PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

16 November 2000

(extract from Book 6)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

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Thursday, 16 November 2000

The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 10.03 a.m. and read the prayer.

ILLNESS OF GOVERNOR

The PRESIDENT — Order! I advise the house that I have today sent to Sir James Gobbo, Governor of Victoria, a message that states:

> The members of the Legislative Council join me in wishing you a speedy recovery from your recent illness. We also extend our best wishes to Lady Gobbo at this stressful time.

The letter is signed by me, and there is a PS stating:

> I regret that circumstances will prevent us from meeting next week. However, the fine bottle of Italian wine which I was to present to you on that occasion will be placed in careful storage pending your return!

COUNTRY FIRE AUTHORITY (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. J. J. MADDEN (Minister for Sport and Recreation).

AUDITOR-GENERAL

Response by Minister for Finance

Hon. M. M. GOULD (Minister for Industrial Relations) presented response by Minister for Finance to reports issued during 1999–2000.

Laid on table.

PAPERS

Laid on table by Clerk:

Advanced Dental Technicians Qualifications Board — Minister for Health's report of 15 November 2000 of receipt of the 1999–2000 report.

Auditor-General — Report on Non-metropolitan urban water authorities — *Enhancing performance and accountability*, 1999–2000.

Country Fire Authority —

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Intellectual Disability Review Panel — Report, 1999–2000.

Mental Health Act 1986 — Report of Community Visitors, 1999–2000.

Mental Health Review Board and Psychosurgery Review Board — Report, 1999–2000.

Metropolitan Fire and Emergency Services Board —

> Minister for Police and Emergency Service's report of 15 November 2000 of failure to submit 1999–2000 report to him within the prescribed period and the reasons therefor.
>
> Report, 1999–2000.

DUTIES BILL

Second reading

Debate resumed from 1 November; motion of Hon. C. C. BROAD (Minister for Energy and Resources).

Hon. D. McL. DAVIS (East Yarra) — The opposition does not oppose the Duties Bill, which in essence is a rewrite of the Stamps Act. The bill misses an opportunity to deal with the area of business taxation, which is a matter more generally for the government. The rewrite of the Stamps Act through the Duties Bill began in the early 1990s under the former Treasurer, the Honourable Alan Stockdale. Widespread consultation was undertaken. The current government has continued that bipartisan process, one that aims to provide a simpler act that is more intelligible.

It is important to put on the record the view of the opposition and of the community that where possible acts of Parliament should be intelligible to and more easily understandable by the general public who have to work under their provisions.

Hon. D. G. Hadden — Plain English.

Hon. D. McL. DAVIS — Yes, plain English. There is broad agreement on that across the chamber and in the wider community. Criticism about the way the law and the court system operate in the state often centres

around legal jargon that is difficult for people to understand. If the law is made more simple and straightforward for those who wish to comply with it, it should be made easier for law-abiding citizens to understand, and this bill does that. Often the law is arcane and relies on complex legal interpretation. As the Honourable Dianne Hadden interjected, the use of plain English in the law is important.

It is also important to put on record that costs are involved when a law is difficult to understand and requires greater involvement of lawyers in deciphering it.

Hon. D. G. Hadden interjected.

Hon. D. McL. DAVIS — That is not a criticism. However, the Honourable Dianne Hadden will agree that currently ordinary members of the general or business community cannot make sense of the law in many areas without constant recourse to lawyers for advice. Many on this side of the house who have been in business will attest to the fact that they had a very close relationship with their solicitors that centred around getting informal and sometimes more formal opinions. All that is costly for the community generally and business in particular. It is a very worthy aim to make the law simpler, thereby lowering the transaction costs of people undertaking business.

To recap, I point out that the process that resulted in the introduction of the bill began in 1993, and the Honourable Alan Stockdale can take a measure of credit for it. The process is being undertaken across all jurisdictions in Australia. It is important that there be sensible harmonisation of such legislation and that state governments look for ways that their laws can be harmonised to reduce transaction costs for businesses that operate across state boundaries. The economy is increasingly becoming a national economy and more people are undertaking business across state boundaries. For example, steps have been taken in professional registration and other areas as well as in competition policy to ensure that businesses, professional groups and others are able to operate in a national rather than simply a state economy.

Back in 1997 the New South Wales government produced template legislation, which has been used around the country by other states. The opposition has concerns about some features of the bill. It can be argued that the government has taken the opportunity of the introduction of the bill to increase some taxes. It has reaffirmed its commitment to double taxing by retaining the duty on top of the goods and services tax. Many business people have commented on that to the opposition.

Other features of the bill include the fact that it seeks to improve certain anti-avoidance measures, which is justified. The uniformity or harmonisation aspect should be pushed as far as practicable among the states because that will reduce compliance, administrative and transaction costs.

However, while uniformity between the states is important and can lead to lower business transaction costs, it is not an end in itself. It is important that there be a certain diversity among the states that allows for experimentation with systems of governance in general and taxation in particular. Often that diversity will result in the development of new systems, in experimentation, and in better outcomes. It is the concept of competitive federalism. Often a useful outcome from some experimentation in one state will in the longer haul lead to a better system across the country. Once a good idea is seen to work in one state it will be adopted on a widespread basis. An experiment that does not work in one state will generally not be adopted around the country. The general concept of competition between the states in some areas is not a bad thing.

A strong and justifiable argument can be made that suitable taxation arrangements will come from competition, although I acknowledge that counterarguments can be made. I do not discount the results that have been achieved through competition between the states on certain taxation measures. It is clear that taxation can be reduced in some cases by one jurisdiction stepping forward and saying, in effect, ‘We believe we can do with less revenue in this area and still achieve the social and economic aims we have set ourselves’. That becomes a point of competitive pressure on other states, which then need to review their taxation regimes as certain businesses that may have the opportunity from time to time to locate favourably will undertake such moves. They will look for favourable taxation regimes, whether in workers compensation costs or state taxation on land, payroll or whatever. There is an argument that a system of competitive federalism will allow for one of the best arrangements to ensure we are not overtaxed.

The bill has its place in the wider state taxation system, but nonetheless it is incumbent on the government to carefully and sensibly examine its business taxation arrangements.

It was disappointing in the recent budget not to see greater business taxation reduction arrangements in

place. I believe the government had the scope, with the significant budget surplus it inherited from the previous government, to do much more in that area. Reductions in payroll tax, stamp duty and other state taxation could have been considered much more closely. It is an indicator of the government's lack of commitment to business that it chose not to take the opportunity to reduce business taxation and thus make Victoria a more competitive place to do business. That is very important at the moment.

At the moment companies throughout Victoria are making important decisions about the location of plants, business headquarters and so forth. State taxation decisions, like the taxation arrangements in the Duties Bill, are a factor in each of those decisions. The government and the house generally need to be mindful of the fact that while we need revenue for a whole range of purposes as a community, and quite properly have taxation arrangements in place to achieve those social and economic aims, every new tax and every tax increase is a significant impost on both businesses and individuals, who ultimately are the wealth creators in the community.

The Auditor-General in his report tabled in Parliament this week noted that there had been an increase in taxation in Victoria and recognised that as a significant issue. He also mentioned the issue at a presentation that members of the Public Accounts and Estimates Committee and others attended yesterday morning, and we need to factor that in.

Interstate comparisons show that Victoria's situation has improved immeasurably compared to that of the early 1990s. We need to have a targeted program operating to retain the competitive advantage and the ability to continue to attract key industries. Businesses also consider the impact of levies like the Workcover levy in particular. That is a key difficulty that many businesses are facing at the moment.

Having said that, I believe the bill in general is very helpful to businesses because the uniformity and alignment it will promote between the states, where practicable, will assist businesses, particularly those that have operations in a number of states, with stamping across state borders. Many mining companies and others that have such arrangements will certainly seek to exploit that provision, enabling them to pay the taxation in one place and reduce the need for double, triple and quadruple handling of documents. One cannot be critical of those sorts of steps; one can only welcome them.

The hire of goods near border areas is also an important issue. It is crucial that double taxation of people around the borders, particularly the New South Wales border, should be avoided where possible. The fairest system is that people should pay the taxation in the area where the business has its major operation. That is a reasonable position, which all members in the house would support — a system where there is not a doubling of taxation.

I have commented on procedural improvements. Some honourable members thought there was a lack of consultation on certain aspects of the bill, although not in the broad sweep of preliminary areas. The representatives of some businesses I have spoken to had that impression and were not necessarily aware that the Duties Bill was to come before Parliament in this period. The longer term process is a bipartisan one, and that raises some questions: certainly that point has been made to me by a number of people.

The arrangements for fleet hire are an important aspect. The bill provides for an increase in the taxation of fleets, and there is an issue about that. The provision will bring Victoria into line with New South Wales, which has long had different arrangements from those of Victoria. As I have said, the bill does not take all the opportunities to introduce reform that perhaps it could have taken, and that is unfortunate. Taxation on property generally is an issue for the state.

We need to be aware of what taxes on properties are in other states and to ensure that we are at all times competitive with each of our competitor jurisdictions. It is worth noting that increasingly economies and business are not just national but international. We need to be aware of our competitors within Australia but also ensure we are competitive internationally, whether with South-East Asia, the southern Pacific nations or even New Zealand. The broader and increasingly competitive nature of the business world is a feature the government has not come to grips with in the way it ought to have done.

The other aspect I draw attention to is the process the bureaucrats have undertaken over a lengthy period involving complicated negotiations throughout the nation. I do not think we can overestimate the difficulties of achieving agreement or arrangements across jurisdictions. Notwithstanding the comment I made earlier regarding competitive federalism, there is a strong argument for harmonisation and alignment of certain aspects, as occurs with the Duties Bill. The long process of tortuous negotiations is in many ways a good example of how within a federal system we can achieve

a balance between the level of alignment in legislation among states, with variations where appropriate.

It is important to note that the process is political, both through the involvement of ministers and the longer running process with the bureaucrats operating throughout the nation. In this case that has been a particularly long and tortuous but, we hope, rewarding process.

It is important that details of the changes in the bill are provided to business through an information campaign. The administrative arrangements in the bill show promise. Not only will there be an information campaign, but changes are in place in government offices to ensure businesses are able to take full advantage of the cross-jurisdictional arrangements and of reduced stamp duty. It is necessary to explain not just how the legislation works but how it is implemented by departments. There is every reason to believe this will be done to the benefit of the business community and the broader community in Victoria.

The Honourable Dianne Hadden has left the chamber, but she and her friends in the legal community will take some time to understand the changes in the bill. It is a process that operates with each new measure, but this is a particularly complex and arcane area of the law. The changes will lead to less legal work for business and fewer difficulties over the longer period, notwithstanding that there will be a settling-in period.

The opposition does not oppose the bill, but supports in principle the central aims, which are the re-write of the Stamps Act and the plain English provisions.

Hon. R. M. HALLAM (Western) — The National Party supports the Duties Bill on two basic grounds. The first is that it is a good bill because it accommodates the changing technology so often experienced in the business sector and deals with the change in conditions and requirements with which we have become familiar. The second is that it is template legislation that has been designed in part to create uniformity across jurisdictions and thereby get to the conditions the Honourable David Davis was speaking of in respect to improved understanding. The bill will help to avoid duplication of process and in some cases duplication of tax. As has been mentioned, the bill will be user friendly because it employs everyday terminology; the chapters are self-contained; its layout is logical and it updates Victoria's duty structure to incorporate the 'post-ANTS — a new tax system — situation.

In anticipation of debate on the bill members of the National Party were given an extensive briefing by officers of the State Revenue Office. I commend them for accommodating the concerns members of the National Party had. The documentation prepared by the office was extraordinary.

The second reason we are happy to put on record that we support the bill is that it would be churlish to do otherwise because the process of rewriting the Stamps Act, of which the Duties Bill becomes the final part, was commenced in 1993 under the Kennett administration, and the process had unanimous support across party lines, state borders and stakeholder interests. Not only does the National Party support the bill but it commends the original proponents of the concept, the architects and drafting service, on what was a massive undertaking.

The bill has 220 pages and provides a good outcome for all concerned, but particularly for the business community. There was a debate in the party room on whether the National Party should formally support the bill or determine not to oppose it. Varying views were put reflecting not only on the merits of the legislation but on the recent experience where, having agreed to support a bill, that support was subsequently used as an argument that the National Party supported every component of the bill. The National Party is nervous about saying yes to a massive bill like this on the basis that it covers an extraordinary breadth of application. National Party members are nervous about some particular components turning up in the future and the accusation being made across the chamber that we supported the process.

Hon. Jenny Mikakos interjected.

Hon. R. M. HALLAM — I am getting to that, if you could be patient. In the end the National Party resolved to formally support the bill on the basis that it was welcome legislation.

By way of background, the bill has its genesis in the pleadings of the Taxation Institute of Australia. I am sure the institute was pleading its case earlier than 1993, but those pleadings were heeded by government in that year, most notably under the aegis of former Treasurer Alan Stockdale and his counterparts in other states, in particular in New South Wales, South Australia, Tasmania and the Australian Capital Territory. There was general agreement about the importance of uniformity where that was possible because it would lead to greater compliance and less cost.

The heeding by governments of the institute's pleadings was not just a recognition of the need to review and modernise the tax structure, but enormous importance was placed on the extent to which there could be rationalisation of taxing efforts across the jurisdictions. On that basis the issues of uniformity and compatibility became a central plank in the micro-economic reform being pursued at that time. The objective was to avoid unnecessary duplication of effort, and duplication of tax where that had occurred in the past.

Many changes in personnel have taken place since that time and there have been plenty of opportunities for the enthusiasm to wane, for partisan politics to enter that forum and for the states to go back to the bad old days of wearing blinkers, However, that has not happened and I believe those who have been involved are to be commended for the extent to which the vigil has been maintained. So, after what is acknowledged to have been an extensive and even arduous process, there is an updated Duties Bill to replace the old Stamps Act.

Before turning to the specifics of the bill I shall comment on the general features that underpin it. The first feature is the change in concept and terminology that it demonstrates. The word 'duties' is employed rather than the word 'stamps'. The reason for that is important, and perhaps symbolic, and it goes to the heart of the changes.

In general terms the question of whether duty had been paid was demonstrated by the affixing of duty stamps. I well remember one of my earliest jobs in commerce was to attach stamps to the appropriate documents and then to sign across the face of the stamps to attest they had been cancelled. That happened with, for example, hire-purchase contracts and the transfer of shares. The word 'stamps' became synonymous with the payment of duty, and a document was said to be stamped to demonstrate that the duty had been paid. The act then became the Stamps Act, even though many documents were authenticated by the Stamps Office on which no stamp was attached. The word 'stamp' replaced the word 'duty' in the lexicon of the sector.

The problem has now arisen that a document cannot be stamped unless it exists. Many contractual documents now exist in electronic form rather than on paper, and we know that in the future that situation will expand. The system needs to be updated and the bill is a step in that direction. The bill is entitled 'Duties Bill' not 'Stamp Duties Bill'. The shift is very symbolic. It is also important in terms of logic because of the concepts and processes that are involved. The bill is a good start.

The new terminology refers to 'lease duty' rather than 'stamp duty on a lease' and to 'mortgage duty' as opposed to 'stamp duty on a mortgage'. The legislation has become much more understandable because it employs contemporary everyday language. To that degree it demystifies part of the background, and I am sure it will do something towards reducing compliance costs.

I turn to the issue of uniformity. The underlying thesis is that uniformity makes good sense, and more importantly, that we should be pursuing uniform applications of a tax across jurisdictional boundaries where common taxing policies exist. Uniformity of application can only improve understanding and reduce the cost of operation, and certainly reduce some of the frustrations currently encountered.

The bill goes further by adopting the uniform model of the New South Wales Duties Act of 1997. That enabled the parties to negotiate a much better arrangement on revenue sharing where contracts cross state boundaries, which was the bane of the previous system. It also does much to overcome the complication where in some instances taxpayers incur more than 100 per cent of a tax on a particular transaction because of border anomalies.

In the view of the National Party it makes good sense because more than anything else we need a tax structure that is competitive. In my view the concept of competitiveness means that not only should there be compatibility across the jurisdictions but also that as much as possible the frustration that may drive investment offshore should be avoided. In the view of the National Party competitiveness includes practicality. Perhaps the best test of that is the extent of humbug, duplication and red tape involved.

It is in the best interests of states to cooperate. I am not suggesting that everything be driven by a grandiose vision of benevolence, because there is a fair bit of self-preservation in the issue as well. That is not to say that state taxes need to be identical. As is the Honourable David Davis, I am an avid supporter of interstate competition. Many examples can be seen of where an initiative taken by a particular jurisdiction has had a compounding effect further than the borders of that jurisdiction. The classic example — I am surprised that Mr Davis did not use it as well — is the abolition of probate, which was initiated by the Queensland government under the direction of the then Premier Sir Joh Bjelke Petersen. There is no doubt the fact that other states no longer apply probate duty can be traced to the decision taken by the former Premier of Queensland.

My own experience reinforces that point in so far as I became involved in the design of a workers compensation system for this state. I was happy to put on the record that I picked up ideas I deemed to be workable from all the other jurisdictions. I was delighted to see the other states were prepared to offer support for what was clearly a common goal. To some degree the ideas that had been pinched from other jurisdictions enabled the former government to get around some of the partisan politics involved. It is hard to argue that an idea is no good if a government of your persuasion is employing it in another jurisdiction.

I also wholeheartedly supported the publication of results across jurisdictions in an attempt to capture some of the discipline that comes from contestability. Enormous advantages are gained as a direct result of the agreement to publish results on a comparable basis.

The bill is supportable because it proposes that the states do not give up their fiscal independence and that honourable members should agree that where and to the extent that common taxing policies apply, common definitions and rules for application should be employed.

I refer to the analogy of Workcover. It became known as Workcover simply to capture the systems already applying in New South Wales and South Australia. The former government saw great advantages in similarity as opposed to unnecessary difference. That is why the concepts adopted by Victoria were largely the same as those already employed in New South Wales and South Australia. That is why I campaigned so enthusiastically for common terminology and for common application of rules across state borders, particularly in the application of rules for self-insurers.

The former government believed that accommodating a single national scheme might be seen as relief for genuine national employers who were struggling with nine different workers compensation systems, and it might also overcome forum shopping. However, it was clear that nationalising the entire structure of workers compensation was not the answer. One set of rules would have been terrific, but that would remove any semblance of contestability and meant that we would ultimately finish up with a dog of a scheme, one that had been captured by the unions and the lawyers.

The best solution was to retain the sovereign rights of the states and to maintain or improve contestability, but then to push for uniformity of application and try by that means to overcome any overt duplication, and in addition push for some sort of rational behind-the-scenes relationship between the jurisdictions. I am happy to put on the record that that is precisely what the Duties Bill achieves.

The third general feature I refer to is that of practicality. I suggest that the bill is like a breath of fresh air, not only because it is in layman's language and I can understand it, but the layout itself also aids simple understanding. It provides a full and understandable explanatory memorandum, and it even has clause notes. Each chapter is self-contained — for example, chapter 7 is on mortgages. After each chapter the notes explain the content, such as what a mortgage is; who pays when the duty becomes due; what the duty is; what happens if some property package is interstate; and the concessions and exemptions. The clause notes go even further. There are pages of detailed explanations of the effect of mortgages. It is really good stuff.

The bill is novel because it is designed to improve understanding. It is certainly novel for a taxing bill in that it is directed at understanding rather than a shift in tax base or a change in rates.

A couple of specific changes are worthy of mention and I will refer to them briefly. The first is the land-rich avoidance schemes. Because duty on marketable securities is less than that which applies to a transfer of real estate, some really innovative schemes have been constructed to have real estate held by a corporate structure, with any transfer then to be effected by the transfer of shares rather than the transfer of the property itself.

The bill proposes some changes to tighten up the anti-avoidance provision. It is worthy of note because the bill contains identical provisions to that which apply in New South Wales. That is a major breakthrough. It becomes even more important because under the intergovernment agreement the duty on transfers for listed marketable securities will be effectively abolished in the near future. That is now recognised in the new structure of the Duties Bill.

I refer briefly to the changes in mortgage duty, which are welcome because they simplify its application. In that context they represent a real breakthrough, particularly in the apportionment required in respect of duties payable across jurisdictions where a property parcel includes properties in different states. Under the new rules the document does not have to be hawked around the states for stamping. There will now be a much more practical approach to establishing the pro rata percentage relating to the assets in individual states, in this case Victoria, compared with all the taxing jurisdictions. The tax is determined at the front door

and the allocation is established at that point in advance. There is an agreement behind the scenes as to how that is to be accommodated between the jurisdictions.

Again, with general insurance there are standard application rules and they signify a welcome relief. The apportionment of premiums across jurisdictions is based on location of risk. There is a rational basis for the apportionment of duty.

The bill is good. It addresses many of the jurisdictional anomalies that have bedevilled the commercial sector for as long as I can remember. It must assist in the reduction of compliance costs and the reduction of frustration. It deserves not only the National Party's support but its commendation.

Hon. JENNY MIKAKOS (Jika Jika) — I am pleased to contribute to the debate in support of the Duties Bill, which has undergone a fairly tortuous process. The process of rewriting Victoria's stamp duty legislation commenced in 1993 and I acknowledge that the previous government initiated the process. However, it is unfortunate that it has taken more than seven years for the process to reach completion. As a legal practitioner I practised in state taxation and I know that many, I am sure all in the Victorian legal profession will welcome the passage of the legislation, in particular the simple approach the bill adopts to Victorian stamp duties.

As I said, the process commenced in 1993. The aim of the exercise was to rewrite Victoria's stamp duty legislation to present the legislation in a simpler form. I note that while the bill extends for 286 clauses and 222 pages, not including a lengthy explanatory memorandum, it is presented in an easy-to-read format where different heads of duty are presented under separate chapters, and exemptions are listed thematically under each chapter rather than as they are in the current Stamps Act where they are contained in a hotch-potch way in schedule 3 of the act.

I congratulate the State Revenue Office not only for a detailed explanatory memorandum that will assist Victorian taxpayers in working out their liability to pay stamp duty, but also in the fine final product it has prepared for Parliament. I put on the record the government's gratitude to the State Revenue Office officials for their good work over the many years of this process and also for the extensive consultation process in which they engaged with members of the Victorian business community and the Victorian community in general.

Another objective of the bill is to bring stamp duties into the modern era. As the Honourable Roger Hallam said, the main conceptual changes the bill proposes are a change from a Stamps Act to a Duties Act and a recognition that many commercial transactions occur without requiring formal documents to be executed upon which stamp duty will be levied. The conceptual move from a document-based tax to a transaction-based tax reflects changes in modern technology and commercial practices and will ensure that the state's revenue base is not eroded over time.

The other key objective of the stamp duty rewrite relates to a desire to achieve as much uniformity as possible across the various jurisdictions and to avoid the double duty that currently exists in a number of areas.

It was heartening that a number of jurisdictions participated in the rewrite process. Those jurisdictions initially included New South Wales, South Australia, Tasmania, the Australian Capital Territory and Queensland; however, I note that while Queensland participated in the early stages it then decided to go its own way with its own bill. I am very pleased to have been informed that the now Queensland Labor government is considering introducing its own legislation which it is hoped will be based on the template bill on which the Victorian bill is based.

I understand that the New South Wales government conducted the initial draft of the template bill which was enacted in December 1997 and which commenced operation in New South Wales on 1 July 1998. It is unfortunate that the Victorian rewrite process has been on hold since 1998 as a result of uncertainty relating to the implementation of the goods and services tax and the impact that would have on state revenues. However, I am very pleased that we have finally got there.

The bill is based essentially on the policy underlying the existing 1958 act. I will briefly outline some of the proposed changes. The intention behind the rewriting of the stamp duties legislation was not to make major policy changes. I make that point because opposition members have sought to be critical of the government's rewrite.

The Honourable David Davis suggested that the government had failed to take advantage of an opportunity to go further in making changes to state stamp duty. I categorically reject that assertion because the aim of the exercise, as I said earlier, was to rewrite the stamp duties legislation and not to bring about a significant change in Victoria's revenue base. A rewriting of the stamp duty legislation was the policy

intention of the previous government and it is the intention of the current government.

As honourable members would be aware, in handing down this year's budget the Victorian Treasurer announced that the Victorian government would undertake a review of Victorian business taxes. It has set up a process whereby that review will look at issues such as establishing a more competitive environment for Victorian businesses and ensuring that Victoria's revenue is in line with economic growth.

The Victorian Treasurer also announced during the budget process that the Victorian government would be distributing to Victorian businesses tax cuts totalling $200 million over the next two financial years. I am sure I speak on behalf of all government members in welcoming those tax cuts, while noting that the review will consult widely with the Victorian community and Victorian business to ensure that the tax cuts are delivered systematically and efficiently.

I reject the criticisms that have been made by members of the opposition. Scope to make further changes to the proposed Duties Act will be available after it is enacted if changes are recommended by the business tax review. However, the present time and the present bill are not the time or place to do so.

As I have said, I will be brief in my comments — as brief as one can be about a bill that runs for over 200 clauses. I will outline the major changes between the Duties Bill and the Stamps Act of 1958. Some of the changes relate to the head of duty that is referred to as conveyance or transfer duty. In particular, the bill seeks to clarify situations in which the surrender of an interest in land will not attract conveyance duty. Discharges of mortgages, the surrender of leases and the redemption of units in unit trusts will now not attract stamp duty in Victoria.

In addition, the bill alters the definition of the word 'relative', which is used across the current Stamps Act in a fairly haphazard way without a consistent definition. The Duties Bill provides a uniform definition.

It is also significant that the Duties Bill commences with an extensive dictionary of terms. Those definitions will apply to all provisions of the bill, as opposed to the current piecemeal application of definitions in the Stamps Act.

A major proposed change relates to the land-rich provisions contained in the Stamps Act. As honourable members would be aware, the land-rich provisions are designed to prevent the avoidance of conveyance duty on the transfer of land through the acquisition of a majority shareholding in a private company or unit trust in certain circumstances.

That device has been used by people in the past to avoid paying a fairly hefty stamp duty, obviously because land conveyance transactions attract a far higher rate of duty than marketable securities transactions. Some clear cases of avoidance of duty have occurred in the past. The bill seeks to toughen up those provisions and brings Victoria into line with the New South Wales and Australian Capital Territory provisions. It is hoped that South Australia and Tasmania, when they complete their own rewrite processes, will also adopt those uniform provisions.

The other major area of change between the Stamps Act and the Duties Bill is the imposition of mortgage and loan security duty. As a legal practitioner in the past I had the unfortunate need on many occasions to send off mortgage and other loan security documents to numerous jurisdictions for stamping. I can assure honourable members it is a very costly and time-consuming process for Victorian consumers.

I warmly welcome the fact that under the Duties Bill there will no longer be a requirement that documents be sent for stamping across each jurisdiction. There will be an apportionment of stamp duty across the jurisdictions when the security property is located in more than one jurisdiction. In that way the legislation brings about uniformity of the current nexus provisions that currently apply to loan security duty. I note that the Australian Bankers Association and the Taxation Institute of Australia have very strongly supported the changes.

I said earlier that the Duties Bill is not intended to make major alterations to the state revenue base. However, the government has sought to remove tax liability on some transactions that it regards as being not major sources of tax revenue and really unnecessary imposts on Victorian business. Loan security duty on bonds, covenants and debentures is abolished. It is anticipated that the removal of that tax will reduce state revenue by approximately $2 million a year which, in the total scheme of things, is a fairly small amount.

The other change relating to mortgage duty is the clarification of the position so that mortgage duty will be imposed on bill facility arrangements — that is, bills of exchange or promissory notes — where such an arrangement is entered into in Victoria. It is proposed that where funds are provided by a bill facility arrangement and that arrangement is secured by a mortgage, duty will be payable on the amount of the

advance. In that way the Duties Bill closes an avoidance loophole by ensuring that duty applies to those lending arrangements in a similar manner to existing dutiable loan securities. It is anticipated that that alteration will increase state revenue by approximately $5 million per annum.

The other key change to the imposition of stamp duties in Victoria is in the area of lease duty. I note that the Victorian government has decided it is desirable to do away with the current confusion that applies to leases, which attract two rates of duty: one at 0.6 per cent and the other at 1.2 per cent, depending on whether one can classify something as a rental or as a premium. That anomaly will no longer exist and premiums and rentals will be paid at the same rate of duty, 0.6 per cent.

In addition to that, the government has removed the current 60 cents per $100 for each year of unexpired term payable on the assignment of a lease. Such assignments will incur duty only on the current year's rent, at 60 cents per $100. It is anticipated that both alterations will have a minimal impact on the revenue base, but I am convinced, and I know from personal experience, that they will make life a lot easier for people in the property industry.

As previous speakers have mentioned in their contributions to the debate there is also a change to the hire of goods rental duty, in particular, the raising of the duty ceiling for special hiring agreements from the current cap of $4000 to $10 000. I note that the cap had not been changed since 1981 and so that is probably long overdue. It brings Victoria into line with New South Wales.

At the same time I should add that it is anticipated that the change will have a minimal impact on the state's revenue base by raising it by an additional amount of approximately $100 000 per annum, which is pretty small bickies. But at the same time the hire of goods duty provisions have clarified a number of exemptions that will benefit Victorian taxpayers. One of them is the imposition of duty for goods that are provided incidentally to a service. Currently a range of goods that are provided to hirers are incidental to the contracted services being provided. They include pay TV signal interpreters — the black boxes that sit on television sets — and provide subscribers with access to pay TV and EFTPOS machines. The government is moving to adopt the New South Wales position, which is to clarify that the hire of those incidental goods will not be dutiable.

The bill also clarifies the situation relating to the exemption of wet hire arrangements, which involve the provision of an operator with the hire of goods — for example, an operator of a crane. In practice the provision of the wet hire has not been taxed because there was no means of clearly apportioning the hire cost between the goods and the operators. The bill seeks to implement what has been a longstanding administrative practice of the State Revenue Office but which has not been contained in the Stamps Act 1958 in exempting those arrangements.

The final point I make on the change of provisions between the Stamps Act and the Duties Bill relates to insurance. The main change will occur for general insurance duty, so that the nexus provisions and apportionment arrangements are made on a uniform Australia-wide basis. That will ensure that insurers are able to correctly apportion their liability across all jurisdictions and that the Victorian revenue base is protected.

In addition to that, under the existing legislation registered insurers who insure their own risk with an unregistered insurer do not have to pay stamp duty on that insurance premium. That is inconsistent with the requirement that companies and persons who are not registered insurers must pay insurance duty in the same circumstances. The provisions in the bill bring the Victorian legislation into line with that of most other jurisdictions and ensure equity for all taxpayers.

In concluding my remarks, I note that most of the changes contained in the Duties Bill are expected to be revenue neutral. Minor changes to the revenue base will, on the whole, return funds to Victorian businesses and the public. I have told the house how the Duties Bill differs from the Stamps Act. As a result of the intergovernmental agreements on the implementation of the GST it is intended that marketable securities will be abolished from 1 July 2001.

As I said at the outset of my contribution, the aim of the exercise to rewrite the stamp duty legislation was not to bring about a wholesale change to Victoria's revenue base. The current business review will provide scope for the Victorian community to indicate ways in which the duties legislation may need to be amended in the future. I am sure the government will be receptive to suggestions, and perhaps the legislation will need to be amended in the near future.

I commend all those in the State Revenue Office who have been involved in preparing the bill over a long time. I wish the bill a speedy passage.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I shall make only a brief contribution to the bill

following the excellent contributions of the Honourables David Davis, Roger Hallam and Jenny Mikakos. During her contribution Ms Mikakos rejected the opposition proposition that the bill should have extended to introducing substantial changes to the levels of taxation. I will explore that issue later. In reply to Ms Mikakos, I can say only that there is no time like the present.

I welcome the introduction of the bill, if only for its major change — that is, the abolition of the Stamps Act. In theory the bill is a simple rewrite of duties legislation. As other honourable members have said, the bill runs to 222 pages and the explanatory memorandum to a further 110 pages, yet despite its extensive nature it is a dramatic improvement on the legislation it replaces.

I shall make three main points during my contribution. I shall look briefly at the history of duties legislation generally. When preparing for my contribution I looked at the situation that arose in the American colonies in the 18th century, which ultimately led to the American War of Independence. In 1765 the United Kingdom Parliament introduced the first Stamps Act. That legislation applied to a wide variety of transactions and covered such things as legal writs, newspaper advertisements and ships' bills of lading. The most significant aspect of the United Kingdom act was that it applied to American colonies. It was the first time the United Kingdom Parliament had levied taxes on internal transactions within American colonies. Previously, that Parliament had levied import duties on goods traded between the American colonies and the United Kingdom, and the administrations within the American colonies had levied internal taxes.

The reaction was somewhat predictable. Only a short time after the legislation was introduced in the United Kingdom Parliament it was repealed following widespread outrage in the American colonies. Ultimately that outrage led to the Boston Tea Party, which was a direct protest against the levying of internal taxes by the United Kingdom Parliament in those colonies. Ultimately, the circumstances surrounding the introduction of a stamps act, and its implications, led to the American War of Independence. All honourable members know what flowed from that. It is worth the house bearing in mind the significant history behind the levying of stamp duties when it considers the bill.

My second point concerns the contribution duties make to the economy of Victoria. The 1999–2000 financial report for the state was tabled in the other place by the Treasurer and the Minister for Finance about a month ago. At pages 12 and 13 the report comments on the contributions that stamp duties make to the Victorian economy. Figures on page 12 show that about $2.8 billion is raised for the Victorian government through the imposition of stamp duties on a range of things, principally land transactions, insurance premiums, motor vehicle transactions and trade in marketable securities.

Perhaps more telling are the figures quoted in the Auditor-General's report on Victoria's finances, which was released earlier this week. At page 36 the Auditor-General indicates that duties raised by Victoria are the largest component of total taxation revenue. The breakdown of percentages is not given, but duties are the largest component of taxation raised in Victoria.

On the issue of taxation revenue, the Auditor-General's report shows a significant increase in the taxation revenue collected by the government this year. The aggregate tax revenue collection was 7.6 per cent higher for 1999–2000 than it was during 1998–99. On a per capita basis the revenue collected was 6.7 per cent higher. The government is now taxing every Victorian at the rate of $2045 a year, which is an increase of about $200 on the taxes imposed during the final year of the Kennett government. It can be said that the Bracks government is true to form in being a high-taxing Labor government.

A further point I make on the Auditor-General's report concerns the outflows as reported in the Treasurer's report for 1999–2000. The Auditor-General noted that expenditure for the year increased by about 10 per cent, which was in excess of the increase in revenue, and in excess of the growth rate of the state. The Auditor-General made the point that such increases in expenditure are not sustainable. It is worth the house remembering the unsustainable levels of expenditure and taxation that were in place during the years in office of former Labor governments.

My third point relates to the notion of stamp duties. I appreciate the history of the bill and the work done by former Treasurer Stockdale and others. Mr Hallam and Ms Mikakos spoke about the intent of standardising and streamlining legislation throughout the states.

Although the bill in theory is a simplification of duties legislation, it remains complex. I congratulate parliamentary counsel on the way the bill has been presented. It first considers the imposition of a general rate of duty before going through a list of specific duties. For example, chapter 4 refers to the financial sector and transfers of business; chapter 5 refers to lease instruments; chapter 6 refers to hire of goods; chapter 7

refers to mortgages; chapter 8 refers to insurance, which is broken into general insurance and life insurance; chapter 9 refers to motor vehicle duty, which is broken up into duties for new cars that are registered for the first time and cars that have been previously registered; and chapter 10 refers to miscellaneous duties, which includes the sale of cattle, sheep, goats and pigs. The rest of the bill then refers to general exemptions from duty.

The explanatory memorandum shows the complex structure of duties. I accept that it was necessary because the bill is about harmonising Victorian legislation with the rest of Australia. Given that the bill provides for different rates for different levels of value, the minister may be able to provide some clarification about the duty imposed on vehicle transfers for first registration which is different from the duty imposed on motor vehicles being transferred that were previously registered elsewhere.

The bill also refers to how capital transactions are treated. As the Honourable David Davis said, over recent years the cost of capital transactions has changed, the best example being the trade in marketable securities that has become cheaper. Some 10 years ago stockbrokers were charging about 3 per cent of the value of transactions but now with on-line trading and discount brokers charges are only a fraction of 1 per cent of the cost of a transaction and therefore it is an anachronism that there be stamp duty on marketable securities. That will be abolished anyway in July next year.

Federal capital gains tax is also a tax on the transfer of capital. As we move to a more global economy and capital flows are made easier and move more readily between the state jurisdictions and globally, we continue to impose complex levies on capital transactions at the state and federal levels. The movement of capital will be affected by imposing different rates on different capital transactions.

In this day and age of streamlining and reducing transaction costs we continue to levy stamp duty on capital transactions which distort the flow of capital in different areas, the prime example being capital gains tax not being levied on the principal residence, basically the family home, which means there is an enormous capital flow into residential property at the expense of investment in productive capital. I accept that the bill will harmonise Victoria with the rest of the nation but I consider the imposition of stamp duty is ironic at a time when we are freeing up the flow of capital across jurisdictions.

Mr Hallam referred to probate in the Queensland jurisdictions and demonstrated that when it was abolished the flow of capital could be changed.

I turn to lost opportunities for reform, a point rejected by the Honourable Jenny Mikakos. When the government is undertaking a substantial rewrite of the duties legislation it would have been appropriate if some thought had been given to considering the impact of differential duties on capital transactions or changing the rates of capital transactions.

Hon. Jenny Mikakos — Consult with the business community.

Hon. G. K. RICH-PHILLIPS — Ms Mikakos refers to consultation. Reducing taxes does not require much consultation. No-one opposes tax cuts! This would have been a good opportunity for the government to consider the way it structured its duties activities, given the substantial contribution duties have made to the revenue of the government and the growth in that revenue as an assessment of taxation collection.

I welcome the bill but record my disappointment that the government chose not to go further in considering changes to the way duties are levied. I commend the bill to the house.

Motion agreed to.

Read second time.

Hon. C. C. BROAD (Minister for Energy and Resources) — By leave, I move:

That this bill be now read a third time.

Leave refused.

Committed.

Committee

Clause 1 agreed to.

Clause 2

Hon. C. C. BROAD (Minister for Energy and Resources) — I thank the Honourables David Davis, Roger Hallam, Jenny Mikakos and Gordon Rich-Phillips for their contributions to the debate, and all those who contributed to the lengthy development of the bill, going back to the release of the first exposure draft some five years ago. In particular I put on record my thanks to officers of the State Revenue Office for their work in seeing the project through.

The bill is an important contribution to ensuring that the taxation framework in the state is fair and equitable and minimises the burden on business, particularly in compliance costs. I also note that any changes required as a result of the government's review of state business taxes to reduce the tax burden will be introduced at a later date.

The Honourable Gordon Rich-Phillips requested an explanation of the reason for the differential in the cost of transfers of second-hand and new motor vehicles. I am advised that the history of that differential, which I understand goes back to the 1980s, relates to an intention to encourage manufacturing in this state by providing a preference for new motor vehicles with a lower transfer amount for new motor vehicles.

Clause agreed to; clauses 3 to 286 agreed to; schedules 1 and 2 agreed to.

Reported to house without amendment.

Remaining stages

Passed remaining stages.

CRIMES (AMENDMENT) BILL

Second reading

Debate resumed from 1 November; motion of Hon. M. R. THOMSON (Minister for Small Business).

Hon. C. A. FURLETTI (Templestowe) — I am pleased to put on record the support of the Liberal opposition to the Crimes (Amendment) Bill, which addresses a number of issues. In some instances it implements the philosophy of the Liberal opposition, which is to be tougher on crime and in particular to close avenues for avoidance by criminals of their just deserts, whether through flaws or defects in legislation or loopholes that are subsequently found in the operation of the legal system.

The bill largely addresses specific criminal activity generally perpetrated against and affecting young victims.

I understand from the advisers, who have generously provided the opposition with a briefing, that the bill has the support of Victoria Police, the Director of Public Prosecutions, the Law Institute of Victoria, the Bar council, Legal Aid Victoria and victims of crime organisations, all of which were consulted. It is logical and understandable that they would support the bill because it was seen as essential to close loopholes in the existing legislation.

The bill fundamentally addresses three problems. The first, and perhaps the one that can be dealt with most expeditiously, is clause 6, which relates to the possession of child pornography. That clause increases the maximum penalty contained in section 70 of the principal act, the Crimes Act, from two years to five years imprisonment. The brief and succinct clause deals strictly with possession. At first glance one could ask: why is it that the offence of possession of pornography should have the penalty increased? It should be explained and placed on record that the focus of the clause is not so much the fact of possession — notwithstanding that personally I am unable to comprehend what is in the minds of those who derive pleasure from such material — but an effort to send a message to those who derive sexual pleasure from viewing images of children being violated and violating each other. It seeks to attack the industry rather than the result of the industry.

As a father of three young children, I have very firm parental opinions as to how those who are stimulated by child pornography should be treated. As a legislator, however, my opinions are much more temperate. It is a somewhat disgusting and offensive act just to possess and use child pornography, but as I said it is a far more revolting and repugnant activity to become involved in the exploitation and victimisation of young children in producing the material that the bill addresses. The fact that that material is becoming increasingly available, particularly through the Internet, is a matter of concern and should be monitored by governments. My personal view is that those involved in the production of child pornography should be subjected to the maximum effects of the law and should be treated like the pariahs that they are.

The bill seeks to address the market that is targeted by the generators of child pornography by increasing penalties. The government hopes to deter would-be voyeurs of child pornography from acquiring the product and thereby one hopes having some impact on reducing that abhorrent industry.

Given the mediums that are used for distribution of child pornography the opposition has a degree of concern. While I understand that pornography is defined under other sections of the principal act, it should be clarified that it includes the depiction of images of every nature, as broadly as possible. I do not think that definitional net can be cast too widely to include images such as computer-generated graphics to ensure that all forms of offensive imagery are outlawed.

Section 45 of the principal act provides that sexual penetration of a child under 10 years is an offence that

carries a maximum penalty of 25 years and section 46 provides that engaging in sexual penetration of a child between 10 and 16 years is an offence. The bill repeals those sections and substitutes proposed new section 45, which I will discuss in detail in a moment. The proposed new section creates one offence of sexual penetration with a child under the age of 16 years. It arises as a result of a criminal trial in March involving a teacher who was acquitted. Because of the duration of the series of acts constituting the offence, the age of the child at the time and her lack of memory, although the evidence suggested that the child may have been under 10 years and although the charge laid was for the appropriate offence, the fact that she was under 10 could not be determined and proved to the satisfaction of the jury. Although such occurrences are not common, they do happen.

As I said in my opening comments, the purpose of the legislation is to ensure that loopholes are closed, and in closing that particular loophole the bill creates a new offence of sexual penetration of a child under 16 years. It does it well by emphasising the aggravating elements of the offence. Proposed new section 45(2) provides for three categories of offence. It is difficult to imagine that sexual abuse of any child could be categorised, but unfortunately reality requires us to consider the different levels of abhorrence.

Proposed new section 45(2)(a) provides that if a court is satisfied beyond reasonable doubt, thereby protecting that element of civil liberty, that at the time of an offence a child was under the age of 10 years, it is categorised as the most serious offence and carries a level 2 imprisonment penalty, which is a maximum of 25 years. At the other end of the scale, if a court is satisfied beyond reasonable doubt that a child was between 10 and 16 years the offence will attract a level 5 imprisonment penalty, which is a maximum of 10 years.

Paragraph (b) of proposed new section 45(2) will enshrine in legislation what the community thinks of offences committed by those who, whether by choice, design or accident, find themselves in a position of particular trust. That paragraph provides that if the court is satisfied beyond reasonable doubt that the child was, at the time of the offence, aged between 10 and 16 years and under the care, supervision or authority of the accused, the maximum penalty be increased from 10 years to 15 years. It will ensure that teachers, guardians, kindergarten carers, group leaders, foster parents, and the like, must not breach the trust society places in them. If they take advantage of their position or relationship, which so often leads to emotional trauma, distress and often instability for victims, that totally unacceptable behaviour of a breach of trust will result in a greater penalty than would result were they not in such position of trust.

I suspect it is one thing to be abused and violated by a stranger, but it must be devastating and destructive for such abuse to be perpetrated by a person in whom the young child and the parents have placed their trust and confidence. The opposition supports that provision in this instance.

The third major element the bill addresses is the extension of the definition of rape. Proposed section 38(3), which is inserted by clause 4, takes the definition of rape well beyond the conservative and generally recognised perception of the word. Rape is not, of course, restricted to the use of force or physical restraint for the purposes of sexual penetration. Fear or other emotional force can sometimes be more effective than physical force. Consent to sexual activity procured by fraud or deceit could be sufficient to constitute an absence of consent and hence rape. There need be no strong physical force associated with the sexual activity, and it could be that what on its face appears to be totally consensual sexual activity is rape.

I recall the somewhat famous instance of a burglar breaking into a house through an open window and visiting the female occupant in her bed. The female occupant believed it was her husband who had come home late and for all intents and purposes consensual sex took place. However, when the woman woke up she realised the person had been a stranger, and the offender was subsequently caught and duly convicted of rape, as he should have been. There are varying legal measures that seek to ensure people’s rights and privileges are not abused.

