PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

26 October 2000

(extract from Book 4)

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By authority of the Victorian Government Printer

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QUESTIONS ON NOTICE

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Thursday, 26 October 2000

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

PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. J. M. MADDEN (Minister assisting the Minister for Planning).

HERITAGE (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. J. M. MADDEN (Minister assisting the Minister for Planning).

PAPERS

Laid on table by Clerk:

Harness Racing Board — Report, 1999–2000.

Queen Victoria Women's Centre Trust — Report, 1999–2000.

Treasury Corporation — Report, 1999–2000 (two papers).

PLANNING AND ENVIRONMENT (RESTRICTIVE COVENANTS) BILL

Second reading

Debate resumed from 3 October; motion of Hon. J. M. MADDEN (Minister assisting the Minister for Planning).

Hon. P. A. KATSAMBANIS (Monash) — The bill makes certain changes to the way the Planning and Environment Act deals with the application of restrictive covenants in our system of property law and planning rights. That the bill is before the house indicates the significant public concern about the operation of restrictive covenants within the state planning law system.

Restrictive covenants are a property right and have been recognised as part of our panoply of property laws for centuries. The covenants create certain rights for the people who benefit from them by restricting the use to which the land subject to the covenants can be put.

Over the years some covenants have come to be seen as impediments to people who have wanted to develop properties on pieces of land that have been outside of the parameters set by the covenants. In such cases the people who have sought to develop or change the use of the land have taken steps to do so outside the covenant process.

The accepted way to remove or vary a covenant is to make application to the Supreme Court for it to consider whether or not that covenant should be removed. Unfortunately over the past few years there has been a move away from that. Some people have simply ignored the existence of covenants and have sought through the normal planning permit application system permits to develop pieces of land, with complete disregard for any covenants that might have applied to either that land or adjoining pieces of land, and having obtained the permits have gone ahead and built in breach of the covenants rather than doing the honourable thing of applying to have any covenants affecting the land or adjoining pieces of land varied or removed as the case may be.

Consequently, in some cases the rights of owners of adjoining properties have been severely affected and they have been forced to apply to the court to uphold their existing rights. That is seen as almost a reversal of the traditional onus of proof rather than somebody applying to vary a covenant and any rights created thereunder. Once the covenant is breached it is incumbent on the people who benefit from the covenant and who have done nothing wrong to pay legal fees and spend time and energy to get themselves back into their previous positions. That method of enforcement of an existing property right is an anomaly that has led to significant expense for many Victorians.

The bill attempts to fix that problem by creating a new system for the variation, amendment, alteration or removal of a restrictive covenant as it affects a property or properties. Insofar as the bill creates a new system and tries to remedy the faults of the present system the opposition has no problem and supports it. However, the opposition will move a series of amendments, which I am happy to have circulated, to ensure the bill can be made more effective, thereby protecting the rights and interests of Victorians who own properties that are subject to restrictive covenants.

The opposition's amendments, which will enhance the bill, have been developed after significant consultation with many community groups. Many people have made

submissions to the government and the opposition. I hope the government acknowledges that the opposition's amendments will provide a better system than that proposed in the bill and that it will provide bipartisan support for them during the committee stage.

The bill creates a three-tiered system of dealing with restrictive covenants if they are to be removed or altered. The first is an existing method that will be preserved — that is, for a person who wishes to vary or remove a covenant to apply to the court under the provisions of the Property Law Act to remove or vary a covenant. That can be done at any time, but preferably before a person applies for a planning permit to use the land in a way that may be contrary to the restrictions imposed by the covenant.

The second method, which also exists at present but is difficult to enforce in the way the law now applies, is to apply for a planning permit that varies or removes a covenant and to make a concurrent application for a planning permit to use the land in a way the person developing the land wants to use it but which contradicts the existing restrictive covenant.

The third way, which is not now possible but is provided for in the bill, is for a developer to apply to a planning authority, usually the local council, to amend the existing planning scheme so that the amendment to the planning scheme authorises the removal or variation of the covenant, and concurrently to apply for a permit to use or develop the land in the way which is desired by the owner but which is not now permitted by the restrictive covenant.

The opposition will support the new system because it will not only provide a framework through which developers will be able to apply to vary restrictive covenants and to seek permission to develop land in the way they see fit, but will also create a framework for the owners and occupiers of the land to preserve and protect their existing rights without fear that those rights will be overridden or removed without their knowledge or consent. That is an important criterion when one assesses the bill to decide whether it achieves the desired outcomes.

It must be noted that when one talks about restrictive covenants one means important property rights that vest in the people who benefit from covenants. They are contractual rights that would have been established and been well known to the people who so benefit when the properties were purchased. In many cases although the covenants may not have been the overriding reason for purchasing the properties in the first place, they would have been an important reason for doing so.

Despite protestations to the contrary from some quarters, society needs to respect and not ride roughshod over property rights. Victoria needs a system that will enable those who have paid due consideration for land that is the subject of restrictive covenants to defend the rights inherent in their land and will not allow developers to disregard restrictive covenants.

The subject of a covenant can take many forms. There are ancient provisions that do not allow people to build stables on or to quarry their land, and in many cases they are regarded as quaint. Other covenants do not allow multi-use development on a property and may allow only single dwellings to be constructed. Some covenants stipulate the building materials to be used in any construction or the distance a building should be set back from the street. Such covenants may create a desirable environment in an area whereby residents are able to protect, enhance and preserve the value of their properties. It is correctly argued that the removal of covenants in such cases may lead to a detrimental impact on the value of properties.

In weighing up whether restrictive covenants should be removed it is paramount to consider the impact on the person benefiting from the covenant, because he or she will not receive compensation for loss of their existing rights. The reason the bill introduces a framework is so those people will get the opportunity to have their say and to argue why the covenant should remain. At the same time the framework to be established must provide adequate protection to the people so affected, and that is where the bill falls down. It was introduced in the other place in the autumn sessional period and allowed to lie over. The government was attempting to correct the problems that had been identified in the community.

The government sought public consultation and commissioned a report to the Minister for Planning prepared by Terry Montebello, a partner in Maddock Lonie and Chisholm, lawyers, known as the Montebello report. The report considered public submissions that were tabled in the other place and made recommendations. To its credit the government picked up on some of the recommendations of the report when it introduced amendments in the other place, but not all of them. If people want further evidence of the importance that the public of Victoria places on planning laws, including the operation of restrictive covenants, they should obtain a copy of the Montebello report so they can read the submissions made by various groups. They will realise that restrictive covenants affect many Victorians and that the removal of those covenants will affect them in some circumstances. It is an excellent report that highlights

the importance of restrictive covenants and I commend it to members of this place.

I ask members to note some of the issues that the government did not pick up but which the opposition will move as amendments. The government will allow notice to be given to owners of a property that is the subject of a restrictive covenant where an application is made to remove or vary the covenant. Of course, notice should be given to owners of the property, but other people such as occupiers also have interests in the property. The benefit of the covenant runs with occupation and, in many cases, especially with long-term occupiers such as life tenants or licensees, occupiers may have a firm interest to protect by protecting the restrictive covenant.

The opposition believes occupiers should be given the same notice as owners so that they are made aware that the existing rights that run with the land from which they benefit should not be varied without their knowledge or consideration. They also have the opportunity to be heard or make a case, if they want the restrictive covenant to remain, on why it should remain. The opposition believes those rights should be extended to occupiers, and I trust the government will see the value of extending them to occupiers so they can be fully protected.

The opposition will seek to address another issue picked up by the Montebello report and by the Save Our Suburbs group in its submission to the Montebello review that affects clause 6 regarding the type of notice that needs to be given by applicants for the variation or removal of a covenant. The opposition's amendment will ensure that in those instances the type of notice given will contain information that is allowed under the regulations. It is different from the recommendations of Montebello and those of the Save Our Suburbs group in its submission to the Montebello review, but it recognises the point made by Montebello and Save Our Suburbs that when applicants make an application to a planning authority or court to remove a covenant they must identify all the lots, allotments or properties that are the subject of the covenant so that there is clear knowledge as to who may be affected. Whatever the requirements are they can be set out by regulation, and the opposition believes that is appropriate.

The opposition will also insist upon its amendment that will ensure that where a restrictive covenant is to be removed or varied and an application is made to do so, it is not sufficient for notice to be given by putting up a sign on the property stating that the developer wants to develop or vary the covenant, or to advertise in a local newspaper, as the government will allow in its provision, but that each and every property owner or occupier subject to the benefits of a restrictive covenant that is sought to be removed or varied be given individual notice in writing so he or she is made aware of the covenant, rather than constructively aware of it, to use a legal term.

As I said earlier, this is an important legal right that flows with someone's property, and if it is to be removed or varied we should not deem the people so affected to have received notice because someone puts up a sign, perhaps behind a tree, which may blow away in a storm or where the writing may be smudged or vandalised. We should not assume some people will find out about the potential removal of a restrictive covenant because they happen to read about it in the public notices of the *Herald Sun* or the *Age*. As we all know, we all read the public notices in the daily papers! We do not, of course, and it is not good enough for the government to say that where a restrictive covenant is to be removed or varied the people who have the benefit of that covenant will find out that there is an application to remove or vary it. A written notice should be required to be sent to their address so they are fully aware of the covenant and can take steps to protect their legal rights.

I trust the government will see the sense of the amendment because it will strengthen the bill and will mean the framework created by it will work for the benefit of covenant holders. It will ensure that owners and occupiers of affected land receive real notice and that there is not an opportunity for them to miss out on finding that there is a variation in their existing rights.

The opposition will also seek to ensure by proposing an amendment to the bill that the overriding public interest is taken into account when a court, tribunal, council or minister comes to consider whether or not a covenant should be removed at the end of the process of notices being given, applications being made and parties determining whether they will protect their rights. If someone says, 'I wish to have my restrictive covenant rights protected', a court, planning authority, minister or tribunal will have to ask, 'Do we remove the covenant and allow the developers to use the land in the way they wish outside the restrictions of the covenant, or do we uphold the existing rights given to the people who benefit under the covenant?', and make a determination.

The considerations that the people making those decisions take into account will be important. Should they simply consider the concept of the public interest or should they do a weighing-up exercise between the

removal and non-removal of a covenant? What should be taken into account? The bill leaves that open.

The opposition says that the bill will take away an existing property right without compensating the person who has the benefit of that right for its removal. The justification for removal has to go beyond being just a good idea. The opposition says it is not good enough for a person making an application to remove, vary or amend a covenant in any way to simply say, 'It makes good sense under planning law', 'It provides for consistency under the planning scheme' or 'It enables me to do what I want to do with my land', because it could affect the existing property rights of adjoining land-holders.

The opposition says that the test should be that the minister or the planning authority should be satisfied that the overriding public interest requires the removal or variation of a covenant and should consider any perceived detriment that an owner or occupier of land benefited by a covenant may suffer as a result of the removal or variation of that covenant.

The opposition does not resile from its belief that a strict test has to be applied, and it will be pursuing that belief. It is to be hoped that between now and consideration of the amendment the government will also see the good sense in it. The amendment will protect those people who have existing rights under restrictive covenants and who wish to protect those rights. It will mean their interests will be taken into account in any determination. It will also mean that an overriding public interest for the removal of a covenant will be required to be proven to ensure that covenants are removed not simply because it makes good sense or because a developer wants it but because the test that the public interest will be served has been satisfied.

I note that in a press release issued yesterday the Save Our Suburbs group to which I referred earlier comments favourably on the amendment. The press release states:

> We particularly welcome the proposed amendment which requires that overriding public interest is established before a restrictive covenant can be removed or varied, by a planning scheme amendment.
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> …
>
> Without such an amendment, covenants can be removed by a council and a minister without any law requiring them to have regard to the fact that people might be having a highly valued property right taken away from them without any compensation.

That gets to the nub of it. Save Our Suburbs is saying that a restrictive covenant is a highly valued property right. As I said earlier, people decide to make property purchases based on a series of reasons, including the fact that they like the amenity of an area and believe that a restrictive covenant protects that amenity. They see value in it.

I am no expert in property values, but it has been submitted to me by estate agents and valuers that in many cases when the character and nature of an area is protected by a restrictive covenant it adds significant value to properties in that area. If the removal of such property rights affects people's property values without compensation — under our laws people are not compensated for the removal of restrictive covenants — then the least a planning authority or minister should do is prove that approval for the removal was made in the overriding public interest and only after a consideration of the detriment that would be suffered by the owners of the properties affected.

It is good that a group such as Save Our Suburbs sees the value of the amendment. I hope the government will also see its value and accept it to ensure that the system will work not only for developers but also for those people who want to protect their existing property rights under covenants by providing for the taking into consideration of those issues when it is being determined whether the removal of those rights would be a good or a bad thing.

The opposition does not take issue with the sentiments in the bill. It wants to see a system that will make it possible for land developers to make applications to vary covenants. The opposition does not want to put any undue burden on land developers and the last thing it wants to see is a system that stops them from developing land. However, at the same time it does not want a burden to be placed on people who are attempting to uphold their existing property rights.

The opposition's concerns, which I have outlined today and which will be outlined again in the committee stage, are to ensure that the bill strikes a fair balance between those who wish to alter or remove a covenant and those who wish to protect their existing rights. Our system of property law is based almost exclusively on conferring rights on individuals to use and enjoy their land as they see fit. If those rights are to be arbitrarily varied the people concerned should at least be given the opportunity to have their views and concerns not only listened to but also taken into consideration before variation is made. That is sensible and logical.

I shall raise a couple of other issues which have been raised with me by individuals and groups such as Save our Suburbs, but which have not been taken into account or considered in the bill. However, they have

been considered in the whole scheme of coming up with a new system and arriving at the bill before the house. One issue deals with the costs associated with those sorts of applications. It has been put to me — at face value I have considerable sympathy with this view — that where someone wants to protect an existing right he or she currently enjoys, that person should not have to wear the burden of significant legal costs simply to protect the status quo and to say, 'I have a right that has continued on my property for 10, 15, 20 or 100 years and I just want it to continue the way it is'.

Currently if people make applications to vary or remove a restrictive covenant in the Supreme Court the person or people who have the benefit of that covenant have to defend their existing rights. Throughout Victoria's property law system, and particularly through its planning permit system, there is no way of compensating people who participate in the system for their costs. However, it has been raised with me that in some cases people have gone to considerable cost to protect the rights conveyed upon them by restrictive covenants.

One instance recently relayed to me concerned an individual who spent more than $60 000 to $70 000 simply to protect an existing right. The case has not been settled and is still under appeal. It makes sense that a person would say, 'I have done nothing. I have an existing property right and someone wants to change my right to enjoy my property. All I want to do is continue to preserve what I have and what I paid for. I purchased that right under the contract of sale and I want to continue to get the benefit of that property right that I purchased. I have had to defend it and it has cost me $60 000 to $70 000 already and it has not even been finally determined; it is on appeal'.

When these systems are created it is necessary to take into account the considerable cost of justice, especially at the Supreme Court level, and as a community this is not a problem for this government or for previous governments — it is a problem for the community as a whole. It is necessary to consider the financial burden we impose on people when we create systems of dealing with those rights that require significant and costly litigation. It is not just an issue for today; it is not an issue that will go away. The more complex planning systems become, the more complex, lengthy and costly litigation will become.

One must bear that in mind when these systems are created. It is a challenge that is here now. It is a challenge that as a community and as a legislature we have barely considered, let alone addressed, not just in property and planning law but across the whole spectrum of law in our community. It is a problem that will not go away and as new systems such as this are created all we are doing is adding to the financial burden of individuals to come in and participate in the planning process or any other legal system.

I flagged that issue today because it has been raised with me throughout the debate. It is an issue that will not go away and I hope in the future a solution will be found to address it.

The opposition welcomes the bill and the sentiments it contains. The bill gives effect to one of the Liberal–National coalition promises made in its planning policy of the 1999 election to ensure that a new system properly weighs up the considerations of people who want to preserve restrictive covenants and those who want to remove them.

The opposition welcomes the bill, but as I and others have mentioned today, considerable concern exists that although the bill creates a more effective framework than the existing framework for considering issues relating to restrictive covenants, the bill has significant gaps that create problems, especially for people who wish to protect and preserve their rights. I hope the government will see sense in the amendments the opposition proposes, and particularly will see sense in the fact that occupiers as well as owners should be given notice. That point is extremely important.

I hope the government will see sense in the premise that people who make application to vary or remove restrictive covenants should be able to provide full information to the relevant authority, be it the minister or the planning authority, to identify all properties subject to restrictive covenants and whose rights might be varied or removed by applications. The burden should be on those people to identify the affected properties, if they seek change, so the authority can properly notify those people. It is important that notice is given in writing to all affected owners and occupiers.

As I outlined earlier, it is particularly important that a restrictive covenant that removes a property right without compensation is removed only after a determination has been made that the overriding public interest will be served by its removal, and only after the interests and the detriment, including any perceived detriment by the owner or occupier of the land, is given full and due consideration. In that way we will truly have a system that strikes a balance between the rights of developers and the rights of people who want to preserve their existing property rights. In that way we will ensure that the basis of property law, which is

based on conveying certain rights to people to use their land as they see fit, is preserved and not debased, as it currently is in this state and in this nation.

In closing I put on the record my thanks to Save our Suburbs for its commitment to achieving meaningful change in the area of restrictive covenants. The group has been one of a number of groups pushing legislative reform in this area for quite some time. It has put the issue on the agenda and has continued to push it. It has done it in a very proper way and conveyed its views to governments and oppositions of all persuasions. The group has managed to effect significant change.

I also thank Save our Suburbs for keeping the opposition informed of its views on this important matter and for continuing to advocate for improvements to the bill as it was tabled in autumn, and also through the Montebello process and after the conclusion of that process. I commend the Montebello report because it clearly summarises — perhaps the term 'in plain English' may not be absolutely correct, but in much simpler English — a difficult area of law. Again, I commend it to those honourable members who are interested in reading the views of Victorians on the operation of restrictive covenants.

I would also like to thank individuals who have contacted me and my office about the bill and about restrictive covenants, particularly as they affect the many areas in my electorate that are subject to them. It has been instructive for me to see the value my constituents place on the rights conferred on them by restrictive covenants in property law. They have clearly made out their case to me — in the same way as members of Save Our Suburbs have made out their case — as individual occupiers and owners of land who benefit from restrictive covenants. They have made it plain to me that they see real value in retaining their rights, and it is those rights — the rights of people not to be trampled over but to have their opinions and rights fairly considered prior to removal — that should be paramount when considering whether a restrictive covenant should be removed, because the people would lose their rights without any form of compensation if the covenants are varied or removed.

I have been advised that the opposition's proposed amendments will not be considered today. In a way that is to be welcomed because it means the government will not take a party line on the amendments and reject them simply because they are opposition amendments. I hope when members go away and look at the amendments they will see the sense of them as they have been outlined today and as they are tabled for the attention of the minister. I hope when we return to consider the opposition's amendments we will receive bipartisan support for what will clearly make a stronger and more effective bill, one that clearly provides a balance between those who want to remove restrictive covenants and those who want to preserve their existing rights. On that basis I reiterate that the opposition does not oppose the bill but will in fact support it with the amendments proposed.

Hon. G. D. ROMANES (Melbourne) — I am pleased to have the opportunity to speak on the Planning and Environment (Restrictive Covenants) Bill, which has the purpose of amending the provisions dealing with restrictive covenants in the Planning and Environment Act. Many people do not find restrictive covenants and planning very exciting, but some of us who have had the experience in a previous life of working in local government will be well aware that restrictive covenants can be vexed and problematic and can generate a great deal of heat among the various parties, some of whom are seeking change and others who are seeking to protect existing property rights.

The difficulties that covenant beneficiaries face under the existing planning and environment law are that they are often drawn into extensive planning permit processes at the council level. The processes may be repeated at the tribunal level, and on occasions private citizens who are desirous of protecting their property rights may be drawn into actions at the Supreme Court level and, as the previous speaker suggested, often end up incurring extensive costs.

I am mindful of cases I experienced when I was a councillor. One example in particular comes to mind in which developers were keen to develop a property with a number of medium-density units in Whitby Street, Brunswick. A development plan that would have been in breach of a single-dwelling covenant was presented to the council through the planning committee on a number of occasions through an application for a permit. Those affected by the proposal — the residents, the developers, the council and the planning committee of the council — spent much time looking at that application. It was refused on more than one occasion but it kept coming back to us. Despite all the time and effort put into the proposal, it was never possible to consider the covenant under planning law. Therefore even if a permit had been issued the covenant matter still remained to be resolved, which represented an enormous waste of time, money and energy on the part of all the parties concerned.

The Honourable Peter Katsambanis talked about finding a fair balance between the onerous provisions of the restrictive covenants in the Planning and

Environment Act not only to ensure that rights of covenant beneficiaries are protected but also to maintain a balance for all parties in resolving such matters.

I draw the attention of the house to the history of restrictive covenant provisions within planning law in Victoria. In 1988 the Labor government of the time provided for an alternative option to vary covenants through the planning process — that is, an alternative option to that of finally resolving such matters in the Supreme Court, which places a substantial burden on the parties concerned. However, in 1993 the Kennett government amended the act to make it difficult to vary or remove covenants by planning permit. That has resulted in the current two-tier system whereby an applicant may go through a lengthy planning permit process that is separate from a process to vary or to remove a covenant.

As a result of the Kennett government's amendments the current system places enormous burdens on people. Currently, restrictive covenants can be amended under planning scheme provisions, amended by a planning permit of the responsible municipal authority, which often relates to deadwood covenants, or removed or varied by the Supreme Court.

As Mr Katsambanis mentioned, the system has been onerous and has been the subject of much discussion over many years. He said the Save Our Suburbs (SOS) group has been pushing such legislative reform for quite a while. In fact, it has been doing so for many years. The problems and the burdens associated with the current system have been raised repeatedly over many years by local governments, members of the community and community groups such as SOS, particularly with the former planning minister, the Honourable Rob Maclellan. The former minister doggedly refused to address the issue of the unfair burdens under the system and it was not until the election in 1999 that any commitments were made to introduce a much-improved system.

The Bracks government has taken action on its election commitment to improve the system, to introduce a more coordinated decision-making process for restrictive covenants and to remove as much as possible the burdens on the different parties involved in decision making in this area.

In his statement on the State Planning Agenda at the end of last year, the Minister for Planning in another place, the Honourable John Thwaites, again reiterated the commitment of the Bracks government to ensure that restrictive covenants are removed or varied before planning permits are granted. The bill that the Bracks government has put together, which has been welcomed by the opposition, is designed to improve the framework for dealing with restrictive covenants and to provide more coordinated decision making on applications burdened by registered restrictive covenants.

The bill provides that the responsible authority dealing with such applications, or the tribunal, must not issue a planning permit in breach of a covenant. It allows for the consideration of covenants alongside the consideration of a planning application. It provides that conditions on permits should not allow a planning permit to be brought into effect until a covenant is removed or varied. The government has brought together those two processes — the consideration of the planning permit with the consideration of the restrictive covenant — and, most importantly, has provided for an improved, coordinated approach to restrictive covenants and other notification provisions.

It is important in any consideration of the future use or development of a property, or of properties in a particular area, that all those who feel they are materially affected or affected as a community should have the opportunity to have their say. It is particularly important for covenant beneficiaries that any application for a permit or application to remove or vary a covenant that would affect them be brought to their notice. Adequate notice is an important part of the bill. It is critical that people who would be affected by an approval for use or by a development that would breach an existing restrictive covenant should be notified of that possibility.

The bill contains provisions that will ensure there is signage on the site, that notice is given in the *Government Gazette* and the newspapers, and also that personal notices are given so that covenant beneficiaries who are deemed to be materially affected by grant of a permit will be notified. That will also pick up absentee owners of properties and cover a group that can be left out of the other notification procedures used by responsible authorities as part of the planning process.

The bill is important and is in response to the considerable concern which, as Mr Katsambanis said, has been present in the community for many years but which was left unaddressed by the previous government. It is an important reform that will improve and coordinate the planning processes and consideration of restrictive covenants, planning permit applications and applications to change planning schemes. The bill provides for all affected parties

involved in that decision-making process to be adequately notified. It acts to overcome the cumbersome and burdensome system that is currently in place.

I am pleased that the Liberal opposition has indicated it will support the bill. The government looks forward to further discussions with it about the amendments it will propose at a later time. A number of amendments have been put forward and the government will be looking at them to see whether they will, as Mr Katsambanis said, add to the effective framework that will be put in place by the bill. They will be duly considered as to the degree to which they will help make this framework more effective. That is exactly what the government is trying to achieve — an effective framework to address the issues which have been left in the air for far too long and which the government has committed itself to addressing. It is doing so through the bill. I commend it to the house.

Hon. E. J. POWELL (North Eastern) — I am pleased to speak on the bill, which amends the Planning Environment Act in relation to restrictive covenants. The main purpose of the bill is to make sure an applicant or developer cannot obtain a planning permit before a restrictive covenant covering the land is dealt with by either removal or variation. It is a welcome inclusion in the policy.

The government stated that it went to the election with a commitment to ensure that applicants would have to complete all steps to remove or vary covenants before permits could be granted. The National Party does not oppose the bill because the National and Liberal parties went to the election with the same policy. The former coalition's policy at the time talks about a stronger recognition of the role of restrictive covenants, and states:

> The government —

that is, the former government —

> recognises the importance of restrictive covenants on land use, particularly in established residential areas which prohibit certain types of development, for example, two-storey houses in a single-storey housing precinct.
>
> Restrictive covenants will now receive stronger legal protection.
>
> Loopholes which allow the granting of a planning permit before the consideration of the removal of a covenant on the same piece of land will also be closed.
>
> Changes will be introduced to ensure an application for the removal or variation of a restrictive covenant is made separately and prior to the granting of planning approval for a new development on the same site.

Members of the Liberal and National parties do not oppose the bill. If we had been in government we would have introduced a similar bill. Mr Katsambanis said the Liberal Party proposes introducing amendments. The National Party and the government will also introduce amendments.

The amendments will enhance the bill. A number of the amendments will ensure that occupiers and owners are notified if they are affected by the removal or variance of covenants. That is important for all those affected to allow them to object. That notice must be given in writing. That was an omission in the act that will be remedied by the bill.

I was disappointed in the way the bill was introduced in the other place. I arranged a briefing with the department late on the Monday morning of 4 September, the day before debate took place on the Legislative Assembly. I had to wait because cabinet had to approve the amendments, which was understandable.

The government gave a brief outline of the amendments, and the National Party received them the following day. However, it was unable to examine them in great detail. It was also the same day the bill was being debated in the other place.

I thank the minister's adviser for organising the meeting, which was chaired by a senior officer of the Department of Infrastructure, Mr Geoff Code. He was able to answer all the questions the National Party put to him, and he explained the bill succinctly. He also said he would make himself available if required. I thank the department and Mr Code for the way the briefing was carried out.

The next day we were given a copy of the Montebello report. Mr Terry Montebello is a partner with the law firm Maddock Lonie and Chisholm. The government decided that all submissions received were to go before Mr Montebello so that he could review and examine the issue of restrictive covenants. Mr Montebello is a legal expert on restrictive covenants. I commend the Montebello report. I had a chance to read it in detail. Some 37 submissions were made and I was pleased to learn that one of the submissions was from the Shire of Campaspe in my province. I was pleased there was country and local input.

Restrictive covenants have been in effect for a long period. They are private restrictions on the way land may be used or developed and registered on land titles. They bind the current owner and are usually created as a result of a legal agreement between a seller, buyer or developer of the land.

The second-reading speech states that restrictive covenants impose a wide variety of restrictions. Some local examples in my province are housing estates with restrictions on the types of fences that may be constructed and whether they can be made of Colorbond or timber. Other covenants on houses requires that they be built of certain material, such as brick or weatherboard. There are other covenants on building types, be they single or double storey, which may be contentious in some areas because one is not allowed to build two-storey houses for certain reasons. It is buyer beware.

For example, I was in Queensland recently where friends of mine have recently bought a single-storey house on one of the rivers. They decided they would like to make it a two-storey house. I suggested that they check to see if there is a covenant on the title. They had not done so. Although they want to build a second storey onto the house they may not be able to do so or they may have to have the covenant removed or varied. When one is buying a house and wishes to modify it one must check the title to ensure there is no covenant on that land or building. Covenants are put on titles because they offer some protection. That is important because, as Mr Katsambanis said, the people who own homes or land are protected and should not have to go to court to have covenants removed. Removal of covenants should never be carried out lightly. Once a covenant is registered and put on the title it is difficult to remove. That is how it should be. It binds all future owners of that land to the restrictions of the covenant.

Currently applicants have three choices when seeking to remove or vary covenants. They can:

obtain a court order under the Property Law Act 1958 to remove or vary a covenant before applying for the permit, or

concurrently apply for a permit to remove or vary the covenant and a permit to use or develop the land, or

ask a planning authority to prepare an amendment to a planning scheme to authorise removal or variation of the covenant and concurrently consider an application to use or develop the land.

As the National Party member responsible for planning, when preparing for the bill I consulted as best I could with a number of people. Although they thought the bill was a good initiative, they had concern about some of the issues, one being that the planning authority has never had to take covenants into account before making a decision about issuing a permit. That matter could be of concern to local government.

I also received a letter from Mr Jack Hammond from Save Our Suburbs. Mr Katsambanis spoke about that group's concerns and how amendments will be moved to bring into effect some of the issues raised. I thank Mr Hammond for his letter. It is important that I also note how the bill affects people in the metropolitan area particularly when I come from a country electorate.

I issued a press release on 27 June which referred to the proposed changes and encouraged anybody in the electorate with an interest to make a submission. I hope country people in Victoria took the opportunity to have their say because it is important that the rural voice is heard. I also understand the Municipal Association of Victoria (MAV) has requested changes to the bill to ensure applicants provide local councils, usually the planning authority, with adequate information in relation to any covenants affected by planning proposals. That will allow councils to notify owners of land affected. I hope the government takes notice of the MAV's recommendations. I wrote to 47 rural councils, and thank those that responded. It is gratifying to receive responses.

Hon. Bill Forwood — How many did you receive?

Hon. E. J. POWELL — I received five, which was disappointing. Obviously there was no great concern about the provisions in the bill. That was the feedback when I telephoned or saw people at different functions.

When I asked them why they did not respond to my letter they indicated that they had no concerns. But they raised some issues that I will identify as I go through the councils that did respond. The Shire of Indigo was not opposed to the bill but asked whether the minister would be able to override the local planning scheme. That is an issue of concern the local council is dealing with.

The Shire of Campaspe was not opposed but was concerned that in the past planning applications did not have to take covenants into account as that was not a council responsibility. The bill makes it so; therefore councils will now have to ensure they have the expertise to deal with the new responsibilities. The shire also said that the new code would require councils to police the system and conduct research prior to issuing a permit, placing additional costs and workload on council officers.

The Rural City of Ararat said it did not support the bill and considered the use of legislation to enforce private ad hoc restrictions inappropriate. The Hindmarsh Shire

Council responded but made no comment. However, the Shire of Strathbogie was vocal in its response. I met with councillors and other officers of the Shire of Strathbogie and spoke at length with the senior planning officer, Mr Ron Mildren, whom I asked to give me some information so I could adequately respond on behalf of the council. He sent me a lengthy submission of which I will read some parts because it is important to understand how some of the issues will affect local government. Mr Mildren's submission commences:

> 1. Obligation and onus of responsibility to disclose covenant
>
> The onus of responsibility to ensure that council is informed of the existence of a covenant when an application for planning permit or scheme amendment is lodged must rest with the applicant.
>
> Council (and in particular rural councils) do not have the resources nor in many cases access to more appropriate resources to undertake the significantly greater workload that will be associated with chasing up covenant information.

