PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

30 August 2000

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Wednesday, 30 August 2000

The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 10.02 a.m. and read the prayer.

HANSARD: ACCURACY

Hon. BILL FORWOOD (Templestowe) — Mr President, I wish to raise an issue with you in relation to the *Daily Hansard* of yesterday, 29 August. I refer to the adjournment debate, particularly the last page of *Daily Hansard*. The sequence of events was that after answering Mr Cover the Minister for Sport and Recreation sat down, and I rose on a point of order and indicated that the minister had not dealt with the matter that I had raised. If you look at page 36 of *Daily Hansard* you will note that the fact the minister sat down, that I stood up and took a point of order, and that he stood up and answered me, does not appear. I ask that you investigate the accuracy of the *Hansard* record.

The PRESIDENT — Order! The honourable member raised this matter with me earlier today, and I have had the opportunity to speak to the Editor of Debates. The fact is that the point of order was made. It should have been recorded and will be recorded in the weekly edition of *Hansard*.

EQUAL OPPORTUNITY (GENDER IDENTITY AND SEXUAL ORIENTATION) BILL

Introduction and first reading

Received from Assembly.

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

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

> That the bill be printed and, by leave, the second reading be made an order of the day for later this day.

Hon. Bill Forwood — You have not spoken to us about it.

Hon. M. M. Gould — We spoke to you about it yesterday.

An Honourable Member — That was not about this.

Honourable members interjecting.

The PRESIDENT — Order! The motion that I have — —

Honourable members interjecting.

Hon. M. A. Birrell — Is that what you want; to be refused leave on your own bills?

Honourable members interjecting.

The PRESIDENT — Order! I ask honourable members to keep quiet.

Hon. R. F. Smith — Certainly.

The PRESIDENT — Order! If parties in this house treat each other with respect, work gets done pretty readily. A set of rules has worked well in this place for many years. I ask the party leaders to talk with each other and ensure that those matters do not come before us. I have before me a motion that the bill be printed and that the second reading be made an order of the day for later this day. Is leave granted? Leave is granted.

Motion agreed to.

The PRESIDENT — Order! Are there any notices of motion?

Honourable members interjecting.

The PRESIDENT — Order! Mr Bob Smith.

Honourable members interjecting.

The PRESIDENT — Order! I am happy to leave the chamber and to return in 10 minutes' time when everyone is ready to begin proceedings, if that is what the house wants.

PETITION

Preschools: funding

Hon. G. B. ASHMAN (Koonung) presented a petition from certain citizens of Victoria requesting that the government immediately increase funding to preschools for the benefit of Victoria's young children and their future (69 signatures).

Laid on table.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Auditor-General's office

Hon. BILL FORWOOD (Templestowe) presented report on revised audit fees, together with appendices.

Laid on table.

Ordered to be printed.

PAPER

Laid on table by Clerk:

Auditor-General's Office — Report, 1999–2000.

WORKCOVER: PREMIUMS

Hon. P. A. KATSAMBANIS (Monash) — I move:

That this house condemns the government for its incompetent handling of the Workcover changes and premium increases and for its failure to adequately explain or justify those increases and calls on the government to:

(i) make public all research and costings on which the increases are based; and

(ii) re-examine the manner and extent of the increases so as to provide genuine reductions in the burden being imposed on employers, service levels and jobs.

The opposition takes the motion very seriously, because it understands that Workcover and Workcover charges on Victorian business are simply an essential part of doing business. Every business in Victoria that employs people must take out a Workcover premium. Therefore, it is incumbent on governments, which affect the level of premiums, to ensure that premiums are kept as low as possible to protect business, to protect investment, and to protect employment in this state.

It does not need to be repeated too often that honourable members on this side of the house have a fine record in government — a record we should be proud of. We took over a workers compensation system that had the highest premium rates in Australia.

In seven years the former government reduced premiums to the lowest level in Australia. When elected to government in 1992 it took over a workers compensation system that, despite having the highest premiums of any state, had an unfunded black hole of $2.1 billion. At the end of the day, when we handed over government that had been completely taken care of and Victorians were not left with an unfunded scheme. They were not put at risk.

However, in the 10 or 11 months of the present government's reign it has demonstrated, firstly, that it simply does not understand the effect that increases in Workcover charges have on Victorian business and employment levels. Secondly, because of the government's incompetent handling of the changes it introduced to the Workcover scheme Victorian business has effectively ground to a halt. Through its incompetent handling of Workcover the government has brought upon Victorian small businesses some of the highest unpublished increases in Workcover ever made in the history of the workers compensation system.

The government also managed to delay issuing premium notices for over a month so that employers in Victoria were given no warning of the unprecedented premium increases. The combination of the premium increases, the delay in issuing the premium notices and the lack of notice given to employers has threatened the viability of thousands of good, well-run Victorian businesses. It has threatened people's livelihoods and the jobs of thousands of Victorians.

The government is further eroding business confidence in this state by its incompetence and inability to grasp the fact that Victoria requires a fair and competitive Workcover scheme. It is driving investment and jobs away. When the government introduced its legislative changes to Workcover — changes that were debated in this place on 24 May — it told Victorians that the changes would lead to an average 15 per cent increase in premiums. Subsequently, it also advised Victorians that due to the non-GST component of the new tax system there would be a further 2 per cent increase in premiums. Employers, the opposition and the public of Victoria were happy to take the government at its word. Employers budgeted for a 17 per cent increase in Workcover premiums. They were not happy to accept it, but at least they understood it and budgeted for it.

At the time the legislative changes were introduced many people in Victoria, including opposition members and business people, argued that by introducing the changes and by allowing common-law claims on the Workcover scheme the government would be opening up a Pandora's box of escalating premium increases that would lead to uncompetitive premiums. The point was made repeatedly to the government, but it insisted that not only were the changes reasonable, they would lead to only a 15 per cent increase in premiums.

As I said, the notices that were due in late May and early June were delayed by a month, so employers sat back waiting to receive their premium notices. When they were eventually sent out, over a month late, employers who were waiting on and budgeting for a 17 per cent increase were suddenly slugged with increases of 30 per cent, 40 per cent, 60 per cent, 80 per cent, 100 per cent, and in some cases even 200 per cent. That was totally unacceptable. It had not been explained to anybody. It had not been publicised and it was brought in during the dead of night. Despite all the government's assurances that premium increases would be kept to 15 per cent or 17 per cent — including that 2 per cent new tax system increase — it ended up slugging employers with premiums that were in many cases double or triple what they had been paying the year before.

Initially, there was a legitimate outcry from business people who were trying to make ends meet, to run their businesses, pay their bank loans and provide employment for their staff. There was a legitimate outcry at the impost that had not been communicated but had been hidden from them.

What did the government do? It did nothing. It hoped the issue would go away. The government is good at doing nothing. Most of the time it does nothing. The problem would not go away. Victorian employers said they would not accept it. They were not happy when the government told them it would increase premiums by 17 per cent, but they wore it. However, when they received their premium notices they did not see 17 per cent but 30 per cent, 40 per cent, 50 per cent and 80 per cent increases. The employers would not back down but called on the government to explain. What did the government do? Typically, it tried to shift blame.

Firstly, it blamed unfunded liabilities in the scheme and the fact that the government wanted to bring the scheme back to full funding. That was a sham and a blatant lie because it did not have to bring the scheme back to full funding. When that was found out, it moved and tried to blame the employers.

Hon. T. C. Theophanous interjected.

Hon. P. A. KATSAMBANIS — If you do not understand, Mr Theophanous, hear me out and I will explain exactly where you and your government have got it wrong. When the lie about full funding was exposed the government tried to shift the blame to the employers. It tried to say it was the employers' fault because they had a history of bad claims or they did not put their forms in to indicate what their level of remuneration was for the year. That was exposed as a sham as well.

The government has no-one but itself to blame for its Workcover premium increases. In May it brought in a flawed model. It claimed a certain level of premium increases. It failed to send the notices out on time to give employers adequate notice, and when the notices were sent out there was a sting in the tail. Employers were faced not with a 17 per cent increase but with increases double, triple and quadruple that amount.

It is not good enough for the government to sit on its hands, to hold meetings, to call for a task force or a committee: the government has to act. It is no longer good enough to be a do-nothing government. The government has to explain why employers' premiums are so much higher than it had communicated. The government has to act to reduce the burden. It is not good enough to say, 'We thought it would be 17 per cent. It came out higher; we're sorry'. We are talking about people's livelihoods, their jobs and their confidence in the Victorian economy, and that is what the government is quickly eroding.

The other issue that should be debated and settled today is the responsibilities of the Minister for Industrial Relations and the Minister for Small Business. I am glad the Minister for Industrial Relations is now in the chamber, but we are still searching for the Minister for Small Business. The ministers are shirking their responsibilities.

The Minister for Industrial Relations has been sworn in as the Minister assisting the Minister for Workcover. For the past 11 months the opposition has been trying to find out what the minister has done to assist with Workcover. We know she is the minister for moving offices. We know she is the minister that is not allowed to get involved in any industrial relation matters. She is a cheer squad for the union movement. We know from her contribution to a debate in this place in May that she is incompetent and lacks an understanding or knowledge of Workcover. The minister is unable to answer simple questions and evades answering them. That is not good enough.

Business is crying out for assistance because of increased Workcover premiums. The Minister for Workcover in another place has proven that he needs as much assistance as he can get. It is hoped that the Minister for Industrial Relations will indicate what she has been doing to assist the Minister for Workcover in another place.

I now refer to the Minister for Small Business. Small business is the engine room of the Victorian economy and employment in this state. The minister, who supposedly represents small business, admitted to a public hearing before the Public Accounts and Estimates Committee on 9 August that she was aware that small businesses were distressed about increased Workcover premiums. 'Distressed' is her word. She understood that small businesses were suffering.

What has the minister done to help small business? Nothing. Where is her advocacy on behalf of small business? Where are the results that show she has delivered on behalf of small business especially in decreasing Workcover premiums and in providing justification for the increased Workcover premiums? The minister should tell the house exactly what she has done. Honourable members do not want to hear about her appointing committees or issuing glossy brochures; they want to know how she has helped to reduce the burden on small business operators, otherwise she will be exposed as a fraud who does not care about the survival of small business but is more concerned about her position on the national executive of the Australian Labor Party.

It is incumbent on those two ministers to explain themselves to the house. Otherwise they will be exposed as heartless and uncaring because they are not concerned about the cost of their incompetence and the effect their ideologically driven changes to the Workcover scheme are having on the employers of Victoria.

I now highlight the variations in the supposed 17 per cent increase in Workcover premiums. As I said earlier, and as the opposition said during debate on the legislative amendments in this place, increased Workcover premiums were unnecessary and will decrease the competitive advantages of and confidence in doing business in Victoria. The opposition said the amendments would lead to job losses. Employers know the government has an ideological agenda to introduce common-law changes to Workcover. Employers do not want that. They say it is a Pandora's box and that increases in premiums will continue so that Victoria will go back to the bad days between 1985 and 1992 when average premium levels ranged from 3.2 per cent to 3.3 per cent and in many industries were many multiples higher than that.

The opposition has said time and again that the good work the former government did to reduce Workcover premiums from 3.2 per cent to 1.9 per cent — from the highest premiums in Australia to the lowest — to help make Victorian business competitive and to provide new employment opportunities for all Victorians will be lost. The government did not listen because it is not about listening. It had a commitment to the trade union movement and to Labor lawyers who will profit from the scheme to introduce increased Workcover premiums. Everyone hoped the 17 per cent increase would be the end of the story, but that is not the case. The employers had to wait an additional month for their premium notices, but when they came in the mail employers found that the increases were not limited to 17 per cent.

I have dozens and dozens of examples of businesses in my electorate and all over Victoria that have suffered Workcover premium increases many multiples higher than 17 per cent. I will give the house some examples to highlight the problem. I first refer to a manufacturer in Bendigo, in the electorate of the Minister for Workcover in another place. The manufacturer has a good claims history and no real change in remuneration levels but has been hit with a 41 per cent increase in premiums. A food manufacturer in the inner suburbs of Melbourne with a similar good claims history and no increase in payroll has been hit with a 78 per cent increase in premiums. A motor vehicle parts wholesaler in the eastern suburbs of Melbourne with no increase in employment or remuneration levels has been hit with a 40 per cent increase in premiums. A pharmacy in my electorate, with a similar story of no increase in payroll levels and a good claims history, has been hit with a 48 per cent increase.

Hon. J. M. McQuilten — What about the GST?

Hon. P. A. KATSAMBANIS — I now illustrate the duplicitous nature of the government and highlight that even with the smallest of businesses it could not stick to the 17 per cent increase. Workcover premiums have a minimum premium for small employers who are below a certain threshold level of $100, known as micro-businesses, whose premiums should have increased to $117 if they had been increased by 17 per cent, as has been stated in the glossy brochures issued by the government, but the premiums have increased by 35 per cent!

I return to the many examples I have of increased Workcover premiums. A hirer company in northern Victoria has been hit with a 340 per cent increase in Workcover premiums! That is more than triple what it was paying the year before. A clothing manufacturer has been hit with a 40 per cent increase in premiums. A nursing home operator has suffered a 39 per cent increase; a cafe, again in my electorate, has been hit with a 39 per cent increase in premiums. Those increases are catastrophic for many small businesses.

The premium increases are not a 17 per cent increase plus GST, as Mr McQuilten wants us to believe. GST is an input tax that small business pays to the government. It washes out of the system. It is not an additional cost to the business. Small businesses are not worried about the GST. The increased Workcover premiums are calculated after the GST effect has been taken into account. They are increases imposed by the government driven by its ideological agenda to reintroduce common law to Workcover.

The Victorian Employers Chamber of Commerce and Industry (VECCI) *Business Forum* of 2 July in an article entitled 'Workcover: employers deserve better than this' states:

> This is a disgrace.
>
> Don't they understand how business works? Most businesses have to set their annual budgets before the end of the financial year. There is absolutely no excuse for the extended delay in sending out premium notices or the sudden increase …

What did the Victorian Automobile Chamber of Commerce say in its August edition of *Auto Industry Australia*? Its executive director, Mr David Purchase, is quoted in that publication as saying:

> We suspect the inconsistency in Workcover premium adjustments is a reflection of the government's crisis control, in anticipation of a blow-out in costs arising from common-law claims.

That is not what the opposition says; it is what the VACC and business are saying. Mr Purchase continues:

> Some employers face an increase of a whopping 47 per cent, which just cannot be justified.

The VACC is saying that. Mr Purchase further states:

> It is said industry rates have been calculated according to claims experience, but many industry rates should decrease, rather than increase.
>
> It is intolerable knowing we are doing all the right things, only to be penalised by political processes.

Again, the VACC is saying that, not the opposition.

Again, in August, the Victorian Employers Chamber of Commerce and Industry is quoted as having said:

> In the past four months employers have been under siege, with a raft of changes to Workcover.

VECCI highlighted the 15 per cent increase due to common law, the extra 2 per cent as a result of the new tax system, and the changes in the way premiums are being calculated; and it claimed that there is a two-month delay in sending out premium notices. I was being generous to the government; the authority is saying there is only a one-month delay but VECCI is saying it is two months. VECCI also said that employers are being allowed only three weeks instead of three months to make up-front payments and receive a discount, and referred to the inability to check premium calculations before the deadline for payment. Businesses cannot even confirm what they have to pay before they have to pay it. VECCI also states:

> On their own, any of the above would be of serious concern to business, but the combined impact may well be devastating to many firms.

The industry groups are saying that the changes to Workcover are disastrous, catastrophic and a disgrace, and that they are politically motivated. They are being penalised by political processes that have nothing to do with running their own businesses.

I will also put on record some concerns of individual businesses to highlight the real impact the changes are having on the community, just in case the government has not understood or does not want to understand what the impact has been. The following quote comes from a small business in suburban Melbourne:

> Before we received the latest Workcover premium we were thinking of expanding our business and employing more apprentices and two supervisors to oversee our tiling gangs as there is not a shortage of work. But work is very competitive and we aren't able to increase our profit margin to sustain the rate increase for Workcover. Downsizing now seems to be the only profitable solution for us.

Small business in Melbourne is saying that in order to make a living in Victoria under the Bracks Labor government, it has to downsize and employ fewer people.

This is another quote from a small business in suburban Melbourne:

> I estimate that the percentage increase in premiums is around 45 per cent which has increased my premiums to a level which I believe will be impossible to pay. In fact, the increases completely absorb the tiny profit my little business produces. My decision to cease trading is almost completely due to the Workcover changes.
>
> My clients cannot and will not tolerate a further rate increase to cover these new charges. In light of this there is no further option available to me. The courier industry is a highly competitive market and an increase in rates will only reduce my client base and therefore destroy the viability of my work.