The bill extends the well-established definition of rape in a number of ways. Firstly, it refers specifically to a male person who is coerced into sexual penetration or continued sexual penetration of another person — without the need to underline it, that other person could be either male or female — notwithstanding that the person sexually penetrated consents to the activity. The issue of the identity of a person is equally significant, and I touched on that a moment ago. It should further be noted that the provision involves sexual penetration not only in the conventional sense but of any bodily orifice.

It is intended that that clause will extend beyond the provisions of current law. It is intended to capture the situation where young men are exploited, whether it be in brothels or other less salubrious and less legal scenarios, and to afford some protection to those who

because of circumstances beyond their control find themselves in such situations.

I am pleased to conclude my contribution on that note. I commend the bill to the house and wish it a speedy passage.

Hon. R. M. HALLAM (Western) — I report to the house that the National Party has resolved to support the Crimes (Amendment) Bill. The bill represents a reality check for me. I find it sad that honourable members have to contemplate the despicable violations represented in each of the crimes covered by the bill. Like the Honourable Carlo Furletti, I note that it is difficult to get into the question of degrees of abhorrence, but nonetheless that is what we find our responsibility to be as legislators.

The bill has three purposes. Firstly, it extends the definition of rape to cover specific circumstances where the person physically undertaking the act may be doing so under duress, and in that context may indeed be the victim. Secondly, it introduces a new, single offence related to the sexual penetration of a child under the age of 16 years; and thirdly, the bill provides for an increase in the penalty for the offence of possession of child pornography.

I turn to the definition of rape. The concept of male rape — that is, the act of being sexually penetrated by another person — may be difficult to prove; in many cases it becomes the word of one person against that of another. The offence may involve some very sensitive issues with regard to consent, and we have come to expect that at least to some degree the offence may go unreported because of the incredible nature of the factors involved and the extent to which they are intrusive and personal. Against those factors the concept is generally understood.

The bill expands the definition to the extent that the perpetrator of the act can be regarded as a victim. A circumstance countenanced by the amendment would be that the first person commits rape if he or she compels a male person, the second person, to sexually penetrate either the first or a third person. In that circumstance the first person is guilty of raping the second person. It is made clear that it does not matter whether the person who is sexually penetrated, being either the first or third person, consents to the act of sexual penetration.

That circumstance has been recognised previously but the offence under the existing law would be restricted to that of procuration of sexual penetration by threats of fraud or indecent assault. As the law currently stands each of those offences carries a maximum penalty of 10 years imprisonment. The amendment includes the circumstances I have outlined within the definition of rape, in which case the offence would carry the maximum penalty of 25 years imprisonment. The bill shifts the maximum penalty in respect of the offence I have outlined.

The second major amendment provides that it is an offence to take part in an act of sexual penetration with a child under the age of 16 years. As Mr Furletti outlined, there are currently two offences for sexual penetration of a child. The first applies where the child is under 10 and the second applies where the child is aged between 10 and 16 years. We are advised that the way in which the offence is delineated has led to what has been recognised as a yawning gap in the law simply because if the age of the child when the offence took place is not known or is unclear, in particular if the offence took place over a lengthy time, it may be impossible to prove the offence in either case.

The amendments before the house provide for the loophole to be overcome by combining the two offences into one new offence. The existing penalty structure is retained — that is, a maximum penalty of 25 years imprisonment if the child is under 10 and 15 years if the child is aged between 10 and 16 years of age and under the care, supervision or authority of the accused person. In any other case the penalty is 10 years.

The bill also goes to the issue of penalties for possession of child pornography. Like the Honourable Carlo Furletti I acknowledge that the opportunity for transmission of child pornography has been expanded by the enormous explosion in technology. The bill takes account of those new opportunities and in the view of the National Party is an appropriate expansion of protection of society's most vulnerable resource — the children in its protection.

The National Party takes no joy from the changes in law. The bill is a reality check, but on the basis that it offers protection in the cases cited, the National Party is pleased to support the bill.

Hon. D. G. HADDEN (Ballarat) — I support the bill, the primary purpose of which is to create a new offence of rape where the victim is a male who is forced to penetrate another person with his penis. The bill also extends the definition of rape. The crime of rape is described in section 38 of the Crimes Act, and it is very simple. It states that a person must not commit rape, and it includes a 25 year maximum penalty. The definition states that a person commits rape if:

(a) he or she intentionally sexually penetrates another person without that person's consent while being aware that the person is not consenting or might not be consenting; or

(b) after sexual penetration he or she does not withdraw from a person who is not consenting on becoming aware that the person is not consenting or might not be consenting.

The bill creates a new offence of sexual penetration of a child under 16 years of age, as well as increasing the penalty for the offence of possession of child pornography.

The creation of the new offence of rape where the victim is a male who is forced to penetrate another person with his penis is contained in clause 4. It is more particularly described in proposed section 38(3), which extends the definition of rape so that the offender also commits rape if he or she compels a male person:

(a) to sexually penetrate the offender or another person with his penis, irrespective of whether the person being sexually penetrated consents to the act; or

(b) who has sexually penetrated the offender or another person with his penis, not to withdraw his penis from the offender or that other person, irrespective of whether the person who has been sexually penetrated consents to the act.

Proposed section 38(4) inserted by clause 4 is important. It provides that:

For the purposes of sub-section (3), a person compels a male person (the victim) to engage in a sexual act if the person compels the victim (by force or otherwise) to engage in that act —

(a) without the victim's consent; and

(b) while being aware that the victim is not consenting or might not be consenting.

In the past the common-law definition of the crime of rape required the application of unlawful and felonious violence against the will of the victim, and completed sexual intercourse by force. Over the years, and with the wisdom of our judiciary, those essential elements have been modified so that we have the definition of the crime of rape as it is today.

It is also important to note that with the progression of our law and the wisdom of our judiciary the purpose of penetration is not a necessary element of the offence of rape. It is irrelevant whether the act of sexual penetration was committed for the purposes of sexual gratification by an offender who has been convicted of committing that offence.

The bill extends the definition of rape to situations where a male victim is forced to penetrate another person' mouth, vagina or anus with his penis. Currently such an act is charged as indecent assault under the Crimes Act and carries a maximum penalty of 10 years imprisonment. However, the crime of rape carries a maximum penalty of 25 years imprisonment.

The final report of the former Drugs and Crime Prevention Committee entitled 'Combating sexual assault against adult men and women', which was released in November 1996, made a recommendation, numbered 15, that the defence of rape and sexual penetration within the Crimes Act be reviewed to include situations where the victim is forced to penetrate the offender. One of the policy bases behind the bill was to implement that important recommendation.

The bill also creates a new offence of sexual penetration of a child under the age of 16, and that is more particularly described in clause 5, which substitutes proposed new section 45 into the Crimes Act in lieu of the existing sections 45 and 46. Those offences of sexual penetration of a child are currently divided on age; whether the child is under 10 or between the ages of 10 and 16 at the time of the offence. Age is often difficult to determine. The loophole in the current legislation prevents the prosecution from proceeding if there is any uncertainty about whether the child was under or over 10 at the time of the offence.

In a recent County Court case a child victim could recall that he was sexually assaulted during a particular year and by a particular offender, but he could not recall at what stage of the year he was assaulted. While the prosecution normally overcomes that difficulty by bringing the offence between two dates — that is, 1 January and 31 December of a year — the problem in this case was that the child had turned 10 during that year. The prosecution could not prove beyond reasonable doubt the offence the accused had been charged with under the act — that is, the sexual penetration of a child under the age of 10 or between the ages of 10 and 16 years. Unfortunately, as a result the accused was acquitted.

There are many other instances that do not come before the courts where the child victim is simply unable to be interviewed by police, is unable to give a full and adequate statement, or is simply unable to suffer the further trauma of the interview and court and trial process, which is understandable. It means for every offender who is convicted there are many other

offenders out there in the community who are continuing their offending behaviour.

The bill overcomes the difficulty of proof of age by creating one offence of sexual penetration of a child under the age of 16. It is envisaged that will enable the prosecution to allege the offences occurred between two dates where appropriate, and the prosecution can also prove that the child was under 10 and the age of the child was an aggravating factor that goes to penalty.

The maximum penalties are high, as they should be. Clause 5 substitutes proposed new section 45(1), which provides that:

> A person who takes part in an act of sexual penetration with a child under the age of 16 is guilty of an indictable offence.

The penalties provided in proposed new subsection (2) are a maximum of 25 years imprisonment if the child is under 10 years and a maximum of 15 years imprisonment if the child is aged between 10 years and 16 years and is under the care, supervision or authority of the accused. In any other case the maximum penalty is 10 years.

Importantly, proposed new section 45(4) states that:

> Consent is not a defence to a charge under sub-section (1) unless at the time of the alleged offence the child was aged 10 or older and —
>
> (a) the accused believed on reasonable grounds that the child was aged 16 or older; or
>
> (b) the accused was not more than 2 years older than the child; or
>
> (c) the accused believed on reasonable grounds that he or she was married to the child.

Proposed new section 45(9) provides, in part:

> For the avoidance of doubt it is declared that it is the intention of the Parliament that an offence against sub-section (1) is not an offence to which section 53(1) of the Magistrates' Court Act 1989 applies —

That applies to an accused being able to have an indictable offence tried summarily, and the penalty is much less in the summary jurisdiction.

Clause 6 provides for an increase in the penalty for the section 70 offence of the possession of child pornography. Proposed new section 70(1) states:

> A person who knowingly possesses child pornography is guilty of an indictable offence.

The penalty is level 6 imprisonment, which is five years maximum. The purpose of the reform is to reflect the community's abhorrence of this type of crime. It is also an attempt to deter offenders. The current offending levels detected in the possession of child pornography, particularly given the increased use of computers and the Internet, warrant an increase in the penalty.

Section 67A of the Crimes Act defines child pornography as:

> A film, photograph, publication or computer game that describes or depicts a person who is, or looks like, a minor under 16 engaging in sexual activity or depicted in an indecent sexual manner or context.

It does not give me any pleasure to report to the Parliament that a person from Ballarat accused of possessing child pornography was convicted recently. The case was reported in the Ballarat *Courier* of 11 November under the heading, 'Child porn man free after judge overturns jail term'. That convicted person was initially sentenced in the Melbourne Magistrates Court, having pleaded guilty to possessing an estimated 11 000 images of child pornography. The court heard that Mr J had stored the images on two computers and on a CD-ROM at his home and at a business located in central Ballarat. The article states that magistrate, Ms Felicity Broughton of the Melbourne Magistrates Court, described the case as 'one of the most extremely disturbing and troubling cases' she had presided over and sentenced Mr J to 18 months imprisonment, the maximum currently being two years.

Mr J appealed, and the appeal was heard in the past week in the Melbourne County Court by His Honour Judge Leslie Ross. The appeal judge determined that the appeal was successful and Mr J was released on a wholly suspended nine-month prison term and fined $10 000 to be paid within two months. It is interesting to note that in the article appearing in the *Courier* His Honour is reported as saying that:

> The offence of possession of child pornography cannot be characterised as a victimless crime … the children are the victims.

According to the article, the court heard that Mr J had access to most of the images over the Internet and was actually downloading the child pornography on his home computer when the police raided his home in December of 1999. His Honour is quoted as saying that:

> The significance of the appellant's behaviour is the downloading of the material.

The judge is further reported as saying that Mr J had no intention of using the pornography 'for more insidious purposes' other than to bolster his own collection.

The bill's proposed amendment to increase the penalty for possession of child pornography is in my view a good thing for victims of crime and for the community generally.

Clause 10 is also an important reform in that it will ensure that convictions for an offence against sections 45 and 46 of the Crimes Act can, in specified circumstances, be considered when the court is determining whether the person being sentenced can be characterised as a serious sex offender.

The recent Australian Institute of Criminology trends and issues publication of October 2000 is entitled 'Imprisonment in Australia: sentence populations'. It is rather disturbing. Figure 2 shows the distribution of sentenced prisoners according to the most serious offence of imprisonment. Offences against the person — that is, assault and sexual assault — robbery and drug offences, which usually attract harsher sentences, have increased in proportion from 51 per cent in 1988 to 57 per cent of prisoners in 1998. For those serious offences, both the average sentence length and the average length of stay have increased in that 10-year period, the former by 14 months or 22 per cent and the latter by 3 months or 6 per cent. Also, the number of sentenced prisoners has increased by an average of 85 per cent in that 10-year period from 1988 to 1998. The paper states that:

> For the remaining offences, which are considered as less serious than offences against the person, robbery and drug offences, the sentenced prison population has increased by an average 42 per cent, the median sentence length has increased by 5.5 per cent, and the median length of stay has remained stable …

That is for the 10-year period. Victorians need to be extremely vigilant with the vulnerable and younger members of the community. Children must be taught about the dangers out there in the community.

Australia participates in and is a signatory to the United Nations Convention on the Rights of the Child. Article 34 states that signatories will undertake to prevent the exploitation of children in pornographic performances and materials. The bill goes a fair way towards protecting the vulnerable people in the community, and that includes young men and women. I commend the bill to the house.

Hon. K. M. SMITH (South Eastern) — I support the Crimes (Amendment) Bill introduced by the government, as do my colleagues on this side of the house and the Honourable Dianne Hadden. I do so on the basis of having a great deal of knowledge about the changes and the issues raised by the government, having chaired an all-party parliamentary committee that for two years inquired into sexual offences against children and adults.

As I said in this chamber when the previous government implemented a number of the 130 recommendations proposed by the nine members of that all-party committee, we as a group were devastated by the evidence presented and the report we put together. It took two years of our lives, and I can say that none of us came out of that unscathed. We felt as if we, too, had been offended against.

Although the community now talks a lot more about child sexual offences, at the time committee members began preparing the report we did not believe such offences were happening. It was generally believed it was not something that happened next door or anywhere in Victoria or Australia, but was something that happened on the other side of the world. The truth of the matter is, of course, that it does happen here.

The parliamentary committee went overseas to talk about the issue with people in the United States of America, England and Canada. In Amsterdam a short period was spent talking to police and interviewing a number of other people. We found that child sexual offences were being committed all around the world.

The committee made 130 recommendations to the government at the time. I was not in agreement with what the government did as a result of those recommendations, which probably had some effect on my political career. The government at the time put out four typewritten pages in response to the committee's report. I came out in public and was critical of the government, the ministers and everybody else I could reflect on. I made the decision to do so after thinking of some of the people on the committee who had worked so hard on the recommendations that were virtually ignored.

Over a period some of the recommendations were implemented, about which I was always pleased. However, the important issues were never implemented. I urge the Minister for Small Business to read the former Crime Prevention Committee report, *Combating Child Sexual Assault — An Integrated Model*. Perhaps she could give it to the responsible minister or even the Premier and suggest that its recommendations be implemented. The government could make itself a leader in this country in some of the areas about which recommendations were made in that report.

I will address some of the changes the government is proposing, and I also have some queries to put to the

minister which she may be able to respond to at a later stage.

I turn now to the provision increasing the penalty for the offence of the possession of child pornography. The former Crime Prevention Committee recognised very early in the piece that child pornography is an offence against the children being portrayed in videos, computer images, books, films, or whatever medium it might be — and they are repeatedly offended against every time those images are shown.

I must remark how times change very quickly in the computer world: at the time the committee made recommendations relating to the use of computer bulletin boards — the report was written only five years ago — but we do not talk about bulletin boards any more. Now we talk about the Internet and looking at whatever is on the World Wide Web, where it is possible to pick up all sorts of nasty bits and pieces, including child pornography. The committee made recommendations that the federal government should introduce legislation to try to stamp out what at that time was anticipated would be a problem.

In fact, while the committee was overseas in the United States of America it met with people from the postal department who were carrying out many of the investigations relating to child pornography that was being delivered in hard copy form. We also talked to people in the Federal Bureau of Investigation who informed us about the use of the then new bulletin board computer imaging and recommended that Australia should get legislation in place to do something about it.

The committee understood at the time that it would be very difficult to stop those images being put onto computer screens and that it was an industry that would attract some of the worst of the worst people. It must be understood that people who are paedophiles use child pornography for their own gratification. They also use it to tempt or persuade children to have sex with them, by limiting the children's minds and making them think, 'It must be okay because the kids on the screen are doing it, so I can do it as well', and thus breaking down the children's desire not to be involved in something like what was going to happen to them.

The police in the United States also talked to the committee about what they knew they would find in a paedophile's home: some type of imagery of child pornography. They described a number of the places where the material could be found in a paedophile's home — it was quite interesting information. Some people had it well hidden away, but others did not worry so much — it would be sitting on a desk or in a book in their home. However, the police always knew that when they got on to a paedophile they would find child pornography around.

I congratulate the government on increasing the penalty from two years to five years imprisonment for the offence of possession of child pornography. I suggest it is probably not enough because behind the offence is an offender who is receiving some sort of gratification from looking at and using that type of imagery.

I refer now to the offence of sexual penetration of a child under 16. The former committee also recognised this area was problematic because of the need to have proof of the child's age and of the time the offence actually occurred. I have just been skimming through the report — it has been a couple of years since I have picked it up. I know the committee discussed with the previous government the need to increase the penalties because having sex with a child was regarded as a lesser offence than having sex with an adult — and in both cases I am talking about that occurring without the victim's consent.

I raise for the minister's attention — perhaps she can give me some sort of explanation — the fact that the penalty structures relating to the child's age have been retained, so the offence against a child under the age of 10 attracts a maximum penalty of 25 years imprisonment. That is the same penalty that applies to the rape of an adult, and I agree with that.

The one that concerns me is the penalty where the child is aged between 10 and 16 years and was under the care, supervision or authority of the offender at the time of the commission of the offence — that attracts a maximum penalty of 15 years imprisonment. I cannot quite understand how a child who is, say, 12 years old can be seen to be less vulnerable or suffer less than a child who is 8 years old — I am leaving a two-year leeway both ways. I raise the issue because if we are going to have an offence of sexual assault or rape of a child we should ensure it attracts the same penalty of a maximum 25 years imprisonment as applies to the commission of the offence against an adult.

People who have sex with children are the scum of the earth. They do not really care about anything else apart from their own gratification. They pick on vulnerable children, who may not even understand that they have been sexually assaulted. Children are used by paedophiles. In most cases the children will trust them, and the paedophiles, who are often either family members or friends of the family, abuse children's trust

in adults. It does not make sense to me that the penalties are not the same.

I also raise the issue of the penalties imposed by judges or magistrates which also never seem to make sense to me. I refer particularly to cases where a paedophile has pleaded guilty to the offence of sexually assaulting a child. The paedophile will receive a penalty of maybe 2, 3 or 5 years imprisonment, which is far below the maximum allowable penalty. Yet sometimes we seem to have bleeding heart judges and magistrates who are prepared to allow these offenders back on the streets at a very early time, only to offend again. These people cannot help themselves: paedophiles regard having sex with children as normal. It is the thing that turns them on. But it is also an offence. This matter must be examined.

Our judiciary right across the board has to accept the fact that a person who pleads guilty to the offence of having had sex with a child should get the maximum penalty. We all know that when a child goes to court he or she is put in the dreadful position of having to be questioned, particularly if the defendant pleads not guilty and wants the matter to go to trial. We know that those children can virtually be raped again in the courts by the defendants' lawyers in the way they go about trying to break down the children's spirit or through their account of what happened being pushed in another direction.

I can only say that it is important that the judiciary do the right thing. There is a need to get rid of the bleeding hearts and think about the kids. Judges and magistrates should think about the paedophile scum that have committed the offences and deal with them in a proper and just way. I do not think anyone in the community would support somebody who has seen fit to have sex with a child.

The third part of this legislation relates to the extension of the definition of rape. One case — which attracted quite some press publicity at the time — remains very vivid in my mind, even after five and a half years. It is that of a young man who appeared before the committee who had been raped or had been asked, told or forced to have sex with two other men. I believe the offence occurred in the Mildura area.

That man told the committee about how difficult it had been for him to get support from any community groups. He returned to Melbourne and was virtually shunned. He said he was regarded as a leper by the sexual trauma help groups and centres against sexual assault (CASAs) because they did not believe men would be raped; they were unable to deal with his case. They thought women and little girls, but not men, were often raped.

I am pleased that a different attitude has now been adopted by CASAs. They understand and recognise the trauma of men who have been raped, often having being forced to have sex with other persons under the threat of being beaten or exposed. I am pleased that the government also has recognised or acknowledged the truth and I congratulate it on its stand.

Regardless of whether someone is a man or woman, the fact of having been sexually attacked traumatically affects a person's life. It is hard to get people to admit that they have been sexually assaulted. Now at least there is a recognition within the community that such offences occur. The stigma is not seen to be quite so attached to men now because people have come to understand that both genders are subjected to rape attacks. I am pleased that counselling services now assist victims with getting on with their lives.

The former committee used to talk to people who were called survivors; they had overcome their difficulties and faced up to their problems. I do not think they were ever survivors in the true meaning of the word because I regarded them as victims, although whether those people have mentally recovered or ever will recover from sexual offences committed against them is another question. The community and society must assist victims of sexual attack in every way possible.

The three changes made by the bill to the Crimes Act lead me to congratulate the government, but will the minister explain why the penalties for offences against children aged between 10 and 16 years old will be different from those to apply for similar offences against children under 10 years of age? Are those falling into the first category to be classified as adults? I am more than happy to support the bill.

Motion agreed to.

Read second time.

Third reading

Hon. M. R. THOMSON (Minister for Small Business) — By leave, I move:

That this bill be now read a third time.

I thank the Liberal Party and the National Party for their support of the bill, and the Honourables Carlo Furletti, Roger Hallam, Dianne Hadden and Ken Smith for their contributions. Mr Smith asked about the difference in penalties for offences against children aged under and over 10 years. The government was concerned to close

the loophole quickly because of incidents that have led to court proceedings. The government will take on board the query he has raised.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

MINERAL RESOURCES DEVELOPMENT (AMENDMENT) BILL

Second reading

Debate resumed from 2 November; motion of Hon. C. C. BROAD (Minister for Energy and Resources).

Hon. PHILIP DAVIS (Gippsland) — The bill is an important legislative proposal because it deals with an industry that is especially important to regional and rural Victoria in that it provides significant economic impetus to certain regional areas.

I will make general comments about the importance of that industry and put the industry into context for the sake of the debate. People know about the importance of brown coal as the fuel source for the generation of most electricity consumed in Victoria. Since the 1920s brown coal has been the primary fuel source for electricity generation. Given the enormous reserves of brown coal in the Latrobe Valley, and provided the brown coal generators continue to improve their environmental efficiency particularly, the community will be well pleased to gain the benefit of comparatively low electricity costs for its fuel resource compared with alternatives. There is no doubt that brown coal mining is an important activity for Victoria.

It is useful for the house to note that gold has played a significant part in Victoria's history. Honourable members are daily reminded of the importance of gold discoveries, particularly in central Victoria in the 1850s. I dare say parts of the community look forward to the return of those halcyon days so that gold may again provide the level of economic impetus to the state that it once enjoyed. As technology in the mining industry progressively improves it is hoped goldmining will provide additional finances for Victoria.

Victoria has a proud history of goldmining. About 5 tonnes of gold is produced each year. Victoria is experiencing a significant additional yield of gold, especially as a result of the work occurring in the new goldmining project at Bendigo, which will be a huge stimulus for regional Victoria. It is estimated that the mining industry employs 20 000 Victorians, the majority of whom are resident in regional and rural Victoria. The mines now producing gold are at Stawell and Fosterville.

Although historically Bendigo is the largest goldfield in Victoria and the second largest in Australia in production, with an estimated $20 billion of resources on present value having been derived from it — with the prospect that there is as much again yet to be won — the generation of income to rural communities in modern times has been from much smaller fields around the state.

That will probably continue to be the case in the future. The net present value of gold resources is estimated to be more than $40 billion in Victoria, which is equivalent to 30 per cent of all the gold mined in Australia and 2 per cent of gold mined worldwide.

Other important mineral assets include gypsum, silica, feldspar and caolin. One should distinguish in this debate between the mining industry and that other important resource industry, the extractive industry, such as quarrying rocks, sand and clay used in building and construction works.

The most significant contemporary mineral resource in Victoria is brown coal in the Latrobe Valley. I look forward to that resource being put to productive use for many years. The contribution of brown coalmines is derived not only from the Latrobe Valley but there is a significant — modest by comparison to the Latrobe Valley — brown coalmine operating at Anglesea, west of Geelong with a generation plant operated by Alcoa Australia Ltd.

A number of projects are on foot and much exploration is being undertaken. It is pleasing to learn about the prospect of revival of the Benambra copper mine, which has not been in operation for several years but when in operation made a significant contribution to the East Gippsland community, particularly to the economies of that part of the world generally known as the Tambo Valley. Geographically it does not form part of the Tambo Valley as such, but the community of Omeo is looking forward to the reopening of the Austminex Ltd Benambra mine coming to fruition next year.

We know that in central Victoria in particular there has generally been an historical association with mining. The community's existence has generally been the result of that mining history. Towns in central Victoria have become heritage areas, and today there is an

attempt to preserve the remnants of mining heritage in the form of tourism. However, some communities simply wish to preserve their historical links with Victoria's early traditions.

Two of the state's largest provincial cities, Ballarat and Bendigo, owe their existence to gold. The noteworthy observation about Bendigo is that it will shortly have a working and producing mine again that will provide, at least in the development stage, a significant contribution to the Bendigo community, again with the prospect of a long life if the proprietor's best estimates prove to be valid. I wish that project well not only for the shareholders' sake but for the community of Bendigo, which will again be the beneficiary of the development of the gold resource.

Mineral sands prospects for the Murray Basin are an important issue for residents of north-western Victoria. It has the potential to eventually export the product through the port of Portland or perhaps the port of Geelong. Portland aspires to become a significant logistically location for that substantial industry, which has a resource potential estimated to be about $13 billion.

If the development of that industry is facilitated the community will have been well served, particularly the three states that have a stake in capturing the economic benefits. Victoria will have to examine that facilitation with urgency. I do not wish to dwell on those issues, but it is worth mentioning the scope and importance of the state's principal resources and their potential in a proper regulatory mining framework. The investment opportunities in new ventures will lead to significant outcomes. The government must create a positive culture in the high-risk exploration work.

We know from long-term experience that only 1 in 1000 prospects ever turns into a commercial mining operation and that exploration is high risk and low yield. To encourage investors to risk their capital in searching out the wealth of the state, which is our responsibility as parliamentarians and the government's responsibility to oversight, it is important to create an environment where Victoria is investor positive — that is, investors are encouraged.

It is in that sense that I approach the debate in the same spirit as I believe members of other oppositions have approached debates on mineral resources over time. It should be viewed as a bipartisan issue and not seized as an opportunity to make political capital out of an important industry to all Victorians.

Debate interrupted pursuant to sessional orders.

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

QUESTIONS WITHOUT NOTICE

Industrial relations: reforms

Hon. B. C. BOARDMAN (Chelsea) — I refer the Minister for Small Business to her answer to my question without notice yesterday, when she alleged that the Minister for Industrial Relations had met with representatives of the Restaurant and Catering Association to discuss their concerns regarding the Fair Employment Bill. Is it not a fact that the Minister for Industrial Relations has met only once with the association, and that was back in April, long before the bill was even drafted? Given that the Minister for Industrial Relations has refused to meet personally with the association subsequently, I ask the minister to reflect on her answer yesterday and consider apologising to the house for misleading it.

Hon. M. R. THOMSON (Minister for Small Business) — Firstly, consultations on the Fair Employment Bill are being conducted between the Minister for Industrial Relations and various business groups. In the house yesterday I said the concerns of the association had been discussed with the Minister for Industrial Relations; I did not say that there had been a meeting on the bill between the association and the minister. I am aware that the concerns of a number of business groups have been raised and discussed. The consultation on the bill is within the carriage of the Minister for Industrial Relations, and I suggest Mr Boardman direct his questions to her.

GST: small business

Hon. D. G. HADDEN (Ballarat) — Will the Minister for Small Business advise the house of any findings relating to the experiences of Victorian small businesses and their compliance with the new tax system?

Hon. M. R. THOMSON (Minister for Small Business) — At this point in time complying with the implementation of the goods and services tax and preparing business activity statements is proving a difficult task for small businesses in Victoria. On numerous occasions I have raised the issue with my federal counterparts and sought a simplification of the process and more assistance for small business.

Now we have more confirmation, rather than just the information I have been getting first hand. The report of the parliamentary Economic Development Committee, chaired by the Honourable Neil Lucas, confirms all that

I have raised about GST-compliance costs and states that small business finds the costs regressive and that they hit smaller businesses much harder than bigger businesses. The report of that committee, on which members of the opposition are in the majority, states that it considers the $200 voucher totally inadequate.

Honourable members interjecting.

Hon. M. R. THOMSON — The opposition is happy to be very selective about how it wants the government to help small business.

Victoria University was commissioned by the Department of State and Regional Development to conduct case studies and has found the compliance costs to be from $3000 up to $15 000. The report of the Economic Development Committee estimates that cost at $6000 and up to $19 000 for medium-sized businesses.

That compares with the Victorian Employers Chamber of Commerce and Industry report of late last year, which suggested that the costs those businesses incurred just in setting up were from $3000 to $9000. How can anyone think that small businesses can compete, given that they have also have the fear of the Australian Competition and Consumer Commission coming down on them? They have absorbed the costs of the GST and as a result now are facing huge cash-flow problems.

The recent Morgan and Banks survey put to rest the federal government's claim that the GST has been all smooth sailing for small business. That survey showed that a staggering 92 per cent of small business firms say the GST has had a negative effect on their profits.

The government is concerned there will be real cash-flow problems for the most vulnerable small businesses and that they are not getting access to advice, and it understands that a number of business activity statement (BAS) forms are having to be redone because they have been inaccurately filled out.

An article in yesterday's *Australian Financial Review* headed 'Mr Costello, the BAS must change now' by Jonathan Sear of Sear Hawkins Pty Ltd states:

> Many will be late because they have to rely on others for the information. The 21-day period will never be equitable — perhaps 45 days would be more fair.

Hon. D. McL. Davis — On a point of order, Mr President, I put to you that this is clearly a matter of commonwealth government administration — the precise day periods provided for responses to federal government programs. It is not a matter of state administration.

The PRESIDENT — Order! It is a good point in the sense that when this debate first started there was a question as to the interpretation of commonwealth legislation and the minister's responsibility for small business. We had a certain discussion about that particular issue and agreed on certain demarcations. Now that the GST is part of the business environment and the question of compliance is a matter that affects every business, I think it is reasonable to expect — the Minister for Consumer Affairs would accept that — this is part of her responsibility in fostering small business in the state.

The other point I would make is that the honourable member allowed the minister to go for quite some time before he raised his point of order. I think earlier on would have been the time to take the point. The minister has made her point and must be about to complete her remarks.

Hon. M. R. THOMSON — I have just about finished. One of the other issues raised was about pay-as-you-go (PAYG) tax. The article by Jonathan Sear states:

> One of the biggest hoots of tax practice in 2000 is explaining Peter Costello's abolition of provisional tax. This unlamented tax has been replaced by PAYG instalments and the IAS (instalment activity statement), in the process generating unnecessary paperwork beyond my wildest dreams. What was once complicated and unfair is now even more complicated and unfair.

The article concludes:

> I do not believe these suggested changes will be costly to the revenue, but I do believe they will substantially reduce community compliance costs. Maybe then we will be able to consider the BAS as an acronym rather than an abbreviation.

The government seeks from the federal government that it finally take notice of what small business is saying. The state government has been repeatedly saying. 'Make compliance simpler, make it easier for small business to comply, and stop making them pay for being tax collectors for the federal government'.

Banks: closures

Hon. D. McL. DAVIS (East Yarra) — Given the importance of a proper bank branch network to small businesses in both country and metropolitan Victoria, and given that the National Australia Bank, Australia's largest and most profitable bank, announced in September that it would close 25 branches in Victoria, has the Minister for Small Business, in her capacity as

both Minister for Small Business and Minister for Consumer Affairs, met with senior executives of the National Australia Bank to discuss those bank closures? If so, on what date did that take place and what action followed from it? If not, why not?

Hon. M. R. THOMSON (Minister for Small Business) — Considering that the honourable member has had a number of bank closures in his own electorate and has been totally silent on the matter — —

Hon. D. McL. Davis — I have not been silent.

Hon. M. R. THOMSON — Maybe you will be happy to support the government's position it has put to the national council of consumer affairs ministers for a basic standard of minimum service from banks.

The government has supported a national call for a minimum standard of service from banks, and the opposition is absolutely aware of that. How much of a fight has the opposition put up with the commonwealth government in trying to support the establishment of minimum services? If the question of bank closures is to be addressed there is a need to address what obligations banks have to communities to ensure their needs are being met. The banks need to meet those obligations by providing a minimum standard of service delivery. The government has called for that. It is happy to work with governments around the country to ensure that those minimum standards are delivered.

Hon. D. McL. Davis — On a point of order, Mr President, I asked the minister if she had met with the National Australia Bank and, if so, on what date.

The PRESIDENT — Order! The question was very specific. The minister has not addressed herself to that question. I invite her to do so.

Hon. M. R. THOMSON — Mr President, I believe I have answered the question in relation to bank closures. It is clearly a national issue that needs to be addressed nationally, in the same way the government has sought to deal with fuel prices. To have any effect on bank closures minimum service standards for the way banks service communities must be established. That is the way the government is dealing with it — as a policy issue, rather than as an issue concerning individual closures.

Hon. D. McL. Davis — On the point of order, Mr President, the minister has still not answered the question. Did she meet with the banks? If not, why not?

The PRESIDENT — Order! The question has been put to the minister twice and her answer is clearly not responsive to the specific question, but the minister has indicated that is as far as she is prepared to go. I will move on to the next question.

Victorian Youth Development program

Hon. E. C. CARBINES (Geelong) — Will the Minister for Youth Affairs explain to the house how the Bracks government is expanding opportunities for young people?

Hon. J. M. MADDEN (Minister for Youth Affairs) — I am pleased to advise the house that last Thursday, 9 November, I visited the Ashwood School to announce the enhancement of the Victorian Youth Development program.

Honourable members interjecting.

Hon. J. M. MADDEN — I note the interjections from the other side. I am happy to put them on the record. It was a good program under the former government. I know this will hurt members of the opposition, but the Bracks government has made it much better. The government has made it a better program because 34 new schools are joining the program in 2001.

I was fortunate to be at the Ashwood School last Thursday. The school was established in 1976 as a specialist school catering for students with mild intellectual disabilities. It is geared to maximise individual students' self-esteem and skills of independence to ensure a successful post-school life.

Ashwood School is one of the 34 new schools that will join the program in 2001. It is one of four schools that will link with the Australian Red Cross to establish a Red Cross community leaders program. The program promotes leadership training, voluntary service within local communities, and awareness of the humanitarian activities undertaken internationally by the Red Cross movement.

The 34 new schools represent an intake of 800 students, and a further 345 student places have been allocated across 33 existing Victorian Youth Development program schools. The additional students will take the program participation rate in 2001 to almost 5800 teenagers across 178 government schools — more than half the state's total.

Snowy River

Hon. B. W. BISHOP (North Western) — I direct my question to the Minister for Energy and Resources. While there is universal support for the concept of

capturing water savings through capital investment in the state's infrastructure, the minister should now be aware that the prospect of having the government step into the market to purchase existing water entitlements to deliver a commitment on environmental flows to the Snowy River has sent shock waves through the entire irrigation industry.

Given the minister's most recent assurance that direct water purchases would be only a last-resort strategy, on behalf of Victorian irrigators I ask the minister to take the next logical step and rule out such an option completely.

Hon. C. C. BROAD (Minister for Energy and Resources) — I welcome the opportunity to again address the great achievement of the government.

Hon. M. A. Birrell — Historic.

Hon. C. C. BROAD — Indeed, historic. In relation to restoring environmental flows to the Snowy River, in accordance with the government's election commitments and the concerns the Honourable Barry Bishop has referred to, I am aware that members of the National Party have been doing everything possible within their resources to drum up this level of concern — a concern that is unwarranted.

The government has been clear in its commitments. As recently as yesterday in the other house the Premier clearly stated the government's intentions. The National Party, for its own purposes, can continue to try to make an issue out of these unnecessary concerns. It is putting a totally trumped-up proposition to irrigators in a scaremongering fashion. I was pleased to see Senator Minchin's statement the other day.

Hon. D. McL. Davis — Good man.

Hon. C. C. BROAD — Indeed. Senator Minchin indicated that Senator Hill's response in relation to corporatisation has determined that there are no environmental reasons why corporatisation should not proceed. I acknowledge his endorsement and Senator Hill's acknowledgment of the need for increased flows down both the Snowy and Murray rivers.

The government looks forward to the commonwealth government joining with the New South Wales and Victorian governments in this agreement, and to adding to the agreement regarding environmental flows for the Snowy River.

The government has been clear on this matter. The Premier has been clear in speaking about the last-resort provision of purchasing water, which has been canvassed at length in debates in this house, in which I also have been clear about the government's commitment. The government will continue to make the statements it has made regarding the focus on restoring environmental flows by saving programs that will be of enormous benefit to irrigators of the state, add to economic growth and employment and deliver a better service.

Regarding the matter the National Party wants to beat up, the Premier has made it clear that is a provision to provide flexibility as a last resort.

Industrial relations: reforms

Hon. T. C. THEOPHANOUS (Jika Jika) — Will the Minister for Industrial Relations tell the house what action the government has taken to consult with employer groups — —

Hon. B. C. Boardman — She has done nothing.

Hon. T. C. THEOPHANOUS — I want the minister to answer the question. What steps has the government taken to consult with employer groups about the Fair Employment Bill and how is the government addressing issues raised in those consultations?

Hon. M. M. GOULD (Minister for Industrial Relations) — Two days ago — —

Honourable members interjecting.

The PRESIDENT — Order! I invite the minister to direct her remarks through the Chair.

Hon. M. M. GOULD — Mr President — —

Honourable members interjecting.

The PRESIDENT — Order! The minister is not being helped by members on either side of the house. I ask all honourable members to exercise some restraint.

Hon. M. M. GOULD — Two days ago the spineless jellybacks in the Liberal Party decided to vote to delay passage of the Bracks government's Fair Employment Bill using the spurious defence that there had not been enough consultation. That defence has more to do with the policy-free zone between the ears of the Leader of the Opposition than it does with reflecting reality.

I am happy to provide further details about the consultation that has taken place on the bill. The level of consultation is the most extensive that has ever occurred on industrial relations laws in this state. I

remind the house of what the Liberal Party did in 1992. Honourable members know what happened with that legislation under the previous government. The Bracks government has approached the legislation with an open mind and a willingness to hear from employers and industry about relevant issues.

Opposition members interjecting.

The PRESIDENT — Order! I cannot hear the minister because everyone on the opposition side of the house is talking at once. I ask all honourable members to keep quiet.

Hon. M. M. GOULD — The government has always been interested in entertaining reasonable amendments to legislation and it has undertaken extensive consultation. I know that concept is foreign to members opposite — they do not know what consultation is about. My department and my office have met with a range of employer organisations, including the Australian Industry Group, the Victorian Road Transport Association, the Victorian Automobile Chamber of Commerce, and a range of other employer groups.

Hon. M. A. Birrell — What about the Restaurant and Catering Association of Victoria?

Hon. M. M. GOULD — My department and my office have met with the Restaurant and Catering Association of Victoria, and we will continue to meet.

As a result of consultation the employers have put forward some amendments to the bill. One issue I must address is that the opposition has been scaremongering about the question of deeming a contractor as an employee. This fear comes from a press release put out by the Honourable Maree Luckins, and from the Leader of the Opposition saying things that were not true and were not part of the legislation. The government has spoken to industry representatives and explained the situation to them and they are concerned about the scaremongering. As a result of that consultation the employers proposed measures that would make the intent of the deeming provisions clear. The government will propose amendments in the other place to clarify the intent of the bill.

Honourable members interjecting.

The PRESIDENT — Order! We are making slow progress and it is not helped by members on my left, and the occasional sound from those on my right, behind the minister. I ask the minister to be allowed to complete her answer.

Hon. M. M. GOULD — An individual will have to give written consent if he or she wishes to be declared an employee. Although the bill never allowed for automatic deeming, the amendments will clarify the situation and remove any doubt. It will also ensure that a full bench can only make a declaration after it has taken submissions and it is appropriate to regard an individual as an employee. The legislation will be perfectly clear, as it always has been clear. You cannot change for change's sake.

There are other safeguards in the legislation. If an individual's remuneration exceeds $71 200 per year that person will not be eligible to fall under the clause. There was the issue raised of one of four or more persons who are or who claim to be partners working in association in an industry being defined as employees. That has been removed from the legislation.

The government takes on board the issues raised. A further issue was the question of annual leave loading. Rather than its being an automatic right it is proposed that it be put into the industry sectors and dealt with on a case-by-case basis.

Hon. M. A. Birrell interjected.

Hon. M. M. GOULD — Honourable members may have been approached by the Brethren with concerns about conscientious objection. The government has addressed its concerns by introducing the possibility of allowing for conscientious objection. The government is different from members opposite. It consults and takes on board issues that are raised. It is now time for the opposition to stop delaying the bill and pass it so that employees can be looked after.

Waverley Park

Hon. N. B. LUCAS (Eumemmerring) — During yesterday's adjournment debate the Minister for Sport and Recreation referred to:

> Waverley Park documents presented to me by the Urban Land Corporation.

In a freedom of information request the minister's department was requested to provide access to:

> … all documents… held by the department… and the Office of the Minister for Sport and Recreation… regarding requests made by the minister… to the Urban Land Corporation …

It identified only one document — a diary entry. Given that this means the minister has either misled the house or his department's response to the freedom of information request is incorrect, will the minister explain the situation and how he proposes to rectify it?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I thank the honourable member for his question and for the further opportunity to explain the details of those meetings. Mr Lucas may not have fully understood what I have said on a number of occasions about a number of questions he has asked. The document that Urban Land Corporation personnel presented to me was a large-scale drawing. It was their drawing and they took it away. I did not take it away. I advise Mr Lucas that it is in their file.

Ausmelt: South African contract

Hon. KAYE DARVENIZA (Melbourne West) — Will the Minister for Energy and Resources advise the house of recent successes by a Victorian business in providing clean smelting equipment technology to the world's largest platinum producer in South Africa?

Hon. C. C. BROAD (Minister for Energy and Resources) — A company called Ausmelt has recently announced a $5.9 million contract to supply core equipment for a $350 million non-ferrous smelter in South Africa. The equipment, which has been developed in Australia, was selected because of its superior environmental performance in eliminating fugitive and secondary emissions of sulphur dioxide.

Ausmelt is also confident of success in other projects currently being negotiated around this technology. The Department of State and Regional Development provided support to Ausmelt with funding from its Business Growth program to research this new business opportunity and provided support when it was needed. This assistance has seen Ausmelt significantly increase its operating profit over the past financial year. In the same period revenue increased from $3.7 million to $15 million.

As a result, Ausmelt is looking to employ a number of additional professional staff and has an additional 6 to 10 contractors working on the South African project. Further increases in employment should occur if bids for new projects are successful as envisaged.

Ausmelt is an example of the new manufacturing industries that are being encouraged in Victoria with the support of the government based on its knowledge economy, research and development infrastructure, and skills base. The industry audit of environmental industries is now under way and is another demonstration of the government's commitment to the rapidly growing environmental management sector, the potential of which this project excellently demonstrates.

The audit will develop a strategy for the ongoing development and expansion of environmental industries in Victoria. It is due for completion at the end of March next year. Those jobs will add to the net 38 000 new manufacturing jobs that have been created in the first year of the Bracks government compared with the net loss of 11 000 manufacturing jobs in the last full year under the previous government.

Nuclear-powered warships

Hon. M. A. BIRRELL (East Yarra) — I ask the Minister for Ports if the government supports visits to Melbourne by nuclear warships in the fleet of the United States of America?

Hon. C. C. BROAD (Minister for Ports) — The honourable member will be well aware that the government of the United States of America and its navy are not in the habit of disclosing such information.

Hon. M. A. Birrell — What?

Hon. C. C. BROAD — They do not disclose that information. To the extent those matters may be discussed between governments, it is clearly a matter between the United States and the federal government and not a matter for state government. In relation to visits from the United States navy, a matter which was raised in the house last night, during the time I have been the Minister for Ports, where it has been possible to personally welcome such visits I have done so and will continue to do so.

Residential tenancies: renter information

Hon. G. D. ROMANES (Melbourne) — Will the Minister for Consumer Affairs advise the house as to how Consumer and Business Affairs Victoria is improving access to information to renters on their rights and responsibilities?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — In the last financial year Consumer and Business Affairs Victoria dealt with almost 100 000 tenancy inquiries on the rights and obligations of renters and landlords. Moreover, 40 000 applications were made to the residential tenancy list at the Victorian Civil and Administrative Tribunal. There is obviously a lot of concern whether people entering leasing arrangements understand what they are getting into, their rights and obligations and the responsibilities of landlords and tenants.

