreation (for the Minister for the Arts): What was the cost for each of the training facilities that the Government put into place to encourage and develop new talent in the Victorian film industry in 1999, 2000, 2001, 2002, 2003 and 2004, respectively.

ANSWER:

Information on the recurrent and other funding Film Victoria received from State Government is available in Film Victoria's Annual Report 2003-2004.

Arts: film industry — domestic production

4845. THE HON. ANDREA COOTE — To ask the Minister for Sport and Recreation (for the Minister for the Arts): What has been the Victorian Government's spending on domestic production in the film industry in 1999, 2000, 2001, 2002, 2003 and 2004, respectively.

ANSWER:

Information on the recurrent and other funding Film Victoria received from State Government is available in Film Victoria's Annual Report 2003-2004.

Arts: film industry — novice film-makers

4846. THE HON. ANDREA COOTE — To ask the Minister for Sport and Recreation (for the Minister for the Arts): How many novice film-makers were funded under the Novice Filmmakers Fund in 1999, 2000, 2001, 2003 and 2004, respectively.

ANSWER:

I am informed that:

The Novice Filmmakers Fund commenced operation in March 2002.

Film Victoria's annual reports and web site both report on all funding decisions, including funding for the Novice Filmmakers Fund.

Arts: film and multimedia — crude violence

4847. THE HON. ANDREA COOTE — To ask the Minister for Sport and Recreation (for the Minister for the Arts): What regulations has the Minister for the Arts put in place to ensure that crude violence has been reduced in movies and multimedia in Victoria.

ANSWER:

Film and computer game classification is dealt with Federally by the Office of Film and Literature Classification.

Arts: Museums Board of Victoria — finances

4860. THE HON. ANDREA COOTE — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the \$42.31 million accumulated loss of the Museums Board of Victoria as at 30 June 2004:

- (1) How has this ongoing financial loss occurred.
- (2) What is the Government's strategy to overcome this deficit.
- (3) What cost cutting has occurred.
- (4) What cost cutting will occur.
- (5) What long term plans are in place to protect Museums Victoria from experiencing such financial debt again.

ANSWER:

The deficit is not a cash loss and is primarily the result of having to factor in the impact of depreciation. This depreciation was expected and in no way affects the operating viability of the Museum.

Arts: National Gallery of Victoria — finances

4861. THE HON. ANDREA COOTE — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the \$8.8 million operating loss incurred by the National Gallery of Victoria in 2003-04 before fund-raising revenue was taken into account:

- (1) What is the Government's strategy to assist the National Gallery in overcoming this deficit.
- (2) What is the Government's strategy to ensure that the National Gallery does not continue to have an operating loss in the years ahead.

ANSWER:

I am informed that:

During 2004-05, the Gallery reviewed its operations to develop a sustainable business and financial model. Improvements recommended by the review, to ensure the ongoing strength of the Gallery, are now being implemented.

The Government's 2005-06 State Budget committed additional output funding to support these improvements.

Arts: National Gallery of Victoria — finances

4862. THE HON. ANDREA COOTE — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the advice given by the Public Accounts and Estimates Committee that a more forward looking financial strategy is required for operating revenue at the National Gallery of Victoria to allow the institution to stop relying on cash reserves:

- (1) What action has the Government taken to act on that advice.

- (2) Does the Government have plans to create a more forward looking financial strategy for the National Gallery; if so, what are these plans.
- (3) When will these plans be implemented.

ANSWER:

I am informed that:

The response to Question No. 4861 addresses this question.

Arts: National Gallery of Victoria — finances

4864. THE HON. ANDREA COOTE — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the results of the investigation currently being undertaken by the Trustees of the National Gallery of Victoria into the ongoing financial deficit of the National Gallery:

- (1) When will this report be completed.
- (2) On what date will the recommendations from the report be made available to the public.

ANSWER:

- (1) An independent review was undertaken in 2004 and recommendations formed the basis of the package of operational improvements being implemented by the NGV Trustees.
- (2) The review was undertaken as an internal management report and is not intended for public release.

Arts: Arts Victoria — grants

4865. THE HON. ANDREA COOTE — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the recommendations of the Public Accounts and Estimates Committee in its Report on Budget Outcomes for 2003-04 that Arts Victoria's grant assessment process should be reviewed to ensure a more rigorous evaluation of the revenue and economic credibility of grant applications prior to approval:

- (1) Will a review of the grant assessments process take place; if so, when.
- (2) Over what period of time will this review take place.
- (3) Who will be involved in this review of grant evaluations.

ANSWER:

The Department of Premier and Cabinet, in accordance with its 2004-05 Internal Audit Plan, has undertaken a review of Arts Victoria's Grants Management during 2005.

The Review was conducted by PriceWaterhouseCoopers. The project was managed by the Department of Premier and Cabinet Audit Committee.

Arts: Touring in Victoria — funding

4900. THE HON. ANDREA COOTE — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to 'Touring in Victoria':

- (1) How much money does the 2005-06 Budget give directly towards 'Touring in Victoria'.

- (2) What are the names of the touring groups/organisations that will receive this funding.
- (3) What amount of money will each of these groups receive.
- (4) Will all of the funding for touring in 2005-06 be provided through the Community Support Fund.
- (5) If funding for 'Touring in Victoria' is coming from other sources, what are they.
- (6) If additional funding sources are used, what amount of the 'Touring in Victoria' funding will come from those sources.
- (7) What are the reasons for the Government's decrease in funding for 'Touring in Victoria'.

ANSWER:

I am informed that:

Support for touring in Victoria has not decreased.

The first application round for 2005-06 touring funding has not closed yet, so no grants have been made. The names of future recipients will be available on the Arts Victoria web site.

Arts: Touring in Victoria — funding

4901. THE HON. ANDREA COOTE — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to 'Touring in Victoria':

- (1) What amount of money did the Government provide for touring Victoria in 2004-05.
- (2) Did all of this funding come from the Community Support Fund.
- (3) How much money came directly from the Community Support Fund into 'Touring in Victoria'.
- (4) If an alternate fund from within the Government was used to provide money for 'Touring in Victoria', what was this fund.
- (5) What amount of money came from this alternate fund towards 'Touring in Victoria'.

ANSWER:

I am informed that:

The 2004-05 Touring Victoria budget was \$1.5 million, which includes a Community Support Fund allocation of \$500,000.

Arts: grants

4903. THE HON. ANDREA COOTE — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to Arts Grants for 2004-05:

- (1) On what date will the Government's 2004-05 Arts Grants be made available to the public.
- (2) What is the reason/s for the delay in making these documents public.

ANSWER:

Arts grants are published on a financial year basis and will be available shortly after 30 June 2005 on the Arts Victoria web site.

Arts: Opera Victoria

4904. THE HON. ANDREA COOTE — To ask the Minister for Sport and Recreation (for the Minister for Arts):

- (1) In view of the Government's announcement that the Victorian Opera will no longer share the Arts Centre with OzOpera, where will Opera Victoria be housed and perform when it is re-established.
- (2) What are the costs of this new location.

ANSWER:

I am informed that:

This question suggests that some media reports about the Victorian Government's new 'boutique' opera venture may have been misinterpreted.

Information about the opera initiative is available in the Arts Budget Media Release dated 3 May 2005 which is available on the Arts Victoria web site.

Arts: Museums Victoria — debt

4905. THE HON. ANDREA COOTE — To ask the Minister for Sport and Recreation (for the Minister for Arts):

- (1) How did Museums Victoria obtain accumulated losses of \$42.31 million as at June 2004.
- (2) How is the Government going to reduce this debt in 2005-06.
- (3) By what date will these debts be resolved.

ANSWER:

The deficit is not a cash loss and is primarily the result of having to factor in the impact of depreciation. This depreciation was expected and in no way affects the operating viability of the Museum.

Arts: National Gallery of Victoria — finances

4906. THE HON. ANDREA COOTE — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the National Gallery of Victoria's operating deficit of \$8.8 million in 2003-04, and \$1.2 million funding in 2005-06:

- (1) How is the Government planning to have the Gallery out of its operating deficit.
- (2) By what date will the Government have the Gallery out of its operating deficit.

ANSWER:

I am informed that:

The response to Question No. 4861 should be consulted.

The Gallery is currently forecasting a break even operating position for 2005-06 and subsequent years.