Mr Mildren went on to talk about staff needing to undertake a more thorough title search on every application for a permit and indicated that the cost of a title search can be fairly onerous and can range from $30 to $200 or even more, depending on the application, and that rural councils cannot carry that cost, particularly if the applicant claims that the title information submitted is correct. The applicant may not want to pay the additional search fee if he or she believes the information that is given to the council is correct. The applicant may choose not to pay the added cost of the council conducting further research, which the council must do to ensure that before it grants a permit a covenant is either removed or varied and there is no breach. Mr Mildren goes on to say:

> As the bill is drafted the responsibility sits squarely with council to be certain that a proposal does not breach a registered restrictive covenant. Hence if council has any doubt then it would seem that there would be no option but to refuse the permit.

That could be a concern. Some councils may decide there could be breaches and may refuse permits, resulting in some developments taking much longer because of time constraints. Mr Mildren says further:

> … The intended section 61(4) under the bill seems to be contradictory to intended section 62(1)(aa) under the bill. Section 61(4) prohibits the grant of a permit which breaches a registered restrictive covenant, whereas section 62(1)(aa) seems to allow a permit to issue subject to a condition that the permit does not come into effect until the covenant is varied or removed. This seems a bit unusual given that there is no certainty that a process to remove or vary a covenant would be successful and the condition would therefore fail the test of certainty.

Mr Mildren also raised an issue raised by the Honourable Peter Katsambanis in his contribution. The Save Our Suburbs organisation has also raised the issue, which concerns public notices of application to vary or remove a covenant. Mr Mildren states:

> The intent should be to ensure that notice of the application to vary or remove a covenant is given to all parties who may be legally benefited by the covenant and all other parties who may suffer material detriment as a consequence of the variation or removal of the covenant.
>
> To achieve this it is suggested that notice be given similar to section 52 of the Planning and Environment Act whereby:
>
> > Public notice is given in writing to all legal beneficiaries of the covenant and to all adjoining and adjacent residents;
> >
> > Public notice is placed in a local newspaper; and
> >
> > Public notice is placed on the land.
>
> The above notice … should be compulsory for all applications seeking to vary or remove a covenant. Flexibility should be retained in respect to whether the notice is given by council (with or without costs being charged to the applicant) or by the applicant, at council's discretion.

As a councillor and a commissioner in local government I had the opportunity to approve many permits. I insisted that appropriate notice be given if there were to have been any variations that would have impacted on any of the residents or developers. It is important to ensure that every opportunity is given to people to use their right to object. That is better done at the beginning of the process rather than permits being rushed through and in the end people objecting to a development or a type of development and having to go through the courts. It is council's responsibility to ensure that the opportunity is given to everybody who it sees would be a beneficiary of the removal of a covenant before it supplies a permit. That makes sense. I hope the government sees the commonsense of the request and incorporates it in the legislation.

Mr Mildren also made some positive comments. He spoke of education and training about the changes, more particularly in the country areas. Further in his submission he says:

> The Department of Infrastructure should develop and undertake a comprehensive training program to inform practitioners both in councils and the private sector of the changes.

Given that there are such major changes:

> Such training session should be run across the state on a local/subregional basis and should be free of charge.

> Additionally a detailed practice note should be prepared to accompany the training sessions. The practice note should be a guide to assist practitioners and not legally part of the process or system.

I believe that during the 1980s when the Labor government introduced changes to the Subdivision Act information sessions were conducted right across Victoria, particularly in rural Victoria. They were seen as beneficial because sometimes some junior planners in councils are not provided with the information that planners in some of the metropolitan and urban areas are provided with. I hope the minister takes those matters on board and looks at introducing detailed practice notes and running training sessions about the changes to the legislation.

Earlier I talked about having been a councillor with the former Shire of Shepparton and a commissioner with the Shire of Campaspe and having to deal with permit applications. As the Honourable Glenyys Romanes indicated, people in local government should understand the types of matters they have to go into and ensure that there would be no detriment to any party before issuing permits. It is important that they have all the information before them before making a decision on whether to grant a permit, because once it is granted, whether it be to develop land or build buildings, it will impact on somebody else's life. People out there expect the people they elect to look after their interests to assume such a responsibility.

The National Party does not oppose the bill. The National and Liberal parties went to the last election with almost the same policy, so I am happy to support the bill.

Hon. N. B. LUCAS (Eumemmerring) — As the Honourable Peter Katsambanis said earlier, the opposition does not oppose the Planning and Environment (Restrictive Covenants) Bill. However, during the committee stage it will move a number of amendments which, in the opinion of the opposition, will benefit the legislation. The amendments will add to and improve the bill. The opposition has some concern about the wording of the bill in that it does not provide the best solution to a planning problem.

In a former life I worked in the local government area. On a number of occasions I had to deal with issues concerning restrictive covenants. It is fair to say that covenants concerned me and I recall animated discussions I had with planning officers on whether existing restrictive covenants should be taken into account when planning applications were being considered by the council.

I recall one particular case involving the subdivision of, I think, 1-acre blocks in the Berwick area. A covenant had been created through the original plan of subdivision that stipulated only one house could be built per tenement. On a number of occasions people who had purchased those blocks approached the council and requested approval to subdivide their blocks into two.

In considering the applications the council was forced not to consider the covenants, which seemed crazy to me. The council allowed the subdivisions to proceed so that two blocks were created on each 1-acre lot.

A purchaser legitimately came to the council to obtain a permit to build a house on one half-acre block. He was issued with a permit and contracted with a builder, who then started building the house. At that stage all hell broke loose because all the other residents in the street discovered that, firstly, the 1-acre block had been subdivided, and secondly, the person who bought the block had obtained a permit to build a house on the half-acre block. The covenants on the properties of the neighbours were the catalyst that finally led to their taking legal action to have only one house built per 1-acre block.

The problem arose because a solicitor had searched the title and read that only one house could be built per tenement. He logically assumed his client could build only one house on his half-acre tenement and thought everything was okay. In the long run everybody ended up in court. Similar incidents happened on a number of occasions.

At the time the council had created a situation that was unfair to purchasers and to property owners in the area who were forced to seek legal advice and appear in court, with the inherent costs involved. That incident occurred when the Kirner government was in office. I am pleased that the bill will clarify the situation.

Another covenant situation I came across involved a gentleman who was very much against quarries. He had established a covenant on his land next to a quarry company so that when he was dead and buried, the land would not pass into the ownership of any company that wanted to quarry that land. That covenant still exists.

The third situation I recount relates to covenants that stipulate only brick dwellings can be constructed. As any good architect will say, these days there are all sorts of ways of constructing buildings, not necessarily only in brick. A house in my town has been constructed of weatherboard, with a galvanised iron roof and a surrounding verandah. I am not sure whether the

building has even one brick in it, apart from the chimney. It is an attractive house and does not detract from the general amenity of the subdivision in which it was built.

The background to covenants that stipulate the building of only brick dwellings stemmed from the fact that originally people had the strange feeling that an area would be detrimentally affected if buildings other than brick were built. I welcome the fact that the bill does something about covenants and as well as the maintenance of rights for people.

Having recounted several incidents, I should not continue my contribution without saying it is important that people with rights under covenants should be able to protect their interests. Many people buy properties on the basis that covenants exist. Many people are involved in creating covenants for particular purposes. The rights of those people are important and I would not want to diminish their rights. However, the situation has been reached where legislation must be introduced to overcome the problems that continually arise with covenants.

The bill will make a number of changes that benefit Victorians. The first is that a responsible authority under the Planning and Environment Act will not be able to issue a permit to use or develop land if the permit would result in a breach of a covenant. That certainly turns around the situation I referred to earlier. That provision is good. Certainly there will be more work for planners and not all councils will welcome the decision with open arms.

That provision will introduce steps that will make it administratively harder for planning authorities and councils. However, the provision will now be in black and white: a permit cannot be issued if an existing restrictive covenant cuts across the rights of people. I support that provision.

The second change is in clause 13, which provides that applicants will be able to apply in the future to the responsible authority for planning permits and, simultaneously, for changes in planning schemes to remove covenants. That is logical in the context that a responsible authority can deal with both applications simultaneously, thereby saving everyone time and effort.

The third change is that applicants for planning permits must advise the responsible authority of details of any restrictive covenants that apply to properties that are the subject of the applications.

That will make it harder for applicants. Certainly the degree of hardness will vary according to the knowledge and the availability of the details necessary for the application. I wonder in the future whether someone will apply for a permit, unaware of a covenant on a title. It seems logical that everyone should be aware of covenants and other details on the titles of properties they own. However, I can imagine cases in the future where applications are made without that knowledge. I can see the potential for litigation or cases being taken to a planning tribunal and of planning permits being invalid because the applications are made without the necessary information required under proposed section 47(1)(d) of the principal act.

I welcome the fact that in the future notice will be placed on the property indicating the details of the application. A former member of this place, the Honourable Dick Long and I have talked about this issue. I know that Mr Long is a firm believer in the fact that notice should be given on the property so that people can legitimately check the information if they are interested in properties in the area or own land nearby. It is a good way of letting people know what is going on.

Section 19 of the Planning and Environment Act has the heading, ‘What notice of amendment must the planning authority give?’. There is some disagreement between the parties on that issue, but I hope agreement will be reached. No doubt it will be argued during the committee stages when the amendments are debated.

I express some concern that the gaining of information regarding ownership of a property may well mean, in a number of applications, a good deal of work being done by title searchers. If one wants an authoritative statement regarding the ownership of a property, one goes to the titles office. I envisage that where changes to or the removal of covenants are applied for and ownership details are required for the notice of those applications title searching will be necessary. I also envisage the possibility of title searchers getting it wrong and applicants being unaware of the full extent of the further subdivision of properties in particular areas. It may be that the title searcher is asked to search specific properties rather than to search for covenants. Litigation could occur where the appropriate notice is not given to all the owners, a covenant is removed from a title and the owner with a right to the covenant has not been made aware of it, but subsequently finds out about it.

In theory, that should never happen, but mistakes occur. What you ask for is what you get and if you ask a title searcher the wrong question you may get the wrong

answer. The jury is out regarding ownership details. The rights of a person under the covenant should not be lessened, but a fairer process is contemplated in the provisions of the bill. I agree with the provisions and I also agree with the concept that planning authorities should not issue permits without taking existing covenants into account. Permits issued by the authority could well be wrong at law. I hope the government will give every consideration to the opposition's proposed amendments.

The fact that this house can consider amendments proposed by the government and the National and Liberal parties means that its function as a house of review is working. The role of an upper house is to review legislation and deliberate on amendments. If the Labor government had its way and achieved the rubber stamp it wanted for the upper house, this debate or bipartisan discussion on the amendments would not occur. That would mean Victoria would not have the good legislation that results from parties working together. I am saddened that the Labor government wants to take away those rights. This debate and the committee debate that will follow demonstrates that this house works well.

I hope the committee debate on the opposition's proposed amendments provides a better solution than that proposed by the government. I hope all the parties involved put their shoulders to the wheel in order to come up with a decent piece of legislation.

Hon. C. A. STRONG (Higinbotham) — I shall speak on the Planning and Environment (Restrictive Covenants) Bill because it has significant ramifications for the people in my electorate, which has many properties that have been afforded the protection of covenants over many years. Clearly, my constituents value the protection of those covenants and would be most concerned if anything were to happen that diminished the protection they provide.

To illustrate how important many people view those covenants, I advise honourable members that many properties in my electorate were subdivided in the 1930s, the 1940s and even the 1950s and a great many of those subdivisions were protected by covenants about there being only one house or dwelling on the land, the fabric of the building being brick and not other materials, and so on. The process has gone on for some time. Some may think that the high point of covenants was in large subdivisions, but the Higinbotham electorate has many ongoing examples of people getting together and putting covenants on their properties to protect them against a certain type of development in the street which they believe is inappropriate for the area.

That is happening today. An interesting example is a person who only a couple of years ago wanted to protect his local amenity and environment and was prepared to go to significant lengths to do so. Over a period of some years he acquired many of the properties in his area and had covenants put on them, and subsequently over time resold those properties with their covenants. That mechanism is being used today as a way of ensuring that the amenity of areas is protected.

A covenant is an effective way of protecting an amenity. As its name suggests it is an agreement between contracting parties freely entered into. Covenants are in no way hidden when properties are sold. They are clearly shown on titles, and all title searches and processes undertaken by solicitors during conveyancing bring them to the surface. There is no cause or excuse for people to say they acquired a property without knowing there was a covenant on it. The existence of covenants is well known and properties are bought freely in the full knowledge of any relevant covenants and their effects. There can be no argument that covenants should be removed from properties because purchasers were not aware of their existence and import, as those covenants would have been well and truly exposed in any conveyancing transactions.

The bill is progressive. It requires that when transactions affecting a property take place, such as applications for planning permits or various sorts of developments, the fact that the property in question has a covenant on it is elevated to the surface so that all involved in the new transactions are well and truly aware of its existence. In other words, the bill provides that if a planning permit is lodged on a property that has a covenant, the covenant must accompany the application for a planning permit, and that as well as the normal notification of planning applications having to be given to owners of adjoining properties, those people who are afforded protection under the covenant must also be advised of the application. Those positive provisions will make the whole process much more transparent.

However, there are clauses in the bill that will make it easier to remove or lift a covenant from a property. Those clauses relate to the obtaining of planning permits to remove covenants. They also relate specifically, and perhaps more dangerously, to councils being able to consider covenant removal issues at the same time as a planning application if they feel it is appropriate to ask the minister to remove a covenant on

land that is the subject of a new planning scheme. In other words, certain clauses of the bill will make it easier and simpler for outsiders or unaffected third parties to interfere with an agreement freely entered into between individuals and to have that contractual arrangement overruled. That is not a good thing. Most citizens in my province whose properties are protected by covenants would think that was a very bad thing. If they were aware that the protection they have under their existing covenants was being significantly weakened they would be marching in the streets, because they value it highly.

As other honourable members have no doubt foreshadowed, amendments to the bill to be proposed in the committee stage will seek to make it much more difficult for outside persons or bodies to interfere with contractual arrangements between freely consenting individuals. I will have much pleasure in supporting and discussing those amendments at the appropriate time.

I stress how important it is to the people of my province that the protection they are afforded by covenants is in no way weakened or diminished. That is a very real issue, because people are out there covenanting at this very moment. It is not some archaic, dead issue that can be swept away. It is a live issue that provides people with protection of their amenity. I foreshadow my support for those amendments that will make it more difficult for third or outside parties to sweep away the contractual rights that a covenant gives.

Hon. S. M. NGUYEN (Melbourne West) — I am delighted to speak on the Planning and Environment (Restrictive Covenants) Bill. The bill fulfils one of the commitments which the Bracks government made before the election and which it wants to deliver to the Victorian community.

Planning was one of the major issues raised during the past few years. There have been complaints from the community about developments by neighbours and other issues related to planning. My electorate, which includes suburbs such as Yarraville, Footscray and Williamstown, is a growth area and many people have come to the area to buy properties and turn them into multi-unit apartments. The value of the properties attracted potential investors.

I have seen many examples of people buying old weatherboard houses, knocking them down and turning the properties into a multi-unit dwellings. That has been the case not only in the western suburbs but also in the city, around Port Phillip Bay and in Victoria generally. Many people have made money out of that process because low interest rates have helped them invest in property. Property development was booming for many years because the good economic conditions attracted people into residential and commercial property development.

Over the past few years many people have complained in the local newspapers about planning issues and disputes. In many cases new developments overshadowed old terrace houses. In response to the concerns the Minister for Planning in the other place has been to the area and has spoken to the local groups that have concerns about planning issues. I have spoken with the minister many times and I am glad of his strong involvement in and clear thinking on the issue. He consulted many local groups and listened to their concerns in an attempt to address their problems. The government has talked to local councils about development issues and has designed a policy to address the concerns of both local groups and developers. The bill is important for property issues in the state and has been introduced after many years of consultation with community groups.

The bill provides three methods for applicants to seek the necessary authority. Firstly, they can obtain a court order under the Property Law Act to remove or vary a covenant before applying for a planning permit. Secondly, they can apply concurrently for a permit to remove or vary a covenant and for a permit to use or develop the land. Thirdly, they can ask a planning authority to prepare an amendment to a planning scheme to authorise the removal or variation of a covenant and to concurrently consider an application to use or develop land. That is one of the key principles of the bill.

Restrictive covenants are conditions placed on titles. Restrictions are placed on titles by titleholders as private citizens to improve and, more often than not, maintain the amenity of the land both at the time of the issuing of the covenant and into the future. The concept of restrictive covenants is based on stewardship of usage. They preserve the amenity of a property and the surrounding property for future users. In an historical framework they were used to prevent quarries or farming developments. Today they are used to maintain and improve amenity and value and to prevent non-conforming uses.

The bill will give benefiting owners appropriate notice so that they may inspect applications and proposed permits and make submissions. Any submissions will be considered by the relevant council and relevant authority, and if necessary hearings will be conducted. During the term of the previous government covenants

were treated as though they did not exist. Developers rode roughshod over not only covenants but also over a range of planning rules. The previous government did very little to reel in an out-of-control industry.

The bill also addresses an anomaly by removing the onus of preventing non-conforming usage developments from residents who have the right to the amenity provided by covenants and placing it on those who wish to amend planning schemes or remove covenants. Until now a permit for a development that was in breach of a covenant could be obtained before an application was made for the removal of the covenant. The beneficiaries of covenants had to endure a two-step application process to defend a covenant. That was an absurd situation that made covenants worthless.

Although it has already been mentioned I wish to say more about the fact that despite the lack of contribution from opposition members there has been widespread consultation. The majority of the people who responded to the government's request for submissions on the issue strongly supported the bill and recognised that covenants play an important part in land usage and preservation. The government consulted widely with the community. In a press release dated 26 June, Mr John Thwaites, the Minister for Planning in the other place, called for submissions on the proposed changes. He also explained how the bill will give greater status to restrictive covenants when development applications are being considered. It is important for the community and developers to understand more about the bill, so the government consults the public frequently.

The bill also deals with restrictions on the maximum number of dwellings permitted on a site, requirements for certain types of boundary fences and the imposition of a maximum number of building storeys.

Property owners will stand to benefit from the bill because it will ensure that existing covenants are disclosed at the time an appropriate notice of a building application is received. Those things are very important to help the community understand the value of the bill.

Most new developments and subdivisions impose building restrictions that deal with issues such as the type of structure, the building materials used, the types of land use and the building setbacks for structures on land where covenants are in effect. Buyers are aware of covenants and the benefits of them when they buy properties. It goes against the normal application of an onus of proof for such people to have to defend their positions.

It is important that councils will play an active role in such matters by being required to police the issue of covenants when permits are applied for. Full title searches are required at the moment, so the work required to manage covenants issues will be reduced only marginally. Because councils are beneficiaries of development it is a problem that they are also responsible for management surveillance. The bill will therefore help to resolve a conflict and help councils become more involved in the process.

In conclusion, the Bracks government has assisted and consulted with those in the community who are concerned about planning issues in seeking to deliver what it promised during the election campaign. It has consulted many organisations, including the Municipal Association of Victoria and the Save Our Suburbs group, to get their views on the issues. I am sure the majority of people who were consulted are happy to support the bill. It has the strong support of the community and I commend it to the house.

Hon. R. H. BOWDEN (South Eastern) — I support the bill because I believe it is extremely important. I do not propose to speak at length, but I will make some comments that I believe will contribute to the evaluation of the bill by the house.

Planning is important. It affects the value of property, people's living standards and their way of life, so any legislation that changes or modifies the planning process is extremely important to the people of the state.

Covenants are not new. They have been part of the system over many decades. It is fair to say the use of covenants by generations of Victorians has been constructive and will continue to be so. To the extent that it is possible to do so, the planning process brings a degree of certainty to all involved. In reflecting on the use of covenants, I believe that those who in the past have arranged covenants on their land and property have done so with the intention of bringing to their neighbours and the community a sense of enhanced security.

It is fitting and proper from time to time to review the important issue of covenants and it is extremely important that Victorians should have a good understanding of the current legislation. I believe that many property owners in South Eastern Province, which I represent, would be extremely concerned about the introduction of anything that would diminish their property rights and their rights to covenants and the benefits of those covenants.

I have studied the bill and the second-reading speech and listened to the debates, and I am satisfied that the intention of the bill is good.

My parliamentary colleague the Honourable Peter Katsambanis has provided several excellent amendments for consideration by the house and the government. I will not expound on those amendments except to say that I fully support them. While the bill is an excellent framework for improvements to the passage and use of covenants in the state, the amendments are worthy of consideration and adoption by the government.

The bill provides three ways in which a property can be adjusted and a restricted covenant varied. They were listed in the second-reading speech and I refer briefly to them because they are important. The speech states, in part:

> The bill implements this principle and provides three methods for applicants to seek the necessary authority:
>
> 1. obtain a court order under the Property Law Act 1958 to remove or vary a covenant before applying for the permit, or
>
> 2. concurrently apply for a permit to remove or vary the covenant and a permit to use or develop the land; or
>
> 3. ask a planning authority to prepare an amendment to a planning scheme to authorise removal or variation of the covenant and concurrently consider an application to use or develop the land.

A valuable aspect of the bill is that it ensures a permit can be granted only if the court order has first been granted. It ensures that the applicants can no longer seek a permit before seeking a court order. It is no good after the bill passes for any owner to go along and say, 'I have a permit here; the covenant has to go'. That practice will cease, and rightly so.

The benefits of covenants are extremely important. My electorate is a large province that includes many properties with different types of covenants. There are many new subdivisions and some longstanding high-value properties in extremely desirable locations that have valuable covenants, and properly so. I would not want to see any inappropriate system that would diminish the benefits conferred by those covenants and the right of property owners and occupiers to enjoy the benefits of the covenants.

The bill is a genuine attempt to strike a balance, to be moderate, and to be fair. It has made a good attempt at sending a signal to those who would engage in sharp practices where covenants are concerned that those practices will not be accepted or tolerated by the legislature.

All in all, I support the bill. I heartily recommend and enthusiastically endorse the amendments provided by the Honourable Peter Katsambanis. We should at all times be cautious in the consideration of any moves that would vary the benefits of covenants. The history of the Planning Act and the right to quiet enjoyment of property by Victorians require us to be cautious and sensitive to the needs, requirements and benefits of our constituents. On that basis I believe the bill is worthy of support. I look forward to contributing at a later time when the amendments, which the government has indicated it will consider, are moved.

Motion agreed to.

Read second time.

Ordered to be committed next day.

WRONGS (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time for Hon. M. R. THOMSON (Minister for Small Business) on motion of Hon. J. M. Madden.

COURTS AND TRIBUNALS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 4 October; motion of Hon. M. R. THOMSON (Minister for Small Business).

Hon. C. A. FURLETTI (Templestowe) — I am pleased to contribute to the debate on the Courts and Tribunals Legislation (Miscellaneous Amendment) Bill. The Liberal Party does not oppose the bill. It supports certain aspects of it and commends the government on the introduction of some initiatives of the previous government.

The bill makes significant amendments to significant provisions of a number of significant acts. It amends the Administration and Probate Act insofar as it relates to the authentication of probate orders in the probate division of the Supreme Court. It amends the Evidence Act in respect of selected providers of transcription services. It amends the Guardianship and Administration Act relative to rehearings and reassessment of guardianship and administration orders.

It defers the commencing date for the Juries Act which was before the house recently. It makes substantial amendments to the Supreme Court Act by introducing provisions relative to the conduct of group proceedings, more commonly known as class actions.

I will deal with the less significant amendments first. I commence by referring to the amendments to the Juries Act that are set out in part 5 of the bill. Clause 12 is a brief provision that defers the commencement date of the Juries Act from 1 January 2001 to 1 August 2001.

That in itself may appear insignificant. Honourable members will recall that in exercising that power and duty of review this house debated the Juries Act at length. The house went into committee and proposed what was and remains a significant and appropriate amendment because the bill as introduced in the other place purported that people who have been charged with committing crimes could sit on juries and in judgment of their peers. That provision was totally inappropriate.

The opposition disagreed with other elements of the bill, but not so strongly as it did with that blatant abuse. It was a criticism not only from the opposition; it caused uproar when it became public. This chamber exercised its powers to propose an amendment. Had the government's proposals for the abolition of the powers of this chamber been supported and passed this chamber would not have had those rights.

On 11 April an amendment was referred back to the other place to be considered. Because of the government's bloody-mindedness it returned the bill to this place with a half-baked amendment that was not acceptable to the opposition and the people of Victoria. However, because of previous commitments the bill was allowed to pass unopposed on 11 September. There was a lapse of some five months from when this house dealt with the original bill to when it was finally passed. Now after sitting on its hands for five months the government has the gall to seek an extension of time on the bill but due to the obvious circumstances the opposition does not oppose the provision.

The opposition parties do not oppose the provision. The Liberal Party supports amendments to the Evidence Act which in real terms give legislative effect to an existing state of affairs. Honourable members will be aware that transcribers in civil proceedings are selected on the basis of tender. They will also be fully aware that accurate, timely and high-quality transcripts are essential to maintain not only the integrity of ongoing complex legal civil cases but also appeals that may arise from judgments in cases.

Clause 5 proposes that in the event that the Secretary of the Department of Justice enters into an agreement with a transcription service provider, unless a party can establish a good ground that that transcriber should not be the official transcriber that will be the case. In the event that grounds are established where the transcriber chosen by the department should not provide the service that service provider will not be engaged. The Liberal Party supports the amendment.

The opposition supports the amendment to the Administration and Probate Act. In effect, it provides for the ongoing implementation of the previous coalition government's commitment to technology and innovation. It implements the use of technology in the form of electronic authentication of probate orders within the probate division of the Supreme Court. It brings that division of the Supreme Court into the 21st century and into the age of technology, albeit that traditional probate jurisdiction is probably one of the oldest jurisdictions of the Supreme Court. It is perhaps with a touch of irony that it is possibly a procedure and an area of the law where technology best lends itself in the proving of wills and the forms of application for probate.

The amendment is necessary because the current Administration and Probate Act provides that authentication of probate orders can be effective only on paper. Although it is supposedly being used less, paper is still necessary. However, we live in an electronic age and technology is becoming increasingly significant. The amendment implements part of the recommendations of the May 1999 report of the Victorian Law Reform Committee, *Technology and the Law*. I was pleased to have been a member of the committee that conducted that investigation. Part 3 of the report is dedicated to technology and the courts. One of the significant sections relates to electronic filing, and the report recommended that:

> As a matter of priority and in line with the whole-of-government commitment to electronic service delivery by the year 2001, the Department of Justice in the interim, and the State Courts and Tribunals Administration Authority in the longer term, should collaborate with all courts and tribunals to encourage and ultimately require the electronic lodgment of documents over the Internet.

This is very much a step in that direction. The acceptance of electronic processing, in at least this area for starters, will expedite proceedings and reduce the costs for those who are required to apply for probate orders in proving wills.

Part 4 of the bill, which contains clauses 6 to 11, provides for significant changes to the Guardianship and Administration Act 1986. Some of the changes

were necessitated because of confusion that arose between the use of terminology in the Guardianship and Administration Act and that in the Victorian Civil and Administration Tribunal Act. In particular the words 'review' and 'rehearing' have been interchanged.

In the Guardianship and Administration Act the word 'review' was used predominantly to refer to the automatic reviews provided for in sections 61 and 62 of that act. The reviews were to have been conducted within 12 months after the making of an order unless certain circumstances existed. However, the meaning of the word 'review' in the VCAT act was aligned more closely to an appeal or a rehearing. Hence the amendments set out in clause 6 of the bill to a number of sections of the Guardianship and Administration Act are necessary. They provide for 'review' to be replaced by 'reassessment' in the case of the previously automatic reviews, and 'rehearings' in the case of rehearings of applications that are made in the form of appeals — which I will discuss in a moment.

Up until 1998 the Guardianship and Administration Act provided for appeals on decisions of the Guardianship and Administration Board to be made to the Administrative Appeals Tribunal (AAT), as it then was. In 1998 VCAT was established and a considerable number of tribunals, including the AAT, were gathered into that one tribunal. As a result of the creation of the one unit the possibility of appealing against original orders was removed.

The bill proposes to reintroduce a right of rehearing of an initial hearing in certain circumstances. Clause 11, which amends schedule 1 to the Victorian Civil and Administrative Tribunal Act, lists the rehearing hierarchy. The bill provides for an application for a rehearing to be made to the tribunal by any person who was a party to the original proceedings or any person entitled to notice of the application. In this case the tribunal is deemed to be a more senior member than the member who heard the original application. The bill establishes an as-of-right rehearing for those who qualify as set out in proposed section 60A to be inserted by clause 7 of the bill.

However, proposed section 60A(6) identifies applications for which rehearings are not permitted. As one would expect, it includes an application that was heard by the tribunal president either alone or with others, because under the rehearing system once one has reached the most senior member of the tribunal an appeal can be made only on a question of law — as it can throughout the whole process; any appeal on a question of law can be taken to the Supreme Court. But in this case no automatic appeal is possible if the tribunal that heard the original case was constituted by the president, either alone or with others. There are other areas for which rehearings are not possible, namely those in respect of special procedures.

Honourable members may recall the amendments that were made in 1999 to the Guardianship and Administration Act, where special procedure applications received special consideration. They apply to serious procedures that affect represented persons, such as termination of pregnancy or sterilisation. Rehearings are not possible in those cases because the seriousness and significance of the procedures is recognised, except in circumstances in which time is not necessarily of the essence, such as procedures being carried out for medical research. There is a simplification of procedures and rehearings in examinations relating to the consent to medical and dental treatment of represented persons, and there is no possibility of an application for rehearing or leave to apply for a rehearing being granted. Those provisions make fairly good sense and the opposition supports the amendments.

Clause 10 extends the time within which the tribunal is to commence hearings by amending section 42D of the Guardianship and Administration Act to provide for hearings to be commenced within 30 days rather than 14 days. That has arisen because it is sometimes difficult for the tribunal to procure reports, et cetera, from the various agencies that are involved in the rehearing of these types of matters. The clause also contains some amendments to signing off procedures. The necessary consequential amendments provide for the dating of documents that have been signed by representatives, guardians, appointors and the like.

The opposition supports the provisions and welcomes the fact that some situations that needed addressing have been addressed.

Part 6 of the bill introduces the amendments to the Supreme Court Act and inserts new Part 4A into the Supreme Court Act to give legislative status to what was previously dealt with in the Supreme Court rules.

Part 6 of the bill has followed a somewhat tortuous path to this place in that the Supreme Court made rules under sections 25 and 26 of the Supreme Court Act that allowed it to entertain class actions or group proceedings, as they are known. Those rules were made effective from 1 January 2000. Proceedings were instituted as a result of the contaminated fuel incidents. Honourable members may remember that light planes were grounded in November and December last year. I refer the house to *Schutt Flying Academy (Australia)*

Pty Ltd v. Mobil Oil Australia Ltd, where the supplier of fuel was sued. The first legal skirmish occurred when as a result of the action, Mobil challenged the validity of the Supreme Court rules and said the court did not have the power to make the rules or, in effect, set the procedures for group actions.