The department has produced the Victorian renters magazine, which includes renters' obligations, responsibilities and rights. The magazine is being mailed to every registered landlord. It has been supplied

to real estate agents so that they can pass it on to potential tenants, and it has also been sent out — —

Hon. Bill Forwood — Who registers the landlords?

Hon. M. R. THOMSON — I will talk to the honourable member about that after I have answered the question. The renters magazine has been sent to registered renters. Rather than undertaking an expensive advertising campaign, the department went straight to the people who need the information so that as they move from place to place they can be sure they have their rights and duties — —

Hon. K. M. Smith — What about the landlords? Have you given them a book of their rights?

Hon. M. R. THOMSON — Yes, landlords have been sent copies. To ensure the information being provided is relevant, real estate agents have additional copies as do tenancy organisations. The magazine includes information on consumer issues, such as buying and repairing cars and other issues, to ensure access to additional information on matters about which the department receives many complaints. The department wants to ensure the information reaches them in a timely and appropriate way. Also included is information on how to save for a dream home, because one day renters may become home owners.

QUESTIONS ON NOTICE

Answers

Hon. M. M. GOULD (Minister for Industrial Relations) — By leave, I move:

> That so much of the standing orders as require answers to questions on notice to be delivered verbally in the house be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in *Hansard*.

The question numbers are: 1112–4, 1127, 1131, 1133, 1134, 1136, 1138, 1139, 1141, 1161, 1163, 1173, 1181, 1186, 1189, 1193, 1196, 1199, 1206, 1214, 1217, 1220–1, 1225–32, 1234, 1240–3, 1251, 1259–62, 1265, 1270, 1271, 1374.

Motion agreed to.

MINERAL RESOURCES DEVELOPMENT (AMENDMENT) BILL

Second reading

Debate resumed.

Hon. PHILIP DAVIS (Gippsland) — Before the suspension of the sitting I addressed the importance of the minerals industry to the state, particularly to rural and regional Victoria. Generally speaking, the 20 000 or so employees of the mining industry are located in rural and regional Victoria because that is where the resource development occurs. It is important for the Parliament to consider the effect of any legislative amendments that will impact on present employment and future economic and employment growth.

An important aspect of the legislative framework is always to ensure that a balance is struck between all the interests and stakeholders in any proposal. On the one hand Parliament and the government want to encourage the development of the minerals industry, but that has to be balanced against the other aspects of stakeholder interests, which are clearly environmental and community impacts. Clearly, the Mineral Resources Development Act and the amendments before the house attempt to achieve that outcome.

The objectives of the proposed amendments set out in the second-reading speech are:

> to ensure that claims for compensation for loss of amenity on account of mining operations are fair and equitable and do not create a significant open-ended commercial liability for mining companies;
>
> to provide the ability to obtain compensation for mining impacts on Crown land in specified circumstances;
>
> to improve the operation of the 100-metre rule …
>
> to make the necessary amendments to accord with the commonwealth Native Title Act 1993;
>
> to remove unnecessary impediments to low-impact exploration activities;
>
> to improve the general quality of applications received and provide for a more competitive system of licence application;
>
> to provide a more open application process which will improve competition for licences;
>
> to provide an enhanced mining register of significant licence documents which is more amenable to searching by the public;
>
> to amend the act in accordance with the recommendations of the national competition policy review of the MRDA; and
>
> to make further administrative changes to enhance the operation of the act.

The house has to test whether the amendments will achieve those objectives. I dare say that during the course of the debate honourable members will determine whether the minister achieves her objectives with the amendments.

I will refer specifically to the comments made in the second-reading speech about the way the bill was developed. The minister assured the house that the proposed amendments were the subject of a public consultation process, that all the relevant issues were appropriately addressed and that comments were received and considered in formulating the amendments.

It is evident to me that there is some controversy about whether there was an effective consultation process. The amendments proposed in the bill were inspired in part by the fact that when the government came to office in October last year it had no minerals and petroleum policy, and that the opposition in this place reminded the minister on many occasions that that was the position and that the community was expecting the government to set out its policy framework. Eventually on 1 June the minister made a ministerial statement setting out the government's policy, and the minister asserts that the amendments before the house reflect that policy framework, result from a public consultation process and are fair and reasonable in all respects.

The consultation process is interesting. Representations have been made to me stating that the consultation process was inadequate and that it is incumbent on the minister to respond to that assertion at some stage. Upon reviewing my files I found that a letter forwarded to me under signature of the Minister for Energy and Resources and dated 21 August, which was not received in my office until a week after that date, 28 August, required that comments on the proposals contained in the consultation paper should be forwarded to the manager of minerals and petroleum policy by Friday, 15 September. That allowed a period of less than 15 working days to respond to what was a complex set of issues.

I do not criticise the content of the consultation paper, but I do criticise the short time frame available to those in the community who wished to make a submission. One thing is clear: some people had less time to respond than others. In discussions I had with representatives of the Axedale–Goornong group, the Coalition of Communities against Open Cut Gold Mining in Victoria, it was made perfectly clear that very few days had been made available to them to make a submission. It should be acknowledged that the minister agreed to accept a late submission from that group; nevertheless, it would appear that the government's consultation process on the matter was far less satisfactory than would have been desirable.

I wonder whether the government should acknowledge that when legislative changes are proposed, particularly when there is a great deal of community interest in the proposals, the consultative process adopted should involve a great deal more forensic inquisition into community views than occurred in this instance.

The legislative framework established by the Mineral Resources Development Act is designed to accommodate all the challenges that exist in the exploration and mining of the state's mineral resources. As I said earlier, the historical development of mining in this state is largely reflected today in the location of many rural communities. The history of those communities is that they developed on the back of, if you like, former goldmining settlements. The two most prominent examples of that are obviously Bendigo and Ballarat, which owe their heritage to their history of involvement in the goldmining of the early 1850s. Today Victoria has substantial provincial cities as a result of that era. However, there are also many much smaller communities around the state whose existence is dependent upon their goldmining heritage.

That means that the state has community infrastructure, including residences, close to historical gold sources. Therefore the object of the relevant regulatory regime in this state is clearly to ensure that the needs and social and environmental aspirations of those communities that are tied by their heritage to mineral resources are balanced against the reality of the economic importance of the mining activities that are still taking place.

That is a difficult challenge for the Parliament, because at the end of the day the issue boils down to the need to set up a regulatory regime that vests a great deal of executive authority in government to make determinations on individual project applications. That need is clearly reflected in the minister's policy statement of 1 June that the government intends to deal with mining applications on a case-by-case basis. That was the case with a decision that has been made in the past 10 days.

On Monday last the Minister for Planning in the other place announced that he had rejected the proposal for the development of the Big Hill open pit goldmine at Stawell. So far as the mining industry is concerned, the government has clearly failed its first big test in relation to a major project development.

In June the minister set out a policy framework for the Bracks government and made great play of the fact that the government intended to progress mining projects that would advance the economic prosperity of regional Victoria. However, at the first opportunity the government had to consider such a proposal, the Big Hill project at Stawell, it announced its intention not to

allow it to proceed. The proprietors of Stawell Gold Mines Pty Ltd, the Victorian Chamber of Mines (VCM) and the local municipality are very disappointed about that determination. There have been representations to the opposition about the fact that the government has refused to accept the environment effects statement (EES) for the project.

What are the implications of such a decision on further open-cut goldmining projects in Victoria? I hope that during the debate the minister will provide some policy certainty to the mining industry about whether the government intends to allow any open-cut mining in Victoria. Certainly the minister has the opportunity today to set that out.

Clearly the Stawell project was controversial. A group of Stawell citizens campaigned long and hard against the project. But due process had been followed by the proponent and a great deal had been invested in developing the EES. One thing is clear: it is irresponsible of the government to allow the affected communities, particularly the proponents — the mining companies — to go through the exhaustive EES process and to allow it to run its full term if its clear policy intention is to disallow projects of a particular type. The inference to be drawn is that the Victorian government's policy is that it will not approve such projects. I will be interested to hear the minister's response.

It is obvious that the government has failed to meet the policy commitment on environment effects statements that was part of its election policy platform — namely, a review of the EES process. Regrettably, no such review has been completed. Coincidentally, at the same time as he announced his refusal to approve the Stawell project the Minister for Planning further announced that he will now undertake such a review, more than a year after the Bracks government came to office. Communities around the state that are subject to the impact of major projects, particularly those associated with mining, have not been shown how the government will facilitate the review to give them a greater sense of ownership of the EES process.

It has been made patently clear to me — not just in respect of mining projects — that local communities sometimes feel a sense of disempowerment and believe the EES process does not give proper weight to their views. Parliamentarians who see this sort of thing regularly recognise that, on the other side of the ledger, the proponents often feel they have very little power in the EES process and are frustrated by its exhaustive nature. There are always two sides to the argument.

During the election campaign the Labor Party raised expectations that if a change of government occurred people would have a greater say in the EES process than had been witnessed previously. But it has not delivered on that commitment. Having raised expectations, it is important that the review identifies opportunities for enabling communities to feel empowered and part of the process so that a reasonable outcome is achieved for all stakeholders. Sometimes one has to engage in a great deal of lateral thinking, which inevitably incurs a great deal of cost. The proponents believe the existing process does not particularly empower them because they bear the cost of the EES process.

As the bill will be considered in some detail in committee, I shall briefly outline a few concerns that have been raised with me by a number of stakeholders. As I said, the Coalition of Communities against Open Cut Gold Mining in Victoria has presented strong representations and coherent arguments to the opposition and individual members. Its view is that two of the principal sets of amendments to the bill should not proceed — namely, the changes to the 100-metre rule and the proposals in respect of capping the loss of amenity provisions. However, there are other stakeholders and I must give weight to their views as well.

Obviously the Victorian Chamber of Mines has had an extensive involvement with the government in the preparation of the bill. Many of the administrative changes, as I describe them — those that are not radical in a significant policy sense — were considered by the previous government. In 1996 or 1997 a working party comprising members from the department and the chamber examined the act and recommended a number of changes. Although those recommendations did not translate into legislation they were and still are sensible proposals for improving the operation of the act.

I dare say the chamber has lobbied the government strongly on significant policy issues, particularly the change to the 100-metre rule and the loss of amenity. The changes concerning loss of amenity do not go as far as the chamber would have liked. The Victorian Chamber of Mines has made it clear it would prefer the provision to be deleted entirely. The government has adopted a moderate position about that amendment. Its position does not entirely satisfy the requests of the industry, nor does it appeal to other interests, as reflected by the opinion of the Coalition of Communities against Open Cut Gold Mining in Victoria. The government has chosen to take the middle ground.

However, in respect of the loss of amenity provision the Victorian Farmers Federation, which made representations to me, supports the government's position that a limit of $10 000 compensation should be applied for loss of amenity. The VFF has made it clear that it believes the proposal is reasonable and notes that it is concerned about the precedent that the loss of amenity provision creates. Its submission states:

> The VFF is concerned that this clause may be used against farmers in the future, thus impinging on their right to farm. This third-party loss of amenity is an unusual precedent that was not intended as part of the original 1990 act.

The VFF was involved in the development of the 1990 act and it believes the loss of amenity provision was not intended to apply to third parties; it had always understood the provision would apply to directly affected land-holders. Its submission was interesting because, notwithstanding that I am a former elected official of the VFF, I had not understood that to be the case because I had not been involved in the deliberations on the legislation at the time. However, the VFF view is that the compensation provisions in the legislation are focused on the direct impacts of mining activity on land-holders who are directly affected.

The VFF also made a submission about the changes to the 100-metre rule; it would prefer no changes be made to the application of the rule. However, if the changes go ahead the VFF accepts that the proposed change to section 46 would lead to the minister consulting the local community. In other words, the VFF patently believes that although its preference would be for the amendment not to proceed, a better consultation process as envisaged in the bill is reasonable.

The Prospectors and Miners Association of Victoria has been consulted: it is reasonably comfortable with most aspects of the bill and has raised no objection to it. The association felt strongly about certain provisions in the original legislation, but I understand amendments were moved in the other place to pick up some of the issues of concern.

Other representations to me have come mainly from proprietors or shareholders — probably minor shareholders at large — in various mining companies. Most have a direct stake as equity shareholders.

Given that the house will proceed to the committee stage, my final comment is that although I have raised in debate the need for an appropriate legislative framework to enable all the parties affected by mining in its various forms — from exploration through to resource extraction — to have a clear understanding about what they are liable to do and about actions and responsibilities they are likely to adopt, one issue that cannot be legislated for is the approach to ensuring that the stakeholders work together to achieve reasonable outcomes.

An example of some success in that regard is that private landowners who are directly affected are generally farmers. Through significant cooperation between the VFF and the VCM over time a protocol has been established on private land access issues. A useful publication of the VCM in association with the VFF is entitled 'Guide to private landowners regarding exploration and mining on private land'. It sets out the rights and responsibilities and all aspects of the process from the exploration stage, as well as legislative rights of goldminers.

It is a useful representation of cooperation to ensure that the respective stakeholders have their rights properly protected. I hope that as a result of the debate surrounding the legislation and the concerns raised by parties about the bill there may be a better future understanding about the concerns of rural communities and the interests of the Crown in promoting the development of its resource base. In all of that it is hoped a stronger bid will be made to ensure that outcomes are premised on achieving a win–win situation for all parties. Although I acknowledge the difficulty of that challenge, it is the only way for contemporary society to progress.

As it is, the bill updates the existing act because some values have changed. The bill contains proposals to introduce for the first time compensation for mining on Crown land. That is a contemporaneous view about the impact of the mining industry, whereas previously the view had always been that the Crown's resources were available to be exploited to the fullest extent possible and that miners should not be paying compensation to anyone other than private land-holders. That provision reflects a change in community thinking.

I am sure that during the committee stage honourable members will consider the proposal concerning the desirability of imposing an environmental levy. That, also, is a reflection of contemporaneous thinking about the way the mining industry is administered in Victoria.

I am concerned to ensure that the provisions of the bill will achieve the objectives the government proposes. I know that in simple terms the industry would like to see the bill proceed, but it is unhappy about certain aspects of it. Clearly there are other stakeholders from the VFF to the Coalition of Communities against Open Cut Gold Mining in Victoria that are unhappy with aspects of the

bill, but on balance it should be tested through the course of this debate.

I thank the minister for at least having prepared a discussion paper and circulating it to the opposition. I acknowledge that I received it, but it would perhaps have been helpful to communities if there had been a longer time frame for consultation. I look forward to hearing responses to particular questions during the committee stage of the bill.

Hon. P. R. HALL (Gippsland) — I welcome the opportunity to express the National Party's views on the Mineral Resources Development (Amendment) Bill. The National Party is a proud supporter of primary industry and recognises that mining is an important primary industry. It is appreciated by most Victorians that mining has in the past provided and continues to provide significant economic development opportunities to this state.

From the history of mining in Victoria, which goes back to the mid-1800s, one can see the wealth that was generated. It had a big impact on the development of Victoria's capital city and many regional towns. If one glances around the chamber one can see the gold leaf that adorns much of the decoration: that originated in the mid-1800s from the resource that was found at that time. The electricity that is used to power the lights and electrical appliances in this chamber can be attributed to the mining activity in this state, particularly to the vast resource of open-cut coalmining that enables it to generate electricity competitively.

The discussion on the bill should not concentrate purely on large-scale mining. The bill and the Mineral Resources Development Act also provide a framework for the regulation of smaller style mining. In discussing those issues and their impact on communities one must think not only of large-scale mining, because there are people involved in smaller scale mining and individual prospecting and prospector-type operations.

We require a legislative framework for mining that achieves, as is set out in the second-reading speech, a balance between economic, social and environmental outcomes. The National Party supports that. Victoria needs a framework that not only promotes exploration and extraction of minerals but also operates in harmony with both the social and environmental expectations of communities.

I shall talk particularly about the environmental expectations of communities because there have been significant changes over the years. When one looks at the mining practices of the 1800s one realises they have changed dramatically today. What was accepted by communities in those times is certainly not acceptable today. Over the past 150 years or so we have seen continually changing community expectations with regard to the environmental responsibilities that are associated with mining activity. When we talk about what has happened in the past and what should happen today we see that those values are vastly different. A balance is not always easy to achieve when one talks about economic, social and environmental outcomes.

We all concede that at different times there are competing interests. For example, sometimes there are tensions between mining operators and owners of private land and between mining operators and the owners of public land, being the people of Victoria in general. Achieving a balance and trying to resolve the tensions is not always an easy task.

The Honourable Philip Davis gave a good example of organisations coming together to try to reduce the tensions. He referred to a booklet that was produced in conjunction with both the Victorian Farmers Federation and the Victorian Chamber of Mines entitled 'Guide to private landowners regarding exploration and mining on private land'. That booklet was updated in January of this year and it is a ready reference for anybody who has not the time to read the Mineral Resources Development Act. The booklet puts in plain English the rights and responsibilities of both land-holders and mining operators. There is a foreword to the booklet by both Peter Walsh, the current president of the Victorian Farmers Federation, and Douglas Buerger, president of the Victorian Chamber of Mines. One of the comments that Doug Buerger makes, with which I agree, is:

> Over the past decade we have all learnt a considerable amount about sustainable land management and members of the chamber are committed to achieving the highest standards in caring for the land.
>
> Agriculture and mining are two great primary industries of Australia and we look forward to a continuation of this partnership.

I agree with those statements about two great primary industries, agriculture and mining. I agree with the sentiment that miners today must have the utmost regard for protecting the environment. I shall elaborate on those issues as I go through my contribution because the National Party will raise significant environmental issues that it would like to see addressed by the government.

The Mineral Resources Development Act is the framework for the orderly operation of mining in the state, but it is far from perfect. It began in 1990 and there have been subsequent amendments, and we are

now back with further amendments today. There will be more amendments in the future as community expectations of methods of mining change. Consequently there is a need to ensure that our legislation continues to reflect modern attitudes.

The changes in the bill had their genesis in the consultation paper that has already been referred to. It was produced by the Department of Natural Resources and Environment and dated 2 August. I received a copy of it on 23 August when it arrived at my office. Like Mr Philip Davis, I noted that submissions closed on 15 September and the bill was introduced into Parliament on 4 October. That is a short time frame of only six weeks between the issue of a discussion paper and legislation being introduced. How one could properly give people the opportunity to comment, absorb those comments and transfer them into legislation within six weeks escapes me. I do not believe it is possible. Probably much of the legislation was predetermined prior to receipt of submissions in response to the discussion paper.

I shall comment on the limited distribution of the discussion paper. As I said, I received a copy at my office on 23 August and was staggered to learn a week later that Mr Best had no knowledge of it. Although he knew of it because somebody told him about it, he was not sent a copy, and neither were any of my National Party colleagues. I was the privileged person, being the National Party spokesman on resources and environment. I was the only one in my party who was sent a copy of the discussion paper.

That is not the practice usually adopted by government. If a discussion paper is circulating widely in the community, all members of Parliament are alerted to that fact and sent copies of it. Recently, when the government undertook the school bus review, three copies of the discussion paper arrived at my office, as they did in the offices of all my colleagues. I think 15 copies of the industrial relations task force report arrived at our offices. The discussion paper on proposed amendments to the Mineral Resources Development Act had an extremely limited distribution.

Hon. Kaye Darveniza — A wider distribution than you ever did!

Hon. P. R. HALL — The Honourable Kaye Darveniza says that when the opposition parties were in government they did not consult at all. Discussion papers were distributed broadly during that time. I dare her to come up with any example of a discussion paper issued by the previous government that did not go to every member of Parliament. It is a common courtesy to distribute discussion papers to all members of Parliament and if the government is fair dinkum about its consultation process it should do so. It is appalling that my colleagues were not even told about or sent copies of the discussion paper and it demonstrates disregard of and disrespect for members of this house.

As I said, I have two concerns with the process: firstly, the extremely short time in which the discussion paper was available; and secondly, its limited distribution. It is no wonder that today people remain dissatisfied with aspects of the bill.

The Victorian Chamber of Mines is not happy with aspects of the bill and neither are communities close to mining operations, the Victorian Farmers Federation and the National Party. The bill has 75 clauses and time prevents the chamber from making comment on each of them. Therefore, I will choose some issues on which the National Party considers it important to seek government commitments. I will raise also some of the more contentious issues in the bill. I concede that a good number of the 75 clauses are generally agreed upon by all sectors that have expressed an interest in the process.

Before I go to some of those concerns, I mention one group that has informed me that it is happy with the bill. I refer to the small-scale miners represented by the Prospectors and Miners Association of Victoria. As a matter of interest, Madam Acting President, within the past two months I was in Ballarat in your electorate where I attended the annual meeting of the association. The Minister for Energy and Resources was also there and I am pleased that we were both able to hear some of the views expressed by members of the association.

One of the matters raised at the meeting was an amendment relating to a native title issue associated with prospecting. The minister promised to address that problem by way of a house amendment. To her credit, the amendment was agreed to when the bill was debated in the other place. I put on record my congratulations to the minister for acceding to that very reasonable request from the Prospectors and Miners Association of Victoria. I am happy to support that course of action.

I refer to some issues of real concern to the National Party. When members of the National Party were dealing with the proposal, one of the difficulties we had was to note that some of our concerns were directly related to the bill and other were indirectly related to it. Some of the issues raised would have required substantial amendments to the bill. If further significant changes were to be made to what was proposed in the

discussion paper that went out, it would be unfair to push through house amendments without consulting further with interest groups.

On that basis, rather than suggesting a whole series of house amendments, the National Party sought commitments from the government on a number of matters. I will refer to those commitments, our views on them and what the National Party proposes to do in assisting the government to follow through on them.

On 31 October, before the bill was debated in the other place, I wrote to the Minister for Energy and Resources asking for a response prior to the debate commencing in the Assembly two days later. Once again I put on record my appreciation. A response was to hand the following day, 1 November. Once again, I congratulate the minister on her efficiency and thank her. I suggest that she could teach some of her colleagues a bit about being prompt and efficient in dealing like that with matters.

I refer to the four main issues raised in my letter. The first was the definition of 'low-impact exploration'. It was put to the National Party by both the Victorian Farmers Federation and the Victorian Chamber of Mines that a better definition would be that contained in the New South Wales mining legislation, which is also largely reflected in the Queensland legislation. The definition in the bill is rather narrow, whereas the New South Wales definition is much broader and explicit and makes things much clearer for those trying to determine exactly what is meant by low-impact exploration.

I turn to clause 4 of the bill, which involves changes to definitions, and defines the term 'low-impact exploration'. The bill provides five criteria for defining low-impact exploration when exploring for minerals on land. The New South Wales definition is much broader. It provides for six activities that would fit under the definition of 'low-impact exploration'. It also defines certain events within each of those six activities and provides further definitions on matters such as clearing, excavation and topsoil horizon. I will not read out the two definitions because it would take some time, but the New South Wales definition is more descriptive than that proposed in the bill.

I asked the minister why it was decided not to adopt the New South Wales definition. The minister's response states:

> The New South Wales definition of 'low-impact exploration' was developed for the purpose of meeting the requirement under the commonwealth's native title legislation that such exploration does not have to be subject to the 'right to negotiate' process. Given the large areas of Crown land in New South Wales this focus is understandable. In Victoria where 70 per cent of land available for exploration is freehold this issue is of lesser concern.

The letter contains another paragraph which I will not read into the record but which again gives an explanation of why the minister does not believe there is a need to be too explicit in defining low-impact exploration. The final paragraph states:

> Given that the use of low-impact exploration was for a different purpose and that it would affect all landowners it was considered prudent to start this change process with a tight definition. However, recognising that experience may well lead to the conclusion that some change to the definition is desirable a provision to allow the Minister for Energy and Resources and the Minister for Environment and Conservation to agree on a change to the definition has been provided.

I will seek a response, either by way of the minister's response in the debate or in the committee stage, on where in the bill one finds the provision that gives the Minister for Energy and Resources and the Minister for Environment and Conservation the power to agree on a change of definition. I would like that clarified during the debate. However, at least the minister's response recognises that if there is a problem with the definition of low-impact exploration it can be changed. That is one of the issues the National Party will monitor.

The second issue I raised in correspondence with the minister was the definition of the term 'peat'. There is no definition in the bill so there is no amendment in respect of it. The Victorian Farmers Federation has put a strong argument to the National Party that peat should come under the definition of 'stone' and be classified as an extractive material subject to the Extractive Industries Development Act. The National Party supports that position.

Currently when peat extraction takes place usually the top 3 or 4 metres of topsoil is removed and dried to become the peat that is used in horticulture. In that process a landowner receives no royalty payment for the topsoil that is removed. If it were defined to come under the Extractive Industries Development Act a royalty payment would be negotiated for the use of the material. In mining operations under the Mineral Resources Development Act topsoil is not the component of the earth that is being mined. It is usually put to one side and should be replaced, at least during the rehabilitation process if not earlier. However, when the topsoil itself is the mineral — as peat currently is — the landowner receives no royalty payment and in losing the topsoil effectively loses the use of the land.

I am advised that three dairy farmers at Swan Marsh near Colac currently have proposed peat mining licence tenants on their properties, so there is some urgency in having peat defined under 'stone' in the Mineral Resources Development Act. I put that argument to the government asking, 'What can we do about it?', and I believe I received a sympathetic response from the minister. Most people agree that is what should be done. The minister's response states:

> Currently there are a number of existing licences and licence applications under the MRDA covering peat. Removing the definition of peat as a mineral changes the ownership of the resource from the Crown to the landowner. While this is not an impediment to the change itself, it does mean that very careful consideration needs to be given to the transition provisions for these licences to ensure that the government is not exposed to a financial liability.
>
> In view of this risk it is not considered prudent to change the definition of peat by house amendment. However, such an amendment could be considered once a detailed review of the status of all licences and appropriate transition arrangements have been made.

The National Party welcomes that response. At least there is recognition that the issue needs to be addressed and indicates that a detailed review of the status of all licences and appropriate transition arrangements should be undertaken.

I ask when the government intends to do that detailed review because the issue needs to be addressed urgently. I would welcome a response from the minister at some time during the course of the debate on the timing of that review of current peat licences.

The third issue I raise is critical from the National Party's point of view — namely, the rehabilitation of land after mining. As I said in my opening remarks, the environmental expectations of today's community are vastly different from those in the past. Society expects better rehabilitation outcomes than some of the examples that occurred in the past.

Clauses 53 to 56 refer to rehabilitation of land. The National Party supports and welcomes those provisions, which toughen the requirements for rehabilitation of land following mining. However, the bill does not address some of the significant rehabilitation issues that should be addressed.

On 22 October members of the National Party travelled to Bendigo at the invitation of my colleague the Honourable Ron Best and met with people in the Bendigo community to discuss issues regarding open-cut goldmining. Accompanying me were the Honourable Barry Bishop; the Honourable Ron Best, Mr Hugh Delahunty, the honourable member for Wimmera in the other place; and Mr Noel Maughan, the honourable member for Rodney. We met with 30 to 35 people throughout the course of the day and inspected the operations and proposed expansion of the Perseverance open-cut goldmining project at Fosterville.

I thank the people who met with us that day. I found it most informative and enlightening. I discovered things that were different from the impression I had before my visit, so that made the visit valuable. I thank everyone from the local community who welcomed us and discussed the issues. I spent some time looking at the mine under the guidance of the mine manager, John Kelly, and I thank him for giving up his time to show us through the mining operations.

In no way do I suggest that the Perseverance company is not operating within the law. To the best of my knowledge it is operating within the guidelines and conditions of its mining licence. However, I was surprised on several counts. I was surprised about the quality of agricultural land proposed for mining. I was under the impression that land used for mining would be rough, unproductive gravelly land. That was the sort of land where mining took place south of Bendigo in Castlemaine in the neighbourhood where I grew up. The areas we looked at on the properties of Geoff Mill and Peter Howard were prime agricultural land.

The second surprise to me was the rehabilitation requirements attached to the mining licence of the company. I was staggered when I looked at the mining pit on the private land of Maurie Sharkey. The mining of that land had finished for the time being and the pit had been partly backfilled, However, a huge fenced cavity remained on that private land. I would have thought it was a safety risk, if nothing else, because a young child could climb the wire fence and access the pit. As well, the land was lost for agricultural use. It surprised me that in such situations the licence conditions associated with that mining operation did not require the pit on private land to be backfilled.

The National Party believes backfilling should become the norm and not the exception, as it is at present. Mr Kelly explained there were 22 pits in the mining operation and that three had been backfilled and others would be in time. The mining company does not own Mr Sharkey's land; it is private land that has been used for mining purposes. Unless there is some exceptionally outstanding reason there should be a requirement for backfilling on private land.

I say one other thing about that. I express my support particularly to Geoff Mill, who showed us his land at

Axedale, and Peter Howard, who also showed us his land. Both properties were subject to an application for mining and the people involved were going through the environment effects statement (EES) process. Both were extremely genuine in their belief that the agricultural land would produce a better economic benefit than mining. I do not have the expertise to make a judgment on that, but it seems that an enormous amount of material has to be extracted for open-cut goldmining with little return. I am not sure that the EES process identifies and balances the issue of the value of continued agricultural use against extraction. Into that equation should be put a requirement that backfilling should not be an excuse for making the project uneconomic. That should not be taken into account during an EES process. I will say more about that later and about the crater left on the property of Maurie Sharkey.

I expressed my strong views to the minister on the rehabilitation issue. I again refer to my letter of 31 October addressed to the minister:

> However, the National Party believes that particularly in regard to open-cut goldmining, rehabilitation requirements have proven to be grossly deficient. We are aghast that rehabilitation plans in the past have allowed huge mining pits on both private and Crown land to remain unfilled. Given modern-day environmental attitudes this is not acceptable.
>
> We appreciate that this issue needs to be the subject of community consultation and cannot adequately be addressed by amendments to the bill currently before the house. We therefore seek a commitment from the government for a comprehensive review of the rehabilitation of agricultural land after mining with a particular focus on rehabilitation of land subject to open-cut goldmining. It is hoped that such a review would lead to a transparent process that identifies both pre-mining and intended post-mining agricultural use of the land to be mined and identification of the mine closure and rehabilitation plan that sets a time frame for such rehabilitation.

I went on to refer to some environmental initiatives such as the need to make sure each mining operation has associated with it a consultation and environment review process that incorporates people from the local community and the need for environmental reporting by the mining companies.

The National Party has taken a strong stand on the issue. However, I repeat: if the legislation were to be amended it would be difficult to apply it purely to open-cut goldmining, and that is where the significant problems of backfilling rest.

I have large open-cut brown coal mines in my electorate and no-one talks about backfilling them because probably 80 or 90 per cent of the material extracted is used. That is not the case with open-cut goldmining, which provides a physical capability for backfilling.

It is difficult to amend the bill when it applies to all forms of mining, whereas it appears to me that the major concern is with open-cut goldmining. That is why we have asked for a commitment from the government to review the rehabilitation of agricultural land after mining with a particular focus on open-cut goldmining. Once again the minister has responded favourably to that request and in the same letter said in respect to the issue:

> As part of previous commitments I have made to address a range of administrative issues that go beyond the scope of the current amendments I will ensure that a transparent process is in place to address rehabilitation of agriculture land that is subject to mining activity.

The National Party welcomes that commitment and we say today that we are prepared to both monitor the process and help where we can. We will certainly not stand in its way. We would like to be kept advised of what form the process of review will take and when it will take place, and to be informed of the progress it makes and perhaps have an opportunity to come back and debate those issues in Parliament again once the review is completed. I thank the government for the review process and ask to be kept informed about it.

Associated with that issue is the need to bring local communities and mining operators together to work harmoniously towards, in particular, addressing those environmental and rehabilitation issues. The example quoted previously was where the Victorian Farmers Federation and the Victorian Chamber of Mines got together. Communities and mining operators need to get together. As the minister pointed out in her response to me:

> I can confirm that an environmental review committee already exists for all major mines and quarries which has the purpose outlined in your letter. As part of the review we will ensure that these committees are achieving this purpose.

There is a legal requirement for major mining operators to have an environment review committee in place and to report annually on its achievements. I have no difficulty with that. One of the brown coal open-cut mines in my electorate recently won an award for its environmental performance. Hazelwood Power won a national environmental excellence award for environmental management. I went to the trouble of looking up the annual environmental report of Hazelwood Power, which is the document I have before me. I noted with interest that it has an environmental review committee comprising 19 people, 8 of whom are from the local community, representing different

organisations or just nearby residents. Seven members are from the company, and other members come from other state departments. The environmental report goes through the operations of the environmental review committee. That is great.

On my visit to Bendigo I found there was no evidence from anyone that an environmental review committee had been established at the operation there. I stand to be corrected, but I spoke to 30 to 35 community members and to the mine manager, and no-one brought to my attention the existence of an environmental review committee or the fact that the company is reporting annually. I am not saying that it does not, because the company has been meeting all the conditions of its licence. However, as the minister said, part of the review will ensure committees are in place and working well.

I welcome that initiative because in my electorate, with major open-cut mines like that run by Hazelwood Power, environmental issues are not an issue because people are working with the company. That is how it should be. I hope all major mines comply with the conditions of the act in establishing an environmental review committee and providing annual environmental reports.

The rehabilitation of agricultural land after mining is a big issue for National Party members, for local communities and for the Victorian Farmers Federation. We welcome the government's commitment to conduct a review and look forward to being kept informed of the progress of the review.

The last issue I wrote to the minister about was reviewing the EES process. The process is an essential component of any planning development. It is an important process that provides people with the opportunity to have a say, but it can also be an intimidating and costly process for community members. I have spoken with the people at Fosterville, and they found the process intimidating, difficult and time consuming. People at Stawell, because of the proposed open-cut goldmine, have also found the process costly, time consuming and intimidating, as have many people in my electorate who are currently involved in opposition to the Basslink project. They are putting an enormous amount of time and money into expressing their views through the EES process.

It is a necessary process, but we must look at ways of facilitating and assisting community members to have better access to that process. People often feel intimidated because mining, electricity or development companies, whichever companies are involved in the process, often appear to have far more money and expertise that they can throw at an EES process than do members of the community. It is a necessary process, but it is difficult to access and intimidating to community members.

The process does not always provide a good outcome for a developer. That is why I believe such reviews are necessary — to consider both sides of the equation. For example, the EES process that was undertaken for the Big Hill development project in Stawell did not recommend that on environmental grounds the project should not proceed. It said it should not proceed in its current exhibited form, but it listed approximately 30 criteria that in the panel's opinion the company would have to meet if it wanted to proceed. Once the Minister for Planning had made a decision not to issue a planning permit for the project the company had no right of appeal and had nowhere to go. Even if it had been willing to meet the 30 conditions set out in the panel's recommendations, it still had nowhere to go once the Minister for Planning said he would not grant a permit.

The EES process is deficient in that it does not enable easy access to members of the community, and it should provide opportunities for developers, whatever their development is, to reconsider or modify a proposal to meet the conditions set out by the EES process. Currently that is not the case.

In response to my raising that point with the minister she confirmed that the government's intention was to undertake a review of the EES process and said that an announcement is imminent. I did not hear whether it has been formally announced that the government has started the review of the EES process. Perhaps the minister can advise me whether since receipt of the letter that announcement has been made.

I have covered the four significant issues that National Party members raised with the government and sought commitments on. We will watch the situation closely over the next few months and hope some of the review processes will commence almost immediately. The National Party will watch the progress of the reviews with a great deal of interest.

I turn to issues with the legislation that have been of some contention. The first issue relates to compensation, and the second concerns what is commonly called the 100-metre rule. On the issue of compensation, section 85 of part 8 of the Mineral Resources Development Act contains compensation provisions.

In summary, compensation is payable by the licensee to the owner or occupier of private land for any loss or damage under the following conditions: deprivation of possession of the whole or any part of the surface of the land; damage to the surface of the land; damage to any improvements on the land; severance of land from other land of the owner or occupier; loss of amenity including recreation and conservation values; loss of opportunity to make any planned improvement on the land; and any decrease in the market value of the owner or occupier's interest in the land.

How is the level of compensation set? Holders of a mining licence must negotiate with the owners of land in an attempt to reach a compensation agreement. If no agreement can be reached, disputes can be heard by the Victorian Civil and Administrative Tribunal or the Supreme Court. Also, common-law actions can be raised against a mining company by individuals.

The major concern about compensation is with the amendment in clause 60, which inserts proposed subsection (3) after section 89(2) in the act and caps the loss of amenity to a maximum of $10 000.

I appreciate that most of the compensation provisions relate to land directly affected by mining operations, apart from, significantly, the loss of amenity, although I repeat that it is always the right of any individual, person or company that believes they have been affected by a mining operation to seek common-law action if they believe they have a case, and there is no cap on common-law actions. However, the $10 000 loss of amenity cap has been put in place.

I recognise that there are arguments for and against having a cap. However, I also recognise the important fact that Victoria is the only state or territory with a loss of amenity provision. The mining industry is the only industry that has that provision applied to it. As I said, people can complain of loss of amenity up to the maximum $10 000, but they are not restricted from further pursuing some claimed loss through a common-law action. There are arguments for both sides, but on balance the National Party believes that cap of $10 000 on loss of amenity provision is reasonable.

I shall also comment on the 100-metre rule, which has been the subject of much discussion. I know a lot of people are not happy with that rule but, if anything, it has been strengthened. If there is no EES process for an area where someone applies for a mine within 100 metres of a building or structure, they are required to consult with the local council and the community groups. If anything, community input has been strengthened by the slight changes in the bill.

I understand the concerns many people have with mining, particularly open-cut mining, that is close to where people live or where some form of structure exists. The EES process should set the parameters. It should consider all the issues and set the minimum guidelines for operating in proximity to fixed structures. Victoria does not have many open-cut mining projects and it is probably fair and reasonable to consider each on a case-by-case basis. As I said, the EES process has probably failed to recognise some of the significant environmental values that communities possess. I hope future EES processes recognise those and take more notice of the views expressed.

It is difficult to change the 100-metre rule when the act applies to all forms of mining and when the particular problems are with open-cut mining. It is not a simple case of just changing the 100 metres to 400 metres or 500 metres because that would have a significant impact on all forms of mining. It will have to be left at the moment but monitored closely as mining operations continue.

I have probably spoken long enough but I wish to make a couple of points in conclusion. Members of my party, both individually and collectively, have spent a lot of time considering the bill. We have spent a lot of time meeting and talking with people and receiving their views about it. As I said at the outset, it is difficult to achieve balance. There will always be tensions between different groups of people with interests in mining. The National Party has tried to look at all aspects, take them on balance and adopt a balanced view. It will not have satisfied every constituent by any means, but it is a matter of achieving balance.

I return to where I started and what was said in the second-reading speech. The bill establishes a framework that strikes a balance between economic, social and environmental concerns. That is difficult to achieve. It should be noted that the National Party has been waving the environmental banner in the debate to date, especially on the issues of rehabilitation and the EES process. The National Party should be given credit for raising and flying the environmental flag. A lot of people on my left in particular have often criticised the National Party for not having the regard it should for the environment. I dispute that at every turn because the people it represents live on the land and rely on the land and its resources. They are the people who are concerned about protecting the environment in which we live and work. The National Party has some strong

views on that and will do everything it can to protect environmental values.

The National Party sometimes has a different idea about how those environmental values can best be protected. The party argues strongly that the multiple use of areas is one way of protecting environmental values, whereas other people argue that you have to keep people out of those areas if you are to protect them. The National Party has a different way of approaching maintenance of environmental standards but its aim at the end of the day is no different: it wants to see environmental standards achieved.

Mining has come a long way in 150 years. Significant changes have taken place, particularly to the responsibility mining must have for the environment. The National Party is happy to see those changes evolve, but it will be tough on the mining industry to make sure it lives up to the code for environmental management that was published this year. That good document was referred to in the minister's response to my letter. I have no disagreement with it but National Party members will be on their mettle to make sure all mining companies meet and follow their codes of practice.

Considerable debate on the bill has occurred among members of the National Party. We have concerns and we appreciate that the government has listened to those concerns and has responded to them positively. We will now monitor the commitment given to us by the government. We want to see mining thrive in this state. Equally, we want to see it thrive in balance and in harmony with the social and environmental expectations of our communities.

Hon. KAYE DARVENIZA (Melbourne West) — I am pleased to contribute to the debate on the Mineral Resources Development (Amendment) Bill, which makes a number of administrative and procedural changes to the Mineral Resources Development Act to improve efficiency.

The purposes of the bill as set out in clause 1 are:

(a) to amend the Mineral Resources Development Act 1990 —

(i) to impose a cap on loss of amenity claims arising from mining operations; and

(ii) to enable the recovery of compensation for the use of Crown land in mining operations; and

(iii) to modify the operation of the "100 metre rule" in relation to the protection of significant buildings and sites; and

(iv) to modify the licence application process and the process for obtaining approval to start mining operations; and

(v) to give recognition to the Native Title Act 1993 of the Commonwealth and the Land Titles Validation Act 1994; and

(vi) to generally improve the operation of that Act; and

(b) to make a consequential amendment to the National Parks Act 1975.

By way of background, the Mineral Resources Development Act came into operation in 1991 and was amended in 1993. Over the period of operation of the act a significant increase in mining activity has taken place in Victoria. Exploration investment has increased by an incredible 300 per cent since 1992.

The government is very committed to the development of the mining industry. It is an important growth industry in the state and an industry that makes a significant contribution to the wealth and wellbeing of Victorians. The government recognises that the mining industry makes a significant contribution to the Victorian economy.

The government is also committed to the development of an industry that meets the community's social and environmental expectations. It should be remembered that the act the house will amend today regulates the development of mining but does not set out the process of approving mining projects. That process comes under the Environmental Effects Act.

I intend to make some comments about a number of clauses in the bill. Given that the house will be going into committee, which will provide an opportunity for further comments to be made clause by clause, I will limit my contribution at this stage.

The bill imposes a cap on loss of amenity claims arising from mining operations. Clause 60 amends section 89 of the principal act to limit the compensation that a court or tribunal may order to be paid for loss of amenity to $10 000. That limit — this is an important point — applies only to claims for compensation for loss of amenity. Loss of amenity is often an intangible loss experienced by an individual despite payment of other compensation. It is also important to note that uncapped compensation under section 85 of the act remains available under a whole range of circumstances, including deprivation of possession of land, damage to land or improvements to land, severance of land, loss of opportunity to improve land and a decrease in the market value of land. People's

common-law rights are not affected in any way by the bill.

As has been mentioned by a previous speaker, the mining industry is the only industry in Victoria that has a liability for loss of amenity. During the public consultation period the industry requested that the provision for compensation of loss of amenity be removed from the act. The previous speaker, Mr Hall, went into that issue in detail. The government was under pressure from the industry to remove that provision altogether; however, it remains in the act.

Under the proposed amendment contained in clause 60 compensation for any loss of amenity will be accessible at a minimal cost to those who believe they have an argument to pursue and a case to run through the Victorian Civil and Administrative Tribunal.

Clause 58 enables the recovery of compensation for the use of Crown land in mining operations. That clause sets out the circumstances in which the Crown can claim compensation for the permanent deprival of the value of Crown land. It enables the Crown to seek compensation in various forms, including land swaps, arrangements involving infrastructure, or some other means that the Crown believes would be of benefit to the community and the people of Victoria. It is likely that under those circumstances compensation would be paid in a way that would be of benefit to the local community.

That is an important amendment to the principal act because it will mean that when the community is deprived of Crown land that may be used for a variety of different purposes, including recreational activities, the Crown — that means the community and the people of Victoria — can be compensated.

I will comment on a third and final clause, although there are a number of other issues I wish to address. Clause 45 modifies the operation of the 100-metre rule applying to the protection of significant buildings and sites. The Mineral Resources Development Act does not remove — there seems to be some confusion about this issue — the existing 100-metre rule. The 100-metre rule prohibits mining or any related work from occurring within 100 metres of a structure, and that can include a home, a garden or a dam.

It prohibits mining within 100 metres of nominated structures without the express permission of the owners or occupiers of the land. Generally those wanting to conduct mining works within the 100 metres seek agreement from the owners, and often agreement is obtained in exchange for some form of compensation. In fact, most other Australian states similarly provide for a buffer zone which ranges from 50 metres to 500 metres and allow work within the buffer zone provided consent has been obtained. The bill does not propose to remove that 100-metre rule in any way.

The current act allows the minister to permit work within the 100-metre area without the consent of the owners or occupiers, after consultation with the Mining and Environment Advisory Committee, which comprises representatives of the government, the mining industry, the Victorian Farmers Federation and various environmental groups. Proposed new section 46(1), which is substituted by clause 46, states:

> The Minister may authorise a licensee to do work within the area prohibited by section … or within 100 metres below that area —
>
> (a) after considering the advice of the Mining and Environment Advisory Committee; or
>
> (b) after consultation with the municipal council in whose municipal district an area is situated, and any community group or member of the community whom the minister considers should be consulted about the proposed work.

That provision will considerably strengthen community and local government input into mining decisions. It will certainly not lead to an increase in mining activity within the 100-metre area, but it will allow much broader opportunities for local communities and councils to have a say. That has not been the case in the past, when the minister had reference only to the committee.