Arts: Australian Centre for the Moving Image

4907. THE HON. ANDREA COOTE — To ask the Minister for the Sport and Recreation (for the Minister for Arts): What are the reasons for changing the measure of ‘visitors’ to the Australian Centre for the Moving Image to ‘attendances’.

ANSWER:

The design of the Alfred Deakin Building (of which ACMI is a co-tenant along with SBS) meant that the previous visitor measure included SBS visitors and thoroughfare traffic.

The new measure will provide a more accurate picture of ACMI’s performance as data trends are built up under the new system.

Arts: Australian Centre for the Moving Image

4908. THE HON. ANDREA COOTE — To ask the Minister for Sport and Recreation (for the Minister for Arts): On what date will the construction for the new entrance between the Australian Centre for the Moving Image and Federation Square commence.

ANSWER:

ACMI is currently undertaking detailed planning to minimise the impact of construction on core services. Once the details are finalised, the date will be scheduled and announced.

Arts: Australian Centre for the Moving Image

4909. THE HON. ANDREA COOTE — To ask the Minister for Sport and Recreation (for the Minister for Arts): On what date will the construction for the new entrance between the Australian Centre for the Moving Image and Federation Square be completed.

ANSWER:

Response provided in Question on Notice 4908.

Arts: Australian Centre for the Moving Image

4910. THE HON. ANDREA COOTE — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the Australian Centre for the Moving Image:

- (1) How is the Government going to address the issue of operational and financial stability for the Centre in 2005-06.
- (2) Once achieved, how will the Government sustain financial stability for the Centre.

ANSWER:

- (1) ACMI operated within its operational grant for F2004 and will do so again for F2005 (refer Annual Report 04/05).
- (2) ACMI is currently finalising its budgets for F2006 and expects operational funding to be adequate to deliver its current programs.

Treasurer: Victorian Funds Management Corporation — communications staff

5222. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): As at 30 June 2005:

- (1) How many officers in the Victorian Funds Management Corporation are engaged in communications, including public, corporate and media relations
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am informed that:

No communications officers are specifically engaged by this organisation. Investment issues are dealt with by the Head of Investments and issues relating to the Corporation are dealt with by the Chief Executive Officer and/or the Chairman.

Treasurer: Young Farmers Finance Council — communications staff

5226. 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 Young Farmers Finance Council are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am informed that:

- (1) Nil.
- (2) Not applicable.
- (3) Not applicable.

Treasurer: State Revenue Office — communications staff

5233. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance (for the Treasurer): As at 30 June 2005:

- (1) How many officers in the State Revenue Office 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) The State Revenue Office of Victoria has a communications area of three officers. The primary role of the area is to assist in stakeholder communications, principally to taxpayers. It is also responsible for internal communications. The Branch Manager holds sole responsibility for media relations activities.
- 2) Grade 6
Grade 5
Grade 3
- 3) Branch Manager
Communications Manager
Communications Officer

Sport and recreation: Melbourne and Olympic Parks Trust — communications staff

5234. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation: As at 30 June 2005:

- (1) How many officers in the Melbourne and Olympic Parks Trust are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am informed as follows:

The Melbourne and Olympic Parks Trust (MOPT) employ two officers in communications, including public, corporate and media relations, at the following salary bands:

- a) General Manager, Marketing and Commercial Services - \$110,000 - \$152,771; and
- b) Marketing Manager - \$70,000 - \$75,000.

Sport and recreation: Melbourne Cricket Ground Trust — communications staff

5235. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation: As at 30 June 2005:

- (1) How many officers in the Melbourne Cricket Ground Trust are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am informed as follows:

No officers employed by the Melbourne Cricket Ground Trust are engaged in communications, including public, corporate and media relations.

Sport and recreation: Professional Boxing and Combat Sports Board — communications staff

5236. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation: As at 30 June 2005:

- (1) How many officers in the Professional Boxing and Combat Sports Board are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am informed as follows:

No officers employed by the Professional Boxing and Combat Sports Board are engaged in communications, including public, corporate and media relations.

Women's affairs: Queen Victoria Women's Centre Trust — communications staff

5238. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Local Government (for the Minister for Women's Affairs): As at 30 June 2005:

- (1) How many officers in the Queen Victoria Women's Centre Trust are engaged in communications, including public, corporate and media relations?
- (2) What is the salary band for each of these officers?
- (3) What is the job title for each of these officers?

ANSWER:

I am informed as follows:

The Queen Victoria Women's Centre Trust does not employ any staff in the capacity of a communications officer, or a public, corporate and media relations officer.

Sport and recreation: State Recreation Camps Committee of Management — communications staff

5239. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation: As at 30 June 2005:

- (1) How many officers in the State Recreation Camps Committee of Management are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am informed as follows:

No officers employed by the Sport and Recreation Camps Committee of Management Incorporated are engaged in communications, including public, corporate and media relations.

Community services: Kew Residential Services

5267. THE HON DAMIAN DRUM — To ask the Minister for Aged Care (for the Minister for Community Services): Will the 100 people with an intellectual disability who are to continue to live at the Kew Cottages site remain in their existing residences while their new accommodation is being constructed or will they be moved offsite while building is under way, and then returned at a later date.

ANSWER:

I am informed that:

In relation to the redevelopment of Kew Residential Services (KRS), it is planned that the 100 KRS residents whose new homes will be on the Kew site, will live in units on the site while building is underway.

Community services: disability services — budget

5268. THE HON DAMIAN DRUM — To ask the Minister for Aged Care (for the Minister for Community Services): In relation to the average yearly increase of 8.54 per cent in the Victorian disability budget every year for the past 10 years, will the Government guarantee:

- (a) this average increase will continue into the future; and
- (b) that the \$80 million expected to be raised from the sale of the Kew Cottages site will be put back into the disability sector over and above the existing disability budget, and over and above the average yearly increase.

ANSWER:

I am informed that:

- (a) The Victorian budget is set on an annual basis by Government through a budget process that considers strategic government objectives and economic and financial parameters (e.g. Commonwealth revenue, economic growth). Annual budget allocations to each department are made as part of this process.

Since 1999–2000 the Disability Services annual budget has increased by 73%. The Disability Services budget in 2005–06 is \$987.6 million.

The Government has an ongoing commitment to support and assist people with a disability in Victoria. The Victorian State Disability Plan and ‘A Fairer Victoria’ clearly establish enhancing support to people with a disability as a key priority for Government.

- (b) The Kew Residential Services Redevelopment is currently under way with residents progressively relocating to new community based residential facilities. The Government has already committed \$86.5m. for the construction of these new facilities across Victoria. Additional recurrent funding has also been provided to support residents in new residential settings. The Government has committed to reinvesting the revenue from the sale proceeds into services for people with a disability including construction of houses both on and off the KRS site.

Health: Kingston Centre — hydrotherapy pool

5270. THE HON. GRAEME STONEY — To ask the Minister for Aged Care (for the Minister for Health): What is the total amount from the proceeds of the sale of the Hampton Rehabilitation Hospital site to be used for the proposed development of the hydrotherapy pool at the Kingston Centre.

ANSWER:

I am informed that:

Both the Department of Human Services and Southern Health consider the development of a Hydrotherapy pool at the Kingston Centre to be a high priority. \$3.25 million from the sale of the former Hampton Rehabilitation Hospital site have been outlaid to upgrade facilities at the Kingston Centre. It is anticipated that Southern Health will contribute further funds from the Hampton Rehabilitation Hospital site sale towards the cost of developing the Hydrotherapy pool at the Kingston Centre. The total cost of the Hydrotherapy pool will be determined through the capital planning process for the redevelopment of facilities on the Kingston Centre site. The capital planning process has commenced.

Commonwealth Games: Respecting Indigenous Communities strategy

5273. THE HON. BILL FORWOOD — To ask the Minister for Commonwealth Games:

- (1) What is the total budgetary expenditure for the Commonwealth Games Respecting Indigenous Communities Strategy for —
 - (a) development of the strategy; and
 - (b) implementation of the strategy.
- (2) What is the source of the funds.

ANSWER:

I am informed that:

- (1) The total Respecting Indigenous Communities Strategy budget is \$2.02 million.

It is not possible to separately identify the development and implementation costs of the Strategy.

- (2) The Strategy is being funded from the Commonwealth Games and Indigenous Community and Cultural Development Outputs of the Department for Victorian Communities and the Small Business Support Output of the Department of Innovation, Industry and Regional Development.