That sort of testimonial demonstrates the real impact that the Workcover changes are having on business people around Victoria. It pains me to read that sort of stuff, because as someone who comes from a small business background I know the blood, sweat and tears that families put into starting up and running businesses

on a day-to-day basis. It is not mickey mouse stuff; it is their livelihoods and their life's work.

As a result of arbitrary government action those people are losing their livelihoods, their dreams, and their ability to continue to provide for their own families, and they are being put on the scrap heap. They are real examples, not make-believe, and they are not part of some game being played in a conference room in Hobart. Where was the Minister for Small Business? She was in the conference room in Hobart worrying about whether she got elected to the national executive of the ALP and worrying about her petty politics but not about the people whose businesses are shutting down, whose kids have to be pulled out of schools, and whose mortgages will not be paid.

That is the real environment, Minister Gould, in which real Victorians live. They are not running around in flash cars. If you want to drive around in flash cars, you had better make sure you govern for the people of Victoria and not for your sectional interests in the trade union movement.

The government has tried to justify those increases to the people and the employers of Victoria who are crying out for relief. The government has tried to say to them, 'There is a reason why we are doing this, and a large part of the reason is that we want to return the Workcover scheme back to full funding. We have set a goal of having full funding within three years'. It is in the Workcover pamphlet, and I know it is current because I downloaded it onto my computer last night to make sure. That section of the pamphlet under the heading 'Why your premium has changed' states:

> Changes in benefits, including the restoration of common law, plus the government's commitment to full funding within three years, has meant an increase in the average premium …

Hon. B. C. Boardman interjected.

Hon. P. A. KATSAMBANIS — We will get there, Mr Boardman. We will expose those people to the people of Victoria for the sham that they are. The Workcover authority has been politicised by the government, and unfortunately the authority has to carry the can by putting out the pamphlet saying, 'It is the government's commitment to full funding within three years that has blown out the costs of Workcover'.

Premier Bracks went on the 3AW Neil Mitchell program on 2 August and trotted out that same line. He said, 'Mr Mitchell, I tell you that we want a fully funded scheme within three years, so we have to wear some increases'.

The next day the Minister for Workcover went on the program because the issue would not go away. Minister Cameron said, 'Yes, Mr Mitchell, we need a fully funded scheme and that is why we had to increase premiums. We aim to have the scheme in full funding within three years'.

That is a blatant lie. There was no need to change premiums to fully fund the scheme. Who says so? It is not the business community of Victoria or the opposition who says so, it is on the say-so of the working party that the government established, which brought down a report in February of this year, *Report of the Working Party on Restoration of Access to Common-Law Damages for Seriously Injured Workers*. The working party examined the scheme in existence at the time, and said quite clearly on page 28 of its report:

> The VWA's actuary projects that at current scheme cost and premium rates the scheme will regain full funding by February 2001.

There was no need to adjust premiums in any way under the current scheme costs and premium rates that had been set during the Liberal–National party government, which slightly increased the cost of the Workcover scheme from 1.8 to 1.9 per cent to make sure the scheme returned to full funding. The current government's working party said, 'If you leave things alone and do not increase premiums in any way, the scheme will be in full funding just after the middle of the current financial year'. Yet the Premier and the Minister for Workcover are out there saying, 'We have jacked up the costs and we hope to have the scheme back in full funding within three years'. That is blatantly taking the people of Victoria for granted. It is a bold-faced unashamed lie that the government has come up with to justify the unjustifiable.

There was no need to increase premiums to make it a fully funded scheme. The only reason that the scheme has blown out and will not be fully funded by February 2001 is the government's legislative amendments to the Workcover scheme that were passed in this place on 24 May. The more the minister and the Premier peddle the lie that the premiums had to be increased because of the need to return it to a fully funded scheme within three years the less believable they become on other aspects of their attempts to justify the increases. That has been rebutted by their own working party and exposed as an unashamed lie. They should apologise to the people of Victoria rather than taking the line being put forward in the Victorian Workcover Authority pamphlets and on the web site.

That is one way the government attempted to justify the increases. When that was exposed it blamed employers.

It said, 'Well, premiums are partly on the industry rate and partly on the employers' experience, and if you have a bad claims history, it being an insurance scheme, you have to go with it. It is like a car insurance scheme, and if one is a bad driver one has to wear the fact that one is a bad driver and pay the higher premiums'.

Employer after employer has written to me, my colleagues and National Party members that they have had no Workcover claims, have a perfect history, have done everything right and have implemented all the safety regimes under the act, yet they have been slugged with increases of 60, 70, 80, 90 or 100 per cent. It is not their claims history or experience in the individual workplace that is responsible, it is the government, which is not prepared to tell us the truth and is hiding. The government has been exposed — this is a lie.

What has the government done to justify the increases? It has said, 'Well, if employers have not advised us of any changes to the payroll from last year to this year we are automatically increasing premiums by 20 per cent to take into account the incidence of salary and superannuation increases'. How did the government arrive at the 20 per cent figure? Is it estimating a 20 per cent increase in net wages and salaries across Victoria this financial year? That is not what is in the budget papers. The government estimates there will be an increase of 3 per cent in salaries in the public sector and we all know that superannuation increased by 1 per cent on 1 July. Three per cent plus 1 per cent equals 4 per cent, not 20 per cent. How did the government come up with the notion of assessing employers at an arbitrary rate of 20 per cent more than the previous year? It is a smokescreen aimed at bringing more revenue into the scheme to fund the unfunded liabilities that will result from the reintroduction of common-law rights.

There is no objective basis for using a figure of 20 per cent to increase payroll assessments. When employers asked the government, 'On what basis did you do this, and how do we change it because our payroll has not changed?', the government said, 'Contact your Workcover agency. Fill out the forms and go through the red tape'. Most small business people want to spend their time growing their businesses. Small business people want to spend any spare time with their families and friends, especially as many of them work seven days a week and do not have a lot of time. But the government said to them, 'We are going to make an arbitrary decision and slug you 20 per cent extra' — on no objective basis — 'and if you have a problem with that go out and do your homework and pay for an accountant to come up with the figures to disprove it'. The government has put the onus of proof on individual small business people. What a great way to run this state — slug businesses 20 per cent and say, 'Well if you don't like it, you prove to us that you should not have to pay the extra'.

The government has no basis for such unjustified increases. It is an excuse to increase premiums to ensure the costs of the scheme do not blow out and there are no unfunded liabilities. The government cannot hide because Victorian employers from VECCI and the VACC to small businesses in my province and the provinces of other honourable members have said that this is not good enough.

If the government said there was to be a 17 per cent increase, that is the increase one would expect. If the increases are greater than 17 per cent the government must divulge its research and the costings on which the increases are based. It must divulge its research and costings on each industry rate that has risen by more than 17 per cent and justify it. The people of Victoria want to take governments at their word. In the recent past they have taken the previous Victorian government at its word. They may not have always agreed with its direction, but there was certainty. They knew 17 per cent would equal 17 per cent and 1 per cent would equal 1 per cent, and that 17 per cent would not equal 50, 60, 70, 100 or 200 per cent.

Unless the government produces its research and costings for these unjustified increases the government will not be able to look the people of Victoria in the eye. It is incumbent on the government today to table its research and costings in this place. They must be available, and if they are not it should say so. That would once again expose the government as having no rational basis for arbitrarily increasing premiums to ensure there is no new black hole as a result of its common law changes.

Employers and the people of Victoria do not believe the government. Only full disclosure will suffice to get the government out of the mess it is in. Once it has made that full disclosure it has to get on with providing real relief. It is not good enough to provide costings and say, 'Here they are. Sorry, they did not come to 17 per cent, they came to some other figure'. If that is what the government comes up with, once again it will expose itself as having lied to the people of Victoria and having misled this house. The government introduced changes to the accident compensation scheme and asserted that the changes would lead to a 15 per cent increase in premiums.

Then there was the other 2 per cent — the non-GST impact of the new tax system — so it came to 17 per

cent. That was fully understood: that is what the government explained, that is what it told us it would be and that is what businesses budgeted for.

Earlier I read comments from representatives of the Victorian Employers Chamber of Commerce and Industry; it said that businesses need to budget before the end of the financial year but assessments were not sent to businesses before the end of the financial year for the first time in a long time, probably in the history of the authority. I have asked around and employers cannot remember the last time they got their premium notices after the end of the financial year. Employers were slugged with these unacceptably high premium increases that they clearly were not expecting and had not budgeted for. In many cases employers will have to borrow in order to pay the increases so it is a double whammy; not only is it an increase in employers' premiums but it is also an increase in their borrowings and the interest rates they pay, which means there is less ability for them to run a profitable business and employ people. Unfortunately we are getting into that vicious cycle of increased government costs leading to the closure of small businesses and a reduction in jobs.

This government needs to totally re-examine the premium assessments and to ensure that business gets real relief. What has the government done so far? At the start Bob Cameron, the Minister for Workcover in the other place, denied there was anything wrong; he said there was nothing wrong. Premier Bracks was also in denial mode until VECCI called a crisis meeting of all Victorian employers for 9 August. Minister Cameron went into a panic and did not know what to do. The Premier understood the political cost and sidelined his minister and went to VECCI himself. The Premier was forced to step in and try to buy some time, and that is all he did — he reached an agreement with VECCI to delay the meeting of employers set down for 9 August. However, the Premier did not offer any solutions whatsoever; he just bought a little bit of time to take the political heat off. Three weeks later we are still waiting for real relief.

On 16 August the Victorian Workcover Authority released details of new payment dates for Workcover premiums. This was meant to be part of the raft of relief. The government trumpeted the fact that under the new arrangements employers would be able to claim their 5 per cent discount if they paid their Workcover premiums in full by 25 August — a whole extra week was provided for payment. Employers received their premium notices two months late and they were not able to budget effectively for the increases, which were many times more than the government had promised, and then they were given a whole extra week to pay and obtain the standard 5 per cent discount. Is that relief? No, it is not. There was no reduction in premiums, no explanation for the unacceptably high increases, just one extra week for payment. Workcover has also adjusted a few other dates by a month for later payment.

Importantly enough, the chief executive of Workcover, Bill Mountford, gave employers a warning. He stated:

> They should remember that there are still penalties for late payment.

This is what this authority and the government are about — further slugging employers and not providing them with relief. There has been no adjustment to the premiums for individual employers and no adjustment to the industry rates.

Of course, as I said earlier, there has been no explanation of why they are so unacceptably high and so much higher than the government promised employers. It is time the government stopped blaming others. It is time it stopped using this tired, shameful lie about full funding of the scheme, because that has been exposed as a lie not just by the opposition and employers but also by the government's own working party on the restoration of common-law rights. Premiums did not need to be adjusted for the scheme to be fully funded: that had been totally taken care of and the actuarial calculations and the report of the working party indicate that that would have been done.

The government needs to stop blaming the victims. The employers are the victims of these unnecessary and unjustified increases in premiums, of this terrible slug to their profitability and their ability to grow their businesses and provide employment for Victorians. They are the victims of this totally unjustified slug. It is not their fault and the government should stop blaming the victims. The government needs to act. It must recalculate the premiums in order to reduce the costs it has imposed on business and it needs to ensure by full disclosure and a commitment to recalculation of any anomalies that its claimed increase of 17 per cent is the real increase. That is the increase the government originally flagged. Given what we have seen — 30, 40, 50, 60, 80, 100 and 200 per cent increases in Workcover premiums — the employers of this state do not believe that the total premium increase is 17 per cent. Where are the costings and where is the research to back those costings up? If upon providing the research and the costings it is proven that the slug is higher than 17 per cent, the government must act to reduce the slug. It must act to be faithful to its word on 17 per cent.

If the government needs to introduce legislative changes to pare back some of the previous changes, so be it. The government will once again be exposed as having not understood the real implications of the 24 May 2000 changes to the legislation it brought upon Victoria. From the Liberal Party's perspective we have always said that we want to see a scheme that is fair to employers and employees and that ensures competitive premiums. If this government admits its mistakes and comes back into this place and says it needs some legislative change to ensure that the scheme stays fair and we have competitive premiums and it can justify that, I am sure it will find that we would be amenable to changes to reduce the slug which the government has imposed on Victorian employers.

If members think this is an attack on employees they should think again because we have always been about a scheme that is fair to both employers and employees. If members really want to support employees, they will support the growth of business to ensure that employees have jobs to go to every day. That is the one thing the government always forgets. However, the public of Victoria knows that. Over the past decade we have seen a complete shift from an us-and-them attitude between employers and employees to one of employers and employees working together, because workers in Victoria know that by growing the businesses they work for they grow their own ability to have a stake in their future. Only by growing the enterprises they work for can they guarantee successful employment for themselves and support for their families in the future.

The government must stop hiding and lying. It must stop blaming the victims of its policies and start acting. It has been a do-nothing government: it has wanted everything to go away. Again with Workcover, when the heat is on, the government runs for cover. Ministers hide in their cars and in their offices. In the case of Minister Gould, she probably runs between her many offices, but the government does not act to provide the leadership and the support the public of Victoria is crying out for.

It is time for the Minister assisting the Minister for Workcover to tell us how she has assisted business in Victoria when it is crying out for assistance. The Minister for Workcover is crying out for assistance, too, but I am not sure how he can be helped. At the end of the day I do not care about how he can be helped; I care about how the Minister assisting the Minister for Workcover can assist the employers of Victoria to continue to run their businesses and not suffer the imposition of unnecessarily high and unexplained premium increases.

The Minister for Small Business can take the opportunity today to tell the house what she has done on behalf of the small business community of Victoria to support it and advocate for decreases in the unacceptably high premiums for all small businesses. Where has the minister been? Where is she now? What is she doing? Is she on ALP national executive business? She should be attending to small business; she should be doing what she has been sworn in to do as a minister of the Crown and as a minister of this state. The Minister for Small Business should be supporting the small businesses in Victoria that have copped unacceptably high premium increases.

Today the government has demonstrated that it has little idea of what it is doing with Workcover. It is totally incompetent and has allowed legislative changes to run amok within the system in the few short months since their introduction. Who is paying for the government's blustering, bungling, incompetence and inability to act? The people of Victoria are paying. The businesses, employers and workers are paying because their employment and livelihoods are threatened. Business confidence in Victoria is continuing to decline.

The government must publish all the research and costings on which the unacceptably high and ill-founded premium increases were based. It is not good enough to bandy around a figure of 17 per cent when it is quite clear that most employers are paying much more than 17 per cent. The government must fully disclose the premium increases. Then it will be incumbent on it to re-examine them and deliver real relief to Victorian employers and ensure that the premium increases are brought back into line with the 17 per cent commitment given in the house.

If the government does not do so, the three-card trick it has tried to pull on the people of Victoria will be exposed. The government will once again be exposed for governing for only small sectional interests of its mates in the trade union movement and the Labor lawyers at the expense of the public of Victoria.

Hon. M. M. GOULD (Minister for Industrial Relations) — I oppose the motion. The Bracks government went to the last state election with a clear commitment and promise to reintroduce common-law rights for seriously injured workers. That commitment was taken to the Victorian electorate, and that is why we are on this side of the house and opposition members are on the other side. The promise was not, as the Honourable Peter Katsambanis tried to imply, only for trade union officials — it was for all Victorian workers. The promise was to reimpose common-law

rights for seriously injured workers, and the Bracks government does not walk away from that. It was committed to it and that is why when the bill was introduced — I acknowledge it was a complicated bill — it was not opposed by the opposition because it knew that the government had to reintroduce common-law rights for seriously injured workers.

As a result of reintroducing those rights, premium adjustments were necessary. The government does not walk away from that. It never did and it still does not to this day. It was acknowledged that if that was the government's aim, premiums would have to increase to ensure the fund's viability because it is on such shaky ground.

Honourable members interjecting.

Hon. M. M. GOULD — It was because of the processes and conditions the former government put into the insurance scheme of the Victorian Workcover Authority.

If one looks at the way the insurance scheme works one notes it is an industry rating scheme. Did the Bracks government introduce that scheme? No. The former government introduced that scheme based on where the industry is and the number of claims from that industry. Each industry has its own ratings, and it is averaged out. Honourable members opposite spoke about the scheme's insurance premiums, which were established by them. If one looks at the operating loss for Workcover for the past four or five years — —

Hon. C. A. Furletti — They were the lowest premiums in Australia.

Hon. M. M. GOULD — This government inherited an operating loss of $158 million. Fortunately the Victorian Workcover Authority invested wisely. If it had not obtained decent returns on its investments the operating loss would have been in excess of $400 million. That is the scheme the Labor government inherited from the previous government.