Previous speakers have talked about rehabilitation. The bill certainly gives the minister more power to act in that regard, particularly when miners fail to fulfil their responsibilities in rehabilitating the land. The bill strengthens the requirements for miners to rehabilitate land they have been mining.

The principal act already requires that all mining sites be rehabilitated in line with the plan that has been approved by the Department of Natural Resources and Environment. In fact, miners have to lodge a rehabilitation bond, the amount of which is determined by the department, to ensure sufficient funds will be available for rehabilitation works. Once the work has been carried out and approved the bond can be returned. However, if a miner fails to carry out the work the minister is able to use the bond to rehabilitate the land.

As the law currently stands a bond must be returned within six years of a licence ceasing. The bill removes that requirement and thereby gives the minister greater

long-term flexibility and more options to ensure the completion of work which has been undertaken only partially or which requires more time to be undertaken.

The bill contains a range of other provisions dealing with rehabilitation. Mr Hall detailed them in his contribution, and given that in the committee stage honourable members will have an opportunity to go through the bill clause by clause, at this stage I shall not go into great detail on clauses 53 to 56.

Mr Hall also referred to rehabilitation and the importance of ensuring land is returned to a useable or workable state following mining. He raised with the minister his concerns about backfilling, rehabilitation and the environment effects statement process, and told the house he had received from the minister responses with which he was happy.

Finally, I want to deal with consultation. Much has been said, particularly by Mr Philip Davis, about consultation, or the lack of it. Consultation on the Mineral Resources Development Act has been occurring for a considerable time, and a discussion paper was developed setting out and describing the proposals that would be contained in the bill. It was widely distributed. Hundreds of copies were sent out, including to members of the Liberal Party and the National Party.

Hon. Philip Davis — How many to members of the Liberal Party?

Hon. KAYE DARVENIZA — Hundreds of copies of the discussion paper were circulated.

Hon. Philip Davis — I think I was the only member of the Liberal Party who got one.

Hon. KAYE DARVENIZA — The consultation in which the government engaged with the stakeholders not only involved the discussion paper — which it circulated, in which it set out its intentions and to which it asked people to respond — but a range of meetings also took place in areas where there was particular interest in the subject of the bill, the amendments and their likely effect on particular communities. The minister also met personally with all of the main stakeholders and interest groups, including the Victorian Farmers Federation and the Victorian Chamber of Mines.

The proposals in the bill arise from issues raised by the mining industry and the community. Previous speakers from both the Liberal and National parties have talked about — I share their sentiments — the need in this process for a balance between the interests of the industry and the interests of the community.

That is why the government went through such a rigorous and inclusive consultative process.

Hon. R. A. Best — So long as you believe that.

Hon. KAYE DARVENIZA — I sincerely believe that. The amendments contained in the bill were drafted after careful consideration of the submissions received by the government, although the government never received a submission from Mr Best.

Hon. R. A. Best — It did.

Hon. KAYE DARVENIZA — The public consultation process was extended at the request of community groups. They said they needed more time, so the minister agreed. The opposition criticises the government's consultative process, yet when the act was last amended in 1993 what consultation process did the then government undertake? Where was its issues paper and where did it meet with the public and the industry?

Hon. Philip Davis — If you want me to interject I will tell you. We had a mining policy when we came to office, which you did not have.

The ACTING PRESIDENT (Hon. C. A. Strong) — Order!

Hon. KAYE DARVENIZA — I find it particularly disappointing that the opposition has scaremongered and resorted to a beat-up in the press purely for political purposes. Mr Best has left the house, but his media release of 16 October states:

> The amendments remove the requirement for a 100-metre buffer zone between mining activity and private dwellings …

How disappointing it is that members of the Liberal Party, and more particularly the National Party, went into lengthy orations on the sensitivities and conflicts between the interests of the mining industry and the community. Mr Best published a press release containing untruths for purely political processes.

Hon. R. A. Best — What was untrue?

Hon. KAYE DARVENIZA — You were not in the house, Mr Best, so I will repeat it. The media release published on 16 October states:

> The amendments remove the requirement for a 100-metre buffer zone between mining activity and private dwellings …

That statement is not true. An article in the *McIvor Times* of 18 October quotes Mr Best as asking:

> Why was there only three weeks for consultation with the community?

More than three weeks of consultations was conducted, including the circulation of discussion papers that outlined the details of what the government proposed to include in the bill. The government sought submissions.

Hon. R. A. Best — You only made out that you consulted.

Hon. KAYE DARVENIZA — I understand the response from Mr Best was that he was not intending to comment at the time.

Hon. R. A. Best — Be careful, be accurate.

Hon. Philip Davis — Don't mislead.

Hon. KAYE DARVENIZA — My understanding was that Mr Best reserved his right to make comments in Parliament while, as I said earlier, at the same time he gave the local media press releases that contained misinformation and said things about the bill that were untrue.

The consultation has been thorough and extensive. The proposed changes contained in the bill are based on the submissions the government received from the industry and the community. The government is committed to developing a mining industry. It recognises and acknowledges the contribution the industry makes to the economic wellbeing of Victoria and its citizens. However, as has been said by other honourable members, it is important that interests be balanced between meeting community expectations, which have changed over the years, and social and environmental outcomes.

The bill will improve the processes of managing land on which mining exploration take place. The bill is good and I commend it to the house.

Hon. E. G. STONEY (Central Highlands) — I am pleased to join the debate on the Mineral Resources Development (Amendment) Bill. I support the mining industry in Victoria. Mining and farming built Victoria in the 1850s, as the Honourable Philip Davis outlined earlier when he referred to the proud history of Victoria's mining industry. At the time gold certainly paved the streets of Melbourne. The population grew and development followed because gold had been discovered, and subsequently pastoralists followed the trail. Victoria is about to celebrate the 150th anniversary of the discovery of gold in the state. Mining remains a significant industry in Victoria and the bill is designed to meet modern demands and to update the legislation that has been in place since the 1990s. Victoria is now more heavily populated, with closer settlement, and better mining techniques are available. It is important that the legislation continues to be updated.

The valley in which I live has been explored and mined since the 1800s. A major influx of miners and prospectors who raked over the valley for many years found some gold and other minerals. The valley is still held under licence by several mining companies, and continues to be explored and mapped. When the Chinese came there in the 1800s they built wonderful rock walls along the creeks that now form part of the state's heritage.

It is fascinating to watch the mining companies with leases there using the new techniques that many miners now employ. They do not even touch the land but fly over it in large helicopters equipped with large aerials. They follow a grid and map every square metre of the valley without touching a plant or bush. They fly incessantly in grid patterns, presumably using global positioning systems, mapping the geology of the valley in an effort to trace the elusive gold. It is there somewhere, and one day it may again be discovered.

It is a far cry from the time when in that valley one of the last prospectors in the 1940s, Charlie Greiner, became ill and the local forester, Jim Westcott, who now lives in the Dandenongs, picked him up in an old truck and took him to the hospital, where unfortunately he died. Jim Westcott is the father of Geoff Westcott, the assistant clerk in the other place. The valley is a good example of how conflict could arise if there were a significant find — tourism the new Eureka. Although tourism in the area relies on aesthetics of the valley there is no reason why it cannot be mined. I believe the legislation would assist in resolving differences if there were a major find in the valley, and in those circumstances it would have to be acknowledged that tourism and mining are legitimate industries.

The problem in establishing mining areas in Victoria compared with other states is that it is more closely settled — higher populations lead to problems for miners. It is important that the legislation continues to be updated to acknowledge that.

Currently a mining issue outside my electorate near the town of Heathcote is also a difficult community issue. The local newspaper has been taking a strong interest and passions are strong on both sides. It has cost the community and the mine a great deal of money to

resolve the problem. That is a good example of how a convoluted and lengthy process can almost cripple a mining operation. In the case of Heathcote it will have a great impact on the company involved.

Mr Davis referred to mineral sands deposits in north-west Victoria and southern New South Wales. Those deposits are worth about $13 billion and present an exciting prospect and offer great benefits to both states. It is an example of where the future of mining is in Victoria.

Recently I visited the box ironbark forest area with the Liberal Party's agriculture committee. We went on a two-day trip through Bendigo, Heathcote, Rushworth and surrounding smaller towns. It was an enlightening experience for me. I am familiar with the Alpine region but not so familiar with the box ironbark area. My eyes and ears were open and I learnt much about what the locals knew and thought about the box ironbark proposals. If you want to find out what is happening in such an area you must talk to the locals, which we did. They told us what they thought.

I was fascinated by the value of the box ironbark forests to the local communities. It is obvious that the small communities, and even Bendigo, rely heavily on those forests and activities that do not necessarily have an impact on them. People from those communities told us the Environment Conservation Council believes tourism in the forests will be the saviour of the towns. I think that is a flawed thesis because the tourist operators in that area said there is no way that tourism will take the place of some of the present activities, such as timber getting, beekeeping, firewood collection, the manufacture of eucalyptus oil, prospecting and mining.

Given that the bill is significant to the mining industry the committee spoke with many prospectors and went to where the Hand of Faith nugget was discovered. It was obvious that prospecting and serious mining is of great value to the local economies of towns such as Dunolly and Inglewood, which rely heavily on mining.

Hon. B. W. Bishop — Wedderburn also.

Hon. E. G. STONEY — Yes, Wedderburn also. Many mines began with small prospectors walking through the bush with a pick, but these days a $5000 metal detector helps. It does not boost morale when you think you have hit a find only to discover it is a horse shoe that has been there for 50 or 100 years! It is fascinating to see how the technology has improved in the form of metal detectors and the electronic gear that is now available.

The local people are concerned that such opportunities may be lost if the wrong decisions are made by the government on the box ironbark forests and the current debate focuses heavily on the industries I have already mentioned.

I found a section of the second-reading speech fascinating given the concerns that have been expressed. It states that a purpose of the bill is:

> to remove unnecessary impediments to low-impact exploration activities.

One has to ask why the prospectors and the major players in the mining industry are despondent about the future when the second-reading speech appears to allay their concerns.

I turn to the submission of Reef Mining NL on the Environmental Conservation Council's draft report on its box ironbark forests and woodlands investigation, which is dated 24 July. It appears many impediments are being placed in the way of mining in Victoria and the submission lists many of the concerns with the box ironbark proposals. Reef Mining is near Tarnagulla and the mine has been important to Victoria. It produced 500 000 ounces of gold in the 1800s and 53 000 ounces in the 1900s. It has had up to 50 employees and the company has spent about $29 million on the operation, much of it in the local area.

On the committee's inspection of the Reef Mining operation it was obvious it is under enormous pressure. The principals of the company were despondent and concerned that the Environment Conservation Council process will have a heavy impact on its future. The company is worried that the ECC has not submitted the correct figures. Part of the submission states:

> … the calculated value of production from public land is underestimated by at least 100 per cent.

That is a huge difference. It also states:

> The Crown land adjacent to towns like Tarnagulla, Bendigo and Stawell not only provides locations for exploring beneath the adjoining private land within towns, it will invariably provide the location of the entry point for the development accessing the wealth laying below.

It means below the towns. It continues:

> It is this contribution of public land in this fundamental role of the provision of access, which has not been taken into account in determining the value of production attributable to public land.

That statement is pertinent both to the ECC review and to one of the basic requirements of the mining

industry — that is, to have access to land to mine for gold, even perhaps under a town.

If they cannot get access to land adjacent to the area, how will they get the material, including the gold, that is under the town? If the process reduces access by miners to public land and in turn to the ore, what hope does the mining industry have? It is no wonder those in the mining industry are a bit despondent.

The Reef Mining submission goes into the detail of how the long time lines for consent to explore and drill have impacted on its business and why the slow process is a disincentive to miners. The most hard-hitting part of the submission is the general comment that:

> It is extremely ironic that the people who choose to live, work and have a great affinity for the box-ironbark area will be those who are the most affected by the proposals outlined in the draft report and the government that will introduce these changes was elected on a platform of 'not being city-centric and wanting to look after rural Victorians'.

The bill upgrades the regulation of mining in Victoria, but I have grave reservations about whether the government will allow the industry to develop its full potential, as outlined in my brief contribution and the submission from Reef Mining.

Hon. B. W. BISHOP (North Western) — I am delighted to speak on the Mineral Resources Development (Amendment) Bill. Over the past few months a number of members have visited particular areas of proposed and operating open-cut goldmining in the Axedale and Goornong area. In the past people have visited other mining areas and observed the rehabilitation processes that have been undertaken there. Anyone who has visited those areas or been involved in mining understands that it is a particularly difficult area in which to strike the right balance between agriculture and mining.

The National Party is certainly pro-mining and obviously is pro-agriculture. Much can be achieved in bringing those two huge industries together. There is no doubt that the two dot points in the second-reading speech sound perfectly all right. They state that the bill will:

> … provide a framework to achieve balanced economic, social and environmental outcomes;
>
> provide appropriate and timely processes relating to mineral exploration and mining.

If that could be achieved everyone would be happy. But many in our communities say that that system has fallen down across a number of fronts. It is a huge challenge for any government, political party, parliamentarian or other community representative to find the middle ground to work through the process.

I compliment my colleague in the National Party, the Honourable Peter Hall, who has done a huge amount of work on the subject. Mr Hall can confirm that the last time we visited the Axedale–Goornong area he, Mr Best, the honourable member for Wimmera, Mr Delahunty, the honourable member for Rodney, Mr Maughan, and I were in the party.

Hon. P. R. Hall — That is correct.

Hon. B. W. BISHOP — As I said, a number of us had been there before. When I met Mr Hall in Bendigo to go to Axedale and then Goornong I told him he would get a bit of a surprise. I believe Mr Hall was surprised by what he saw when he got there.

Thinking back over a number of years, I suspect that the mining industry required real encouragement to become established in Australia. Now we have a different level of environmental standards and certainly a different perception in our communities. It is interesting to note that good people on both sides are working to achieve a balance. Mr Best and I know Doug Buerger, the president of the Victorian Chamber of Mines, very well and he is a good representative and a sensible and practical man. Chris Frazer, from the mining organisations, does a very good job. For many years Alex Arbuthnot of the Victorian Farmers Federation has been involved with the mining systems and agriculture. They have worked very hard to bring those big industries together and to not be seen as protagonists by those in the industries. Obviously the local communities, including land-holders and others, have shown an interest in and worked away at the issue, but they do not seem to be able to find the middle ground.

It is easy for me to see how the conflict can arise because I have been a farmer for most of my life. I understand the closeness that people have with the land. Most of my experience in the mining industry has been in the mineral sands area. As a number of speakers noted, that is provided for under the Extractive Industries Development Act; the product is owned by the landowner and the mine must be backfilled. We must be extremely careful and practical in addressing the mineral sandmining industry, which is just beginning in the north-western part of Victoria and New South Wales. It is a huge industry, with 60 million tonnes of sand worth $13 billion that can be drawn out of the ground. It will provides 450 full-time jobs and 1100 ancillary jobs. Victoria will be able to share in the freight business, the business generated in our ports and

the separation and processing aspects of the business. Again, the right balance must be maintained.

Mr Best will agree that we have had some problems in that area as well. However, most of them have been about the cost of compensation for the purchase of the land. That has now been settled and one company is under way and has started mining operations.

However, it is totally different from this act. The product is owned by the government. In this case when talking about open-cut goldmines, the environment effects statement (EES) decides the rehabilitation and management processes required.

In relation to mineral sand mining, it is quite clear — rehabilitation is backfilling. I have had a look at some of the rehabilitation because of my interest in and representation of the area. While I suppose no land-holder particularly wants a mine on his or her property — I think that goes for most areas — at least the land is returned to a reasonable state, and the company certainly does a good job in that area.

However, that is not the case in the open-cut goldmines that I have seen at Goornong where there are pretty big holes and huge heaps on the ground. Mr Hall made the point that it is good farming land — and it certainly is. Coming from a farming background, I would not mind farming it. It is certainly better land than much of what my family owns in the Mallee.

Concerns were raised with National Party members during the EES processes as to what would happen if the chemicals leached into the river. There is some beautiful country on Geoff Mill's place. He has nice creek flats and very good pastures. The Howard property is very close to the deep lead aquifer used for irrigation in that area. It needs to be protected at all costs. The local communities are concerned about the risks involved. We are talking about the management of risk.

There is no doubt in my mind that the local communities in those areas have lost confidence and faith in the EES process. It is a great pity that what has happened should generate such a result. The EES process should be a way through those particular problems.

If honourable members have any doubt about any of the concerns mentioned today, they should take a drive up there. I am sure they would be most interested to see what is going on. I believe the EES process is good, but it must return confidence to the communities so that they can be sure about their futures. I am sure the EES process is better than the planning process where interesting decisions are made without process. It is understandable that mining companies want to use different techniques and employ deeper extraction methods, but the resulting holes are huge and they would have to remain for some years. For the sake of all concerned — the landowners, whether public or private, and the mining companies — firm and practical modern-day rules need to be put in place.

One solution is backfilling. That should be part and parcel of mining deals. The EES process should pick that up. Some people have said that that view is anti-mining. I do not think that is so. It is simply a reasonable approach to a difficult issue. Again, if honourable members have any doubt, they should go to Maurie Sharkey's property at Goornong and see for themselves. As members of the National Party say, 'An eyeful is better than an earful any day'. That is the way to get experience levels up very quickly.

I have visited the area three times. I know my colleague the Honourable Ron Best has visited more often. I am sure that in playing its part in the EES process the local community has been — I suspect I should not say it — financially stretched. I am sure it has been stretched in every other way in keeping up with the process, which at times can be highly technical. The mining companies employ qualified consultants — and so they should — so mistakes are not made as the process progresses. That is a fair and practical way to do it.

Resources must be made available to those communities. I do not see how they can play their part in the EES process unless they get support from the government or whoever shares in the resources.

I urge the minister to revamp the process as a priority. When I talk to people about that it seems most unfair that exploration licences can overhang properties for many years. I have heard many property owners say that it is not fair. It overhangs the value of the property and reduces the confidence of surrounding communities. That issue should also be reviewed.

The 100-metre rule has been debated this afternoon. I think it is particularly difficult to have a one-size-fits-all view of that rule. If you apply it rigidly in one area you may ruin another area. Much community concern has been raised on that. That is another dot point for the review process.

The Honourable Peter Hall talked about low-impact exploration and what happens in New South Wales. I believe that should also be included in the review process. Honourable members have spoken today about peat — not Pete Hall, but the product peat! The

Victorian Farmers Federation has also raised the issue. It is a pity that that process was not included in the bill. It is fairly straightforward and simple and could have been managed. The National Party strongly believes it should be included in the review process as well.

Most of the other issues have been dealt with by other honourable members, particularly my colleague the Honourable Peter Hall. The point he made, which is often overlooked in the wider community, is that the National Party is interested in protecting the environment. Some people might say the party members are rednecks and do not care about the environment. I object to that judgment because we represent and work for regional and rural Victoria. We live with, work with and play in those areas throughout our lives.

If we do not protect the environment or have sustainable agriculture we are failing in our ideals. Members of the National Party take a close interest in the environment. It is important for our lifestyle and economic survival. I have no doubt the EES and consultative process has broken down and has reduced the confidence of communities in some areas of rural Victoria. We saw examples of that at Axedale and Goornong. I do not believe exploration licences should overhang the land for such a long time as they do now. The EES process must have more support, funding and technical assistance. The rehabilitation of land should satisfy current community expectations. I do not believe this approach is anti-mining, but is plain commonsense. We must work towards a resolution of the two significant industries involved with the environment. We must have a review, because the bill does not address those issues fully or to some extent at all.

People involved in agriculture, environment and mining must work together. I am sure that can be done. A review process must be put in place to work through the issues and to give confidence, not just to agricultural communities, but those involved in mining communities so we know clearly where we are going in the future.

Hon. R. A. BEST (North Western) — I have pleasure in contributing to the debate on the Mineral Resources Development (Amendment) Bill and I do so as a resident of Bendigo, a town with a rich history in goldmining. People may appreciate the extent of influence goldmining has on Bendigo, but it does not matter whether people refer to the history or to the mining industry, when amendments are proposed to the Mineral Resources Development Act all sections of the community become concerned.

Through my company I have purchased shares in goldmining companies and I regard myself as pro-mining, but I am conscious that there have been occasions when under the fit and proper conditions of the Mineral Resources Development Act I have been forced to act on behalf of landowners against speculators in the mining industry. I believe I am fair in my approach. I have been on both sides of the process. People have marched on my office when changes were made to mining operations in Bendigo and I have acted on behalf of landowners when inappropriate mining operations were tried to be put in place.

Not all members of the Parliament have had the opportunity or have been confronted with the issues associated with mining activities, because not all electorates have mining operations or operators within them. I am conscious of the potential the legislation has to divide the community. However, the facts remain that mining is an important primary industry, as is agriculture, and accommodating the interests of the two industries requires commonsense and extensive consultation.

Bendigo has a wonderful mining operation using unique mining methods. Even though people from the Axedale and Goornong areas have concerns about the mining operations in their areas, Bendigo people agree that Bendigo Mining NL is a responsible mining operator and has a wonderful community consultative process. Its actions as a responsible corporate citizen have caused little fuss within the Bendigo area.

It has been able to work through many of the difficult processes involved with environment effects statement (EES) inquiries and so forth and arrive at a position of undertaking an extensive and large-scale operation right under the heart of Bendigo. That responsible approach needs to be embraced and applauded. I do so, and I am only too proud to put on the record my support for the operation and the attitude that company takes to what can be a controversial business practice.

It is important to balance the investment and job creation opportunities provided by mining and those issues associated with the environment and agricultural land. As Mr Bishop said, very different mining operations are situated within our electorate. Towards the Mildura end is the mineral sands operation, which has a completely different approach from extraction.

With any mining operation it is absolutely vital that the community is informed and that the information provided has the potential to take much of the heat out of the debate to prevent people being forced into corners because of lack of information.

I shall put some facts on the record about three issues. The first relates to the consultation process, which I believe is absolutely vital to the success or failure of mining operations within communities. The second relates to the EES process and the third to the use of and need for rehabilitation.

I must say how disappointed I was that as a local member I was not informed of the impending changes to the Mineral Resources Act. In fact, it is a matter of public record that I had to raise the issue on the adjournment debate in Parliament to ask the Minister for Energy and Resources for a copy of the proposed amendments. The only reason I knew about the proposals being introduced to Parliament was that I had received information from within the community that all Labor members of Parliament not only knew about the impending amendment bill but had been asked about their thoughts and considerations regarding the proposed changes.

It was very disappointing that as a local member in what I consider to be one of the major mining towns of Victoria and Australia I was left in the dark. Not only was I left in the dark, certain community groups were also left in the dark. The government was very selective in who it invited to participate in the consultation process. As I said, it is a matter of public record.

Three dates are important to me. They are 23 August, when I received a copy of the proposed changes; 15 September, the closing date for submissions; and 4 October, when the legislation was introduced into the Legislative Assembly. That is a very short time frame in anyone's opinion. It was particularly disappointing that further information has come to light that on 15 September, the proposed closing date for submissions, certain people within the community were advised that the bill had already been drafted for Parliament.

Although government members say the government is open and consultative and that it had extended by one week the opportunity for people to make submissions, the reality is that it had drafted the bill. The entire legislative approach to the amendment to the act had been put on paper for the parliamentary drafting team to create the bill. I find that extremely disappointing and it will be up to people in the community, because they are the ones affected, to question how open, accountable and honest the government has been in its consultation process.

The other question that must be considered is, although there were three weeks in which to consult with the community and get its views, how in that time frame could the government possibly consider all of the views in the submissions it received and reflect them in the legislation that was being drafted? I find it amazing that the government could suggest that from 23 August, when some groups received the proposed amendments, to 15 September, which was the initial closing date that was extended to 22 September, the submissions could be read and scrutinised, major points could be lifted from them, and on 4 October a bill reflecting all the views in the submissions or the intent of the legislation was read in the Parliament.

Hon. Bill Forwood — You believe in Santa Claus if you believe that.

Hon. R. A. BEST — I will look out the window and see if there is any heat flying, Mr Forwood. It is disappointing because it makes it difficult to provide a balance and to take the heat out of the argument unless there is a reasonable amount of time for people to make the effort to compile submissions. It is disappointing for the submissions not to be taken seriously and for the views expressed in them not to be reflected in the legislation, the second-reading speech or a response from the minister that identifies some of the contentious points.

Some of the information being peddled back to the community is also alarming. People were told the bill was not expected to be tabled in Parliament until the end of October. The government has some questions to answer about the information it supplied to the community in consulting with it as it did.

I listen to the Premier on most occasions when I get the chance, and he talks about how prepared he is to meet with any group, anywhere, any time. However, I know people from the Axedale and Fosterville areas who have been trying to meet with the Premier for the past two and a half months. Even the honourable member for Bendigo East in the other place wrote a letter. There has been no response from the Premier and definitely no willingness to meet with them. He has sent Tim Pallas to have a chat with them, but that is the extent of access they have had to the Premier. The government claims to be open and accountable; it claims to consult with the community. However, on every test it has failed.

I turn to the environment effects statement process. I am aware that a proposal has been put forward to look at the EES process, which is as difficult for the mining companies as it is for community representatives on the EES panels. I have a view about the length of time EES processes are beginning to extend to, and about the information that is provided at those EES hearings.

One thing needs to happen very quickly, and I believe it will be of benefit to both the company seeking a mining licence and to the people acting as voluntary community representatives sitting around the table at these reviews.

Those community representatives need access to a panel of experts. It is important that the panel of experts be chosen by the community representatives. The members of the panel need to be independent and able to analyse the information that is presented through the EES process, because the technical and geological information that has to be deciphered, whether it be on water issues, water quality, geological studies or land issues, is daunting for people who are not involved in mining operations. The EES process could be improved by community representatives having access to a panel of experts as a part of the total planning application. The panel could be funded by a fee being charged to the company seeking the application.

The third issue I refer to relates to an issue that has already been covered by my colleagues Mr Hall and Mr Bishop — that is, rehabilitation. As I said before, I am a supporter of the mining industry. However, I have some concerns about open-cut mining, particularly the rehabilitation of used pits. Mr Hall put on the record that only 3 out of 22 pits at Fosterville have been rehabilitated. I am aware that the company is looking at the sulphides that remain in those rehabilitated pits in an effort to improve the company's profitability in the future. I accept that. However, as part of the licence there should be certain time frames within which consideration should be given to rehabilitation.

I was a member of a former Public Accounts and Estimates Committee that looked at environmental accounting and reporting. I am aware that as signatories to the Australian Minerals Council all mining companies are required to provide environmental reports as part of their financial reports each year. That is wonderful. It should be put on the record that that was an initiative of the mining industry and was part of self-regulation.

All honourable members will remember that 10 or 15 years ago many mining operations were being questioned by environmentalists, and rightly so. Many mining operations were operating in a cavalier fashion. The level of maturity and responsibility that they have applied to their operations has led to better outcomes not only for the shareholders of mining companies, but also for the environment. Many members of environmental groups now find themselves as part of the advisory group to the mining companies. A healthy balance has been achieved for the total community.

The members of the former Public Accounts and Estimates Committee included Mr Theophanous, Mr Lucas, Mr Forwood and Mr Wells, the member for Wantirna in another place. We travelled through Europe and the United Kingdom and spoke to a range of groups associated with environmental issues.

The house has only to look at some of the disasters that have occurred throughout the world in mining and mineral exploration, the most recent being what occurred in New Guinea at Ok Tedi and the problems that caused for BHP. It is only appropriate that better environmental controls and standards be applied to mining operations. I congratulate the mining industry on the responsible attitude it has taken in involving local groups in its operations. I congratulate in particular the Minerals Council of Australia on its code of environmental practice, which requires all companies that are signatories to the code to report annually on environmental issues associated with their mining operations.

It is important to put on the record how far the industry has come. That mining companies are now prepared to have their environmental reports verified means that the mining industry is not just paying lip-service to the environment and that mining companies are not just saying, 'We are going to do this' or 'We may do this' — those things are actually happening and those reports are being verified.

Finally, a number of issues about the way the government has introduced the bill still need to be addressed. As I said, mining is contentious and there is a need for appropriate consultation, particularly within the communities where mining operations are to occur. I totally support responsible mining operators, but as I said at the outset, look out for the mining operators who try to take the short cuts or do not meet the requirements of their licences, because I for one will be right on their tails.

The ACTING PRESIDENT (Hon. C. A. Strong) — Order! I am of the opinion that the second reading of the bill requires to be passed by an absolute majority. I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The ACTING PRESIDENT (Hon. C. A. Strong) — Order! I am of the opinion that the second reading of the bill requires to be passed by an absolute majority. In order that I might ascertain whether the required majority has been obtained, I ask

those members who are in favour of the motion to stand where they are.

Required number of members having risen:

Motion agreed to by absolute majority.

Read second time.

Committed.

Committee

Clause 1 agreed to.

Clause 2

Hon. C. C. BROAD (Minister for Energy and Resources) — I commence by thanking members on all sides of the house for their contributions to this debate. I note that the second-reading speech on this bill clearly sets out the purposes of the amendments. They are designed primarily to improve the processes of approving and managing land for exploration and mining purposes. I do not intend to go through those again. A number of the matters were canvassed in the course of the second-reading debate and I will briefly address them in my remarks on clause 2.

The issue of consultation was raised in the debate by a number of members. Honourable members will probably not be surprised that on behalf of the government I take those comments from members of the Liberal and National parties with several large fistfuls of salt, given the previous government's performance in relation to consultation on a range of issues.

The amendments made in this bill were preceded by a discussion paper. Hundreds of copies of that discussion paper were circulated to key stakeholders. Copies were posted in two places on the Department of Natural Resources and Environment web site. The amendments were also flagged in the ministerial statement delivered in the house earlier this year. Having said that, I also indicate that in an ideal world I might have liked some additional time to conduct consultations and to deal with responses to consultations. However, members would be aware that the pressures of parliamentary legislative timetables do not always permit what is ideal.

A large number of matters were raised in the consultation on the discussion paper, and I have indicated in the house and to stakeholder groups that the amendments put forward to the principal act are not the end of the matter. A whole range of issues raised go beyond the scope of the Mineral Resources Development Act and these amendments to it. In particular, they go to the environmental effects process. Now that the Minister for Planning has announced that, in accordance with Labor's election commitments, a review of that legislation will be held, there will certainly be opportunities to deal with many of the issues that the government acknowledges need to be addressed in relation to those processes.

A whole range of matters were raised in the course of the consultations in relation to the administration of the act. Those matters go beyond the actual provisions of the act and to very significant matters concerning the administration of it. A number of the matters will come up in relation to particular clauses in this amendment bill. However, there are matters beyond that, and I have indicated that they will be dealt with by the government following the conclusion of debate on this bill. Where there is a need to improve the administration of the act, that will occur. As the responsible minister I will make every effort to ensure that we have the best possible administration of the act in the interests of all parties.

The matter of Stawell and the Big Hill project was raised in the course of the second-reading debate. I want to indicate in response the government's support for the contribution that the Stawell mining company makes to this state and to the local economy. In relation to the Big Hill proposal, my decision to accept the assessment report of the Minister for Planning' is entirely consistent with statements made by Labor prior to the last election in relation to how it would deal with decisions about mining proposals being made on a case-by-case basis and in accordance with planning and environmental assessments as determined by the Minister for Planning. Labor's position was again set out in the ministerial statement on minerals and petroleum that was presented in this house. The decision I have made in response to the planning minister's assessment report is entirely in accordance with those commitments.

The government is committed to developing a mining industry that contributes to the wealth and wellbeing of all Victorians while meeting contemporary community expectations for social and environmental outcomes.

The 100-metre rule was raised during the second-reading debate. It is important to place on the record the government's intention that the bill will not remove the existing provisions of the Mineral Resources Development Act prohibiting mining or any related work within 100 metres of structures including homes, gardens and dams without the permission of owners and occupiers of that land. The current amendments to the MRDA strengthen community and

local input into the operation of that rule. I note that only on two occasions since 1990, when the act commenced — both of those occasions were under the previous government — have applications been made to the minister to mine within 100 metres of a structure without landowner consent, and I believe those applications were not approved.

In regard to any future applications, these amendments to the MRDA will enable the minister, whether it be me or a future minister, to consult with local communities and to consider the recommendations of any relevant environment effects statement. It is the government's view that these amendments improve and strengthen the operation of the rule.

Another matter raised in the second-reading debate was the amendment relating to loss of amenity. It is important to note that under the amendments before the house uncapped compensation remains available for, among other things, deprivation of possession of land, damage to land or improvement to land, severance of the land, loss of opportunity to improve the land and, importantly, decrease in market value of the land. Common-law rights are not affected by these amendments. In relation to the proposed capping of loss of amenity compensation to the amount of $10 000, under these amendments it is the government's intention that that should ensure that compensation for loss of amenity will be accessible at minimal cost through the Victorian Civil and Administrative Tribunal.

Reference was also made in the second-reading debate to the native title amendment. I indicate on that matter that the implementation of what was a very straightforward intention on the part of the government to bring this act into line with the commonwealth native title legislation proved to be more difficult to achieve than was envisaged. In the drafting the amendments in the first version went beyond what is provided for in the commonwealth legislation. That is why the house amendment that was dealt with in the lower house was necessary. A number of organisations, including the Prospectors and Miners Association of Victoria, raised the matter. and it was corrected.

The issue of low-impact exploration, which is dealt with in clause 4, was raised during the second-reading debate. The definition is the same as for work under a miner's right, other than an additional requirement to protect heritage sites or objects, which is certainly an improvement.

The question was raised about inserting a provision in the bill so that the Minister for Energy and Resources and the Minister for Environment and Conservation in the other place may agree on a change to a definition. That provision is at clause 8 in proposed section 7B.

In relation to peat, which at present holds the status of a mineral under the act, and the proposal to remove its status as a mineral, I have indicated there will be a review of the status of existing licences and appropriate transitional arrangements in relation to that status. The main issue relates to addressing appropriate transitional arrangements for existing licence-holders, but I envisage the review should be able to be completed within two to three months and that a legislative amendment to give effect to that will be introduced, subject to parliamentary timetabling, scheduling and competition for placement on the legislative program. Certainly that would be brought forward as soon as practicable.

Matters were raised in the house by the Victorian Farmers Federation, the National Party and others in relation to rehabilitation of productive agricultural land. However, before dealing with that I indicate there are broader matters to do with rehabilitation of land that is not currently productive agricultural land. I have said in relation to issues raised during consultation on the amendments on those broader rehabilitation issues that as the responsible minister I will address those matters, but apart from the matters associated with agricultural land.

I also point out that clause 22 inserts improved provisions dealing with statements of economic significance where a licence covers agricultural land and gives the minister the capacity to make decisions where there is disagreement on that matter.

In discussions with the Victorian Farmers Federation (VFF) and the Victorian Chamber of Mines I have developed a proposal aimed at developing guiding principles particularly on the rehabilitation of productive agricultural land. I note that in many cases mining land is rehabilitated to its former condition, particularly where mining impacts on only a relatively small area. However, in the case of open-cut mines, which is the most contentious area by far, it is not always practical or economically feasible in that sort of mining to rehabilitate land to its pristine condition. In those cases compensation is usually paid to landowners, but there is concern that in some cases that is not the most appropriate outcome.

There are current guidelines for environmental management in exploration and mining in effect, and those guidelines recommend that agricultural land should be returned to a productive level comparable

with that prior to the mining operation, but go on to recognise that that may not be possible in every case. They also recognise that land can be rehabilitated to uses other than the pre-mining agricultural use. There are no principles provided in respect of those guidelines, and in my view it is appropriate that principles should be developed to guide that process to determine the end use objectives of rehabilitation relative to productive agricultural land.

I have proposed in relation to this matter that terms of reference should be developed for a review to then move on to recommend what those guiding principles should be, and that a working party, which would certainly include representatives of the VFF and the chamber in addressing the particular matter of agricultural land.

Matters were raised about the Environment Conservation Council's draft report on box ironbark forests. Those are matters that go well beyond the scope of these amendments. The government will deal with those matters when it receives the final report from the ECC, which I believe is due around the end of this year. Those are the matters I wish to place on the record on clause 2.

Hon. P. R. Hall — Mr Chairman, is it appropriate that I respond to a couple of general matters before we get into the clause the minister is raising?

The CHAIRMAN — Order! It is not possible during the committee stage. You will have to do that on a particular clause.

Clause agreed to; clause 3 agreed to.

Clause 4

Hon. PHILIP DAVIS (Gippsland) — Clause 4 refers to changes to definitions. Will the minister clarify for me the new definition of 'accident' in clause 4(c)(ii), which substitutes proposed new paragraph (a) in the definition in the principal act. The proposed new paragraph states:

> resulting in serious injury or loss of life, or having the potential to result in serious injury or loss of life …

I am interested in the concept of having to report potential accidents because it seems to be an unusual change.

Hon. C. C. BROAD (Minister for Energy and Resources) — My understanding is that the amendments extend the definition of 'accident' to include actions that may result in serious harm. That will enable action to be taken in cases where an accident takes place which may have put life at risk but where through luck or other coincidence no one was harmed, injured or suffered loss. That is clearly done in the interests of preventing a recurrence, where such luck or coincidence may not apply the next time around. That is the intention of that amendment. It also extends the definition to include actions that harm or may harm the environment.

Hon. PHILIP DAVIS (Gippsland) — That is as I understood the intent, but it is the effect that I am trying to clarify.

It seems to me that this places an onus on an operator to define incidents that may be entirely theoretical. The scope and limitation is not clear from the provisions of the bill. By way of example, a potential accident would be if you were driving down the street and you just missed a car that went cross the intersection in front of you simply because you were going slower than you might otherwise have been and therefore avoided the accident. I am suggesting that the clause is not clear as to what is meant by 'potential accident'.

I could understand a work incident that clearly caused an injury — that is obviously an accident — but not some incident occurring in the workplace where there is no injury. As a result I find it somewhat difficult to understand how these potentialities could be prescribed for any useful process that does not become overly bureaucratic.

Hon. C. C. BROAD (Minister for Energy and Resources) — We are not talking about potential incidents. We are talking about actual incidents that may have put life at risk. It was purely by good luck or coincidence that there was not an actual injury and there clearly might have been under changed circumstances.

Hon. PHILIP DAVIS (Gippsland) — I may misunderstand that, but the provision refers to 'or having the potential to result in serious injury or loss of life', so there may be an incident where clearly a physical interaction occurs. The question is: how do you judge whether that will arise in the event of there being a potential loss of life or serious injury? I have no difficulty with the government's intent in the clause. The difficulty is understanding how in practice it is to be interpreted in the workplace for reporting requirements.

Hon. C. C. BROAD (Minister for Energy and Resources) — I am advised that the expanded provision will continue to be administered by mining inspectors, that it is not a matter that goes to additional reporting

requirements or bureaucracy, and that it will simply allow the existing processes administered by mining inspectors to consider matters that go beyond the current definition.

Hon. E. G. STONEY (Central Highlands) — I refer the minister to the definition of 'low-impact exploration' in clause 4(a)(v), which states:

> without disturbing any place or object on the Victorian Heritage Register, or any archaeological site or relic included on the Heritage Inventory, under the Heritage Act 1995 …

The minister mentioned that prospectors cannot operate in those areas. I draw the minister's attention to many old diggings that have that status and many more old diggings probably will have that status engraved on them as the status of land changes. Would she like to elaborate on that in the light of opportunities for prospectors, and does that mean that there is the potential that any old digging sites may never be fossicked again?

Hon. C. C. BROAD (Minister for Energy and Resources) — The additional provisions require that low-impact exploration must occur without disturbing places or objects on the Victorian heritage register, including archaeological sites or relics included on the heritage inventory under the Heritage Act. So, prior to embarking on such exploration, it would be necessary to ascertain whether there are sites or relics that are on those registers or inventories.

Hon. E. G. STONEY (Central Highlands) — At this point I make the comment that it is no wonder that amateur prospectors are most concerned about their future.

Clause agreed to; clauses 5 to 9 agreed to.

Clause 10

Hon. C. A. STRONG (Higinbotham) — Proposed section 8A(3) provides that aerial surveys will be permitted without a licence. Clearly administrative problems arise in trying to insist on and specify the range of a licence that may be required for an aerial survey, but proposed subsection (2) provides that a person must supply any information acquired during the course of a survey as if it were a normal exploration. Some administrative arrangements will have to be put in place to keep track of that. If a licence were required there would be an expectation that exploration would take place and there would be some follow-up mechanism that would allow the results of that aerial exploration to be forwarded to the department.

How is it all going to work? The minister would well know that that aerial survey information is an enormously important resource and it is cumulative because, even if it is over an area that has been surveyed before, each aerial survey adds a little information that can be used to update the database. That cumulative value is most important, and in many cases the cumulative value may be interpreted by the people doing the survey as giving them some commercial advantage, which they may not necessarily want to share. In the past the act has provided that it must be shared because it is for the greater good of the exploration.

Can the minister provide some understanding of how that might be tracked or alternatively assure the committee that some mechanism will be put in place to ensure that that valuable information is followed up on and not lost?

Hon. C. C. BROAD (Minister for Energy and Resources) — I agree with the honourable member that it is very important to preserve the cumulative value of such information. This clause is intended to allow surveys to be done to assist in the identification of areas that are worthy of further detailed surveys. It will also make clear that a survey over an area that is the subject of an existing exploration or mining licence is permitted even if it is not undertaken by the licence-holder.

One way to ensure that the information collected is made available is that the person conducting the survey would have no further rights to the area unless he or she obtained the relevant licence and, in order to do that, that information would have to be made available.

Hon. C. A. STRONG (Higinbotham) — In some ways that could work, but in others they may carry out that aerial survey and may say, 'As far as we are concerned, we do not see any potential for further work within that area, and therefore we won't be going on with an exploration licence to look at it on the ground'. So they could still escape, as it were, by putting that barrier in front of them.

Even if it is not a licence to conduct an aerial survey, I believe there needs to be a register of who is doing it. Before an aerial survey is undertaken, those concerned must register that they are doing it. It is important that the department has a knowledge of who is doing surveys so it can come back and say, 'You have an obligation to provide us with the information. You are on our register as having done an aerial survey in that area. Where is the information?'. As the minister has said, because it is cumulative, what one person does

may be of no value. It is the third, fourth or fifth that suddenly says, 'Bingo'.

Hon. C. C. BROAD (Minister for Energy and Resources) — I agree with the honourable member that notwithstanding the intent of this clause to make it easier and to encourage this type of survey in the interests of encouraging further investment in exploration in the state, the provision requiring information to be supplied, acquired during the course of the survey without having to be provided with an authority to do so, does mean that the department will be keeping track of those surveys. Ultimately if such persons wish to continue to be able to undertake that type of survey work, it will be very much in their interests to ensure that they comply with proposed section 8A(2).

Hon. C. A. STRONG (Higinbotham) — I thank the minister for her response. I wanted to make it clear that this is enormously important information, and I highlight the fact that the department needs some mechanism to keep on top of it.

Clause agreed to.

Clause 11

Hon. P. R. HALL (Gippsland) — I thank the minister for responding to the issues I raised during the course of the second-reading debate. Clause 11 amends section 12(2) of the principal act regarding tailings so that it will read:

> Without limiting sub-section (1), the holder of a mining licence must, unless the Minister decides otherwise, pay royalties in respect of the disposal under section 14(2)(b) of tailings resulting from work under a licence over Crown land in accordance with the rate or method of assessment and at the times prescribed.

Why does the provision apply only to Crown land and not to private land?

Hon. C. C. BROAD (Minister for Energy and Resources) — My understanding of the provision is that it allows land-holders to claim in relation to material that results from work done under a mining licence. It is intended to prevent any confusion over materials that are not tailings resulting from mining, and it will ensure that the tailing royalties paid are only those that result from work done under a mining licence.

Hon. P. R. HALL (Gippsland) — I do not want to be stubborn on this issue, but I am still not sure what it means. The question may be taken on notice. Why is there a different set of rules for the removal of tailings from private land as against Crown land?

My logic for asking the question goes to the definition of tailings in proposed section 4(1) inserted by clause 4:

> … any waste mineral, stone or other material that was produced during the course of mining … and includes any mineral, stone or material that is or was discarded from plant or machinery used for extracting minerals.

We are talking of stone or other material. If stone or other material is removed from land under the Extractive Industries Development Act royalties are paid to the land-holder. Why in this instance, if tailings are removed from private land as allowed under the mining licence, can a royalty not be negotiated with the owner of that land? If the minister is unable to respond I am happy for the question to be taken on notice.

Hon. C. C. BROAD (Minister for Energy and Resources) — I understand it is only the Crown that can technically require royalties to be paid, but I will elaborate on the way this is dealt with in terms of the difference between private and Crown land directly to Mr Hall.

Hon. P. R. HALL (Gippsland) — I look forward to the response. Perhaps 'royalty' may be the wrong word to apply to private land, but a compensation agreement could be reached between the owner of private land where material other than minerals is removed from that land.

When the minister responds later we may think more broadly than just about the term 'royalty' and look at compensation agreements.

Clause agreed to; clauses 12 to 20 agreed to.