QUESTIONS ON NOTICE

*Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Council.*

*Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.*

Wednesday, 7 September 2005

Police and emergency services: speeding infringement bands

2081. THE HON. PHILIP DAVIS — To ask the Minister for Energy Industries (for the Minister for Police and Emergency Services): What was the monetary penalty for each of the speeding infringement bands (e.g. 5km/h over, 10km/h over, 20 km/h over etc.) in October 1999 and what is the current financial penalty for each of those bands.

ANSWER:

I am advised that:

While Victoria Police has the primary responsibility for enforcing the law in Victoria, the setting of traffic infringement penalty levels falls within the portfolio responsibilities of the Minister for Transport.

Attorney-General: Victoria Legal Aid — office accommodation

3071. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to Victoria Legal Aid’s leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

I am informed that:

Current leases held by Victoria Legal Aid are as follows:

Location		Expiry	\$ M sq Approx.	Cost for Term*
QUEEN ST MELBOURNE	350 Queen St	30/06/2006	\$242.44	\$8,778,470
ROUND TABLE DISPUTE MANAGEMENT	338 Latrobe St	30/06/2008	\$245.00	\$918,750
BAIRNSDALE	101a Main St	29/07/2005	\$132.35	\$27,000
BENDIGO	424 Hargraves St	30/06/2009	\$181.33	\$361,020
BROADMEADOWS	1100 Pascoe Vale Rd	03/10/2005	\$190.00	\$673,730
DANDENONG	9-11 Pultney St	14/10/2004	\$170.94	\$688,204
FRANKSTON	Cnr O’Grady Ave & Dandenong Rd	09/03/2005	\$254.44	\$997,596
GEE LONG	48 Brougham St	28/07/2006	\$140.00	\$442,235
HORSHAM	29 Darlot St	31/12/2008	\$225.00	\$258,750
MORWELL	Cnr Chapel & George St	30/09/2004	\$94.01	\$125,509
PRESTON	42 Mary St	17/12/2004	\$184.59	\$720,000
RINGWOOD	23 Ringwood St	30/04/2005	\$178.79	\$546,899

Location		Expiry	\$ M sq Approx.	Cost for Term*
SHEPPARTON	36-42 High St	03/03/2007	\$111.11	\$197,000
SUNSHINE	1/474 Ballarat Rd	18/01/2010	\$175.10	\$870,400

*NOTES:

If an option has been executed, then the cost for the term relates solely to the current option period. Some costs for the term have been estimated based on current rent. In some cases rent may be adjusted to market during the remainder of the term or option.

Attorney-General: Victorian Law Reform Commission — office accommodation

3072. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Attorney-General): In relation to the Victorian Law Reform Commission’s leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

I am informed that:

The Victorian Law Reform Commission occupies space leased by the Minister for Finance. You may wish to refer this question to the Minister for Finance.

Employment and youth affairs: advertising

3738. THE HON. GORDON RICH-PHILLIPS — To ask the Minister for Aged Care (for the Minister for Employment and Youth Affairs): In relation to the Office of Youth and each agency and authority within the Minister’s administration, what are the details of all advertising campaigns, indicating the purpose and total costs of each campaign since 1 June 2003.

ANSWER:

I am informed that the details of Office for Youth Advertising Campaigns since 1 June 2003 to 14 September 2004 are as follows:

Date	Name of Campaign	Purpose	Cost
June 2003	FReeZA	Advertisement for tender	\$2,763
November 2003	Advance Program	Advertising the opening of the application process	\$1,000
November 2003	National Youth Week	Public Notice	\$2,660
January 2004	FReeZA Central	Advertisement for tender	\$3,490
May 2004–August 2004	FReeZA	Early General News– Advertising events	\$18,744
August 2004	Advance Program	Advertising the opening of the application process	\$2,815
September 2004	FReeZA	Early General News– Advertising Events	\$2,133

Gaming: Director of Gaming and Betting and Director of Casino Surveillance — freedom of information requests

3938. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Gaming): In relation to the Freedom of Information requests received by the Director of Gaming and Betting and Director of Casino Surveillance between 1 July 2003 and 30 June 2004:

- (1) How many requests were received.
- (2) How many were —
 - (a) denied in full;
 - (b) released in part; and
 - (c) released in full.
- (3) How many were given to the Minister before being given to the applicant.

ANSWER:

I am advised that:

The Director of Gaming and Betting and Director of Casino Surveillance were part of the Victorian Casino and Gaming Authority.

- (1) As outlined in the Victorian Casino and Gaming Authority Annual Report 2003-04 and the Freedom of Information Annual Report 2003 - 2004, between 1 July 2003 and 30 June 2004, the Authority received three Freedom of Information requests.
- (2) Access was granted in part to all three requests.
- (3) As dictated by the Attorney-General's guidelines responses to Freedom of Information requests are forwarded to the Office of the Minister. Statistics regarding Freedom of Information responses which are forwarded to the office of the Minister are not collected by the Department of Justice.

Gaming: Gambling Research Panel — freedom of information requests

3940. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Gaming): In relation to the Freedom of Information requests received by the Gambling Research Panel between 1 July 2003 and 30 June 2004:

- (1) How many requests were received.
- (2) How many were —
 - (a) denied in full;
 - (b) released in part; and
 - (c) released in full.
- (3) How many were given to the Minister before being given to the applicant.

ANSWER:

I am advised that:

As outlined in the Gambling Research Panel Annual Report 2003-04 and the Freedom of Information Annual Report 2003 - 2004, between 1 July 2003 and 30 June 2004, no Freedom of Information requests were received by the Panel.

Racing: Greyhound Racing Victoria — freedom of information requests

3941. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Racing): In relation to the Freedom of Information requests received by Greyhound Racing Victoria between 1 July 2003 and 30 June 2004:

- (1) How many requests were received.
- (2) How many were —
 - (a) denied in full;
 - (b) released in part; and
 - (c) released in full.
- (3) How many were given to the Minister before being given to the applicant.

ANSWER:

I am advised that:

- (1) & (2) Information in relation to freedom of information requests received by Greyhound Racing Victoria was reported in the Freedom of Information Annual Report. I refer you to the 2003/04 FOI Annual Report.
- (3) As dictated by the Attorney-General's guidelines responses to Freedom of Information requests are forwarded to the Office of the Minister. Statistics regarding Freedom of Information responses which are forwarded to the office of the Minister are not collected by the Department of Justice.

Employment and youth affairs: interstate and overseas travel

4168. THE HON. GRAEME STONEY — To ask the Minister for Aged Care (for the Minister for Employment and Youth Affairs): Did the Minister take any international trips in 2002-03 and 2003-04; if so, what was the —

- (a) date/s of travel;
- (b) destination/s of travel; and
- (c) purpose of the travel.

ANSWER:

I am informed as follows:

The response is nil.

Small business: Social Shift Pty Ltd — payments

4465. THE HON. GRAEME STONEY — To ask the Minister for Small Business:

- (1) What payments have been made to Social Shift Pty Ltd by the Minister's department or private office or agency or statutory body under the Minister's administration since 26 August 2003.

- (2) On what dates were the payments made.
- (3) What are the details of the project for which payment was made.

ANSWER:

I am informed as follows:

No payments were made to Social Shift Pty Ltd since 26 August 2003.

Financial services industry: Social Shift Pty Ltd — payments

4466. THE HON. GRAEME STONEY — To ask the Minister for Small Business (for the Minister for Financial Services Industry):

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

ANSWER:

I am informed as follows:

No payments were made to Social Shift Pty Ltd since 26 August 2003.

Manufacturing and export: Social Shift Pty Ltd — payments

4468. THE HON. GRAEME STONEY — To ask the Minister for Small Business (for the Minister for Manufacturing and Export):

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

ANSWER:

I am informed as follows:

No payments were made to Social Shift Pty Ltd since 26 August 2003.

Arts: budget — selected arts institutions

4692. THE HON. ANDREA COOTE — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the 2004-05 Budget Estimates, which specified a budget allocation of \$8.6 million to 'selected Arts institutions' for asset maintenance and upgrades:

- (1) What are the 'selected Arts institutions' that will be receiving the \$8.6 million.
- (2) What amount of this budget allocation has already been distributed.
- (3) Which institutions received them.

- (4) When did each institution receive funding.
- (5) What amount did each institution receive.
- (6) What funding for asset maintenance and upgrades did each institution receive.