It should be noted that in its rules the Supreme Court had mirrored the provisions of part 4A of the commonwealth's Federal Court Act, which was passed in 1976. In a narrow 3-to-2 decision the Court of Appeal found that the rules were valid but the minority judgments expressed a number of concerns. The bill approximates the Federal Court legislation and the Supreme Court rules. Those rules are still with us but are under serious threat because Mobil has appealed the Court of Appeal decision to the High Court of Australia. To avoid confusion and the risk of those rules being struck out and, therefore, any proceedings being prejudiced, the bill proposes to introduce the procedure pursuant to which group proceedings are to be conducted. The provisions will be retrospective to 1 January to protect any actions already launched.

Although the house may appreciate the purpose of class actions in seeking to minimise and maintain within limits the costs associated with civil proceedings, particularly those involving a large number of people who are affected by an alleged or actual indiscretion or negligence of a defendant, it is important to remember the right of the individual.

The United States of America in particular has had long experience of class actions. Anyone who conducted research would find that the authorities are revisiting the process of class actions in the United States, because it is obvious through a reading of public documents and articles that such actions there are becoming something of a lawyers' rort. It is not uncommon after a class action has been conducted for the group of plaintiffs or the class of members who have a claim to get very little by way of compensation, but for the lawyers to do very well, thank you!

I would have thought that in introducing this type of legislation the government would not simply take federal legislation that has been in place for 24 years and transpose it into state legislation but would have pursued an aspect that was being pursued by the former government — that is, to ensure Victoria would pick up and enhance the legislation introduced as part of Victorian law. I would have thought the government would have learnt from the experiences of other areas, particularly from the bad experiences of the United States, and would have tried to introduce procedures for class actions that were effective and not flawed — or as effective as could be, given the circumstances.

A large number of issues raised in *Schutt Flying Academy (Australia) Pty Ltd v. Mobil Oil Australia Ltd* should have been taken on board by the government in introducing the legislation. That judgment was made as recently as June and the aspects raised in the minority decision that the rules were invalid should have been taken into account in the legislation.

I am keen to have an assurance from the government that it will monitor carefully the application and operation of the legislation because class actions will become increasingly used in Australia. Australia has not yet had the experience of the United States because, by its nature, this country is about a decade or so behind the American experiences. I urge the government to monitor seriously the operation of the bill, because it allows for inequities to occur, particularly for those who are deemed to have received notice and therefore fit into the category of members of a class action, notwithstanding that they may not have received notice and may not be aware that proceedings are taking place.

I am concerned that once the judgment is given in a group proceeding — and I refer specifically to proposed section 33ZB in clause 13 — all members who are affected by an action will be bound by the judgment. The definition of a group member is a member included in the group by the court. I admit that the powers of the court are broad and I am aware that the very nature of this type of legislation is to allow the courts to control the conduct and procedural aspects of this type of legislation. It is significant that the court should make sure certain parameters or directions are in place for courts and judges to ensure that if there is to be any inequity, it should be rare and minimal.

The High Court judgment refers to the reasonable accuracy by which assessments of damages should be made, logically calculated on the number of members and the extent of their losses. I could debate those areas at length and raise many concerns, but suffice it to say that the opposition understands why the legislation is being introduced. It does not oppose its introduction, but I have concerns and seek the assurance of the minister that the government will monitor the legislation's operation carefully. I commend the bill to the house.

Debate interrupted pursuant to sessional orders.

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

QUESTIONS WITHOUT NOTICE

Snowy River

Hon. E. G. STONEY (Central Highlands) — I direct my question to the Minister for Energy and Resources. The government has announced that a statutory body will be established to coordinate the environmental flow for the Snowy River. However, some media reports indicate that a private company will be involved in the purchase of water entitlements as part of the environmental flow process. Will the minister explain the relationship between the two organisations?

Hon. C. C. BROAD (Minister for Energy and Resources) — I welcome the opportunity to again advise the house of further details of the agreement reached between the New South Wales and Victorian Labor governments. The agreement could never have been achieved by the previous Kennett government. The Bracks Labor government looks forward to the federal government joining the agreement after it has considered the matter in the cabinet process.

Regarding the matter the honourable member raised, government statements have clearly referred to the establishment of an entity or enterprise to be provided with funding of $150 million from New South Wales and $150 million from this government. It will have a charter to acquire water at least cost for environmental flows for the Snowy River with a target of 21 per cent and a time frame of 10 years.

It has further been indicated that in addition to the 21 per cent environmental flow to the Snowy River through that entity or enterprise, there will be an additional amount of 7 per cent to achieve the government's target of 28 per cent which the agreement honours. The 7 per cent will be sourced through public–private partnerships in addition to the entity to be established by the three governments.

Hon. E. G. Stoney — On a point of order, Mr President, the minister mentioned only one entity. I believe there are two entities involved and I asked her to explain to the house the relationship between the two.

The PRESIDENT — Order! the question was asked and the answer was clearly responsive to the question. That is all the house can expect.

Industrial relations: task force

Hon. G. D. ROMANES (Melbourne) — I refer the Minister for Industrial Relations to the study commissioned by the Bracks government into the economic impact of implementing the recommendations of the independent industrial relations task force. Will the minister advise the house of the findings of the study?

Hon. M. M. GOULD (Minister for Industrial Relations) — As I have advised the house previously, the Bracks government has commissioned research into the economic impacts on the economy of the implications of the recommendations of the independent industrial relations task force. Today I am pleased to inform the house of the outcomes of that research.

The report entitled *Economic Implications of the Recommendations of the Independent Task Force on Victorian Industrial Relations* was prepared by the National Institute of Economic and Industry Research Pty Ltd, trading as National Economics. The study found the proposed legislative reforms would have a small positive effect on gross state product in the year or two immediately preceding the introduction of the task force's recommendations. It has further found this would fade into almost negligible effects over a decade or so, other things being equal.

The report provides a conservative and a maximum estimate and cites a small potential negative impact on employment of 600 jobs in the short term increasing to 1900 jobs over 10 years. Again it says, with all things being equal.

The figures also need to be considered in light of the fact that in the first year of the Bracks government 77 600 jobs were created in Victoria. Unemployment trends are heading downwards. During the past 12 months unemployment levels have reduced from 7.1 per cent to 6.2 per cent. Of course, any potential negative adjustment has to be balanced against the benefits for the whole of Victoria and growing the whole of the state.

Honourable members interjecting.

Hon. M. M. GOULD — They do not want to hear!

The PRESIDENT — Order! I want to hear. I ask the house to settle down.

Hon. M. M. GOULD — Other benefits identified from the reforms are increasing incentives for employees to increase productivity and a fairer wage level. That is what the economic reform did. The report also — —

Opposition members interjecting.

The PRESIDENT — Order! The house is being very unfair to the minister, who is entitled to be heard. The barrage from my left is unhelpful.

Hon. M. M. GOULD — The report also notes that a key risk is business confidence. It is clear from the opposition's behaviour — it is out there scaremongering and exaggerating the outcome of the Fair Employment Bill — that it does not want to look after Victorians. All the opposition is interested in is scaremongering and dragging Victoria down. It is not interested in promoting the health of Victoria.

The report concludes that business confidence can be managed effectively. The industry sector orders have to be explained to employers, and the Bracks government is conscious of that. Some parts of the proposed legislation will not come into effect until July next year, and in that time the government will carefully and consistently inform employers of the benefits and terms of the proposed legislation.

The study was understandably unable to pre-empt what would come out of future industry sector orders. The Bracks government has taken that into consideration in drafting the proposed fair employment legislation. It has ensured that in setting the industry sector orders the tribunal will be required to take into account the appropriate economic factors affecting employment as well as being required to promote effective and efficient operations of business and industry. The Bracks government is conscious of that, and it has been written into the proposed legislation.

The fair employment approach the government has taken arose from a balance of intensive consultation with the community and with employers, and over 200 submissions were received. The reforms have now received a good tick from Clayton Utz — yes, Clayton Utz — and National Economics!

Opposition members interjecting.

The PRESIDENT — Order! The minister is not helping by provoking that sort of reaction from the house. I suggest we move on to the next question. The minister will wind up, without help.

Hon. M. M. GOULD — The opposition should stop scaremongering and turning its back on workers in Victoria and start supporting the proposed legislation to look after the working poor of Victoria!

Snowy River

Hon. PHILIP DAVIS (Gippsland) — I refer the Minister for Energy and Resources to the government's announcement that as part of its process of increasing environmental flow for the Snowy River it will purchase water entitlements from irrigators. Will the minister confirm that that will reduce the water allocations for agriculture?

Hon. C. C. BROAD (Minister for Energy and Resources) — I am more than happy to keep talking about the historic agreement between the New South Wales and Victorian governments. As disappointed as some members of the opposition seem to be with it and as unable and unwilling as they are to embrace it, the Prime Minister, John Howard, has been able to do so and I believe the federal cabinet will do so very soon.

As has been said in the announcements about the Snowy River, the entity or enterprise to be established with the charter of acquiring water will be required as part of its charter to acquire water at the least cost. It will also have the flexibility to acquire water through funding water savings projects and purchasing water entitlements where it is economical to do so within its budget and time frame. Any such purchases will be conducted in line with the principles laid down by the Murray-Darling Basin Commission and will have no impact on current entitlements to irrigators.

Hon. Philip Davis — On a point of order, Mr President, the question I asked was specifically in relation to the reduction of water allocations for agriculture. The minister did not address that question. She gave a preamble referring to the fact that the entity would have the capacity to purchase water in the water market but she referred not at all to the impact on allocations to agriculture.

Hon. C. C. BROAD — On the point of order, Mr President — although I am not sure it is actually a point of order — —

The PRESIDENT — Order! That is up to me to decide.

Hon. C. C. BROAD — I am more than happy to provide further clarification in addition to my statement, which is in accordance with the assurances provided by the government on many occasions to irrigators that there will be no diminution in their water allocations. The agreement upholds that principle, which has been articulated by the government from the outset and which is fully adhered to in the agreement.

The PRESIDENT — Order! On the point of order, I believe the matter has been properly covered.

Industrial relations: task force

Hon. T. C. THEOPHANOUS (Jika Jika) — I refer the Minister for Industrial Relations to the study commissioned by the Bracks government into the economic impact of implementing the recommendations of the independent industrial relations task force.

I was interested in the details of the study provided to the house by the minister, and ask the minister to advise the house of the credentials and experience of the consultants who undertook the research.

Hon. M. M. GOULD (Minister for Industrial Relations) — As I said earlier, the government has commissioned the study undertaken by the National Institute of Economic and Industry Research, trading as National Economics. I advise the house that the firm's executive director, Dr Peter Brain, is one of Australia's best known macro-economists. His achievements include the prediction by National Economics of the Asian crisis six years before it took place. The opposition may criticise macro-economics, but — —

The PRESIDENT — Order! The house will get through question time more quickly if honourable members listen to the answers given to questions. The chattering in between questions is making progress difficult.

Hon. M. M. GOULD — The opposition would be familiar with National Economics, as it provided more than 50 reports to the previous Kennett government over a range of government departments. I would have thought that organisation would be acceptable to honourable members on the other side. National Economics has also worked for a number of conservative governments in other states. It has an impressive record.

You can imagine my shock, Mr President, when I heard the Leader of the Opposition criticising the study and claiming it to be a sham, given that it was conducted by a very reputable organisation.

As I said, National Economics provided more than 50 reports to the previous Kennett government across a range of departments, and the company has been used by a number of other conservative governments. National Economics has done its analysis and made its comments, but the opposition claims that the report is a sham. The next thing the opposition will say is that Clayton Utz, the law firm employed to help Dr Hewson write Jobsback and — ring, ring on the telephone — Mr Reith to write the Workplace Relations Act, is one of our mates. That law firm said in its correspondence to the government about the proposed legislation:

> In our opinion the draft legislation should have no unreasonable impact on Victorian businesses. In particular it should have no unreasonable impact on those employers who currently provide fair minimum conditions and which treat their employees fairly.

Again, the report has been ticked off by National Economics and Clayton Utz, a respectable, conservative law firm.

Honourable members interjecting.

The PRESIDENT — Order! It is very difficult to hear the minister and it is very difficult for *Hansard* to report the proceedings. I ask the house to settle down and allow the minister to wind up her answer.

Hon. M. M. GOULD — Two independent third-party organisations have given the report a big tick, and it is about time the opposition did, too.

Snowy River

Hon. W. R. BAXTER (North Eastern) — The house has heard the two most extraordinary answers it has heard in 20 years. I refer the Minister for Energy and Resources to the agreement with the New South Wales government in respect of the Snowy River, about which she is so obviously proud, and more particularly to the Premier's announcement yesterday that the agreement is to be laid before the New South Wales Parliament. In the interests of openness and accountability, about which the government speaks so often, why is the same courtesy not being extended to the Victorian Parliament? Why is the minister not even prepared to let Victorians see what she has negotiated on their behalf?

Hon. C. C. BROAD (Minister for Energy and Resources) — The honourable member is referring to administrative arrangements that pre-date this government. Honourable members on the other side could best answer why, when the Parliament under the previous government passed legislation for the corporatisation of the Snowy Mountains Hydro-Electric Scheme, it did not make the water licence arrangements under that legislation subject to Parliament.

The New South Wales Parliament determined that it would require the water licence, one of the mechanisms required to implement this agreement, to be laid before the New South Wales Parliament. That will occur later this year. Because this Parliament passed the corporatisation legislation under the previous government there is no requirement for the water

licence to be laid before this Parliament for approval or disallowance. I have already indicated to the house that when the arrangements between the New South Wales, Victorian and commonwealth governments, and the various instruments, including the water licence, are concluded, in the normal course of events they will become public documents.

Fuel: prices

Hon. R. F. SMITH (Chelsea) — Can the Minister for Consumer Affairs update the house on any further developments with regard to the Victorian fuel price monitoring initiative?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — The house would be aware that in April the Labor government launched the Victorian fuel price monitoring initiative and just recently I released the final September report, which takes into account fuel price monitoring since the introduction of the GST.

The Labor government has always recognised the impact on fuel prices of international pricing, and the value of the dollar needs to be added to that now. However, on top of that the impact of the GST must also be considered. The report indicates that in Melbourne unleaded petrol price increases can be up to 3.9 cents per litre, and in some country towns they could be as high as 7.5 cents a litre.

Some of the issues that have come out in relation to liquefied petroleum gas prices are that the effect of the GST can add up to 5.5 cents per litre in some places. One of the most worrying longer term factors we need to concern ourselves with in relation to LPG is that in the past 18 months LPG prices have gone up by over 90 per cent. That is an incredibly high increase.

The government continually raised with the responsible federal minister, Mr Joe Hockey, the need to have an inquiry into LPG and its pricing mechanisms, right back to the setting of the Saudi propane price or international prices that were the basis for the cost of LPG. Unfortunately on the third request the response was no. The Australian Competition and Consumer Commission cannot conduct such an inquiry without the authority of the federal government.

This house and the Premier have called on the federal government to take at least 2 cents off the price of petrol immediately, and to freeze the indexation due in February to offer some relief to motorists as a result of the increase in prices, not just from the GST, but from the effect of the international pricing and the value of the dollar.

Industrial relations: reforms

Hon. M. A. BIRRELL (East Yarra) — The Victorian Employers Chamber of Commerce and Industry has advised the public that approximately 20 000 jobs are at risk if the ALP plans for a new state and industrial relations system are introduced. Will the Minister for Industrial Relations therefore now concede that she has seriously underestimated the damaging impact of the Labor Party proposal?

Hon. M. M. GOULD (Minister for Industrial Relations) — In my first answer in question time today I outlined an economic model that had been prepared by National Economics. It clearly set out that the claims and scaremongering by the Victorian Employers Chamber of Commerce and Industry are inaccurate, unjustified and inappropriately based on the proposed legislation that will be before the Legislative Assembly later today. The government does not agree with the claims put out by VECCI. They are not based on any sound modelling that it has undertaken. VECCI was part of and participated in the independent industrial relations task force, and the modelling and process adopted by National Economics is consistent with the commonwealth Treasury model. VECCI is saying what the opposition is saying — it is scaremongering and trying to scare employers.

The proposal is to look after the working poor in Victoria, especially those in regional and rural areas who earn little more than $2.20 an hour. They do not even get time off when their spouses die. That is what the opposition wants to continue. If their children are ill they do not even get time off to look after them.

That is what you are doing. That is what it is. All we are trying to do is introduce a fair employment system to look after the people who were deserted by you lot. You walked away from them! You turned your back on them! You don't care!

Youth: multilingual web site

Hon. E. C. CARBINES (Geelong) — I ask the Minister for Youth Affairs to inform the house how the Office for Youth is ensuring young Victorians from non-English-speaking backgrounds have access to youth information.

Hon. J. M. MADDEN (Minister for Youth Affairs) — The Office for Youth funds the Centre for Multicultural Youth Issues, which provides advice to me on multicultural youth issues, particularly services for young Victorians from non-English-speaking backgrounds.

On Wednesday, 11 October, it was with great pleasure that I launched a publication and a multilingual web site called 'Landing on your feet'.

Honourable members interjecting.

Hon. J. M. MADDEN — If members of the opposition were interested in young people, particularly those from their electorates, they would listen to what I have to say. It is a comprehensive information package for newly arrived young people in Victoria and provides information on areas of the law in particular and a whole range of other cultural areas that impact on young people in the early years of their resettlement.

The information is available in seven key community languages — English, Arabic, Serbian, Bosnian, Persian, Vietnamese and Somali. The project has brought together a number of partners to develop the program — the Victorian Law Foundation, Victoria Legal Aid, the Equal Opportunity Commission, the Federation of Community Legal Centres Victoria and the Department of Immigration and Multicultural Affairs.

Young people who are new arrivals, particularly refugees, have undergone a variety of experiences, many of them not positive, such as surviving torture; having disrupted schooling; coming from fragmented family units; having difficulty with English language acquisition; and harbouring suspicion of and certainly concern about authority and gaining access to government. The information, which is available on a web site and as a publication, will assist newly arrived young people. For those members of the house who are interested I will give the web site address: http://www.cmyi.net.au/landing.

Gold discovery anniversary

Hon. BILL FORWOOD (Templestowe) — I direct a question to the Minister for Energy and Resources. In the minister's answer to the Honourable Bob Smith's question without notice yesterday on the commemoration of Gold 150 in Victoria she indicated that a $1 million grant from the Community Support Fund would be administered with appropriate levels of accountability. Given that the $1 million is being handed out by a committee chaired by an ALP member in a country marginal seat, Ms Jacinta Allan — —

Hon. M. M. Gould — The member for?

Hon. BILL FORWOOD — Bendigo East, and includes two other country ALP members in marginal seats, Karen Overington in Ballarat West and Joe Helper in Ripon, does the minister agree that the appointment of a probity auditor would be appropriate?

Hon. C. C. BROAD (Minister for Energy and Resources) — What I actually indicated to the house in response to that question yesterday was that the funds would be administered by a body separately from the advice to be provided by the committee that has been referred to, which does indeed include the members referred to and also includes representatives of a number of other local government bodies. So the administration of funds will not be conducted by — —

An Opposition Member — Who makes the decision?

Hon. C. C. BROAD — The board will administer the funds, Mr President, and I am sure the administration of the funds will be conducted with all of the appropriate probity requirements.

Boating: facility grants

Hon. D. G. HADDEN (Ballarat) — Can the Minister for Ports outline what steps the government is taking to improve safe recreational access to Victoria's waterways?

Hon. C. C. BROAD (Minister for Ports) — Recreational boating is one of the state's major leisure activities, and public facilities sited around the state provide access to a wide range of waters and the associated activities it is possible to enjoy on those waters. I advise the house that the government has allocated more than $1 million in grants to improved public recreational boating facilities for the boating community by supporting better public ramps, boarding jetties and onshore facilities. It is particularly pleasing to me to return to the boating community some of the funds that boat owners contribute through the boat registration fees they pay.

The government is committed to improving safe and easy access to Victorian waterways. They are used for a diversity of activities and it is paramount that the limited resources they represent are shared fairly and managed in an environmentally acceptable way.

Earlier this year I invited waterways and facilities managers to apply for funding assistance, and as a result of that invitation the government received some 90 or so applications which were assessed rigorously by the State Boating Council. Subsequently on the advice of the State Boating Council I approved just over $1 million in grants directed to 22 projects.

Boaters around the state will see benefits arising from the facility grants. To give one example, Gippsland is seen as one of the most significant boating venues and this year will receive grants totalling $243 000 towards six projects, including a new regional boat ramp at Lake Tyers.

I do not propose to list all the projects, but six projects around Port Phillip Bay and Corio Bay will receive grants totalling $445 000, including Limeburners Point, Geelong, and Altona.

Hon. N. B. Lucas — What about Olivers Hill?

Hon. G. R. Craige — What are you doing at Altona?

Hon. C. C. BROAD — I will not go through them all, as I mentioned. There are a further nine projects around the coast and on inland waters that will receive grants totalling more than $171 000, including at Corinella on Western Port Bay, McLaughlins Beach in South Gippsland, Shepparton, Port Fairy and Rocklands Reservoir in the west.

In addition to those projects, informative safety signage is a major safety measure. The Marine Board of Victoria has been granted $150 000 to ensure there is better signage so that people are properly informed about how to safely be involved in boating activities.

In addition to those grants, revenue from registration fees enables a range of other safety initiatives and services to be maintained. As some honourable members would be aware, funds are also provided to offset the costs of the water police and to ensure that they have access to boats and equipment. The management of recreational boating in coastal ports and inland waters also benefits from the revenue raised.

COURTS AND TRIBUNALS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed.

Hon. D. G. HADDEN (Ballarat) — I support the Courts and Tribunals Legislation (Miscellaneous Amendments) Bill. The bill makes a number of amendments to important legislation. Part 2 of the bill will allow the Supreme Court to make rules for the authentication of probate orders. It will require litigants to court proceedings to use a preferred transcript provider in certain circumstances. The bill makes provision for rehearings and reassessment orders in guardianship matters under the Guardianship and Administration Act and makes a number of miscellaneous amendments to that principal act. It extends the time of the commencement of the Juries Act and inserts provisions for class actions into the Supreme Court Act.

The amendment to the Administration and Probate Act is contained in clauses 3 and 4 in part 2 of the bill. Those amendments will allow the Supreme Court to authenticate probate orders electronically. That is required due to the Supreme Court's administrative review and will assist the court in moving from its current paper-based record system, which is voluminous, to a system in which an electronic database can form the primary record of the court. That will bring it into the 21st century.

The bill also contains amendments to section 130 of the Evidence Act. Where the court has a preferred supply arrangement in place with a transcript provider — such providers are used by the court on a tender basis, by agreement — that provider should provide the court's civil transcript unless, as clause 5 states, a party to those legal proceedings shows grounds to the satisfaction of the person acting judicially in the proceeding that another person should record and transcribe the evidence and the person acting judicially so directs. That important amendment will assist in maintaining the integrity and the objectivity of the judicial system.

Clause 12 changes the commencement date of the Juries Act from 1 January 2001 to or on before 1 August 2001. Honourable members know that the Juries Bill was introduced into the Parliament on 15 December 1999 and was passed by this house on 6 September. However, under the standing orders this amendment could not be included with the house amendments that were made at that time. The later commencement date was necessary to enable a regulatory impact statement to be completed concerning the fixing of fees for jurors and other key implementation issues, such as the use of new information technology support that is to be put into place by the Electoral Commissioner before the commencement of the act.

Hon. C. A. Furletti interjected.

Hon. D. G. HADDEN — Taking up the interjection about sitting on it, the Honourable Carlo Furletti perhaps forgets, or perhaps he remembers but does not want me to remember, that he was a member of the previous Law Reform Committee that produced a report on jury service in Victoria. Recommendation 14 of the report states, in part:

> … that persons on bail or charged with a criminal offence which has not been determined should continue to be eligible for jury service.

That was because in the committee's opinion, in line with the presumption of innocence, persons charged with offences and those on bail should not be disqualified from jury service.

Recommendation 65 — —

Hon. C. A. Furletti — Don't be selective.

Hon. D. G. HADDEN — I am referring to recommendation 65, which states :

> Vetting of jury lists to detect disqualified persons and persons with non-disqualifying criminal convictions should continue.

That says it all.

The bill also inserts in the Supreme Court Act proposed part 4A, which deals with what is termed 'group proceedings'. Those provisions have not appeared previously in the Supreme Court rules. The amendment became necessary after the decision in *Schutt Flying Academy (Australia) Pty Ltd v. Mobil Oil Australia Ltd* cast some doubt over the Supreme Court's powers to make such rules. The amendments are intended to dispel any concerns about the procedure and to place its validity beyond doubt. That amendment is contained in clause 13 of the bill.

Clause 15 inserts in the Supreme Court Act proposed section 128A, which is intended to limit the jurisdiction of the Supreme Court and therefore contains a section 85 statement under the Constitution Act.

Proposed section 33ZD(a) of the Supreme Court Act enables the court to order the parties to the proceedings to pay costs but reduces the court's general discretion in section 24 of the act to order costs against members of the group or class. Firstly, changes in the costs rules that require an unsuccessful party to pay the other party's costs are necessary due to the complex and expensive nature of the class actions. Secondly, ordinary litigants in this day and age would find it prohibitive to continue legal proceedings against wealthy corporations or governments.

Proposed section 33ZD(b) provides protection for members of a class action from personal liability for costs by limiting the Supreme Court's powers to order costs against individuals, except in the circumstances set out in proposed sections 33Q and 33R, where the court establishes a subgroup and where a question arising from the proceedings relates to only one member.

Clause 14 of the bill repeals sections 34 and 35 of the Supreme Court Act of 1986, which provided for representative proceedings. Group proceedings will replace that form of class action. I commend the bill to the house.

Hon. R. M. HALLAM (Western) — The National Party resolved to support the Courts and Tribunals Legislation (Miscellaneous Amendments) Bill and I am pleased to report on the assessment that led to the party taking that formal decision. The effects of the bill are by and large procedural and are designed to improve the operation of the legal system. With one or two exceptions, the changes sought are not controversial, but the National Party is concerned about a number of the effects the bill has. I acknowledge that those concerns are not major and on balance the National Party has resolved to give the bill a tick.

The purposes of the bill are fivefold: to amend the Administration and Probate Act to allow grants and probate or administration to be authenticated in a prescribed manner; to amend the Evidence Act, particularly in relation to the recording and transcription of evidence taken by a court; to amend the Guardianship and Administration Act to provide for rehearings in some specific circumstances; to extend the commencement date of the Juries Act 2000, about which I will say something; and finally, to amend the Supreme Court Act in respect of rules relating to group proceedings.

I shall treat the bill in the sequence in which it handles each of those changes, although I acknowledge some are simple and I am tempted, as the Honourable Carlo Furletti did, to pick them first and deal with them.

The first purpose is relatively simple and makes changes to the Administration and Probate Act, which provides for the grant of probate to be authenticated in other than paper form. It acknowledges that our legal and commercial system has in many cases embraced the concept of electronic transfer, and those changes make good sense. It acknowledges that where electronic authentication is appropriate that should be recognised by the law of the land. The National Party is happy to support that because it makes sense.

Changes to the Evidence Act deal with the transcription of evidence in civil actions. In criminal proceedings the provision of transcription of evidence is provided by the state, but in civil proceedings the provision of transcript of evidence is not mandatory — it is optional for the parties, provided it is at their cost. The National Party acknowledges that reporting and transcription can be expensive, particularly in cases of some duration. The

amendment proposes that there be established an authorised group of transcript of evidence providers and that there be a list of such accredited providers to ensure a quality service is provided. It means that if a party to a civil action chooses to use a service provider other than one of those that have been previously accredited or authorised that party would require leave of the court in advance. That is a logical change and the National Party has no objection to it.

The Guardianship and Administration Act goes to a sensitive and delicate area of law administration. It deals with those who are unable to look after themselves and are the subject of an administrative order. Prior to the establishment of the Victorian Civil and Administrative Tribunal (VCAT) in 1998 the administration of orders by the then Guardianship and Administration Board were subject to a merits review on the basis that the board was dealing with basic issues on behalf of persons who were by definition in a vulnerable position. However, when the VCAT was established in 1998 and assumed the role that was previously undertaken by the Guardianship and Administration Board the Kennett government argued that the two-tier review process that had previously applied was not warranted and that any appeal against a decision taken in the tribunal should be lodged with the Supreme Court.

I am relaxed about saying that today because I remember at the time the Labor Party was unhappy with that change and concerns were expressed about the additional cost of an appeal to the Supreme Court. At the time the parties simply agreed to differ. I am not surprised to learn that on coming to government Labor wanted to revisit that issue and has moved to have the appeal process reinstated. One could be churlish about that and re-run the argument that the former coalition ran at the time, but nobody has a mortgage on wisdom on these issues. This is a sensitive area, and on balance the government should be given the opportunity to pursue its policy objective.

The amendment effectively provides that a party or a person who is entitled to notice of an application in those circumstances may apply to the tribunal for a rehearing of that application. The act provides that whenever an application is to be made various people, usually the extended family or close friends of the person who is the subject of the application, are entitled to notice of the proceeding without necessarily being a direct party to it. It is that broad group of people who are entitled to apply for a rehearing of the application should they deem fit. That is distinctly opposed to the group being required to head off to the Supreme Court to lodge an appeal.

When rehearing the matter, the tribunal has all the functions and powers that apply with respect to the matter being dealt with in the first instance. In other words, it has to be a complete re-run of the original application. I point out that the application for rehearing does not of itself stay the original order or prevent it from taking effect. The tribunal could rule to that effect, but that does not happen as a matter of course.

The right to request a rehearing does not apply to a couple of circumstances. They are quite complex, so I will handle them as carefully and sensitively as I can. A person cannot apply for a rehearing if the application that is sought to be reheard was originally dealt with by the President of the tribunal, whether sitting alone or with other members. The reason an application in those circumstances should not be heard is the imputation it would direct at the most senior judicial officer of the tribunal. It would be simply inappropriate for such applications to be heard by officers who have, for all intents and purposes, a lower status in the tribunal. That is the first preclusion.

The second preclusion to an application for a rehearing relates to section 42B and an application made under that section for the consent of the tribunal to the carrying out of a ‘special procedure’ — it is in inverted commas because a special procedure is carefully defined in the statute — particularly where that special procedure was carried out for the purposes of medical research or where the original application related to routine medical or dental treatment.

Part 4A of the existing act was designed to address three quite distinct sets of circumstances. I am talking about services provided to persons who may have severe disabilities and therefore be very vulnerable. Those three circumstances are firstly, those which involve the provision of standard or routine medical or dental treatment; secondly, where the application relates to a protected person participating in clinical trials; and thirdly, where the act addresses the question of whether procedures should be applied to that person which, by their very nature, are very intrusive. I speak of procedures such as sterilisation, the termination of pregnancy and the removal of body tissue — some basic human rights.

Unfortunately those circumstances are not necessarily discrete; there are some grey areas at the margins. Therefore very sensitive issues are involved, and I will address each in turn.