Clause 21

Hon. PHILIP DAVIS (Gippsland) — I am seeking some clarification on clause 21, particularly subclause (2), which proposes to insert in the principal act at section 26, which deals with the granting of a licence, proposed subclause (ha), which provides for a payment of an environmental levy as a condition the minister may impose in relation to a subject licence.

I am curious about whether the minister can elaborate on the rationale for the new provision.

Hon. C. C. BROAD (Minister for Energy and Resources) — In response I can indicate that currently under section 26(2) the minister may impose conditions relating to the rehabilitation of land and the protection of the environment. However, in some instances it is

appropriate that the licensee pay a levy to enable the impacts on the environment to be monitored and managed. The levy may also be used to pay for the use of the environment and for any long-term changes that result from exploration and/or mining.

In relation to the additional condition, which will enable an environmental levy to be included as a condition of the licence, as with all conditions on a licence, an environmental levy will be negotiated with the licence application to ensure that it is reasonable and appropriate.

Hon. PHILIP DAVIS (Gippsland) — This is a significant new charge in respect to the granting of a licence. I am concerned about the potential scope for the application of the environmental levy. If I heard the minister correctly, it could be as broadly defined as an environmental resource rent fee; I think that was implied by her initial comment.

I am concerned about the scope of new subclause (2) and the potential for it to have a negative effect in respect to licence applications. There is the potential for an additional cost on the licensee, and it does not seem to be bounded. It is a fairly broad definition, as the minister has explained.

Hon. C. C. BROAD (Minister for Energy and Resources) — Can I further clarify that it is the government's intent that the levy is to pay for the monitoring and management of environmental impacts. Resource rents go a long way beyond and outside of what the government is intending here. The reason for this, as has been highlighted by a number of members in the course of the second-reading debate, is that in some cases it can take a long time to establish what the impacts are, and that this can be an expensive business for the government to pay for. This provision is intended to provide the government with the means to ensure that environmental impacts are properly monitored and managed.

Hon. PHILIP DAVIS (Gippsland) — I would like to finally satisfy my curiosity about this issue. It is an attempt to create a capacity for cost recovery, and the government does not intend to go beyond the premise of broadly recovering costs relating to environmental management of this particular project.

Hon. C. C. BROAD (Minister for Energy and Resources) — That is correct. The government does not intend to go beyond the cost of managing and monitoring environmental impacts.

Clause agreed to; clauses 22 to 39 agreed to.

Clause 40

Hon. PHILIP DAVIS (Gippsland) — Subclause (7) proposes to substitute in section 47(2)(c) of the act the words:

> a work authority has been granted by the Minister following the Minister's consideration of that assessment.

The clause relates to consideration of an environment effects statement. Can the minister elaborate on the process by which the minister will now consider the application, and on how that amendment will in practice change the existing procedures?

Hon. C. C. BROAD (Minister for Energy and Resources) — The advice on this consequential amendment is that it is a process amendment that allows the minister to consider the environmental assessment where currently that is not spelt out.

Hon. PHILIP DAVIS (Gippsland) — I am not sure that I am any the wiser. It is now the minister rather than the department head who must grant the approval. Perhaps if I provide a practical example the minister may be able to flesh it out for me. On foot is a government decision by the Minister for Planning with regard to an EES process relating to Big Hill at Stawell. There are two options: if the Minister for Planning had agreed to the EES, the minister would have undertaken a process in relation to this clause. I am trying to understand what changes, as a matter of process as a result of the amendment, and what direct impact does a determination by the Minister for Planning have on any decision? In other words, if the Minister for Planning had approved rather than rejected the EES at Big Hill, what effect would the minister's decision have had on the process that is now being proposed with regard to proposed new section 42(7)(c)?

Hon. C. C. BROAD (Minister for Energy and Resources) — In response, I do not believe the changes contained in the amendments go to the matter the honourable member is raising. In looking at existing section 42(7)(c) and proposed new section 42(7)(c), there is not a huge difference in the process of a department head granting an authority to commence work with the approval of the minister versus a work authority being granted by the minister following the minister's consideration of the assessment. I think what the honourable member is driving at is more in the nature of a policy question.

In my remarks on clause 2 I endeavoured to set out the government's policy approach to assessments by the minister administering the Environment Effects Act. The government's policy position is that the resources

minister will make decisions on the basis of and largely accepting the assessments that are made under the Environment Effects Act by the planning minister.

Hon. PHILIP DAVIS (Gippsland) — If the planning minister advises a determination not to approve a project such as Stawell, notwithstanding that the panel may have a recommendation that is different from the decision announced by the planning minister, the effect of the clause is that it will have no impact on what is in effect a policy position taken by the government simply by complying with whatever decision the planning minister makes.

Hon. C. C. BROAD (Minister for Energy and Resources) — The panel report is a report to the planning minister, and the assessment report, which is forwarded to me as the minister responsible for the act, is the minister's assessment, and that is what we are talking about — the minister's assessment report. Of course, also encompassed by proposals that are approved is a whole range of conditions which might be set out in the minister's assessment report and which the minister responsible for the MRDA would also want to take into account and give effect to. While the example that has been used is one where a proposal is not approved full stop, there would be many other instances where the planning minister's assessment report would set out a whole range of conditions.

Hon. PHILIP DAVIS (Gippsland) — So it is the case that if hypothetically the planning minister had approved the Big Hill project this clause would apply in a sense to the minister's assessment report, the advice from the planning minister, and the panel report, which would be used as a basis for providing the various conditions for the works approval the minister would agree to?

Hon. C. C. BROAD (Minister for Energy and Resources) — In that instance the planning minister's assessment report would draw on the panel report as well as other advice that he might receive, and in making decisions about a work authority, which is granted by the minister responsible for the MRDA, the government's policy position is that the minister responsible for the MRDA would draw on the conditions set out in that assessment report in granting the work authority.

Hon. PHILIP DAVIS (Gippsland) — I therefore conclude from the minister's remarks that if the panel for Big Hill in effect recommended granting approval for that project, the only impediment to that going forward would be the political decision of the Minister for Planning.

Hon. C. C. BROAD (Minister for Energy and Resources) — As I understand the process, the planning minister draws on a range of advice, including the panel report, in making — in this case — his assessment, which he forwards to the minister responsible for the MRDA. I am not sure I would consider that to be a political assessment, but it is an assessment that is based on but is not exclusive to what is contained in the panel report.

Clause agreed to; clauses 41 to 44 agreed to.

Clause 45

Hon. PHILIP DAVIS (Gippsland) — I seek elaboration from the minister on clause 45, in particular proposed section 45(1A), which relates to the operation of the 100-metre rule. The minister may also choose to comment on clause 46, which is a related clause. Before I ask a direct question, will the minister elaborate on the effect of the proposed subsection and how the 100-metre rule will operate if the clause is agreed to?

Hon. C. C. BROAD (Minister for Energy and Resources) — In a hypothetical circumstance where there was provision for work to be conducted within 100 metres of a site without consent the clause would allow for the approval of work where an environment effects statement (EES) had been prepared and a work authority granted. It would be granted by the minister responsible for the act only after consideration of the planning minister's assessment under the Planning and Environment Act. The main intention is that all the relevant issues would have been considered during the public EES process.

The clause allows the minister responsible for the act to consult with the minister responsible for the Planning and Environment Act and to approve minor variations where an EES has previously been undertaken. Only work that will have no significant additional environmental impact can be approved. If the Minister for Planning considered that the matters were not minor the responsible minister would not agree to the work proceeding in that way.

Hon. PHILIP DAVIS (Gippsland) — I am particularly interested in determination of the 100-metre rule, about which strong representations have been regularly raised with the opposition, as the minister will understand.

Critically, I want to gain a clear understanding of how under the new arrangements proposed by the clause local and directly affected land-holders will be able to ensure through the environment effects statement process that they can derive a degree of comfort about

issues of concern to them, in relation to which under the present regulatory regime they have recourse to some protection — that is, what part of the EES process will be open to them to ensure that their individual rights are protected?

Hon. C. C. BROAD (Minister for Energy and Resources) — I understand the issues that have been raised generally in relation to the operation of the 100-metre rule, seldom used as it is. However, I am not entirely certain what the member is driving at here. As set out this clause deals only with variations where an environmental effects statement has previously been undertaken and where there has been a public process as part of the EES process. In those circumstances there would have been an opportunity for views to be put forward and taken into account in the minister's assessment. If that were not the case it would not be considered a minor variation in accordance with this clause. It simply would not apply.

Hon. C. A. STRONG (Higinbotham) — On a similar issue, although it does not relate specifically to the 100-metre rule, I understand the clause has two legs. A licensee who wants to make some changes that require a permit can go to the Minister for Energy and Resources. This is part 2. The minister consults with the Minister for Planning, they jointly say there will not be a problem, and the minister can issue a permit. In the second leg the same process applies up until the stage when the Minister for Energy and Resources as the responsible minister goes to the Minister for Planning, who says, 'There are a few issues to consider and we should put the matter through a process that involves the public'. Then a report must be prepared and made available for inspection for 28 days, consultation comes out of that, and as a result of the consultation a decision is duly made. I am just paraphrasing all the subclauses.

On the face of it, this is an arbitrary arrangement. If I could restate it, the first leg is that the Minister for Energy and Resources and the Minister for Planning say there will not be a problem and agree to issue a permit and be done with it. The second leg is that it goes through a more public consultation process. I am a little concerned. Perhaps the Minister for Energy and Resources might like to elaborate on the extent to which there is any public involvement in that first leg — namely, the one where she and the Minister for Planning say, 'She'll be right,' and issue the licence.

Is it appropriate there be suitable consultation there? If so, how would that happen? I ask the minister to give honourable members an explanation of how the views of those likely to be affected will be sampled. Am I making myself clear?

Hon. C. C. Broad — No.

The CHAIRMAN — Order! Mr Strong, are you speaking on clause 45?

Hon. C. A. STRONG — No, I am on clause 41.

The CHAIRMAN — Order! I am sorry, the committee cannot backtrack.

Hon. C. A. STRONG — I apologise.

Clause agreed to.

Clause 46

Hon. PHILIP DAVIS (Gippsland) — I know the minister endeavoured in her comments on clause 2 to summarise her position on consultation, but I look for more detailed elaboration of the effect of changes to the consultation process. Honourable members should bear in mind that the issue before Parliament that has had the greatest degree of community input is the concern that the rights of citizens will be reduced by amendments relating to the operation of the 100-metre rule. As I understand it, the minister has suggested that this proposal extends the ability of the government or the minister to consult with the community. I seek some elaboration on how that will operate.

Hon. C. C. BROAD (Minister for Energy and Resources) — In response — this really goes to the core of the government's intent to improve the operation of this part of the principal act — under the existing provisions the minister is permitted to consult only with the Mining and Environment Advisory Committee, which has no local community input at all. The provision is put forward in the bill to enable the minister to consult directly with local councils and communities to obtain their views prior to making a decision on an application where there is not agreement on mining or works related to mining within 100 metres and no environment effects process has been undertaken; alternatively, to consult with the Mining and Environment Advisory Committee; and also to consult with relevant community organisations in addition to local councils to ensure adequate local community views are heard.

Given that the decision would have to be made by the minister, that process would need to involve the minister directly. In cases where there was not agreement but an environment effects statement had been conducted, the EES would have included local community input and the minister would be able to draw on that directly.

Clause agreed to; clauses 47 to 55 agreed to.

Clause 56

Hon. PHILIP DAVIS (Gippsland) — As I understand the effect of the change to the principal act proposed by this clause, the time frame that existed under section 83(6) will cease and the bond must be released at a time that is essentially within the minister's discretion. This seems not to place a discipline, as it were, on the minister of the day. I ask the current minister to advise what will cause a minister to be diligent in ensuring these matters are concluded?

Hon. C. C. BROAD (Minister for Energy and Resources) — The current provisions of the act essentially set bodies an arbitrary time period. Bearing in mind that every operation will be different, in making an assessment of how long to retain rehabilitation bonds prior to making a decision about their return, an individual assessment needs to be made of each project.

As to a discipline on the minister's decision, this minister would certainly seek advice from the department in setting a time frame at the outset so that on the basis of best available information about an individual project, an indication of the time frame set for that particular project would be available rather than it being totally open ended.

Clause agreed to.

Clause 57

Hon. PHILIP DAVIS (Gippsland) — It would be a surprise if the committee did not examine clause 57, because issues of compensation inevitably raise concerns. Although the committee has heard comment on this matter from the minister and from other members during the second-reading debate, will the minister elaborate further on the effect of the clause on changes concerning compensation?

Hon. C. C. BROAD (Minister for Energy and Resources) — The inclusion of this head of compensation allowing for loss of opportunity to use tailings was sought by the Victorian Farmers Federation to ensure that its members can gain fair and reasonable compensation for rock that is removed during a mining operation. Tailings are not minerals but are removed in the process of extracting minerals. Clearly that material has a value.

The amendments ensure that all owners and occupiers of land affected are able to have their legal costs met by the licensee in the case of a dispute, and the land affected includes all land to which entry is required. Amendments were made in the other place, but as I understand it the head of compensation is as I have outlined it.

Clause agreed to.

Clause 58

Hon. PHILIP DAVIS (Gippsland) — Clause 58, which establishes a new principle, is important because it provides that compensation will be payable for the use of Crown land. A number of issues are addressed at this time with regard to additional costs imposed on the industry that clearly have the potential to adversely impact on the mining industry.

One of the issues relates to my primary concern, which is that where compensation is paid or, as is possible under the provision as I understand it, arrangements are entered into for a licensee working on Crown land to participate in a land swap or some other arrangement in lieu of cash compensation, the bill does not specify that there must be a local relationship for the project.

In other words, a project being undertaken at, for example, Benambra may require some compensation arrangement to be entered into by the licensee and the Crown, but it could be that there is a proposal within the Department of Natural Resources and Environment for rehabilitation to occur at, for example, Horsham.

I do not see anything in the clause other than the comment the minister made that there should be a close and local relationship. The clause does not commit the government to determine that there will be a local benefit from any compensation that is attributable to a local project.

Hon. C. C. BROAD (Minister for Energy and Resources) — It is certainly the government's intention that we, the Crown, would be seeking compensation, which may be in the form of land swaps, infrastructure or other means, in order to benefit local communities wherever that were possible. It is certainly the intention of the clause in amending the act that the compensation would be provided in a way that would benefit local communities rather than some far-flung or removed other part of the state.

Hon. PHILIP DAVIS (Gippsland) — While I respect the difficulty of drafting a clause that would totally prescribe that arrangement, I take it the minister's response is in effect a policy statement on behalf of the government that it is clearly the intention that wherever there is a mining project that involves Crown land disturbance the compensation agreed between the licensee and the government will benefit a local outcome?

Hon. C. C. BROAD (Minister for Energy and Resources) — That is correct.

Clause agreed to; clause 59 agreed to.

Clause 60

Hon. PHILIP DAVIS (Gippsland) — This is again a compensation issue. Important as this issue is, will the minister reassure the house of the government's intent and advise whether the government sees that this may in any way impact adversely on any individual communities within the state at the present time? It seems to me that on the basis of the government's proposal some communities will take issue with the limit being proposed in this clause.

Hon. C. C. BROAD (Minister for Energy and Resources) — There is no question there are communities and individuals who take issue with this clause. This is a matter the government has had to weigh up carefully in considering those views and at the same time considering the views of the industry that this provision should be dispensed with entirely, rather than trying to go back in time and interpret what may or may not have been in the minds of those who inserted these provisions a decade ago.

I believe I outlined in clause 2 the government's view and the context in which it considered putting forward this clause amending the act — in terms of the other existing unchanged provisions for compensation, which are significant — in trying to come up with a balance between the need to ensure that the industry is not left totally exposed from a wide range of sources that may be unrelated to a particular proposal and the views of some community representatives and individuals that it should be left as it is.

The government believes the amendment it is putting forward is a fair response to that range of views, and it will ensure that loss of amenity issues can be accessed by individuals at minimal cost.

Hon. A. P. OLEXANDER (Silvan) — I ask the minister on what basis the amount of $10 000 as a maximum to be awarded by the tribunal is determined. Will she give the chamber the detail of the basis for that maximum figure?

Hon. C. C. BROAD (Minister for Energy and Resources) — The cap of $10 000 put forward here is an on-balance judgment by the government taking into account amounts the tribunal would be likely to consider without seeing the need to have it dealt with by a court, which would involve much higher costs, and also taking into account the amounts that tend to be awarded under the other compensation provisions in the act, which are generally either less than this amount or certainly within this range.

Hon. A. P. OLEXANDER (Silvan) — The minister refers to the government having determined that this was a balanced amount. Who within the government determined the nature of the amount and on what basis was it determined that it was a balanced amount?

Hon. C. C. BROAD (Minister for Energy and Resources) — The government sought a range of advice from a range of departments in determining the amount. I do not think it is appropriate to name officers. Ultimately it is the government's decision, not that of the officers putting forward advice to the government. It is a whole-of-government decision.

Hon. A. P. OLEXANDER (Silvan) — Does the government believe the amount of $10 000 capped here will be adequate in all situations?

Hon. C. C. BROAD (Minister for Energy and Resources) — The government would not be putting forward the cap and the proposed amendment if it did not believe the amount would be adequate in all situations.

Clause agreed to; clauses 61 to 75 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

The PRESIDENT — Order! As I am of the opinion that the third reading requires the concurrence of an absolute majority of the whole number of the members of the Legislative Council, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

GAMBLING LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

GAMING No. 2 (COMMUNITY BENEFIT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

FAIR EMPLOYMENT BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. M. M. GOULD (Minister for Industrial Relations).

NURSES (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. M. M. GOULD (Minister for Industrial Relations).

ADJOURNMENT

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

That the house do now adjourn.

Western Port Highway: duplication

Hon. R. H. BOWDEN (South Eastern) — I seek the assistance of the Minister for Energy and Resources, in her capacity as the representative in this place of the Minister assisting the Minister for Transport regarding Roads. I draw attention to the difficulties being experienced by many of my constituents who regularly use the Western Port Highway, particularly travelling north and/or south to Hastings from the intersection with Cranbourne–Frankston Road.

This section of road is increasingly used by heavy traffic — gas tankers with multiple tanks, large steel trucks, agricultural vehicles and mixed commercial vehicles, as well as commuter cars and light vehicles. The Western Port Highway has been duplicated from Dandenong right through to the Cranbourne–Frankston Road and there is only the small section at Lyndhurst where the overpass needs to be completed.

The need to upgrade and duplicate the Western Port Highway south of the Cranbourne–Frankston Road is becoming very urgent. About a year ago a gas tanker overturned in the area, which could have resulted in a major catastrophe. If the road remains in its present state it will become increasingly unsafe. It carries a large volume of heavy traffic as well as commuter and commercial vehicles.

In view of the increasing concern about the relative safety of the Western Port Highway south of the Cranbourne–Frankston Road heading towards Hastings, will the minister urgently review this section of the highway with a view to implementing roadway duplication?

Sport: funding

Hon. S. M. NGUYEN (Melbourne West) — I direct a matter to the attention of the Minister for Sport and Recreation. Following the recent success of Australian athletes at the Olympic Games young people have taken to sport with great enthusiasm — so much so that membership at one Little Athletics club in Melbourne West Province has doubled. The benefits of a healthy lifestyle are well known.

Recently three local athletics centres in the province joined to form the Brimbank Little Athletics centre. However, they are behind the field in terms of sports facilities. I ask the minister what his department is doing to promote sport and recreation facilities in Melbourne West Province.

Human Services: restructure

Hon. R. A. BEST (North Western) — I wish to raise with the Minister for Industrial Relations, representing the Minister for Health in the other place, the issue of the proposed restructure of the Department of Human Services.

I have been made aware that the proposed restructure will see a significant downgrading in the importance and status of rural health services. Under the old

structure there was a deputy director for rural health, but under the new structure we will see a reduction to the third level of management. This unquestionably will reduce the importance and status of rural health issues.

Will the minister advise the house of the new structure for the Department of Human Services and give a commitment that there will be no reduction in the status and importance of rural health services and that there will continue to be a deputy director for rural health issues?

Rail: short-break packages

Hon. E. G. STONEY (Central Highlands) — I raise a matter with the Minister for Energy and Resources and ask her to take it to the Minister for Transport in the other place. I refer to an article in the *Myrtleford Times* of 16 November where the headline screams 'V/Line cuts choke future tourism in the valley'.

The nub of the issue is that V/Line has cancelled what it used to call short-break country holiday packages, which from all accounts were very successful. This has caused outrage in the tourist industry in the Ovens Valley, and the decision has cost operators who were taking part in this scheme a great deal of money. Mount Buffalo Chalet's Dean Belle is reported in the *Myrtleford Times* as saying:

> It's the end of an era because V/Line was originally so committed to tourism in regional Victoria.
>
> It's a real shame, especially these days with rising fuel prices.

Leon and Rhonda Sherwood of John Bright Motor Inn told me that they had lost $800 on three cancelled bookings and that they anticipated a loss of $10 000 a year because of the cancellation of the short-break program.

I ask the Minister for Transport to reconsider this matter and investigate ways of rejigging the program and keeping the service for country tourism.

I understand it has affected not only Bright and the Mount Buffalo Chalet but also establishments at Swan Hill and Lakes Entrance.

Local government: pensioner rebates

Hon. D. G. HADDEN (Ballarat) — I raise for the attention of the Minister for Energy and Resources, who is the representative in this place of the Minister for Local Government, an issue concerning municipal rate rebates that has been raised with me by local councils and ratepayers in my electorate.

The pensioner and veteran municipal rate rebate was set in 1982–83 under the State Concessions Act up to a maximum of $135. Prior to council amalgamations some local councils gave their own rate rebates in addition to the government rebate. I understand in the past 12 months the Bracks government has delivered more than $50 million in municipal concessions to low-income Victorian households. I also understand the City of Port Phillip continues to provide pensioner rate rebates of up to approximately $75.

Will the Minister for Local Government advise whether other councils will consider doing likewise in order to assist pensioners and veterans?

Teachers: industrial agreement

Hon. R. M. HALLAM (Western) — I raise for the attention of the Minister for Industrial Relations the same issue I raised during the adjournment debate last evening. I refer to the 9 per cent pay deal struck with teachers promoted to the new category 'experienced teacher with responsibility'. I asked the minister whether she can confirm the government's intention to fund those promotions up to a maximum of only 30 per cent for eligible teachers and whether the cost of any promotion above that level would require schools to cut their budgets in other areas.

In answering my earlier question in part the minister said it will be funded through a budget supplementation. Will this supplementation cover the 30 per cent as speculated at the time or will it cover the entire cost of the scheme?

Drugs: expert committee report

Hon. J. W. G. ROSS (Higinbotham) — I direct my inquiry to the Minister for Industrial Relations, who represents the Minister for Health in this place. The matter I raise concerns the number of deaths with drug addiction as an underlying cause in Sweden and the reporting of those deaths at figure 1.2 in the stage 2 report of the Drug Policy Expert Committee.

The committee has persisted in reporting that there were 250 deaths from drug addiction in Sweden in 1995, although my inquiries show that that number actually relates to 1996. The Swedish National Board of Health and Welfare has compiled two kinds of data concerning drug-related mortality. One series reflects only cases for which drug addiction has been given as the underlying cause, and in 1995 that number was 71. It relates to a series under the ninth revision of the international classification of diseases item no. ICD 304.

The series to which the committee refers comprises cases allotted to one of several drug-related diagnoses or poisoning by narcotic substances as an underlying or contributory cause of death. I am concerned that the Drug Policy Expert Committee has persisted in using data that misrepresents the number of deaths due to drug addiction as it is popularly understood in Sweden and in this country.

Further, the graph published by the committee at figure 1.2 appears to have reversed the legends of the original graphs published in Sweden and attributes the 250 figure to the wrong series of data. I ask the Minister for Health to satisfy himself that the number of deaths in Sweden in 1995 with drug addiction as the underlying cause was 71, and to provide me with the results of his investigation into the matter.

Given that Sweden's population is close to 9 million, I am sure he will conclude that deaths from drug addiction in Sweden are low in comparison to deaths from the same cause in Victoria. I am happy to provide the minister with the underlying reference material to assist him with his investigation.

Rail: Tullamarine link

Hon. KAYE DARVENIZA (Melbourne West) — I ask the Minister for Energy and Resources to refer to the Minister for Transport an issue concerning plans for the proposed Melbourne Airport rail transit link which this government promised at the last election. The transit link will not only assist my constituents in Melbourne West Province but will also be of great benefit to all Victorians. Over a number of months a series of community workshops on the airport transit link have taken place and have been attended by more than 550 people.

I ask the minister what action the government is taking as a result of the community consultation workshops to which so many people have contributed, and how the feedback from the workshops will be incorporated into the decision-making process.

Shepparton: refugee accommodation

Hon. E. J. POWELL (North Eastern) — I refer the Leader of the Government, as the representative in this house of the Minister for Multicultural Affairs, to an article in yesterday's *Shepparton News* headed 'Refugee bed crisis' which states:

> Dozens of Shepparton residents are being forced to sleep on the floor because of a severe shortage of beds among the city's charity organisations.

The shortage has arisen after a surge of refugees has moved into the Goulburn Valley over the past six weeks. They arrive with just the clothes on their backs and very few belongings; they have to rely on the local services to provide them with clothes, food, fridges, bedding and washing machines. The welfare organisations are at crisis point.

The St Vincent de Paul Society says that currently it has no single beds, one queen-sized bed, and one double bed to hand out to those in need and that the centre currently has a waiting list of four to five families who need help urgently. As I said, the increase in demand for beds and other essentials is as a result of the recent increase in refugees. The Ethnic Council of Shepparton is aware of the issue and has said that it has arisen because of the 120 people who have arrived over the past six weeks on temporary protection visas. From 1 July this year an average of five refugees have been coming every week, and they are still coming in those numbers.

The Minister assisting the Premier on Multicultural Affairs has visited the Shepparton region in the past and is aware of the refugees' status, and the Minister for Community Services is working with a number of community groups there. But the situation is now urgent. I ask the minister to do whatever he can to provide urgent assistance to support these refugees to ease the burden on the local charity organisations so they can provide assistance to the needy in the broader community.

Residential Tenancies Bond Authority: report

Hon. C. A. FURLETTI (Templestowe) — I refer the Minister for Small Business to section 429 of the Residential Tenancies Act, which established the Residential Tenancies Bond Authority. Honourable members will be aware that the authority holds in trust more than $196 million for 260 000 bonds entered into by tenants.

I further refer the minister to page 205 of the Auditor-General's *Report on Ministerial Portfolios* of June 2000, which states:

> The authority did not prepare an annual financial report to provide for public accountability over its operations for tabling in the Parliament.

Further, I refer the minister to recommendation 3.4.81 of the same report, which states:

> It is recommended that the authority prepare annual financial statements in accordance with the Financial Management Act 1994 to provide public accountability over its operations.

Given that the cut-off date for lodgment of annual reports was 31 October, will the minister advise the house when she expects the annual report of the Residential Tenancies Bond Authority to be tabled, and will she give an undertaking to the house that it will be tabled in this session?

Parliament: members' web sites

Hon. T. C. THEOPHANOUS (Jika Jika) — I raise a matter with you, Mr President. It has come to my attention that a number of links have been established from the Parliament of Victoria home page to potentially defamatory material that may leave the Parliament open to future litigation. A number of members of Parliament have established their own home pages using the government-provided server, Vicnet, and have linked potentially defamatory material to those sites. Each home page is readily accessible through the parliamentary home page and displays the crest of Parliament. Arguably this amounts to — —

Hon. M. T. Luckins — On a point of order, Mr President, all members of Parliament pay for their own web pages — they are not provided by Parliament. Parliament chooses to provide a link to those web pages. We pay for our web pages because we are providing political information.

Hon. T. C. THEOPHANOUS — What is the point of order?

Hon. M. T. Luckins — The point of order is that Mr Theophanous is out of order.

The PRESIDENT — Order! I thank the honourable member for her advice and I will respond in due course.

Hon. T. C. THEOPHANOUS — Arguably this action amounts to publication of the material, which is clearly defamatory and may therefore expose Parliament to potentially very costly litigation. By way of example, I printed out directly from the home page of one member of Parliament this material, which displays the Parliament of Victoria crest directly beside the defamatory material.

An honourable member interjected.

Hon. T. C. THEOPHANOUS — It is an issue for the President; it might not be an issue for you. Given the proximity of this outrageous material to a web site for which Mr President is ultimately responsible — although I hasten to add that I am sure Mr President is in no way a party to this — will he take action to investigate whether the establishment of these links by the Honourables Chris Strong and Maree Luckins should be allowed to continue?

Hon. M. T. Luckins — On a point of order, Mr President, I ask the honourable member to table the document to which he referred.

The PRESIDENT — Order! The honourable member can make it available.

Hon. T. C. THEOPHANOUS — On the point of order, Mr President, it is not my intention to make defamatory material available in any way in this house. As I said, the honourable member can go to her own home page and find the same material.

Hon. M. T. Luckins — On the point of order, Mr President, the honourable member has made a comment about me which I find offensive and I ask him to table the document to which he referred and to back up the allegations he has made about my character.

The PRESIDENT — Order! The honourable member has taken objection to the fact that Mr Theophanous suggested she was publishing defamatory material on her web site. She finds that objectionable and I ask the honourable member to withdraw.

Hon. T. C. THEOPHANOUS — Mr President — —

The PRESIDENT — Order! The honourable member knows the rules.

Opposition Members — Withdraw!

Hon. T. C. THEOPHANOUS — Mr President, I do know — —

The PRESIDENT — Order! There is no debate about this. I intend to answer Mr Theophanous's proposition in detail. He has stated that he has information that another honourable member of this house has published defamatory material. That is an allegation to which the honourable member concerned is entitled to object. She finds it objectionable. It is clearly objectively objectionable, and I ask the honourable member to withdraw.

Hon. T. C. THEOPHANOUS — Mr President, I do not — —

Opposition Members — Withdraw!

The PRESIDENT — Order! I will no longer hear Mr Theophanous. I have asked the him to withdraw.

The easiest way is for him to withdraw and then we can get on to deal with the substance of his matter, which I am happy to do.

Hon. T. C. THEOPHANOUS — In the interests of hearing from you, Mr President, I withdraw.

Hon. C. A. Strong — On a point of order, Mr President, I also feel that my name has been taken in vain by the honourable member. I am offended by the statement and I ask him to withdraw.

The PRESIDENT — Order! I did not hear the honourable member's name mentioned.

Opposition Members — It was.

The PRESIDENT — Order! In the same context?

Opposition Members — Yes.

The PRESIDENT — Order! Does Mr Theophanous acknowledge that — —

Hon. T. C. THEOPHANOUS — Mr President — —

Opposition Members — Withdraw!

The PRESIDENT — Order! I did not hear the comment. I was about to ask Mr Theophanous whether he made such a statement.

Hon. T. C. THEOPHANOUS — I do not believe I made any statement that could in any way be objectionable to Mr Strong.

Hon. C. A. Strong — Mr President, my name was mentioned.

Hon. T. C. THEOPHANOUS — What do you object to?

Hon. C. A. Strong — I ask that the honourable member withdraw his comment about me defaming people in this house. I find that objectionable and I ask him to withdraw.

The PRESIDENT — Order! It is the same circumstances as applied previously. I do not have to explain it to Mr Theophanous. I ask him to withdraw.

Hon. T. C. THEOPHANOUS — Mr President, in the interests of hearing what I am sure will be an objective treatment of this issue by you, I am happy to withdraw.

Workcover: liability

Hon. P. R. HALL (Gippsland) — I refer the Minister assisting the Minister for Workcover to an occupational health and safety matter. A constituent of mine, Mr John Dunne of Toongabbie, works as a hay contractor, which involves the cutting and carting of hay. He recently attended an occupational health and safety course run by the Victorian Workcover Authority in Sale, for which he paid $450.

He was told that where a worker was working at a height of 2 metres or more above the ground a harness was required to be used. That may be appropriate in the construction industry but in his industry, where a worker is required to climb on top of a load to secure the load, the use of a harness is impractical and arguably ineffective.

Yet by law the load is required to be secured. Some conflicting advice was given to Mr Dunne about whether, if the worker was on the top of the load attempting to secure it and fell, he would be liable because the worker was not wearing a harness. The circumstances I am describing apply to all truck drivers where loads are required to be secured.

I seek from the Minister for Workcover a clear direction on whether a harness is required in the circumstances I have described, and I ask that the response demonstrate a practical and commonsense approach to the liability of an employer when an employee needs to scale a laden vehicle for the purpose of securing a load.

Workcover: premiums

Hon. W. I. SMITH (Silvan) — I refer the Minister for Industrial Relations, as the representative in this place of the Minister for Workcover, to Shadewell Awning Systems, a company that has been reclassified and had its Workcover premium increased. The company has been in operation in Box Hill since 1981.

Contrary to the assessment of its own agent, the company has been reclassified, had a 76 per cent increase in its Workcover premium, and received an extra bill of $17 953. The company is now reviewing whether it will continue in business.

I ask the minister to look at the company's reclassification and premium increase and ascertain whether something can be done about it.

Industrial relations: reforms

Hon. M. T. LUCKINS (Waverley) — I refer the Minister for Industrial Relations to her answer to a question posed by the Honourable Theo Theophanous in question time today in which the minister noted that issues raised with her by the business community — issues I have also raised in my local newspapers on behalf of concerned constituents — about the so-called Fair Employment Bill have led to the government proposing amendments to the bill about the deeming of subcontractors to be employees and other matters.

In light of the substantial amendments moved in the other place, will the minister agree to allowing the bill to lie over until the autumn sitting to allow further consultation with stakeholders on what is obviously a flawed bill?

Waverley Park

Hon. ANDREW BRIDESON (Waverley) — I raise with the Minister for Sport and Recreation the future of Waverley Park. Last night in response to my raising the issue during the adjournment debate the minister said:

> … I have met with the Urban Land Corporation once to discuss options regarding … Waverley Park …

During question time today I listened closely to the minister's response to a question asked by the Honourable Neil Lucas, and the minister referred to meetings — plural — held with the Urban Land Corporation on Waverley Park. Did the minister mislead the house last night or in question time today?

Residential tenancies: review

Hon. BILL FORWOOD (Templestowe) — Today the Minister for Small Business said in her answer to a dorothy dixer on residential tenancies that 100 000 calls were received on the telephone line and 40 000 applications were listed at the Victorian Civil and Administrative Tribunal.

I refer the minister to a letter the president of the Property Owners Association of Victoria, Mr Phil Spencer, JP, wrote to her on 13 November about an article appearing in the *Progress Press* of that day which quotes a spokeswoman for the Tenants Union of Victoria, Michelle Marven, as saying:

> It's not unusual for residents to come home to find the locks changed and their belongings out on the street.

Does the minister believe that is a usual or unusual practice, and will she indicate to the house how often this issue of residents coming home to find the locks changed and their belongings out on the street actually applied in the 100 000 telephone calls received and the 40 000 applications made to VCAT?

Waverley Park

Hon. N. B. LUCAS (Eumemmerring) — I have a question for the Minister for Sport and Recreation regarding Waverley Park. I have a concern regarding the inconsistencies in the minister's answers about Waverley Park. On 9 May the minister stated:

> … I have asked the Urban Land Corporation to look at potential creative solutions for the site.

Later that day the minister said that he had facilitated investigations into the subdivision of the car park.

On 29 August the minister's answer to a question on notice was:

> I asked the Urban Land Corporation to look at potentially creative solutions …

On 1 November the minister appeared to ask the house to believe that all those requests had been made prior to his meeting with the Urban Land Corporation (ULC), which I understand was held on 22 March, and that:

> They informed me that they had already undertaken that work during the time of the previous government.

That explanation should have made the whole thing go away, but the minister forgot about his answer to my question of 30 August, when he said:

> During discussions I asked the corporation about the options the Australian Football League (AFL) might consider if it has to subdivide the land in the future. I have not had a response on that issue but I have asked the corporation to contact me.

It is clear to me that the Minister for Sport and Recreation has been engaging in a charade, but he has caught himself out. It now appears that the minister has either misled the house or attempted a cover-up or both. Does the minister confirm or deny that he asked the ULC to respond to him, to use his words 'about the options the AFL might consider if it has to subdivide the land in the future'?

Responses

Hon. M. M. GOULD (Minister for Industrial Relations) — The Honourable Ron Best raised a matter with me for referral to the Minister for Health. I will refer the matter to the minister.

The Honourable Roger Hallam raised a matter with respect to the pay deal for experienced teachers. The

response to that is the same as it was last night — the total cost is within the forward estimates and budget supplementation.

The Honourable John Ross raised a matter for referral to the Minister for Health. I will refer the matter to the minister.

The Honourable Jeanette Powell raised a matter for referral to the Minister for Multicultural Affairs. I will pass that on.

The Honourable Peter Hall raised a matter for the Minister for Workcover. I will pass that on.

The Honourable Wendy Smith also raised a matter for the Minister for Workcover. I will get some information from her to pass on to the minister.

The Honourable Maree Luckins raised the issue of the Fair Employment Bill. The government is committed to this bill and will pursue it in an endeavour to have it passed in these sittings of Parliament.

Hon. C. C. BROAD (Minister for Energy and Resources) — The Honourable Ron Bowden requested that the Minister for Transport urgently review the Western Port Highway south of Cranbourne–Frankston Road with a view to its duplication. I will refer that matter to the responsible minister.

The Honourable Graeme Stoney requested that the Minister for Transport review V/Line's decision to cancel short break country holiday packages. I will refer that to the responsible minister.

The Honourable Dianne Hadden requested that the Minister for Local Government advise whether councils could consider assisting pensioners and veterans along the lines of the City of Port Phillip's pensioner rate rebates. I will refer that to the responsible minister.

The Honourable Kaye Darveniza asked the Minister for Transport to advise her what action the government is taking as a result of community workshops in relation to the proposed routes for the airport rapid transit link. I will refer that to the responsible minister.

Hon. M. R. THOMSON (Minister for Small Business) — The Honourable Carlo Furletti raised a matter in regard to the tabling of the annual report for this year of the Residential Tenancies Bond Authority. I will certainly follow that up with the department.

The Honourable Bill Forwood raised a question about the number of phone calls to a hotline and the number of residential tenancy cases lodged before the Victorian Civil and Administrative Tribunal. He referred to a letter I am yet to see from Phil Spencer and a quote from the *Progress Press*.

I will take responsibility for the things I say; I will not take responsibility for or speak on behalf of people for whom I have no responsibility, nor do I answer the 100 000 residential tenancies phone calls made to Consumer and Business Affairs Victoria. I would hope and believe there would not be anywhere near that number seeking advice on residential tenancies. However, it is vital that both landlords and tenants are aware of their rights and obligations, and it is for that reason that the government has ensured that both sides have direct access to that information.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The Honourable Sang Nguyen raised the matter of the Brimbank Little Athletics group and recreational opportunities in the western suburbs. I encourage the Brimbank Little Athletics centre to approach the Brimbank council to apply for sport and recreation community facilities grants.

The honourable member will appreciate that I have also increased funds to the state sporting assemblies to promote participation of under-represented groups. Many of those culturally diverse and under-represented groups in terms of participation live in the western suburbs, so it is hoped the additional funding will be of benefit to them. In addition, Sport and Recreation Victoria has entered into an agreement with the Centre for Multicultural Youth Issues to assist in providing and facilitating recreational opportunities for young people of culturally diverse backgrounds. Many of them are located in the western suburbs, and it is hoped they will enjoy the results of that agreement.

In answer to the question raised by the Honourable Andrew Brideson, to clarify, I said 'meeting' — singular.

In relation to the question raised by the Honourable Neil Lucas — who has an obsessive compulsion to ask these questions — there is no conspiracy, although he would like to make out there is. I stand by my comments, but I ask Mr Lucas why he was not so persistent when the Kennett government could have done something about Waverley Park.

Honourable members interjecting.

Hon. J. M. MADDEN — Where were you then? Where was the whole opposition during that time? You were sitting on your backside. You were not representing your constituents then, Mr Lucas.

Honourable members interjecting.

The PRESIDENT — Order!

Hon. J. M. MADDEN — You did not represent them.

The PRESIDENT — Order! Just so that the minister understands, when the person occupying the chair stands — whether it be me or one of the other members — the member speaking is meant to keep quiet and sit down. Mr Brideson has a point of order.

Hon. Andrew Brideson — My point of order, Mr President, is that it is very obvious to every member in this chamber that the minister is debating the question, and should be directed not to do so.

The PRESIDENT — Order! That is not what I need at this time of the night — 7.40 p.m. The minister, in conclusion.

Hon. J. M. MADDEN — Mr President, I have finished. Thank you.

The PRESIDENT — Order! Mr Theophanous raised with me the interesting question of the Internet and whether it can be corralled in particular ways to provide a series of compartments in relation to information contained in those compartments.

When we were establishing the Parlynet system this issue was given very careful consideration by the Library Committee at the time. There were requests from members that the Parliament act as the host for the web sites of members of Parliament. We specifically took a decision not to act as the host of members' web sites and required people who had their own web sites to have their own external links or external hosts for them. That was a policy adopted by the all-party Library Committee. That is still our policy, and most parliaments operate on the same policy.

Hon. T. C. Theophanous — Except the use of Vicnet.

The PRESIDENT — Order! I am talking about the Parliament of Victoria, for which I am responsible. I am not responsible for Vicnet. Mr Tim Holding, the member for Springvale in another place, wrote to me about this matter yesterday in my capacity as chairman of the Library Committee. He raised the matter in the other place.

If you go to the official Parliament of Victoria site and click on the name of a member you will get access to the information we supply on that member — in this case, it is the official handbook, which is in electronic form. That is our contribution to providing information to the world about the individual member. It is clearly on the site of the Parliament of Victoria. If you look at the address on the top you can see that that is clearly the case.

If a user or viewer goes to a member's web page and clicks on it, it is clear that he or she has moved out of the Parliament's web site and gone somewhere else. You can see from the uniform resource locater address that you have entered the area of some other organisation that is hosting that web site.

Different parliaments treat the issue differently. For instance, today I was looking at the Parliament of Tasmania web site. It says, in effect, 'Members have a web site. Parliament is not responsible for it, and if you have an objection to the content you can send an email to the Parliament and we will pass on the objection'. It acts as a post box and does not accept any responsibility.

The concept of displaying, as you move to the member's web site, a message that says 'You are moving to an external site' is something we considered, but for technical reasons the Library Committee decided not to go down that path.

Mr Speaker and I have discussed this matter today, and we will revisit the issues next week. Frankly, I see very little need for change, without going to the details of the particular site referred to by Mr Theophanous, whatever sites may lead to. The whole concept of the World Wide Web is a seamless move from a whole host of sites of different types. To give an example, I have a Hotmail address, as do many honourable members. What turns up in the mail basket there is mind-boggling — I will not go into descriptions, but some of the offers for penile extensions seem to be quite extraordinary.

The World Wide Web is a massive collection of tens of millions of sites. To try to act as a censor of them is not possible. We are responsible for the official site of Parliament. When you move from there you can move to anything you like or do not like. The Speaker and I will consider the matter further next week and will respond to the honourable member for Springvale in the other place. I will respond in writing to the Honourable Theo Theophanous.

Hon. T. C. Theophanous — On a point of order, Mr President, I asked you to consider the fact that in the document I am happy to make available the crest of the Parliament of Victoria is on the same page — —

Hon. M. T. Luckins — On a point of order, Mr President — —

The PRESIDENT — Order! The house is dealing with a point of order. It will deal with them one at a time.

Hon. T. C. Theophanous — The crest of the Parliament of Victoria is on the same page as the defamatory material — —

Honourable members interjecting.

The PRESIDENT — Order! If you look at the library site, and it becomes more exciting every day, you see that it provides the ability to download things such as that — a floral emblem, the state crest and all the rest of it. The use to which a member puts those things is the responsibility of the member.

Hon. T. C. Theophanous interjected.

The PRESIDENT — Order! Mr Theophanous raises the issue in the context of the use of the parliamentary Intranet and the web site. I have given you the answer, Mr Theophanous, and Mr Speaker and I will examine the matter further next week. If it needs further elucidation, we will notify all members so everybody knows the rules.

Motion agreed to.

House adjourned 7.45 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 , 14 November 2000

Education: Workcover premiums

868. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Education): In respect of the Department of Education, Employment and Training:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999-2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999-2000 were calculated.

(c) What were the Workcover claims costs for 1999-2000 as specified in the 2000-2001 initial premium notice.

(d) What is the Workcover initial premium for 2000-2001.

(e) What is the rateable remuneration on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Department and if there is more than one industry classification, what is the rateable remuneration of the Department for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Department provide an estimate of rateable remuneration to its Workcover agent in respect of 2000-2001 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Department budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000-2001.

ANSWER:

I am informed that:

(a) The WorkCover Initial Premium for 1999/00 was $26,459,964 (as at 15 July 2000). The 1999/00 Confirmed Premium has not yet been determined by WorkCover.

(b) The rateable remuneration on the basis of which the 1999/00 Initial Premium was calculated was $2,354,990,711.

(c) The WorkCover claims costs for the 1999/2000 as specified in the 2000/2001 initial premium notice was $3,984,638.