ANSWER:

I am informed that:

The Arts Victoria web site provides a Fact-Sheet about the 2004-05 State Budget's \$8.6 million asset funding initiative to assist State-owned cultural institutions in maintaining their existing asset base.

Arts: Australian Centre for the Moving Image — operations and programs

4706. THE HON. ANDREA COOTE — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the President's report for 2003-04 of the Australian Centre for the Moving Image (ACMI) in which it stated that the Board addressed the need to consolidate ACMI's operations and programs on a sustainable basis:

- (1) How will this be done.
- (2) When will this be done.
- (3) How many additional staff will be needed to facilitate this.
- (4) How much additional funding will this require.
- (5) What accountability measures have been put in place to ensure this happens.

ANSWER:

In 2003-04 the Australian Centre for the Moving Image (ACMI) consolidated its operations and achieved a break-even result, before providing for depreciation by the end of the year. This result was achieved by restructuring ACMI's operations around a sustainable set of operations, exhibitions and programs.

Arts: Australian Centre for the Moving Image — management, governance and structures

4707. THE HON. ANDREA COOTE — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the President's report for 2003-04 of the Australian Centre for the Moving Image (ACMI) in which it addressed the priority of strengthening ACMI's management and governance and structures:

- (1) How will this be done.
- (2) When will this be done.
- (3) How many additional staff will be needed to facilitate this.
- (4) How much additional funding will this require.
- (5) What accountability measures have been put in place to ensure this happens.

ANSWER:

In 2003-04 the Australian Centre for the Moving Image (ACMI) strengthened its management and governance structures by achieving clearer alignments around service delivery and program units focused on audiences. This resulted in clearer priority setting and better resource allocation.

Arts: Australian Centre for the Moving Image — growth and new initiatives

4708. THE HON. ANDREA COOTE — To ask the Minister for Sport and Recreation (for the Minister for Arts): In relation to the President’s report for 2003-04 of the Australian Centre for the Moving Image (ACMI) in which it stated that the Board had addressed the priority of building the foundations for growth and new initiatives at ACMI:

- (1) How will this be done.
- (2) When will this be done.
- (3) How many additional staff will be needed to facilitate this.
- (4) How much additional funding will this require.
- (5) What accountability measures have been put in place to ensure this happens.

ANSWER:

In 2003-04 the Australian Centre for the Moving Image (ACMI) developed foundations for growth and new initiatives by building new and enhancing existing partnerships across the education, cultural and private sectors. ACMI also established an ancillary Foundation to provide additional support to extend its footprint into a wider domain and an exciting future.

Arts: National Gallery of Victoria — advertising and credit card expenditure

4733. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for the Arts): In relation to the National Gallery of Victoria:

- (1) What was the advertising expenditure in 2003-04.
- (2) What was the credit card expenditure in 2003-04.

ANSWER:

I am informed that:

- (1) The National Gallery of Victoria’s 2003-04 advertising expenditure was \$663,522.
- (2) The National Gallery of Victoria’s credit card expenditure for 2003-04 was \$2,153.

Arts: Film Victoria — advertising and credit card expenditure

4734. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for the Arts): In relation to Film Victoria:

- (1) What was the advertising expenditure in 2003-04.
- (2) What was the credit card expenditure in 2003-04.

ANSWER:

I am informed that:

- (1) Film Victoria’s 2003-04 advertising expenditure was \$62,975.
- (2) Film Victoria’s credit card expenditure for 2003-04 was \$26,461.

Arts: State Library of Victoria — advertising and credit card expenditure

4735. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for the Arts): In relation to the State Library of Victoria:

- (1) What was the advertising expenditure in 2003-04.
- (2) What was the credit card expenditure in 2003-04.

ANSWER:

I am informed that:

- (1) The State Library of Victoria's 2003-04 advertising expenditure was \$187,732 plus \$71,429 spent advertising tenders.
- (2) The State Library of Victoria's credit card expenditure for 2003-04 was \$141,254.

Arts: Museum Victoria — advertising and credit card expenditure

4736. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for the Arts): In relation to Museum Victoria:

- (1) What was the advertising expenditure in 2003-04.
- (2) What was the credit card expenditure in 2003-04.

ANSWER:

I am informed that:

- (1) Museum Victoria's 2003-04 advertising expenditure was \$705,524.
- (2) Museum Victoria's credit card expenditure for 2003-04 was \$39,534.

Arts: Geelong Performing Arts Centre Trust — advertising and credit card expenditure

4737. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for the Arts): In relation to the Geelong Performing Arts Centre Trust:

- (1) What was the advertising expenditure in 2003-04.
- (2) What was the credit card expenditure in 2003-04.

ANSWER:

I am informed that:

- (1) In 2003-04, the Geelong Performing Arts Centre Trust's expenditure on advertising was \$147,932.
- (2) In 2003-04, the Geelong Performing Arts Centre Trust had nil credit card expenditure

Arts: Australian Centre for the Moving Image — advertising and credit card expenditure

4738. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for the Arts): In relation to the Australian Centre for the Moving Image:

- (1) What was the advertising expenditure in 2003-04.
- (2) What was the credit card expenditure in 2003-04.

ANSWER:

I am informed that:

- (1) In 2003-04, the Australian Centre for the Moving Image's expenditure on advertising was \$151,617.
- (2) In 2003-04, the Australian Centre for the Moving Image credit card expenditure was \$7,022.

Corrections: prisons — cleaning

4795. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Corrections): In relation to HM Prison Ararat, HM Prison Barwon, HM Prison Bendigo, HM Prison Dhurringile, HM Prison Langi Kal Kal, HM Prison Loddon, HM Melbourne Assessment Prison, HM Prison Tarrengower, Fulham Correctional Centre, Dame Phyllis Frost Centre and Port Phillip Prison:

- (1) Who undertakes the cleaning in —
 - (a) prison cells;
 - (b) recreation areas; and
 - (c) other areas.
- (2) How often is this cleaning done.
- (3) What is the responsibility of each of the correctional facilities in regard to the clean up of spills, water or other wet substance spills in each of the areas specified in (1) above.

ANSWER:

I am advised that:

- (1) (a) At HM Prison Ararat, HM Prison Barwon, HM Prison Bendigo, HM Prison Dhurringile, HM Prison Langi Kal Kal, HM Prison Loddon, Melbourne Assessment Prison, HM Prison Tarrengower, Fulham Correctional Centre, Dame Phyllis Frost Centre and Port Phillip Prison, prisoners clean their own prison cells with regular inspections undertaken by staff to check on cleanliness.
- (b) At all of the above locations, prisoners employed as cleaners are responsible for cleaning and maintaining recreation areas, including common areas such as day rooms and the kitchen.
- (c) The cleaning of administration areas and other areas such as reception and the gatehouse at Dhurringile, Tarrengower and Bendigo Prisons is undertaken by prisoners under the supervision of staff.

Contractors are employed at HM Prison Barwon, HM Prison Loddon, HM Prison Ararat, HM Prison Langi Kal Kal, Melbourne Assessment Prison, Fulham Correctional, Centre and Port Phillip Prison to clean the administration area and other areas such as the control room.

A staff member employed as a cleaner at the Dame Phyllis Frost Centre is responsible for cleaning the administration building and medical centre. A contractor is employed to undertake cleaning in these areas when the staff member is on leave.

- (2) Cleaning functions are performed daily and otherwise on a needs basis. Staff conduct regular cell inspections to check for cleanliness.

- (3) There are operational procedures in place at all of the above locations for staff, prisoners and contractors to follow regarding the cleaning up of spills, water or other wet substance spills in prison cells, recreation areas and other areas. Water spills are to be cleaned using absorbent material as soon as possible. Bleach must be used where contamination with blood and/or other body fluids is likely to have occurred, or when there is an outbreak of an easily transmitted disease. It should also be used to clean cells, showers, toilet blocks and kitchens (where appropriate). All prisons have signs to indicate 'slippery floors' when there has been a spill and when floors are being mopped.

Tourism: Australian Grand Prix Corporation — advertising and credit card expenditure

4825. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Consumer Affairs (for the Minister for Tourism): In relation to the Australian Grand Prix Corporation:

- (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:

Between 1 July 2003 and 30 June 2004, the Australian Grand Prix Corporation's advertising expenditure in relation to print, radio, television, magazine and outdoor advertising production for both the Australian Formula One Grand Prix and the Australian Motorcycle Grand Prix was \$2,438,594 (excluding GST).