I turn to the first of those, the question of standard or routine medical or dental treatment being provided to protected persons. Part 4A was originally designed to

overcome the circumstance where every time that sort of procedure was appropriate there was a requirement for a guardian to be appointed if no next of kin were available. It was a very difficult circumstance, and a number of complaints were made about the extent to which the process was quite perverse. Some cases were cited of the services being sought on behalf of a person being denied because of the procedures required in respect of the consent process.

Care has to be taken so that in the quest to protect those persons the process is not overcooked and thereby those people are denied access to basic services. Even with the best of intentions, there is a risk we might cause the very problem we are trying to overcome. The bill provides that in those circumstances there should be no additional right of rehearing. National Party members understand precisely why the bill has been designed that way and are prepared to support it.

I turn to the question of the right of rehearing where the original application relates to the person taking part in medical research or a clinical trial. We are told that, again, there is no need for the rehearing process to apply in those circumstances. The rationale offered is that there are already a whole range of appropriate safeguards. Those safeguards are spelt out in the second-reading speech, which states:

> Under procedures developed by the deputy president in charge of the guardianship list at VCAT, the Office of the Public Advocate, ethics committees and the research community, no application is pursued unless consent has been actively sought and gained from the proposed participant's next of kin.

Therefore the appropriate safeguards are provided. When National Party members attended the briefing on the bill provided by the government and learnt that the safeguard was seen to be of such importance, our obvious question was, 'Why are the protocols on which the government is relying not included in the legislation?'. It seemed appropriate for the government to give a guarantee that what it was saying would in fact be the case. Given the critical importance of the protocol we were quoted, we asked whether we could see it. The government quickly accommodated that request, and I now have a briefing paper headed 'Guardianship list'.

Because the document is of such importance and goes to the very issue that prompted the National Party to ask about the protocols on which the government was relying, it should be read into the record. It states:

> The guardianship list hears applications from hospitals and related institutions seeking to include an individual incapable of giving consent to be the subject of medical research trials.
>
> Some of this research involves multicentre, multipatient clinical trials of medication, some of which must be administered within a very short time after enrolment. Once the tribunal makes an order that gives consent to the participation in the trial the patient may receive immediate treatment. The deputy president in charge of the guardianship list has in consultation with the research community, Office of the Public Advocate and ethics committees developed the following procedure in dealing with applications relating to medical research.

The procedures are then spelt out. The first is that:

> The Public Advocate is notified of each proposed trial, provided with the same documentation sent to VCAT and given the opportunity to elect to investigate either the trial or the enrolment of participants. If they do not elect to intervene —

'They' is a strange word to use, but it is in the document —

> (and VCAT does not request their assistance) the consent process is then conducted solely by VCAT.
>
> The issue of the patient's capacity is assessed by appropriate clinicians.
>
> Reasonable efforts are made to locate next of kin.
>
> The views of next of kin are obtained and their consent to the patient's participation (even though that consent is not determinative for VCAT).

Next comes a provision that:

> The trial has ethics committee approval.
>
> VCAT receives a plain language statement and non-technical statement from the protocol.
>
> The hearings which lead to consent are conducted on the papers in chambers, by a member.
>
> Where possible, orders giving the VCAT's consent are faxed to the applicants on the same day as they are received.

Finally, the briefing states:

> By agreement, no application is made in respect of a proposed participant in a clinical trial against the objection of next of kin. Each time there is an objecting next of kin, the investigators simply withdraw the patient from the pool of patients to participate in the study, and do not submit an application to VCAT in relation to that patient. Where there is no available next of kin there will be no application to VCAT in most cases. Where such a person is proposed for participation, the Office of the Public Advocate is requested to report to VCAT as to the appropriateness of that participation.

That is a clear, and I agree, appropriate outline of the protocol on what should practically happen. For those who may have a lingering doubt about whether those protocols will survive, the National Party has been reminded that section 42B of the Guardianship and Administration Act provides that the Public Advocate

receive notice of an application for a special procedure including applications relating to medical research. Regardless of the protocol and whether that will change in the future, the Public Advocate must always receive that notice.

On that basis, the National Party was comforted and was prepared to support the bill. What has been provided to the National Party constitutes a good argument for the bill.

That brings me to the third of those circumstances — that is, those that still qualify as special procedures but by their very nature are intrusive. Earlier I cited a number of examples of sterilisation, termination of pregnancy and so on. Those services are of such a fundamental nature that the National Party was not prepared to argue against the new right of hearing.

During that briefing the National Party asked for an idea of the numbers of applications now going to the VCAT in respect of those special procedures. The government has since provided the National Party with an outline of those figures. I am told that the tribunal has provided a summary of the applications. It says it does not have a breakdown but reports that 119 applications under section 42B have been made and although the tribunal does not have a breakdown of those figures, it estimates that about 100 of the 119 relate to medical research. Of those 100 applications, most relate to the inclusion of patients in clinical trials for treatment of conditions such as schizophrenia and Alzheimer's disease.

That gives a fair indication of the sorts of circumstances designed to be covered by any application. The question of review should be taken in that context. The National Party is comforted by the advice with which it was subsequently provided; I acknowledge the extent to which the government has met its requests.

The fourth change in the bill relates to the Juries Act. I recall the circumstances of that legislation being passed by this house and the circumstances that led to the delay in its passage. I will not dwell on the reasons but simply endorse the comments of the Honourable Carlo Furletti. It is a pity the house arrived at the outcome it did.

The opposition parties argued strenuously that those persons who were in the community simply because they were on bail were inappropriate to be empanelled on juries. I remember commenting at the time that they may have been in the community for no other reason than that they were able to raise the surety that enabled them to be released; otherwise they would have been in custody. Surely, there would have been no argument about whether they should be released from custody to sit on a jury! In any event, the government was not prepared to accommodate the concerns of the opposition parties about that legislation; for their part, the opposition parties were not prepared to imperil the bill.

Although the changes had great merit, the National Party also acknowledged at the time that the Juries Bill conveyed a number of welcome changes. On balance, the opposition parties were not prepared to put them at risk. As it happens, the government took several months to respond to amendments suggested in this place. It is a simple matter of procedure that the house is now required to agree to an extension of the commencement date. I note that instead of the new Juries Act coming into effect from 1 January next year, its commencement will be deferred until 1 August next. That is a sad outcome.

The final changes to the Supreme Court Act are more particularly about class actions. Proposed part 4A in clause 13 provides for a set of formal rules applying to the bringing of a class action in Victoria's legal system. These are not new rules but simply the endorsement of the rule book developed by the court. The bill gives legislative backing, clarification and endorsement to the rules developed by the Supreme Court.

There are always two sides to any argument. Many in the community would share my despair at the extent to which Australia is following the pattern in the United States of America by becoming more litigious by the year. It seems that the first reaction to any circumstances is to decide whether one can sue. Class actions will have many unfortunate side effects. Like Mr Furletti, I believe the real winners will be the lawyers. However, the National Party acknowledges that the big corporations can win simply by relying on process; they have deeper pockets and are better equipped to win in the courts through their access to funds and their familiarity with the system. It is not impossible for them to simply grind potential opponents into submission.

A balance has to be struck. The National Party approach to this issue was to examine two basic responsibilities facing legislators. The first was whether the rules were fair. Although the National Party is not convinced about the trend towards litigation in every circumstance, and although it is not convinced about the appropriateness of institutionalising class action and the extent to which the bill will do that, it came to the conclusion that it would support the changes on the basis that the rules have been designed by the court and

to that extent Parliament could not be accused of imposing rules on the operation of the court.

The National Party acknowledges that globalisation is with us and, although there may be some trends we could do without, it has brought enormous benefits to the Australian economy and community, so perhaps we have to consider the trend towards class action as one of the lesser lights of what is an important move in the right direction. On balance, the National Party concludes the rules are fair.

The second test applied was whether the rules were clear. The National Party came to the conclusion that they were not clear, at least to the extent that they are under challenge. Perhaps we could have a debate with Mobil Oil in that context, but the salient issue is that Mobil Oil is currently challenging the rules on the basis of whether the court has the power to make them. If nothing else, the legislature has a responsibility to clarify the court processes and determine the question of validity. Such an action is in the best interests of everyone, including Mobil Oil, which has gone to some expense to achieve exactly the same outcome. The fact that the Court of Appeal upheld by a bare majority the Supreme Court's decision that it had power to frame those rules causes some concern. I note that Mobil Oil has sought leave to appeal to the High Court, which causes further concern. On that basis there is a valid argument for the position to be resolved and clarified. It is on that basis the National Party supports the legislation.

Concerns were raised at the party room meeting about the date of operation of the legislation. The chamber should note that the provisions will come into operation as from 1 January 2000, and it is clear they will have a retrospective effect. I examined the *Alert Digests* of the Scrutiny of Acts and Regulations Committee and could not find any comment in them about the issue. During the briefing it was acknowledged that the application of the change was clearly retrospective. It is irregular that the Scrutiny of Acts and Regulations Committee found it unnecessary to comment on the question of retrospectivity. I have been in this place long enough to know that that issue generally focuses the attention of honourable members as no other issue of Victorian law does. I find it strange that it has been allowed to go through to the keeper without comment.

I also make the point that one of the intentions of the amendment in the bill is to overcome the problems that arose in respect of the Mobil Oil application. Like other members of the chamber, I well remember the circumstances that led to the grounding of hundreds of aircraft in November and December last year, which ultimately produced a representative proceeding. I note, as Mr Furletti did, that it is now described as a group proceeding, but I remember the allegations about the quality of the fuel and who was at fault. It cannot be argued that this is nothing more than a reaction to the circumstances of the time. It is clear the government has reacted to the specific circumstances of the Mobil Oil application and the appeal process, and on that basis it is even more untoward that the retrospectivity issue is unchallenged.

During the briefing we asked for explanations of the distinction in the expressions being used, particularly that of 'group proceedings' as opposed to the current usage of 'representative proceedings'. I acknowledge the response of the department, which provided me with the following explanation, which I shall read into the record without comment. It states:

> The principal difference between group proceedings and representative proceedings is that the former operates as an opt-in scheme, whereas the latter may be described as an opt-out scheme. In other words, in order to commence representative proceedings under sections 34 and 35, all persons represented in representative proceedings must have consented in writing to being represented and named in the originating process. By contrast, the consent of a person to be a group member in a group proceeding under order 18A is not required, each group member having the right to opt out of the proceedings.

The National Party looked at the issues carefully and concluded on balance, given the objectives of the bill and that it would assist in the administration of the legal processes, that it supports the bill.

I make one final comment which I offer simply as a comment. This bill contains another section 85 provision. Again we see a bill introduced by the Labor administration specifically to limit the operation of the power of the Supreme Court. I am not going to make a meal of it, but I put on the record that as a member of the former government I heard the criticism from the other side of the chamber about the Kennett government's so-called reliance on the section 85 provision again and again. I do not know what the score card is, but this is a good illustration of the pot calling the kettle black. We have legislation which by its nature is required to include a section 85 provision. I am not arguing against the need to do that.

I acknowledge that in circumstances where legislation can at least potentially impact on the operation of the court, a section 85 certificate is appropriate. When Labor was in opposition it whinged incessantly about the section 85 provision, and I find it ironic that almost all the bills introduced in the current session have contained exactly the same provision.

Hon. Jenny Mikakos — There is no similarity at all. In the case of this bill the court wants the government to clarify group proceedings, unlike when the former government moved to decimate the Director of Public Prosecutions and to do other things that were not supported by the legal profession.

Hon. R. M. HALLAM — I would be delighted to take up the interjection and quote some of the commentary the house heard ad nauseam from Labor when it was in opposition. However, it would not further my purpose and it would certainly not contribute to the debate on the bill. I will conclude where I started by saying that the National Party is happy to support the bill.

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. As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The ACTING PRESIDENT (Hon. C. A. Strong) — Order! In order that I may ascertain whether the required majority has been obtained, I ask honourable members in favour of the question to stand where they are.

Required number of members having risen:

Motion agreed to by absolute majority.

Read second time.

Third reading

For **Hon. M. R. THOMSON** (Minister for Small Business), Hon. M. M. Gould (Minister for Industrial Relations) — By leave, I move:

That this bill be now read a third time.

I thank honourable members for their contributions to the debate.

Hon. Bill Forwood — On a point of order, Mr Acting President, an arrangement was made for a statement to be made today on the third reading in relation to some issues that were settled earlier in the day between Mr Furletti and the Minister for Small Business. I understand the minister is sick at home, but she was to stay so she could make that statement. I suspect there is a statement on a piece of paper somewhere that the Minister for Industrial Relations should be reading into *Hansard*.

Hon. M. M. GOULD — On the point of order, Mr Acting President, I suspect that the Deputy Leader of the Opposition is correct. There was an agreement. I shall make the statement later to clarify those issues.

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

Debate adjourned until later this day.

INFORMATION PRIVACY BILL

Second reading

Debate resumed from 3 October; motion of Hon. C. C. BROAD (Minister for Energy and Resources).

Hon. G. B. ASHMAN (Koonung) — The Information Privacy Bill is a vital piece of legislation that is long overdue. The opposition believes the bill falls short of the comprehensive legislation that is required as it regulates the government sector only. The private sector has been ignored.

Information technology is becoming the core of the economy in the new information age. The government's ignoring of the private sector in the bill almost amounts to criminal neglect on its part. The bill applies only to state government, local government agencies and people contracting to government.

The bill introduces codes of practice on the gathering, retention and use of personal data. The codes, unlike many other codes, will be enforceable. The bill allows a 12-month period for the development of those codes which will come into effect in September 2001.

As I said, the codes will be enforceable. Because of that during the committee stage the opposition will move an amendment to have those codes tabled before the Parliament and to provide the Parliament with the opportunity of rejecting or amending them.

The bill also establishes the Victorian Privacy Commissioner and makes significant provisions for an education program during the development stages of the codes and, one would hope, a continued education program on the use of the codes.

The codes are very important because government agencies, departments and local government are collecting vast amounts of information about individuals. The government has included in the legislation 10 principles that will offer some protection

in that regard. Those principles cover issues such as the manner of collection and use of the data and its disclosure to individuals.

The bill contains some strong security provisions, and they are welcomed. There is an opportunity for the data to be used by researchers, but the identity of the individual is not to be revealed. There is provision for unique identifiers to be applied to each individual in the database, and again there are protections on those unique identifiers. That is important because one thing no-one would like to see occur at any time is a merging of a number of those databases. Once there are identifiers it becomes fairly simple, even they are so-called unique identifiers, to merge a number of such identifiers. I am not sure there can be a number of them if they are unique, but that is another issue.

It then becomes quite easy to merge databases, and the information contained on them can be quite sensitive. The information on an individual file may seem innocuous. It may not be much more than a name, address and date of birth. However, if that file is coupled with a rate file, the resulting file is coupled with a motor registration file, and then with a health file, a significant picture of an individual starts to build up.

As I said in my opening comments, it is disappointing that the bill addresses only the government sector. The world is experiencing an explosion in data collection and is entering an age where information from related industries will become the core of a new economy. Although a government might argue that it is not trading in information, it is nevertheless active in a number of semi-commercial ventures. Much of what is contained in the bill is equally appropriate to the private sector and in the opposition's view should be applied to it.

The government has a specific role in providing the regulatory framework in which businesses and individuals develop, and it should be encouraging them to achieve their greatest potential. As I have indicated, the information economy is the most rapidly expanding sector and will continue to be so. The trade in services will continue to increase at a rate significantly greater than any other sector.

Governments have traditionally collected data, and in such collection has set the standards for all other sectors. However, because of the current ability to collect data far more detailed information than has ever been possible previously is now held on businesses and individuals.

The bill enacts provisions for the managing of the personal data in the public sector and by government contractors. It goes a fair way towards providing certainty and confidentiality in the way material will be held. As I have said previously, the major difference between this bill and that put forward by the former coalition government is that the bill ignores the private sector. I do not believe it is reasonable to do that because the private sector is looking for direction on the collection of data. The opposition holds the view that private sector organisations will move jurisdictions where there is some certainty about the way they may manage and use their data.

As I said previously, there is now a greater ability to collect data on individuals than ever before. Databases can be collated that will show a profile of a person's financial experience and retail purchases. Health and age data of people can be obtained. Registration data can be obtained and data from telephone surveys on a range of attitudes held by people can be assembled. When that information is coupled together it presents a comprehensive picture of an individual. It is a valuable marketing tool.

Governments have a marketing role. Many water authorities are now looking at ancillary services to supplement their incomes. Transport companies, which I hope are covered by the bill, are diversifying into activities that are beyond their core activities. The gathering of this information is sensitive and we must all be conscious of the way it is used.

The government is keen to offer protection, but I do not think it has done a great deal to define the ethical, moral and legal development of the information society. The fact that the bill is confined to the government sector will jeopardise the development of the information technology (IT) industry in Victoria. The industry has been looking for some certainty and direction, which it is not receiving. As all honourable members are aware, the IT industry has the ability to operate from almost any location, anywhere in the world. As has been said in a number of forums, but most recently by the chairman and chief executive officer of Sun Microsystems, Mr Scott McNealy:

> You have zero privacy, get over it.

In the August 2000 edition of *New Economy Lies* Jane Weaver wrote:

> Privacy is dead.

In some respects that could be true. I hope the bill protects people's privacy.

When the bill is coupled with impending federal legislation it will go some way towards providing Victorians and Australians with a reasonable level of privacy. However, Victoria had the opportunity to lead the way and introduce legislation for both the public and the private sectors that sets the framework for Australia and indeed could be seen to be world class and copied around the world.

Major developments are occurring in the private sector. Some parties in the private sector are quite resistant to any regulation. The retail banking and insurance sectors hold staggering amounts of data on each and every one of us. When and if they start merging those databases they will have a very comprehensive picture of each of us. If those databases were then to be combined in some way with anything from the government side it would be very comprehensive indeed. I am not suggesting that the government will do that and indeed this legislation specifically sets out to prevent that from occurring.

Had this legislation included the private sector it could have assisted with the expansion of online trading and online retailing. It is interesting to note that at present about 5 per cent of Australians purchase goods online. A large number of people visit retail sites but only a small conversion rate to sales exists. One of the real issues that stops people purchasing online is the need for them to provide credit card details, addresses and some personal details. It is difficult to identify where many of the sites are located and indeed not all of them carry adequate privacy policy statements.

It is estimated that in the United States of America something in the order of $2.5 billion was lost last year by consumers retreating from an imminent web site purchase so the problem is not uniquely Australian; it is an international problem. However, with adequate legislation Victoria could have led the world and given the information technology companies in Victoria and Australia an opportunity to be ahead of the rest of the world. Until recent times Victoria had the reputation of being at the forefront of IT developments.

The Australian public has expressed significant concern at the lack of security on e-commerce sites. As I said, the bill shows that Victoria is stepping away from its leadership position. It reflects negatively on consumer confidence and it leaves the work that was done with the Electronic Transactions Bill incomplete. That bill provided some frameworks and coupled with this legislation should have presented a complete package for the management of electronic data and online trading. Instead it reflects that the government has come to office lacking any information industry vision. Unlike the previous government Victoria does not have a dedicated multimedia minister — and that has led to the industry looking at Victoria in a different light.

It is very easy for this industry to locate in Melbourne, Brisbane, Moscow, or Montreal — it does not matter. The industry can be located anywhere. The industry has a fundamental requirement — that is, the ability to transmit data. However, once that is in place location is not critical; so a positive environment is one of the things that is required for a particular state or city to capture those companies.

The government's decision to omit the private sector provisions from the bill that was before the house prior to the last election shows that in its eyes Victoria has a diminishing role in the global economy. I think the government needs to focus on how to capture that agenda again so that Victoria becomes a centre for e-commerce and derives benefits from the trade that will occur — not just for its manufacturing or retail sectors but for the broader community.

There are other issues which, again, relate to the collection and use of data. I am disappointed that the legislation does not deal with consumer affairs matters. There is very little opportunity to gain recourse for online trading. A number of instances have been reported to my office where people conducting business online have provided credit card details and have not received the goods. They have found that cards have been fraudulently used. Had the legislation been a little more detailed it could have included a requirement that the physical presence of the site be advertised. That may have gone some way to providing the consumer with a little additional protection.

The bill recognises that data collection is something that is now common to every government department and across the private sector.

We should not have this patchwork approach. The bill addresses the matter of government contractors, but from my reading it appears to be silent on what those contractors do with data that they collect outside their government contracts and how they deal with data they hold for private and government sector activity. Where is the overlap — and there will be an overlap if we examine some of the welfare organisations? What will the requirement be? What will the standard be for the recording and use of human resource files and employment files? Do they have two sets of records, one for their commercial activity and one for their government activity?

A set of standards will be applied by separate legislation in the health sector, yet it is unclear how the

health sector will handle employment files versus patient files. There appear to be two sets of standards. The standard set for the health information on an individual is significantly higher — as it should be — than that for human resource information. It is unclear how health information that is gathered as part of an employment process will be dealt with. This approach will mean that government contractors will have a significant level of overregulation. Increased compliance costs will be suffered, and the administrative complexity will be burdensome.

In the definitions there is no distinction between information and data. That would have been useful, because there are different definitions for information and data. Data generally encompasses a broader range of possibilities than does information. Information would generally be regarded as including text information, whereas data could be film, video or other forms of image, and could include fingerprints and retinal scans or similar tests. The bill should contain definitions to give some guidance.

Through the development of the codes it is possible to address a number of those concerns. The codes — I presume the government will accept the opposition's amendments; I may be somewhat presumptuous because I do not have an indication of its attitude at this stage — will provide the Parliament with the opportunity to once again look at those matters. It would be useful if Parliament had that opportunity because while opposition members have offered some criticism of the bill, we are certainly not opposing it. Our major criticism is that it has not gone far enough; it is not sufficiently comprehensive.

Privacy is viewed by many people as a common-law right, yet as I understand it — and I do not have a legal background — it is not defined by law. The act does not seek to define privacy. Once again, the definitions could have included information to give us some guidance in that respect.

We are living in an information age. What has served us well for the past 50 to 100 years certainly will not serve as well for the next 20 years. The changes in technology and our ability now to gather information are so great that we will need to progressively update the legislation to take account of new technologies and new means of gathering information and data.

Another concern I wish to raise is the ability to surreptitiously gather data. Many of us receive emails from organisations or groups we have never heard of. Groups gain our email addresses by viewing our files online. There is some clever software out there that will quickly scan data and the software a person is using, transfer it to the site being viewed at a particular time and record it. There is some legislation in the United States of America that seeks to prevent this, but Australia needs to afford its citizens a similar level of protection. As many of us log on to government sites it is possible for the sites to record each visitor to the site. That information could be used later for whatever purpose was chosen.

Some software allows for the identification of the sites that are gathering data. I understand one of the programs is called *Spyware*. This software will come on to your computer while you are logged on to a site. You might be paying an account; you might be just surfing the net; it can gather whatever personal information is on your computer. It can download from, say, a government web site. It has the ability to capture the database off that site if the site does not have adequate protection. I am not aware of it happening in Victoria, but it is certainly not impossible. Many companies are running this stealth-type software. One USA study suggested that 50 per cent of computers had at some time been scanned by this type of software.

Although the bill does not specifically go to that problem, the matter should be addressed because there is a need to protect the data and information that is held by government databases and on individual computers. That information should not be allowed to be captured by any means or by any person where there is not a lawful right of access to that information.

The government holds a great deal of data on each individual. The legislation allows that data to be used for research purposes provided it is depersonalised. That is clearly a valuable asset and will assist in planning for a range of services. It should be encouraged, provided the protocols are in place.

Provision has been made for law enforcement agencies. None of us for one moment would suggest that the collecting of detailed data and information on some people is appropriate and the legislation provides for a different standard of care in the treatment of the employment records of people in law enforcement agencies. The government has traditionally been adept at using data for the common good and has been the standard setter in the collection and management of data.

I have demonstrated in my contribution that the government has dropped the ball in setting the pace for the private sector. The legislation will ensure that the government remains a responsible manager of data and will use it for the community good, but the fact that the

legislation does not apply to the private sector presents problems.

The bill will take effect in September 2001, with a period for the development of the codes and an education program that will continue over a 12-month period and into the future. The Minister for Consumer Affairs can play a role in educating the broader community on some of the consumer issues. In the meantime, because the legislation does not contain the detail it should, I fear there will continue to be an exodus of IT specialists and companies from the state. They will move to locations where they will have greater security and confidence in the regulatory regime. The phase-in period of 12 months is obviously necessary to develop codes, but it will also be a period of limbo, and that is not tolerated in the IT industry.

Never before has there been an industry that has developed at the pace of the IT industry. What occurred in the manufacturing industry over 50 years has occurred in the IT industry over 5 years — and we can expect a doubling of the pace every couple of years. Legislation must recognise that the IT industry will be the industry on which information privacy will have the most impact. The government should acknowledge that the legislation recognises the speed of change, because once the IT companies leave the state they will not return. They will relocate to south-east Queensland, Montreal, Moscow or London. In many cases it is a matter of a lifestyle choice by those involved in the industry, and Victoria will be the poorer for the loss.

The opposition does not oppose the legislation but hopes the government will take up its comments in the spirit in which they are intended and return with legislation that expands the scope of the bill. Opposition members look forward to making further contributions in that debate.

I have already indicated that the opposition will move an amendment in the committee stage to provide for copies of the codes of practice to be tabled in each house of Parliament. It will also move an amendment to provide for the disallowance of those codes. That is not put forward as being negative, it is constructive. The matter we are dealing with is of concern to every Victorian and the legislation should be reviewed by Parliament or Parliament should have the opportunity of reviewing it if it so wishes. The opposition does not oppose the bill.

Debate adjourned on motion of Hon. JENNY MIKAKOS (Jika Jika).

Debate adjourned until later this day.

COURTS AND TRIBUNALS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Third reading

Debate resumed from earlier this day; motion of Hon. M. R. THOMSON (Minister for Small Business).

Hon. M. M. GOULD (Minister for Industrial Relations) — I put on record my apology for not having the information earlier.

The class action laws were developed over many years with the involvement of the law commission. The bill as it is now presented does not limit the court's capacity to deal with individual circumstances where a person who is unaware of a class action is subsequently able to apply to the court to be heard. If the court feels it is necessary to clarify these issues it has the authority to make rules in these matters. The government will continue to monitor this legislation as it does with all legislation. I thank all honourable members who contributed to the debate.

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

Bells rung.

Members having assembled in chamber:

The ACTING PRESIDENT (Hon. C. A. Strong) — Order! So that I may be satisfied that an absolute majority exists, I ask all members supporting the bill to stand where they are.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

INFORMATION PRIVACY BILL

Second reading

Debate resumed from earlier this day; motion of Hon. C. C. BROAD (Minister for Energy and Resources).

Hon. JENNY MIKAKOS (Jika Jika) — It is with great pleasure that I speak on and give reasons for the introduction of the Information Privacy Bill.

The bill is part of a package of legislation introduced by the Bracks Labor government relating to the information technology sector and complements the previous Electronic Transactions Bill passed by Parliament in April this year.

The bill sits comfortably with the Connecting Victoria policy announced by the Treasurer, which aims to encourage the growth of technology industries in this state and to ensure that its benefits are shared by all Victorians.

As honourable members would be aware, the previous Kennett government introduced the Data Protection Bill in about May 1999, but it was never debated and it lapsed. On my understanding of the previous government's position, that bill was intended to cover the public and private sectors, as the federal government was not likely to introduce its own legislation and was looking at introducing a voluntary scheme for the private sector.

Since that time the federal government has introduced a bill to amend the commonwealth Privacy Act, which relates to the regulation and handling of personal information in the private sector. Consequently the Bracks Labor government has departed significantly from the previous Data Protection Bill with the introduction of the current bill, which seeks to regulate only the public sector.

The Victorian government believes taking a national approach with respect to the private sector is the most desirable way to go. Honourable members would be aware of personal information and privacy issues relating to the Internet and other forms of electronic transactions and commerce which are becoming more common. It is extremely difficult to regulate those types of electronic transactions and protect people's privacy when such transactions are occurring nationally and information is crossing state borders on a fairly regular basis. For that reason the bill will focus only on public sector agencies.

The provisions contained in the Victorian legislation will be much stronger in respect to the public sector than the provisions of the corresponding commonwealth legislation. Despite its concerns about certain gaps in the commonwealth bill, the Victorian government is of the view that it is in the interests of national consistency, and in order to minimise costs to Victorian businesses it will seek to complement the national bill and encourage a national scheme.

Hon. P. A. Katsambanis — When?

Hon. JENNY MIKAKOS — Taking up the interjection by Mr Katsambanis, I indicate that with the introduction of this bill the Victorian government is the first state or territory jurisdiction to introduce legislation to complement the current national bill. It is anticipated and hoped that other state and territory jurisdictions will follow suit fairly soon.

As I said earlier, I hope once the federal legislation has passed other jurisdictions will move quickly to provide the Australian public and businesses with a degree of certainty and consistency across all jurisdictions.

This bill is more comprehensive than the proposed federal legislation. It complies with best practice internationally. It is anticipated that Victoria will be on a par with other international jurisdictions that have corresponding legislation to control the handling and transfer of personal information.

As honourable members will be aware, modern society is moving towards a world where information on transactions and commerce is increasingly being transferred electronically. Various public sector organisations are collecting and collating vast amounts of information on citizens. It is important that the government move to protect the privacy of citizens through legislation. The bill seeks to achieve a balance between the need for public sector organisations to be able to collect information that is necessary for their purposes, but which, at the same time, ensures that Victorians have their privacy protected so far as possible.

The Honourable Gerald Ashman raised a number of concerns about the bill. I understand the house will move into the committee stage at a later date, when I am sure a number of his concerns will be addressed. However, I shall now deal with several of the concerns he raised.

The Honourable Gerald Ashman referred to the fact that the word 'data' had not been included in the bill. I refer honourable members to the key definition of 'personal information' in clause 3. It states:

> 'personal information' means information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information of a kind to which Schedule 2 applies.

It was not necessary to refer to the word 'data' in the bill. The Honourable Gerald Ashman has a particular interest in information technology and various electronic gadgetry, although I do not share that

interest. Given his interest in the area, he raises a concern about the word 'data', but data tends to refer to information collated in databases, and so on. The definition of personal information goes beyond that to include, as I said earlier, an opinion or basically any information about an individual that is recorded in some form. The definition obviously excludes information conveyed by way of a verbal exchange or conversation. It also excludes health information described in schedule 2.

The reason certain types of health information has been excluded is that legislation will be introduced in the future to deal with the type of information contained in health records. However, health service providers will still be covered under this legislation to the extent that they hold personal information that is not regarded as health information.

The reason the government has adopted the particular definition of personal information is because of the need for a national approach. The definition is based on the definition in the federal legislation. The government will move to introduce separate legislation to cover health records; that will cover the specialised and higher standard of protection that health records deserve.

Part 2 of the bill sets out the types of public sector agencies covered by the bill. The extremely broad list in clause 9 includes state instrumentalities, ministers of the Crown, members of Parliament to the extent that they handle personal information received from public sector bodies, statutory office-holders and private sector organisations to the extent that they have been contracted to provide a service to the Victorian government or to Victorian public sector organisations.

As honourable members will be aware, a number of concerns have been raised with the government about the inclusion of members of Parliament in the list. Victoria is the only jurisdiction that has not exempted members of Parliament from the scope of its privacy legislation. The government has, however, recognised that it is important for members of Parliament to be able to conduct their roles effectively and that part of their roles involves members of the public visiting members; sometimes constituents disclose personal or confidential information.