The Victorian Workcover Authority is on shaky ground because of the previous government's mismanagement. If one examines the published ratings of the previous government one notes they were 1.9 per cent, but if the intention was to have the authority break even based on income from premiums and the payouts for injured workers, premiums would have been in the order of 2.6 per cent. That was the situation under the former government. Was the general public made aware of that? No. The former government said, 'We have one of the best schemes in the land because we took away the ability of seriously injured workers to claim against their employers for negligence'.

The Bracks government came to government on the clear promise that it would reintroduce common-law rights for seriously injured workers. Consequently adjustments to the premiums were necessary to cover that cost. Some employers have been confused about the calculation of the Workcover premiums this financial year. Part of that confusion results from a misunderstanding about the way employers need to put in their forms or the fact that they have not advised the Victorian Workcover Authority of their intended increases in wages bills.

The first point to make is that the government has given a commitment of a national premium rate of 15 per cent for the new benefit structure to ensure that the scheme returns to full funding and is maintained. The 2 per cent to cover the impact of the new tax scheme on those benefits is acknowledged. The government does not walk away from that. In addition, a 10 per cent GST has been imposed, which employers will be able to claim back through their input tax credit. That is clear. However, for the vast majority of companies, and for all small businesses, the changes to their individual premium rates before those extra charges are added are capped at 20 per cent, depending on their own claims experience.

Hon. C. A. Furletti — How can you have a cap that is dependent on something?

Hon. M. M. GOULD — It is based on the claims experience for each industry. As I said, the coalition introduced an industry rating scheme. The premium rate is capped at 20 per cent. Therefore the confusion about the premium calculation has arisen for two reasons. The first is that some people have assumed that the 17 per cent, or the 27 per cent when you add the GST increase, was applied on last year's premium. So, the confusion arose because they thought it was applied on last year's premium rather than on this year's premium, and that calculation would ignore the impact of the changes that have occurred in the workplace. A small company might employ two people. If it puts on another person, that is a 50 per cent increase in the salary bill, so the premium is a percentage of that. There is a capping on that, and that has an impact.

The second reason for the confusion is that some people have not taken into account the changes in remuneration. As I said, they have not taken into account the cost of this year and they have not taken into account the cost of increases in respect of their

wages bills or increases in superannuation over the forthcoming 12 months.

Earlier this year the government provided to employers two opportunities to give advice on their estimates for their wages increases, or what their wages bills would be for the next financial year. They have been given that opportunity. Unfortunately, a large number have not done so — something like 40 per cent, or slightly less than 80 000 employers, did not take up that opportunity to do their calculations of their estimates for the forthcoming year.

A Government Member — Why do you think that might be?

Hon. M. M. GOULD — Why do I think that might be? They are more concerned about how they are going to run their businesses with the introduction by the federal coalition of the GST.

Hon. C. A. Furletti interjected.

The ACTING PRESIDENT (Hon. P. R. Hall) — Order! Mr Furletti will have his opportunity in a very short time. I suggest he might like to save his voice until that opportunity arises. I ask the house to settle down, allow the minister to make her comments and allow Hansard to record the debate accurately.

Hon. M. M. GOULD — In circumstances where the Victorian Workcover Authority has assumed that payrolls will increase by 20 per cent, that has occurred because the companies involved have not put in their forward estimates for the forthcoming year. The figure is based on broad assumptions about wage movements and the economic employment basis, which has been the case in the past. It is not new for the Victorian Workcover Authority to make such assumptions. Employers were given an opportunity on two occasions to correct those assumptions — and a further opportunity. If they do not put in their estimates, there is an assumption of a 20 per cent increase.

As I said, about 40 per cent of businesses, or slightly less than 80 000, did not put in their forward estimates. The overall impact of that is that about 30 per cent of employers received a reduction or no increase in their premium rate, even after taking into account the 17 per cent. So, there was no increase or reduction on about 30 per cent of the premium rates; 67 per cent received increases of 40 per cent or less; and about 2 per cent — 5000 companies out of an approximate total of 204 000 employers — received an increase in their premium rates in excess of about 40 per cent.

I acknowledge that there is frustration among some of the small employers whose premiums have been increased as a result of the increases in their industry ratings, but I keep coming back to the fact that it is an industry rating system. That was what was in place, and even though they may not as individual companies have had claims before the Victorian Workcover Authority, the fact that a company in the same industry has had a claim before the authority would adjust that industry rating, just as it did in the past. It is an industry rating scheme, and that is the nature of it. It is similar to people's house insurance premiums — the rating varies depending on where they live. If they have a higher risk of break-ins their insurance premiums will be greater than those of people in other areas. The Workcover premium is calculated on each industry and on the performance within each industry.

Concerns have also been expressed about the premium increases for compatible organisations. As honourable members would appreciate, Workcover is required by law to ensure that all employees are covered by their Workcover premiums, so even a charitable organisation has to be covered. It has to pay its premiums, as does any other employer. If charitable organisations were exempted other industries would have to subsidise their claims. Understanding that charitable organisations employ people — and some charitable organisations employ a large number of workers — it would be inappropriate to exempt them from paying premiums.

What has to occur is an improvement to the working conditions of all Victorians no matter what industry they are in, be it a charity, a factory, a hospital, a school or the local milk bar down the road. If injuries are occurring the government has to eliminate them, but it also has to ensure that workers are covered and protected by an appropriate insurance scheme through the Victorian Workcover Authority and that industries pay the appropriate premiums based on the industry rating — on the claims that occur within that industry.

That is the rating scheme that was introduced and put in place by the previous government. I cannot get that through the heads of members opposite. It is their scheme. They introduced it; they put the rating — —

Hon. A. P. Olexander — I raise a point of order, Mr Acting President, relating to repetition. The minister has on no fewer than six occasions referred to the rating scheme in exactly the same context as she is now referring to it. I suggest the minister is being repetitive, and that you should call her to order and ask her to move on with the remainder of her argument.

The ACTING PRESIDENT (Hon. P. R. Hall) — Order! The minister has been speaking for 16 minutes, and obviously the issue of experience rating is an important part of her contribution. I take on board the reminder by Mr Olexander that I should look out for repetition in the minister's comments. Although I do not uphold the point of order on this occasion, I thank him for bringing the issue to my attention and I will watch for it.

Hon. M. M. GOULD — Thank you, Mr Acting President. The industry rating scheme issue is of concern and of relevance to the motion before the house because the premiums are calculated on industry performance — the performance of companies within the area. I was referring to concerns raised by charitable organisations about whether they ought to be exempt. It would be inappropriate to do that, because it would discourage them from making the appropriate changes that may be required within their workplaces to prevent injuries from happening. The motion before the house relates to the issue of increases to Workcover premiums. It should be understood that Workcover premiums are the result of the industry rating scheme.

The government acknowledges that there are some concerns and problems with the way the scheme has operated in the past. That is why the government has asked the Victorian Workcover Authority to conduct a review of the premium system, because concerns have been raised — and there have been those concerns before. But employers and all Victorians must understand that there is no magic solution to this. Honourable members who have contributed for hours and hours to Workcover debates in this house in the past understand the complex issues of Workcover. In reviewing the system to try to make it fairer and better so that there will not be winners and losers, the only way to achieve a sustainable outcome — a win–win for all — is to improve the safety performance of companies. That is what it is all about. If there was a perfect safety record across Victoria we would not have had to reintroduce common-law provisions for seriously injured workers.

Mr Katsambanis asked how the costings come about, and Mr Olexander pulled me up for my repetition of the point that industry rating is the basis. But that is how it comes about. The Workcover authority looks at what the industries are, company by company, and considers their records and number of claims. If honourable members opposite think the government will release to them every single employer's claim in Victoria, I have news for them: it is not going to do it! I am sure that all employers in the honourable member's electorate would also not want their claim forms made available to him.

Hon. P. A. Katsambanis — Release it to the employers.

Hon. M. M. GOULD — All employers know what their claims are, Mr Katsambanis. If you think this government is going to breach that confidentiality, I have got news for you: it is not. But it will continue to look after seriously injured workers in Victoria. It will work with employers to help improve the safety of their workplaces so that workers do not get injured. It has spoken to and will continue to talk to businesses in Victoria about the premiums they have incurred because of their health and safety experience within the industry. And it will continue to look after employers and assist them in any way it can to reduce accidents within the workplace.

The Workcover authority has sent out extensive information to employers about their premiums, about the remuneration, and about who they need to ring to ensure that they are advised of their correct premiums. They should understand that over 40 per cent of companies did not put in their estimates for the forthcoming year. It was for that reason the deemed increase occurred, which was the operation and practice of the Workcover authority under the previous government. This government acknowledges that that is wrong and that it needs to be looked at, and it is for that reason it is undertaking a review.

I strongly oppose the motion moved by the Honourable Peter Katsambanis and support the government's position on reintroducing common-law rights for seriously injured workers, and on working through with employers their concerns about their premiums and assisting them in ensuring that they complete the forms on time so they can be appropriately assessed. The government will continue to work with employers, assist seriously injured workers, and prevent accidents in this state.

Hon. W. R. BAXTER (North Eastern) — What a shameful contribution from the minister in response to the motion.

An Honourable Member — No substance.

Hon. W. R. BAXTER — It had no substance and no acknowledgment whatsoever that small businesses in this state are in diabolical trouble because of the horrendous increases in the Workcover premiums imposed on them by this government.

Honourable members interjecting.

Hon. W. R. BAXTER — Time and again the minister has given a clear indication of her background in the trade union movement, where she has been accustomed to dealing only with large companies. She knows nothing about the myriad small businesses in my electorate and others because she referred ad nauseam to companies doing this and companies doing that. She made no acknowledgment at all that the great mass of employment in this state is in microbusinesses, as referred to by the Honourable Peter Katsambanis. This minister in particular has ideological blinkers and sees only that it is big capital versus big unions. That is the world she moves in; that is the world she inhabits. She has no understanding that in the strip shopping centres in the suburbs and in the country towns that Mrs Powell and I and others in this house represent there are employers with two and three people working for them who have been absolutely assailed by the bills they have received.

The minister had the gall to quote some figures she has been given by some magician who has been misusing the statistics that only 2 per cent of employers have received an increase beyond 40 per cent. Putting aside for a moment their undertakings that the increases would be limited to 17 per cent, she has now upped it to there being increases of beyond 40 per cent for only 2 per cent. As I said by interjection, the whole 2 per cent must be in my electorate, because the numbers I have received are overwhelming; far more than 2 per cent of such employers are in my electorate. The statistics that are so often used in this house are used rather like a drunk uses a light pole — more as a means of support than a source of illumination.

That is exactly what the minister has attempted to obfuscate in the debate this morning. The government has given no apology or acknowledgment that it understands the problems faced by some businesses who have copped horrendous increases, for whatever reason. The government has not said that it will look at it and have another go at it. It is to set up another committee — I think this will be no. 227 — to look at premiums but no indication has been given about its terms of reference, when it will report or who will be on the committee. Will it include anyone from the business sector or will it be another trade union cosy-up? There will be yet another reason to jack up the premiums.

The minister, who is sworn in as the Minister assisting the Minister for Workcover, should be ashamed of her contribution this morning to the excellent opening by Mr Katsambanis, which exhibited passion and facts that required a response from the government. Did we get it? No, not at all. In the future Workcover will be seen as the beginning of the demise of the Bracks government.

When in opposition, and ad nauseam since, Labor has talked endlessly about open and accountable government and being honest with the people of Victoria. Let us examine the record. Labor went to the recent election saying it would reintroduce common-law rights in the Workcover system. It is the government now and has put that election pledge into practice. The Liberal Party and the National Party did not oppose the legislation on the floor of the chamber. Why would we? If the mandate theory means anything — and I do not subscribe much to the mandate theory — clearly the government had the authority of the electors to reintroduce common-law rights, notwithstanding that the public had largely been misled about it all.

In fact, the previous government put in a system where all injured workers were the recipients of fair and just compensation, not just those with negligent employers who went to court with a barrister who was the best on the day and in some sort of Tattslotto-like system received an award. The previous government got away from that for good and proper reasons and introduced a system that compensated all seriously injured employees, regardless of fault. People were misled by the then Labor opposition about rights being removed and common-law rights being restored. We will wait to see how it will work. From my investigation and examination of the legislation I believe the government has set the hurdle so high that few people will get through the gate. We will wait to see.

The government said the changes would put premiums up by about 15 per cent, and people accepted that. Employers did not like it but knew they would have to wear it. What happened? I got a bit of a tip-off that the premium increases would be vastly more than 15 per cent or 17 per cent. I put out a press statement on 20 July headed ‘Employers: brace for a costly shock’. I indicated that when the premium notices started going out that day they would include increases of more than 35 per cent. Oddly enough, that press release received virtually no coverage because people believed the government. They believed the government when it said that the increases would be around the 15 per cent and 17 per cent margin. However, what happened when they opened their mail?

Hon. D. McL. Davis — They got a costly shock.

Hon. W. R. BAXTER — They did get a costly shock and all hell broke loose. Employer after employer rang up talkback radio — Mr Mitchell on 3AW, and

ABC regional radio — and quoted their premium notices. My claims had been all too modest. I talked about increases of up to 35 per cent. In fact, people were getting premium increases of 80 per cent, 90 per cent, and in some cases almost 200 per cent.

What did we hear from the minister about that today? She said they were not talking about 15 per cent on last year's premiums, but were talking about 15 per cent on premiums this year. That is a new concept in arithmetic. Will we apply that sort of rationalisation and mathematics to every increase? It is not what you are paying and not what you are getting this year, but it will be calculated some time in the future on some figure that you cannot possibly be aware of or calculate yourself.

That is why I say this is the beginning of the undoing of the government, because Victorians will not accept that sort of magic pudding stuff. They will not accept being led along with those sorts of equations. They will come to understand that they have been conned by the government. Victorians do not like being conned by any government, and certainly not by a government in which they placed their trust at the last election because the Labor Party made such a thing about open and accountable government. This is the first exposé of its definition of open and accountable government — that is, 'We will fudge. We will amend, adjust and arrange the statistics in any way we can to make us look good. We will go out and sell that and we will con the people'.

Hon. A. P. Olexander interjected.

Hon. W. R. BAXTER — As Mr Olexander interjects, hell hath no fury greater than those who are misled in that way.

I refer to some other things that people were saying when the government was talking about the increase being from 1.9 per cent to 2.1 per cent of payroll. Among others, I made the point at the time that averages are capable of being misleading. It turned out to be exceptionally misleading for country Victoria because many businesses in country Victoria are the high-risk industries that were already on high premium ratings. An apparently small increase to an average rate multiplies to a large increase for a country industry. I refer to some rates for a comparison with the average rate: potato growing, 4.78 per cent; cereal grains, 5.78 per cent; combined sheep with cereal grains, 7 per cent; sheep with meat cattle, 7 per cent; logging, 7 per cent; rock lobster fishing, 5.78 per cent, and so on. The premium calculation for many industries located in country Victoria was already a fairly high percentage of their payrolls, so any sort of increase would be multiplied even more for them. That is exactly what has happened.

I refer back to 1996 because it is often instructive to look at history and from whence we came. I refer to a statement made on 5 June 1996 by the Honourable Roger Hallam, then Minister for Workcover — a member of this house who deserves great credit for restoring the system of workers compensation in this state to some semblance of sanity and reality. Mr Hallam states:

> The major reform of Victoria's workers compensation system, beginning in December 1992, has resulted in a dramatic improvement in performance. That improvement is exemplified by the elimination of a $2100 million unfunded liability, reduced incidence of claims, improved return-to-work rates and higher benefits for injured workers, and an annual premium saving to Victorian employers of about $500 million.

That is the truth. A $2-billion black hole which was expanding rapidly but which was turned around to the extent that Victorian employers were saved $500 million a year in premiums. We are going backwards; we have done a U-turn; we are on the slippery slope again. Victoria is heading in the wrong direction. The increased premiums are sending shock waves throughout Victoria.

I am amazed that the Minister for Industrial Relations has the gall and the hypocrisy to allege as she did today and as the Premier and the Minister for Workcover have done on radio that the system was in some diabolical financial trouble when the Labor government came to office. Compare that system with the $2-billion black hole that emerged when the Kirner government fortunately met its inglorious end in 1992, with the short-term deficit at a particular date of about $200 million — a deficit which the government's report, as explained by Mr Katsambanis, states will be rectified by early next year in any event.

The government is misusing statistics to suit itself. Anyone with an understanding of an insurance system knows that actuarial predictions and forecasts are at best an inexact science and from time to time there will be dips and peaks from the norm, but the system is geared to cater for that. The government's own committee noted that the short-term dip would iron itself out by February next year. Yet the Minister for Industrial Relations has the gall to say that somehow the system was out of financial control. It is another example of how the government is prepared to lie to the people of Victoria.