(d) The WorkCover Initial Premium for 2000-2001 is $37,324,772 (as at 15 July 2000, including 10% GST)

(e) The rateable remuneration on the basis of which the 2000/01 Initial Premium was calculated was $2,496,000,086.

(f) The WorkCover industry classifications and their rateable remuneration for the Department for 2000-2001 in respect of each industry classification are:

Industry Classification		Amount
J7112W	State Government Administration	$95,208,606
I6366C	Protection & Private Enquiry Services	$1,324,244
K8224J	Primary Schools, Non-Private	$1,123,606,005
K8226L	Secondary Schools, Non-Private	$1,110,338,970
K8227R	Combined Primary and Secondary Schools	$44,345,203
K8229V	Special Schools for Disabled Children Non-Private	$89,835,220
K8244T	Education Nec	$28,488,648
L9233C	Accommodation	$2,853,190

(g) The Department provided an estimate of rateable remuneration of $2,496,000,086 to its WorkCover agent in respect of 2000-2001 rateable remuneration on 24 May 2000.

(h) The Department calculated a budget prior to 30 June 2000 for WorkCover premiums for 2000-2001 of $31,815,000.

Education: Board of Studies — Workcover premiums

877. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Education): In respect of the Board of Studies:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999-2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999-2000 were calculated.

(c) What were the Workcover claims costs for 1999-2000 as specified in the 2000-2001 initial premium notice.

(d) What is the Workcover initial premium for 2000-2001.

(e) What is the rateable remuneration for the Board on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Board and if there is more than one industry classification, what is the rateable remuneration of the Board for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Board provide an estimate of rateable remuneration to its Workcover agent in respect of 2000-2001 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Board budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000-2001.

ANSWER:

I am informed as follows:

The Board's ongoing and sessional staff are covered under two separate WorkCover policies. Salaries for ongoing staff are included in the main Department of Education, Employment and Training corporate policy. The response to Question on Notice 868 includes these figures.

The following responses relate solely to sessional staff.

(a) The WorkCover initial premium for 1999-2000 was $19,846 (as at 10 July 1999). The 1999-2000 confirmed premium was $21,650.

(b) The rateable remuneration on the basis of which the 1999-2000 initial premium was calculated was $6,088,360. The rateable remuneration for the confirmed premium was $6,594,062.

(c) The WorkCover claims cost for 1999-2000 as specified in the 2000-2001 initial premium notice was NIL

(d) The WorkCover initial premium for 2000-2001 is $24,346 (as at 22 July 2000, including 10% GST).

(e) The rateable remuneration for the Board on the basis of which the initial premium for 2000-2001 was calculated was $6,700,000.

(f) The WorkCover industry classification for the Board is J7112W.

(g) Yes, the Board did provide an estimate of rateable remuneration to its WorkCover agent in respect of 2000-2001 rateable remuneration. The estimate rateable remuneration of $6,400,000 was provided on 26 April 2000. A revised rateable remuneration of $6,700,000 was subsequently provided on 28 August 2000.

(h) Prior to 30 June 2000 a budget of $25,000 was estimated by the Board for 2000-2001 WorkCover premium.

Education: registered Schools Board — Workcover premiums

881. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Education): In respect of the Registered Schools Board:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999-2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999-2000 were calculated.

(c) What were the Workcover claims costs for 1999-2000 as specified in the 2000-2001 initial premium notice.

(d) What is the Workcover initial premium for 2000-2001.

(e) What is the rateable remuneration for the Board on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Board and if there is more than one industry classification, what is the rateable remuneration of the Board for 2000-2001 in respect of which each industry classification is applicable

(g) Did the Board provide an estimate of rateable remuneration to its Workcover agent in respect of 2000-2001 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Board budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000-2001.

ANSWER:

I am informed as follows:

The Registered Schools Board is not a separately-reporting entity and its figures are included in those of the Department of Education, Employment and Training. The time and resources required to extract the relevant information requested cannot be justified on the grounds of limited public interest value and inappropriate use of Departmental resources.

Health: Medical Practitioners Board of Victoria — Workcover premiums

895. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): In respect of the Medical Practitioners Board of Victoria:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999-2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999-2000 were calculated.

(c) What were the Workcover claims costs for 1999-2000 as specified in the 2000-2001 initial premium notice.

(d) What is the Workcover initial premium for 2000-2001.

(e) What is the rateable remuneration for the Board on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Board and if there is more than one industry classification, what is the rateable remuneration of the Board for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Board provide an estimate of rateable remuneration to its Workcover agent in respect of 2000-2001 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Board budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000-2001.

ANSWER:

The Medical Practitioners Board of Victoria is a separately reporting entity and details of its financial operations are not held within my Department. The time and resources required to extract the relevant information requested cannot be justified on grounds of limited public interest value and inappropriate use of departmental resources.

Planning: Building Control Commission — Workcover premiums

964. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Planning): In respect of the Building Control Commission:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999-2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999-2000 were calculated.

(c) What were the Workcover claims costs for 1999-2000 as specified in the 2000-2001 initial premium notice.

(d) What is the Workcover initial premium for 2000-2001.

(e) What is the rateable remuneration for the Commission on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Commission and if there is more than one industry classification, what is the rateable remuneration of the Commission for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Commission provide an estimate of rateable remuneration to its Workcover agent in respect of 2000-2001 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Commission budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000-2001.

ANSWER:

(a)	Initial premium	$21,157
	Confirmed Premium	$21,173
(b)	Rateable Remuneration - Initial Premium	$3,850,000
	Rateable Remuneration - Confirmed Premium	$3,879,146
(c)	$nil	
(d)	$25,826	
(e)	$3,883,478	
(f)	J7112W	$3,883,478
(g)	26 April 2000	$3,883,478
(h)	$62,420	

Transport: Melbourne City Link Authority — Workcover premiums

969. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): In respect of the Melbourne City Link Authority:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999-2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999-2000 were calculated.

(c) What were the Workcover claims costs for 1999-2000 as specified in the 2000-2001 initial premium notice.

(d) What is the Workcover initial premium for 2000-2001.

(e) What is the rateable remuneration for the Authority on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Authority and if there is more than one industry classification, what is the rateable remuneration of the Authority for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Authority provide an estimate of rateable remuneration to its Workcover agent in respect of 2000-2001 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Authority budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000-2001.

ANSWER:

(a)	Initial Premium	$16,054
	Confirmed Premium	$12,784
(b)	Rateable Remuneration - Initial Premium	$3,700,000
	Rateable Remuneration - Confirmed Premium	$2,963,225

(c) $nil
(d) $22,307
(e) $4,440,000
(f) J7112W
(g) None provided
(h) $23,100

Ports: Melbourne Port Corporation — Workcover premiums

970. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Ports: In respect of the Melbourne Port Corporation:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999-2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999-2000 were calculated.

(c) What were the Workcover claims costs for 1999-2000 as specified in the 2000-2001 initial premium notice.

(d) What is the Workcover initial premium for 2000-2001.

(e) What is the rateable remuneration for the Corporation on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Corporation and if there is more than one industry classification, what is the rateable remuneration of the Corporation for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Corporation provide an estimate of rateable remuneration to its Workcover agent in respect of 2000-2001 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Corporation budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000-2001.

ANSWER:

(a)	Initial premium	$34,556
	Confirmed Premium	$33,282
(b)	Rateable Remuneration - Initial Premium	$5,795,185
	Rateable Remuneration - Confirmed Premium	$5,675,678
(c)	$nil	
(d)	$49,180	
(e)	$6,221,000	
(f)	J7112W	$5,790,000
	G5724X	$431,000
(g)	8 August 2000	$6,221,000
(h)	$34,663	

Planning: Plumbing Industry Commission — Workcover premiums

972. THE HON. P. A. KATSAMBANIS — To ask the Honourable the for Sport and Recreation (for the Honourable the Minister for Planning): In respect of the Plumbing Industry Commission:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999-2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999-2000 were calculated.

(c) What were the Workcover claims costs for 1999-2000 as specified in the 2000-2001 initial premium notice.

(d) What is the Workcover initial premium for 2000-2001.

(e) What is the rateable remuneration for the Commission on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Commission and if there is more than one industry classification, what is the rateable remuneration of the Commission for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Commission provide an estimate of rateable remuneration to its Workcover agent in respect of 2000-2001 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Commission budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000-2001.

ANSWER:

(a)	Initial Premium	$31,613
	Confirmed Premium	$21,986
(b)	Rateable Remuneration - Initial Premium	$2,560,800
	Rateable Remuneration - Confirmed Premium	$2,418.472
(c)	$619	
(d)	$35,820	
(e)	$2,886,000	
(f)	K8471T	
(g)	24/5/2000	$2,886,000
(h)	$37,500	

Transport: Vicroads — Workcover premiums

973. THE HON. P. A. KATSAMBANIS — To ask the Honourable the for Energy and Resources (for the Honourable the Minister for Transport): In respect of VicRoads:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999-2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999-2000 were calculated.

(c) What were the Workcover claims costs for 1999-2000 as specified in the 2000-2001 initial premium notice.

(d) What is the Workcover initial premium for 2000-2001.

(e) What is the rateable remuneration for VicRoads on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of VicRoads and if there is more than one industry classification, what is the rateable remuneration of VicRoads for 2000-2001 in respect of which each industry classification is applicable.

(g) Did VicRoads provide an estimate of rateable remuneration to its Workcover agent in respect of 2000-2001 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did VicRoads budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000-2001.

ANSWER:

(a) Initial Premium $2,821,021
Confirmed Premium $2,976,841

(b) Rateable Remuneration - Initial Premium $121,315,389
Rateable Remuneration - Confirmed Premium $123,257,144

(c) $258,026.

(d) $3,125,975

(e) $123,720,749.

(f)

Industry Classification	Amount
J7112W	$31,747,641
E4131X	$15,259,392
E4254X	$108,068
I6186V	$30,922,717
I6336R	$45,353,931
I6390C	$329,000

(g) 11 May 2000 $123,720,749

(h) $3,249,000.

Planning: Urban Land Corporation — Workcover premiums

974. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Planning): In respect of the Urban Land Corporation:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999-2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999-2000 were calculated.

(c) What were the Workcover claims costs for 1999-2000 as specified in the 2000-2001 initial premium notice.

(d) What is the Workcover initial premium for 2000-2001.

(e) What is the rateable remuneration for the Corporation on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Corporation and if there is more than one industry classification, what is the rateable remuneration of the Corporation for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Corporation provide an estimate of rateable remuneration to its Workcover agent in respect of 2000-2001 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Corporation budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000-2001.

ANSWER:

(a)	Initial premium	$34,349
	Confirmed Premium	$33,766
(b)	Rateable Remuneration - Initial Premium	$5,655,397
	Rateable Remuneration - Confirmed Premium	$5,867,679
(c)	$nil	
(d)	$27,564	
(e)	$4,748,645	
(f)	I6235J	$4,748,645
(g)	17 July 2000	$4,748,645
(h)	$60,000	

Local Government: Victoria Grants Commission — Workcover premiums

975. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Local Government): In respect of the Victoria Grants Commission:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999-2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999-2000 were calculated.

(c) What were the Workcover claims costs for 1999-2000 as specified in the 2000-2001 initial premium notice.

(d) What is the Workcover initial premium for 2000-2001.

(e) What is the rateable remuneration for the Commission on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Commission and if there is more than one industry classification, what is the rateable remuneration of the Commission for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Commission provide an estimate of rateable remuneration to its Workcover agent in respect of 2000-2001 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Commission budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000-2001.

ANSWER:

The Victoria Grants Commission is not a separately reporting entity and its figures are included in those of the Department of Infrastructure. The time and resources required to extract the relevant information requested cannot be justified on the grounds of limited public interest value and inappropriate use of departmental resources.

Ports: Victorian Channels Authority — Workcover premiums

976. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Ports: In respect of the Victorian Channels Authority:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999-2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999-2000 were calculated.

(c) What were the Workcover claims costs for 1999-2000 as specified in the 2000-2001 initial premium notice.

(d) What is the Workcover initial premium for 2000-2001.

(e) What is the rateable remuneration for the Authority on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Authority and if there is more than one industry classification, what is the rateable remuneration of the Authority for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Authority provide an estimate of rateable remuneration to its Workcover agent in respect of 2000-2001 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Authority budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000-2001.

ANSWER:

(a)	Initial Premium	$20,997
	Confirmed Premium	$17,464
(b)	Rateable Remuneration - Initial Premium	$3,210,000
	Rateable Remuneration - Confirmed Premium	$3,411,032
(c)	$3,244	
(d)	$31,376	
(e)	$3,852,000	
(f)	J7112W	$2,145,600
	G5724X	$1,706,400
(g)	None provided	
(h)	$20,942	

Local Government: Local Government and Planning Advisory Council — Workcover premiums

979. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Local Government): In respect of the Local Government and Planning Advisory Council:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999-2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999-2000 were calculated.

(c) What were the Workcover claims costs for 1999-2000 as specified in the 2000-2001 initial premium notice.

(d) What is the Workcover initial premium for 2000-2001.

(e) What is the rateable remuneration for the Council on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Council and if there is more than one industry classification, what is the rateable remuneration of the Council for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Council provide an estimate of rateable remuneration to its Workcover agent in respect of 2000-2001 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Council budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000-2001.

ANSWER:

The Local Government and Planning Advisory Council is not a separately reporting entity and its figures are included in those of the Department of Infrastructure. The time and resources required to extract the relevant information requested cannot be justified on the grounds of limited public interest value and inappropriate use of departmental resources.

Arts: Cinemedia — Workcover premiums

1066. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In respect of Cinemedia:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999–2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999–2000 were calculated.

(c) What were the Workcover claims costs for 1999–2000 as specified in the 2000–01 initial premium notice.

(d) What is the Workcover initial premium for 2000–01.

(e) What is the rateable remuneration for Cinemedia on the basis of which the initial premium for 2000–01 is calculated.

(f) What is the Workcover industry classification or classifications of Cinemedia and if there is more than one industry classification, what is the rateable remuneration of Cinemedia for 2000–01 in respect of which each industry classification is applicable.

(g) Did Cinemedia provide an estimate of rateable remuneration to its Workcover agent in respect of 2000–01 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did Cinemedia budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000–01.

ANSWER:

I am informed that:

For the purpose of WorkCover premium information, this agency is an employer in their own right and the Honourable member should seek information directly from them.

Arts: Council of Trustees of National Gallery of Victoria — Workcover premiums

1067. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In respect of the Council of Trustees of the National Gallery of Victoria:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999–2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999–2000 were calculated.

(c) What were the Workcover claims costs for 1999–2000 as specified in the 2000–01 initial premium notice.

(d) What is the Workcover initial premium for 2000–01.

(e) What is the rateable remuneration for the Council on the basis of which the initial premium for 2000–01 is calculated.

(f) What is the Workcover industry classification or classifications of the Council and if there is more than one industry classification, what is the rateable remuneration of the Council for 2000–01 in respect of which each industry classification is applicable.

(g) Did the Council provide an estimate of rateable remuneration to its Workcover agent in respect of 2000–01 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Council budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000–01.

ANSWER:

I am informed that:

For the purpose of WorkCover premium information, this agency is an employer in their own right and the Honourable member should seek information directly from them.

Arts: National Gallery of Victoria on Russell — Workcover premiums

1068. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In respect of the National Gallery of Victoria on Russell:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999–2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999–2000 were calculated.

(c) What were the Workcover claims costs for 1999–2000 as specified in the 2000–01 initial premium notice.

(d) What is the Workcover initial premium for 2000–01.

(e) What is the rateable remuneration for the Gallery on the basis of which the initial premium for 2000–01 is calculated.

(f) What is the Workcover industry classification or classifications of the Gallery and if there is more than one industry classification, what is the rateable remuneration of the Gallery for 2000–01 in respect of which each industry classification is applicable.

(g) Did the Gallery provide an estimate of rateable remuneration to its Workcover agent in respect of 2000–01 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Gallery budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000–01.

ANSWER:

I am informed that:

For the purpose of WorkCover premium information, this agency is an employer in their own right and the Honourable member should seek information directly from them.

Arts: Library Board of Victoria — Workcover premiums

1069. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In respect of the Library Board of Victoria:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999–2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999–2000 were calculated.

(c) What were the Workcover claims costs for 1999–2000 as specified in the 2000–01 initial premium notice.

(d) What is the Workcover initial premium for 2000–01.

(e) What is the rateable remuneration for the Board on the basis of which the initial premium for 2000–01 is calculated.

(f) What is the Workcover industry classification or classifications of the Board and if there is more than one industry classification, what is the rateable remuneration of the Board for 2000–01 in respect of which each industry classification is applicable.

(g) Did the Board provide an estimate of rateable remuneration to its Workcover agent in respect of 2000–01 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Gallery budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000–01.

ANSWER:

I am informed that:

For the purpose of WorkCover premium information, this agency is an employer in their own right and the Honourable member should seek information directly from them.

Arts: State Library of Victoria — Workcover premiums

1070. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In respect of the State Library of Victoria:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999–2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999–2000 were calculated.

(c) What were the Workcover claims costs for 1999–2000 as specified in the 2000–01 initial premium notice.

(d) What is the Workcover initial premium for 2000–01.

(e) What is the rateable remuneration for the Library on the basis of which the initial premium for 2000–01 is calculated.

(f) What is the Workcover industry classification or classifications of the Library and if there is more than one industry classification, what is the rateable remuneration of the Library for 2000–01 in respect of which each industry classification is applicable.

(g) Did the Library provide an estimate of rateable remuneration to its Workcover agent in respect of 2000–01 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Library budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000–01.

ANSWER:

I am informed that:

For the purpose of WorkCover premium information, this agency is an employer in their own right and the Honourable member should seek information directly from them.

Arts: Museums Board of Victoria — Workcover premiums

1071. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In respect of the Museums Board of Victoria:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999–2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999–2000 were calculated.

(c) What were the Workcover claims costs for 1999–2000 as specified in the 2000–01 initial premium notice.

(d) What is the Workcover initial premium for 2000–01.

(e) What is the rateable remuneration for the Board on the basis of which the initial premium for 2000–01 is calculated.

(f) What is the Workcover industry classification or classifications of the Board and if there is more than one industry classification, what is the rateable remuneration of the Board for 2000–01 in respect of which each industry classification is applicable.

(g) Did the Board provide an estimate of rateable remuneration to its Workcover agent in respect of 2000–01 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Board budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000–01.

ANSWER:

I am informed that:

For the purpose of WorkCover premium information, this agency is an employer in their own right and the Honourable member should seek information directly from them.

Arts: Museum Victoria — Workcover premiums

1072. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In respect of Museum Victoria:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999–2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999–2000 were calculated.

(c) What were the Workcover claims costs for 1999–2000 as specified in the 2000–01 initial premium notice.

(d) What is the Workcover initial premium for 2000–01.

(e) What is the rateable remuneration for the Museum on the basis of which the initial premium for 2000–01 is calculated.

(f) What is the Workcover industry classification or classifications of the Board and if there is more than one industry classification, what is the rateable remuneration of the Museum for 2000–01 in respect of which each industry classification is applicable.

(g) Did the Museum provide an estimate of rateable remuneration to its Workcover agent in respect of 2000–01 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Museum budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000–01.

ANSWER:

I am informed that:

For the purpose of WorkCover premium information, this agency is an employer in their own right and the Honourable member should seek information directly from them.

Arts: Geelong Performing Arts Centre Trust — Workcover premiums

1073. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In respect of the Geelong Performing Arts Centre Trust:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999–2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999–2000 were calculated.

(c) What were the Workcover claims costs for 1999–2000 as specified in the 2000–01 initial premium notice.

(d) What is the Workcover initial premium for 2000–01.

(e) What is the rateable remuneration for the Trust on the basis of which the initial premium for 2000–01 is calculated.

(f) What is the Workcover industry classification or classifications of the Trust and if there is more than one industry classification, what is the rateable remuneration of the Trust for 2000–01 in respect of which each industry classification is applicable.

(g) Did the Trust provide an estimate of rateable remuneration to its Workcover agent in respect of 2000–01 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Trust budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000–01.

ANSWER:

I am informed that:

For the purpose of WorkCover premium information, this agency is an employer in their own right and the Honourable member should seek information directly from them.

Arts: Public Records Advisory Council — Workcover premiums

1074. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In respect of the Public Records Advisory Council:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999–2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999–2000 were calculated.

(c) What were the Workcover claims costs for 1999–2000 as specified in the 2000–01 initial premium notice.

(d) What is the Workcover initial premium for 2000–01.

(e) What is the rateable remuneration for the Council on the basis of which the initial premium for 2000–01 is calculated.

(f) What is the Workcover industry classification or classifications of the Council and if there is more than one industry classification, what is the rateable remuneration of the Council for 2000–01 in respect of which each industry classification is applicable.

(g) Did the Council provide an estimate of rateable remuneration to its Workcover agent in respect of 2000–01 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Council budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000–01.

ANSWER:

I am informed that:

The Public Records Advisory Council is not an employer and therefore does not attract WorkCover premiums.

Arts: Victorian Arts Centre Trust — Workcover premiums

1075. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In respect of the Victorian Arts Centre Trust:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999–2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999–2000 were calculated.

(c) What were the Workcover claims costs for 1999–2000 as specified in the 2000–01 initial premium notice.

(d) What is the Workcover initial premium for 2000–01.

(e) What is the rateable remuneration for the Trust on the basis of which the initial premium for 2000–01 is calculated.

(f) What is the Workcover industry classification or classifications of the Trust and if there is more than one industry classification, what is the rateable remuneration of the Trust for 2000–01 in respect of which each industry classification is applicable.

(g) Did the Trust provide an estimate of rateable remuneration to its Workcover agent in respect of 2000–01 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Trust budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000–01.

ANSWER:

I am informed that:

For the purpose of WorkCover premium information, this agency is an employer in their own right and the Honourable member should seek information directly from them.

Arts: Victorian Council of the Arts — Workcover premiums

1076. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In respect of the Victorian Council of the Arts:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999–2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999–2000 were calculated.

(c) What were the Workcover claims costs for 1999–2000 as specified in the 2000–01 initial premium notice.

(d) What is the Workcover initial premium for 2000–01.

(e) What is the rateable remuneration for the Council on the basis of which the initial premium for 2000–01 is calculated.

(f) What is the Workcover industry classification or classifications of the Council and if there is more than one industry classification, what is the rateable remuneration of the Council for 2000–01 in respect of which each industry classification is applicable.

(g) Did the Council provide an estimate of rateable remuneration to its Workcover agent in respect of 2000–01 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Council budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000–01.

ANSWER:

I am informed that:

The Victorian Council of the Arts is not an employer and therefore does not attract WorkCover premiums.

Major Projects and Tourism: Australian Grand Prix Corporation — Workcover premiums

1086. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Major Projects and Tourism): In respect of the Australian Grand Prix Corporation:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999–2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999–2000 were calculated.

(c) What were the Workcover claims costs for 1999–2000 as specified in the 2000–01 initial premium notice.

(d) What is the Workcover initial premium for 2000–01.

(e) What is the rateable remuneration for the Corporation on the basis of which the initial premium for 2000–01 is calculated.

(f) What is the Workcover industry classification or classifications of the Corporation and if there is more than one industry classification, what is the rateable remuneration of the Corporation for 2000–01 in respect of which each industry classification is applicable.

(g) Did the Corporation provide an estimate of rateable remuneration to its Workcover agent in respect of 2000–01 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Corporation budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000–01.

ANSWER:

In respect of the Australian Grand Prix Corporation –

(a) The initial WorkCover premium for 1999-2000 was $39,623.23 less a 5% discount for early payment. The confirmed premium is not yet known.

(b) The rateable remuneration on which the initial premium was calculated for 1999-2000 was $3,636,721.

(c) The estimated cost of WorkCover claims for 1999-2000 as specified in the 2000-2001 initial premium notice was Nil.

(d) The WorkCover initial premium for 2000-2001 is $47,245.50 excluding GST but has a 5% discount for early payment.

(e) The rateable remuneration on which the initial premium for 2000-2001 is calculated is $4,364,065.

(f) The WorkCover industry classification of the Corporation is L 9149 R Industry (Sport and Recreation N.E.C including Promoting, Administering and Teaching).

(g) The Corporation accepted an estimate of rateable remuneration for 2000-2001 provided by its WorkCover agent, which was based on the previous year's rateable remuneration.

(h) The Corporation estimated that it would pay $40,000 excluding GST in WorkCover premiums for 2000-2001 prior to 30 June 2000.

Major Projects and Tourism: Emerald Tourist Railway Board — Workcover premiums

1087. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Major Projects and Tourism): In respect of the Emerald Tourist Railway Board:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999–2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999–2000 were calculated.

(c) What were the Workcover claims costs for 1999–2000 as specified in the 2000–01 initial premium notice.

(d) What is the Workcover initial premium for 2000–01.

(e) What is the rateable remuneration for the Board on the basis of which the initial premium for 2000–01 is calculated.

(f) What is the Workcover industry classification or classifications of the Board and if there is more than one industry classification, what is the rateable remuneration of the Board for 2000–01 in respect of which each industry classification is applicable.

(g) Did the Board provide an estimate of rateable remuneration to its Workcover agent in respect of 2000–01 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Board budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000–01.

ANSWER:

In respect of the Emerald Tourist Railway Board:

(a) The WorkCover Initial Premium for 1999-2000 was $52,954. The Confirmed Premium for 1999-2000 is yet to be received.

(b) The rateable remuneration on the basis of which the 1999-2000 Initial Premium was calculated was $1,957,620.

(c) The WorkCover claims costs for 1999-200 as specified in the 2000-2001 initial premium notice was $35,532.

(d) The WorkCover Initial Premium for 2000-2001 is $72,624 excluding GST and Net of 5% discount.

(e) The rateable remuneration on the basis of which the 2000-2001 Initial Premium was calculated was $1,928,330.

(f) The WorkCover industry classification of the Board is L9149R – Sport and Recreation NEC.

(g) The Board provided an estimate of rateable remuneration of $1,928,330 to its WorkCover agent in respect of 2000-2001 rateable remuneration on 17 April 2000.

(h) The Board calculated a budget prior to 30 June 2000 for WorkCover premiums for 2000-2001 of $57,600.

*Please note that all figures exclude GST.

Major Projects and Tourism: Melbourne Convention and Exhibition Trust — Workcover premiums

1088. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Major Projects and Tourism): In respect of the Melbourne Convention and Exhibition Trust:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999–2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999–2000 were calculated.

(c) What were the Workcover claims costs for 1999–2000 as specified in the 2000–01 initial premium notice.

(d) What is the Workcover initial premium for 2000–01.

(e) What is the rateable remuneration for the Trust on the basis of which the initial premium for 2000–01 is calculated.

(f) What is the Workcover industry classification or classifications of the Trust and if there is more than one industry classification, what is the rateable remuneration of the Trust for 2000–01 in respect of which each industry classification is applicable.

(g) Did the Trust provide an estimate of rateable remuneration to its Workcover agent in respect of 2000–01 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Trust budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000–01.

ANSWER:

In respect of the Melbourne Convention and Exhibition Trust –

(a) The WorkCover initial premium for 1999-2000 was $122,782.49. The confirmed premium for 1999-2000 was $215,557.

(b) The rateable remuneration on the basis of which the 1999-2000 initial premium was calculated was $10,557,806. The rateable remuneration on the basis of which the 1999-2000 confirmed premium was calculated was $11,940,969.

(c) The WorkCover claims costs for 1999-2000 as specified in the 2000-2001 initial premium notice was $93,271.

(d) The WorkCover initial premium for 2000-2001 is $212,050.39, including GST.

(e) The rateable remuneration for the Trust on the basis of which the initial premium for 2000-2001 is calculated is $11,898,846.

(f) The WorkCover industry classification is Property Operators and Developers N.E.C. (excluding provision of accommodation services).

(g) The Trust provided an estimate of rateable remuneration of $11,898,846 to its WorkCover agent in respect of 2000-2001 rateable remuneration on 1 May 2000.

(h) The Trust calculated a budget prior to 30 June 2000 for WorkCover premiums for 2000-2001 of $300,000. This estimate reflected an anticipated increase in the 2000-2001 premium following recent payment of several WorkCover claims.

Major Projects and Tourism: Tourism Victoria — Workcover premiums

1089. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Major Projects and Tourism): In respect of Tourism Victoria:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999–2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999–2000 were calculated.

(c) What were the Workcover claims costs for 1999–2000 as specified in the 2000–01 initial premium notice.

(d) What is the Workcover initial premium for 2000–01.

(e) What is the rateable remuneration for Tourism Victoria on the basis of which the initial premium for 2000–01 is calculated.

(f) What is the Workcover industry classification or classifications of Tourism Victoria and if there is more than one industry classification, what is the rateable remuneration of Tourism Victoria for 2000–01 in respect of which each industry classification is applicable.

(g) Did Tourism Victoria provide an estimate of rateable remuneration to its Workcover agent in respect of 2000–01 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did Tourism Victoria budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000–01.

ANSWER:

Figures for Tourism Victoria were included in those of the Department of State and Regional Development which were provided in the answer to Question No. 874. To provide the information requested would require an inordinate amount of time and resources which are not available.

[Hansard reference — See 31 October 2000, page 1045.]

Treasurer: Land Tax Hardship Relief Board — Workcover premiums

1094. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): In respect of the Land Tax Hardship Relief Board:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999–2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999–2000 were calculated.

(c) What were the Workcover claims costs for 1999–2000 as specified in the 2000–01 initial premium notice.

(d) What is the Workcover initial premium for 2000–01.

(e) What is the rateable remuneration for the Board on the basis of which the initial premium for 2000–01 is calculated.

(f) What is the Workcover industry classification or classifications of the Board and if there is more than one industry classification, what is the rateable remuneration of the Board for 2000–01 in respect of which each industry classification is applicable.

(g) Did the Board provide an estimate of rateable remuneration to its Workcover agent in respect of 2000–01 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Board budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000–01.

ANSWER:

I am informed that:

The Land Tax Hardship Relief Board is not a reporting entity for WorkCover premium purposes.

Workcover: Victorian Workcover Authority — Workcover premiums

1108. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Workcover): In respect of the Victorian Workcover Authority:

(a) What was the Workcover initial premium and, if known, confirmed premium for 1999–2000.

(b) What was the rateable remuneration on the basis of which the initial annual premium and, if known, the confirmed premium for 1999–2000 were calculated.

(c) What were the Workcover claims costs for 1999–2000 as specified in the 2000–01 initial premium notice.

(d) What is the Workcover initial premium for 2000–01.

(e) What is the rateable remuneration for the Authority on the basis of which the initial premium for 2000–01 is calculated.

(f) What is the Workcover industry classification or classifications of the Authority and if there is more than one industry classification, what is the rateable remuneration of the Authority for 2000–01 in respect of which each industry classification is applicable.

(g) Did the Authority provide an estimate of rateable remuneration to its Workcover agent in respect of 2000–01 rateable remuneration; if so, when was that estimate provided and what was the estimate of rateable remuneration so provided.

(h) What amount did the Authority budget or estimate prior to 30 June 2000 that it would be required to pay in Workcover premiums for 2000–01.

ANSWER:

I am informed that:

(a) The Victorian WorkCover Authority's (The Authority's) initial premium for 1999/2000 was $449,148.65. However, as it was paid early it received a 5% discount which reduced the payment to $426,691.22. The Authority's confirmed premium for 1999/2000 was $531,570.48.

(b) The Authority's rateable remuneration for the initial annual premium was $37,804,682.00 and for the confirmed premium for 1999/2000 it was $39,940,689.67.

(c) The Authority's claims costs for 1999/2000, as specified in the 2000/2001 premium notice, were $385,745.

(d) The Authority's initial premium for 2000/2001 is $788,719.12.

(e) The Authority's rateable remuneration based on the initial premium for 2000/2001 is $42,349,207.

(f) The Authority's industry classifications and rateable remuneration for 2000/2001 for each industry classification are:

Classification	**Rateable Remuneration 2000/2001**
General Insurance	$22,150,223
Justice (Operation or Administration)	$3,935,110
State Government Administration	$16,263,873

(g) The Authority provided its estimate of rateable remuneration to its WorkCover agent in respect of 2000/2001 on 1 May 2000. The estimate was $42,349,205.

(h) The amount the Authority budgeted prior to 30 June 2000 to cover premiums for 2000/2001 was $471,466.

Consumer Affairs: pawnbroking industry report

1111. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Consumer Affairs: Can the Minister advise what action has been taken by Consumer and Business Affairs Victoria to implement the recommendations included in the report commissioned by the Government and undertaken by the Good Shepherd Youth and Family Services into the pawnbroking industry.

ANSWER:

The Good Shepherd report made recommendations on a variety of aspects of the pawnbroking industry, including modifications to the existing regulation process and enhanced monitoring of pawnbroking outlets.

I have asked Consumer and Business Affairs Victoria to undertake a review of the regulation of pawnbrokers, and this is currently being done.

The review will be informed by the Good Shepherd's report and will incorporate wide community and industry consultation. A discussion paper will be issued shortly as part of the consultative process.

I look forward to receiving the final report, so appropriate and informed action can be taken to address the regulation of the pawnbroking industry.

Consumer Affairs: problem industries

1115. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Consumer Affairs: In relation to information on the Department of Justice website, stating that key initiatives in the 2000–01 State Budget for Consumer Affairs include 'improving the standard of trading in problem industries'.

(a) What is the definition of a "problem" industry.

(b) How will they be identified.

(c) How will they be improved.

ANSWER:

(a) There is no precise definition of a "problem industry". Practices which are unfair, unconscionable, anti competitive, breach the legislation or are of a systemic nature are factors which assist in the identification of problem industries.

(b) Consumer and Business Affairs Victoria receives important data on unfair market practices from the call centre. Statistics are analysed on a monthly basis to identify problem traders and practices. In addition a thorough analysis is undertaken of the written complaints received in CBAV. This will also be extended to data held by the Victorian Civil and Administrative Tribunal. CBAV has in place a program for activity in seven industries in 2000/01.

(c) A wide range of tools will be used. Ranging from the supply of information to traders and consumers of their rights and responsibilities, warnings or the use of a wide range of enforcement tools. A review of practices will be put in place to determine whether the program has had an effect on trader and consumer behaviour. In addition recommendations will be made on the need for legislative reform, where appropriate.

Consumer Affairs: legislative reviews

1116. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Consumer Affairs: In relation to information of the Department of Justice website, stating that key initiatives in the 2000–01 State Budget for Consumer Affairs include 'reviews of existing legislation to ensure adequate consumer protection'.

(a) Are there any legislation reviews already taking place; if so, what are they.

(b) Which acts are set to be reviewed in the future.

ANSWER:

As I have indicated in my reply to another question from the Honourable Member, a review of the regulation of pawnbroking – under the *Second-Hand Dealers and Pawnbrokers Act* 1989 – is under way.

Consumer and Business Affairs Victoria is fully involved in the current review of the *Residential Tenancies Act* 1997 initiated by the Minister for Housing in consultation with the Attorney-General, the Minister for Planning and myself.

The *Fundraising Appeals Act* 1998 is also under review, as there have been many complaints that the previous government imposed regulation too broadly, without any real benefit to ordinary people making donations.

Other legislative review initiatives will be announced from time to time.

Energy and Resources: electricity tariffs

1119. THE HON. R. M. HALLAM — To ask the Honourable the Minister for Energy and Resources: What has changed since the election of the Government to cause the dumping of the specific policy commitment to retain uniform electricity tariffs.

ANSWER:

I am informed that:

The Government was elected with a commitment to ensure that Victorian electricity consumers, and in particular consumers in regional and rural Victoria, would not be disadvantaged by the removal of the maximum uniform electricity tariff on 1 January 2001.

The Government has legislated to ensure that it has the reserve power to regulate retail prices for electricity where necessary. The *Electricity Industry Act 1993* was amended to provide for possible regulation by Order in Council of tariffs for prescribed customers. This power will provide a safety net for customers, particularly those in regional and rural areas.

The five electricity distribution businesses gazetted tariffs on 31 October, as required by the *Electricity Industry Act 1993*, to apply from 1 January 2001. The new tariffs reflect the Government's commitment that no Victorian would be disadvantaged by the removal of the maximum uniform tariff.

The staged introduction of full retail competition will provide further incentives and opportunities for price reductions in the charge for the energy component of the consumer's bill. Competition will also encourage further service improvements for all users, including rural and regional users.

The distribution companies receive equalisation payments for their use of the transmission network. This provides a subsidy of $100 million for rural and regional electricity prices over the next five years.

In these circumstances, the Government has been able to meet its policy commitments on electricity tariffs

Community Services: commonwealth–state disability agreement

1121. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services): In relation to funding for unmet needs under the commonwealth–state disability agreement for day programs, in each of the years 2000–01 and 2001–02:

(a) What new funds will the commonwealth provide to Victoria.

(b) What new funds will the commonwealth provide to each of the other states and territories.

(c) What is the amount of additional recurrent funding Victoria has committed from its own resources.

(d) What is the amount of additional capital funding Victoria has committed from its own resources.

ANSWER:

(a) What new funds will the Commonwealth provide to Victoria?

In total, the funds allocated to Victoria by the Commonwealth under the bilateral agreement on unmet needs under the Commonwealth State Disability Agreement are $12.29 million in 2000/2001 and $24.58 million. These are to be allocated to Programs defined in the bilateral as:

> Respite for the carer: includes programs providing respite to the carer or in-home support type services which enable the person with a disability to remain in their usual place of residence.
>
> Service types provided in rural and remote areas may need to be of a more innovative or flexible nature but aimed at sustaining the family in their usual surroundings.

None of the new funds allocated to Victoria as part of the bilateral agreement have been allocated to day programs in 2000/2001.

Decisions on the allocation of the 2001/2002 funding will be taken in accordance with the bilateral agreement as part of the 2001/2002 State Budget processes.

(b) What new funds will the Commonwealth provide to each of the other states and territories?

Funds to other States and Territories are allocated on the basis of the prevalence of severe and profound handicap as set out in clause 8(9) of the CSDA. The following table details the Commonwealth allocation to each of the other States and Territories.

States and Territories	2000-2001	2001-2002
NSW	$16.84 million	$33.68 million
QLD	$9.155 million	$18.31 million
WA	$4.905 million	$9.81 million
SA	$4.045 million	$8.09 million
TAS	$1.315 million	*
ACT	$0.845 million	$1.69 million
NT	$0.605 million	$1.21 million

* The bilateral agreement with Tasmania states that the Commonwealth will not confirm its additional funding in 2001/2002 until Tasmania advises the Commonwealth of its additional funding for 2001/2002.

No additional information on how funds are split between programs in other States and Territories is included in copies of bilateral agreements received.

(c) What is the amount of additional recurrent funding Victoria has committed from its own resources?

In total, the Victorian Government has allocated an additional $38.4 million for new services in 2000/2001 and 2001/2002.

The specific allocation for day programs is $1 million in 2000/2001. Although the budget for 2001/2002 is yet to be finalised, it is anticipated this allocation will be maintained in 2001/2002.

(d) What is the amount of capital funding Victoria has committed from its own resources?

None of the new capital funds allocated by Victoria to cover unmet needs has been allocated to day programs.

Community Services: commonwealth–state disability agreement

1122. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services): In relation to funding for unmet needs under the Commonwealth State Disability Agreement for home support, in each of the years 2000–01 and 2001–02:

(a) What new funds will the Commonwealth provide to Victoria.

(b) What new funds will the Commonwealth provide to each of the other states and territories.

(c) What is the amount of additional recurrent funding Victoria has committed from its own resources.

(d) What is the amount of additional capital funding Victoria has committed from its own resources.

ANSWER:

(a) What new funds will the Commonwealth provide to Victoria?

In total, the funds allocated to Victoria by the Commonwealth under the bilateral agreement on unmet needs under the Commonwealth State Disability Agreement are $12.29 million in 2000/2001 and $24.58 million. These are to be allocated to Programs defined in the bilateral as:

Respite for the carer: includes programs providing respite to the carer or in-home support type services which enable the person with a disability to remain in their usual place of residence.

Service types provided in rural and remote areas may need to be of a more innovative or flexible nature but aimed at sustaining the family in their usual surroundings.

$7.8 million of the new funds allocated to Victoria as part of the bilateral agreement have been allocated to in-home support services in 2000/2001. Expenditure of these funds is being monitored and the allocation may be varied following a review of cash flows. In addition, $2.5 million has been all allocated in 2000/2001 to the provision of flexible care packages through the *Making a Difference* program, which aims to assist families and carers to care for people with a disability at home.

Decisions on the allocation of the 2001/2002 funding will be taken in accordance with the bilateral agreement as part of the 2001/2002 State Budget processes.

(b) What new funds will the Commonwealth provide to each of the other states and territories?

Funds to other States and Territories are allocated on the basis of the prevalence of severe and profound handicap as set out in clause 8(9) of the CSDA. The following table details the Commonwealth allocation to each of the other States and Territories.

States and Territories	2000-2001	2001-2002
NSW	$16.84 million	$33.68 million
QLD	$9.155 million	$18.31 million
WA	$4.905 million	$9.81 million
SA	$4.045 million	$8.09 million
TAS	$1.315 million	*
ACT	$0.845 million	$1.69 million
NT	$0.605 million	$1.21 million

* The bilateral agreement with Tasmania states that the Commonwealth will not confirm its additional funding in 2001/2002 until Tasmania advises the Commonwealth of its additional funding for 2001/2002.

No additional information on how funds are split between programs in other States and Territories is included in copies of bilateral agreements received.

(c) What is the amount of additional recurrent funding Victoria has committed from its own resources?

In total, the Victorian Government has allocated an additional $38.4 million for new services in 2000/2001 and 2001/2002.

The specific allocation for in-home support services is $3.6 million in 2000/2001. Expenditure of these funds is being monitored and the allocation may be varied following a review of cash flows. In addition, $2.5 million has been all allocated in 2000/2001 to the provision of flexible care packages through the *Making a Difference* program. Although the budget for 2001/2002 is yet to be finalised, it is anticipated these allocations will be maintained in 2001/2002.

(d) What is the amount of capital funding Victoria has committed from its own resources?

None of the new capital funds allocated by Victoria to cover unmet needs has been allocated to in-home support programs or flexible care packages.

Community Services: commonwealth–state disability agreement

1123. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services): In relation to funding for unmet needs under the Commonwealth State Disability Agreement for respite services, in each of the years 2000–01 and 2001–2002:

(a) What new funds will the Commonwealth provide to Victoria.

(b) What new funds will the Commonwealth provide to each of the other states and territories.

(c) What is the amount of additional recurrent funding Victoria has committed from its own resources.

(d) What is the amount of additional capital funding Victoria has committed from its own resources.

ANSWER:

(a) What new funds will the Commonwealth provide to Victoria?

In total, the funds allocated to Victoria by the Commonwealth under the bilateral agreement on unmet needs under the Commonwealth State Disability Agreement are $12.29 million in 2000/2001 and $24.58 million. These are to be allocated to Programs defined in the bilateral as:

> Respite for the carer: includes programs providing respite to the carer or in-home support type services which enable the person with a disability to remain in their usual place of residence.
>
> Service types provided in rural and remote areas may need to be of a more innovative or flexible nature but aimed at sustaining the family in their usual surroundings.

$2 million of the new funds allocated to Victoria as part of the bilateral agreement have been allocated to respite services in 2000/2001.

Decisions on the allocation of the 2001/2002 funding will be taken in accordance with the bilateral agreement as part of the 2001/2002 State Budget processes.

(b) What new funds will the Commonwealth provide to each of the other states and territories?

Funds to other States and Territories are allocated on the basis of the prevalence of severe and profound handicap as set out in clause 8(9) of the CSDA. The following table details the Commonwealth allocation to each of the other States and Territories.

States and Territories	2000-2001	2001-2002
NSW	$16.84 million	$33.68 million
QLD	$9.155 million	$18.31 million
WA	$4.905 million	$9.81 million
SA	$4.045 million	$8.09 million
TAS	$1.315 million	*
ACT	$0.845 million	$1.69 million
NT	$0.605 million	$1.21 million

* The bilateral agreement with Tasmania states that the Commonwealth will not confirm its additional funding in 2001/2002 until Tasmania advises the Commonwealth of its additional funding for 2001/2002.

No additional information on how funds are split between programs in other States and Territories is included in copies of bilateral agreements received.

(c) What is the amount of additional recurrent funding Victoria has committed from its own resources?

In total, the Victorian Government has allocated an additional $38.4 million for new services in 2000/2001 and 2001/2002.

The specific allocation for respite services is $2 million in 2000/2001. Although the budget for 2001/2002 is yet to be finalised, it is anticipated this allocation will be maintained in 2001/2002.

(d) What is the amount of capital funding Victoria has committed from its own resources?

None of the new capital funds allocated by Victoria to cover unmet needs has been allocated to respite services.

Community Services: commonwealth–state disability agreement

1124. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services): In relation to funding for unmet needs under the Commonwealth State Disability Agreement for out of home accommodation, in each of the years 2000–01 and 2001–02:

(a) What new funds will the Commonwealth provide to Victoria.

(b) What new funds will the Commonwealth provide to each of the other states and territories.