When dealing with or inquiring about constituents' complaints or queries, members of Parliament often find themselves in the position of having highly sensitive material provided to them by various public sector agencies. It is important that such information is dealt with carefully. For that reason, that type of information obtained by members of Parliament will be subject to the provisions of the bill.

In addition, the government has referred to the Scrutiny of Acts and Regulations Committee a term of reference for it to develop a code of practice for members of Parliament to assist in the implementation of that objective.

Part 2 sets out the public sector organisations covered by the bill and a number of exemptions, the most important of which are courts and tribunals exercising their judicial function, publicly available information, requests for information under the freedom of information legislation and all enforcement agencies exercising their law enforcement functions.

In addition to the list of exemptions, clause 9(3) restricts the government's ability to exclude public sector agencies from coverage under the bill. As a result it will be difficult for public sector agencies to seek to be exempt under the provisions of the bill unless they fall within the tightly drafted exemptions contained in clauses 10, 11, 12 and 13.

Part 3 contains the linkage with schedule 1, which relates to information privacy principles. Part 3 requires public sector agencies to act in accordance with the information privacy principles set out in schedule 1 and those principles have been based on the national principles for fair handling of personal information developed by the federal Privacy Commissioner and on which the commonwealth has based its private sector privacy legislation.

The 10 information privacy principles contained in schedule 1 set out how personal information is to be collected and handled. They are broad in nature and cover such issues as collection, use and disclosure of information, data quality, data security, access, correction and so on. The most important of the principles is contained in principle 1, which relates to collection and which provides that personal information can be collected only by a public sector agency to the extent necessary for it to perform its functions and that individuals who are subject to that information have access to it and that organisations collecting the information must let them know how they can access the information for the purpose of correcting any errors.

Principle 2 in schedule 1 relates to the use and disclosure of information and provides that public sector organisations may use or disclose personal information only for the purpose for which it was collected. They are, however, entitled to use such personal information for a secondary purpose where it

relates to the primary purpose of collection. There is a further exemption where there is a strong public interest for the public sector organisation to disclose personal information, such as a situation relating to a threat to a person's life or where disclosure is required by law or is necessary for the purposes of legal proceedings. There is a further exemption relating to national security matters.

Principles 3 and 4 seek to ensure that personal information collected about an individual is accurate, complete and up to date. The principles also provide that a public sector organisation must ensure that such information is not misused or lost or that unauthorised access or disclosure occurs.

Principle 5 relates to making material available to the public and making those policies available to the public. Principle 6 relates to access and correction and is subject to the qualifier that the Freedom of Information Act overrides the provisions of the bill. An individual is not able to obtain information kept by a public sector agency if he or she would not be otherwise able to do so under the freedom of information legislation. The bill is not intended in any way to confer on people any additional rights that they may not otherwise have under the freedom of information legislation.

One of the key principles contained in schedule 1 is principle 7, which places a limitation on public sector organisations from using unique identifiers for individuals. Effectively that means that where an agency collects information about an individual it is not able to accord to that person some unique number or some other method of identifying that person with a view to exchanging the information with other public sector organisations.

Honourable members would be aware of the debates about the proposed Australia card and other forms of identifiers in the past. The public has indicated its concern about such forms of identifiers being used in circumstances other than for a good reason, such as the operation of the taxation system. Principle 7 will provide a safeguard against the creation of a single identifier that could be used to crossmatch data across all government departments.

Principle 8 relates to anonymity and allows members of the public to remain anonymous if they so wish while engaging in various transactions. Principle 9 relates to the transfer of data flows and provides that a Victorian public sector organisation is able to transfer personal information outside Victoria only if the recipient is subject to legislation similar to what is contained in the bill, such as the commonwealth bill before the federal Parliament. It is hoped once all jurisdictions sign up to similar legislation principle 9 will essentially limit the exchange of information on a limited basis.

The final principle, principle 10, relates to the collection of sensitive information. There is a definition of sensitive information in clause 3. Essentially, it relates to the collection of information about an individual based on his or her racial or ethnic origin, political views, membership of any political, professional or trade associations or membership of the trade union, religious beliefs, sexual preferences or such matters as a person's criminal record. Information of that nature is not able to be collected except where the organisation is able to indicate that it falls within one of the limited exemptions listed in principle 10.

I have spent a considerable time discussing the various information privacy principles because I believe they are the key provisions of the bill. They provide a good framework for public sector organisations in Victoria to either choose to apply the information principles as set out in schedule 1 of the bill or alternatively to develop their own codes of practice under part 4 if they so wish and to have such codes registered if they are able to satisfy its provisions.

Part 4 provides that a public sector organisation can register its own code if the standards prescribed in the code will be equal to or stronger than the standards set out in the information privacy principles contained in schedule 1. It is expected that very few public sector organisations will choose to register their own codes. The experience of New Zealand, which has its own information privacy legislation, has been that only six codes have been registered since the legislation came into effect in 1993 and that subsequently two of those codes have expired.

The bill contains other provisions relating to the establishment of the Office of the Privacy Commissioner under part 7. Clause 50 provides that the appointment of the Privacy Commissioner must be by the Governor in Council. It is intended that the individual appointed will be independent and at arm's length from government.

Clause 58 gives a fairly extensive list of the commissioner's functions, which include promoting community education, conciliation of complaints and promoting information privacy principles among public sector organisations and assisting them to comply with those principles. The commissioner will be able to conduct audits and investigations relating to

complaints. The commissioner can also initiate his or her own inquiries.

Part 5 provides for a complaints mechanism. In brief, the process for the lodging of a complaint involves, firstly, a person complaining to the public sector organisation involved, then the matter being referred to the Privacy Commissioner and, if the conciliation fails, its being referred to the Victorian Civil and Administrative Tribunal. VCAT has the jurisdiction to make orders, including providing compensation of up to $100 000.

Part 6 relates to the Privacy Commissioner's ability to enforce the information privacy principles where a compliance notice has been issued by the commissioner.

Clause 48 relates to the imposition of penalties. Although the penalties do not apply to Crown instrumentalities, those instrumentalities can be issued with a compliance notice under the terms of the bill.

Clause 74 relates to amendments to the Parliamentary Committees Act 1968 to provide that the Scrutiny of Acts and Regulations Committee, of which I am a member, will be able to assess all bills coming before it to ensure that they are consistent with the principles contained in the bill. The Scrutiny of Acts and Regulations Committee will have an additional term of reference to report to the Parliament where it believes a bill requires or authorises practices that may have an adverse impact on a person's privacy.

The Scrutiny of Acts and Regulations Committee is in the process of developing a code of practice to apply to members of Parliament. The bill applies to ministers of the Crown and to parliamentary secretaries. However, the Legislative Assembly made an alteration to the bill so that ordinary members of Parliament will not be subject to obligations under the bill but will be subject to the code of practice to be developed by the Scrutiny of Acts and Regulations Committee.

I note that the house will be going into the committee stage on the bill. I am sure the minister will address other issues raised by the Honourable Gerald Ashman. I understand that an amendment to the bill will be proposed by the opposition and that the proposed amendment is identical to part of the amendment moved in the other house.

Hon. M. A. Birrell — It is strikingly similar.

Hon. JENNY MIKAKOS — It is extremely strikingly similar. I note that the Treasurer outlined the reasons the government did not agree with the amendment proposed by the opposition in the Legislative Assembly. As the amendment is almost identical to the amendment proposed in the Assembly, the government will not be supporting the amendment for similar reasons.

I will briefly outline why the codes that various public sector agencies will be able to develop if they so wish need not be disallowable instruments before the Parliament. The Scrutiny of Acts and Regulations Committee is currently reviewing the operations of the Subordinate Legislation Act. The committee will be considering the scope of that act's application and the fact that codes of practice do not come within the scope of the act at the present time. If codes of practice were to be subject to the Subordinate Legislation Act, they should be subject to it across the board and not on a selective basis.

Therefore the government does not want to pre-empt any findings and recommendations that the Scrutiny of Acts and Regulations Committee may make in its final report, and will not support the amendment for that reason.

I also note that when the previous government introduced its own data protection bill in May 1999 that bill did not contain any provisions for parliamentary disallowance of codes of practice. As honourable members opposite like to remind the government of the work the former Minister for Information Technology and Multimedia, Alan Stockdale, did in the area of information technology they would be well placed to note that Mr Stockdale did not think it necessary to include such a disallowance provision in his bill.

Clause 22 contains a scrutiny mechanism that provides that the codes to be developed by a public sector organisation must be maintained on a register that is open to members of the public, and under clause 23 the Governor in Council has the power to revoke such codes of practice.

Clause 19 provides that where a public sector organisation decides to develop its own code of practice, the code must have standards that are the same or stronger than the default scheme contained in the bill. In addition, the Office of the Privacy Commissioner to be established under the bill will be headed by a person with experience in privacy compliance. That person will be well placed to assess the appropriateness of a code of practice developed by a public sector organisation. The Privacy Commissioner will be subject to review by the Parliament through the reporting mechanisms contained in the bill. For those

reasons the government will not support the anticipated amendment to the bill.

In concluding, I note that the bill is significant legislation in that it seeks to balance the need for Victorian public sector agencies to be open and accessible to members of the Victorian public with the need to enable the necessary environment for electronic commerce to be taken up by those agencies and organisations. I commend the bill to the house.

Hon. P. R. HALL (Gippsland) — I welcome the opportunity to make a few brief comments on the bill and express the view of the National Party. I say from the start that because of my real fear about the disclosure of personal information that can be collected by electronic networks I am not sure if I am the best person to speak on the bill. It had been put to me by some of my colleagues that the real fear I have may make me qualified to speak on the bill, because the bill hopes to achieve some degree of protection against the abuse of data held by public agencies. If in some way that can have an impact on the fear I have about the disclosure of personal information, it will help me.

I admit to the house that I have never used the Internet to purchase products and I am still reluctant to give details of credit card numbers on any transaction conducted via telecommunications, even extending to the use of credit cards to purchase products from retail shops. Sometimes I still wonder whether there is any possibility of some potential fraud in respect of those sorts of operations. Given those fears I was interested to note an article in the *Age* this morning headed 'Internet "safer than the shops".' I thought, 'Here we go — this is pretty relevant and perhaps it will ease my fears'. The article states:

> A new report by the National Office for the Information Economy says that consumers are less likely to get ripped off on the Web than they are when using their cards in a shop or over a telephone.

I thought that might encourage me to use the Web to purchase products, but my fear about disclosing credit card numbers over the telephone and in retail shops has probably been compounded by the article. I was interested in the statistics of people using the Internet for the purchase of products. Towards the end, the article states:

> Of the 3 million Australians who regularly use the Internet, about half have shopped online, and about half of those had made repeat purchases. The company said that online retail spending in Australia grew from $250 million in 1998 to more than $920 million in 1999.

They were probably small amounts compared to the total retail dollars spent in this country, but if those amounts continue to escalate at the same rate as they did between 1998 and 1999, I can appreciate that online shopping will be a big item of retail expenditure in the near future.

Electronic communication between individuals provides advantages in the speed of communication. For example, chat rooms can be compared with the almost outdated method of corresponding by letter. With chat rooms and email the response can be almost instantaneous, whereas with the mail system it can take months to get a response, particularly if you are writing to one of the minister's on my left! However, my faxes and emails are not responded to any quicker!

I will make one more comment about the use of electronic communication between individuals and the use of emails. As we all know, such communications are becoming more frequent in our daily routines in the office as members of Parliament, and we receive emails from all sorts of people. The one difficulty I have experience with that form of communication is that when people email me I never know where they live, and to the best of my knowledge I have no means of checking whether they are my constituents or they live in Victoria or another part of the world, unless the last two figures on the email give me a clue as to the country they live in. I have no way of knowing whether those people are even real people! I suppose that is extending privacy to the limit — they are completely anonymous. That makes it difficult for us as individuals who are supposed to represent people in the state to carry out our jobs in the way we should.

There is no doubt that information technology has enabled a revolution in data collection, and every week I am sure we all receive literature and phone calls from organisations that have had access to a databank collected by an organisation. I know of one business whose sole activity is compiling databases for commercial use at a later time. That in itself sets off alarm bells in my mind. I hope the people who compile those databases use them wisely.

On the other hand, as members of Parliament we use databases probably every day of the week, particularly when it comes to the electoral roll. That information is stored electronically and the access to that type of database is appreciated. I am not opposed to the collection of databases because they serve a useful function. However, protection measures need to be put in place as well. The bill puts in place a code of practice to try to regulate or control the use of private

information collected by public organisations in Victoria.

The bill establishes a legal framework for responsible electronic collection and handling of personal information by the public sector. It also provides individuals with access to information and the ability to ensure that the information being held about them is correct. It imposes some penalties for infringements of individual privacy rights.

The bill also sets up the appointment of a Privacy Commissioner. It does that by the provision of 10 information privacy principles listed in schedule 1 of the bill. I will not go through each of those principles save to say that I have looked through them and found them to be a sound base for a code of practice under which public agencies in Victoria may operate. Indeed, if the public sector uses them properly I believe it sets up some safeguards for people against unwanted disclosure of private information about them.

I am told also that those principles have been developed by the federal Privacy Commissioner, and there has been some debate about whether the bill goes far enough and whether the principles should be extended into the private sector as well. Certainly the former government looked at doing that under the coalition's Data Protection Bill, which would have covered both public and private sectors. Honourable members are informed through the second-reading speech that the private sector will now be covered under national legislation, so that might be appropriate.

The National Party has no strong arguments against that but will wait with interest to see what develops on a national level about protection against disclosure of private information within the private sector.

Other honourable members have spoken about the need to achieve a balance between the free flow of information and the individual's right to privacy. I agree that a balance is needed. A free flow of information is important if used properly. At the same time private information stored about people must be protected. Frankly, I am not sure whether the bill achieves that balance but at least it is a step in the right direction to the extent that it imposes guidelines for use of private information collected by the public sector. That is my personal view, which is shared by my National Party colleagues. For those reasons we are pleased to support the bill and look forward to debating some of the more intricate issues in the bill during the committee stage.

Hon. J. W. G. ROSS (Higinbotham) — I am pleased to speak on the Information Privacy Bill and to indicate that the opposition will not oppose the bill. It will, however, seek to amend the bill to include Parliament in the process of approving codes of practice. At this stage I express my disappointment at the Honourable Jenny Mikakos indicating the government will not support the foreshadowed amendments.

The bill was modelled on the Stockdale Data Protection Bill that was read a second time in the other place on 28 May last year and was a direct consequence of the work done by the Data Protection Advisory Council appointed by the Honourable Alan Stockdale. In fairness to the groundbreaking work of that council, I put on the record the membership of that council. It was chaired by Mr Victor Perton, MLA, from the other place; the deputy chairman was Dr Chris Brook, and its members were Mr Gordon Clarke, Dr Gordon Hughes, Professor Ron Sax-Davis, Mrs Helen Shardey, MLA, from the other place and Professor Greg Tucker. That council was efficiently supported by the executive officer Ms Bridget Bainbridge.

The whole thrust of the report was that the council warned of the grave consequences to Victoria in not addressing the issue of information privacy in its economic dealings. In particular the council took note of the fact that the European Union (EU) had on 24 October 1995 expressed a directive about data flows which demonstrated the seriousness with which the EU viewed privacy issues. That directive suggested that EU members could not deal or trade personal information with outside countries that did not have data protection legislation of equal quality to that which pertains within the EU.

That immediately sounded alarm bells about the capacity of this country to effectively relate in an economic sense to the European Union. Indeed, the whole thrust of the report emphasised the need for proactivity and that Victoria's need for data protection legislation exceeded the undeniable need for national uniformity in due course.

I refer again to the point made by the Honourable Jenny Mikakos in suggesting that the bill was not extending its purview to the private sector because of anticipated national legislation and the intention of the federal government to introduce its own privacy bill. The truth of the matter is that there is likely to be anything up to a two-year time lag for that, and rather than Victoria being at the cutting edge of privacy legislation and working effectively as a leader in the world community of e-commerce, it will now become a follower. That is

typical of a number of pieces of legislation that were drafted by the previous government and brought into this place by the current government.

Sadly, this particular legislation has been narrowed in a number of significant ways. Firstly, as the name of the bill implies, the scope of the bill as conceptualised by Alan Stockdale has been significantly decreased by reducing its ambit from data protection to information privacy. That is a very significant change. 'Data' is a much wider term than 'information', and databases of various levels of complexity are often the main source of community anxiety. Data can be considered as the most fundamental assemblage of qualitative and quantitative variables such as temperature, age, marital status, colour, and in isolation such data lacks any real meaning. It is only when that data is manipulated or analysed and becomes meaningful to a person that it assumes the status of information. Probably the clearest indication of data becoming meaningful is a date, which has no meaning until it becomes associated with either an event or a person such as a birthday or an anniversary.

I do not raise that point as some sort of idle observation but rather to highlight that the conceptualisation in this legislation differs significantly from that developed by the former government.

By deliberately changing the scope of the bill from dealing with data to information one immediately is confronted with the issue of whether the legislation will relate to all data assembled into relational and other types of databases. In many ways such databases represent more of an individual threat to privacy because their information content is yet to be established. The potential for intrusion into the lives of individuals is therefore open ended.

The issue poses a threat to the viability of the legislation because questions will inevitably be raised as to whether a particular collection of binary code constitutes data or information. No definition of data is provided in the bill and if it is interpreted by the courts to be outside the ambit of the legislation, the whole intent of preventing data matching between government agencies could be invalidated.

Indeed, I regard that matter so seriously that I seek a specific assurance from the government that the Information Privacy Bill will not violate principle 7 as detailed in the second-reading speech, and that the unique identifiers will not be used within the government sector to match data across all government agencies. The fact that the bill applies to information rather than data immediately raises the question.

Let me be quite specific, if the legislation does not apply to data, and there is no reason to believe it does, given the change in appellation from the previous bill introduced by former Treasurer, Alan Stockdale, it is clearly the intent of the government to convey some different concept. The government has purposely moved away from the appellation of the Stockdale bill and any reasonable person could logically conclude that the bill is narrower in scope than that introduced by the previous government. My apprehension is compounded by the fact that the second-reading speech states:

> The government is continuing to investigate appropriate procedures for management of public register data.

Even simple data assemblages such as the Register of Births, Deaths and Marriages assume Orwellian proportions if the individual data points are able to be merged with variables such as health and employment data for later analysis and subsequent information creation. Again, I ask the government to give me a cast-iron assurance that data matching facilitated by the use of unique identifiers will not be permitted by the legislation.

Secondly, the legislative environment to protect privacy is being introduced in a piecemeal fashion. Further legislation is foreshadowed in the second-reading speech that will deal with health information. So firstly, there is a toe in the water with government information, then we can expect a little more adventuresome activity with personal health information, and then an expressed willingness to wait for anything up to two years for the commonwealth to legislate for the private sector. This timid approach in the face of a global digital revolution simply means that Victorians may be left in the wake of more proactive jurisdictions.

Thirdly, and perhaps even fatal to the intent of the bill, is the decision of the government to back away from the position held by the previous government that privacy legislation should apply equally to government and non-government sectors of the economy. Of course, honourable members on this side of the house accept the need for a national approach to data privacy. However, the truth of the matter is that certainty with respect to the legislation is far more important than national uniformity. Indeed, the Stockdale legislation recognised that because it clearly envisaged a situation where Victoria was able to lead the pack, get out in front in areas such as e-commerce, and when the national legislation had caught up with the game, the Victorian legislation would sunset at an appropriate rate so that uniformity was achieved.

Of course, there are many significant threats to privacy and they mainly emanate from the private sector. They

range from simple things such as attendance at an automatic teller machine and the advice that you will be photographed. The question immediately raised is, what will happen with that photograph and to what use will it be put?

Large retailers such as Coles Myer have a wonderful service for ordering products over the Internet — so-called e-tailing. It even extends to a retailer monitoring your orders and alerting you to the fact that maybe you are running short of corn flakes. That may be seen as a wonderful service, but when it extends to health information and distribution of alcoholic beverages, for example, it becomes a real question of privacy that needs to be addressed. Motor registration data and its misuse with the end result of stalking of individuals is another issue.

The fact that such matters has been left untouched and are unlikely to be touched by the federal government for at least two years means that Victoria has lost the impetus and proactivity that characterised the previous government. Information privacy is all about instilling confidence in the community to take up new technology and to purposefully mount the information superhighways leading to the future.

I note in passing that there is provision for a range of codes of practice and that is to be commended. In fact, there are many instances over past decades where government agencies have operated in respect of individual codes of practice. I suppose the Australian Bureau of Statistics is the best example with the quinquennial census. I in the past have been a keen user of that information. It was clear on every occasion that levels of disaggregation down to collector districts of certain variables were simply outside their codified principles in respect of privacy because individuals could be identified. The purpose of codes of practice is well appreciated on this side of the house.

The other issue I wanted to quickly raise is the so-called digital divide. One of the key objectives of the previous government was to empower the whole of the community to be able to embrace this technology. The so-called digital divide relates to issues of knowledge, familiarity and access to the products of the information age. The digital divide has clear demographic relationships with senior citizens and people out of the formal work force, such as carers of children at home, and low-income families, and people in regional and rural Victoria are particularly subject to exclusion.

They not only lack the financial and cultural resources to participate in the new economy, but in regional and rural Victoria there is a dearth of the infrastructure that is necessary to provide suitable bandwidth to enable all Victorians to move with technical comfort and a sense of personal security along the information superhighways of the future.

The digital divide implies an imbalance of power between information assemblers and information providers that is of direct consequence to the bill. The government must address this issue so that all Victorians are able to participate in the new information-based economy. It is almost axiomatic that the only way to generate that confidence in the community is to reach out and include the private sector instead of sitting around for up to two years waiting for it to happen.

The bill is not opposed because it dips its toe in the water in respect of information privacy and will do no harm. However, the truth of the matter is that the Bracks government is not comfortable at the cutting edge of the information age, and the best symptom of that is the fact that the ministerial portfolio of the first multimedia minister in the world, held by Alan Stockdale, has not been carried forward by the government. The great pity is that lack of confidence will taint future decisions of business leaders and consumers alike.

This bill is simply a symptom of a bleak and timid future for Victoria that up until a year ago was revelling in the opportunities offered by the new economy. However, the opposition will not oppose the bill, and with great sadness I say that this Information Privacy Bill is better than nothing.

Hon. P. A. KATSAMBANIS (Monash) — Like other honourable members who have highlighted the fact that they support a regime of information privacy and privacy generally, I am extremely disappointed with the Information Privacy Bill because it is half baked, incomplete and highlights the fact that rather than being a leader in the new information age which Victoria was part of under the previous coalition government, the state is now becoming a timid follower of other people's trends rather than setting the pace. That is an unfortunate situation.

Previous opposition speakers, in particular Mr Ashman, Dr Ross and Mr Hall, have dealt with many of the issues I wanted to cover, but I shall focus on a number of specific areas. The house should be aware that the issue of privacy goes beyond information technology or information data. The issue of privacy has been of concern to Victorians and Australians for generations. It is not something that has come up simply as a result of a technological process. To express a personal view, it

is disappointing in the year 2000 that we still do not have overriding privacy laws that deal with when, where and how both public and private corporations and entities can interfere with an individual's privacy.

The federal government has its privacy act and Privacy Commissioner, and the state has regulated the use of surveillance and electronic devices, and so on. Unfortunately there is no overriding privacy regime that sets out the ground rules and limits of permitted interference in the privacy of individuals. In the late 1980s Australians voted against the concept during the debate over the possibility of introducing what became derogatorily termed the Australia Card. It was made clear during that debate that Australians would not tolerate the level of interference with their privacy that was being contemplated at that time by the federal Labor government.

It should be put on the record that privacy is a concern that goes way beyond simple technology or the electronic collection and storage of data. However, at the same time it must be pointed out that it is the spread of information technology that raises new concerns about privacy and the ability of individuals to have information stored on certain databases. It is the capacity of information technology that gives organisations and people the ability to collate, store, retrieve and distribute information that gives rise to some of the innate fears that other members have talked about, in particular Mr Hall.

There is a fear that the information contained in a large computer database will end up having a negative impact on people's privacy. There must be strong privacy legislation to give the people of Victoria a level of comfort and understanding. They need to know that when they transact with anyone they will be protected by a legislative regime that is designed to properly delineate what information people can collate and what rights can properly be interfered with. That is why the bill fails.

It has been highlighted that the origins of the legislation go back to when the Liberal and National parties were in power and Alan Stockdale was the Minister for Information Technology and Multimedia. The original concept was to have an information privacy regime that covered public entities, public authorities, government bodies and private institutions in their ability to collate data, use it, retrieve it, store it, disseminate it and so on.

The bill is half baked because it covers only public agencies, public authorities and the government and leaves the private sector completely unprotected. It does not give the people of Victoria the level of confidence they need to transact electronically what is required for them to take up e-commerce. As Mr Hall rightly pointed out, many people in the community are fearful of what will happen to any information they disseminate to others over the Internet. Unless a legislative regime is in place to protect people those fears will not easily be overcome. As a result, the take-up of e-commerce has slowed and the development of the information aspects of e-commerce and information technology have been curtailed. The development of e-commerce is being exported.

The government is successful at exporting the state's brain power and ability in this field to other places that are more welcoming and more accommodating of the needs of new business in a new information economy. It is only 12 short months ago that Victoria was seen as a world leader in information technology, a place where people came to look for new ideas and a place that welcomed new ideas no matter where in the world they came from. As I move around and talk to people involved in information economy they say that Victoria has gone from being a world-leading regime to one that is completely adrift in a period of 12 months.

As with other areas, with information technology the Bracks government is completely adrift. I can highlight many examples of that. The latest and possibly the most disappointing of all is that according to information I have received it is likely that next year's Interact information technology exhibition will be lost to Victoria and will take place in Sydney. That would be a sad loss because Interact is a showcase of what is new, what is exciting and what is leading cutting-edge technology. Melbourne was once famous for such technology; it is now becoming a backwater in that area.

Had the government chosen to take up the cudgels and extend the provisions of the bill so that they applied to the private sector — as was the case with the original draft bill introduced by the coalition government in May last year — it would have gone a long way towards answering all the criticism levelled at it that it does not understand information technology and that there is an information gap.

If there is the digital divide that my colleague Dr Ross talked about, it starts and ends with the responsible minister — the Treasurer, Mr Brumby. Through his ineptitude in the area he has demonstrated that he simply does not understand information technology.

Why am I so passionate about it? Because the information economy is the growth sector of today's world economy. It is that growth sector that will

provide new investment and new job opportunities, particularly for young Victorians. If we drop the ball now we will become the rust bucket of the information economy. We will go from being a world leader to being in a complete backwater. That would be a pity. The sooner this government wakes up to that, the better it will be.

I want to highlight an issue that was raised by Ms Mikakos in her contribution. It relates to the government's fear — there is no other way to describe it; it is a fear — of allowing a proper scrutiny of codes developed by public authorities under this bill. The bill introduces a regime whereby public authorities are able to determine their own codes for collating information provided to them by the Victorian public. It is appropriate that those codes be open to scrutiny — and where better to scrutinise them than in the Parliament of Victoria?

When Parliament delegates the task of making regulations to the executive arm of government — government authorities — it has a scrutiny role. Here in Parliament we get the chance to examine regulations that are made and, if need be, to disallow them. That places a discipline on the executive arm of government — the unelected arm of government — to ensure that the regulations it makes are responsive, and gives the public of Victoria, through its elected representatives, the opportunity to scrutinise those regulations. That occurs with the state environment protection policies (SEPPs) and many other features of delegated legislative authority in our system. Yet in this case the government is resisting proper scrutiny of information collection codes made by public authorities. The question that needs to be asked is: why?

As honourable members in this place know, I have a healthy scepticism about executive government, as does the Victorian public. And when the executive government behaves in the way it has behaved in saying, 'No, we will not make these codes subject to public scrutiny' the people of Victoria can justifiably ask the questions: why? What is it trying to hide?

When was the last time a regulation was disallowed in this place? It has certainly not occurred in my time here. To find out we would probably have to look back to the 1980s. That demonstrates that the discipline placed on the executive government by regulations being scrutinised by Parliament makes for good regulations. That is what would occur if the amendment foreshadowed by my colleague Mr Ashman is adopted. It would give the public of Victoria greater surety and confidence.

While the government continues to avoid accepting the provision, the questions will continue to be asked — why is the government doing it? What has it got to hide?

Those questions can be applied across the board in relation to information technology. Why are the Bracks government and Minister Brumby so far behind the eight ball? Why are they avoiding scrutiny? Why are they not applying the bill to the private sector? Why are they relying on federal legislation which is bogged down in the committee stage in the Senate and which, even if it came into being, will not be in place for at least two years? And why is it not giving Victorians the best possible opportunity to fully participate in the information economy as equal players instead of allowing them to be left behind, running at a million miles an hour to catch up? Why have they given up Victoria's position of leadership in the important area of not only economic but also social policy? Why have they given up Victoria's position of leadership and made it look like a backwater? They are questions that this government must answer and be held accountable for.

The ACTING PRESIDENT (Hon. C. A. Strong) — Order! I am of the opinion that the second reading of this 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 PRESIDENT — Order! I am of the opinion that the second reading requires an absolute majority of the members of the Legislative Council. I ask honourable members supporting the passage of the legislation to stand in their places.

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) — Given the history of the legislation it is disappointing that, in his eagerness to make some political points, the Honourable Gerald Ashman

commented on the bill in the way he did during his contribution to the second-reading debate.

I will refer briefly to that history. Before the election the ALP recognised the work of the previous government in developing a Data Protection Bill. In light of the introduction of a federal scheme, the government reviewed the need for this legislation and decided to proceed with a public sector model. That approach recognised the benefits to business and consumers of having a consistent information privacy scheme operating across Australia.

The Victorian bill creates high standards for compliance with information privacy principles through its default scheme and through codes of practice that cannot prescribe standards lower than the default scheme. The bill has also tightened the compliance notice provisions that will allow the Privacy Commissioner to issue compliance notices for contraventions of the act that have been repeated five times in two years.

The government believes the Information Privacy Bill will contribute to the building of the necessary environment for e-commerce and good communications for Victorians.

Clause agreed to; clauses 3 to 18 agreed to.

Clause 19

Hon. G. B. ASHMAN (Koonung) — I move:

Clause 19, page 23, after line 8 insert —

"() The Minister must ensure that a copy of an approved code of practice, or of an approved variation of an approved code of practice, is laid before each House of the Parliament on or before the 6th sitting day of that House after the day on which the notice of approval under sub-section (2) is published in the Government Gazette.

() An approved code or variation laid before Parliament may be disallowed by either House of the Parliament.

() An approved code or variation is disallowed if —

(a) a notice of a resolution to disallow is given in a House of the Parliament on or before the 18th sitting day of that House after the code or variation is laid before that House; and

(b) the resolution is passed by that house on or before the 12th sitting day of that House after the giving of the notice of the resolution.

() If a House of the Parliament is prorogued or the Legislative Assembly is dissolved —

(a) the prorogation or dissolution does not affect the power of the House to pass a resolution disallowing an approved code or variation; and

(b) the calculation of sitting days of the House is to be made as if there had been no prorogation or dissolution.

() If an approved code or variation is disallowed, the disallowance has the same effect as a revocation of the approval of the code or variation.".