No credit card expenses were incurred by the Australian Grand Prix Corporation in 2003-04.

Tourism: Emerald Tourist Railway Board — advertising and credit card expenditure

4828. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Consumer Affairs (for the Minister for Tourism): In relation to the Emerald Tourist Railway 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:

1. Advertising expenditure in relation to the Emerald Tourist Railway Board in 2003/04 was \$153,468 for various Puffing Billy Railway promotions including Excursion Trains, Luncheon Specials, Dinner Specials Wedding Trains and 'A Day Out with Thomas'.
2. Credit Card expenditure in relation to the Emerald Tourist Railway Board in 2003/04 was \$23,664.

Tourism: Melbourne Convention and Exhibition Trust — advertising and credit card expenditure

4829. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Consumer Affairs (for the Minister for Tourism): In relation to the Melbourne Convention and Exhibition Trust:

- (1) What was the advertising expenditure in 2003-04.
- (2) What was the credit card expenditure in 2003-04.

ANSWER:

I am informed as follows:

The total advertising expenditure incurred by the Melbourne Convention and Exhibition Trust in 2003-04 was \$87,945 and credit card expenditure was \$86,111.

Information and communication technology: minister's office — expenses

4882. THE HON. GORDON RICH-PHILLIPS — To ask the Minister for Information and Communication Technology: Since 1 April 2004, what are the details of the expenses of the office of the Minister including the —

- (a) number of ministerial staff allocated to the Minister;
- (b) staff salaries and on-costs;
- (c) other ministerial office operating (recurrent) expenses; and
- (d) alcohol costs.

ANSWER:

I am informed as follows; the office expenses for my portfolios of Information and Communication Technology and Small Business (up to 23 January 2005), and Information and Communication Technology and Consumer Affairs (from 24 January 2005).

From 1 April 2004 to 5 May 2005—

- a) There were five ministerial staff allocated to my office for my portfolios of Information and Communication Technology and Small Business (up to 23 January 2005) and six ministerial staff allocated to my office for my portfolios of Information and Communication technology and Consumer Affairs (from 24 January 2005).
- b) All ministerial staff are employed by the Premier and salaries and on-costs (except for Fringe Benefits Tax) are paid by the Department of Premier and Cabinet. As such, payments of ministerial staff are not within my portfolio responsibilities and this part of the question should be redirected to the Premier.
- c) Other ministerial office operating (recurrent) expenses totalled \$343,687.86.
- d) Alcohol costs were nil.

Corrections: Corrections Victoria — performance

4938. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Corrections): In relation to the first general health status survey of the Victorian prison population undertaken by Deloitte Consulting, dated 12 February 2003:

- (1) What measures has Corrections Victoria taken since the survey to slow down the widespread dissemination of Hepatitis C.
- (2) How do privacy laws affect the capacity of family members to learn the location of where a prisoner is serving their prison sentence.
- (3) When will Corrections Victoria measure the effectiveness of the programs implemented to assist mentally ill and depressed prisoners.

ANSWER:

- (1) Corrections Victoria is undertaking a number of initiatives to reduce the contraction and transmission of communicable diseases, in particular Blood-borne Viruses (BBV) including hepatitis B and C, in prisons comprising:
- Establishment of a Communicable Diseases Project Officer position in March 2003;
 - In partnership with the Public Health Group (PHG), Department of Human Services (DHS): membership on the Corrections Health Board and the Hepatitis C Sub-committee of the Ministerial Advisory Committee-Blood-borne Viruses and Sexually Transmissible Infections;
 - Identification of communicable diseases in the prisoner population as a priority area for the PHG program, and documenting this in the Victorian Hepatitis Strategy;
 - PHG allocating funding for projects aimed at reducing the contraction and transmission of communicable diseases in prisons;
 - Projects aimed at reducing the contraction and transmission of communicable diseases in prisons including, "Transmission-A Creative Initiative by and for Vietnamese Prisoners" where culturally appropriate education and information materials on hepatitis C and injecting drug use are developed;
 - A Women's Hepatitis B Immunisation Pilot Project at Dame Phyllis Frost Centre and Tarrengower Prison; and
 - Immunisation against Hepatitis B vaccine available to all prisoners.
- (2) Section 30(2) of the Corrections Act, rather than the Information Privacy Act, is the legislation that impacts upon the ability of Corrections Victoria to disclose the location of a prisoner. This is because a prisoner's location falls within the definition of "information relating to the personal affairs of a prisoner". However, it is possible to disclose information regarding a prisoner's location where the prisoner gives consent.
- Other persons, unless authorised under law, will not be informed of a prisoner's location. They are advised that they may write to the prisoner c/- Corrections Victoria.
- (3) The delivery of health and mental health services to prisoners is monitored by DHS, which also provides advice to the Commissioner, Corrections Victoria on the quality and effectiveness of health services.

An Inter-departmental Committee on Prisoner Health has been established under the auspice of the Minister for Health, the Hon. Bronwyn Pike MP. Part of its function is to consider significant policy and service delivery issues in relation to the provision of psychiatric and communicable disease services. The assessment of the effectiveness of services to prisoners with mental illness is integral to this.

Education and training: Registered Schools Board — communications staff

4979. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Energy Industries (for the Minister for Education and Training): As at 30 June 2005:

- (1) How many officers in the Registered Schools Board are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am informed as follows:

The nature of the question and given that identical questions have been asked of a number of different educational bodies indicates that this is not a genuine inquiry but a speculative question and as such a response would require an unreasonable diversion of time and resources.

Gaming: Victorian Commission for Gaming Regulation — communications staff

5057. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Gaming): As at 30 June 2005:

- (1) How many officers in the Victorian Commission for Gaming Regulation are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am advised that:

As the financial year had not lapsed at the date the question was asked, accurate figures can only be provided as at the date the question was posted (17 June 2005). With reference to officers engaged in communications in the Victorian Commission for Gaming Regulation as at 17 June 2005, the answers to the questions are:

- (1) Nil.
- (2) Not applicable.
- (3) Not applicable.

Gaming: Office of Gambling Regulation — communications staff

5058. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Gaming): As at 30 June 2005:

- (1) How many officers in the Office of Gambling Regulation are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am advised that:

As the financial year had not lapsed at the date the question was asked, accurate figures can only be provided as at the date the question was posted (17 June 2005). With reference to officers engaged in communications in the Office of Gambling Regulation as at 17 June 2005, the answers to the questions are:

The Office of Gambling Regulation no longer exists. It was replaced by the Victorian Commission for Gambling Regulation since 1 July 2004.

Gaming: Advocate for Responsible Gambling — communications staff

5059. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Gaming): As at 30 June 2005:

- (1) How many officers in the Advocate for Responsible Gambling are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am advised that:

As the financial year had not lapsed at the date the question was asked, accurate figures can only be provided as at the date the question was posted (17 June 2005). With reference to officers engaged in communications in the Advocate for Responsible Gambling as at 17 June 2005, the answers to the questions are:

- (1) Nil.
- (2) Not applicable.
- (3) Not applicable.

Gaming: gaming policy unit — communications staff

5060. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Gaming): As at 30 June 2005:

- (1) How many officers in the Gaming Policy Unit are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am advised that:

As the financial year had not lapsed at the date the question was asked, accurate figures can only be provided as at the date the question was posted (17 June 2005). With reference to officers engaged in communications in the Gaming Policy Unit as at 17 June 2005, the answers to the questions are:

- (1) Nil.
- (2) Not applicable.
- (3) Not applicable.

Racing: Office of Racing — communications staff

5061. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Racing): As at 30 June 2005:

- (1) How many officers in the Office of Racing are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am advised that:

As the financial year had not lapsed at the date the question was asked, accurate figures can only be provided as at the date the question was posted (17 June 2005). With reference to officers engaged in communications in the Office of Racing as at 17 June 2005, the answers to the questions are:

- (1) Nil. The Office of Racing utilises the services of the Department of Justice Corporate Communications Unit.
- (2) Not applicable.
- (3) Not applicable.

Racing: Gambling Research Panel — communications staff

5062. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Racing): As at 30 June 2005:

- (1) How many officers in the Gaming Research Panel are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am advised that:

This question is a matter for the Minister for Gaming. The title of the agency in the question above should read 'Gambling Research Panel'. The Gambling Research Panel was disbanded in December 2004.