I note that after the employers received their premium notices all hell broke loose. The Victorian Employers Chamber of Commerce and Industry called an emergency meeting, the Minister for Workcover in another place was babbling on radio blaming employers and taking no responsibility for the increases, and the Premier came riding in on his steed, sidelining his minister and pushing him out of the way because he perceived it was a political hot potato. He met with VECCI and bought some time.

As Mr Katsambanis said, employers were given another month to pay their premiums and still get the discount. I know one employer who paid that day and missed out on getting the extra few days grace. That does not matter, however, because it was a pathetic effort to delay the inevitable. The Premier said the quarterly payment system would not start for a further month. Big deal. The premium notices were up to two months late, but the premium increases were going through the roof and people were screaming their heads off, so the Premier instructed the Victorian Workcover Authority to give a modest extension of time to pay.

Mr Katsambanis alluded to an issue I could not help noticing. The response of the government to this outcry was to threaten to hit employers with a big stick. A notice at the bottom of an advertisement about the Workcover premiums clearly states that if employers do not pay on time penalty rates will apply. The advertisement states that employers should take note of the new schedule and ensure payments are made on time. Penalties apply for late payment.

I do not suggest employers should make late payments, but I note the advertisement because it indicates the government's lack of empathy with employers who have difficulty in meeting the additional costs they were led to believe would be modest but now find are huge. The government did not say, 'We are here to help you work through this'. It said it will hit them with a big stick if they do not pay on time.

I shall give some examples of the horrendous increases in Workcover premiums. The Minister for Industrial Relations said there were not too many substantial increases, but I have selected just a few examples that are by no means exhaustive. A baker in the electorate of Benalla, who I have no doubt has informed the honourable member for Benalla in the other place of his increase, had his premium increased from $22 000 to $32 000 — an increase of 87.75 per cent. This is not one of the companies the minister was talking about; it is a baker in a small country town who employs three or four young women who would otherwise have difficulty finding employment.

A florist in my electorate who employs probably one or two people has had his premium doubled. A fisherman in Mr Hall's electorate has had his premium increased from $14 000 to nearly $23 000 this year! The business supports 10 families and the boat is currently out of commission because it was hit by a big wave while crossing a sandbar, so there is no cash flow. The employer is such a genuine citizen that he has carefully kept his books from 1954, which predates the present scheme by a long way. They show that he has had two very modest claims. In 46 years this employer has had two modest claims, yet his premiums have increased from $14 000 to nearly $23 000! This person says he has nowhere to go. The bank is not going to advance that sort of extra money while the boat is out of commission. The boat will be back in operation soon, but this is a case for which the minister exhibits absolutely no sympathy.

Hon. P. R. Hall interjected.

Hon. W. R. BAXTER — Mr Hall informs me that the employer is trying to arrange monthly payments, and to show his good faith he has paid $1900 as an initial payment. It shows the genuineness of this person and his willingness to do the right thing. He is not getting any sympathy from this government.

A monumental mason with six full-time employees and three casuals who has never had a claim in his business has had his premium almost doubled.

Another example from the Gippsland area is a manufacturer of concrete products who has made no claims in 10 years but whose premium has increased by 87.5 per cent. Can that manufacturer get any explanation of why that would be so? No.

A further example is a bus proprietor whose premium has also gone through the roof. The bus proprietor in north-eastern Victoria states:

> The Victorian Workcover Authority, only six weeks ago, sent out a brochure titled 'Why your premium has changed', showing how the premium is calculated and what the increases would be and the reasons for same. It was stated in this brochure that the average premium increases would be 15 per cent and the additional GST costs would be 12 per cent — a total of 27 per cent.

The experience of that bus proprietor has been that his premium increased by 51.25 per cent! He says the effect on his small business is extreme and that he cannot continue to absorb enormous cost increases of that magnitude. He strongly believes the increase is unreasonable and unacceptable. He makes the following point:

> We have never had a Workcover claim and believe that businesses that 'do the right thing' should be duly rewarded.

I agree with his contention, Mr Acting President. I know the premium is calculated on an industry rating system and that the experience of other businesses in an industry must be taken into account. That is how insurance works — we all know that. However, there has been far too little consideration given by the government to those businesses that have very good safety records and whose confidence is being severely undermined by the government's attitude.

A further example is a pharmacist with two pharmacies in the electorate of Seymour. He is another small employer with an almost claim-free claims history. His premiums have gone up by 60 per cent, and he is also very concerned about the situation.

Both the Minister for Industrial Relations and Mr Katsambanis referred to charitable organisations. The other day Mrs Powell and I met with a charitable organisation in the Goulburn Valley. That organisation informed us that its Workcover premium has increased by 70 or 80 per cent and that it wonders, as a voluntary body with some government funding, how it will meet that increase.

Consider the bush nursing hospitals in North Eastern Province at Chiltern, Walwa and Yackandandah. They are small services struggling to survive, and each has copped a Workcover premium increase of 50 or 60 per cent. I ask the minister again: how can she claim that those big increases apply only to 2 per cent of employers when I have such a catalogue of examples to the contrary? I have given just a sample of increases largely from my own area that have been well above 40 per cent, which the minister now seems to be accepting as a reasonable benchmark rather than 17 per cent with which the government went to the people and told them it would be.

We as members of Parliament, but more particularly as Victorians, demand and deserve an explanation of how all these increases have come about. I support in particular subparagraph (i) of Mr Katsambanis' motion that the government:

> make public all research and costings on which the increases are based.

Mr Katsambanis did not, as the minister alleged, ask for claims histories of individual employers to be put on the front page of the newspapers. He asked for the formulas and calculations to be made public. That is the least the government owes the community of Victoria to demonstrate how the increases could possibly be right.

I believe Workcover and the government are endeavouring to build up a reserve — a piggy bank, if you like — because they know that now Labor is in government it cannot withstand and crack down on the rorts of the system that will begin when those in the know in the trade union movement get on the Workcover benefits gravy train. Victorians will see the same thing they saw under the Cain and Kirner governments, where those who could work the system, those who had the friendly medicos, those who dealt with the Labor lawyers and those who were prepared to spin a bit of a yarn got on the gravy train. One only had to go into any hotel around the place to hear a dozen stories of who was off work on Workcover benefits when nothing much appeared to be wrong with them. They could still go out and cut the firewood on weekends and the like.

The Victorian Workcover Authority and the government know that that will happen again, because they know Labor is beholden to the unions and is unable to crack down on those rorts. What are they doing about it? They are trying to build up a reserve so that the deficit that will be incurred by such rorting of the system will take longer to become apparent because there will be some fat in the system. I can find no other explanation for the huge increases not for just a few employers with poor safety records but for genuine employers, such as those cases Mr Katsambanis and I have raised in the house, employers who are conscious of operating a safe workplace yet are receiving huge premium increases in industries that are not known as having an unsafe record.

Unless the government can prove otherwise and act on the request of Mr Katsambanis, I am left with no alternative but to believe the government is attempting to build up fat in the system because it knows what is coming in the future. I call on the government to come clean.

Hon. G. W. JENNINGS (Melbourne) — I am happy to join this important debate on behalf of the government to discuss the significant issue of Workcover premiums and their impact upon small businesses and business generally within Victoria. It provides me with an opportunity to reiterate the intention of the government when it introduced through the Parliament reforms to the Workcover scheme to reintroduce access to common law by injured Victorian workers and to make a number of changes to statutory benefits in a way that did not disadvantage Victorian businesses compared with businesses around the

country. It is clearly not the intention of the government to introduce a scheme that does not meet the needs of both employers and employees and that plays a negative role in the economic viability of Victorian businesses.

I will start my contribution where I will end it and make it clear to the house that all Victorian businesses are welcome to seek out the derivation of their premium costing from the Victorian Workcover Authority. A significant undertaking was made by the Premier, the Minister for Workcover and the Minister for Small Business as recently as 14 August to invite all businesses in Victoria that are concerned about the calculation that underpins their Workcover premiums to contact the authority and seek out the formula and the method of calculation applied to determine those premiums.

If nothing else, this debate provides the opportunity for the government to again put on the public record its intent to ensure that these premiums are as transparent as is possible and that all Victorian businesses can take up the opportunity if they feel so inclined to gain an understanding of and confidence in the way their premiums have been calculated.

While acknowledging both the macro-economic and micro-economic impact of this issue on the Victorian economy and Victorian businesses, it is important to introduce a sense of proportion to this discussion that may not have been clear in the contributions to this debate of members of the opposition.

A range of increases that fall in the category of 17 per cent and above have been cited, and some extravagant examples of increases at the upper limit have been given. We are talking about an average 17 per cent impact on 1.9 per cent of payroll. There is no intent by the government not to acknowledge that in many instances increases above 17 per cent have occurred. It is appropriate for the government and the Victorian Workcover Authority to be called to account for why that has occurred.

To gain a sense of proportion it is important to understand that — this is based on figures provided to the government by the Victorian Workcover Authority — 70 per cent of Victorian businesses, mainly small businesses, with an annual payroll of up to $115 000 experienced an average premium increase of only $215 for the full year applying to an average premium of $780. And 17 per cent of employers — small businesses with an annual payroll between $115 000 and $315 000 — experienced an average premium rise of $856 for the full year with an average premium payable of $4280.

Obviously, in an environment where significant changes to the taxation regime have taken place with the introduction of the GST and Workcover premiums have been increased, there is understandable confusion in the minds of many small business people as they come to terms with both the administrative and compliance burden of those financial changes.

What we have witnessed with the introduction of the new Workcover premium regime and the GST is that there has been an added effect of the tax applying to the premium. There is a non-GST contribution of 2 per cent and a further full GST impact of 10 per cent. I remind honourable members that this applies to an average 2 per cent of payroll. That gives a sense of proportion that may not have been evident in contributions to the debate this morning. It is incumbent on all who enter this debate not to whip up an hysterical response but to try to deal with the matters in a considered fashion, as the Minister for Workcover attempted to do by introducing to this exercise a transparent process that led to the *Report of the Working Party on Restoration of Access to Common-Law Damages for Seriously Injured Workers* being tabled earlier this year. When the matter was first debated in the house there was clear recognition that the actuarial calculations that underpin the scheme and the ongoing financial viability depended upon premiums having differentials applying to industry sectors.

The Victorian scheme is expected to have an average premium of 2.18 per cent, which is by Australian standards at the lower end of the average premiums, but a differential applies across industry sectors.

Hon. C. A. Furletti — What is wrong with being the lowest?

Hon. G. W. JENNINGS — It is the second lowest. I am attempting to highlight the underpinning reasons why concern has been expressed in the business community about the application of premiums in different industry sectors. There is no simple explanation for the average rise. The government can provide macro figures for the average rise that applies across the whole of industry and macro figures that apply to each industry sector, but it would be inappropriate for the government to provide the information that is being sought by the opposition parties when the real impact upon individual employers is determined by their place in the industry sector premium that applies to them and their own claims experience.

Page 12 of the report outlines the various premiums that will apply to each industry sector. A range of premiums applies depending upon the claims experience in all businesses within the industry sectors. For example, in agriculture the average share of total premium is 2.8 per cent; in electricity, gas and water supply the average total premium is 0.7 per cent; and in the construction industry the average premium is 9.8 per cent.

Hon. C. A. Furletti — That is the only thing that changed from last year to this year.

Hon. G. W. JENNINGS — In the application of any percentage increase that applies to each industry sector there will be a quantum difference from one industry sector to another.

The government recognises that with the introduction of the premiums that have been applied this year there is a degree of uncertainty and confusion in Victorian workplaces because of late notification and, in the initial stages, a lack of clarity about the information and the notice provided to employers.

Since that issue came out in the public domain the government has taken many steps to ensure that that is not an ongoing situation. A range of important undertakings were made by the Premier, the Minister for Workcover and the Minister for Small Business to ensure that there is adequate explanation of how the system works.

In terms of the allegations made in the chamber this morning about the overall macrostructure of the fund and its ongoing liabilities, I remind the house that the board of Workcover, which provides advice to the government on how the scheme should be administered and on its ongoing structure and viability, has indicated to the government the various applications of premiums across industry sectors. It is the board's advice on which the government relies. I think that on reflection members of the house would not allege that the motivation of the board of the Victorian Workcover Authority is to accumulate vast resources, whether they be political, industrial or anything else. The responsibility of the board has been to provide the government with advice on what it believes is the best way to ensure the scheme's ongoing viability.

All honourable members would be aware of a report that has been tabled and referred to in the debate today. The report suggests that the scheme has the capacity to be fully funded within the next few years. That is shown within the report; but all members would also be aware that that was the intention and design of the fund for a number of years before that when clearly it was not fully funded. On the basis of the best actuarial advice available at the time the board advised the then government of what the premiums level should be to ensure that the scheme was fully funded, and it was very clear that the scheme fell short.

The board has considered and advised the government on the necessary structure of the scheme to ensure that it remains financially viable into the future, incorporating the important changes that passed through the house earlier in the year to restore common-law rights and a number of statutory benefits. On passage of that legislation it was clear that at the time the minister had succeeded in satisfying a number of competing priorities: restoring common-law rights and improving statutory benefits while at the same time demonstrating the ongoing financial viability of the scheme.

The motion could be interpreted to mean that the government should provide financial relief to the scheme. I would have thought that, given the design and nature of its insurance regime, all parties would assume that it was fully funded. Although some mechanisms are in place to cross-subsidise the scheme for the benefit of small business at the expense of larger businesses and some sort of community service obligation is implied in the way the scheme is currently structured, it would be a quantum leap for Parliament to suggest that the government should artificially prop up the scheme financially and intervene in an otherwise fully self-funded scheme.

That fully self-funded design is appropriate when we go back to first principles, because the nature of insurance schemes is that those who are liable should take responsibility for financially covering their operations. The government contends that beyond the scope of financial compensation its obligation in this exercise is to try to intervene in the workplace as much as possible to assist employers to reduce the incidence of workplace injury and illness.

The role of government is to ensure that the overall liability of the scheme is reduced over time and that the call on the accumulated funds of the scheme is reduced through a reduction in the number of claims being made against it. That is clearly the priority of this government in its active interventions in the operations of Workcover.

When it became apparent a couple of months ago that a number of employers had received premium increases far and above what they had expected they quite rightly made calls in the public domain for the Victorian Workcover Authority and the government to explain

those premiums. Appropriately, an active review was undertaken by the Minister for Workcover involving the Minister for Small Business and the Premier to explain in the first instance to representatives of business in Victoria why these premium adjustments had occurred and to explore whether there had been any inappropriate determination of premiums.

The largest pool of examples provided to the government at the time came from those employers who had been automatically put on a 20 per cent adjustment of their payroll. Accordingly, their premiums had been adjusted on the assumption that their payrolls had increased 20 per cent over the course of the year. On reflection, this was perhaps a somewhat draconian instrument applied by the authority as an in-built administrative mechanism to ensure that employers provided the appropriate information to the authority before their premiums were determined. The device was used as an administrative lever to get employers in the door so they would then provide the information upon which their premiums could be accurately determined. There was no attempt by the government or the authority to say that the 20 per cent figure was based on our expectation of the adjustment of payroll from one year to the next; it was used as an incentive for employers to provide information in a timely way to the authority before their premiums were set and distributed.

Hon. P. A. Katsambanis — So it is a penalty.

Hon. G. W. JENNINGS — The application of that premium is not a penalty because the government has made it extremely clear to employers and the community — I welcome the opportunity to clarify this yet again — that at the first instance of the employer providing Workcover with the appropriate level of payroll and the accurate figures, the premium will be immediately adjusted. That is the undertaking the government has very willingly entered into, and it will monitor the effect to ensure that the authority complies with that undertaking. If nothing else, that is a valuable contribution from the debate today. On the public record the government reminds all Victorian employers to take up that opportunity to contact the authority and clarify the size of their payrolls and to get that immediate adjustment to the premiums they will be charged.

I remind the house that the government will ensure that the Victorian Workcover Authority discloses to any employer who seeks it the formula or calculations applied to determine the level of the premiums. Debate this morning was predicated on the fact that the government will not provide that information and the authority will not be prepared to disclose those calculations to any individual employer who seeks it. I encourage honourable members, however, if they so wish, to seek information from the Minister for Workcover on the overall structure of the scheme and the costings that apply. They can be provided with an actuarial overview of how the scheme is currently working and how it intends to maintain its financial viability in the long term.

Clearly the government has given that undertaking. If anyone disputes the calculation of his or her premium or is concerned at its onerous nature, in the first instance the amount can be disputed. If the premium is based on an inaccurate calculation on the size of the payroll, there is an undertaking to immediately address that situation on receipt of the appropriate information. If an employer has difficulty complying with payment of the new premium, the Premier and the Minister for Workcover have given an undertaking that the schedule of payments can be adjusted accordingly to meet that financial exposure.