Throughout the second-reading debate opposition members canvassed the issues pertinent to the amendment. I reiterate the opposition's position: the legislation is important, but the opposition is concerned about its limited scope. However, the opposition again acknowledges the process that the government has adopted.

The amendment seeks to have the codes tabled in either house of Parliament. The codes would be crucial to the operation of the legislation. Parliament should be able and has the right to comment on and review the codes, which are somewhat different from codes in other cases in that they will carry legislative support. The disallowance clause is similar to the clause contained in a number of other pieces of legislation. The amendment is appropriate.

The amendment carries a provision for the disallowance of codes, but strict time frames are prescribed. The process will not delay the implementation of the codes but should enhance their development codes and provide Parliament with an opportunity to comment on and scrutinise the codes before they are implemented.

Hon. C. C. BROAD (Minister for Energy and Resources) — There are several consequences of treating codes as disallowable instruments. Firstly, they become subject to the scrutiny of Parliament, as do regulations. It is generally thought that that provides a safeguard against unwarranted or undesirable obligations being created by an entity that is independent of Parliament.

Secondly, they become subject to processes of Parliament that extend the time before which they become binding. In light of the additional burden on the Privacy Commissioner and organisations in preparing a code of practice, the government has carefully considered whether it is necessary to submit the codes of practice developed under that law to parliamentary scrutiny.

The government considers it is not required, for a number of reasons. First, clause 19 prescribes the

standards to be applied in a code of practice. In particular, it is notable that codes must have standards that are the same as or stronger than those in the default scheme. They must also be consistent with the objects of the bill and must be developed with some level of consultation. The application of a third stage of review through Parliament is unlikely to produce results that justify the additional administration, cost and time required.

Second, clauses 22 and 23 provide a check on the capricious registration of codes of practice. Under clause 22 the codes must be maintained on a register that is open to the public. The Governor in Council has the power to revoke the codes under clause 23.

Third, the government will be rigorous in its selection of the appropriate person to perform the role of Privacy Commissioner. The commissioner will bring to the role, or develop, an expertise in privacy compliance and will be best placed to determine the appropriateness of a code of practice. The performance of the Privacy Commissioner is already subject to review by Parliament through the reporting mechanisms in the bill.

Fourth, it is clear that an extended parliamentary process will detract from the flexibility of the scheme.

Fifth, there is a complete default framework of privacy principles in schedule 1, which was developed after a long period of consultation with a range of stakeholders. It is highly unlikely that a substantial number of organisations will seek to change their variations on the default scheme.

Sixth, reference was made to an inquiry by the Scrutiny of Acts and Regulations Committee. A range of subordinate instruments are not covered by disallowance procedures, and codes of practice under the proposed law should not automatically be subjected to possible disallowance. I understand that the SARC is already examining the policy underlying the scrutiny of subordinate rules. It is suggested that the opposition may wish to have the issue considered in that forum.

Seventh, the bill introduced by the former Treasurer and Minister for Information Technology and Multimedia in the other place did not contain provisions for the parliamentary disallowance of codes. In conclusion, the government has closely examined the amendment but is unable to support it, for the reasons I have outlined.

Hon. G. B. ASHMAN (Koonung) — I have listened carefully to the contribution of the Minister for Energy and Resources and reject the rationale for not accepting the amendment. For the minister to suggest that Parliament does not have a role in scrutinising regulations or codes of practice is outrageous. Parliament is the supreme law-making body of this state and as such has every right to review any rule, regulation or code, and that should continue.

I do not wish to detract from the credibility of the commissioner and I acknowledge that there are a number of protocols contained in the legislation that will, to some extent, dictate the development of codes, but I believe that it is not appropriate at any time for Parliament to be denied the opportunity of scrutinising these issues.

Hon. JENNY MIKAKOS (Jika Jika) — I want to comment on Mr Ashman's contribution because it is apparent that the opposition is working on a misconceived premise as to how Parliament is able to scrutinise codes. Under the Subordinate Legislation Act, Parliament does not have the authority to scrutinise codes. The Scrutiny of Acts and Regulations Committee can recommend the disallowance of regulations. The statutory rules as defined in the legislation come before the regulation review subcommittee of the Scrutiny of Acts and Regulations Committee, which I chair, but the subcommittee does not currently have a statutory right to scrutinise codes of practice. The issue is currently before the regulation review subcommittee.

Hon. W. R. Baxter — That has nothing to do with it.

Hon. JENNY MIKAKOS — It has a lot to do with it. The regulation review subcommittee is currently reviewing the adequacy of the Subordinate Legislation Act with a view to perhaps recommending to Parliament that the act be amended so that the definition of statutory rules be broadened to include codes of practice, which is currently not the case. The opposition's amendment would pre-empt the subcommittee's inquiry and would not allow it to further develop proper mechanisms by which such scrutiny should occur and to determine the types of subordinate instruments that should be subject to parliamentary scrutiny.

Hon. G. B. ASHMAN (Koonung) — I thank the Honourable Jenny Mikakos for her contribution, because she is arguing in favour of Parliament having the power of scrutiny. She has just said there is no mechanism in place to adequately scrutinise codes. I restate the position that Parliament should have the ultimate power to review codes. It is the highest law-making body in the state and as such should have

the right to review all codes. All the amendment would do would be to require codes to be tabled in Parliament so that if members so chose they could be subject to the scrutiny of Parliament. It would not mean that each code would automatically be debated in one of the chambers of Parliament, but that the opportunity would exist for it to occur.

The amendment would not significantly delay the implementation of the codes because there is a 12-month time frame for their introduction. I do not understand why the government is not prepared to accept the amendment.

Hon. P. A. KATSAMBANIS (Monash) — I did not have any intention to participate in the debate, but I could not allow the comments of the Honourable Jenny Mikakos to pass without further comment. In the previous Parliament I served on the Scrutiny of Acts and Regulations Committee. It is true that the committee can make recommendations to Parliament about the disallowance of the regulations or codes, but it should be pointed out that this house does not have to accept the recommendations and that it is not a condition precedent that the house must consider a disallowance that is recommended by the Scrutiny of Acts and Regulations Committee or the subcommittee. This house has the overriding power to scrutinise regulations. As part of delegating the work of Parliament, the Scrutiny of Acts and Regulations Committee is given the task of looking through every regulation, but any member of this place or the other place has the right to move at any time for disallowance of a regulation.

For some time the Scrutiny of Acts and Regulations Committee has been concerned that there are some instruments of delegated legislative power that do not come under the purview of the Scrutiny of Acts and Regulations Committee. Orders in council are an example, because they are made by the executive government and can be completely free from the scrutiny of Parliament. Is Ms Mikakos saying that is a good thing and that more instruments should not be subject to Parliament's scrutiny? It she saying that unelected bureaucrats should have the power by delegation to make rules and regulations for the public of Victoria that are not scrutinised by the elected representatives of the people of Victoria? Or should we, as Mr Ashman rightly put it, take her comments as being in favour of the opposition's amendment. The amendment will ensure codes are subject to the proper scrutiny of Parliament.

I am yet to hear any argument from the government that properly makes out the case as to why Parliament and therefore the people of Victoria should not be allowed to properly scrutinise these orders.

Hon. JENNY MIKAKOS (Jika Jika) — I should explain more slowly for members opposite the point I was making earlier. Currently there is no mechanism by which codes of practice can be scrutinised by Parliament. If the amendment is passed complex codes of practice will be tabled before Parliament which will not have been scrutinised by the Scrutiny of Acts and Regulations Committee. The committee's terms of reference have been amended by the Parliamentary Committees Act and it now has an additional term of reference to monitor privacy issues as they relate to acts of Parliament. Perhaps the opposition should make a submission to the committee's inquiry along the lines that it has suggested now, but essentially what it should be suggesting is that there should be some mechanism whereby such codes can be properly scrutinised. The amendment does not do that.

Hon. P. A. KATSAMBANIS (Monash) — The honourable member is effectively saying that Parliament should scrutinise these codes, but there is no mechanism to do so. If that is the case why don't the honourable member or the government bring forward an amendment to allow the Scrutiny of Acts and Regulations Committee to inquire into these codes and make recommendations to Parliament?

Members in this place and in the other place are capable of reading codes, and if for any reason someone wants to debate the validity of a code we should cross that bridge when we come to it. In making the comments she is Ms Mikakos is debasing the whole structure of the parliamentary system. She is suggesting that members of Parliament are not capable of reading codes made by the executive government and is somehow attributing extra mystique to the executive arm of government

As I said earlier, I have what is probably best described as a healthy scepticism, bordering on cynicism, of the operation of the executive government. Given the comments I have heard today, I believe the public of Victoria will be additionally concerned about the current executive government.

Committee divided on amendment:

Noes, 11

Broad, Ms	Madden, Mr
Carbines, Mrs (*Teller*)	Mikakos, Ms (*Teller*)
Gould, Ms	Nguyen, Mr
Hadden, Ms	Romanes, Ms
Jennings, Mr	Smith, Mr R. F.
McQuilten, Mr	

Ayes, 25

Ashman, Mr	Furletti, Mr
Atkinson, Mr	Hallam, Mr
Baxter, Mr	Katsambanis, Mr
Best, Mr	Lucas, Mr
Boardman, Mr	Luckins, Mrs
Bowden, Mr	Powell, Mrs
Brideson, Mr (*Teller*)	Rich-Phillips, Mr
Coote, Mrs (*Teller*)	Ross, Dr
Cover, Mr	Smith, Mr K. M.
Craige, Mr	Smith, Ms
Davis, Mr D. McL.	Stoney, Mr
Davis, Mr P. R.	Strong, Mr
Forwood, Mr	

Pairs

Birrell, Mr	Theophanous, Mr
Bishop, Mr	Darveniza, Ms
Olexander, Mr	Thomson, Ms

Amendment agreed to.

Amended clause agreed to.

Clauses 20 to 81 agreed to; schedules 1 and 2 agreed to.

Reported to house with amendment.

Third reading

The PRESIDENT — Order! I am of the opinion that the third reading requires the concurrence of an absolute majority of the whole of the numbers of the house and I request honourable members supporting the third reading to stand in their places.

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

TERTIARY EDUCATION (AMENDMENT) BILL

Second reading

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

That this bill be now read a second time.

Tertiary education institutions have a very important role in providing the skills and knowledge required by young people for effective participation in the work force and in a wide range of professions.

However, their role goes well beyond their direct education and training responsibilities.

The institutions provide a number of important cultural, sporting and social experiences which together make the experience of education on a university or institute campus a significant part of students' development.

Responsibility for the provision of student services and these wider cultural activities rests with the governing bodies of the institutions, and there are variations in how these are managed as a consequence of the decisions of these bodies.

However, it has been common practice for many years for the institutions to arrange for student organisations to provide a number of the services.

This is appropriate as a means of arranging the services and has been very effective, but it has the additional benefit of giving students opportunities for planning, organising, and assessing and responding to the needs of their fellow students.

The dual benefit of providing access to a service for the general student body, and experience in organising and providing that service, applies to a wide range of activities carried out by student organisations.

It applies, for example, to the publication of student newspapers which are an important source of information and a medium for the exchange of ideas about a wide range of issues. Importantly such activity also provides a mechanism for those involved to gain experience in investigating and reporting on matters likely to be of interest to the general student community.

It applies to the role of student organisations in representing the interests of students on policy making committees within the organisation, in canvassing the opinions of students about the issues involved, and in conducting research to ensure that student members are fully informed.

This contributes to the quality of decisions made, but also provides valuable experience in the process of investigating and representing positions in the deliberative process.

Regrettably the current voluntary student unionism (VSU) provisions of the Tertiary Education Act preclude the funding through student fees of both of these activities on the grounds that they are not considered to be of value to students or the institution, and remove the discretion of a university or institute council to make the judgment that they are a worthwhile part of the educational experience for students.

The government's concern is not just with the specific list of items set out in section 12F(3) of the act which it believes is much too narrow, but also with the principle of pre-empting the decision of the governing bodies of the institutions about what activities have significant educational value.

Consequently the problem cannot be satisfactorily addressed by simply extending the list of items through regulation, though this partial remedy is available.

The concern about voluntary student unionism and associated issues relating to charging of fees for services which are commonly provided by student organisations appears to be at least partly due to confusion about the nature of student organisations in tertiary institutions. From this perspective the term 'student union' is misleading.

Student organisations are very different from industrial unions which have a key role in negotiating remuneration and employment conditions on behalf of their members, though in many cases they also provide a range of other services.

In many respects the student organisations are more closely analogous to local government where rate paying is compulsory, where all citizens have a right to vote for representatives, and where a range of services are provided for the community.

Therefore this bill deletes reference to the term 'student unionism' and refers only to an organisation of students.

Because of the importance of student organisations as service providers, and their importance as a medium for developing skills required in a responsive democratic community, a university or technical and further education (TAFE) council charged with the responsibility for the governance of an educational institution should be able to determine the most suitable arrangement for providing important non-academic services to students.

This bill will not make membership compulsory, it will simply remove the imposition by government of a constraint on the councils' prerogative.

This is consistent with the principle of subsidiarity — that is, that authority to make determinations should rest with the most local jurisdiction possible, in this instance the university or institute council.

In making this change the government is stepping back from unnecessary interference, and leaving the responsibility to determine organisational policies for the institution with the university and institute councils which operate at the local level.

The bill does not repeal section 12H of the act which makes it an offence to persuade or attempt to persuade another person to become a member of a student organisation by threats, intimidation or deception. The intent of the original act was to have effect in situations where membership is voluntary, to prevent criminal or inappropriate pressure being applied to manipulate students into becoming members if they did not wish to do so. This intention remains. However, the government's objective with this bill is not to prevent a council requiring students to be members, if they believe requiring membership to be desirable.

Student organisations in tertiary institutions have the dual roles of providing services and representing the interests of students within the institution. The benefits they seek to obtain through their representations are not in salaries or employment conditions, but in improvements in the quality of education. This is also the central objective of the institutions themselves and the student organisations provide a perspective which is extremely important in the policy deliberations of the institutions.

This is one of the reasons why the government made a policy commitment to repeal the VSU provisions of the act, and this bill is a direct response to that commitment.

In considering the service activities of student organisations, their representational responsibilities have dual benefits.

The first benefit is in the quality of decision making which is improved by the participation of students who have the backing of an organisation with the capacity to canvass opinions, to undertake research, and to consult with colleagues, and who are responsible to a wider constituency through election processes.

The second major benefit for those who are directly involved is in the experience of seeking endorsement through election, in carrying out representational responsibilities, and in undertaking the opinion gathering and research which is necessary to carry out their task.

These are essential skills for a democratic society, and student participation on campus, despite occasional discomfort to administrators or policy opponents, provides an important training ground for future leaders in our society.

The amendments proposed in this bill repeal the sections limiting the range of services which can be supported from compulsory non-academic fees.

The debate in another place when this bill was under consideration led to several amendments in the government's initial proposals.

Although the government believes the amendments which were made were not strictly necessary, as adequate safeguards exist in other legislation to protect the interests of students, it did agree in a spirit of cooperation to accept certain changes which could provide reassurance to people concerned about particular issues.

One of these changes was to include a provision to permit students to opt out of membership if they believed strongly that they did not wish to be a member of a student organisation. This change is to be incorporated in a new clause 12D of the act. Accompanying this change is retention of the original clause 12E, which protects the right of access to university activities and student services if they exercise the option not to be a member of a student organisation.

A third change accepted by the government was to retain clauses requiring that funds from compulsory non-academic fees be used for the direct benefit of students. Once again the government does not believe the clause is necessary because it has confidence in the wisdom and judgment of the councils. However, it does agree that fees should be used for the benefit of students and was prepared to accept the amendment.

It is important to note, however, that the central thrust of this legislation is to rely on the judgment of councils to determine the range of facilities, services and activities which should be provided, and in keeping with this principle the judgment about what is of direct benefit is for the council of the institution to determine.

The other significant change accepted was to provide for reports on use of non-academic student fees to be included in annual reports rather than in separate statements.

The provisions which require that money collected for student organisations be passed on to those organisations, and which require audited statements of the uses of revenue from compulsory fees are retained. Also retained is section 12H which makes it an offence to persuade or attempt to persuade a person to be a member of an organisation by threats, intimidation, or deception.

The amendments do not impose a political agenda; they support the role of councils in determining for themselves what arrangements are of benefit to the students at the institution, support the legitimate and important role of student organisations in tertiary institutions, and rely on councils, in cooperation with student organisations, to manage the provision of services required.

Clause 1 of the bill defines the purposes of the act.

Clause 2 provides for its commencement.

Clause 3 repeals or amends certain sections dealing with the collection of compulsory non-academic student fees for the provision of facilities, services and activities of direct benefit to students.

Clause 4 substitutes a new section 12D to provide procedures for ensuring that students have the opportunity to decline membership of a student organisation.

Clause 5 provides for reports on the use of compulsory non-academic fees, subscriptions and charges to be included in annual reports.

Clause 6 substitutes a new section 12J to make a transitional provision removing constraints on use of funds collected before the commencement of this act.

Clause 7 makes a statute law revision to change a reference to 'college' to 'institution' in section 15(2) of the act.

The bill is a direct response to a specific commitment made by the government in the policy statements on which it was elected to office.

I commend the bill to the house.

Debate adjourned for Hon. B. N. ATKINSON (Koonung) on motion of Hon. Bill Forwood.

Debate adjourned until next day.

PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT (AMENDMENT) BILL

Second reading

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — I move:

That this bill be now read a second time.

The main purpose of this bill is to amend the Project Development and Construction Management Act 1994 to establish the secretary to the Department of State and Regional Development as a body corporate and to provide for its powers and functions.

As part of the government's ministerial arrangements, the new ministerial portfolio of major projects and tourism has been created. An important focus of major projects is the implementation of the government's commitment to growing the whole state and enhancing the growth capabilities of Victoria. As part of this commitment, the state government's major construction and development projects are designed to provide Victoria with significant long-term benefits.

To underpin this policy focus on major projects for all of the state, the functions of major projects — policy and implementation, together with the employees who are necessary to carry out these functions in the Office of Major Projects — have been transferred from the Department of Infrastructure to the Department of State and Regional Development.

The Office of Major Projects currently manages a number of large construction and property development projects on behalf of the government. The director and staff of the office have entered into such arrangements as delegates of the secretary to the Department of Infrastructure (as constituted as a body corporate under section 35 of the Project Development and Construction Management Act 1994).

This bill will ensure that staff of the Office of Major Projects are fully accountable under the Project Development and Construction Management Act 1994, through the secretary to the Department of State and Regional Development, to the Minister for Major Projects and Tourism for their role in managing the government's interests in key strategic construction and development projects.

This bill will ensure that the director and staff of the Office of Major Projects enter into and progress project development arrangements as delegates of the secretary to the Department of State and Regional Development. To this end the bill establishes the secretary to the Department of State and Regional Development as a body corporate under the Project Development and Construction Management Act 1994, with appropriate functions and powers (including delegation powers) to facilitate major construction projects.

Specifically, clause 9 of the bill will amend the Project Development and Construction Management Act 1994 to introduce a new part 5A in that act. The new part will establish the secretary to the Department of State and Regional Development as a separate body corporate with the necessary functions and powers under the act. In addition, clause 12 will amend the act to introduce a new part 8 into the act. This part will set out the transitional arrangements required to transfer assets and liabilities relating to major projects undertaken by the Office of Major Projects from the secretary to the Department of Infrastructure, constituted as a body corporate to the new body corporate constituted by the secretary to the Department of State and Regional Development.

I commend the bill to the house.

Debate adjourned on motion of
Hon. P. A. KATSAMBANIS (Monash).

Debate adjourned until next day.

HERITAGE (AMENDMENT) BILL

Second reading

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — I move:

That this bill be now read a second time.

This bill makes a number of changes to enhance the clarity, efficiency and transparency of the administrative and decision processes in the Heritage Act 1995 which have come to notice since its enactment and to address national competition policy recommendations.

When the Heritage Act was introduced in 1995 it was designed to consolidate Victorian heritage protection provisions in a single act, and to make heritage protection processes clearer, simpler and more accessible.

In 1997 the Heritage Act was amended to correct a number of technical matters. At that time the successes of the act in providing greater clarity and streamlining of the processes, getting better participation by owners, and providing more efficient and satisfactory results for all parties were recognised. In addition, it was noted that the new provisions of the act had generated wide community interest and support.

National competition policy

During 1999–2000 an independent national competition policy review of the Heritage Act was finalised. The review concluded that the Heritage Act confers net benefits on the community and confirmed the

soundness of the structure underpinning the current heritage legislation.

The review report proposed measures that could further enhance the clarity, transparency and efficiency of some of the processes established in the Heritage Act.

This bill represents the ongoing commitment to making improvements in the Heritage Act that will contribute to its effectiveness.

State heritage strategy

The Heritage Act is an important tool in the protection of Victoria's heritage, but heritage conservation and management is about much more than legislation. Earlier this year the state heritage strategy was launched. The strategy sets directions for heritage programs over the next five years. It establishes a vision for heritage that goes beyond the activities of the state Heritage Council and addresses heritage issues at a local and community level. Significantly, the strategy arises from and represents partnerships across government, business, and community sectors.

The success of the strategy will, in turn, rely on clear and effective legislation.

The bill makes a number of changes to further improve the clarity and transparency of the decision making of the executive director and the Heritage Council. Sections 32 and 42 are redrafted to more clearly state the decisions that are available to the executive director and the Heritage Council in the registration process. Sections 34 and 35 are amended to require notification and publication of all registration decisions made by the executive director. A new section is added that provides for the information that should be included in an advice under section 34. Section 73 is amended to provide for the executive director to consider the impact of permit proposals on the heritage significance of neighbouring properties.

The bill makes a number of minor adjustments: to align the timing of an owner's reporting requirements with the Heritage Council decision process (section 36) and to include the sale of part of a place or object (section 52); to provide a prescribed form for notices claiming liturgical exemption (section 65); and to allow further delegation by a responsible authority, subject to prior written consent (section 84).

The bill specifies the power of the executive director to issue permits for the use of historic shipwreck relics (section 118A) and for archaeological relics (section 126A).

The bill makes a number of amendments to the powers and obligations of inspectors. Section 151 is amended to give an inspector the power to require a person holding a permit or consent to produce that permit or consent. New sections are added specifying the conditions and requirements that must be met for an inspector to enter a registered place that is a residence. A new confidentiality section is added specifying the limits and requirements on the use of information gained by inspectors in the exercise of their powers under the act.

The bill also provides for a number of administrative matters.

Demolition by neglect

Demolition by neglect is a practice whereby a property is allowed to deteriorate to the point that it has to be demolished. The Heritage Act 1995 has adequate provisions to deal with this problem for buildings that are on the state heritage register. However, these provisions do not extend to buildings listed or classified at the local level.

A number of municipalities and individuals have expressed concerns about this gap in the legislative regime. Whilst the government is committed to finding an appropriate response to these concerns, and will monitor the situation in the interim, more consultation with local government and the community is required before a response can be finalised.

I commend the bill to the house.

Debate adjourned on motion of
Hon. P. A. KATSAMBANIS (Monash).

Debate adjourned until next day.

WRONGS (AMENDMENT) BILL

Second reading

For **Hon. M. R. THOMSON** (Minister for Small Business), Hon. C. C. Broad (Minister for Energy and Resources) — I move:

That this bill be now read a second time.

This bill contains amendments to the Wrongs Act 1958 to redress the impact of the High Court's decision in *Astley v. Austrust.* It is expected that similar amendments will be made to equivalent legislation in each of the other states and territories.

The amendments are directed at part 5 of the act, which deals with apportionment of damages. In general terms, that part requires a court to reduce damages to such an extent as is just and equitable, where a plaintiff has contributed to their own loss. All other things being equal, if a plaintiff is guilty of contributory negligence, the damages they receive should be reduced proportionately. If you contributed 60 per cent to your loss, you should only be able to claim for the remaining 40 per cent.

Prior to the High Court's decision in *Astley v. Austrust*, the authoritative interpretation was that these provisions applied in cases of concurrent liability in tort and contract. The common law recognises that a person may owe a duty of care both in tort and in contract in a range of circumstances — for example, in the relationship between an employer and an employee. Similarly, a professional adviser will usually be found to be concurrently liable for negligence in tort and breach of contract.

In Astley, the High Court held that the equivalent provisions in the South Australian Wrongs Act were not applicable to actions in contract. That decision is now the authoritative interpretation of the Victorian provisions.

The High Court's decision now means that if a plaintiff can frame their claim solely in contract, their own contributory negligence will not be a factor. Although the plaintiff may have been guilty of contributory negligence, they will be entitled to recover 100 per cent of their loss.

That outcome is plainly unfair. Whilst it might be thought that the effect of this decision is limited to litigants, there is a wider negative impact. If higher damages are awarded against individuals, the result is likely to be higher insurance premiums for all.

The High Court acknowledged in its judgment that governments may wish to respond by amending the legislation.

Since the decision, the Standing Committee of Attorneys-General has received representations from a number of bodies calling for amendment. Those representations have come from bodies such as the law institute, the Insurance Council of Australia, the Australian Medical Association and the Law Council of Australia.

The Standing Committee of Attorneys-General resolved to address this issue and instructed the Parliamentary Counsels Committee to come up with model amendments to respond to the High Court's decision. Each state and territory agreed at the end of July this year to introduce these amendments as soon as possible.

Consultation occurred with both the bar council and the law institute. The drafting of the amendments benefited from their valuable comments and support. This government's commitment to consultation still works, even when an amendment is urgent.

The bill before the house is a short one with only eight clauses. It is solely directed to remedying the impact of the decision in Astley.

Clause 4 of the bill inserts a new definition of 'wrong' to include a breach of contract that is concurrent with a duty of care in tort.

Clause 5 then amends the apportionment provisions to clarify that a court should reduce a plaintiff's damages arising from a wrong, if they are guilty of contributory negligence. This is the fundamental clarification contained in the bill and is intended to place Victorian litigants in the position they were in prior to the High Court's decision.

Clause 6 contains a number of consequential amendments that are required following the changes made in clauses 4 and 5.

I now wish to make a statement under section 85 of the Constitution Act 1975 as to the reasons for altering or varying the operation of that section. Clause 7 of the bill inserts a new section 27 in the principal act, which states that it is the intention of section 26, as amended by this bill, to alter or vary section 85 of the Constitution Act 1975.

Clause 7 of the bill has been included to satisfy the requirements of section 85 of the Constitution Act 1975 in respect of changes to the jurisdiction of the Supreme Court effected by section 26 of the Wrongs Act 1958, as amended by clauses 5 and 6 of this bill.

As already outlined, the purpose of these provisions is to ensure fairer outcomes where a plaintiff is guilty of contributory negligence. But for these amendments, the Supreme Court would be obliged to apply the High Court's decision in *Astley v. Austrust* and the common law. Plaintiffs would receive inequitable and unfair awards. With the passage of this bill, the Supreme Court will be required to reduce the damages recoverable — to the extent the court thinks just and equitable — having regard to the plaintiff's share in the responsibility for the damage. It is necessary to limit the jurisdiction of the Supreme Court in this way to ensure the fairer outcome to which I have referred.

Clause 8 is the other important provision in the bill. It sets out how the bill will take effect. The difficult question where a clarifying amendment is made is whether the amendment should have retrospective effect. Importantly, the government sought the views of the legal profession on this issue and they support the form of clause 8.

Clause 8 provides that the clarifying amendments made in clauses 4, 5 and 6 apply to wrongs that occurred prior to the commencement of this bill. However, the new provisions will not apply where a court has given judgment in a matter or where the parties themselves have agreed to settle a matter. This is an appropriate response and will ensure that the effect of the High Court's decision is quarantined as much as possible.

This is a short bill, but a vitally important one. It will return Victoria to a fairer system of apportioning damages where blame is shared. Other states will be making similar amendments and it is vital that Victoria does not fall out of step with the rest of Australia.

This bill continues the government's commitment to restore confidence in the Victorian legal system.

I commend the bill to the house.

Debate adjourned on motion of Hon. C. A. FURLETTI (Templestowe).

Debate adjourned until next day.

AUDITOR-GENERAL'S OFFICE

Financial audit

Message received from Assembly seeking concurrence with resolution.

Assembly's resolution:

> That, pursuant to section 17 of the Audit Act 1994 and the recommendation contained in the report of the Public Accounts and Estimates Committee on the financial audit of the Auditor-General's office for 1999–2000 — revised audit fees (parliamentary paper no. 35, session 1999–2000), the level of remuneration to be paid to Mr Douglas N. Bartley of KPMG to complete the financial audit of the Victorian Auditor-General's Office for the 1999–2000 financial year be increased by $9000 to a total remuneration of $24 000.

Resolution agreed to on motion of Hon. M. M. GOULD (Minister for Industrial Relations).

TRANSPORT ACCIDENT (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.

Industrial relations: reforms

Hon. G. B. ASHMAN (Koonung) — I direct a matter to the attention of the Minister for Industrial Relations. On Tuesday last the minister advised the house that some two weeks ago the government received the economic impact statement on the recommendations of the industrial relations task force. Will the minister table the report or make it available through the papers office?

Shepparton: language unit

Hon. E. J. POWELL (North Eastern) — I direct a matter to the attention of the Minister for Industrial Relations, who represents the Minister for Multicultural Affairs in another place. I believe the Victorian School of Languages is considering an application to set up a unit in Shepparton. That would be of great benefit to the Shepparton region, which has a large multicultural community, and also includes a growing number of Arabic-speaking people. There are approximately 2500 in Shepparton and about 50 families in Cobram.

Some are recent settlers in Australia and include refugees from Iraq who have just arrived from detention centres around Australia to settle in the Goulburn Valley. Some 110 people have arrived unannounced over the past six weeks.

The Shepparton High School, which is supporting the establishment of the Victorian School of Languages, has 121 Arabic-speaking and 26 Albanian-speaking students, and some 45 families are arriving shortly from Albania. Other schools in the region have students from non-English-speaking backgrounds who could access the language service.

Earlier this year I invited the Minister for Multicultural Affairs to the Shepparton and Cobram region to speak

to the Arabic-speaking community first-hand on issues of housing and language. The survivors of torture also require counselling.

During question time today I was pleased to hear the Minister for Sport and Recreation support young people from non-English-speaking-backgrounds and acknowledge the special needs of those young people. Many students will benefit from continuing their language skills through to year 12. The numbers are rapidly increasing in the Goulburn Valley. I ask the minister to give his full support to the establishment of a unit of the Victorian School of Languages in Shepparton and to do whatever he can to ensure it happens as soon as possible.

Driver licences: testing

Hon. E. G. STONEY (Central Highlands) — I direct a matter to the attention of the Minister for Energy and Resources, who represents the Minister for Transport in another place. Earlier this year an 80-year-old constituent of mine, Roland Kelly of Diamond Creek, was doing a right-hand turn in his car and was pulled up by a plain-clothed policeman who said that he would have to have his driving assessed.

In due course Mr Kelly received a letter and a time was arranged. An assessor arrived at his home but Mr Kelly was not informed that he had to answer some 15 questions on road rules and that he had to undertake a test in an automatic car that he had never seen. Mr Kelly drives a car with gears. Of the 15 questions he got 10 right but when he took the test in a strange car he became rattled and failed.