Racing: Greyhound Racing Victoria — communications staff

5063. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Racing): As at 30 June 2005:

- (1) How many officers in the Greyhound Racing Victoria are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am advised that:

As the financial year had not lapsed at the date the question was asked, accurate figures can only be provided as at the date the question was posted (17 June 2005). With reference to officers engaged in communications Greyhound Racing Victoria as at 17 June 2005, the answers to the questions are:

- (1) One.
- (2) VPS Grade 4 (\$55,189–\$62,618).
- (3) Publications Officer.

Racing: Harness Racing Victoria — communications staff

5064. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Racing): As at 30 June 2005:

- (1) How many officers in the Harness Racing Victoria are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am advised that:

As the financial year had not lapsed at the date the question was asked, accurate figures can only be provided as at the date the question was posted (17 June 2005). With reference to officers engaged in communications in Harness Racing Victoria as at 17 June 2005, the answers to the questions are:

- (1) One.
- (2) Executive Management Position (\$70,000–\$80,000).
- (3) Manager Communications.

Racing: Racing Appeals Tribunal — communications staff

5065. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Racing): As at 30 June 2005:

- (1) How many officers in the Racing Appeals Tribunal are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am advised that:

As the financial year had not lapsed at the date the question was asked, accurate figures can only be provided as at the date the question was posted (17 June 2005). With reference to officers engaged in communications in the Racing Appeals Tribunal as at 17 June 2005, the answers to the questions are:

- (1) Nil. The Racing Appeals Tribunal utilises the services of the Department of Justice Corporate Communications Unit.
- (2) Not applicable.
- (3) Not applicable.

Gaming: Director of Gaming and Betting and Director of Casino Surveillance — communications staff

5068. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Gaming): As at 30 June 2005:

- (1) How many officers in the Director of Gaming and Betting and Director of Casino Surveillance are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am advised that:

The Director of Gaming and Betting and Director of Casino Surveillance no longer exist. Their functions were absorbed by the Victorian Commission for Gambling Regulation from since 1 July 2004.

Consumer affairs: Prostitution Control Act Advisory Committee — communications staff

5072. THE HON. RICHARD DALLA-RIVA — To ask the Minister Consumer Affairs: As at 30 June 2005:

- (1) How many officers in the Prostitution Control Act Advisory Committee are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am advised that:

As the financial year had not lapsed at the date the question was asked, accurate figures can only be provided as at the date the question was posted (17 June 2005). With reference to officers engaged in communications in the Prostitution Control Act Advisory Committee as at 17 June 2005, the answers to the questions are:

- (1) Nil
- (2) Not Applicable
- (3) Not Applicable

Consumer affairs: Residential Tenancies Bond Authority — communications staff

5073. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Consumer Affairs: As at 30 June 2005:

- (1) How many officers in the Residential Tenancies Bond Authority are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am advised that:

As the financial year had not lapsed at the date the question was asked, accurate figures can only be provided as at the date the question was posted (17 June 2005). With reference to officers engaged in communications in the Residential Tenancies Bond Authority as at 17 June 2005, the answers to the questions are:

- (1) Nil
- (2) Not Applicable
- (3) Not Applicable

Treasurer: Rural Finance Corporation of Victoria — communications staff

5220. 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 Rural Finance Corporation of Victoria are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am informed that:

- (1) One Officer.
- (2) As there is only one Officer it is inappropriate to release private information but the salary is within Public Sector levels for the position.
- (3) Marketing Manager.

Workcover: Victorian WorkCover Authority — communications staff

5225. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Finance and WorkCover: As at 30 June 2005:

- (1) How many officers in the Victorian WorkCover Authority are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

After taking advice from the VWA, I am informed that the answer is:

- (1) 17 full time and 4 part-time officers.
- (2) 16 employed in accordance with the classification system within VWA's Award and Certified Agreement 2002-2005; 5 are employed on individual contracts.
- (3) Due to organisational restructuring and privacy provisions it is inappropriate to provide this detail.

Local government: Local Government Victoria and community information division — communications staff

5254. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Local Government: As at 30 June 2005:

- (1) How many officers in the Local Government Victoria and Community Information Division, Department of Victorian Communities are engaged in communications, including public, corporate and media relations.
- (2) What is the salary band for each of these officers.
- (3) What is the job title for each of these officers.

ANSWER:

I am informed that:

- (1) As at 30 June 2005, there were no Departmental staff engaged in communications in the Local Government Victoria and Community Information Division.
- (2) Not applicable.
- (3) Not applicable.

QUESTIONS ON NOTICE

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

Thursday, 8 September 2005

Planning: Surveyors Board — stress-related leave

2047. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to staff members of the Surveyors Board on stress related leave in 2002-03, what was the — (i) number of days taken; (ii) estimated cost; and (iii) total number of staff involved.

ANSWER:

I am informed that:

This is one of a number of questions seeking information in respect to stress related leave taken by staff of various Government agencies.

I cannot justify the diversion of public time and resources required for the Department of Sustainability and Environment to answer these questions.

Planning: Alpine Advisory Committee — stress-related leave

2048. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to staff members of the Alpine Advisory Committee on stress related leave in 2002-03, what was the — (i) number of days taken; (ii) estimated cost; and (iii) total number of staff involved.

ANSWER:

I am informed that:

The Alpine Advisory Committee is not within my portfolio responsibilities and your question should more appropriately be directed to the responsible Minister.

Planning: Architects Registration Board — advertising

2274. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Architects Registration Board's advertising undertaken between 1 July 2002 and 30 June 2003:

- (a) What was the — (i) date of approval of each contract; (ii) cost of each contract; (iii) purpose of the advertisements; and (iv) duration of each advertisement.
- (b) Where and when was each advertisement published or broadcast.
- (c) To whom was each contract awarded.

ANSWER:

I am informed that:

General information concerning advertising costs is contained in the Architects Registration Board's 2002-03 Annual Report.

I cannot justify the diversion of public time and resources required to obtain more detailed information.

Planning: Building Advisory Committee — advertising

2275. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Building Advisory Committee's advertising undertaken between 1 July 2002 and 30 June 2003:

- (a) What was the — (i) date of approval of each contract; (ii) cost of each contract; (iii) purpose of the advertisements; and (iv) duration of each advertisement.
- (b) Where and when was each advertisement published or broadcast.
- (c) To whom was each contract awarded.

ANSWER:

I am informed that:

General information concerning Building Advisory Committee publications is contained in the Building Commission's 2002-03 Annual Report.

I cannot justify the diversion of public time and resources required to obtain more detailed information.

Planning: Building Appeals Board — advertising

2276. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Building Appeals Board's advertising undertaken between 1 July 2002 and 30 June 2003:

- (a) What was the — (i) date of approval of each contract; (ii) cost of each contract; (iii) purpose of the advertisements; and (iv) duration of each advertisement.
- (b) Where and when was each advertisement published or broadcast.
- (c) To whom was each contract awarded.

ANSWER:

I am informed that:

General information concerning Building Appeals Board publications is contained in the Building Commission's 2002-03 Annual Report.

I cannot justify the diversion of public time and resources required to obtain more detailed information.

Planning: Building Commission — advertising

2277. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Building Commission’s advertising undertaken between 1 July 2002 and 30 June 2003:

- (a) What was the — (i) date of approval of each contract; (ii) cost of each contract; (iii) purpose of the advertisements; and (iv) duration of each advertisement.
- (b) Where and when was each advertisement published or broadcast.
- (c) To whom was each contract awarded.

ANSWER:

I am informed that:

General information concerning Building Commission publications is contained in the Building Commission’s 2002-03 Annual Report.

I cannot justify the diversion of public time and resources required to obtain more detailed information.

Planning: Building Practitioners Board — advertising

2278. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Building Practitioners Board’s advertising undertaken between 1 July 2002 and 30 June 2003:

- (a) What was the — (i) date of approval of each contract; (ii) cost of each contract; (iii) purpose of the advertisements; and (iv) duration of each advertisement.
- (b) Where and when was each advertisement published or broadcast.
- (c) To whom was each contract awarded.

ANSWER:

I am informed that:

General information concerning Building Practitioners Board publications is contained in the Building Commission’s 2002-03 Annual Report.

I cannot justify the diversion of public time and resources required to obtain more detailed information.