As was mentioned in the debate this morning, the date of payment for the annual premium has been extended from 7 October to 7 November. An extension has been granted to the discounted period from 17 to 25 August. An undertaking has been given that a review will take place in consultation with the small business sector and the Small Business Advisory Council about a relief package that may be available to small business. An undertaking was given on 14 August that a package would be announced within a month of that date to provide support for small businesses that may be having difficulty complying with the imposition of the new premium regime.

Significantly, the undertaking was announced during the passage of the legislation to review the premiums that apply in industry sectors on the basis of claims exposure of all businesses in Victoria, and the opportunity to provide discount rates within the scheme. The minister recognised that a review would take place, and in that review, as with the first review undertaken by the Minister for Workcover, there is a clear commitment for all relevant stakeholders to be involved, including small business and its representatives. The review will incorporate the needs and aspirations of the business community, large or small, in determining the ongoing nature of the scheme. There will be an opportunity for self-insurers in the insurance industry, based on the best advice available to the authority and the government, to ensure the scheme applies in the most advantageous way and that it does

not disadvantage Victorian employers in their ongoing competitiveness or impose a burden on the cost of their enterprises.

The government intends to generate a scheme that does not impact on the viability of Victorian businesses but at the same time is financially viable now and in the future. The government intends that more compassionate administration of the scheme will give it added value, and that active intervention in health and safety matters by the authority will over time reduce the number of claims and lessen its financial liability. That will make the most significant contribution to reducing pressure on any premium increases in the future and illustrates the discipline the government and the minister bring to the exercise.

Appropriately the house brought forward the significant matter of public interest. Clearly the way the motion has been drafted shows the government has no option but to oppose it. In opposing the motion I remind the house that the relevant information on calculating and determining appropriate premiums is available to every employer who seeks that information from the authority. The government is prepared for any member of the house to seek a briefing from the Victorian Workcover Authority or directly through the minister to understand how the scheme is financed and how it is intended to be financed in the immediate future.

On the issue of the rebate provided to small businesses I remind all honourable members of the support package announced by the Premier, the Minister for Workcover and the Minister for Small Business on 14 August. It provides the opportunity for employers to seek out their obligations and have some degree of confidence in the way the premiums are determined, to get some relief through staggered payments and to take time to verify and comply with the new premiums. The government has given an undertaking that by the middle of September it will identify further relief that may be available to small businesses.

On that basis I firmly contest that there is no justification for this house to condemn the government for its handling of the Workcover issue. The information sought can be obtained in the appropriate way from the appropriate authority. I oppose the motion.

Hon. C. A. FURLETTI (Templestowe) — I am pleased to support the motion that has been so adequately enunciated and supported by the Honourable Peter Katsambanis. I congratulate him. It is a great shame that government members who have contributed to the debate this morning have totally missed the point, as they often do.

The motion before the house is two pronged. In the first instance it condemns the government's incompetence in its handling of the changes introduced arising from the outcry from Victorian employers and the Victorian public. More significantly it asks what would normally be accepted as a fairly reasonable request — that is, that the government adequately explain or justify the premium increases and to do so by making public all searches and costings on which the increases are based, and, because of the public outcry to which I referred, that the government re-examine the imposition of those increases that are causing such hardship to all Victorians.

The Honourable Gavin Jennings said there is ample relief for employers in Victoria. He said:

> They are welcome to seek out the derivation of their premiums. They are invited to contact the authority to seek out the formula, the method of calculation and the industry rate of their industry and business to determine how their premiums are calculated.

Big deal! It is very generous of the government to allow employers to find out why their premiums are at a particular level, but it gives little solace to those who have to write out the cheques to pay for the premiums.

The government talks of openness and transparency. A letter from the Premier addressed to Mr Savage — 'Dear Mr Savage' has been crossed out and 'Russell' has been inserted — states:

> I join with you in expressing a commitment to providing stable, open and accountable government which is able to work productively for the people of Victoria.
>
> …
>
> The majority of Victorians who voted for the Victorian Labor Party did so on the understanding that they were voting for a Bracks Labor government that would:
>
> > promote open and accountable government …

As a Victorian, I am still waiting! Today is just another example of the arrogance of the government. If the government were serious about transparency it would support the motion because it does nothing more than request information that most Victorians would expect to find in the public arena. In the *Age* of 24 February the secretary of the Trades Hall Council, Leigh Hubbard, is reported as saying on the subject of premiums:

> The government has made a political judgment on what premiums should be, not on what is fair for the workers.

Mr Hubbard accused the government of incompetence, ruling by committee and making decisions behind closed doors. That is openness and transparency!

What has the Victorian public been offered by the government via Mr Jennings's contribution? Mr Jennings says, 'If you have a problem come and see us and we will tell you behind closed doors how we calculated your premium'. Big deal! What is the government doing about supporting and providing relief to employers currently struggling under the burden the government has introduced in less than 12 months in government? The situation is appalling.

The motion originates from the passage in this place on 24 May of the accident compensation reforms introduced by this government. At that time I said the government had hastily introduced a flawed bill containing serious inadequacies and difficulties. Those inadequacies and difficulties were identified by a number of legal firms, including Wisewoulds and Slater and Gordon, the Australian Plaintiff Lawyers Association and numerous other agencies. Unfortunately the government appears to have accepted and used a flawed and seriously defective model for calculating and adjusting premiums. The opposition believes that defective model has led to a chaotic state of affairs resulting from a lack of comprehension and understanding of the needs of the business community in Victoria. In the debate on the bill the opposition said it was flawed and would create grave problems.

Hon. T. C. Theophanous — You supported it!

Hon. C. A. FURLETTI — I take up the interjection. We did not support the bill at any stage, but we did not oppose it. We acknowledged that the government had the right to introduce the bill, but we did ask that the government consider and make a number of amendments which went through — as the Deputy President will recall — a 5-hour committee stage. That indicates the flaws that existed in the document. Unfortunately, the Leader of the Government is not here, because I would have liked to have reminded her of that somewhat traumatic experience, not only for her but also for the house. But in any event, I raise that to indicate the haste with which matters are processed by this government and the inevitable consequences which follow from doing things in haste.

It was also interesting to note that both government speakers acknowledged the confusion that exists in the Victorian business community. The Minister for Industrial Relations blamed it on the employers, and the Honourable Gavin Jennings blamed it on the GST — Labor government members generally blame it on everybody except themselves. But to use a National Party saying: the chickens will come home to roost. The Victorian community, particularly the Victorian business community, is not silly. It recognises what is happening and at the moment it is suffering dramatically.

The purpose of the motion before the house is to direct to the attention of the government the difficulties that are being caused, not in any way to assist the government but, more importantly, to try to remedy the catastrophe that exists in the business community and to try to alleviate some of the burden that has been imposed upon it by a flawed mode of calculation of premiums.

I regret that the Leader of the Government is not here, because I would urge her to read the report in *Hansard* of her contribution this morning, to reconsider some of the inconsistencies, anomalies and contradictions she made in her contribution, and to try to reconcile her comments today with what the business community in Victoria is currently suffering.

Previous speakers from both sides of the house have indicated that the community was aware that with the introduction of government reforms to Workcover there would be an increase in premiums. I do not think there is any disagreement about that; that is common ground. There is no doubt it was accepted that premiums would rise with the reintroduction of common-law provisions, albeit in a dramatic hybrid form contrary to what the Labor Party led Victorian voters to believe would be introduced. The Victorian electorate believed the rhetoric before the last election that those premium rises would be restricted to around 15 per cent and the added sweetener — as you would recall, Mr Deputy President — that there would be a capping guarantee of 20 per cent. But today Minister Gould has indicated that the capping was guaranteed for particular circumstances; she could not say whether it would be for one or the other. As far as I am concerned a cap is a cap — a maximum amount — and the representation that was made to the businesses of Victoria pre-election was that that cap would be 20 per cent.

Hon. T. C. Theophanous — That is what it was.

Hon. C. A. FURLETTI — I will be back. Give me time. I return to the point strongly pursued by the Honourable Peter Katsambanis about the most deserving and the least capable of supporting the increase — that is, the smallest of small businesses, which Mr Katsambanis referred to as microbusinesses — and the most obvious flaw in the

presentation by the government. A blatant lie was recorded in the brochure issued by Workcover — the ALP promised premiums would not increase by more than 15 per cent. Then there was GST, and another 2 per cent had to be added on for that, but it was promised that they would not increase by more than 17 per cent. What has been imposed on the smallest of businesses that have been paying the lowest premiums? There has been an increase of 35 per cent, from $100 to $135 a year. I mention that for the purpose of emphasis. The people of Victoria believed the Labor Party. They trusted the Labor Party. Never again!

The capping issue is also disclosed very clearly in the Workcover fact sheet issued by the authority. It states:.

> … capping of premium increases … ensures that from one year to the next, the premium increase for most employers will not exceed 20 per cent …

How clear is that? When the premiums were issued — as has been indicated, they were issued well over two months after they were supposed to have been issued — businesses comprising 44 per cent of the Victorian payroll faced increased premiums not of 15 per cent, 17 per cent or 20 per cent, but of an average of 39.23 per cent or more. And what happened when the opposition in performing its function asked as a sound and valid proposition for information as to how the increases in rates are calculated? It was stonewalled! The opposition moved a motion and the government opposed it.

I raise the question of whether the 39.23 per cent is an average, because of course there are some horrific stories. The Honourable Bill Baxter has put on record a number of examples from his own electorate as to increases. I refer to a report in a newspaper article by Rick Wallace of 3 August entitled 'Workcover squeeze on jobs', which shows that Workcover rates for some industries, in particular the crop dusting and cigarette manufacturing industries, increased by 572 per cent. Reasonable industries, such as a music store, had increases of 77 per cent. Later in my contribution I will refer to specific increases from examples from my own electorate. The Minister for Workcover, Bob Cameron, has been reported as saying that:

> … sharp rises were a reflection of a poor claims record and increases for small businesses were capped at 20 per cent to minimise pain.

It is rubbish, it is nonsense, it is lies. It bears no connection with reality. The report continues:

> … while premiums needed to rise to stop Workcover running at a loss, Victoria's premiums were still well below the national average.

Terrific! We can be second, third or fourth best! The Honourable Gavin Jennings was happy to accept my earlier interjection about going from the lowest rate and the best-performing system in Australia to the second, third worst, or back to mediocrity — he was happy to accept all of that.

On that point, the Honourable Bill Baxter referred to what the Kennett government found when it came to office in 1992. Unfortunately it found an unfunded liability of $2.1 billion. Premiums at that stage were 3.3 per cent of payroll, yet within two years they had dropped to about 1.9 per cent, a saving of almost $600 million. The report of the actuaries engaged by the VWA, Tillinghast-Towers Perrin, indicated that had the system continued as it was in 1999 the fund would have been fully funded and running at a profit by February 2001. That was the system that the Labor government inherited. However, the situation today is one of incredible desperation, and it will cause the government serious angst because the effects of the increases will be felt across the board.

The opposition is interested in finding out the basis of the calculations of the premiums because the increases simply do not match the rhetoric, policies and indications presented by the then opposition in the run-up to the election. Those increases affect Victorians across the board because they affect government-funded services and organisations such as the police and the Metropolitan Fire and Emergency Services Brigade, which had budgeted appropriately for a 15 per cent increase but found itself subjected to a 38 per cent increase. Its premium rose by more than $1 million — $600 000 more than it had budgeted for — and that translates into a number of jobs, including at least 10 further firefighters. The Country Fire Authority had an increase of 49 per cent and faces an unbudgeted increase of $540 000 in premiums, which would have accounted for 10 community support officers, and on the story goes.

I turn to voluntary organisations and disabilities services that have been badly hit by the increases. In a plaintive cry for help, one of my constituent organisations, the City of Heidelberg Handicapped Persons Bureau, wrote to me as follows:

> The rapid growth of premium costs have made us now question how we can continue to serve the many disabled persons that we cover.
>
> Is there any way you can help to provide an answer to this extreme imposition of cost?

Yet when the opposition tried to render assistance by moving the motion the house is now debating the government stonewalled.

By way of background, the bureau has a mission to provide employment and training to disabled persons in the Banyule region and supports approximately 80 persons, all of whom have limited opportunities to obtain appropriate work. The latest increase will restrict the ability of that organisation to assist more people, to the tune of about seven persons. The letter further states:

> The employment of these people is dependent on our ability to generate wages from our business activities, just because there is a premium increase does not mean we can grow the business sufficiently to compensate.

The letter to GIO was asking for consideration, something most employers would be seeking of the government. The letter continues:

> As a matter of principle, can you please explain why the employment of people with disabilities is treated so badly in this process?

That is an example of people who are finding themselves in desperate straits because of the Victorian government's policy.

A further letter that has been brought to my notice is from an organisation that specialises in affording advice on Workcover risk. In a letter to the Victorian Employers Chamber of Commerce and Industry the organisation states:

> Whilst the magnitude of the premium increases and the deceptive conduct in displaying these costs to Victorian employers are key issues presently being addressed in the press by the opposition, we also need to address the timing of the process. It has been impossible for employers to accurately estimate their Workcover costs for the coming financial year and despite our best efforts to advise many of our clients and their advisers in regards to the possible premium increases, the actual costs have greatly exceeded our highest projections.

Those comments are from people who permanently work in the industry and are the sorts of comments on which the opposition bases its information in its urging of the government to disclose information to enable Victorians to appropriately plan, calculate and work towards catering for the increases and to seek some relief from the draconian measures that are being introduced by the government in pursuit of its policy.

One of the questions that must be asked is why. If the budgetary figures released by the government indicate that an average increase of 17 per cent across the board on premiums will reach a certain figure, as the Honourable Bill Baxter asked, what can we expect by way of income from the extraordinary increases? Mr Baxter referred to some increases and I presented others. I agree with Mr Baxter's conclusions that this is a fund that will and must be used to counterbalance the blow-outs that will occur resulting from the government's policy in this area. I suspect the government — as with the Guilty Party government — will become known as the government of handouts and blow-outs.

I conclude by referring to the most serious concerns the opposition has for Victorians. The majority of businesses in this state are now faced with few options arising out of the enormous impost on them by the government. They can borrow money to try to fund the increases in their compulsory Workcover premiums, but that merely adds further interest costs to the operation of their businesses. Some have said they intend to restrict any further expansion and employment. Most have indicated they have no alternative but to shed staff and to outsource.

Hon. T. C. Theophanous — How do you know?

Hon. C. A. FURLETTI — Because they have written to me, Mr Theophanous, unlike you. Others have indicated they intend to relocate interstate and many have indicated they may have to eventually close their doors. That is a grave indictment of the government's policies. I strongly support the motion before the house.

House divided on motion:

Ayes, 28

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

Noes, 14

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

Motion agreed to.

Sitting suspended 1.03 p.m. until 2.07 p.m.

QUESTIONS WITHOUT NOTICE

Minister for Youth Affairs: comments

Hon. P. A. KATSAMBANIS (Monash) — I refer the Minister for Youth Affairs to his assertion yesterday that the Premier's Youth Council of the former government met only twice. Given that the statement was obviously untrue, will the minister apologise for misleading the house?

Hon. J. M. MADDEN (Minister for Youth Affairs) — I said during the adjournment debate last night that I was advised that the former government's Premier's Youth Council had met only twice. I have sought clarification on that issue from my department and if it is not correct I will inform the house.

AFL: grand final tickets

Hon. R. F. SMITH (Chelsea) — What steps will the Minister for Sport and Recreation take to ensure that Victorians have a mechanism to use to register unfair and possibly illegal instances of ticket on-selling for the Australian Football League Grand Final?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I wrote to the AFL in July regarding the issue of ticket scalping and how the government and the AFL could work together to address the perceived problems. Discussions have taken place between me and the Minister for Consumer Affairs on how the government can review the extent of the problem prior to consideration of any legislation.

On 8 August officers from my department met with Mr Tony Peek from the AFL, and the meeting agreed that the AFL would provide information on current ticket distributions. The government informed the AFL that it was considering establishing a consumer complaints hotline.

I am pleased to announce today — some honourable members opposite may be well aware of this initiative by now, which would be good to hear — that I have established a scalping hotline to receive information from the public on the incidence of ticket reselling and scalping.

Honourable members may have noticed in the sporting sections of the respective daily newspapers the advertisement containing all the details about the Ticket Scalping Survey Line. The hotline number is — —

Hon. E. G. Stoney — On a point of order, Mr President, in answering the question the minister is providing information that is freely available in the press. I believe you have made a ruling on that practice in the past.

The PRESIDENT — Order! One criterion for answers to questions is that the information given should not be freely available elsewhere. However, that has been studiously ignored by Presiding Officers over many years, and I intend to keep doing so.

Hon. J. M. MADDEN — Just because the information is freely available does not mean members of the opposition have access to it.