Another test was arranged on 18 November. Mr Kelly was not offered the same standards as perhaps an L-plate, learner driver, or P-plate driver going for a test. When new drivers go for tests they are told they have to answer a certain number of questions and are given a book. They are also allowed to go for the driving test in their own cars.

Older people should be given the same opportunities when undertaking their tests. I ask the Minister for Transport to examine Mr Kelly's case.

Monash Medical Centre

Hon. M. T. LUCKINS (Waverley) — I ask the Minister for Industrial Relations to direct a matter to the attention of the Minister for Health in the other place. It concerns waiting lists at the Monash Medical Centre and, in particular, one patient who is happy to go on the record. Kathleen Harper of Glen Waverley is on the waiting list at the Monash Medical Centre for surgery to remove her large intestine. She has been informed she will have to wait approximately two years for the procedure.

Her condition has been assessed as not life-threatening and because of that she has been put on the category three waiting list. Until the operation is performed she has no quality of life and cannot work. She has two children aged seven and five years and is living with her parents because she is unable to care for the children herself.

In February this year Kathleen was admitted to the Monash Medical Centre Moorabbin campus for an operation to remove her remaining ovary. She was unwell during that day but was discharged 24 hours after the operation, although she was passing out. However, tests were taken and she was told that the result would not be available to her general practitioner (GP) for six weeks. The nurse was ready to discharge her immediately without providing a prescription for hormone treatment. There was some discrepancy with the instructions left by the doctor and no ongoing treatment program was recommended.

She went to her GP some days after her release and was informed that her blood test results showed that her haemoglobin was dangerously low. Kathleen was readmitted to the Clayton campus of the Monash Medical Centre on 25 February for treatment. Her parents took her to the hospital only to be informed that no bed was available. She ended up being admitted at 1.00 a.m. the next day. She was kept in hospital for two days and was released without further tests to ascertain the reason for the pain she was feeling.

In May this year Kathleen was admitted again. She had no scans or X-rays during her stay and saw only a dietitian and a psychologist. In July Kathleen underwent a gastric emptying study and was found to have no bowel-emptying movement, which is a great health problem. Will the minister review the waiting list situation at Monash Medical Centre and Southern Health and personally review the case of Kathleen Harper and her treatment at Monash Medical Centre?

Gold discovery anniversary

Hon. BILL FORWOOD (Templestowe) — I raise a matter with the Minister for Energy and Resources. It concerns her answer yesterday to the Honourable Bob Smith in which she stated that part of the $1 million that is being handed out by the committee headed by the honourable member for Bendigo East in the other place and other members would go to a number of commemorative infrastructure projects. Will the

minister advise the house whether a particular amount of the $1 million has been allocated to those projects, and, if so, whether they are separate from the projects that will be assessed by the steering committee?

Victoria Bowling Club

Hon. G. R. CRAIGE (Central Highlands) — I address my question to the Minister for Sport and Recreation and ask him to undertake the role of an honest broker with regard to the Victoria Bowling Club.

In August 1998 University Square was launched by the previous government, which meant that the area used by the Victoria Bowling Club was to be developed into a car park. Options were explored, one of which was agreed — to relocate the club to the Flagstaff Bowling Club. Negotiations took place and it was agreed that it would include an all-weather, state-of-the-art facility that could host both international and national competitions.

In May 1999 agreement was reached by the state government, Melbourne City Council, the University of Melbourne, Equiset, the developer, the City of Melbourne Bowling Club and the Victoria Bowling Club. The agreement included a 500-square metre clubhouse, two greens of eight rinks, one synthetic, and an underground car park for 50 cars. The Melbourne City Council has been unable to implement that agreement. At the start of the 1999–2000 season the Victoria Bowling Club had to bowl at the Fitzroy Bowling Club.

The Melbourne City Council has caused significant delays in the process to the point where the council on 5 June refused a planning permit to allow the agreement to be implemented.

The planning permit failed to allocate car parking and the allocated green size would mean that bowlers would not be able to play there at a national or international level because the green would be too small. They would not even be able to have Royal Victorian Bowls Association championships there.

I ask the minister to support lawn bowls in Victoria and to try to get an outcome so the Victoria Bowling Club can continue.

Socom Public Relations: government consultancies

Hon. D. McL. DAVIS (East Yarra) — My question for the Leader of the Government in her capacity as the representative of the Premier concerns the government's policies on tendering and contracting out. In particular I direct the minister's attention to the Premier's statement in December last year that the government was rewriting buying and tendering rules for departments to ensure proper probity, and to the government's pre-election Integrity in Public Life policy, in which, in the section of the policy document on consultancies, the government promised that Labor would review all government consultancies and substantially reduce expenditure on consultancies by insisting on a rigorous process of expenditure justification. I also direct her attention to Labor's Restoring Your Rights policy, under which Labor in opposition promised that it would restore community representation on major agencies and bodies.

I direct the minister's attention in this context to Socom Public Relations Pty Ltd and Ms Sheila O'Sullivan, who has had a large number of consultancies under this government and a large number of board appointments.

Hon. M. M. Gould interjected.

Hon. D. McL. DAVIS — Under your government, Minister. Honourable members will be aware of the consultancies for the Melbourne City Council, but they may not be aware of the consultancies for the Department of Human Services on food regulation or the consultancies in the local government area. Honourable members may also not be aware of the widespread consultancies and so-called community consultation in the water industry or of other consultancies in the Department of Natural Resources and Environment. They may also not be aware that Ms Sheila O'Sullivan was appointed by the government as a member of the board of the new Melbourne museum on 28 June or her appointment as a member of the Sustainable Energy Authority on 20 July. Ms O'Sullivan has been awarded quite a number of contracts that people would be aware of and others they would not be aware of. I am certainly not aware of all of them. Everywhere I turn I hear about more.

The public relations industry is abuzz over the fact that the consultancies may well total more than $100 000 in the forthcoming year. Ms O'Sullivan is widely seen and is described in a number of newspaper articles as being a Labor Party activist with very close links with the party.

The PRESIDENT — Order! Please pose your question.

Hon. D. McL. DAVIS — I will pose my question, Mr President. It is: how does the government reconcile these expenditures, consultancies and appointments on any quality basis?

Hon. M. M. Gould interjected.

Hon. D. McL. DAVIS — No, not on merit or quality. How does it reconcile that with its pre-election Integrity in Public Life policy and the Premier's promise that there will be probity?

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

Frankston: safe boat harbour

Hon. B. C. BOARDMAN (Chelsea) — I raise a matter for the attention of the Minister for Ports. During question time today in answer to a question from her own side the minister alluded to a number of successful recipients of boating amenities grants, which she auspiced. Due to the time constraints the minister did not get a chance to mention them all. I am sure that in hindsight she would have liked to have done so.

One grant that was not mentioned — I am not even sure if it was a grant — is of particular concern to me and to many people in my community in Chelsea Province. It regards the Olivers Hill proposed redevelopment, which the minister may or may not be aware of. I am not sure whether the minister is familiar with the area. The proposed Olivers Hill redevelopment will be, funnily enough, at the base of Olivers Hill at Frankston. It is a contentious issue that has been discussed for many years. It has resulted in one of the greatest backflips by the Frankston council, particularly the current mayor of Frankston, Cr Mark Conroy, who coincidentally works for the Honourable Bob Smith. Along with his colleagues in the former council, Cr Conroy previously supported the redevelopment but now does not.

That aside, in view of the fact that the previous government made a contribution during the environmental effects study process and that that process has now been completed, will the minister embrace the project as enthusiastically as the previous government embraced it, as enthusiastically as the Frankston community will embrace it, and as enthusiastically as the opposition has embraced it, as was indicated publicly in a recent shadow cabinet visit to Frankston?

Industrial relations: reforms

Hon. M. A. BIRRELL (East Yarra) — I raise a matter for the attention of the Minister for Industrial Relations. One of the many immediate concerns that have been expressed to the opposition by the business community about the government's controversial proposals for a deregulation of the Victorian industrial relations system relates to the impact it could have on tens of thousands of independent contractors throughout Victoria.

It is clear from the government's published statements on the Trades Hall Council-inspired legislation it has introduced into the other place that if the government's legislation is passed by Parliament independent contractors will be deemed to be employees. The information I seek from the minister as part of the current consultation process on the bill that was tabled in another place today relates to the government's intended breadth of coverage of independent contractors under the new set of laws and costly regulations.

Independent contractors regard themselves as businesses rather than as employees, but the opposition knows that for a long time one of the aims of the union movement has been to unionise them. The single piece of information I seek from the minister is whether there are any independent contractors in Victoria to whom the government's proposed new powers would not potentially apply?

Responses

Hon. M. M. GOULD (Minister for Industrial Relations) — The Honourable Gerald Ashman drew my attention to the economic implications of the recommendations of the independent task force on Victorian industrial relations and asked that I table its report. I am happy to give the honourable member a copy, and I am sure the Leader of the Opposition would also be interested in receiving a copy. It is here for them.

Honourable members interjecting.

Hon. M. M. GOULD — I thought you might ask for it. I was going to give it to you anyhow. It will save a dorothy dixer adjournment question on the government's behalf.

The Honourable Jeanette Powell raised a matter for me to refer to the Premier, who is also Minister for Multicultural Affairs, concerning a project in Shepparton. I will pass it on to the Premier and ask him to respond in the usual manner.

The Honourable Maree Luckins raised for the Minister for Health a matter concerning a constituent, Kathleen Harper, who is on the waiting list at Monash Medical Centre. I will refer the matter to the minister and ask him to respond in the usual manner.

The Honourable David Davis raised a matter for referral to the Premier. I will ask him to respond in the usual manner.

The Honourable Mark Birrell raised a matter concerning proposed legislation that has been introduced in the lower house and how it relates to independent contractors. The proposed legislation would deem outworkers to be employees. It would provide independent contractors with an opportunity to, as individuals, review their contracts. It would also create the potential for cases to be taken to a proposed tribunal for contracts to be reviewed. It is also proposed that an application could go to the proposed tribunal for it to deem a subcontractor to be an employee.

Hon. M. A. Birrell — Are any contractors not covered by the provision?

Hon. M. M. GOULD — There will be the opportunity for subcontractors to take a proposal to the tribunal for it to deem them to be employees.

Hon. C. C. BROAD (Minister for Energy and Resources) — The Honourable Graeme Stoney asked me to have the Minister for Transport in the other place examine the case of Mr Kelly of Diamond Creek. I will refer the matter to the minister.

The Honourable Bill Forwood requested information about the apportionment of funds from the $1 million to be used for the celebration of the 150th anniversary of the discovery of gold in Victoria and about two commemorative infrastructure projects. I will take that matter on notice and respond to the honourable member with that information.

The Honourable Cameron Boardman raised a matter concerning Olivers Hill in Frankston. I am aware of some of the history of the matter and certain prior commitments. I will undertake to examine those matters and respond directly to the honourable member about the current status of that project.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The Honourable Geoff Craige referred to my attention the problem facing members of the Victoria Bowling Club. I am happy to have officers of my department inquire into the situation to ascertain whether there is a means of facilitating a suitable resolution of the problem.

Motion agreed to.

House adjourned 7.13 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, 24 October 2000

Education: Merit Protection Board appointments

735. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Education): What is the name of each person appointed to the Merit Protection Boards since 18 September, 1999.

ANSWER:

I am informed as follows:

On 21 December 1999 the Governor in Council ordered that the following persons be appointed as members of the Merit Protection Boards numbers 1-7.

Board Number	Board Members
1	Mr Ian James Adams Mr Raymond Cashmore Wilkinson Ms Janet Maree Paterson
2	Ms Bronwyn Ann Valente Mr Alexander Mario Mifsud Mr Stuart Douglas Baber
3	Mr Francis Leo O'Dea Ms Janice Blair Morris Ms Lorraine Dell
4	Mr Eric John Keenan Ms Denise Florence Howes Ms Aniko Elisabeth Kariko
5	Ms Margaret Louise Adams Ms Margaret Lesley Lee Mr Wayne Arthur Hill
6	Mr John Charles Coulson Ms Christine Margaret Scott Ms Sheryl Margaret Skewes
7	Ms Helen Jackson Mr Arthur David Toussaint Ms Jennifer Anne Pringle

Health: Advanced Dental Technicians Qualifications Board appointments

739. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Advanced Dental Technicians Qualifications Board since 18 September, 1999.

ANSWER:

As at 30 August 2000:

No appointments

The Advanced Dental Technicians Qualification Board was succeeded by the Dental Practice Board of Victoria under Part 10 the Dental Practice Act 1999, which was proclaimed on 1 July 2000. The persons appointed to the new Dental Practice Board of Victoria were:

Anthony John Dickinson
Gerard David Condon
Ross Patrick Green
Anthony David Robertson
Deborah Jane Cole
Craig John McCracken
Ricky Alfred Robertson
Julie Gay Satur
Loula Spiridoula Rodopoulos
Gabrielle Mary McTeirnan
Jack Henry Harty

Health: Advisory Committee on Elective Surgery appointments

740. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Advisory Committee on Elective Surgery since 18 September, 1999.

ANSWER:

As at 30 August 2000:

No appointments

Health: Anti-Cancer Council of Victoria board appointments

741. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the board of the Anti-Cancer Council of Victoria since 18 September, 1999.

ANSWER:

As at 30 August 2000:

Suzanne Cory

Health: Chiropractors Registration Board of Victoria appointments

742. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Chiropractors Registration Board of Victoria since 18 September, 1999.

ANSWER:

As at 30 August 2000:

John Waterhouse
Andries Kleynhans
Michael Brett Young
William John Burns

Health: Consultative Council of Anaesthetic Mortality and Morbidity appointments

743. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Consultative Council on Anaesthetic Mortality and Morbidity since 18 September, 1999.

ANSWER:

As at 30 August 2000:

Patricia Mackay
Rupert Anthony Weaver
John Dominic Santamaria
Anthony Cletus McCarthy
David Anderson Scott
Mark Langley
Philip Gregory Ragg
Patrick James Hughes
Michael John Ackland
Stephen Cordner
Alexander Joseph Babarczy
David Leo Ranson

Health: Consultative Council on Emergency and Critical Care Services appointments

744. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Consultative Council on Emergency and Critical Care Services since 18 September, 1999.

ANSWER:

As at 30 August 2000:

No appointments

The Consultative Council on Emergency and Critical Care was replaced by the Ministerial Emergency and Critical Care Committee in May 2000. The persons appointed to the Consultative Council on Emergency and Critical Care were:

Gordon Clunie
Heather Buchan
Peter Cameron
Leone Carberry
Joe Crameri
Graeme Duke
Joseph Epstein
Dale Ford
Stephen Gough
Tim Gray
Richard Harper
David Hillis
Andrew Kaye
Greg Sasella
Carlos Scheinkestel
Patricia Standen
Trevor Sutherland
Tracey Tobias

Health: Consultative Council on Obstetric and Paediatric Mortality and Morbidity appointments

745. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Consultative Council on Obstetric and Paediatric Mortality and Morbidity since 18 September, 1999.

ANSWER:

As at 30 August 2000:

Shaun Patrick Brennecke
Robert Frank Burrows
Peter John Smith
Richard Ralph Doherty
John Michael Holroyd Permezel
Peter Norman McDougall
Denys Woodeson Fortune
Vanessa Anne Owen
Rosemary Ann Lester
Roger James Pepperell
Jane Lavinia Halliday
James Forrester King

Health: Dental Board of Victoria appointments

746. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Dental Board of Victoria since 18 September, 1999.

ANSWER:

As at 30 August 2000:

No appointments

The Dental Board of Victoria was succeeded by the Dental Practice Board of Victoria under Part 10 the Dental Practice Act 1999, which was proclaimed on 1 July 2000. The persons appointed to the new Dental Practice Board of Victoria were:

Anthony John Dickinson
Gerard David Condon
Ross Patrick Green
Anthony David Robertson
Deborah Jane Cole
Craig John McCracken
Ricky Alfred Robertson
Julie Gay Satur
Loula Spiridoula Rodopoulos
Gabrielle Mary McTeirnan
Jack Henry Harty

Health: Dental Technicians Licensing Committee appointments

747. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Dental Technicians Licensing Committee since 18 September, 1999

ANSWER:

As at 30 August 2000:

No appointments

The Dental Technicians Licensing Committee was succeeded by the Dental Practice Board of Victoria under Part 10 the Dental Practice Act 1999, which was proclaimed on 1 July 2000. The persons appointed to the new Dental Practice Board of Victoria were:

Anthony John Dickinson
Gerard David Condon
Ross Patrick Green
Anthony David Robertson
Deborah Jane Cole
Craig John McCracken
Ricky Alfred Robertson
Julie Gay Satur
Loula Spiridoula Rodopoulos
Gabrielle Mary McTeirnan
Jack Henry Harty

Health: Food Safety Council appointments

748. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Food Safety Council since 18 September, 1999.

ANSWER:

As at 30 August 2000:

Michelle Plane
Margaret Darton
Soonlee Eu

Health: Health Services Commissioner board appointments

749. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the board of the Health Services Commissioner since 18 September, 1999.

ANSWER:

As at 30 August 2000:

Michael William Gorton
Neil Wighton Naismith
Paul Nisselle
Pamela Mary Barrand
Dimity Fifer
Julie Rolfe
Anita Tang
Helen Rabbette

Health: Infertility Treatment Authority appointments

750. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Infertility Treatment Authority since 18 September, 1999.

ANSWER:

As at 30 August 2000:

Leeanda Joy Wilton

Health: Intellectual Disability Review Panel appointments

751. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Intellectual Disability Review Panel since 18 September, 1999.

ANSWER:

As at 30 August 2000:

Loula Rodopoulos
Susan Mary Tait
Kelly Johnson
Genevieve Nihill
Katherine Rechtman
David Ian Hamilton
Florence Davidson
Sue Morgan
Danielle Wooltorton
Michael Stone
George Graeme Weideman
William John Kilpatrick
Peter Renkin
Fay Dunn
Anne Estelle Fyffe
David Leslie Maddocks

Health: Intern Training Accreditation Committee appointments

752. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Intern Training Accreditation Committee since 18 September, 1999.

ANSWER:

As at 30 August 2000:

No appointments

Health: Medical Practitioners Board of Victoria appointments

753. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Medical Practitioners Board of Victoria since 18 September, 1999.

ANSWER:

As at 30 August 2000:

Kerry John Breen
John Maurice Court
Kay Sylvia Leeton

Health: Medical Radiation Technologists Board of Victoria appointments

754. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Medical Radiation Technologists Board of Victoria since 18 September, 1999.

ANSWER:

As at 30 August 2000:

No appointments

Health: Mental Health Review Board appointments

755. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Mental Health Review Board since 18 September, 1999.

ANSWER:

As at 30 August 2000:

No appointments

Health: Metropolitan Ambulance Service board appointments

756. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the board of the Metropolitan Ambulance Service since 18 September, 1999.

ANSWER:

As at 30 August 2000:

Joseph Epstein
Brian Vincent Potter
John Michael Lester
Derek Arthur Shaw
Alan Thomas Studley
Barbara May Wagstaff
John Frame
Timothy Joseph Daly
Lucy Hunter
Allan Kenyon

Health: Nurses Board of Victoria appointments

757. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Nurses Board of Victoria since 18 September, 1999.

ANSWER:

As at 30 August 2000:

Margaret Joyce Bennett
Therese Majella Samson
Julie Rae Garreffa
Jennifer Rosemary Jensz
Anges McArthur
Dianne Campbell
Kim Read Moreland
Lerma Ung
Margaret Ann O'Connor
Jack Henry Harty
Geoffrey Richard George
Lynne Wenig

Health: Optometrists Registration Board of Victoria appointments

758. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Optometrists Registration Board of Victoria since 18 September, 1999.

ANSWER:

As at 30 August 2000:

Geoffrey Leunig
Inese Dalins
David Hamilton Letcher

Health: Osteopaths Registration Board of Victoria appointments

759. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Osteopaths Registration Board of Victoria since 18 September, 1999.

ANSWER:

As at 30 August 2000:

Denise Cornall
Philip John Tehan
Jane Frances Duffy
Clive Kenna

Health: Pathology Services Accreditation Board appointments

760. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Pathology Services Accreditation Board since 18 September, 1999.

ANSWER:

As at 30 August 2000:

No appointments

Health: Pharmacy Board of Victoria appointments

761. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Pharmacy Board of Victoria since 18 September, 1999.

ANSWER:

As at 30 August 2000:

No appointments

Health: Physiotherapists Registration Board appointments

762. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Physiotherapists Registration Board since 18 September, 1999.

ANSWER:

As at 30 August 2000:

Noel Geoffrey Dix
Andrew Keith Fleming

Health: Podiatrists Registration Board of Victoria appointments

763. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Podiatrists Registration Board of Victoria since 18 September, 1999.

ANSWER:

As at 30 August 2000:

Alison Petchell
Mary Terese Archibald

Health: Poisons Advisory Committee appointments

764. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Poisons Advisory Committee since 18 September, 1999.

ANSWER:

As at 30 August 2000:

No appointments

Health: Psychologists Registration Board of Victoria appointments

765. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Psychologists Registration Board of Victoria since 18 September, 1999.

ANSWER:

As at 30 August 2000:

No appointments

Health: Psychosurgery Review Board appointments

766. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Psychosurgery Review Board since 18 September, 1999.

ANSWER:

As at 30 August 2000:

No appointments

Health: Radiation Advisory Committee appointments

767. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Radiation Advisory Committee since 18 September, 1999.

ANSWER:

As at 30 August 2000:

No appointments

Health: Rural Ambulance Victoria board appointments

768. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the board of the Rural Ambulance Victoria since 18 September, 1999.

ANSWER:

As at 30 August 2000:

No appointments

Health: Specialists Practitioners Qualification Committee appointments

769. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Specialist Practitioners Qualification Committee since 18 September, 1999.

ANSWER:

As at 30 August 2000:

No appointments

Health: Victorian Health Promotion Foundation board appointments

770. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the board of the Victorian Health Promotion Foundation since 18 September, 1999.

ANSWER:

As at 30 August 2000:

The Honourable Ronald Alexander Best, MLC
Ms Jennifer Lindell, MP

Health: Youth Parole Board appointments

771. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Youth Parole Board since 18 September, 1999.

ANSWER:

As at 30 August 2000:

Eugene Cullity
John Barnett

Health: Youth Residential Board appointments

772. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the name of each person appointed to the Youth Residential Board since 18 September, 1999.

ANSWER:

As at 30 August 2000:

Eugene Cullity
John Barnett

Planning: Architects Registration Board of Victoria appointments

773. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister Assisting the Minister for Planning (for the Honourable the Minister for Planning): What is the name of each person appointed to the Architects Registration Board of Victoria since 18 September, 1999.

ANSWER:

The following appointments have been made to the Architects Registration Board of Victoria since 18 September, 1999:

Mr Andrew Hutson
Mr Andrew Begg
Mr Peter Mason
Ms Jenifer Nicholls

Health: ambulance bypass figures

842. THE HON. M. T. LUCKINS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): Will the minister provide ambulance bypass figures for all Victorian hospitals during the period from 1 March 2000 to 30 June 2000.

ANSWER:

The figures for the March and June 2000 quarters are 565 and 500 respectively.

Health: Southern Health Care Network orthopaedic surgery waiting lists

843. THE HON. M. T. LUCKINS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): Will the Minister provide the total number of patients on waiting lists for orthopaedic surgery in the Southern Health Care Network and its successor for each of the periods 1997–98, 1998–99 and 1999–2000.

ANSWER:

Waiting List figures for surgery in the Southern Health Care Network are set out in Hospital Services reports, which have been publicly released.

Health: hospital waiting lists

844. THE HON. M. T. LUCKINS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): Will the Minister provide the total number of patients on waiting lists in categories one, two and three in all Victorian hospitals for each of the periods 1997–98, 1998–99 and 1999–2000.

ANSWER:

Waiting List figures are set out in the Hospital Services Reports which have been publicly released.

Health: mental health carer support groups

863. THE HON. M. T. LUCKINS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): Will the minister provide the names and locations of all mental health carer support groups receiving funding from the Department of Human Services together with the amount and period of funding for each organisation.

ANSWER:

The Department of Human Services funds Mutual Support and Self Help Services to provide information, advocacy, referral and support services, and to facilitate carer support groups. There are six key organisations which have a focus on assisting mental health carers. They receive a total of $1.1M recurrent funding and are currently facilitating 74 mental health carer support groups across Victoria.

There are also a number of mental health carer support groups which are supported through mental health services, psychiatric disability support services and by mental health carer support workers located at the regional Carerlinks agencies.

The contact details for carer specific mutual support and self help services and the mental health carer support workers are provided. These services can link carers to their closest and most suitable group. Each organisation receives ongoing funding, the detail of which is also provided.

MUTUAL SUPPORT AND SELF HELP SERVICES FOR CARERS

Organisation	Address	Phone	Total Recurrent Funding for Mutual Support & Self Help	Number of Support Groups
Obsessive Compulsive & Anxiety Disorders Foundation of Victoria Inc	PO Box 358, Mt Waverley 3149	9576 2477	$102,300.00	14
The Compassionate Friends-Victoria Inc	267 Canterbury Rd, Canterbury 3126	9888 4944	$109,150.00	15
Eating Disorders Foundation	1513 High St, Glen Iris 3146	9885 0318	$105,500.00	2
Association for Support of Psychiatric Services Inc (ASPS)	PO Box 683, Warrnambool 3280	5561 5261	$128,208.00	4
Schizophrenia Fellowship of Victoria Incorporated	223 McKean St, North Fitzroy 3068	9482 4199	$578,393.00	35
Association of Relatives and Friends of The Emotionally and Mentally Ill (Arafemi) Vic Inc	Suite 1, 1091 Toorak Rd, Camberwell, 3124	9889 3733	$74,358.00	4
TOTAL			**$1,097,909.00**	**74**
CARER SUPPORT WORKERS*				
Carelinks East	13 Fernhurst Grove, Kew 3101	9852 7455	$49,572.00	
Carer Respite Centre, Southern Region	260 Kooyong Rd, Caulfield 3162	9276 6400	$55,600.00	6
Carers Association Victoria Inc	77 Droop St, Footscray 3011	9396 1077	$82,200.00	5
Carers Choice Ballarat	115 Ascot St South, Ballarat	95333 7104	$27,700	
Carers Respite & Information Service	94 Wyndham St, Shepparton, 3630	5831 3611	$50,000.00	
Carer Support Services	PO Box 126, Bendigo 3552	5442 7860	$56,300.00	

* some carer support workers also facilitate mental health support groups, while others link carers to existing groups.

Prepared by Mental Health Branch - September 2000

Arts: Touring Victoria fund

915. THE HON. ANDREA COOTE — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): In respect of the published program objectives for the Touring Victoria fund, since October 1999:

(a) How many metropolitan arts groups, producers and creators have used this fund to maximise distribution opportunities.

(b) How much has this cost.

(c) What expertise has the arts sector obtained on regional touring as a result of this fund.

ANSWER:

I am informed that:

In response to part (a) of your question:

- Eleven different metropolitan-based arts groups, producers or creators have received funding since October 1999.

In response to part (b) of your question:

- Touring Victoria funding to these eleven recipients totals $360,540.00

In response to part (c) of your question:

- Substantial expertise.

Housing: public housing waiting list — Victoria

919. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing and Aged Care): What was the waiting list for public housing in Victoria at — (i) 31 December 1999; (ii) 30 March 2000; (iii) 30 June 2000; and (iv) 31 July 2000.

ANSWER:

Public Housing Waiting List for Victoria

	Dec-99	Mar-00	Jun-00	Jul-00
Total Victoria	41,680	41,001	40,969	41,039

Note: Public housing includes the Rental General Stock and Movable Units programs

Housing: public housing waiting list — eastern metropolitan region

920. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing and Aged Care): What was the waiting list for public housing in the Eastern Metropolitan Region at — (i) 31 December 1999; (ii) 30 March 2000; (iii) 30 June 2000; and (iv) 31 July 2000.

ANSWER:

Public Housing Waiting List for Eastern Metropolitan Region

	Dec-99	Mar-00	Jun-00	Jul-00
Eastern Metro Region	5,833	5,562	5,592	5,568

Note: Public housing includes the Rental General Stock and Movable Units programs

Transport: Revenue Clearing House staff

925. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): How many staff did Revenue Clearing House Pty Ltd have at — (i) 30 June 1999; (ii) 31 December 1999; and (iii) 30 June 2000.

ANSWER:

The confidentiality agreements under which the Revenue Clearing House was established currently constrain the release of information relevant to this question.

Transport: Revenue Clearing House expenditure

926. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What is the anticipated expenditure of Revenue Clearing House Pty Ltd in 2000-2001.

ANSWER:

The confidentiality agreements under which the Revenue Clearing House was established currently constrain the release of information relevant to this question.

Transport: Revenue Clearing House salaries

927. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What proportion of the salaries of Revenue Clearing House Pty Ltd did the Department of Infrastructure pay.

ANSWER:

The confidentiality agreements under which the Revenue Clearing House was established currently constrain the release of information relevant to this question.

Transport: Hillside Trains — revenue remittance

928. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): Within how many days after receipt from customers are Hillside Trains required to remit revenue to either One Link Transit Systems Pty Ltd or Revenue Clearing House Pty Ltd.

ANSWER:

The confidentiality agreements under which the Revenue Clearing House was established currently constrain the release of information relevant to this question.

Transport: Bayside Trains — revenue remittance

929. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): Within how many days after receipt from customers are Bayside Trains required to remit revenue to either One Link Transit Systems Pty Ltd or Revenue Clearing House Pty Ltd.

ANSWER:

The confidentiality agreements under which the Revenue Clearing House was established currently constrain the release of information relevant to this question.

Transport: Swanston Trams — revenue remittance

930. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): Within how many days after receipt from customers are Swanston Trams required to remit revenue to either One Link Transit Systems Pty Ltd or Revenue Clearing House Pty Ltd.

ANSWER:

The confidentiality agreements under which the Revenue Clearing House was established currently constrain the release of information relevant to this question.

Transport: Yarra Trams — revenue remittance

931. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): Within how many days after receipt from customers are Yarra Trams required to remit revenue to either One Link Transit Systems Pty Ltd or Revenue Clearing House Pty Ltd.

ANSWER:

The confidentiality agreements under which the Revenue Clearing House was established currently constrain the release of information relevant to this question.

Transport: metropolitan private bus operators — revenue remittance

932. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): Within how many days after receipt from customers are Melbourne metropolitan private bus operators required to remit revenue to either One Link Transit Systems Pty Ltd or Revenue Clearing House Pty Ltd.

ANSWER:

The confidentiality agreements under which the Revenue Clearing House was established currently constrain the release of information relevant to this question.

Transport: One Link Transit Systems — revenue remittance

933. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): Within how many days after receipt from customers are One Link Transit Systems Pty Ltd required to remit revenue to Revenue Clearing House Pty Ltd.

ANSWER:

The confidentiality agreements under which the Revenue Clearing House was established currently constrain the release of information relevant to this question.

Transport: Bayside Trains — credit card transactions

934. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): Are credit card transactions originating from Bayside Trains railway stations using a manual card imprinter or an EFTPOS credit card linked keypad machine and which are then processed by Revenue Clearing House Pty Ltd taking weeks to appear on Visa, Mastercard, Diners Club or American Express statements; if so, why.

ANSWER:

The confidentiality agreements under which the Revenue Clearing House was established currently constrain the release of information relevant to this question.