Planning: Building Regulations Advisory Committee — advertising

2279. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Building Regulations Advisory Committee’s advertising undertaken between 1 July 2002 and 30 June 2003:

- (a) What was the — (i) date of approval of each contract; (ii) cost of each contract; (iii) purpose of the advertisements; and (iv) duration of each advertisement.
- (b) Where and when was each advertisement published or broadcast.
- (c) To whom was each contract awarded.

ANSWER:

I am informed that:

General information concerning Building Regulations Advisory Committee publications is contained in the Building Commission's 2002-03 Annual Report.

I cannot justify the diversion of public time and resources required to obtain more detailed information.

Planning: Heritage Council — advertising

2280. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to Heritage Council'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:

General information concerning advertising costs is contained in the Heritage Council's 2002-03 Annual Report.

I cannot justify the diversion of public time and resources required to obtain more detailed information.

Planning: Plumbing Industry Advisory Council — advertising

2281. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Plumbing Industry Advisory Council'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:

I cannot justify the diversion of public time and resources required to obtain such detailed information.

Planning: Plumbing Industry Commission — advertising

2282. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Plumbing Industry Commission's advertising undertaken between 1 July 2002 and 30 June 2003:

- (a) What was the — (i) date of approval of each contract; (ii) cost of each contract; (iii) purpose of the advertisements; and (iv) duration of each advertisement.

- (b) Where and when was each advertisement published or broadcast.
- (c) To whom was each contract awarded.

ANSWER:

I am informed that:

General information concerning advertising costs is contained in the Plumbing Industry Commission's 2002-03 Annual Report.

I cannot justify the diversion of public time and resources required to obtain more detailed information.

Planning: Surveyors Board — advertising

2283. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Surveyors Board's advertising undertaken between 1 July 2002 and 30 June 2003:

- (a) What was the — (i) date of approval of each contract; (ii) cost of each contract; (iii) purpose of the advertisements; and (iv) duration of each advertisement.
- (b) Where and when was each advertisement published or broadcast.
- (c) To whom was each contract awarded.

ANSWER:

I am informed that:

General information concerning advertising costs is contained in the Surveyors Board's 2002-03 Annual Report.

I cannot justify the diversion of public time and resources required to obtain more detailed information.

Planning: Architects Registration Board — media research and public opinion polling

2506. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Architects Registration Board's media research and public opinion polling conducted since 1 January 2002:

- (a) What is the title of each poll or item of research.
- (b) What is the date of approval and duration of the contract.
- (c) What is the cost.
- (d) Who are the personnel conducting the project.
- (e) Was it put to tender.
- (f) What recommendations were made.
- (g) Were any actions taken by the Department or Minister.

ANSWER:

I am informed that:

I cannot justify the diversion of public time and resources required to obtain such detailed information.

Planning: Building Advisory Committee — media research and public opinion polling

2507. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Building Advisory Committee’s media research and public opinion polling conducted since 1 January 2002:

- (a) What is the title of each poll or item of research.
- (b) What is the date of approval and duration of the contract.
- (c) What is the cost.
- (d) Who are the personnel conducting the project.
- (e) Was it put to tender.
- (f) What recommendations were made.
- (g) Were any actions taken by the Department or Minister.

ANSWER:

I am informed that:

I cannot justify the diversion of public time and resources required to obtain such detailed information.

Planning: Building Appeals Board — media research and public opinion polling

2508. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Building Appeals Board’s media research and public opinion polling conducted since 1 January 2002:

- (a) What is the title of each poll or item of research.
- (b) What is the date of approval and duration of the contract.
- (c) What is the cost.
- (d) Who are the personnel conducting the project.
- (e) Was it put to tender.
- (f) What recommendations were made.
- (g) Were any actions taken by the Department or Minister.

ANSWER:

I am informed that:

I cannot justify the diversion of public time and resources required to obtain such detailed information.

Planning: Building Commission — media research and public opinion polling

2509. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Building Commission’s media research and public opinion polling conducted since 1 January 2002:

- (a) What is the title of each poll or item of research.
- (b) What is the date of approval and duration of the contract.
- (c) What is the cost.
- (d) Who are the personnel conducting the project.
- (e) Was it put to tender.
- (f) What recommendations were made.
- (g) Were any actions taken by the Department or Minister.

ANSWER:

I am informed that:

I cannot justify the diversion of public time and resources required to obtain such detailed information.

Planning: Building Practitioners Board — media research and public opinion polling

2510. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Building Practitioners Board’s media research and public opinion polling conducted since 1 January 2002:

- (a) What is the title of each poll or item of research.
- (b) What is the date of approval and duration of the contract.
- (c) What is the cost.
- (d) Who are the personnel conducting the project.
- (e) Was it put to tender.
- (f) What recommendations were made.
- (g) Were any actions taken by the Department or Minister.

ANSWER:

I am informed that:

I cannot justify the diversion of public time and resources required to obtain such detailed information.

Planning: Building Regulations Advisory Committee — media research and public opinion polling

2511. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Building Regulations Advisory Committee’s media research and public opinion polling conducted since 1 January 2002:

- (a) What is the title of each poll or item of research.
- (b) What is the date of approval and duration of the contract.
- (c) What is the cost.
- (d) Who are the personnel conducting the project.
- (e) Was it put to tender.
- (f) What recommendations were made.
- (g) Were any actions taken by the Department or Minister.

ANSWER:

I am informed that:

I cannot justify the diversion of public time and resources required to obtain such detailed information.

Planning: Heritage Council — media research and public opinion polling

2512. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Heritage Council’s media research and public opinion polling conducted since 1 January 2002:

- (a) What is the title of each poll or item of research.
- (b) What is the date of approval and duration of the contract.
- (c) What is the cost.
- (d) Who are the personnel conducting the project.
- (e) Was it put to tender.
- (f) What recommendations were made.
- (g) Were any actions taken by the Department or Minister.

ANSWER:

I am informed that:

I cannot justify the diversion of public time and resources required to obtain such detailed information.

Planning: Plumbing Industry Advisory Council — media research and public opinion polling

2513. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Plumbing Industry Advisory Council’s media research and public opinion polling conducted since 1 January 2002:

- (a) What is the title of each poll or item of research.
- (b) What is the date of approval and duration of the contract.
- (c) What is the cost.
- (d) Who are the personnel conducting the project.

- (e) Was it put to tender.
- (f) What recommendations were made.
- (g) Were any actions taken by the Department or Minister.

ANSWER:

I am informed that:

I cannot justify the diversion of public time and resources required to obtain such detailed information.

Planning: Plumbing Industry Commission — media research and public opinion polling

2514. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Plumbing Industry Commission’s media research and public opinion polling conducted since 1 January 2002:

- (a) What is the title of each poll or item of research.
- (b) What is the date of approval and duration of the contract.
- (c) What is the cost.
- (d) Who are the personnel conducting the project.
- (e) Was it put to tender.
- (f) What recommendations were made.
- (g) Were any actions taken by the Department or Minister.

ANSWER:

I am informed that:

I cannot justify the diversion of public time and resources required to obtain such detailed information.

Planning: Surveyors Board — media research and public opinion polling

2515. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Surveyors Board’s media research and public opinion polling conducted since 1 January 2002:

- (a) What is the title of each poll or item of research.
- (b) What is the date of approval and duration of the contract.
- (c) What is the cost.
- (d) Who are the personnel conducting the project.
- (e) Was it put to tender.
- (f) What recommendations were made.
- (g) Were any actions taken by the Department or Minister.

ANSWER:

I am informed that:

I cannot justify the diversion of public time and resources required to obtain such detailed information.

Planning: Architects Registration Board — capital works funding

2738. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Architects Registration Board’s allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

I am informed that:

No major capital works were approved by the Architects Registration Board in 2002-03.

Planning: Building Advisory Committee — capital works funding

2739. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Building Advisory Committee’s allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

I am informed that:

No major capital works were approved by the Building Advisory Committee in 2002-03.

Planning: Building Appeals Board — capital works funding

2740. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Building Appeals Board’s allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

I am informed that:

No major capital works were approved by the Building Appeals Board in 2002-03.

Planning: Building Commission — capital works funding

2741. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Building 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 that:

No major capital works were approved by the Building Commission in 2002-03.

Planning: Building Practitioners Board — capital works funding

2742. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Building Practitioners Board’s allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

I am informed that:

No major capital works were approved by the Building Practitioners Board in 2002-03.