The hotline is open between 9.00 a.m. and 5.00 p.m. and will run from today until Monday, 4 September. The hotline is intended to deal specifically with scalping of grand final tickets and not with broader issues, which will be considered by the government at a later date. As part of the process officers from my department are closely monitoring the classified sections of the newspapers and they will include their findings as part of the survey.

The intention of the survey is to determine the extent, depth and breadth of the scalping, including what takes place beyond the traditional areas for scalping at this time of year, such as the advertisements in the daily newspapers. The hotline is the first step in the process to obtain a clear picture of the extent — and I reinforce the point that it is the extent — of the problem. Once the government is fully informed, it will make a decision on the most appropriate way to deal with the issue.

The hotline number, for those honourable members who may not have it, is 1300 134 317.

Liquor: licences

Hon. BILL FORWOOD (Templestowe) — At the outset I remind the Minister for Small Business of the statement contained in Labor's small business policy 'Taking care of small business' at the last election:

> A Bracks Labor government will immediately and retrospectively close legislative loopholes which allow large retail chains to accumulate more than 8 per cent of the total number of packaged liquor licences.

I stress the words 'immediately' and 'retrospectively'.

Is it true, Minister — yes or no — that one of the key recommendations resulting from the Office of Regulation Reform review of packaged liquor licensing announced by you on 22 March is to completely phase out the 8 per cent limit over three years?

Hon. M. R. THOMSON (Minister for Small Business) — The report on the review into the 8 per cent of liquor licensing — a review that was done out of necessity following the recommendations on national competition policy by the National Competition Council of which the honourable member is fully aware — has not yet been made public. That report will be released shortly and will be put out for consultation. Everyone involved in the industry will have an opportunity to read the information contained in the report and its recommendations and will be able to have input.

Children: employment regulation

Hon. D. G. HADDEN (Ballarat) — I ask the Minister for Industrial Relations what action the Bracks government is taking to ensure that children who work are protected from exploitation and how that action contrasts with the approach of the previous government.

Hon. M. M. GOULD (Minister for Industrial Relations) — I thank the honourable member for her question and her concern about young children who receive work permits from the state. The Victorian laws that cover child workers are in a deplorable state. They have not been reviewed in over 30 years, and the penalties attached to them are unacceptable and almost unenforceable.

Child employment is still regulated under the Community Services Act, which was written more than 30 years ago, and most of the regulations are ignored by employers. Under the current legislation permits are issued for the employment of children under the age of 15 years and in certain working conditions.

Under the current system virtually no checks or balances in the form of an inspectorate are in place. When Labor came to office it discovered that as a result of the actions of the previous government and the responsible minister the inspectorate had been wound down.

Opposition members interjecting.

Hon. M. M. GOULD — That is right, Mr Birrell wound down the inspectorate, and no inspectors are going out to check on the work permits of those children.

The penalties for breaches under the act are almost laughable. Over 2000 permits are issued each year, and the penalties for breaches are archaic. They are nothing more than token fines of $100 or up to one month's imprisonment. When the current Leader of the Opposition was responsible for the legislation he wrote to the then Minister responsible for Workcover trying to improve the situation by getting the inspectors back on site; unfortunately he must have got rolled on that initiative because it did not transpire.

Hon. M. A. Birrell interjected.

Hon. M. M. GOULD — You had the responsibility for about four years, and it took until March last year before you wrote to the Minister responsible for Workcover trying to fix it up.

Every member of this house would appreciate that the government has had to improve the system that is in place and ensure that when Victorian children are given work permits the appropriate checks and balances and penalties are in place to prevent their being exploited by employers.

Over the past 10 years there has been only one prosecution for a breach of the act relating to a child worker. An employer in Geelong was prosecuted for exploiting a young child selling lollies. I am sure no honourable member wants the current situation of no inspectors and inappropriate penalties to continue.

Because of that the government has taken the position of having a whole-of-government approach in releasing a ministerial issues paper calling on the community at large, and in particular the Victorian Farmers Federation, to have an input into establishing what are the best practices that should be put in place.

I have had recent discussions with the VFF about these issues. There will be a whole-of-government approach to ensure that our children are protected, that the legislation is brought up to date, that it is relevant for the year 2000, not 30 years ago, and that the penalties put in place are of such a magnitude that employers will not exploit our children and every parent will know that his or her child who goes out to work will have protection, and we will have inspectors to ensure that that is so.

Fuel: prices

Hon. P. R. HALL (Gippsland) — I refer the Minister for Consumer Affairs to her much-publicised fuel price monitoring initiative which has now been tracking fuel prices in country and city areas for four months.

I further refer her to her answer yesterday to a question on notice from my colleague the Honourable Roger Hallam, which reads in part:

> With data becoming increasingly available, analysis will enable the government to determine what options are available at a state level to address concerns such as the country–city price disparity.

How much more data does the minister intend to collect before she does something about the country–city price disparity and the ever-increasing price of petrol, liquefied petroleum gas and bottled gas?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — Price monitoring has been a useful exercise. I have on numerous occasions reiterated that fuel pricing is a federal government issue, and it remains a federal government issue — one on which the federal government is burying its head in the sand. It is not confronting the issue.

The Victorian government has acted by establishing a feasibility study at Buangor to look at fuel cooperatives to see whether they will work in country Victoria and on what basis they would be successful. The government is not sitting back and waiting for the federal government to do something about fuel prices.

The federal government will raise an additional $1.5 billion in 2000–01, yet it will not consider doing away with the increase in excise arising out of the consumer price index (CPI) to ensure that motorists pay less for their fuel. The CPI will be driven by fuel price increases.

Hon. D. McL. Davis interjected.

Hon. M. R. THOMSON — I will tell you what price monitoring shows. It shows that there has been an increase of about 5 cents a litre in the price of LPG — liquefied petroleum gas — of which 3 cents is attributable to the GST. In Euroa there has been a 16.6 per cent increase in LPG prices as a result of the GST despite the Saudi propane price.

Hon. D. McL. Davis — You are getting all the money from the GST.

Hon. M. R. THOMSON — That is in 2007–08.

The federal government gets an increase in excise out of the GST arrangements. In Swan Hill there has been an 11.1 per cent increase in LPG pricing from June to August.

The government has asked for the GST to be removed from LPG on the basis that it is an environmentally responsible way of dealing with petrol and fuel access. The federal government has responded negatively. This government put a number of suggestions to the federal government about options on looking at cooperatives and funding and assisting with the establishment of fuel banks. We are doing everything we can to gain some relief on fuel. It would be ideal if opposition members were to use their influence with the federal government to ensure there is no CPI increase in the excise on fuel.

Questions interrupted.

DISTINGUISHED VISITORS

The PRESIDENT — I welcome to the gallery members of the Parliament of the United Kingdom visiting Melbourne as delegates for the Commonwealth Parliamentary Association. The delegation is led by the Right Honourable Thomas Clarke, MP, whom I had the pleasure of meeting two weeks ago at the Democratic National Convention in Los Angeles.

I also welcome Mr Geoffrey Clifton-Brown, MP, Mr Robin Corbett, MP, Mrs Llin Golding, MP, Mr John Maples, MP, and the Reverend Martin Smyth, MP. I trust they have a rewarding time with us in Melbourne. Later in the afternoon members of the delegation will be in the strangers corridor. I am sure they would welcome interaction with our colleagues.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Environmental management industry: audit

Hon. G. D. ROMANES (Melbourne) — Will the Minister for Energy and Resources advise what action the government is taking to support the environmental management and renewable energy industry in Victoria?

Hon. C. C. BROAD (Minister for Energy and Resources) — I thank the honourable member for her question and for her interest in this area. The Bracks government is strongly supportive of the growth and development of a robust environmental management and renewable energy industry in this state.

The environmental management and renewable energy industry encompasses air and water quality management, waste management, soil remediation, and noise and vibration abatement. The important thing about those industries is the fact that they are growing

in this state and they offer skilled jobs that the Victorian economy is well placed to provide.

I am pleased to advise the house that the Bracks government has commenced an industry audit of Victoria's environmental management and renewable energy industry. The audit is part of the Bracks government's strategic audit of Victorian industry, which is identifying the immediate needs of Victorian industry as well as the long-term strategies for future development.

This is the first time an audit of the environmental management and renewable energy industry has taken place in Victoria. The previous government did not undertake any such action, and the action of the Bracks government is in marked contrast to the lack of support provided by the previous government to this important growth industry in Victoria.

Victoria's environmental management and renewable energy industry will be increasingly important in the future, not only in an economic sense but also because of the health of the environment in which we all live.

The industry has many small and medium-sized businesses that are developing and producing innovative services and products that have not only Victorian and national application but indeed worldwide application.

The bulk of Victoria's existing industry is presently in water and sewerage and in general waste management, but the monitoring and measurement equipment, cleaner technologies and air quality management sectors are growing strongly and have enormous potential. This industry audit will help us to understand the capabilities and strengths of Victoria's environmental management and renewable industries. The outcomes will provide a useful resource for government and industry.

Hon. N. B. Lucas — Is this a second-reading speech or an answer? It is boring.

Hon. C. C. BROAD — It might be boring to you but it is very important to this industry. In accordance with the Bracks government's commitment to consultation, the audit team will be conducting consultations in Melbourne and in regional and rural Victoria. It will have a particular focus on assessing the strengths, opportunities and challenges for renewable energy and environmental management industries in rural and regional areas.

Industrial relations: manufacturing industry

Hon. M. A. BIRRELL (East Yarra) — Yesterday I asked the Minister for Industrial Relations whether she would oppose the manufacturing unions' strike and she refused to do so, but on ABC television news last night the Premier said he did not support the strike. I therefore call on the minister to do as her Premier has done and oppose the strike.

Hon. M. M. GOULD (Minister for Industrial Relations) — As I indicated to the house yesterday in relation to the protected industrial action that was taking place, the government was concerned that the dispute had led to the employees taking industrial action against their employers to pursue their claim for better wages and conditions. I indicated that it is not in the interests of good industrial relations to do as the opposition used to do and sit on the sidelines and throw stones.

Opposition members interjecting.

Hon. M. M. GOULD — It was disappointing that the workers decided to take protected industrial action, as they are entitled to do under the Workplace Relations Act. I encourage them to sit down and negotiate an outcome that is acceptable. I said yesterday, and I stand by it today, that it was disappointing that they took industrial action, but we urge them to sit down and negotiate. Members opposite should acknowledge that the reason the industrial action was taken yesterday was the way the Workplace Relations Act encourages conflict rather than encouraging workers to sit down and negotiate.

Hon. M. A. Birrell — On a point of order, it was a simple question — whether the minister will, as the Premier has done, oppose yesterday's strike. The minister is not addressing that issue in any manner. She is talking about the Workplace Relations Act. This is not a general opportunity to talk about anything but to be responsive to the question, which was whether the minister supports the strike.

Hon. T. C. Theophanous — You didn't actually ask her a question.

Hon. M. A. Birrell — I said, 'Do you support the strike?'

Hon. M. M. GOULD — On the point of order, I have been addressing the question. The response I made yesterday and the response I am making today indicate that I was disappointed that the workers have taken industrial action. If that does not answer the question, I am not sure what will.

The PRESIDENT — Order! As I have said in the past, I cannot make a minister answer a question, but so far the minister has not responded to the specific question put by the Leader of the Opposition in relation to the statement of the Premier. However, having said that, I believe the minister has responded on the general issue as she did yesterday. I cannot force her to go any further than that.

Youth: peak body

Hon. JENNY MIKAKOS (Jika Jika) — Will the Minister for Youth Affairs explain to the house what mechanisms he has put in place to ensure that Victoria's young people are serviced by a credible and responsive peak youth body?

Opposition members interjecting.

Hon. J. M. MADDEN (Minister for Youth Affairs) — I thank the honourable member for her question. I am disappointed to hear the way members opposite sigh when a question like that is asked. They would appreciate that having peak bodies to represent the youth sector is incredibly important to the Office for Youth.

Opposition members interjecting.

Hon. J. M. MADDEN — There are two peak bodies: the Youth Affairs Council of Victoria and the Centre for Multicultural Youth Issues. I relaunched the Youth Affairs Council of Victoria (Yacvic) last week. Yacvic is funded by the Office for Youth as a youth affairs peak body. As such it has a broad range of roles including representing views of young people and youth-related service providers to me, the Office for Youth and the relevant areas of government; developing policy advice for all levels of government on issues affecting young people; heightening community awareness and understanding of youth issues; and promoting a positive image of young people.

The Centre for Multicultural Youth Issues is also funded by the Office for Youth. It has a range of roles centred on developing cultural awareness and sensitivity among people working in the youth sector; supporting the development of agencies providing services to young people from culturally and linguistically diverse backgrounds; and providing constructive and well-researched advice to government and the youth sector on policies and programs related to young people from culturally and linguistically diverse backgrounds.

Small business: incentive package

Hon. W. I. SMITH (Silvan) — When will the Minister for Small Business announce the package she promised for small business to encourage safe work practices, given that the increases in Workcover premiums are causing small business unacceptable hardship?

Hon. M. R. THOMSON (Minister for Small Business) — With the introduction of the Workcover legislation the government announced that an incentive package would be developed for small business. That incentive package is being developed by the Victorian Workcover Authority in consultation with the industry peak bodies and the Small Business Advisory Council to ensure that it is useful and can be adapted by small business to encourage safe work practices. The announcement of the package will be made by the Minister for Workcover and me once the consultations have been concluded and the package is finalised. That will occur in the very near future.

Small business: community cabinet

Hon. E. C. CARBINES (Geelong) — Will the Minister for Small Business explain in what ways she has acted in her ministerial capacity to fulfil this government's commitment to govern for the whole of the state and not just metropolitan Melbourne, as the previous government did?

Hon. M. R. THOMSON (Minister for Small Business) — I thank the honourable member for her question. When the Bracks government was elected it promised to govern for all of Victoria. In so doing, it has established community cabinet, which meets in various rural and regional centres throughout Victoria. In addition, it has established smaller committees that go out to country Victoria. In relation to small business, community cabinet went to Mildura on 23 and 24 August and had an interesting meeting with a number of small businesses and community leaders there. We were fortunate to be able to avail ourselves of a bus trip around Mildura to look at the developments and expected growth in the area and to see where the town will develop. Mildura is travelling well economically. Employment increased by 1200 from June last year to June this year.

I travel around country Victoria not only as part of cabinet but as a minister. During the parliamentary recess I have been to Halls Gap, Maffra, Bairnsdale, Sale, Gippsland, Birchip, Donald, Ballarat, Tullamarine, Dandenong and Geelong.

Honourable members interjecting.

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

Hon. M. R. THOMSON — During that time I have been fortunate enough to be able to talk to small businesses both at their places of work and also collectively about issues of concern. We have been able to address a number of individual issues and have looked at establishing business networks in a couple of areas where they have been required. I have now spoken with over 550 small businesses throughout Victoria.

QUESTION ON NOTICE

Answer

Hon. C. C. BROAD (Minister for Energy and Resources) — I have received an answer to question on notice no. 559.

EQUAL OPPORTUNITY (GENDER IDENTITY AND SEXUAL ORIENTATION) BILL

Second reading

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

That this bill be now read a second time.

The purpose of this bill is to amend the Equal Opportunity Act 1995 to prohibit discrimination on the basis of sexual orientation or gender identity.

This bill implements two of the government's pre-election commitments designed to provide equal opportunity for all Victorians. The bill is the first step in a process of reform that will assist all Victorians to live free from unjustified discrimination. Throughout this year the government will review the Equal Opportunity Act to ensure that it allows Victorians to effectively combat unwarranted discrimination and provides for the existence of an Equal Opportunity Commission that is truly independent of government. It is proposed to introduce any amendments that result from the review in the spring 2000 session of Parliament. The government is also reviewing other Victorian legislation to remove provisions that have the effect of discriminating against those in same-sex relationships.

Sexual orientation

The Equal Opportunity Act currently prohibits discrimination on the basis of a person's lawful sexual activity.

When the Equal Opportunity Act was enacted, the second-reading speech made it clear that the attribute of lawful sexual activity was intended to prohibit discrimination against homosexuals and lesbians. However, the use of the term 'lawful sexual activity' has been criticised as it is seen to focus on sexual practices to attract redress under the act. This is offensive to many homosexual, lesbian and bisexual Victorians who believe that it implies that they are more likely to be involved in immoral or unlawful sexual activity.

This bill prohibits discrimination against a person on the basis of his or her sexual orientation. This is defined to mean homosexuality (including lesbianism) bisexuality or heterosexuality.

The amendment is not intended to limit the current operation of the Equal Opportunity Act in any way but rather to ensure that people are fully protected from discrimination on the basis of their sexual orientation.

The attribute of lawful sexual activity will remain in the act. A person's lawful sexual activities, no matter what their sexual orientation is, are a private matter and should not form the basis of discrimination against that person.