(c) What is the amount of additional recurrent funding Victoria has committed from its own resources.

(d) What is the amount of additional capital funding Victoria has committed from its own resources.

ANSWER:

(a) What new funds will the Commonwealth provide to Victoria?

In total, the funds allocated to Victoria by the Commonwealth under the bilateral agreement on unmet needs under the Commonwealth State Disability Agreement are $12.29 million in 2000/2001 and $24.58 million. These are to be allocated to Programs defined in the bilateral as:

> Respite for the carer: includes programs providing respite to the carer or in-home support type services which enable the person with a disability to remain in their usual place of residence.
>
> Service types provided in rural and remote areas may need to be of a more innovative or flexible nature but aimed at sustaining the family in their usual surroundings.

None of the new funds allocated to Victoria as part of the bilateral agreement have been allocated to out of home accommodation as such services fall outside the above definitions.

(b) What new funds will the Commonwealth provide to each of the other states and territories?

Funds to other States and Territories are allocated on the basis of the prevalence of severe and profound handicap as set out in clause 8(9) of the CSDA. The following table details the Commonwealth allocation to each of the other States and Territories.

States and Territories	2000-2001	2001-2002
NSW	$16.84 million	$33.68 million
QLD	$9.155 million	$18.31 million
WA	$4.905 million	$9.81 million
SA	$4.045 million	$8.09 million
TAS	$1.315 million	*
ACT	$0.845 million	$1.69 million
NT	$0.605 million	$1.21 million

* The bilateral agreement with Tasmania states that the Commonwealth will not confirm its additional funding in 2001/2002 until Tasmania advises the Commonwealth of its additional funding for 2001/2002.

No additional information on how funds are split between programs in other States and Territories is included in copies of bilateral agreements received.

(c) What is the amount of additional recurrent funding Victoria has committed from its own resources?

In total, the Victorian Government has allocated an additional $38.4 million for new services in 2000/2001 and 2001/2002.

The specific allocation for out of home accommodation is $5.3 million in 2000/2001. Although the budget for 2001/2002 is yet to be finalised, it is anticipated this allocation will be increased in 2001/2002 to $5.8 million.

Additional funds have also been allocated to congregate care redevelopments, including the redevelopment of Kew Residential Services. These funds total $3.9 million in 2000/2001. The budget for 2001/2002 is yet to be finalised and allocations will depend on progress with redevelopments.

(d) What is the amount of capital funding Victoria has committed from its own resources?

New capital funds of $12 million in 2000/2001 have been allocated by Victoria to assist in meeting unmet needs for out of home accommodation. The budget for 2001/2002 is yet to be finalised.

Education: CPSU industrial agreement

1135. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Education): What is the expected cost of the recent CPSU industrial agreement for public servants in the Minister's department for 2000–01 and 2001–02, respectively.

ANSWER:

I am informed as follows:

The one year agreement provides a 3% pay increase for all staff covered by the Agreement.

The funding for this 3% was included in the budget forward estimates for 2000/2001.

This funding arrangement is at the same per annum increase as had applied under the former Government for the two and a half year enterprise agreements effective from December 1997.

The agreement also provides for a fairer method of distribution of performance pay. The funding arrangements for these amounts are the same as those applying to the 1997 round of agreements. Departments fund these payments from within existing budget.

This includes an increase of 1% for staff who meet or exceed expectations.

The agreement also provides for a further payment, either as a bonus, pay increase or a combination of both, to staff who exceed expectations. On average, this payment will also be 1%. In this Department, the amount is 1%.

It is the distribution of the payments that has changed, not the cost to the budget or to departments.

Industrial Relations: CPSU industrial agreement

1137. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Industrial Relations: What is the expected cost of the recent CPSU industrial agreement for public servants in her department for 2000–01 and 2001–02, respectively.

ANSWER:

The one year agreement provides a 3% pay increase for all staff covered by the agreement.

The funding for this 3% was included in the budget forward estimates for 2000/2001.

This funding arrangement is at the same per annum increase as had applied under the former Government for the two and a half year enterprise agreements effective from December 1997.

The agreement also provides for a fairer method of distribution of performance pay. The funding arrangements for these amounts are the same as those applying to the 1997 round of agreements. Departments fund these payments from within existing budget.

This includes an increase of 1% for staff who meet or exceed expectations.

The agreement also provides for a further payment, either as a bonus, pay increase or a combination of both, to staff who exceed expectations. In the Department of State and Regional Development, the amount is 2.9 %.

It is the distribution of the payments that has changed, not the cost to the budget or to departments.

Small Business: CPSU industrial agreement

1140. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Small Business: What is the expected cost of the recent CPSU industrial agreement for public servants in her department for 2000–01 and 2001–02, respectively.

ANSWER:

The one year agreement provides a 3% pay increase for all staff covered by the agreement.

The funding for this 3% was included in the budget forward estimates for 2000/2001.

This funding arrangement is at the same per annum increase as had applied under the former Government for the two and a half year enterprise agreements effective from December 1997.

The agreement also provides for a fairer method of distribution of performance pay. The funding arrangements for these amounts are the same as those applying to the 1997 round of agreements. Departments fund these payments from within existing budget.

This includes an increase of 1% for staff who meet or exceed expectations.

The agreement also provides for a further payment, either as a bonus, pay increase or a combination of both, to staff who exceed expectations. In the Department of State and Regional Development, the amount is 2.9 %.

It is the distribution of the payments that has changed, not the cost to the budget or to departments.

Arts: performance works funding grant

1142. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In relation to the government's performance works funding grant and its election platform to rejuvenate regional Victoria:

(a) Which artists and producers from regional communities have benefited from this fund since October 1999.

(b) How has this fund supported Victoria's independent Arts professionals in the creation, production and presentation of diverse artistic endeavours in Victoria's rural and regional areas.

(c) How much funding was each artist and/or producer awarded.

(d) Over what time span will this money be allocated to the artist and/or producer.

ANSWER:

I am informed that:

Information on the Government's arts funding programs and the outcomes of each grant round are available on Arts Victoria's website and/or in Arts Victoria publications.

Arts: arts development program fund

1143. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In relation to the government's arts development program fund and its election platform to rejuvenate regional Victoria:

(a) Which artists and producers from regional communities have benefited from this fund since October 1999.

(b) How has this fund supported Victoria's independent Arts professionals in the creation, production and presentation of diverse artistic endeavours in Victoria's rural and regional areas.

(c) How much funding was each artist and/or producer awarded.

(d) Over what time span will this money be allocated to the artist and/or producer.

ANSWER:

I am informed that:

Information on the Government's arts funding programs and the outcomes of each grant round are available on Arts Victoria's website and/or in Arts Victoria publications.

Arts: professional development fund

1144. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In relation to the government's professional development fund and its election platform to rejuvenate regional Victoria:

(a) Which artists and producers from regional communities have benefited from this Fund since October 1999.

(b) How has this Fund supported Victoria's independent Arts professionals in the creation, production and presentation of diverse artistic endeavours in Victoria's rural and regional areas.

(c) How much funding was each artist and/or producer awarded.

(d) Over what time span will this money be allocated to the artist and/or producer.

ANSWER:

I am informed that:

Information on the Government's arts funding programs and the outcomes of each grant round are available on Arts Victoria's website and/or in Arts Victoria publications.

Arts: export and touring fund

1145. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In relation to the government's export and touring fund, which is part of the International Market Development Strategy:

(a) Which rural and regional professional artists and arts organisations have benefited from the International Market Development strategy since October 1999.

(b) How much funding was each artist and/or organisation awarded.

(c) Over what time span will this money be allocated to the artists and/or organisations.

ANSWER:

I am informed that:

Information on the Government's arts funding programs and the outcomes of each grant round are available on Arts Victoria's website and/or in Arts Victoria publications.

Arts: cultural exchange fund

1146. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In relation to the government's cultural exchange fund, which is part of the International Market Development Strategy Grant:

(a) Which rural and regional professional artists and arts organisations have benefited from this Fund since October 1999.

(b) How much funding was each artist and/or organisation awarded.

(c) Over what time span will this funding be allocated to the artists and/or organisations.

ANSWER:

I am informed that:

Information on the Government's arts funding programs and the outcomes of each grant round are available on Arts Victoria's website and/or in Arts Victoria publications.

Arts: organisations development fund

1147. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts). In relation to the government's organisations development fund (including Major Organisations, Producer/Presenter Organisations, Industry Services Organisations and Cultural Development Organisations):

(a) Which rural and regional arts organisations have been equipped with 'relevant and well managed arts and cultural infrastructure' as a result of this Fund since October 1999.

(b) How has this occurred.

(c) What has been the cost for each project.

(d) Over what time span will this funding be allocated to the artists and/or organisations.

ANSWER:

I am informed that:

Information on the Government's arts funding programs and the outcomes of each grant round are available on Arts Victoria's website and/or in Arts Victoria publications.

Arts: regional arts development fund

1148. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In relation to the government's regional arts development fund:

(a) Which rural and regional organisations, professional Artists and residency projects in rural and regional Victoria have benefited from the fund since October 1999.

(b) How much funding was each awarded.

(c) Over what time span will this money be allocated to each group.

(d) What portion of this funding came from the state government and federal government, respectively.

ANSWER:

I am informed that:

Information on the Government's arts funding programs and the outcomes of each grant round are available on Arts Victoria's website and/or in Arts Victoria publications.

The percentage of funding from the State Government and Federal Government is 80% to 20% respectively.

Arts: artists in schools funding grant

1149. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In relation to the government's artists in schools funding grants:

(a) Which metropolitan schools have benefited from this fund since October 1999.

(b) How much funding has been awarded to each school.

(c) Over what time span will this funding be allocated.

ANSWER:

I am informed that:

The program has a State-wide focus and aims to support professional artist residencies in both primary and secondary schools. A total of seventeen metropolitan schools have benefited from the program since October 1999. A maximum allocation of $3,000 was available to each school. Funding is project based and allocated by calendar year in accordance with the timing of the project.

Arts: arts and professional development fund

1150. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In relation to the government's arts and professional development fund and the published project objectives of this program:

(a) Which artists and producers from metropolitan Melbourne have acquired funding from arts and professional development funds (including Performance Works, Arts Development Program and Professional Development) since October 1999.

(b) How have these funds supported Victoria's independent arts professionals in the creation production and presentation of diverse artistic endeavours in Victoria's rural and regional areas since October 1999.

(c) How much funding was each artist and/or producer awarded.

(d) Over what time span will this money be allocated to the artist and/or producer.

ANSWER:

I am informed that:

Information on the Government's arts funding programs and the outcomes of each grant round are available on Arts Victoria's website and/or in Arts Victoria publications.

Arts: export and touring fund

1151. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In relation to the government's export and touring fund, as part of the International Market Development strategy:

(a) Which metropolitan professional artists and arts organisations have benefited from this Fund since October 1999.

(b) How much funding was each artist and/or organisation awarded.

(c) Over what time span will this money be allocated to the artists and/or organisations.

ANSWER:

I am informed that:

Information on the Government's arts funding programs and the outcomes of each grant round are available on Arts Victoria's website and/or in Arts Victoria publications.

Arts: cultural exchange fund

1152. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In relation to the government's cultural exchange fund, as part of the International Market Development strategy:

(a) Which metropolitan professional artists and arts organisations have benefited from this Fund since October 1999.

(b) How much funding was each artist and/or organisation awarded.

(c) Over what time span will this funding be allocated to the artists and/or organisations.

ANSWER:

I am informed that:

Information on the Government's arts funding programs and the outcomes of each grant round are available on Arts Victoria's website and/or in Arts Victoria publications.

Arts: organisations development fund

1153. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In relation to the government's organisations development fund (including Major Organisations, Producer/Presenter Organisations, Industry Services Organisations and Cultural Development Organisations):

(a) Which metropolitan arts organisations have been equipped with 'relevant and well managed arts and cultural infrastructure' since October 1999 as a result of this fund.

(b) How has this occurred.

(c) What has been the cost for the project.

(d) Over what time span will this be implemented and developed.

ANSWER:

I am informed that:

Information on the Government's arts funding programs and the outcomes of each grant round are available on Arts Victoria's website and/or in Arts Victoria publications.

Arts: artists in schools funding grants

1154. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In relation to the government's artists in schools funding grants:

(a) Which metropolitan schools have benefited from this Fund since October 1999.

(b) How much funding has been awarded to each school.

(c) Over what time span will this funding be allocated.

ANSWER:

I am informed that:

I refer the Honourable member to my response to Question 1149.

[Hansard reference — See page 1386.]

Arts: peer assessment and community evaluation grants

1155. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In relation to the government's policy to introduce a system of grants that take account of peer assessment and community/consumer evaluation:

(a) How has the minister framed the grants so that they take 'peer assessment' into account.

(b) What examples can the minister provide to detail how 'peer assessment' was included as part of the grants process.

(c) How has the minister framed the grants so that they take 'community/consumer evaluation' into account.

(d) What examples can the minister provide to detail how 'community/consumer' was included as part of the grants process.

(e) How have these grants encouraged an environment of excellence, participation and innovation amongst professional artists and the general community.

ANSWER:

I am informed that:

I refer the Honourable member to my responses to Questions 232 and 422. Updated information can be obtained from Arts Victoria's website.

[Hansard reference — See Vol. 446, 4 April 2000, page 602 and Vol. 447, 23 May 2000, page 1392 respectively.]

Arts: Touring Victoria Fund

1156. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In relation to the government's Touring Victoria Fund and the published program objectives for that fund:

(a) Which rural/regional communities have benefited from this funding since October 1999.

(b) Which rural/regional communities have been visited by major metropolitan arts and cultural festivals.

(c) How has this fund stimulated an increase in the quality, quantity and diversity of touring activity in these rural/regional communities.

ANSWER:

I am informed that:

I refer the Honourable member to my response to Question 917.

[Hansard reference — See 5 October 2000, page 529.]

Arts: Touring Victoria Fund

1157. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In relation to the published program objectives for the Touring Victoria Fund:

(a) How has this fund enabled the establishment of regular touring circuits and strengthened the environment for presentations, performances and exhibitions in regional Victoria since October 1999.

(b) Which regional arts groups, producers and creators have maximised distribution opportunities as a result of this fund.

ANSWER:

I am informed that:

The funds capacity to support a high volume of touring activity has resulted in regularised touring and expanded touring circuits throughout the State. This approach has generated strong demand from outer metropolitan and regional centres for touring shows and resulted in a dynamic State wide environment for touring activity. In addition, I refer the Honourable member to my response to Question 916.

[Hansard reference — See 5 October 2000, page 529.]

Arts: Touring Victoria Fund

1158. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In relation to the published program objectives for the Touring Victoria Fund:

(a) Which metropolitan arts groups, producers and creators have maximised distribution opportunities as a result of this Fund since October 1999.

(b) How has this fund equipped the arts sector with knowledge and expertise to optimise regional touring potential.

(c) How much funding was each arts group, producer and/or creator allocated.

(d) Over what time span will this money be allocated.

ANSWER:

I am informed that:

I refer the Honourable member to my response to Question 915. Additional information can be obtained from the Arts Victoria website.

[Hansard reference — See 24 October 2000, page 769.]

Treasurer: GST revenue

1162. THE HON. R. M. HALLAM — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): On what calculations, assumptions or advice did the Treasurer rely to report to the Parliament, on 30 August 2000, that under the GST arrangements for 2000–01, the states would forgo tax revenue of $26.5 billion but receive only $24 billion from the federal government.

ANSWER:

I am informed that:

In 2000-01 the States are forgoing approximately $26.7 billion worth of State taxes, Financial Assistance Grants and Revenue Replacement Payments for a return of approximately $24 billion of GST revenue, as estimated by the Commonwealth in their 2000-01 Budget Paper No. 3, page number 18.

Community Services: new disability deal funding

1164. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services): In relation to the $50 million new disability deal announced by the Minister on 15 September 2000, which advocacy groups, peak organisations, regional groups, municipal associations and individuals were consulted as to where the funds would be best allocated.

ANSWER:

The Minister for Community Services has given priority to an ongoing discussion with people with a disability, the families as well as service providers and other key stakeholders. Therefore to the views of many people have been considered in relation to priorities in disability services.

Community Services: Homefirst initiative

1165. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services): In relation to the $50 million new disability deal announced by the Minister on 15 September 2000, particularly the Homefirst initiative:

(a) Who will choose the 271 new clients and by what criteria will these clients be chosen.

(b) Will the total amount of $10.4 million be evenly allocated to all, ie will each new client receive $38,377; if not, what is the basis of the allocation.

(c) Will any of the funds be spent on departmental or service delivery overheads or will all funds go directly to the new clients.

ANSWER:

a) Funding will be allocated across the state using a regional equity formula. Clients will be chosen from the people currently listed as urgently requiring support on the Service Needs Register in each region. The final selection will be determined by a panel in each region with representation from regional service providers and service users.

b) No, the support for each person will be allocated on the basis of a support needs assessment. Some people may require only 16 hours support a week while other people may require up to 34 hours. The aim of the program is to provide the appropriate level of support to enable the person to live as independently as possible in the community. This level of support will be different for each individual.

c) Most of the infrastructure to establish the HomeFirst program will be met through Departmental funds. In the first year a small amount of funding will be allocated to establish the program in each region. Some funding has also been allocated to undertake an evaluation of the program to ensure it is meeting the needs of people with a disability and inform future developments. These costs can be met without disadvantaging clients, as the 271 places will be established through a staged process. As with all the new DisAbility Services initiatives, the cost of overheads is kept to the absolute minimum to ensure that the maximum possible resources are provided to service delivery.

Multicultural Affairs: former Yugoslav Republic of Macedonia

1166. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Multicultural Affairs):

(a) Does the minister intend issuing a directive to his departments and agencies as to the terminology to be used when making references to the language spoken by people originating from or associated with the former Yugoslav Republic of Macedonia.

(b) If the minister does intend to do so, what will the directive or instruction be.

ANSWER:

I am informed that:

This issue has been addressed across all Departments and Agencies of the Victorian Public Service.

A determination regarding the language spoken by people living in or originating from the Former Yugoslav Republic of Macedonia (FYROM) was made by the Human Rights and Equal Opportunity Commission on 8 September 2000. As a result of this determination, the Secretary of the Department of Premier and Cabinet directed all Victorian Public Service Departmental heads to distribute within their organisations instructions withdrawing the previous government's 1994 directive on the use of the term Macedonian (Slavonic) with reference to the language.

Guidance on the revised policy was drawn from nomenclature utilised by the Commonwealth, including use of the terms Former Yugoslav Republic of Macedonia (FYROM) and Slav Macedonian in describing the country and people of that region. With reference to the language itself, and in the absence of a definitive precedent in Commonwealth practice, Departments and Agencies have been advised to consult among their clients within the communities concerned to identify and adopt appropriate descriptors for future use.

Health: former Yugoslav Republic of Macedonia

1169. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health):

(a) Does the minister intend issuing a directive to his departments and agencies as to the terminology to be used when making references to the language spoken by people originating from or associated with the former Yugoslav Republic of Macedonia.

(b) If the minister does intend to do so, what will the directive or instruction be.

ANSWER:

I am informed that:

This issue has been addressed across all Departments and Agencies of the Victorian Public Service.

A determination regarding the language spoken by people living in or originating from the Former Yugoslav Republic of Macedonia (FYROM) was made by the Human Rights and Equal Opportunity Commission on 8 September 2000. As a result of this determination, the Secretary of the Department of Premier and Cabinet directed all Victorian Public Service Departmental heads to distribute within their organisations instructions withdrawing the previous government's 1994 directive on the use of the term Macedonian (Slavonic) with reference to the language.

Guidance on the revised policy was drawn from nomenclature utilised by the Commonwealth, including use of the terms Former Yugoslav Republic of Macedonia (FYROM) and Slav Macedonian in describing the country and people of that region. With reference to the language itself, and in the absence of a definitive precedent in Commonwealth practice, Departments and Agencies have been advised to consult among their clients within the communities concerned to identify and adopt appropriate descriptors for future use.

Arts: former Yugoslav Republic of Macedonia

1170. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts):

(a) Does the minister intend issuing a directive to her departments and agencies as to the terminology to be used when making references to the language spoken by people originating from or associated with the former Yugoslav Republic of Macedonia.

(b) If the minister does intend to do so, what will the directive or instruction be.

ANSWER:

I am informed that:

This issue has been addressed across all Departments and Agencies of the Victorian Public Service.

A determination regarding the language spoken by people living in or originating from the Former Yugoslav Republic of Macedonia (FYROM) was made by the Human Rights and Equal Opportunity Commission on 8 September 2000. As a result of this determination, the Secretary of the Department of Premier and Cabinet directed all Victorian Public Service Departmental heads to distribute within their organisations instructions withdrawing the previous government's 1994 directive on the use of the term Macedonian (Slavonic) with reference to the language.

Guidance on the revised policy was drawn from nomenclature utilised by the Commonwealth, including use of the terms Former Yugoslav Republic of Macedonia (FYROM) and Slav Macedonian in describing the country and people of that region. With reference to the language itself, and in the absence of a definitive precedent in

Commonwealth practice, Departments and Agencies have been advised to consult among their clients within the communities concerned to identify and adopt appropriate descriptors for future use.

State and Regional Development: former Yugoslav Republic of Macedonia

1171. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development):

(a) Does the minister intend issuing a directive to his departments and agencies as to the terminology to be used when making references to the language spoken by people originating from or associated with the former Yugoslav Republic of Macedonia.

(b) If the minister does intend to do so, what will the directive or instruction be.

ANSWER:

I am informed that:

This issue has been addressed across all Departments and Agencies of the Victorian Public Service.

A determination regarding the language spoken by people living in or originating from the Former Yugoslav Republic of Macedonia (FYROM) was made by the Human Rights and Equal Opportunity Commission on 8 September 2000. As a result of this determination, the Secretary of the Department of Premier and Cabinet directed all Victorian Public Service Departmental heads to distribute within their organisations instructions withdrawing the previous government's 1994 directive on the use of the term Macedonian (Slavonic) with reference to the language.

Guidance on the revised policy was drawn from nomenclature utilised by the Commonwealth, including use of the terms Former Yugoslav Republic of Macedonia (FYROM) and Slav Macedonian in describing the country and people of that region. With reference to the language itself, and in the absence of a definitive precedent in Commonwealth practice, Departments and Agencies have been advised to consult among their clients within the communities concerned to identify and adopt appropriate descriptors for future use.

Environment and Conservation: former Yugoslav Republic of Macedonia

1172. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation):

(a) Does the minister intend issuing a directive to her departments and agencies as to the terminology to be used when making references to the language spoken by people originating from or associated with the former Yugoslav Republic of Macedonia.

(b) If the minister does intend to do so, what will the directive or instruction be.

ANSWER:

I am informed that:

This issue has been addressed across all Departments and Agencies of the Victorian Public Service

A determination regarding the language spoken by people living in or originating from the Former Yugoslav Republic of Macedonia (FYROM) was made by the Human Rights and Equal Opportunity Commission on 8 September 2000. As a result of this determination, the Secretary of the Department of Premier and Cabinet directed all Victorian Public Service Departmental heads to distribute within their organisations instructions withdrawing the previous government's 1994 directive on the use of the term Macedonian (Slavonic) with reference to the language.

Guidance on the revised policy was drawn from nomenclature utilised by the Commonwealth, including use of the terms Former Yugoslav Republic of Macedonia (FYROM) and Slav Macedonian in describing the country and people of that region. With reference to the language itself, and in the absence of a definitive precedent in Commonwealth practice, Departments and Agencies have been advised to consult among their clients within the communities concerned to identify and adopt appropriate descriptors for future use.

Local Government: former Yugoslav Republic of Macedonia

1175. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Local Government):

(a) Does the minister intend issuing a directive to his departments and agencies as to the terminology to be used when making references to the language spoken by people originating from or associated with the former Yugoslav Republic of Macedonia.

(b) If the minister does intend to do so, what will the directive or instruction be.

ANSWER:

I am informed that:

This issue has been addressed across all Departments and Agencies of the Victorian Public Service

A determination regarding the language spoken by people living in or originating from the Former Yugoslav Republic of Macedonia (FYROM) was made by the Human Rights and Equal Opportunity Commission on 8 September 2000. As a result of this determination, the Secretary of the Department of Premier and Cabinet directed all Victorian Public Service Departmental heads to distribute within their organisations instructions withdrawing the previous government's 1994 directive on the use of the term Macedonian (Slavonic) with reference to the language.

Guidance on the revised policy was drawn from nomenclature utilised by the Commonwealth, including use of the terms Former Yugoslav Republic of Macedonia (FYROM) and Slav Macedonian in describing the country and people of that region. With reference to the language itself, and in the absence of a definitive precedent in Commonwealth practice, Departments and Agencies have been advised to consult among their clients within the communities concerned to identify and adopt appropriate descriptors for future use.

Education: former Yugoslav Republic of Macedonia

1177. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Education):

(a) Does the minister intend issuing a directive to her departments and agencies as to the terminology to be used when making references to the language spoken by people originating from or associated with the former Yugoslav Republic of Macedonia.

(b) If the minister does intend to do so, what will the directive or instruction be.

ANSWER:

I am informed as follows:

This issue has been addressed across all Departments and Agencies of the Victorian Public Service

A determination regarding the language spoken by people living in or originating from the Former Yugoslav Republic of Macedonia (FYROM) was made by the Human Rights and Equal Opportunity Commission on 8 September 2000. As a result of this determination, the Secretary of the Department of Premier and Cabinet directed all Victorian Public Service Departmental heads to distribute within their organisations instructions

withdrawing the previous government's 1994 directive on the use of the term Macedonian (Slavonic) with reference to the language.

Guidance on the revised policy was drawn from nomenclature utilised by the Commonwealth, including use of the terms Former Yugoslav Republic of Macedonia (FYROM) and Slav Macedonian in describing the country and people of that region. With reference to the language itself, and in the absence of a definitive precedent in Commonwealth practice, Departments and Agencies have been advised to consult among their clients within the communities concerned to identify and adopt appropriate descriptors for future use.

Manufacturing Industry: former Yugoslav Republic of Macedonia

1182. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Manufacturing Industry):

(a) Does the minister intend issuing a directive to his departments and agencies as to the terminology to be used when making references to the language spoken by people originating from or associated with the former Yugoslav Republic of Macedonia.

(b) If the minister does intend to do so, what will the directive or instruction be.

ANSWER:

I am informed that:

This issue has been addressed across all Departments and Agencies of the Victorian Public Service.

A determination regarding the language spoken by people living in or originating from the Former Yugoslav Republic of Macedonia (FYROM) was made by the Human Rights and Equal Opportunity Commission on 8 September 2000. As a result of this determination, the Secretary of the Department of Premier and Cabinet directed all Victorian Public Service Departmental heads to distribute within their organisations instructions withdrawing the previous government's 1994 directive on the use of the term Macedonian (Slavonic) with reference to the language.

Guidance on the revised policy was drawn from nomenclature utilised by the Commonwealth, including use of the terms Former Yugoslav Republic of Macedonia (FYROM) and Slav Macedonian in describing the country and people of that region. With reference to the language itself, and in the absence of a definitive precedent in Commonwealth practice, Departments and Agencies have been advised to consult among their clients within the communities concerned to identify and adopt appropriate descriptors for future use.

Racing: former Yugoslav Republic of Macedonia

1183. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Racing):

(a) Does the minister intend issuing a directive to his departments and agencies as to the terminology to be used when making references to the language spoken by people originating from or associated with the former Yugoslav Republic of Macedonia.

(b) If the minister does intend to do so, what will the directive or instruction be.

ANSWER:

I am informed that:

This issue has been addressed across all Departments and Agencies of the Victorian Public Service.

A determination regarding the language spoken by people living in or originating from the Former Yugoslav Republic of Macedonia (FYROM) was made by the Human Rights and Equal Opportunity Commission on 8 September 2000. As a result of this determination, the Secretary of the Department of Premier and Cabinet directed all Victorian Public Service Departmental heads to distribute within their organisations instructions withdrawing the previous government's 1994 directive on the use of the term Macedonian (Slavonic) with reference to the language.

Guidance on the revised policy was drawn from nomenclature utilised by the Commonwealth, including use of the terms Former Yugoslav Republic of Macedonia (FYROM) and Slav Macedonian in describing the country and people of that region. With reference to the language itself, and in the absence of a definitive precedent in Commonwealth practice, Departments and Agencies have been advised to consult among their clients within the communities concerned to identify and adopt appropriate descriptors for future use.

Major Projects and Tourism: former Yugoslav Republic of Macedonia

1184. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Major Projects and Tourism):

(a) Does the minister intend issuing a directive to his departments and agencies as to the terminology to be used when making references to the language spoken by people originating from or associated with the former Yugoslav Republic of Macedonia.

(b) If the minister does intend to do so, what will the directive or instruction be.

ANSWER:

I am informed that:

This issue has been addressed across all Departments and Agencies of the Victorian Public Service.

A determination regarding the language spoken by people living in or originating from the Former Yugoslav Republic of Macedonia (FYROM) was made by the Human Rights and Equal Opportunity Commission on 8 September 2000. As a result of this determination, the Secretary of the Department of Premier and Cabinet directed all Victorian Public Service Departmental heads to distribute within their organisations instructions withdrawing the previous government's 1994 directive on the use of the term Macedonian (Slavonic) with reference to the language.

Guidance on the revised policy was drawn from nomenclature utilised by the Commonwealth, including use of the terms Former Yugoslav Republic of Macedonia (FYROM) and Slav Macedonian in describing the country and people of that region. With reference to the language itself, and in the absence of a definitive precedent in Commonwealth practice, Departments and Agencies have been advised to consult among their clients within the communities concerned to identify and adopt appropriate descriptors for future use.

Women's Affairs: former Yugoslav Republic of Macedonia

1187. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Women's Affairs):

(a) Does the minister intend issuing a directive to her departments and agencies as to the terminology to be used when making references to the language spoken by people originating from or associated with the former Yugoslav Republic of Macedonia.

(b) If the minister does intend to do so, what will the directive or instruction be.

ANSWER:

I am informed that:

This issue has been addressed across all Departments and Agencies of the Victorian Public Service

A determination regarding the language spoken by people living in or originating from the Former Yugoslav Republic of Macedonia (FYROM) was made by the Human Rights and Equal Opportunity Commission on 8 September 2000. As a result of this determination, the Secretary of the Department of Premier and Cabinet directed all Victorian Public Service Departmental heads to distribute within their organisations instructions withdrawing the previous government's 1994 directive on the use of the term Macedonian (Slavonic) with reference to the language.

Guidance on the revised policy was drawn from nomenclature utilised by the Commonwealth, including use of the terms Former Yugoslav Republic of Macedonia (FYROM) and Slav Macedonian in describing the country and people of that region. With reference to the language itself, and in the absence of a definitive precedent in Commonwealth practice, Departments and Agencies have been advised to consult among their clients within the communities concerned to identify and adopt appropriate descriptors for future use.

Community Services: former Yugoslav Republic of Macedonia

1188. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services):

(a) Does the minister intend issuing a directive to her departments and agencies as to the terminology to be used when making references to the language spoken by people originating from or associated with the former Yugoslav Republic of Macedonia.

(b) If the minister does intend to do so, what will the directive or instruction be.

ANSWER:

I am informed that:

This issue has been addressed across all Departments and Agencies of the Victorian Public Service.

A determination regarding the language spoken by people living in or originating from the Former Yugoslav Republic of Macedonia (FYROM) was made by the Human Rights and Equal Opportunity Commission on 8 September 2000. As a result of this determination, the Secretary of the Department of Premier and Cabinet directed all Victorian Public Service Departmental heads to distribute within their organisations instructions withdrawing the previous government's 1994 directive on the use of the term Macedonian (Slavonic) with reference to the language.

Guidance on the revised policy was drawn from nomenclature utilised by the Commonwealth, including use of the terms Former Yugoslav Republic of Macedonia (FYROM) and Slav Macedonian in describing the country and people of that region. With reference to the language itself, and in the absence of a definitive precedent in Commonwealth practice, Departments and Agencies have been advised to consult among their clients within the communities concerned to identify and adopt appropriate descriptors for future use.

Ports: consultancies

1195. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Ports:

(a) What are the names of all the individuals or companies employed by consultancy contracts since 20 October 1999, if any, hired by the Minister or the Minister's department.

(b) On what dates was each contracted.

(c) For how long was each contracted.

(d) What was the nature of each consultancy.

(e) What is the basis and rate of each of their payments.

ANSWER:

The Honourable Member is referred to the Department of Infrastructure Annual report for details of consultancies up to 30 June 2000.

To provide the information from 1 July 2000 to present date would require an unreasonable diversion of time and resources which are not available.

Small Business: consultancies

1198. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Small Business:

(a) What are the names of all the individuals or companies employed by consultancy contracts since 1 July 2000, if any, hired by the Minister or the Minister's department.

(b) On what dates was each contracted.

(c) For how long was each contracted.

(d) What was the nature of each consultancy.

(e) What is the basis and rate of each of their payments.

ANSWER:

Since 1 July 2000, I have not entered into any consultancies in my capacity as Minister for Small Business, nor has the small business division in the Department which includes Small Business Victoria, Liquor Licensing Victoria or Trade Measurement Victoria.

Manufacturing Industry: consultancies

1215. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Manufacturing Industry):

(a) What are the names of all the individuals or companies employed by consultancy contracts since 1 July 2000, if any, hired by the Minister or the Minister's department.

(b) On what dates was each contracted.

(c) For how long was each contracted.

(d) What was the nature of each consultancy.

(e) What is the basis and rate of each of their payments.

ANSWER:

Since 1 July 2000, I have not entered into any consultancies in my capacity as Minister for Manufacturing Industry, nor has the Office of Manufacturing in the Department.

Racing: consultancies

1216. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Racing):

(a) What are the names of all the individuals or companies employed by consultancy contracts since 1 July 2000, if any, hired by the Minister or the Minister's department.

(b) On what dates was each contracted.

(c) For how long was each contracted.

(d) What was the nature of each consultancy.

(e) What is the basis and rate of each of their payments.

ANSWER:

Since 1 July 2000, I have not entered into any consultancies in my capacity as Minister for Racing, nor has the Office of Racing in the Department.

Energy and Resources: Olympic Games functions

1238. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources: Will the Minister provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Minister attended; (ii) of whom the Minister was the guest; (iii) who paid for the Minister's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

(i) and (ii)

- On 26 September 2000 I attended the men's semi-final of the Olympic soccer under arrangements entered into by the previous Government.

- On 4 October I attended the welcome for the Olympic athletes at the Vodaphone Arena, Swan Street Melbourne Park.

(iii) and (iv)

There was no cost to the State Government.

Ports: Olympic Games functions

1239. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Ports: Will the Minister provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Minister attended; (ii) of whom the Minister was the guest; (iii) who paid for the Minister's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

(i) and (ii)

- On 26 September 2000 I attended the men's semi-final of the Olympic soccer under arrangements entered into by the previous Government.

- On 4 October I attended the welcome for the Olympic athletes at the Vodaphone Arena, Swan Street Melbourne Park.

(iii) and (iv)

There was no cost to the State Government

Minister Assisting Transport Minister regarding Roads: Olympic Games functions

1244. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister Assisting in Transport (Roads)): Will the Minister provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Minister attended; (ii) of whom the Minister was the guest; (iii) who paid for the Minister's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

Please refer to the response given by me to Question No. 1254.

[Hansard reference — See below.]

Arts: Olympic Games functions

1247. THE HON. D. McL. DAVIS — To ask the Honourable the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): Will the Minister provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Minister attended; (ii) of whom the Minister was the guest; (iii) who paid for the Minister's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

I am informed that:

I attended the State Reception in Victoria to welcome home the athletes of the 27th Olympiad on 4 October 2000. I did not attend the Olympic Games in Sydney.

Local Government: Olympic Games functions

1254. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Local Government): Will the Minister provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Minister attended; (ii) of whom

the Minister was the guest; (iii) who paid for the Minister's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

The Minister did not attend the Olympic Games.

Education: Olympic Games functions

1255. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Youth Affairs (for the Honourable the Minister for Education): Will the Minister provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Minister attended; (ii) of whom the Minister was the guest; (iii) who paid for the Minister's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

I am informed as follows:

The Minister for Education did not attend the Olympic Games.

Housing: Aboriginal and Torres Strait Islander public housing tenants

1324. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing): What was the total number of public housing tenants of Aboriginal or Torres Strait Islander origin as at 30 June 1999.

ANSWER:

At 30 June 1999 there were 930 households residing in Aboriginal housing dwellings managed by the Aboriginal Housing Board of Victoria and a further 665 households in properties managed by the Office of Housing.

Housing: Aboriginal and Torres Strait Islander public housing tenants

1325. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing): What was the total number of public housing tenants of Aboriginal or Torres Strait Islander origin as at 30 June 2000.

ANSWER:

At 30 June 2000 there were 977 households residing in Aboriginal housing dwellings managed by the Aboriginal Housing Board of Victoria and a further 721 households in properties managed by the Office of Housing.

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, 16 November 2000

Consumer Affairs: Consumer and Business Affairs Victoria name change

1112. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Consumer Affairs: What was the total cost of changing the name of Office of Fair Trading and Business Affairs to Consumer and Business Affairs Victoria, including stationery, the new website and ministerial letterhead.

ANSWER:

The total cost of the name change was $41,372.

CBAV stationery templates are loaded electronically on the overall computer network. Therefore there is no cost involved in printing CBAV letterhead. Furthermore, existing stocks of Department of Justice stationery is continuing to be used (products such as envelopes and compliments slips).

The set-up cost for official ministerial letterhead was a total of $180 for four separate items.

The cost of overprinting 750,000 existing Office of Fair Trading and Business Affairs publications with a shelf life of six to twelve months, is $25,930 approximately. This amount covers labels, over-printing and labels in other languages.

The cost of changing the name of the Office of Fair Trading and Business Affairs to Consumer and Business Affairs Victoria on the web site was $6,762.25. This amount included changing:

- the logo;
- titles;
- all references to the Office of Fair Trading and Business Affairs on the site;
- URL links;
- Forms and other PDF attachments; and
- ALT text (an option which allows text to be displayed when an image cannot be, ie, for vision impaired users).

Part of this cost was expended to make the site more consumer friendly and interactive.

Consumer Affairs: Consumer and Business Affairs Victoria name change

1113. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Consumer Affairs: In relation to her press release announcing the name change of Office of Fair Trading and Business Affairs to Consumer and Business Affairs Victoria on May 5, 2000 in which it was stated ‘research has shown that many Victorians still refer to this organisation as Consumer Affairs’:

(a) What were the results of the research undertaken by the Office that led to the decision to change the name.

(b) What was the survey sample.

(c) Who conducted the research.

(d) What was the total cost.

ANSWER:

(a) From the responses provided:

- 82% of those surveyed indicated that it would be useful to have the word "consumer" in the name change, the main reason being that the public identifies with the word consumer.

- 25% of respondents mentioned that clients still identified the Office of Fair Trading and Business Affairs as "Consumer Affairs"

(This data is backed up by anecdotal data from the call centre and the addressing of letters to the Office of Consumer Affairs. In addition, it was necessary to maintain dual listing in the telephone book for 8 years to enable consumers to locate the office.)

(b) A questionnaire was circulated to Community Support group workers. 36 questionnaires were sent out with a 78% response rate.

(c) Staff of the Communications Branch of Consumer and Business Affairs Victoria.

(d) It is not possible to identify the cost of the survey as it was part if the operational work of the Branch

Consumer Affairs: Consumer and Business Affairs Victoria services

1114. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Consumer Affairs: In relation to the Minister's evidence at the Estimates Hearing before the Public Accounts and Estimates Committee, the Minister referred to 'studies that have been done by the Office of Fair Trading into who actually utilised the service', referring to the services offered by Consumer and Business Affairs Victoria.

(a) What studies have been conducted.

(b) Who conducted the studies.

(c) What were the results of the studies.

ANSWER:

(a) Customer satisfaction surveys were conducted in 1997-98, 1998-99 and 1999-00. While these surveys included questions about the gender, age-group, postcode and language background of users of services, the aim of these sample surveys was to collect information about the level of satisfaction of clients with the services they had used, as well as suggestions for improvements to these services. Similar information is collected in client surveys conducted as part of the reporting requirements and audit process of agencies funded by Consumer and Business Affairs Victoria (CBAV) under the Consumer Support Program and the Tenant Support Program. A sample survey is being undertaken in 2000-2001 to determine levels of consumer awareness of CBAV and its services, and the need for existing and other services. This survey will compare users and non-users of CBAV's services on a range of consumer issues and demographic and socioeconomic characteristics. This will also provide information about what services disadvantaged consumers need and about how best they can be informed about them.

(b) The above-mentioned customer satisfaction surveys for clients of CBAV or its predecessor, the Office of Fair Trading and Business Affairs (OFTBA) and for funded agencies were conducted by CBAV or OFTBA. The survey to compare users and non-users of CBAV's services is being conducted by Sweeney Research Pty Ltd.

(c) The above-mentioned customer satisfaction surveys found that the majority of respondents to the surveys were satisfied with the standard of service provided. Some of the surveys found that some demographic groups

appeared to be under-represented as users of some of the services. Information has not yet been collected for the survey to determine levels of consumer awareness of CBAV and its services, and the need for existing and other services.

Energy and Resources: consultancies

1127. THE HON. ANDREW BRIDESON — To ask the Honourable the Minister for Energy and Resources: In relation to consultancy contracts entered into by the Minister, or her Department:

(a) How many consultancies have been entered into since 20 October 1999.

(b) What are the names of each individual or organisation or company awarded contracts.

(c) What is the purpose and objective of each consultancy.

(d) What is the cost of each consultancy contract.

(e) What criteria or process was used in the awarding of each contract.

(f) When was each tender for each consultancy advertised and when were they let.

(g) If tenders were not advertised, why were they not advertised.

ANSWER:

I am informed that:

The Honourable Member is referred to the Department of Natural Resources and Environment's Annual Report for details of consultancies up to 30 June 2000.

To provide the information requested for the period since 1 July 2000 would require an inordinate amount of time and resources which are not available.

In relation to (f) and (g), the Department of Natural Resources and Environment has complied with s.54L of the *Financial Management Act 1994*. The Government's supply policies and associated best practice guidelines are publicly available on the Victorian Government Purchasing Board's website: http://www.vgpb.vic.gov.au/polguid/polmenu.htm.

Health: CPSU industrial agreement

1131. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the expected cost of the recent CPSU industrial agreement for public servants in the Minister's department for 2000–01 and 2001–02, respectively.

ANSWER:

The one year agreement provides a 3% pay increase for all staff covered by the agreement.

The funding for this 3% was included in the budget forward estimates for 2000/2001.

This funding arrangement is at the same per annum increase as had applied under the former Government for the two and a half year enterprise agreements effective from December 1997.

The agreement also provides for a fairer method of distribution of performance pay. The funding arrangements for these amounts are the same as those applying to the 1997 round of agreements. Departments fund these payments from within existing budget.

This includes an increase of 1% for staff who meet or exceed expectations.

The agreement also provides for a further payment, either as a bonus, pay increase or a contribution of both, to staff who exceed expectations. On average, this payment will also be 1%. In this Department, the amount is 1.1%.

It is the distribution of the payments that has changed, not the cost to the budget or to departments.

Energy and Resources: CPSU industrial agreement

1133. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Energy and Resources: What is the expected cost of the recent CPSU industrial agreement for public servants in her department for 2000–01 and 2001–02, respectively.

ANSWER:

I am informed that:

The one year agreement provides a 3% pay increase for all staff covered by the Agreement.

The funding for this 3% was included in the budget forward estimates for 2000/2001.

This funding arrangement is at the same per annum increase as had applied under the former Government for the two and a half year enterprise agreements effective from December 1997.

The agreement also provides for a fairer method of distribution of performance pay. The funding arrangements for these amounts are the same as those applying to the 1997 round of agreements. Departments fund these payments from within existing budget.

This includes an increase of 1% for staff who meet or exceed expectations.

The agreement also provides for a further payment, either as a bonus, pay increase or a combination of both, to staff who exceed expectations. For the Department of Natural Resources and Environment the amount is 1%.

It is the distribution of the payments that has changed, not the cost to the budget or to departments.

State and Regional Development: CPSU industrial agreement

1134. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): What is the expected cost of the recent CPSU industrial agreement for public servants in the Minister's department for 2000–01 and 2001–02.

ANSWER:

The one year agreement provides a 3% pay increase for all staff covered by the agreement.

The funding for this 3% was included in the budget forward estimates for 2000/2001.

This funding arrangement is at the same per annum increase as had applied under the former Government for the two and a half year enterprise agreements effective from December 1997.

The agreement also provides for a fairer method of distribution of performance pay. The funding arrangements for these amounts are the same as those applying to the 1997 round of agreements. Departments fund these payments from within existing budget.

This includes an increase of 1% for staff who meet or exceed expectations.

The agreement also provides for a further payment, either as a bonus, pay increase or a combination of both, to staff who exceed expectations. In the Department of State and Regional Development, the amount is 2.9 %.

It is the distribution of the payments that has changed, not the cost to the budget or to departments.