Planning: Building Regulations Advisory Committee — capital works funding

2743. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Building Regulations Advisory Committee’s allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

I am informed that:

No major capital works were approved by the Building Regulations Advisory Committee in 2002-03.

Planning: Heritage Council — capital works funding

2744. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Heritage Council’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:

Three major capital works projects were approved by the Heritage Council in 2002-03. The current status of these projects is as follows.

Project Name	Status
Ballarat Mechanics Institute	Complete
Geelong Christ Church	Well advanced
Parkville Royal Melbourne Zoological Gardens Carousel - Stage 3	Well advanced

Planning: Plumbing Industry Advisory Council — capital works funding

2745. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Plumbing Industry Advisory Council’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:

No major capital works were approved by the Plumbing Industry Advisory Council in 2002-03.

Planning: Plumbing Industry Commission — capital works funding

2746. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Plumbing Industry 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 that:

No major capital works were approved by the Plumbing Industry Commission in 2002-03.

Planning: Surveyors Board — capital works funding

2747. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Surveyors Board's allocation of funds to major capital works, including major maintenance, replacement, and upgrades, what were the priority major projects that were approved for the year 2002-03 and were each of those priority projects achieved.

ANSWER:

I am informed that:

No major capital works were approved by the Surveyors Board in 2002-03.

Planning: Architects Registration Board — external legal advice

2972. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): What has been the expenditure by the Architects Registration Board on external legal advice since 1 January 2003 to date.

ANSWER:

I am informed that:

The Architects Registration Board's legal advice costs are recorded in its 2002-03 and 2003-04 Annual Reports as a component of professional service costs.

I cannot justify the diversion of public time and resources required to obtain more specific information.

Planning: Building Advisory Committee — external legal advice

2973. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): What has been the expenditure by the Building Advisory Committee on external legal advice since 1 January 2003 to date.

ANSWER:

I am informed that:

The Building Advisory Committee's legal advice costs are recorded in the Building Commission's 2002-03 and 2003-04 Annual Reports as a component of legal expenses.

I cannot justify the diversion of public time and resources required to obtain more specific information.

Planning: Building Appeals Board — external legal advice

2974. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): What has been the expenditure by the Building Appeals Board on external legal advice since 1 January 2003 to date.

ANSWER:

I am informed that:

The Building Appeals Board's legal advice costs are recorded in the Building Commission's 2002-03 and 2003-04 Annual Reports as a component of legal expenses.

I cannot justify the diversion of public time and resources required to obtain more specific information.

Planning: Building Commission — external legal advice

2975. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): What has been the expenditure by the Building Commission on external legal advice since 1 January 2003 to date.

ANSWER:

I am informed that:

The Building Commission's legal advice costs are detailed in its 2002-03 and 2003-04 Annual Reports.

I cannot justify the diversion of public time and resources required to obtain more specific information.

Planning: Building Practitioners Board — external legal advice

2976. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): What has been the expenditure by the Building Practitioners Board on external legal advice since 1 January 2003 to date.

ANSWER:

I am informed that:

The Building Practitioners Board's legal advice costs are recorded in the Building Commission's 2002-03 and 2003-04 Annual Reports as a component of legal expenses.

I cannot justify the diversion of public time and resources required to obtain more specific information.

Planning: Building Regulations Advisory Committee — external legal advice

2977. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): What has been the expenditure by the Building Regulations Advisory Committee on external legal advice since 1 January 2003 to date.

ANSWER:

I am informed that:

The Building Regulations Advisory Committee's legal advice costs are recorded in the Building Commission's 2002-03 and 2003-04 Annual Reports as a component of legal expenses.

I cannot justify the diversion of public time and resources required to obtain more specific information.

Planning: Heritage Council — external legal advice

2978. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): What has been the expenditure by the Heritage Council on external legal advice since 1 January 2003 to date.

ANSWER:

I am informed that:

The Heritage Council's legal advice costs are recorded in its 2002-03 and 2003-04 Annual Reports as a component of administrative costs.

I cannot justify the diversion of public time and resources required to obtain more specific information.

Planning: Plumbing Industry Advisory Council — external legal advice

2979. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): What has been the expenditure by the Plumbing Industry Advisory Council on external legal advice since 1 January 2003 to date.

ANSWER:

I am informed that:

I cannot justify the diversion of public time and resources required to obtain such detailed information.

Planning: Plumbing Industry Commission — external legal advice

2980. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): What has been the expenditure by the Plumbing Industry Commission on external legal advice since 1 January 2003 to date.

ANSWER:

I am informed that:

The Plumbing Industry Commission's legal advice costs are detailed in its 2002-03 and 2003-04 Annual Reports.

I cannot justify the diversion of public time and resources required to obtain more specific information.

Planning: Surveyors Board — external legal advice

2981. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): What has been the expenditure by the Surveyors Board on external legal advice since 1 January 2003 to date.

ANSWER:

I am informed that:

The Surveyors Board's legal advice costs are recorded in its 2002-03 and 2003-04 Annual Reports.

I cannot justify the diversion of public time and resources required to obtain more specific information.

Planning: Architects Registration Board — office accommodation

3206. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Architects Registration Board's leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

I am informed that:

General information concerning the Architects Registration Board's office accommodation is contained in its 2003-04 Annual Report.

I cannot justify the diversion of public time and resources required to obtain more detailed information.

Planning: Building Advisory Committee — office accommodation

3207. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Building Advisory Committee's leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

I am informed that:

The Building Advisory Committee is accommodated by the Building Commission.

General information concerning the Building Commission's office accommodation is contained its 2003-04 Annual Report.

I cannot justify the diversion of public time and resources required to obtain more detailed information.

Planning: Building Appeals Board — office accommodation

3208. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Building Appeals Board's leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

I am informed that:

The Building Appeals Board is accommodated by the Building Commission.

General information concerning the Building Commission's office accommodation is contained its 2003-04 Annual Report.

I cannot justify the diversion of public time and resources required to obtain more detailed information.

Planning: Building Commission — office accommodation

3209. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Building Commission's leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

I am informed that:

General information concerning the Building Commission's office accommodation is contained its 2003-04 Annual Report.

I cannot justify the diversion of public time and resources required to obtain more detailed information.

Planning: Building Practitioners Board — office accommodation

3210. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Building Practitioners Board's leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

I am informed that:

The Building Practitioners Board is accommodated by the Building Commission.

General information concerning the Building Commission's office accommodation is contained its 2003-04 Annual Report.

I cannot justify the diversion of public time and resources required to obtain more detailed information.

Planning: Building Regulations Advisory Committee — office accommodation

3211. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Building Regulations Advisory Committee's leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

I am informed that:

The Building Regulations Advisory Committee is accommodated by the Building Commission.

General information concerning the Building Commission's office accommodation is contained its 2003-04 Annual Report.

I cannot justify the diversion of public time and resources required to obtain more detailed information.

Planning: Heritage Council — office accommodation

3212. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Heritage Council's leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

I am informed that:

The Heritage Council's accommodation expenses are recorded in its 2003-04 Annual Report as a component of administrative costs.

I cannot justify the diversion of public time and resources required to obtain more detailed information.

Planning: Plumbing Industry Advisory Council — office accommodation

3213. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Plumbing Industry Advisory Council's leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

I am informed that:

The Plumbing Industry Advisory Council is accommodated by the Plumbing Industry Commission.

General information concerning the Plumbing Industry Commission's office accommodation is contained its 2003-04 Annual Report.

I cannot justify the diversion of public time and resources required to obtain more detailed information.

Planning: Plumbing Industry Commission — office accommodation

3214. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Plumbing Industry Commission's leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

I am informed that:

General information concerning the Plumbing Industry Commission's office accommodation is contained its 2003-04 Annual Report.

I cannot justify the diversion of public time and resources required to obtain more detailed information.

Planning: Surveyors Board — office accommodation

3215. THE HON. RICHARD DALLA-RIVA — To ask the Minister for Sport and Recreation (for the Minister for Planning): In relation to the Surveyors Board's leases of office accommodation currently held, what is — (i) the location of each lease; (ii) the expiry date of the leases; (iii) the cost per metre of each lease; and (iv) the total cost of each lease over the term of the contract.

ANSWER:

I am informed that:

General information concerning the Surveyors Board's office accommodation is contained its 2003-04 Annual Report.

I cannot justify the diversion of public time and resources required to obtain more detailed information.