Gender identity

This bill introduces the attribute of gender identity into the Equal Opportunity Act and extends the protection against discrimination afforded by the act to people whose gender identity does not match their physical sex at birth.

The umbrella term 'transgender' is commonly used to describe such people. The term 'transgender' describes a range of people such as those who have undergone gender reassignment surgery, those who have not undergone surgery but seek to live as a member of the other sex and those who temporarily adopt the characteristics of the other sex such as cross-dressers.

The term 'gender identity' is used in the bill, however, because the amendment is designed to protect not only transgender people but also people born of indeterminate sex who seek to live as a member of a particular sex.

The Equal Opportunity Act currently does not prohibit discrimination on the basis of a person's gender identity. This undermines the objective of the act to eliminate, as far as possible, discrimination against people as there is much evidence to suggest that transgender people and people of indeterminate sex are subject to considerable discrimination in their public lives.

An estimated 95 per cent of people who make the transition from one sex to the other lose their job because of that transition. Those who do not lose their job are frequently subject to a decline in the quality of their working life when their employers and work colleagues become aware they are transgender. Many transgender people are also subject to constant negative reactions from service providers, accommodation providers and others as they go about their public life. Transgender people are also the victims of high levels of verbal and physical abuse and violence.

This evidence emphasises the need for government to take action so that transgender people may fully participate in the community, free from discrimination.

The bill recognises that each person whose gender identity does not match their physical sex will deal with the issue in their own personal way over a period of time. This may range from a person occasionally dressing in a style usually associated with their non-birth sex to a person undergoing gender reassignment surgery if they are able to.

The bill contains a wide definition of gender identity. It is defined to include all people who identify on a bona fide basis as members of the sex they were not born by assuming characteristics of that sex whether by means of medical intervention, style of dressing or otherwise or by living or seeking to live as members of that sex. It also includes identification on a bona fide basis by a person of indeterminate sex as a member of a particular sex.

The bill introduces an exception into the Equal Opportunity Act 1995 to allow an employer, in certain circumstances, to discriminate against a job applicant or employee on the basis of the person's gender identity. Under the exception, an employer will be able to discriminate against a job applicant or an employee on the basis of the person's gender identity if:

> The person does not give the employer adequate notice of the person's gender identity; or
>
> The person gives the employer adequate notice of the person's gender identity but it is unreasonable in the circumstances for the employer not to discriminate against the person.

In determining whether or not it is unreasonable for the employer not to discriminate against the person, the bill requires all relevant facts and circumstances to be considered, including a number of factors specified in the bill.

This exception attempts to strike a balance between extending protection against discrimination to people whose gender identity does not match their physical sex at birth and a recognition that an employer should, as far as is possible, have the freedom to determine the composition of his or her work force.

The bill also amends section 66 of the Equal Opportunity Act to provide that it is not unlawful to exclude a person on the basis of their gender identity from participating in a competitive sporting activity in which the strength, stamina or physique of competitors is relevant.

New South Wales, South Australia, Tasmania, the Northern Territory and the Australian Capital Territory already prohibit discrimination against transgender people. The Western Australian Parliament has also recently passed legislation prohibiting this type of discrimination. The protection in the New South Wales legislation extends to people of indeterminate sex. This bill will provide long overdue protection from discrimination to transgender people and people born of indeterminate sex in Victoria. This is consistent with the objective of the Equal Opportunity Act to promote recognition and acceptance of everyone's right to equality of opportunity.

I commend the bill to the house.

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

Debate adjourned until next day.

COURTS AND TRIBUNALS LEGISLATION (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 29 August; motion of Hon. M. R. THOMSON (Minister for Small Business).

Hon. C. A. FURLETTI (Templestowe) — I am pleased to inform the house that the opposition almost supported this bill but because of the provisions in clause 3 it is obliged to not oppose the bill instead. I shall address the contentious part of the bill in my

contribution and also refer to those parts the opposition supports and indeed applauds the government for introducing. I commence my contribution by quoting from the second-reading speech of the minister. She states:

> The bill also contains a number of miscellaneous amendments to courts and tribunals legislation. All of these amendments have been sought by either the Chief Magistrate, the President of the Court of Appeal or the President of the Victorian Civil and Administrative Tribunal.

The significance of that statement will become more obvious towards the conclusion of my contribution. As the title of the bill suggests, it amends a number of provisions affecting the conduct of hearings in the Magistrates Court, the Supreme Court and the Court of Appeal. The bill makes a number of mainly administrative and procedural amendments to the Victorian Civil and Administrative Tribunal (VCAT), which the previous government established.

As indicated in the second-reading speech, the amendments have been made at the request of and after consultation with the heads of those courts and the tribunal, and they are responsible and appropriate amendments. By way of example, a procedure for referring any or part of a civil proceeding to a pre-hearing conference is established in the Magistrates Court. Any matters that are capable of being resolved before entering into a full-blown hearing — the initiating of which of itself often takes a lengthy time — will be referred. Time will be saved by bringing the parties together. Pre-hearing conferences and hearings are effective and have a good success rate.

The power to refer civil proceedings of that nature has been extended not only from magistrates, who obviously hear matters, but it also gives registrars that power, because at the end of the day one assumes registrars would be fully aware of the nature of cases, the issues involved and the necessary evidence. Under the current system registrars are able to suggest and make recommendations to parties with a view to expeditiously dealing with disputes and conflicts rather than allowing them to become embedded in litigation and go beyond the point of no return, which in most cases is detrimental to both parties. It is an example of the old adage that the only winners in many instances are the lawyers.

Part 4 makes amendments to the appeal provisions. Currently appeals from the Magistrates Court and the Victorian Civil and Administrative Tribunal are made to the trial division of the Supreme Court. In the case of the Magistrates Court it is not technically an appeal; it is more commonly called an order for review on a question of law in both instances. Questions of fact are not appealable in the Magistrates Court or the VCAT, so there is a restricted form of review on points of law.

Currently a two-tier system of appeal is in place which involves an automatic right of appeal on a question of law to the Supreme Court, and from the Supreme Court there is the right to appeal to the Court of Appeal. With the support of the Chief Justice of the Court of Appeal an appeal is no longer possible from the trial division of the Supreme Court to the Court of Appeal unless leave of either the Court of Appeal or the trial judge is obtained. That is appropriate in that it will eliminate frivolous and unfounded appeals. A determination on the substance and merit of an appeal can be made at an early stage.

Civil libertarians would probably be concerned that the right of appeal is a right that should not be tampered with. I recall last year in the house when legislation of this nature was introduced the then opposition found it very difficult to accept interference of this nature in similar legislation that was introduced by the former government. It is a matter of being able to refuse appeals or refuse leave to appeal in cases that do not merit leave to appeal to a higher court.

A substantial number of procedural and administrative amendments are made to the constitution and operation of the Victorian Civil and Administrative Tribunal.

The government considers it appropriate for County Court reserve judges to be permitted to sit as judicial members of the Victorian Civil and Administrative Tribunal on a short-term basis. I support that position. Reserve judges are generally highly experienced County Court judges who wish to retain an interest in their judicial engagements but do not want the stress involved in carrying out the demanding duties of a full-time position and work on an as-needs basis. I am told it has worked well in the County Court. I am sure given the increasing complexity of the matters coming before the VCAT that the availability of judicial members as compared to non-judicial members will provide the president of the tribunal with a new area of expertise to call upon. It is a good move.

The bill provides for the suspension of non-judicial members. Currently section 22 of the act provides for the minister, with the approval of the president, to suspend a non-judicial member from office, and for the investigation of a suspended member. The government contends the bill reverses the roles, so that the president of the tribunal, with the approval of the minister, may suspend a non-judicial member. That reversal reinforces the principle of separation of powers, which

is a very significant element in our judicial system. Although that principle is recognised strongly in the provision concerned, unfortunately it seems to be given scant regard in clause 3. I will turn to that later.

Clause 17 provides for a restriction of appearances before the tribunal by former members of the tribunal. The clause effectively gives formal legal recognition to what has been transpiring in a de facto manner. The bill provides that a member or a former member should not appear in the lists in which he or she was a member for a period of two years after ceasing to be a member. The bill provides that if a member were to appear contrary to the law it would not affect the outcome. However, on my reading of the legislation it would constitute a fairly serious breach of ethics and could be a matter for referral under the Legal Practice Act as misconduct. I am told the current practice has been part of the code of practice of the bar council and the intention is simply to enshrine it in legislation.

The bill allows grace to applicants in respect of payment of application fees. Clause 18(2) substitutes proposed new subsection (4) in section 68 of the Victorian Civil and Administrative Tribunal Act with the intention of providing grace in instances where application fees are not paid. Instead of being extinguished because of the non-payment of fees the proceedings will be stayed for 30 days to allow applicants to rectify the situation. That may be a good thing.

Greater power is given to the tribunal to deal with proceedings where parties simply do not attend — for example, compulsory mediation hearings, hearings for assessment of costs, and those sorts of procedures. It is surprising that was not included in the original bill. The provision gives new powers to the registrar to allow cost penalties and the imposition of other penalties for failure to attend in situations in which parties should attend. It is a new power and it is surprising that such powers did not exist in the original bill.

Clause 25 expands the class of members who may make a declaration from judicial members — presidents and vice-presidents — to presidential members, which includes presidents, vice-presidents and deputy presidents. The broadening of that class base would appear to be necessary.

Clause 26 amends section 137 of the Victorian Civil and Administrative Tribunal Act to provide a broader base of members who can hear contempt proceedings. Currently only the president can hear contempt proceedings, so if the president is not available or if the president happens to be the member constituting the tribunal it makes it difficult for him or her to hear a contempt allegation. The bill provides that any judicial member may hear a contempt matter.

Clause 27 extends the base from which registrars and mediators are drawn — that is, those beyond the sitting member of the time — to make determinations and decisions under clause 23 of schedule 1 of the Victorian Civil and Administrative Tribunal Act.

The opposition agrees with the provisions to which I have referred, and congratulates the government for its ongoing tidying up process in that area.

However, the issue which is of concern and which prevents the opposition from fully supporting the bill is clause 3, which relates to an amendment to section 6(1) of the Legal Practice Act. The provision proposes to amend the oath of allegiance to be taken by those who wish to practice as barristers and solicitors in the Supreme Court of Victoria. Currently section 6 provides that the Supreme Court may admit a person to legal practice if he or she:

(a) meets the requirements of the admission rules; and

(b) pays the admission fees; and

(c) takes the oath or makes the affirmation required by the court.

Subsection (2) provides that the person admitted must sign the roll of practitioners. Subsections (3) and (4) provide for administrative processes that need to be followed thereafter.

Honourable members should note the number of requirements in the existing section 6(1). One needs to meet the requirements of admission, such as having qualified through a university or other tertiary course of education. Another requirement is to simply pay the fees, and in some instances they are hard to come by. The third is to take the oath, and it is necessary to point out that it is to make the oath or the affirmation ‘required by the court’. The emphasis is on the words ‘required by the court’. Clause 3 proposes to amend subsection (1)(c) by adding the words ‘of office’, so that the requirement would be to take an oath of office or make an affirmation of office in the form required by the court. It is a minor adjustment but possibly a significant one.

My first reaction to the bill, possibly because of the heading ‘Oath of allegiance no longer required’ and possibly because of the fanfare given to the second-reading speech, was that perhaps it was a more onerous amendment. The reasoning presented to the house in the second-reading speech was misleading. A

number of jurisdictions, including the United Kingdom, no longer require practitioners to swear the oath to the Queen. In Australia there is still a requirement to swear an oath of allegiance to the Queen in South Australia, Tasmania, the Northern Territory and Queensland. My research reveals that in New South Wales and Western Australia it is not obligatory. However, it was not introduced by legislation but as a rule of the court. In other words, the courts saw that the oath should not necessarily include an oath of allegiance to the Crown.

The point is significant because there is no need for the bill. If the courts see fit to make the appropriate changes to the oath, the power exists under the existing legislation to make the necessary changes. More particularly, an analysis shows that in the past the legislature has made an amendment. I am sure that at some stage there was a provision that simply said a person needs to take an oath, because an affirmation would have been frowned on. With the change in approach, with modernisation and changes of attitudes, I am sure that somewhere along the line that section was varied to allow people to make either an oath or an affirmation.

There is no need for the bill. If the government really wanted it and the courts had been pressed by necessity or demand to do so, an and/or position could have been introduced: there could have been both an oath of allegiance and an oath of office, or an oath of allegiance or an oath of office. There was no need for this heavy-handed legislation.

It leads me to conclude that the only reason for the government to introduce this bill was to procure some sort of populist headline. The do-nothing government has to appear to be doing something, and by picking on a populist issue such as this it at least gets a headline for a day, and that makes it feel good.

As I said in my opening comments, the remainder of the bill has been implemented and prepared at the request of and after consultation with the heads of the various courts including the Magistrates Court, the Court of Appeal, and the Victorian Civil and Administrative Tribunal. The government, particularly the Attorney-General, is quick to point out that the changes were made in consultation with and at the request of the heads of the courts and tribunals. Nowhere in the second-reading speech is there any indication that the change in clause 3 was requested by the Supreme Court. Indeed, there is no mention of any consultation with the court. I am fairly confident that had there been any consultation or discussion with the Chief Justice, the Attorney-General would have been quick to indicate that had been the case. One can only assume that no consultation took place. As I said, it is a whim of the Attorney-General and the government to take this action unilaterally in a cynical way as an opportunity to grab a headline.

The debate that took place in the other house could be described as cynicism beyond boundary — there was one speaker for the opposition. Debate was gagged on the bill, which was presented at a time when the legislative program would probably have demanded that perhaps 8 speakers, 10 speakers or 15 speakers contribute to debate on this particularly significant element. As I said, the government gagged debate and referred the bill to this place. One can only assume the cabinet members are fairly republican and saw this as an opportunity to remove another vestige of monarchy from Victoria's landscape. Perhaps that is not the case.

I note that the oath of office or affirmation of office should be in the form required by the court. If the court were then to require that that oath or affirmation should include some form of statement of allegiance, whether it be to the country, the monarch, or the head of state, I interpret the legislation to mean that the court can prescribe such a form of oath. So long as Australia remains part of the commonwealth and the current state of nationhood exists, the Queen as head of state is entitled to and should receive the loyalty and respect she deserves as a monarch, particularly in terms of the legal profession, which remains somewhat staid and conservative and is a significant part of our system of government.

I recall when I was required to take that oath that if one was not an Australian citizen one could not practise law. That was not so long ago, but it was a requirement back then. Perhaps the next area to be attacked will be wigs and gowns. I hope the Attorney-General will allow the judiciary and the courts to control their dress and procedure, because I do not support the legislature interfering unnecessarily with procedures that the courts are best able to handle themselves.

An example of how those things are best handled without going through the parliamentary processes is the Family Court. In 1975, in a flurry of throwing tradition out the door and changing things that had been in existence for a long while, the Family Court decided wigs and gowns would not be worn by judges or anyone who appeared in the courts.

Some five to eight years later the court realised that wigs and gowns should be reintroduced because they were essential to differentiate between people administering justice, people acting as arbitrators of disputes and those involved in the disputes.

While congratulating the government on drafting a bill the Liberal Party almost supported, I indicate that the opposition does not support clause 3 because it is concerned about some elements of heavy-handedness and a possible challenge to the principle of the separation of powers. The Liberal Party does not oppose the bill.

Hon. JENNY MIKAKOS (Jika Jika) — I support the Courts and Tribunals Legislation (Further Amendment) Bill, which seeks to restore confidence in the legal profession and strengthen the independence of the judiciary and the operation of Victoria's courts.

The bill has two main aspects. The first relates to the oath of office that newly admitted legal practitioners are required to swear under the Legal Practice Act, and the second relates to various miscellaneous amendments to the Magistrates' Court Act, the Supreme Court Act and the Victorian Civil and Administrative Tribunal Act.

I will at first confine my remarks to the amendment to the Legal Practice Act as set out in clause 3, which took up much of Mr Furletti's speech. As an admitted legal practitioner I have no problem with clause 3, which removes the obligation of applicants wishing to be admitted as barristers and solicitors of the Supreme Court of Victoria to take an oath of allegiance to the Queen of Australia. When I was admitted to the Supreme Court I found the oath of allegiance irrelevant to my conduct as a legal practitioner. I expressed similar comments when I took an oath of office as a member of Parliament. I do not see the relevance of swearing allegiance to the Queen rather than to the people of Victoria. I look forward to the day when that oath of allegiance is amended.

The oath that new citizens of Australia must take is more relevant. It no longer requires them to swear their allegiance to the Queen. They are required to uphold the laws and express loyalty to our country. That oath has some meaning. The oath of office of newly appointed legal practitioners should be in a similar vein.