Transport: Hillside Trains — credit card transactions

935. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): Are credit card transactions originating from Hillside Trains railway stations using a manual card imprinter or an EFTPOS credit card linked keypad machine and which are then processed by Revenue Clearing House Pty Ltd taking weeks to appear on Visa, Mastercard, Diners Club or American Express statements; if so, why.

ANSWER:

The confidentiality agreements under which the Revenue Clearing House was established currently constrain the release of information relevant to this question.

Transport: metropolitan private bus operator–rail/tram franchisees revenue split

936. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What revenue split has been agreed to between the private bus operators and the four rail/tram metropolitan franchisees.

ANSWER:

The confidentiality agreements under which the Revenue Clearing House was established currently constrain the release of information relevant to this question.

Transport: public transport user surveys

937. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): Since 1 September 1999 how often have on board public transport ridership surveys where passengers are asked to complete trip diaries been conducted for — (i) metropolitan Melbourne; (ii) rural Victoria; (iii) V/Line interurban; and (iv) V/Line intercity services.

ANSWER:

V/Line Passenger records numbers using each of its services. Numbers using some peak Geelong, Bendigo and Ballarat services were counted by the Department of Infrastructure in July 2000.

The confidentiality agreements under which the Revenue Clearing House was established currently constrain the release of information relevant to other parts of this question.

Transport: public transport user surveys

938. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): Have on board public transport surveys been conducted for Millward Brown (previously Yann Campbell Hoare Wheeler) and any other companies; if so — (i) on what dates and over what time periods were on board public transport surveys conducted; and (ii) who conducted on board public transport surveys.

ANSWER:

The confidentiality agreements under which the Revenue Clearing House was established currently constrain the release of information relevant to this question.

Transport: public transport user surveys

939. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What contracted cost to the Department of Infrastructure, Revenue Clearing House Pty Ltd or its constituent franchisees were on board public transport surveys conducted.

ANSWER:

The confidentiality agreements under which the Revenue Clearing House was established currently constrain the release of information relevant to this question.

Transport: public transport user surveys

940. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport):

(a) How many trip diaries were returned for each survey period in total.

(b) How many of these included — (i) metropolitan rail; (ii) tram; (iii) bus; (iv) interurban rail; and (v) intercity rail journeys therein.

ANSWER:

The confidentiality agreements under which the Revenue Clearing House was established currently constrain the release of information relevant to this question.

Transport: public transport user surveys

941. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport):

(a) How often since 1 September 1999 have public transport ridership surveys with contractors or staff stationed at railway stations, tram or bus stops or riding trains, trams or buses and counting 'on/offs' at each stop been conducted for metropolitan Melbourne by any companies, contractors or 'in house' by or for the Department of Infrastructure, Revenue Clearing House Pty Ltd or its constituent franchisees.

(b) On what dates/time periods did each survey cover.

(c) What was the contracted cost for each survey.

ANSWER:

(a) The franchisee companies conduct their own patronage surveys and the details of these are not available to the Government. The DOI has contracted companies to conduct audits of load surveys and valid concession surveys by metropolitan rail franchise operators, and audits of patronage counts on National Bus Company buses as follows;

	(b) Dates	(c) Costs
Load Survey Audits		
Metropolitan Train Metropolitan Tram	May 2000	$4,000 approx.

Valid Concession Audits

Metropolitan Train Metropolitan Tram	Oct – Nov 1999 May – June 2000	$203,000
National Bus Patronage Audits	Monthly – random days	$412,000 p.a.

Transport: public transport user surveys

942. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport):

(a) How often since 1 September 1999 have public transport ridership surveys with contractors or staff stationed at railway stations, tram or bus stops or riding trains, trams or buses and counting 'on/offs' at each stop been conducted for rural Victoria including V/Line interurban and V/Line intercity services by any companies, contractors or 'in house' by or for the Department of Infrastructure, Revenue Clearing House Pty Ltd or its constituent franchisees.

(b) On what dates/time periods did each survey cover.

(c) What was the contracted cost of each survey.

ANSWER:

(a) V/Line Passenger conducts on-going patronage surveys of its intercity and interurban services. The cost of these surveys is not available to the Government. In addition the DOI has conducted some passenger counts on some peak Geelong, Bendigo and Ballarat services as detailed below:

Passenger Services	(b) Dates	(c) $ Costs
Geelong Ballarat Bendigo	27 July - 11 August 2000 19 July – 26 July 2000 31 July – 9 August 2000	$7,000 approx

Transport: public transport user surveys

943. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What patronage per annum or per month do the public transport ridership surveys compared with 12 months prior indicate for — (i) metropolitan rail; (ii) metropolitan tram; (iii) metropolitan bus; (iv) V/Line interurban; and (v) V/Line intercity services when compared with 12 months prior.

ANSWER:

Response: The patronage records for the 1998/1999 year, as presented in the annual reports of each corporatised transport operator, are given below. Comparable data for the 1999/2000 year is given below in answer to Question 944.

	Patronage (m) 1998 - 1999
Bayside Trains	66.00
Connex Melbourne	52.00
Swanston Trams	66.72
Yarra Trams	53.70
V/Line Passenger Trains	7.35

Transport: rail and tram franchisee passenger journeys

944. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): How many passenger journeys were made in 1999-2000 using the services of each rail and tram franchisee.

ANSWER:

	Estimated Patronage (m) 1999 - 2000
Bayside Trains	70.00
Connex Melbourne	54.20
Swanston Trams	68.70
Yarra Trams	53.23
V/Line Passenger Trains	7.90

Transport: rail and tram franchisee passenger journeys

945. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): How many passenger journeys are expected to be made in 2000-2001 using the services of each rail and tram franchisee.

ANSWER:

	Forecast Patronage (m) 2000 - 2001
Bayside Trains	73.00
Connex Melbourne	56.00
Swanston Trams	70.00
Yarra Trams	54.50
V/Line Passenger Trains	8.00

Health: Royal Dental Hospital waiting list

946. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): How many Victorians were on the waiting list for treatment at the Royal Dental Hospital at — (i) 31 December 1999; (ii) 31 March 2000; (iii) 30 June 2000; and (iv) 31 July 2000.

ANSWER:

The number of Victorians on the waiting list for dental treatment at the Royal Dental Hospital at 31 December 1999 was 29,537, at 31 March 2000 was 27,005, at 30 June 2000 was 26,601 and at 31 July 2000 was 27,678.

Health: Royal Dental Hospital waiting list

947. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): How many of the persons on the Royal Dental Hospital waiting lists resided in postcode areas 3206, 3143, 3183, 3207, 3163, 3162, 3145, 3185, 3184, 3207, 3163, 3146, 3144, 3145, 3004, 3206, 3181, 3205, 3141 and 3182, respectively at — (i) 31 December 1999; (ii) 31 March 2000; (iii) 30 June 2000; and (iv) 31 July 2000.

ANSWER:

I refer to answer to question on notice No 946.

Premier: Community Support Fund grants

948. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier): What are the details of each grant approved under the Community Support Fund since 1 June 2000.

ANSWER:

I am informed that:

Since 1 June 2000 a total of 11 grants have been approved for payment out of the Community Support Fund, four of these have not yet been publicly announced. The details of each of the announced grants are as follows:

Applicant	Project	Amount Approved
Bethany Family Support Inc	Facility fitout to improve access to family support services, North Geelong.	$600,000
Cardinia Shire Council	Establishment of the Koo Wee Rup Community Complex.	$500,000
Wellington Shire Council	Construction of Sale Performing Arts Centre	$1,000,000
Greater Shepparton City Council	Recreation path between Ardmona Kids Town and Victoria Park Lake in Shepparton.	$300,000
Alpine Shire Council	Mt Beauty Community Centre Refurbishment.	$273,000
Arts Victoria	Sidney Myer Music Bowl refurbishment	$1,000,000
Indigo Shire Council	Rutherglen Wine Interpretation Centre	$250,000

A further four projects are yet to be publicly announced and the grant recipients have yet to be advised.

Transport: Connex — incident on Belgrave–Flinders Street service

952. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport):

(a) Will the Minister provide details about the nature and extent of an incident on Friday, 1 September 2000 on board the 2241 Belgrave to Flinders St Connex rail service between youths allegedly fighting each other with ‘ninja sticks’.

(b) Did the driver of the train lock himself in his cabin upon arrival at Ringwood as a result of this disturbance.

(c) What time were calls for assistance regarding this matter logged by either Victoria Police or the Transit Police unit.

(d) What was the response time in minutes.

(e) How many Transit or general Victoria Police officers attended.

(f) What was the delay in minutes to this Connex rail service.

(g) Were any other Connex services affected; if so, what delay in minutes did each have.

(h) How many persons were — (i) questioned; and (ii) arrested due to this incident.

(i) Will the Minister provide a copy of the railway 'Items' for Friday, 1 September 2000, and Saturday, 2 September 2000, that is distributed to a number of Department of Infrastructure, Connex and Bayside Trains staff and which lists all incidents causing delays on the metropolitan rail network.

ANSWER:

I have been advised by Connex that:

- As the 22:41 train from Belgrave approached Ringwood Station, the driver noticed 100 youths fighting in "the pit", the area of track between the platforms. The driver sounded the whistle and slowed the train and the youths climbed onto the platform.

- The youths then boarded the rear carriage of the train. Rocks were thrown at the train from outside the station.

- The driver contacted the train controller and requested emergency police assistance. He then locked the doors to the driver cabin. The police attended and diffused the situation.

- The driver behaved in accordance with prescribed procedures.

- Damage was sustained to the door windows and passenger windows of the rear carriage.

- Due to the damage the Lilydale-Ringwood train which had arrived at Ringwood at 11:01pm continued the journey arriving at Flinders Street some 17 minutes late. During the trip to Flinders Street doors were held open and forced open on a number of occasions.

- Two other train services were affected. The 23:26 Flinders Street-Belgrave service which reached Belgrave 8 minutes late and the 23:59 Flinders Street-Glen Waverley train which reached its destination 3 minutes late.

The information in the last paragraph is available in abbreviated form in the Daily Metrol report as are all delays to and cancellations of services.

It is understood that Victoria Police will provide advice on the police response to the incident.

State and Regional Development: responsibilities of minister assisting

953. THE HON. M. A. BIRRELL — To ask the Honourable the Minister Assisting the Minister for State and Regional Development : In the Minister's Assisting role, since March 2000 what specific responsibilities or tasks has the Minister been allocated by the Minister for State and Regional Development, specifying in each case — (i) the responsibility or task involved; (ii) the date or dates when the responsibility or task was allocated; (iii) how this responsibility or task was communicated to the Minister Assisting; (iv) the duration of each responsibility or task; and (v) the precise nature of the work undertaken.

ANSWER:

I refer the Honourable Member to my answer to Question No. 149 tabled on 29 February 2000.

The only change which has occurred since that date is a change in administrative responsibility for the Melbourne Convention and Exhibition Trust, which has been transferred to the Honourable Minister for Major Projects and Tourism.

[Hansard reference: Legislative Council, Vol. 446, 29 February 2000, page 173.]

Workcover: responsibilities of minister assisting

955. THE HON. M. A. BIRRELL — To ask the Honourable the Minister Assisting the Minister for Workcover: In the Minister's Assisting role, since March 2000 what specific responsibilities or tasks has the Minister been allocated by the Minister for Workcover, specifying in each case — (i) the responsibility or

task involved; (ii) the date or dates when the responsibility or task was allocated; (iii) how this responsibility or task was communicated to the Minister Assisting; (iv) the duration of each responsibility or task; and (v) the precise nature of the work undertaken.

ANSWER:

As Minister Assisting the Minister for WorkCover, I am required to assist in administrative matters relating to the WorkCover portfolio as directed. As I have previously indicated (Question No.148 Book 1, 29 February 2000, page 172), I regularly provide advice to the WorkCover Minister on industrial matters to ensure a consistent Government approach to workplace issues in Victoria.

[Hansard reference: Legislative Council, Vol. 446, 29 February 2000, page 172.]

Industrial relations: Australian Centre of Industrial Relations Research and Training consultancy

956. THE HON. R. M. HALLAM — To ask the Honourable the Minister for Industrial Relations: Given the Minister's confirmation that the $80 000 industrial relations consultancy awarded to the Australian Centre of Industrial Relations Research and Training did not go to tender, does this represent a breach of ministerial guidelines; if so, what circumstances led to that breach and what procedural remedy, if any, is expected to flow from that breach.

ANSWER:

I am advised by my Department that the decision to award the consultancy to the Australian Centre for Industrial Relations Research and Training (ACIRRT) complied fully with Departmental Guidelines.

The Departmental Policy on Purchasing, which dates from July 1999, provides the Secretary of the Department with a discretion to waive the normal requirement to go to public tender, where there is a compelling reason to do so.

I am advised that the Secretary decided it was necessary to waive the requirement to go to public tender because of the time critical requirements for the advice to be provided to the Taskforce and the highly specialised expertise being sought. The Secretary approved the contract on 15 June 2000.

QUESTIONS ON NOTICE

Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Council.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.

Wednesday, 25 October 2000

Education: Adult, Community and Further Education Board — Workcover premiums

876. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister Education): In respect of the Adult, Community and Further Education 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 question you have asked more directly relates to the responsibilities of the Minister for Post Compulsory Education, Training and Employment. The question needs to be redirected to that Minister.

Education: Council of Adult Education — Workcover premiums

878. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister Education): In respect of the Council of Adult Education:

(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:

I am informed as follows:

The question you have asked more directly relates to the responsibilities of the Minister for Post Compulsory Education, Training and Employment. The question needs to be redirected to that Minister.

Education: State Training Board of Victoria — Workcover premiums

882. 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 State Training 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:

I am informed as follows:

The question you have asked more directly relates to the responsibilities of the Minister for Post Compulsory Education, Training and Employment. The question needs to be redirected to that Minister.

Agriculture: Food Science Australia — Workcover premiums

1010. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture): In respect of Food Science Australia:

(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 Food Science Australia on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of Food Science Australia and if there is more than one industry classification, what is the rateable remuneration of the Food Science Australia for 2000-2001 in respect of which each industry classification is applicable.

(g) Did Food Science Australia 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 Food Science Australia 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:

Food Science Australia had no employees for the financial year ending 30 June 2000, therefore no WorkCover was required.

Agriculture: Melbourne Market Authority — Workcover premiums

1011. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture): In respect of the Melbourne Market 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:

I am informed that:

In respect of the Melbourne Market Authority:

(a) The WorkCover initial premium for 1999-2000 was $90,450. The confirmed premium for 1999-2000 was $83,232.

(b) The rateable remuneration on the basis of which the initial annual premium for 1999-2000 was calculated was $2,437,381. The rateable remuneration on the basis of which the confirmed premium for 1999-2000 was calculated was $2,177,999.

(c) There were no WorkCover claim costs for 1999-2000 as specified in the 2000-2001 initial premium notice.

(d) The WorkCover initial premium for 2000-2001 was $90,663.50.

(e) The rateable remuneration for the Authority on the basis of which the initial premium for 2000-2001 is calculated was $2,500,030.

(f) The WorkCover industry classification of the Authority is 16325J – Property Operators & Developers (excluding provision of accommodation services).

(g) The Authority did provide an estimate of rateable remuneration to its WorkCover agent in respect of 2000-2001 rateable remuneration. The estimate was provided in March 2000 and the estimated amount was $2,500,000.

(h) The Authority estimated prior to 30 June 2000 that it would be required to pay in WorkCover premiums for 2000-2001 an amount of $87,024.

Agriculture: Murray Valley Citrus Marketing Board — Workcover premiums

1012. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture): In respect of the Murray Valley Citrus Marketing 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 that:

In respect of the Murray Valley Citrus Marketing Board:

(a) The WorkCover initial premium for 1999-2000 was $1,937.63. The confirmed premium for 1999-2000 was $2,008.87.

(b) The rateable remuneration on the basis of which the initial annual premium for 1999-2000 was calculated was $334,925, and the rateable remuneration on the basis of which the confirmed premium for 1999-2000 was calculated was $313,288.00.

(c) There were no WorkCover claim costs for 1999-2000 as specified in the 2000-2001 initial premium notice.

(d) The WorkCover initial premium for 2000-2001 was $2,341.32.

(e) The rateable remuneration for the Authority on the basis of which the initial premium for 2000-2001 is calculated was $380,000.00.

(f) The WorkCover industry classification of the Authority is Market and Business Consultancy Services.

(g) The Authority did provide an estimate of rateable remuneration to its WorkCover agent in respect of 2000-2001 rateable remuneration. The estimate was provided on 27 April 2000, and the estimate of rateable remuneration so provided was $380,000.

(h) The Authority estimated prior to 30 June 2000 that it would be required to pay in WorkCover premiums for 2000-2001 an amount of $2,400.00.

Agriculture: Murray Valley Wine Grape Industry Development Committee — Workcover premiums

1013. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture): In respect of the Murray Valley Wine Grape Industry Development Committee:

(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 Committee on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Committee and if there is more than one industry classification, what is the rateable remuneration of the Committee for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Committee 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 Committee 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:

The Murray Valley Wine Grape Industry Development Committee had no employees for the financial year ending 30 June 2000, therefore no WorkCover was required.

Agriculture: Northern Victorian Fresh Tomato Industry Development Committee — Workcover premiums

1014. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture): In respect of the Northern Victorian Fresh Tomato Industry Development Committee:

(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 Committee on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Committee and if there is more than one industry classification, what is the rateable remuneration of the Committee for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Committee 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 Committee 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:

The Northern Victorian Fresh Tomato Industry Development Committee had no employees for the financial year ending 30 June 2000, therefore no WorkCover was required.

Agriculture: Veterinary Practitioners Registration Board of Victoria — Workcover premiums

1015. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture): In respect of the Veterinary Practitioners Registration 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:

I am informed that:

In respect of the Veterinary Practitioners Registration Board of Victoria:

(a) The WorkCover initial premium for 1999-2000 was $1,415.79. The confirmed premium for 1999-2000 was $2,075.63.

(b) The rateable remuneration on the basis of which the initial annual premium for 1999-2000 was calculated was $128,294.00. The rateable remuneration on the basis of which the confirmed premium for 1999-2000 was calculated was $194,330.00.

(c) There were no WorkCover claim costs for 1999-2000 as specified in the 2000-2001 initial premium notice.

(d) The WorkCover initial premium for 2000-2001 was $2,454.99.

(e) The rateable remuneration for the Board on the basis of which the initial premium for 2000-2001 is calculated was $176,083.00

(f) The WorkCover industry classification of the Board is K8471T Business & Professional association.

(g) The Board did provide an estimate of rateable remuneration to its WorkCover agent in respect of 2000-2001 rateable remuneration. That estimate was provided in April 2000 and the amount was $176,083.00.

(h) The Board's fiscal year is the calendar year. The budget for WorkCover premium in year 2000 was $1,600.00. The budget for 2001 is being drafted and it is expected that the premium will not be less than the initial premium already paid.

Agriculture: Victorian Broiler Industry Negotiation Committee — Workcover premiums

1016. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture): In respect of the Victorian Broiler Industry Negotiation Committee:

(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 Committee on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Committee and if there is more than one industry classification, what is the rateable remuneration of the Committee for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Committee 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 Committee 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:

The Victorian Broiler Industry Negotiation Committee is not a separately reporting entity and its figures are included in those of the Department of Natural Resources and Environment. To provide the information requested would require an inordinate amount of time and resources which are not available.

Agriculture: Victorian Dairy Industry Authority — Workcover premiums

1017. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture): In respect of the Victorian Dairy Industry 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:

I am informed that:

The office of the Victorian Dairy Industry Authority has been effectively closed and records stored pending the repeal of the Dairy Industry Act 1992. To provide the information requested would require an inordinate amount of time and resources which are not available within the Department of Natural Resources and Environment.

Agriculture: Victorian Emu Industry Development Committee — Workcover premiums

1018. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture): In respect of the Victorian Emu Industry Development Committee:

(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 Committee on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Committee and if there is more than one industry classification, what is the rateable remuneration of the Committee for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Committee 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 Committee 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:

The Victorian Emu Industry Development Committee no longer exists following the expiry of its Order.

Agriculture: Victorian Meat Authority — Workcover premiums

1019. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture): In respect of the Victorian Meat 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:

I am informed that:

In respect of the Victorian Meat Authority:

(a) The WorkCover initial premium for 1999-2000 was $3,910.70. The confirmed premium for 1999-2000 is not available.

(b) The rateable remuneration on the basis of which the initial annual premium for 1999-2000 was calculated was $534,542.00.

(c) There were no WorkCover claim costs for 1999-2000 as specified in the 2000-2001 initial premium notice.

(d) The WorkCover initial premium for 2000-2001 was $5,755.19.

(e) The rateable remuneration for the Authority on the basis of which the initial premium for 2000-2001 is calculated was $641,450.00.

(f) The WorkCover industry classification of the Authority is State Government Administration.

(g) The Authority did not provide an estimate of rateable remuneration to its WorkCover agent in respect of 2000-2001 rateable remuneration.

(h) The Authority estimated prior to 30 June 2000 that it would be required to pay in WorkCover premiums for 2000-2001 an amount of $3,294.00.

Agriculture: Victorian Strawberry Industry Development Committee — Workcover premiums

1020. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture): In respect of the Victorian Strawberry Industry Development Committee:

(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 Committee on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Committee and if there is more than one industry classification, what is the rateable remuneration of the Committee for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Committee 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 Committee 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:

The Victorian Strawberry Industry Development Committee had no employees for the financial year ending 30 June 2000, therefore no WorkCover was required.

Energy and Resources: Fisheries Co-Management Council and Fishery Committees — Workcover premiums

1021. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources: In respect of the Fisheries Co-Management Council and Fishery Committees:

(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 and Committees 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 Committees and if there is more than one industry classification, what is the rateable remuneration of the Council and Committees for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Council and Committees 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 and Committees 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:

The Fisheries Co-Management Council and Fishery Committees are not separately reporting entities and their figures are included in those of the Department of Natural Resources and Environment. To provide the information requested would require an inordinate amount of time and resources which are not available.

Energy and Resources: Licensing Appeals Tribunal (Fisheries) — Workcover premiums

1022. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources: In respect of the Licensing Appeals Tribunal (Fisheries):

(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 Tribunal on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Tribunal and if there is more than one industry classification, what is the rateable remuneration of the Tribunal for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Tribunal 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 Tribunal 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:

The Licensing Appeals Tribunal (Fisheries) is not a separately reporting entity and its figures are included in those of the Department of Natural Resources and Environment. To provide the information requested would require an inordinate amount of time and resources which are not available.

Energy and Resources: Mine Managers Board — Workcover premiums

1023. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources: In respect of the Mine Managers 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 that:

The Mine Managers Board is not a separately reporting entity and its figures are included in those of the Department of Natural Resources and Environment. To provide the information requested would require an inordinate amount of time and resources which are not available.

Energy and Resources: Mining and Environment Advisory Committee — Workcover premiums

1024. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources: In respect of the Mining and Environment Advisory Committee:

(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 Committee on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Committee and if there is more than one industry classification, what is the rateable remuneration of the Committee for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Committee 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 Committee 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:

The Mining and Environment Advisory Committee is not a separately reporting entity and its figures are included in those of the Department of Natural Resources and Environment. To provide the information requested would require an inordinate amount of time and resources which are not available.

Energy and Resources: Office of the Mining Warden — Workcover premiums

1025. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources: In respect of the Office of the Mining Warden:

(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 Office on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Office and if there is more than one industry classification, what is the rateable remuneration of the Office for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Office 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 Office 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:

The Office of the Mining Warden is not a separately reporting entity and its figures are included in those of the Department of Natural Resources and Environment. To provide the information requested would require an inordinate amount of time and resources which are not available.

Energy and Resources: Sustainable Energy Authority — Workcover premiums

1026. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources: In respect of the Sustainable Energy Authority (formerly Energy Efficiency 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 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:

I am informed that:

In respect of the Sustainable Energy Authority Victoria:

(a) The WorkCover initial premium for 1999-2000 was $8,488.00, and the confirmed premium for 1999-2000 was $8,679.00.

(b) The rateable remuneration on the basis of which the initial annual premium for 1999-2000 was calculated was $2,481,656.00, and the rateable remuneration on the basis of which the confirmed premium for 1999-2000 was calculated was $2,555,382.00.

(c) There were no WorkCover claims costs for 1999-2000 specified in the 2000-2001 initial premium notice.

(d) The WorkCover initial premium for 2000-2001 was $11,904.00.

(e) The rateable remuneration for the Authority on the basis of which the initial premium for 2000-2001 is calculated was $3,497,000.00.

(f) The WorkCover industry classification of the Authority is I6362V – Market and Business Consultancy Services.

(g) The Authority did provide an estimate of rateable remuneration to its WorkCover agent in respect of 2000-2001 rateable remuneration. The estimate was provided on 8 May 2000 and the estimate of rateable remuneration so provided was $3,497,000.00.

(h) The Authority estimated prior to 30 June 2000 that it would be required to pay in WorkCover premiums for 2000-2001 an amount of $13,000.00.

Agriculture: Agriculture Victoria Services — Workcover premiums

1048. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture): In respect of the Agriculture Victoria Services Pty Ltd:

(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 Agriculture Victoria Services Pty Ltd on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of Agriculture Victoria Services Pty Ltd and if there is more than one industry classification, what is the rateable remuneration of Agriculture Victoria Services Pty Ltd for 2000-2001 in respect of which each industry classification is applicable.

(g) Did Agriculture Victoria Services Pty Ltd 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 Agriculture Victoria Services Pty Ltd 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:

In respect of Agriculture Victoria Services Pty Ltd:

(a) The WorkCover initial premium for 1999-2000 was $2,268.00. The confirmed premium for 1999-2000 was the same amount as the initial premium.

(b) The rateable remuneration on the basis of which the initial annual premium for 1999-2000 was calculated was $192,600.00. The rateable remuneration on the basis of which the confirmed premium for 1999-2000 was calculated was the same amount as for the initial annual premium.

(c) There were no WorkCover claim costs for 1999-2000 as specified in the 2000-2001 initial premium notice.

(d) The WorkCover initial premium for 2000-2001 was $4,578.35.

(e) The rateable remuneration for Agriculture Victoria Services Pty Ltd on the basis of which the initial premium for 2000-2001 is calculated was $231,120.00.

(f) The WorkCover industry classification of Agriculture Victoria Services Pty Ltd is F4751L Wool sellers, Farm suppliers, Wholesalers.

(g) Agriculture Victoria Services Pty Ltd did provide an estimate of rateable remuneration to its WorkCover agent in respect of 2000-2001 rateable remuneration. That estimate was provided on 20 April 2000 and the amount was $216,000.00.

(h) Agriculture Victoria Services Pty Ltd estimated prior to 30 June 2000 that it would be required to pay in WorkCover premiums for 2000-2001 an amount of $3,000.00.

Agriculture: Animal Welfare Advisory Committee — Workcover premiums

1049. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture): In respect of the Animal Welfare Advisory Committee:

(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 Committee on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Committee and if there is more than one industry classification, what is the rateable remuneration of the Committee for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Committee 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 Committee 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:

The Animal Welfare Advisory Committee is not a separately reporting entity and its figures are included in those of the Department of Natural Resources and Environment. To provide the information requested would require an inordinate amount of time and resources which are not available.

Agriculture: Cattle Compensation Advisory Committee — Workcover premiums

1050. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture): In respect of the Cattle Compensation Advisory Committee:

(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 Committee on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Committee and if there is more than one industry classification, what is the rateable remuneration of the Committee for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Committee 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 Committee 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:

The Cattle Compensation Advisory Committee is not a separately reporting entity and its figures are included in those of the Department of Natural Resources and Environment. To provide the information requested would require an inordinate amount of time and resources which are not available.

Agriculture: Royal Society for the Prevention of Cruelty to Animals — Workcover premiums

1051. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture): In respect of the Royal Society for the Prevention of Cruelty to Animals (RSPCA):

(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 RSPCA on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the RSPCA and if there is more than one industry classification, what is the rateable remuneration of the RSPCA for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the RSPCA 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 RSPCA 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:

The Royal Society for the Prevention of Cruelty to Animals (RSPCA) is not a statutory body within the Agriculture portfolio.

Agriculture: Sheep and Goat Compensation Advisory Committee — Workcover premiums

1052. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture): In respect of the Sheep and Goat Compensation Advisory Committee:

(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 Committee on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Committee and if there is more than one industry classification, what is the rateable remuneration of the Committee for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Committee 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 Committee 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:

The Sheep & Goat Compensation Advisory Committee is not a separately reporting entity and its figures are included in those of the Department of Natural Resources and Environment. To provide the information requested would require an inordinate amount of time and resources which are not available.

Agriculture: Swine Industry Projects Advisory Committee — Workcover premiums

1053. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture): In respect of the Swine Industry Projects Advisory Committee:

(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 Committee on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Committee and if there is more than one industry classification, what is the rateable remuneration of the Committee for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Committee 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 Committee 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:

The Swine Industry Projects Advisory Committee is not a separately reporting entity and its figures are included in those of the Department of Natural Resources and Environment. To provide the information requested would require an inordinate amount of time and resources which are not available.

Agriculture: Victorian Agricultural Chemicals Advisory Committee — Workcover premiums

1054. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Agriculture): In respect of the Victorian Agricultural Chemicals Advisory Committee:

(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 Committee on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Committee and if there is more than one industry classification, what is the rateable remuneration of the Committee for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Committee 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 Committee 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:

The Victorian Agricultural Chemicals Advisory Committee is not a separately reporting entity and its figures are included in those of the Department of Natural Resources and Environment. To provide the information requested would require an inordinate amount of time and resources which are not available.

Energy and Resources: Quarry Managers Advisory Panel — Workcover premiums

1055. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources: In respect of the Quarry Managers Advisory Panel:

(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 Panel on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Panel and if there is more than one industry classification, what is the rateable remuneration of the Panel for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Panel 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 Panel 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:

The Quarry Managers Advisory Panel is not a separately reporting entity and its figures are included in those of the Department of Natural Resources and Environment. To provide the information requested would require an inordinate amount of time and resources which are not available.

Energy and Resources: Melbourne Metropolitan Wholesale Water Business — Workcover premiums

1059. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources: In respect of the Melbourne Metropolitan Wholesale Water Business:

(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 Business on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Business and if there is more than one industry classification, what is the rateable remuneration of the Business for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Business 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 Business 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:

This question deals with issues outside my portfolio responsibilities and should be directed to the Minister for Environment and Conservation.

Energy and Resources: Melbourne Water Corporation — Workcover premiums

1060. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources: In respect of the Melbourne Water 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:

I am informed that:

This question deals with issues outside my portfolio responsibilities and should be directed to the Minister for Environment and Conservation.

Energy and Resources: Water Training Centre — Workcover premiums

1061. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources: In respect of the Water Training Centre:

(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 Centre on the basis of which the initial premium for 2000-2001 is calculated.

(f) What is the Workcover industry classification or classifications of the Centre and if there is more than one industry classification, what is the rateable remuneration of the Centre for 2000-2001 in respect of which each industry classification is applicable.

(g) Did the Centre 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 Centre 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:

This question deals with issues outside my portfolio responsibilities and should be directed to the Minister for Environment and Conservation.