Environment and Conservation: CPSU industrial agreement

1136. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the expected cost of the recent CPSU industrial agreement for public servants in the Minister's department for 2000–01 and 2001–02, respectively.

ANSWER:

I am informed that:

The one year agreement provides a 3% pay increase for all staff covered by the Agreement.

The funding for this 3% was included in the budget forward estimates for 2000/2001.

This funding arrangement is at the same per annum increase as had applied under the former Government for the two and a half year enterprise agreements effective from December 1997.

The agreement also provides for a fairer method of distribution of performance pay. The funding arrangements for these amounts are the same as those applying to the 1997 round of agreements. Departments fund these payments from within existing budget.

This includes an increase of 1% for staff who meet or exceed expectations.

The agreement also provides for a further payment, either as a bonus, pay increase or a combination of both, to staff who exceed expectations. For the Department of Natural Resources and Environment the amount is 1%.

It is the distribution of the payments that has changed, not the cost to the budget or to departments.

Attorney-General: CPSU industrial agreement

1138. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Small Business (for the Honourable the Attorney-General): What is the expected cost of the recent CPSU industrial agreement for public servants in the Attorney-General's department for 2000–01 and 2001–02, respectively.

ANSWER:

The one-year agreement provides a 3% pay increase for all staff covered by the Agreement. The funding for this 3% was included in the budget forward estimates for 2000/2001. This funding arrangement is a similar per annum increase as had applied under the former Government for the two and a half-year enterprise agreement effective from December 1997.

The agreement also provides for a fairer method of distribution of performance pay. The funding arrangements for these amounts are the same as those applying to the 1997 round of agreements. Departments fund these payments from within existing budget. This includes an increase of 1% for staff who meet or exceed expectations. The agreement also provides for a further payment, either as a bonus, pay increase or a combination of both, to staff who exceed expectations. On average, this payment will also be 1%. It is the distribution of the payments that has changed not the cost to the budget or to departments.

Sport and Recreation: CPSU industrial agreement

1139. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Sport and Recreation: What is the expected cost of the recent CPSU industrial agreement for public servants in his department for 2000–01 and 2001–02, respectively.

ANSWER:

The one year agreement provides a 3% pay increase for all staff covered by the agreement.

The funding for this 3% was included in the budget forward estimates for 2000/2001.

This funding arrangement is at the same per annum increase as had applied under the former Government for the two and a half year enterprise agreements effective from December 1997.

The agreement also provides for a fairer method of distribution of performance pay. The funding arrangements for these amounts are the same as those applying to the 1997 round of agreements. Departments fund these payments from within existing budget.

This includes an increase of 1% for staff who meet or exceed expectations.

The agreement also provides for a further payment, either as a bonus, pay increase or a combination of both, to staff who exceed expectations. In the Department of State and Regional Development, the amount is 2.9 %.

It is the distribution of the payments that has changed, not the cost to the budget or to departments.

Multicultural Affairs: Victorian Interpreting and Translating Service

1141. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Multicultural Affairs): In respect of the Victorian Interpreting and Translating Service, what was the total expenditure for 1999–2000 and proposed expenditure for 2000–01 for — (i) business promotion; (ii) entertainment; and (iii) consultants.

ANSWER:

I am informed that:

Actual total expenditure for 1999–2000 was (i) $84,478.00 for business promotion; (ii) $2,426.00 for entertainment; and (iii) $7,280.00 for consultants.

With regard to proposed expenditures in 2000–2001, it is normal practice not to release any forecast material in relation to Government Business Enterprises, especially where they are in a competitive market environment.

Transport: Better Roads Victoria program

1161. THE HON. R. M. HALLAM — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What are the individual contracts and values under the 2000–01 Better Roads Victoria program, which enable the Minister to report that 42 per cent of the funding has been allocated to the rural sector.

ANSWER:

Project allocations totalling $218.288 million have been funded in the 2000-2001 Better Roads Victoria program. The total value of budget allocations to rural projects is $92.925 million which accounts for 42% of the total program. Details of the projects are provided in Attachment 1.

2000/2001 BETTER ROADS VICTORIA PROGRAM **ATTACHMENT 1**

Municipality	Road Name	From (km)	To (km)	Description	Work Type	TEC ($'000)	2000/01 ($'000)	2001/02 ($'000)
Rural Reconstruction Projects								
Macedon Range Shire	Mount Macedon Road	4.1	6.4	Pavement Rehabilitation - Honour Av - North of Salisbury Road		580	59	0
Mount Alexander Shire	Calder Hwy	108	109	Pavement Rehabilitation - Elphinstone resheet pavement and seal shoulders		765	117	0
Wellington Shire	South Gippsland Hwy	203.2	204.4	Pavement Rehab-East of Coal Mine Road, Gelliondale for cement stabilisation & resheet		283	33	0

2000/2001 BETTER ROADS VICTORIA PROGRAM — ATTACHMENT 1

Municipality	Road Name	From (km)	To (km)	Description	Work Type	TEC ($'000)	2000/01 ($'000)	2001/02 ($'000)
Pyrenees Shire	Glenelg Hwy	166.5	168.5	Pavement Resheet And Stabilization Of Existing Pavement, West Of Skipton		468	428	40
Corangamite S; Pyrenees S	Glenelg Hwy	162.8	164.7	Pavement Resheet And Stabilisation Of Existing Pavement, West Of Skipton		448	408	40
Horsham Rural City	Wimmera Hwy	321	323.4	Stabilization Of Existing Pavement And Resheet, West Of Natimuk		443	398	45
Horsham Rural City	Henty Hwy	221.2	222.7	Stabilization Of Existing Pavement And Resheet, South Of Dooen		338	308	30
Pyrenees Shire	Glenelg Hwy	170.4	171.3	Pavement Resheet And Stabilization Of Existing Pavement, West Of Skipton		217	199	18
Central Goldfields	Ballarat-Maryborough Rd	43.5	44.6	Resheet & Seal, Mitchell Rd To Bucklands Lane		183	165	18
Greater Geelong City	Princes Hwy West	73.6	74.4	Pavement Reconstruction, Latrobe Terrace - Hope St. To Myers St. - Nth bound carriageway		905	905	0
Moyne Shire	Warrnambool-Caramut Rd	26	33	Mp Asphalt Regulate And Seal, South Youls Creek		698	612	86
Colac Otway Shire	Princes Hwy West	144	147.2	Stabilisation 200Mm With 50Mm Granular Regulation Including Overtaking Lane		499	433	66
Corangamite Shire	Cobden-Port Campbell Rd	21.7	26.4	Regulate & Stabilize, South Of Timboon Colac Rd.		417	342	75
Corangamite Shire	Princetown Rd	20.2	24	Regulate & Stabilize, South Of Simpson		360	299	61
Moyne Shire	Mortlake-Ararat Rd	1.5	3	Resheet, Mt. Shadwell		268	242	26
Corangamite Shire	Lavers Hill-Cobden Rd	43.4	46.2	Regulate & Stabilize, North Of Timboon Colac Road.		266	218	48
Golden Plains Shire	Lismore-Scarsdale Rd	13.3	15.3	150Mm Overlay		206	174	32
Glenelg Shire	Princes Hwy West	410.7	412	Stab 200 Mm Reg 50 Mm, East Of Dartmoor B/W Nelson Rd. And Emmersons Rd		187	162	25
Moyne Shire	Penshurst-Warrnambool Rd	53.2	53.9	Full Construction, In Front Murray Goulburn		151	139	12
Golden Plains Shire	Lismore-Scarsdale Rd	17.3	18.7	150M Overlay/Reconst, Burgers & Quarrells Road		164	139	25
Colac-Otway Shire	Colac-Ballarat Rd	83.6	84.6	Stab Add 50Mm Fcr, Meredith Park Rd To Ryans Rd		153	133	20
Corangamite Shire	Princes Hwy West	215.8	216.6	Mp/Reg/Getextile 1Coat Seal And Ultra Thin Asphalt, Main Street - Terang WB		119	119	0
Golden Plains Shire	Lismore-Scarsdale Rd	11	12.2	150Mm Overlay,		124	104	20
Mount Alexander Shire	Pyrenees Hwy	7.7	10.4	Asphalt Regulation, Shoulder Top Up & Fabric Seal, Newstead To Castlemaine		460	335	125
Mount Alexander Shire	Pyrenees Hwy	13.4	16	Asphalt Regulation, Shoulder Top Up & Fabric Seal, Newstead		454	334	120
Murrindindi Shire	Goulburn Valley Hwy	72	75.4	Regulation And Thin Asphalt Overlay, East Of Alexandra		478	478	0
Wellington Shire	South Gippsland Hwy	243.4	246	Stabilisation, East Of Woodside		440	440	0
Wellington Shire	South Gippsland Hwy	249.2	251	Stabilisation, Darriman		339	297	42
South Gippsland Shire	Korumburra-Warragul Rd	15.5	17.5	Cement+ Resheet, Ross & Withenden Rd		321	293	28
Wellington Shire	South Gippsland Hwy	239.7	241.3	Stabilisation, East Of Woodside		310	270	40
Bass Coast Shire	Bass Hwy	119.1	119.9	Stab + Resheet, Kilcunda		214	194	20
Baw Baw Shire	Main Neerim Rd	19.1	19.8	Stabilisation, Neerim South Township		197	189	8
	Sub-total					**11,455**	**8,966**	**1,070**
Rural Arterial Road Projects								
Greater Geelong City	Geelong Road	46.0	64.1	Geelong Road - Little River To Geelong	Road Construction	54,500	46,800	0
Macedon Ranges Shire	Calder Hwy	63.0	75.9	Woodend Bypass (50% Better Roads)	Bypass / New Road Links	44,098	7,313	0
Macedon Ranges Shire	Calder Hwy	57.0	63.0	Black Forest (50% BR) Gisborne Bypass to Woodend Bypass - Freeway construction	Duplication	21,783	195	0

2000/2001 BETTER ROADS VICTORIA PROGRAM — ATTACHMENT 1

Municipality	Road Name	From (km)	To (km)	Description	Work Type	TEC ($'000)	2000/01 ($'000)	2001/02 ($'000)
Bass Coast Shire	Bass Hwy	95.9	99.4	Through Grantville	Duplication	5,671	100	0
Bass Coast Shire;Cardinia Shire	Bass Hwy	83.1	86.7	Sth Gippsland Hwy to Tram Stop Restaurant	Duplication	6,732	195	0
Corangamite Shire	Princes Hwy West	207.3	208.5	at Boorcan	Overtaking Lanes	404	20	
East Gippsland Shire	Princes Hwy East	315.5	316.3	Replace North Arm Bridge on new alignment, Lakes Entrance	Bridge Replacement	6,263	20	0
East Gippsland Shire	Bruthen - Nowa Nowa Rd Princes Hwy East (Via Bruthen)	26.3	33.5	Between Pilgrims Road and Lake Colquhoun Rd, Bruthen East	Realignment	5,187	1,019	244
Greater Bendigo City	Midland Hwy	40.3	45.3	"A" route, widening and improving riding quality to meet standards: South of Elmore.	Road Widening	1,438	29	0
Mount Alexander Shire	Midland Hwy	69.4	71.5	Major realignment and replacement of Loddon River Bridge, Guildford	Realignment	4,712	1,950	298
Corangamite Shire	Great Ocean Rd	290.2	291.7	Realignment of GOR at Lace Curtains	Realignment	828	66	0
Moyne Shire	Princes Hwy West	230.3	231.8	between Terang and Warrnambool	Overtaking Lanes	470	20	0
Wellington Shire	South Gippsland Hwy	284.8	285.3	Cox's Bridge replacement - Longford (Stage 3)	Planning and Investigations	250	250	0
East Gippsland Shire	Bruthen - Nowa Nowa Rd Princes Hwy East (Via Bruthen)	39.7	46.1	Resheet, widening, realignment and regrading (Stage 4)	Realignment	7,900	2,620	4,980
South Gippsland Shire	South Gippsland Hwy	137.0	139.2	Curve realignments: Koonwarra and Black Spur - Stage 1: west of Koonwarra and Koonwarra	Realignment	4,700	1,950	2,516
Greater Bendigo City	Bendigo-Eaglehawk Rd	0.6	1.1	Duplicate road from Bridge St to Grattan St	Duplication	1,100	300	800
	Sub-total					**166,036**	**62,847**	**8,838**
Rural Arterial Bridge Projects								
Bass Coast Shire	Brv Unallocated Legal Costs	0.0	0.0	Phillip Is Rd- Cathodic Protection	Miscellaneous	2,270	702	0
Campaspe Shire	Bendigo-Murchison Rd	37.4	38.2	Replace timber bridge over Campaspe River	Bridge Replacement	1,200	219	0
Colac-Otway Shire; Corangamite Shire	Lavers Hill-Cobden Rd	17.9	17.9	Replace bridge over Gellibrand River and associated road works	Bridge Replacement	936	7	0
East Gippsland Shire	Gelantipy Rd	36.7	37.1	over Butchers Creek and realignment	Bridge Replacement	730	388	7
East Gippsland Shire	Combienbar Rd	16.0	16.0	At Errinundra River - timber bridge	Bridge Replacement	272	4	0
Gannawarra Shire	Kerang-Murrabit Rd	15.6	16.7	over Barr Creek	Bridge Replacement	820	49	0
Gannawarra Shire	Kerang-Koondrook Rd	6.3	7.0	Pyramid Creek Bridge	Bridge Replacement	1,200	334	49
Golden Plains Shire	Steiglitz Rd	20.5	21.0	Replace Five Mile Bridge over Sutherlands Ck	Bridge Replacement	632	6	0
Greater Bendigo City	Heathcote-Kyneton Road	20.0	20.6	Major rehabilitation at historic bridge, Redesdale	Bridge Rehabilitation	530	66	0
Loddon Shire	Bendigo-Maryborough Rd	45.2	45.4	Deck Overlay on Loddon River Bridge	Bridge Rehabilitation	886	116	0
Moyne Shire	Warrnambool-Caramut Rd	33.0	33.5	Replace Quamby Bridge over Youl Ck	Bridge Replacement	667	12	0
Surf Coast Shire	Hendy Main Rd	2.7	2.7	Widen and redeck bridge over Thompsons Ck	Bridge Replacement	200	166	0
Wellington Shire	Won Wron Rd	4.0	4.2	Replace timber bridge over Tarra River	Bridge Replacement	470	5	0
Alpine Shire	Great Alpine Rd	99.7	100.2	Harrietville, replacement of School Bridge	Bridge Replacement	840	800	0
Baw Baw Shire	Mount Baw Baw Rd	6.5	7.0	Replace bridge over Latrobe River and improve approach alignment	Bridge Replacement	1,782	670	1,040

2000/2001 BETTER ROADS VICTORIA PROGRAM — ATTACHMENT 1

Municipality	Road Name	From (km)	To (km)	Description	Work Type	TEC ($'000)	2000/01 ($'000)	2001/02 ($'000)
Buloke Shire; Gannawarra Shire	Donald-Swan Hill Rd	73.3	73.5	Replace Ruby's Bridge over Lalbert Ck, SN4620, Towanniny	Bridge Replacement	530	512	0
Campaspe Shire	Bendigo-Murchison Rd	70.2	70.3	Moora Cr (5 Mile Cr), Mathiesons, SN4873	Bridge Strengthening	335	324	0
Central Goldfields Shire	Maryborough-St Arnaud Rd	13.0	13.3	Over Bet Bet Creek, near Wareek	Bridge Replacement	605	600	5
Colac-Otway Shire	Great Ocean Rd	172.2	172.3	Redeck bridge - Sugarloaf Creek SN 3893	Bridge Rehabilitation	360	351	0
Colac-Otway Shire	Great Ocean Rd	152.9	152.9	Replace deck - Jamieson River SN 3884	Bridge Rehabilitation	280	273	0
Colac-Otway Shire	Birregurra Rd	5.1	5.1	Kettles Creek SN 3965 - Widen and strengthen bridge	Bridge Widening	125	122	0
Delatite Shire	Midland Hwy	32.6	32.7	Lima South, bridge replacement at Blue Hills Creek	Bridge Replacement	300	288	0
Delatite Shire	Midland Hwy	21.1	21.2	Swanpool, strengthen bridge over Lima East Creek	Bridge Strengthening	250	234	0
East Gippsland Shire	Omeo Hwy	125.5	125.9	Replace timber bridge over Livingstone Creek and realign approaches.	Bridge Replacement	1,623	644	922
Gannawarra Shire	Murray Valley Hwy	95.2	95.2	Loddon River bridge, Kerang SN1515	Bridge Strengthening	230	227	3
Greater Bendigo City	Bendigo-St Arnaud Rd	3.9	4.0	SN4476 over Spring Creek west of Marong	Bridge Construction	435	430	5
Greater Bendigo City	Bendigo-St Arnaud Rd	4.7	4.8	SN4477 Picanniny Creek Bridge, west of Marong	Bridge Construction	395	390	5
Greater Shepparton City	Euroa-Shepparton Rd	28.9	28.9	Miepoll, replace bridge over Seven Creeks	Bridge Construction	140	140	0
Hepburn Shire	Creswick-Newstead Rd	27.7	27.9	Bridge over Joyces Creek	Bridge Strengthening	309	293	0
Moira Shire	Murray Valley Hwy	189.9	190.1	Kotupna, replace six cell culvert	Bridge Replacement	135	132	0
Mount Alexander Shire	Creswick-Newstead Rd	34.0	34.0	Eberys SN4363	Bridge Replacement	245	234	0
Moyne Shire	Mortlake-Ararat Rd	21.6	21.6	Salt Creek at Woorndoo	Bridge Strengthening	150	146	0
Southern Grampians Shire	Glenelg Hwy	302.5	302.5	Sandy Creek at Wannon SN 2105	Bridge Strengthening	170	166	0
Southern Grampians Shire	Glenelg Hwy	273.8	273.8	Unnamed drain at Warrayure - SN 2098	Bridge Strengthening	110	107	0
Towong Shire	Murray Valley Hwy	125.2	125.5	Replace timber bridge at Thowgla Creek and realign road	Bridge Replacement	770	770	0
Yarra Ranges Shire	Healesville-Koo-wee-Rup Rd	12.0	12.0	Widening & strengthening of Yarra River Bridge(6006), adjacent timber bridge(6007) and a culvert	Bridge Replacement	1,550	1,319	192
Greater Geelong City	Barwons Heads	20.1	20.1	Rehabilitation of bridge over Barwon River	Bridge Rehabilitation	556	15	0
Redecking bridge over Barwon River	Queens Park	0.9	0.9	Redecking bridge over Barwon River	Redecking bridge over Barwon River	158	3	0
Golden Plains Shire	Rokewood Skipton	34.0	34.0	Replace bridge over Little Woady Yaloak Creek	Replace bridge over Little Woady Yaloak Creek	1,070	20	0
Projects to be finalised						146	146	0
	Sub-total					**24,412**	**11,430**	**2,228**
Rural State Impacted Local Roads								
Surf Coast Shire	Lighthouse Road & Inlet Crescent	0.0	0.8	Access improvement	Road Widening	370	322	0
Warrnambool City	Hopkins Point Rd	0.2	0.5	bridge over Marfell Rd over Hopkins River	Bridge Replacement	1,750	1,219	0
Wellington Shire	Fulham-Myrtlebank Rd	0.0	4.2	Reconstruct and realign btn Heyfield Rd & Stirling Bridge and widen bridges over Thompson River and Stirling River	Pavement Rehabilitation	1,543	68	0

2000/2001 BETTER ROADS VICTORIA PROGRAM — ATTACHMENT 1

Municipality	Road Name	From (km)	To (km)	Description	Work Type	TEC ($'000)	2000/01 ($'000)	2001/02 ($'000)
Strathbogie Shire	Drysdale Road	0.0	6.8	Widen to 5.6m wide between Birkett Street, Euroa and unused road reserve of Creighton Siding Road in support of Agribusiness development (Mushroom Farm and Piggery)	Road Widening	230	112	0
Mildura Rural City	Ontario Avenue	0.0	0.9	New road for Hospital access between 13th & 14 Streets, Mildura	Road Construction	2,000	975	975
Wangaratta Rural City	Phillipson Street	0.1	0.5	On detour route for high trucks(20 t limit).	Bridge Replacement	240	234	0
La Trobe Shire	Old Sale Road	0.0	0.0	Construct roundabout at intersection of Old Sale Road and Newark Avenue, Newborough.	Intersection Treatments	230	224	0
Greater Bendigo City	Sailors Gully Rd	0.0	0.9	Widen and resheet	Road Widening	380	351	20
Glenelg Shire	Condah - Coleraine Road	0.0	19.0	South of Dartmoor - Hamilton Road to Condah	Route Improvements	850	829	0
Moyne Shire	Tarrone Lane	10.3	15.9	West of the Penshurst - Warrnambool Road	Pavement Rehabilitation + Bridge Replacement	1,055	992	37
East Gippsland Shire	Tamboon Road	3.5	15.8	Cape Everard Road	Pavement Rehabilitation	1,000	488	403
Yarriambiack Shire	Hoptoun West Gysum Route			Widen and seal	Road Construction	950	263	400
Rural State Impacted Local Roads - Timber								
Wangaratta Rural City	Lake Buffalo-Carboor Road	26.6	26.6	Strengthen and widen bridge over Scrubby Creek	Bridge Strenthening	45	44	0
East Gippsland Shire	Swifts Creek Omeo Road	17.2	17.2	Replace timber bridge over Horseflat Creek	Bridge Replacement	170	166	0
La Trobe Shire	Budgeree Rd	7.6	9.0	Widen curves to obtain a 9 m formation and gravel resheet road	Road Widening	171	167	0
Pyrenees Shire	Beaufort-Amphitheatre	1.5	2.5	Beaufort	Pavement Rehabilitation	155	151	0
Strathbogie Shire	Old Bonnie Doon Road	0.0	4.8	Stage 1 - Pavement reconstruction and culvert widening	Pavement Rehabilitation	175	171	0
Wangaratta Rural City	Lake Buffalo-Carboor Rd	24.8	24.8	Extend culvert @ Gum Flat, Carboor Upper	Major Drainage	21	20	0
Baw Baw Shire	Yarragon - Leongatha Rd	11.5	20.2	Allambie to shire boundary	Pavement Rehabilitation	450	439	0
Indigo Shire	Mt Stanley Rd	0.9	1.7	Pavement reconstruction from Cooks Lane to Boswell Rd	Road Widening	120	117	0
Alpine Shire	Maroscos Ln	0.2	0.2	Happy Valley Creek Bridge north of Happy Valley Road	Bridge Replacement	130	127	0
Murrindindi Shire	Wilhelmina Falls Rd	0.0	3.4	Gravel resheeting north of Murrindindi Rd	Pavement Rehabilitation	66	64	0
Delatite Shire	Lima Rd	7.9	8.9	Widening and resheet south of Swanpool-Lima Rd	Pavement Rehabilitation	46	45	0
Glenelg Shire	Grubbed Road	13.7	18.3	Pavement widening, resheet and initial seal	Road Widening	302	294	0
Colac-Otway Shire	Colac Tree Rd	0.0	2.6	Widen road from Great Ocean Rd	Road Widening	57	56	0
Glenelg Shire	Casterton - Dartmoor Road	10.9	16.3	Widen, resheet and seal 5.4Km length from 10.9Km south of Glenelg Hway.	Road Widening	403	393	0
Baw Baw Shire	Old Sale Road	14.5	19.6	Pavement Construction and sealing between Beards Road to Yarragon-Shady Creek Rd	Road Construction	428	239	0
East Gippsland Shire	Craigie Bog Road	4.3	4.3	Craigie Bog Creek - Bridge replacement.	Bridge Replacement	52	46	0
East Gippsland Shire	Craigie Bog Road	4.9	4.9	Buldah Creek - Bridge replacement (please note Buldah Creek is not shown on map 68 - remote area)	Bridge Replacement	27	19	0
East Gippsland Shire	Bullumwaal-Tabberabbera Rd	10.0	10.0	Bridge Replacement - Merrijig Creek - Bridge replacement	Bridge Replacement	52	43	0

2000/2001 BETTER ROADS VICTORIA PROGRAM **ATTACHMENT 1**

Municipality	Road Name	From (km)	To (km)	Description	Work Type	TEC ($'000)	2000/01 ($'000)	2001/02 ($'000)
Pyrenees Shire	Beaufort-Amphitheatre	12.4	14.5	Pavement reconstruction & drainage	Pavement Rehabilitation	295	118	0
West Wimmera Shire	Dorodong Rd	8.0	22.0	Partly reconstruct existing narrow pavement on crest, widen and resheet other sections of existing pavement and resheet shoulders on the crests and curves.	Road Widening	159	10	0
Projects to be finalised						908	878	8
					TOTAL	14,830	9,682	1,842
					Rural		92,925	
					METRO		125,363	

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Industrial Relations: consultancies

1163. THE HON. G. B. ASHMAN — To ask the Honourable the Minister for Industrial Relations: In relation to consultancy contracts entered into by the minister, or her department:

(a) How many consultancies have been entered into since 20 October 1999.

(b) What are the names of each individual or organisation or company awarded contracts.

(c) What is the purpose and objective of each consultancy.

(d) What is the cost of each consultancy contract.

(e) What criteria or process was used in the awarding of each contract.

(f) When was each tender for each consultancy advertised and when were they let.

(g) If tenders were not advertised, why were they not advertised.

ANSWER:

The Honourable Member is referred to the Department of State and Regional Development's 1999-2000 annual report for details of consultancies up to 30 June 2000.

In the period 1 July 2000 to 30 September 2000, four consultancies were contracted by Industrial Relations Victoria at a total approved cost of $95,854.38 inclusive of GST.

I am advised that Industrial Relations Victoria has complied with section 54L of the *Financial Management Act* 1994. Supply policies and the associated best practice guidelines are publicly available on the Victorian Government Purchasing Board's website at www.vgpb.vic.gov.au/polguid/polmenu.htm.

Agriculture: former Yugoslav Republic of Macedonia

1173. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture):

(a) Does the minister intend issuing a directive to his departments and agencies as to the terminology to be used when making references to the language spoken by people originating from or associated with the former Yugoslav Republic of Macedonia.

(b) If the minister does intend to do so, what will the directive or instruction be.

ANSWER:

I am informed that:

This issue has been addressed across all Departments and Agencies of the Victorian Public Service

A determination regarding the language spoken by people living in or originating from the Former Yugoslav Republic of Macedonia (FYROM) was made by the Human Rights and Equal Opportunity Commission on 8 September 2000. As a result of this determination, the Secretary of the Department of Premier and Cabinet directed all Victorian Public Service Departmental heads to distribute within their organisations instructions withdrawing the previous government's 1994 directive on the use of the term Macedonian (Slavonic) with reference to the language.

Guidance on the revised policy was drawn from nomenclature utilised by the Commonwealth, including use of the terms Former Yugoslav Republic of Macedonia (FYROM) and Slav Macedonian in describing the country and people of that region. With reference to the language itself, and in the absence of a definitive precedent in Commonwealth practice, Departments and Agencies have been advised to consult among their clients within the communities concerned to identify and adopt appropriate descriptors for future use.

Planning: former Yugoslav Republic of Macedonia

1181. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Planning):

(a) Does the minister intend issuing a directive to his departments and agencies as to the terminology to be used when making references to the language spoken by people originating from or associated with the former Yugoslav Republic of Macedonia.

(b) If the minister does intend to do so, what will the directive or instruction be.

ANSWER:

I am informed that:

This issue has been addressed across all Departments and Agencies of the Victorian Public Service

A determination regarding the language spoken by people living in or originating from the Former Yugoslav Republic of Macedonia (FYROM) was made by the Human Rights and Equal Opportunity Commission on 8 September 2000. As a result of this determination, the Secretary of the Department of Premier and Cabinet directed all Victorian Public Service Departmental heads to distribute within their organisations instructions withdrawing the previous government's 1994 directive on the use of the term Macedonian (Slavonic) with reference to the language.

Guidance on the revised policy was drawn from nomenclature utilised by the Commonwealth, including use of the terms Former Yugoslav Republic of Macedonia (FYROM) and Slav Macedonian in describing the country and people of that region. With reference to the language itself, and in the absence of a definitive precedent in Commonwealth practice, Departments and Agencies have been advised to consult among their clients within the communities concerned to identify and adopt appropriate descriptors for future use.

Attorney-General: former Yugoslav Republic of Macedonia

1186. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Small Business (for the Honourable the Attorney-General):

(a) Does the minister intend issuing a directive to his departments and agencies as to the terminology to be used when making references to the language spoken by people originating from or associated with the former Yugoslav Republic of Macedonia.

(b) If the minister does intend to do so, what will the directive or instruction be.

ANSWER:

I am informed that:

This issue has been addressed across all Departments and Agencies of the Victorian Public Service

A determination regarding the language spoken by people living in or originating from the Former Yugoslav Republic of Macedonia (FYROM) was made by the Human Rights and Equal Opportunity Commission on 8 September 2000. As a result of this determination, the Secretary of the Department of Premier and Cabinet directed all Victorian Public Service Departmental heads to distribute within their organisations instructions withdrawing the previous government's 1994 directive on the use of the term Macedonian (Slavonic) with reference to the language.

Guidance on the revised policy was drawn from nomenclature utilised by the Commonwealth, including use of the terms Former Yugoslav Republic of Macedonia (FYROM) and Slav Macedonian in describing the country and people of that region. With reference to the language itself, and in the absence of a definitive precedent in Commonwealth practice, Departments and Agencies have been advised to consult among their clients within the communities concerned to identify and adopt appropriate descriptors for future use.

Housing and Aged Care: former Yugoslav Republic of Macedonia

1189. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing and Aged Care):

(a) Does the minister intend issuing a directive to her departments and agencies as to the terminology to be used when making references to the language spoken by people originating from or associated with the former Yugoslav Republic of Macedonia.

(b) If the minister does intend to do so, what will the directive or instruction be.

ANSWER:

I am informed that:

This issue has been addressed across all Departments and Agencies of the Victorian Public Service.

A determination regarding the language spoken by people living in or originating from the Former Yugoslav Republic of Macedonia (FYROM) was made by the Human Rights and Equal Opportunity Commission on 8 September 2000. As a result of this determination, the Secretary of the Department of Premier and Cabinet directed all Victorian Public Service Departmental heads to distribute within their organisations instructions withdrawing the previous government's 1994 directive on the use of the term Macedonian (Slavonic) with reference to the language.

Guidance on the revised policy was drawn from nomenclature utilised by the Commonwealth, including use of the terms Former Yugoslav Republic of Macedonia (FYROM) and Slav Macedonian in describing the country and people of that region. With reference to the language itself, and in the absence of a definitive precedent in Commonwealth practice, Departments and Agencies have been advised to consult among their clients within the communities concerned to identify and adopt appropriate descriptors for future use.

Industrial Relations: consultancies

1193. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations:

(a) What are the names of all the individuals or companies employed by consultancy contracts since 1 July 2000, if any, hired by the Minister or the Minister's department.

(b) On what dates was each contracted.

(c) For how long was each contracted.

(d) What was the nature of each consultancy.

(e) What is the basis and rate of each of their payments.

ANSWER:

In the period 1 July 2000 to 30 September 2000, two consultancies were contracted by Industrial Relations Victoria at a total approved cost of $53,879.38 inclusive of GST.

Sport and Recreation: consultancies

1196. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Sport and Recreation:

(a) What are the names of all the individuals or companies employed by consultancy contracts since 1 July 2000, if any, hired by the Minister or the Minister's department.

(b) On what dates was each contracted.

(c) For how long was each contracted.

(d) What was the nature of each consultancy.

(e) What is the basis and rate of each of their payments.

ANSWER:

In the period 1 July 2000 to 30 September 2000, one consultancy was contracted by the Department's sport and recreation division, Sport and Recreation Victoria, at a total approved cost of $25,740.

Consumer Affairs: consultancies

1199. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Consumer Affairs:

(a) What are the names of all the individuals or companies employed by consultancy contracts since 1 July 2000, if any, hired by the Minister or the Minister's department.

(b) On what dates was each contracted.

(c) For how long was each contracted.

(d) What was the nature of each consultancy.

(e) What is the basis and rate of each of their payments.

ANSWER:

In reply to question 1199, I wish to advise that Consumer and Business Affairs used two (2) consultancies since 1 July 2000. The details in order of the above questions are as follows:

1(a) The company consulted was Sweeney Research (Pty) Ltd

1(b) The consultancy was contracted on 11/09/2000

1(c) The contracted was for a period of 2 months with an estimated completion date of 15/11/2000

1(d) The nature of the consultancy relates to the evaluation of the Homebuyers/Home Renovators Magazine

1(e) The contract amount was $43,750 and the basis of payment was ½ the payment ($21,890) on signing of the contract and the remainder on delivery of the final product

2(a) The company consulted was Matrix International

2(b) The consultancy was contracted on 12/07/2000

2(c) The contract was for a period of 1 week with a completion date of 19/7/2000

2(d) The nature of the consultancy relates to review of the security plan for the Business Services Division following the breaking of the glass door by a member of the public

2(e) The contract amount was $2,100 and was paid on completion of the task

Environment and Conservation: consultancies

1206. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation):

(a) What are the names of all the individuals or companies employed by consultancy contracts since 1 July 2000, if any, hired by the Minister or the Minister's department.

(b) On what dates was each contracted.

(c) For how long was each contracted.

(d) What was the nature of each consultancy.

(e) What is the basis and rate of each of their payments.

ANSWER:

I am informed that:

To provide the information requested would require an inordinate amount of time and resources which are not available.

Planning: consultancies

1214. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Planning):

(a) What are the names of all the individuals or companies employed by consultancy contracts since 20 October 1999, if any, hired by the Minister or the Minister's department.

(b) On what dates was each contracted.

(c) For how long was each contracted.

(d) What was the nature of each consultancy.

(e) What is the basis and rate of each of their payments.

ANSWER:

The Honourable Member is referred to the Department of Infrastructure Annual report for details of consultancies up to 30 June 2000.

To provide the information from 1 July 2000 to present date would require an unreasonable diversion of time and resources which are not available.

Major Projects and Tourism: consultancies

1217. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Major Projects and Tourism):

(a) What are the names of all the individuals or companies employed by consultancy contracts since 1 July 2000, if any, hired by the Minister or the Minister's department.

(b) On what dates was each contracted.

(c) For how long was each contracted.

(d) What was the nature of each consultancy.

(e) What is the basis and rate of each of their payments.

ANSWER:

In the period 1 July 2000 to 30 September 2000, 11 consultancies were contracted by the Office of Major Projects at a total approved cost of $31,334.

Women's Affairs: consultancies

1220. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Women's Affairs):

(a) What are the names of all the individuals or companies employed by consultancy contracts since 1 July 2000, if any, hired by the Minister or the Minister's department.

(b) On what dates was each contracted.

(c) For how long was each contracted.

(d) What was the nature of each consultancy.

(e) What is the basis and rate of each of their payments.

ANSWER:

I am informed that:

No consultants were employed by the Office of Women's Policy between 1 July 2000 – 5 October 2000.

Community Services: consultancies

1221. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services):

(a) What are the names of all the individuals or companies employed by consultancy contracts since 20 October 1999, if any, hired by the Minister or the Minister's department.

(b) On what dates was each contracted.

(c) For how long was each contracted.

(d) What was the nature of each consultancy.

(e) What is the basis and rate of each of their payments.

ANSWER:

The Honourable Member is referred to the Department of Human Services 1999-2000 Annual Report for details of consultancies up to 30 June 2000.

The Department of Human Services currently does not maintain a central database of consultancy information. The Department collects consultancy information locally by divisions and regions. The information is collated annually for reporting purposes under the Financial Management Act and for inclusion in the annual report. The Department is currently in the process of developing a central recording system for consultancies.

To provide details of consultancies since 1 July 2000 would require an inordinate amount of time and resources which are not available.

Health: Ararat–Melbourne road ambulance use

1225. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): How many patients were transported by road ambulance to Melbourne from the municipality of Ararat Rural City in the financial year 1998–99.

ANSWER:

The information requested is not routinely collected by the Department of Human Services and to provide the requested information would require an inordinate amount of time and resources which are not available.

Health: Ararat–Melbourne fixed wing air ambulance use

1226. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): How many patients were transported by fixed wing air ambulance to Melbourne from the municipality of Ararat Rural City in the financial year 1998–99.

ANSWER:

The information requested is not routinely collected by the Department of Human Services and to provide the requested information would require an inordinate amount of time and resources which are not available.

Health: Ararat–Melbourne ambulance helicopter use

1227. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): How many patients were transported by ambulance helicopter to Melbourne from the municipality of Ararat Rural City in the financial year 1998–99.

ANSWER:

The information requested is not routinely collected by the Department of Human Services and to provide the requested information would require an inordinate amount of time and resources which are not available.

Health: Ararat–Melbourne road ambulance use

1228. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): How many patients were transported by road ambulance to Melbourne from the municipality of Ararat Rural City in the financial year 1999–2000.

ANSWER:

The information requested is not routinely collected by the Department of Human Services and to provide the requested information would require an inordinate amount of time and resources which are not available.

Health: Ararat–Melbourne fixed wing air ambulance use

1229. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): How many patients were transported by fixed wing air ambulance to Melbourne from the municipality of Ararat Rural City in the financial year 1999–2000.

ANSWER:

The information requested is not routinely collected by the Department of Human Services and to provide the information requested would require an inordinate amount of time and resources which are not available.

Health: Ararat–Melbourne ambulance helicopter use

1230. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): How many patients were transported by ambulance helicopter to Melbourne from the municipality of Ararat Rural City in the financial year 1999–2000.

ANSWER:

The information requested is not routinely collected by the Department of Human Services and to provide the information requested would require an inordinate amount of time and resources which are not available.

Health: Ararat–Essendon Airport fixed wing air ambulance use

1231. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): How many patients were transported by fixed wing air ambulance via Essendon Airport from the municipality of Ararat Rural City in the financial year 1998–99.

ANSWER:

The information requested is not routinely collected by the Department of Human Services and to provide the information requested would require an inordinate amount of time and resources which are not available.

Health: Ararat–Essendon Airport ambulance helicopter use

1232. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): how many patients were transported by ambulance helicopter via Essendon Airport from the municipality of Ararat Rural City in the financial year 1998-1999.

ANSWER:

The information requested is not routinely collected by the Department of Human Services and to provide the information requested would require an inordinate amount of time and resources which are not available.

Health: Ararat–Essendon Airport ambulance helicopter use

1234. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): How many patients were transported by ambulance helicopter via Essendon Airport from the municipality of Ararat Rural City in the financial year 1999–2000.

ANSWER:

The information requested is not routinely collected by the Department of Human Services and to provide the information requested would require an inordinate amount of time and resources which are not available.

Sport and Recreation: Olympic Games functions

1240. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Sport and Recreation: Will the Minister provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Minister attended; (ii) of whom the Minister was the guest; (iii) who paid for the Minister's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

I attended the Olympic Games in Sydney in an official capacity on the dates of 15 and 16 September and 27 September 2000.

I attended a range of functions relating to the Olympic Games in Sydney.

While at the Games I attended events under the arrangements entered into by the previous Government.

My travel expenses were met by the Department of State and Regional Development.

My accommodation was paid by Tourism Victoria.

Youth Affairs: Olympic Games functions

1241. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Youth Affairs: Will the Minister provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Minister attended; (ii) of whom the Minister was the guest; (iii) who paid for the Minister's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

I did not attend the Olympic Games in my capacity as Minister for Youth Affairs.

Small Business: Olympic Games functions

1242. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Small Business: Will the Minister provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Minister attended; (ii) of whom the Minister was the guest; (iii) who paid for the Minister's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

I attended the Sydney 2000 Olympic Games in a private capacity, and paid all my own expenses.

Consumer Affairs: Olympic Games functions

1243. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Consumer Affairs: Will the Minister provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Minister attended; (ii) of whom the Minister was the guest; (iii) who paid for the Minister's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

I attended the Sydney 2000 Olympic Games in a private capacity, and paid all my own expenses.

Environment and Conservation: Olympic Games functions

1251. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): Will the Minister provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Minister attended; (ii) of whom the Minister was the guest; (iii) who paid for the Minister's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

I am informed that:

(i) The Minister for Environment and Conservation was officially on recreation leave from 21-24 September 2000 and attended the Sydney 2000 Olympic Games during this period.

(ii), (iii) & (iv)

The Minister attended in a personal, not official, capacity, her tickets were obtained through the public ballot, and she personally met all her expenses.

Planning: Olympic Games functions

1259. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Youth Affairs (for the Honourable the Minister for Planning): Will the Minister provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including

functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Minister attended; (ii) of whom the Minister was the guest; (iii) who paid for the Minister's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

(i) I attended the Olympic Games in Sydney in an official capacity between the dates of 20 September 2000 and 24 September 2000. I attended a range of functions relating to the Olympic Games in Sydney.

(ii) While at the Games I attended events as a guest of the New South Wales Government.

(iii) Travel was at my own expense. Accommodation was paid under the arrangements entered into by the previous Government.

Manufacturing Industry: Olympic Games functions

1260. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Youth Affairs (for the Honourable the Minister for Manufacturing Industry): Will the Minister provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Minister attended; (ii) of whom the Minister was the guest; (iii) who paid for the Minister's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

I attended the Olympic Games in my capacity as Minister for Manufacturing Industry and Minister for Racing, between the dates of 15 September 2000 and 17 September 2000.

While at the Games, I attended events under arrangements entered into by the previous Government.

The Department of Justice paid my travel expenses and will be reimbursed for these by the Department of State and Regional Development under an arrangement agreed between the two Departments.

While in Sydney, I stayed in private accommodation.

Racing: Olympic Games functions

1261. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Youth Affairs (for the Honourable the Minister for Racing): Will the Minister provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Minister attended; (ii) of whom the Minister was the guest; (iii) who paid for the Minister's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

I refer the Honourable Member to my answer to question no. 1260.

[Hansard reference — See above.]

Major Projects and Tourism: Olympic Games functions

1262. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Youth Affairs (for the Honourable the Minister for Major Projects and Tourism): Will the Minister provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Minister attended; (ii) of whom the Minister was the guest; (iii) who paid for the Minister's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

I attended the Olympic Games in Sydney in an official capacity between the dates of 15 and 17 September 2000.

I attended a range of functions relating to the Olympic Games in Sydney.

While at the Games I attended events under the arrangements entered into by the previous Government.

My travel expenses for flights and transfers were met by the Department of State and Regional Development.

My accommodation was paid by Tourism Victoria.

Women's Affairs: Olympic Games functions

1265. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Women's Affairs): Will the Minister provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Minister attended; (ii) of whom the Minister was the guest; (iii) who paid for the Minister's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

I am informed that:

(i) The Minister for Environment and Conservation was officially on recreation leave from 21-24 September 2000 and attended the Sydney 2000 Olympic Games during this period.

(ii), (iii) & (iv)

The Minister attended in a personal, not official, capacity, her tickets were obtained through the public ballot, and she personally met all her expenses.

Minister Assisting Minister for State and Regional Development: Olympic Games functions

1270. THE HON. D. McL. DAVIS — To ask the Honourable the Minister Assisting the Minister for State and Regional Development: Will the Minister provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Minister attended; (ii) of whom the Minister was the guest; (iii) who paid for the Minister's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

(i) and (ii)

- On 26 September 2000 I attended the men's semi-final of the Olympic soccer under arrangements entered into by the previous Government.

- On 4 October I attended the welcome for the Olympic athletes at the Vodaphone Arena, Swan Street Melbourne Park.

(iii) and (iv)

There was no cost to the State Government.

Minister Assisting Minister for Planning: Olympic Games functions

1271. THE HON. D. McL. DAVIS — To ask the Honourable the Minister Assisting the Minister for Planning: Will the Minister provide a list of the sporting, business and social events, meetings and/or functions the Minister attended in relation to the Sydney 2000 Olympic Games, including functions, events, sporting events, and/or meetings in New South Wales and Victoria during and/or after the Olympic Games, outlining — (i) on what dates the Minister attended; (ii) of whom the Minister was the guest; (iii) who paid for the Minister's expenses related to the attendance, including travel, ticket, food and beverage and/or accommodation expenses; and (iv) the costs of these expenses.

ANSWER:

Please refer to the response given by me to Question No. 1240.

[Hansard reference — see page 1421.]

Energy and Resources: Sustainable Energy Authority board appointments

1374. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources:

(a) In respect of Question No. 839 answered in this House on 3 October 2000 on the new board members of the Sustainable Energy Authority why did she only provide the surnames of the board members.

(b) Will she now provide the full names of each of the appointees to the Sustainable Energy Authority.

ANSWER:

I am informed that:

(a) The format used for the response to Question No. 839 was the same as previously provided by the Department to similar Questions asked of the Minister for Environment and Conservation during the Autumn Sittings.

(b) The full names of the appointees to the Sustainable Energy Authority are:

Mr Greg Bourne (Chairperson), Ms Libby Anthony, Mr Michael Hill, Ms Carolyn Lloyd, Ms Sheila O'Sullivan, Dr Harry Schaap and Mr Keith Fitzmaurice.