The amendment to section 6(1) of the Legal Practice Act will enable applicants for admission as barristers and solicitors of the Supreme Court of Victoria to swear an oath of office that will require them to conduct themselves and act to the best of their knowledge and ability in their practice as legal practitioners. That oath is appropriate for legal practitioners and I am sure the profession will welcome this change.

Mr Furletti seemed to suggest that the alteration was being opposed in some way by the Chief Justice of the Supreme Court. I note that neither Mr Furletti nor the honourable member for Berwick in the other place said they had had any communication with the Chief Justice.

It is appropriate when we are debating an alteration of this nature that there be some acknowledgment of the political sensitivities that members of the judiciary may feel about this type of change to the oath of office in the context of the recent political debate about whether Australia should become a republic.

I am aware that the Chief Justice was asked by the Attorney-General to consider whether the Supreme Court rules should be amended to remove the requirement that newly admitted legal practitioners swear an oath of allegiance to the Queen. I understand the Chief Justice advised that the court was reluctant to make a decision on the matter because of the perception the community might have that the Supreme Court was making a political decision on the republican issue.

In my view it is appropriate for the Victorian Parliament to amend the Legal Practice Act so that it is open to the Supreme Court to amend Supreme Court rule 14.05.

Mr Furletti sought to suggest that Victoria was going it alone in seeking to make this alteration in the form of legislation.

Hon. C. A. Furletti — I did not. I said New South Wales and Western Australia had made similar changes.

Hon. JENNY MIKAKOS — That is correct. In addition, the Australian Capital Territory, Western Australia, Tasmania, New Zealand and the United Kingdom, back in 1875, have made similar alterations in the form of legislation. New South Wales did it by amendment of the Supreme Court rules. Victoria is in good company in making this alteration and in bringing its legal profession into the 21st century.

In her second-reading speech the Minister for Small Business referred to the predicament of Mr Möller who in April last year sought to the admitted to the Supreme Court of Victoria as a barrister and solicitor but because of his committed republican views found it impossible to take an oath of allegiance to the Queen. Mr Möller is a courageous young man. He sought from the Supreme Court an exemption from the requirement to take an oath of allegiance to the Queen but was denied that exemption. Newspaper reports at the time said that many applicants for admission as barristers and solicitors of the Supreme Court simply crossed their fingers when taking the oath of allegiance. It is unfortunate that applicants find it necessary to cross

their fingers and in effect take a false oath when they are embarking on a new career as legal practitioners.

The removal of the oath of allegiance will in no way denigrate the importance and solemnity of the ceremony that takes place when applicants are being admitted as legal practitioners in the state of Victoria. In fact it will enhance the ceremony as applicants will feel they can support the words they say on the day.

I will now focus on the miscellaneous amendments the bill makes to the Magistrates' Court Act. The amendments, which I understand are being made with the support of the Chief Magistrate, will improve the operation of the Magistrates Court. They clarify the power of the Magistrates Court to make rules for the referral of cases to pre-hearing conferences and for the conduct of those conferences. As honourable members would be aware, pre-hearing conferences have been used for some time to save the time of the Magistrates Court and to reduce the legal expenses of litigants appearing before it. It is an informal and inexpensive method of bringing litigants before a registrar to put forward their respective cases in an attempt to conciliate the matter before going to court. Previously there has been some ambiguity about whether the principal registrar was able to refer such matters for pre-hearing conferences; the amendments to the bill clarify that ambiguity.

Part 3 of the bill seeks to codify on a statutory basis the practice direction given by the Magistrates Court in March 1999 to allow for proceedings to be recorded by means of audio tape. At present, persons appearing before the Magistrates Court are able to obtain copies of such audio recordings at a cost of $50 per proceeding per day, and that fee is not expected to alter. By putting that practice directive on a statutory basis, the bill ensures that the proceedings of the Magistrates Court are open, responsive and accountable to all litigants by providing them with a statutory basis for obtaining copies of proceedings.

Part 4 of the bill contains a number of amendments to the Supreme Court Act 1986, the most important being clause 10, which redresses an anomaly in the current appeal system in the Supreme Court which effectively gives litigants an as-of-right appeal to the Court of Appeal. That has effectively created a two-tier appeal system in the Supreme Court. The amendment removes the as-of-right appeal and requires litigants to proceed to the Court of Appeal only if they have obtained leave to do so. That in effect puts the Supreme Court on the same basis as the High Court of Australia, which also requires leave to appeal to be granted.

I dispute Mr Furletti's claim that the amendment to the Supreme Court's powers in some way interferes with the court's jurisdiction. It is highly appropriate for the Parliament to seek to assist the Supreme Court and the Court of Appeal in the operation of their appeal system. The amendment has been made at the request of the President of the Court of Appeal to assist the court in its operations. It effectively means that any appeal to the Court of Appeal will proceed only if the Court of Appeal agrees that the appeal has some merit. That will expedite the appeal process in the Supreme Court.

Part 5 of the bill relates to amendments to the Victorian Civil and Administrative Tribunal Act, and the amendments have the support of the President of the Victorian Civil and Administrative Tribunal. The most important of those amendments relates to the appointment of reserve judges to assist with and expedite the hearing of matters before the tribunal. As honourable members would be aware, the VCAT has a significant workload and on occasions a backlog develops. The amendments will allow the president of the tribunal to request that a reserve judge of the County Court be appointed as a vice-president of the VCAT to assist in dealing with its backlog. Those appointments will be for a maximum of three months only and will not affect the salary entitlements of any County Court judge so appointed.

In accordance with the government's respect for the independence of the judiciary, the bill also removes the power the Attorney-General currently has to suspend a non-judicial member of the Victorian Civil and Administrative Tribunal. The suspension of non-judicial members of the VCAT who have conducted themselves in a manner the president of the VCAT considers is worthy of suspension will now need to be requested by the president of the VCAT with the consent of the Attorney-General. That is an important amendment and is in line with the government's policy of restoring judicial independence to Victoria's legal institutions and ensuring that the heads of those legal institutions are responsible for removals and suspensions from office.

The bill also amends the contempt powers of the Victorian Civil and Administrative Tribunal. Currently only the president of the VCAT is able to find a person guilty of contempt of the tribunal. The bill seeks to confer on vice-presidents — that is, County Court judges who are on temporary appointment to the VCAT — the ability to exercise that power when, for example, the president is absent from the tribunal. The amendment seeks to expedite the operations of the tribunal rather than hold up matters for hearing until the president is available.

The bill makes a number of other miscellaneous alterations requested by the president of the VCAT. Some of those alterations relate to enshrining in legislation the Victorian Bar Council rules relating to the appearance of sessional members before the tribunal. That will mean that former or current sessional members of the VCAT will have to wait for two years before they can represent parties before the tribunal in lists in which they have sat. That is intended to avoid situations of conflict of interest arising in lists where sessional members have been sitting for some time. The appearance of such sessional members in any proceedings will in no way affect the validity of those proceedings; however, a complaint will be able to be made under the terms of the Legal Practice Act.

Other amendments to the bill relate to granting the tribunal the power to strike out an application where a party fails to appear at a preliminary conference. It is a power other courts have, and it is intended to expedite matters and clean up the tribunal's list where parties fail to appear.

The bill also seeks to require notification to the principal registrar when a mediation and a pre-hearing conference has been successful. It saves the parties costs and the tribunal time, in that the registrar and the parties are not required to front up before a tribunal member to advise the tribunal that the matter has been successfully mediated.

The bill also seeks to allow the tribunal, constituted by the registrar, to order costs against a party who fails to attend a taxation hearing where another party has been financially disadvantaged.

They are the key amendments sought in part 5 of the bill. Alterations to the operations of the Magistrates Court, the Supreme Court and the Victorian Civil and Administrative Tribunal are intended to assist those bodies in conducting themselves in an efficient manner, particularly given the backlog the current Court of Appeal and the VCAT are facing. I am certain the alterations will have the support of the legal profession and the judiciary.

I am happy that the bill has been introduced and support its clauses, especially clause 3. It is time the Victorian legal profession was brought into the 21st century. Mr Furletti made a comment about the abolition of wigs and gowns. I have no problem with the abolition of the wigs and gowns that are currently being used by the judiciary in Victoria. Courts should be conducted in a comprehensible and not intimidatory manner. I do not believe horsehair on a person's head assists the operation of our courts. I expect there will be a great deal of consultation with the Bar Council of Victoria and the judiciary before that issue is resolved.

That issue and the oath of allegiance to the Queen will enhance the reputation of the Victorian legal profession, and that is something I welcome.

Hon. R. M. HALLAM (Western) — I am pleased to join the debate on the Courts and Tribunals Legislation (Further Amendment) Bill to record the National Party's formal resolution to support the bill and to briefly outline the rationale for that decision.

Before going to the specifics of the bill I shall spend a moment or two speaking about the process that has brought the bill before the house today. At the outset I make the point that the bill was introduced into the Legislative Council only yesterday and the house is debating it one day after its formal introduction, which means members have been prepared to waive the standard protocols on which this Council has been based for many years. In other words, the opposition parties have been prepared to accommodate the government by allowing the debate to proceed in such a short time frame.

I shall make some comments about that because we have heard debate across the chamber about how the legislative program has been decided upon and criticism about the lack of business being introduced by the government. We are prepared to debate this bill on several grounds, the first being that it was introduced into the Legislative Assembly before the parliamentary recess, which is significant. Also, no amendment was offered by the opposition parties during the debate in the other place.

The position of the parties has been well known for some time. We consider this bill to be simple and non-controversial, but it should be noted by the government that the fact that we have been prepared to accommodate the government's program on this occasion is not to be taken as an indication of our response should this issue come before the chamber in the future.

An important principle is involved, and a powerful argument underpinning the protocol is that debate on bills introduced in this chamber should be deferred for a standard two weeks, particularly where there may be questions about the bill.

Hon. M. M. Gould — When did that happen in the seven years you were in government?

Hon. R. M. HALLAM — Minister, if you want to take a point — —

Hon. M. M. Gould — By agreement.

Hon. R. M. HALLAM — Minister, you were not in the chamber when I started my contribution. Be careful, because the point I am making is that I am putting you on notice that you cannot rely on the National Party accommodating you every time you request a shortened time frame.

I am making the point that the standard two-week layover for bills is an important factor that underpins the protocol. It is appropriate that it be reinforced in the current circumstances, given that the government has on the notice paper other bills which go to the structure of this chamber and the way it will operate in the future.

I say to the Leader of the House that she cannot have it both ways. The government is on record as criticising this chamber for not meeting its performance standards as a house on review under the Kennett government. That is the standard criticism, yet at the first opportunity she introduces a program that prevents the house carrying out that role. That makes it that much more difficult.

Hon. M. M. Gould interjected.

Hon. R. M. HALLAM — Minister, you were not listening. I am making it as plain as I can. The government is treating this chamber with disrespect. To give an example, earlier today the government introduced a bill entitled Equal Opportunity — —

Hon. M. R. Thomson — On a point of order, Mr Acting President, we are debating one piece of legislation. So far as I can tell Mr Hallam has not touched on that legislation. It would be appropriate in this debate to deal with the legislation before the house.

Hon. Bill Forwood — On the point of order, Mr Acting President, Mr Hallam is outlining the reasons why the legislation is being debated now, and in doing so he is outlining some of the difficulties the house currently faces. There is no doubt that when someone commences a contribution, as Mr Hallam is doing, that person is entitled not only to deal with everything in the bill but also to put it into broader context. I put to you, Mr Acting President, that there is no point of order.

The ACTING PRESIDENT (Hon. C. A. Strong) — Order! I do not believe there is a point of order, because in dealing with the introduction of the bill the honourable member is outlining the process. I think he should return to the bill. He became engaged in this process only as a result of interjections from the Leader of the Government. We would probably be better off if both sides would stick to the bill.

Hon. R. M. HALLAM — The point I was about to make goes to the very nub of the issue I want to bring before the chamber. It relates to the second-reading speech delivered earlier this day on the Equal Opportunity (Gender Identity and Sexual Orientation) Bill. The speech states:

> It is proposed to introduce any amendments that result from the review in the spring 2000 session of Parliament.

To me that is a clear illustration of the process falling apart. Here we have a government introducing a second-reading speech that promises to bring in legislation in the spring 2000 session and we are already in the spring 2000 session. The second-reading speech was not even made appropriate for the introduction of the bill into this chamber. Once again, the Legislative Council is treated with contempt.

I simply make the point I made at the outset, and the government should take heed of my comments. This is not a warning but simply a statement of fact — the government is not able to rely on the National Party in this place simply accommodating its every request in denying the standards, traditions and protocols of the house.

Hon. M. R. Thomson — On a point of order, Mr Acting President, I wish to have clarified the question of the second-reading speech. It talks about a review that is taking place and ongoing legislation to come in during the spring session; it does not actually relate to this bill.

Hon. R. M. HALLAM — That is the most fatuous point of order I have come across. The minister has failed to go back to the second-reading speech that was introduced earlier today and listen to the quote I gave. I was trying to demonstrate that that speech was quite inappropriate for the process by which the bill came to the house. The government did not bother to make the speech appropriate to the process. That is precisely my point. That is the sort of danger implicit in the procedures the government embarks upon when ignoring the process. I suggest that the minister has reinforced the very point I was trying to make.

The ACTING PRESIDENT (Hon. C. A. Strong) — Order! The minister is questioning a statement made by the Leader of the National Party. That is a debating issue rather than a point of order. I think Mr Hallam is now returning to the bill, which seems to be appropriate, so perhaps we could press on with the bill. There is no point of order.

Hon. R. M. HALLAM — I shall deal briefly with the details of the bill, in part because of the very good contribution made to the debate by the Honourable Carlo Furletti. Anybody who wished to catch up with the effects of this bill could do no better than to read the contribution made by Mr Furletti as he took the house through them in a very practical way.

The bill amends four acts quite separately. They are the Legal Practice Act, the Magistrates' Court Act, the Supreme Court Act and the Victorian Civil and Administrative Tribunal Act. Members of the National Party have absolutely no hesitation in saying they support the amendments to the latter three acts. As Mr Furletti was gracious enough to do, we also congratulate the government on the initiatives represented in the amendments to those acts.

The effect of the amendment to the Magistrates' Court Act is that all proceedings will now be recorded, enabling a magistrate or a registrar to refer a civil proceeding to a pre-hearing conference. As Mr Furletti outlined, those are practical amendments indeed, and we have no hesitation in supporting them.

The amendment to the Supreme Court Act will mean that the leave of the court will be required in certain circumstances where there is an intention to lodge an appeal with that court — again, a very practical amendment. Effectively it overcomes an anomaly and the prospect of double-tier appeals. We are quite relaxed about ticking off that amendment.

A number of amendments are made to the Victorian Civil and Administrative Tribunal Act, all of which we are prepared to support. They enable the appointment of a reserve judge of the County Court to the tribunal. They also prohibit a sessional or former member of the Victorian Civil and Administrative Tribunal from appearing in any of the lists in which that member sits or has sat. Again, we say they are quite practical amendments. The bill also enables the president of the tribunal to suspend a non-judicial member if the president believes there are grounds for removal. We note that that power currently resides purely with the Attorney-General so we support that amendment.

That brings me to the amendment to the first act I mentioned, the Legal Practice Act. While National Party members are prepared to support the amendment, we are not persuaded by the motivation outlined in the debate by the government. We read that the real intent of the Courts and Tribunals Legislation (Further Amendment) Bill was captured in a one-sentence response by the Attorney-General when asked in the other place to briefly outline the contents of the bill. I will not quote him directly because it is inappropriate, but effectively he said in a nutshell that the bill abolishes the requirement to swear an oath of allegiance to the Queen of England in order to practise law in Victoria. At least in the eyes of the Attorney-General that was the real purpose of the bill.

I will now look briefly at the justification for that change. We are told that a particular clerk who had qualified in other respects was not prepared to seek a certificate to practise before the Supreme Court on the basis that he was not prepared to take the particular oath specified by the court. I note in particular that Mr Furletti reinforced the concept that the oath that applies until this bill goes through is the one that is applied by the court. It is not designated by the Parliament of the state but determined by the court itself. I want to come back to that because it seems to me that in that instance alone there is an intrusion on the concept of the separation of powers which underpins our legal system and one to which the Attorney-General is very fond of resorting. I see that there is a grave inconsistency in the rationale for the change.

We are told that the current oath is inappropriate to the extent that it includes allegiance to the Queen and that because of that inappropriateness there is a question mark over the oath itself and over the entire legal system. I am not sure how the Attorney-General drew that conclusion; it is certainly not one that I share — although I am prepared to admit that he is probably better placed to pick up the vibes coming from the judiciary and across the legal system.

The second-reading speech challenges that the amendment is necessary to recover the integrity of the legal system in Victoria.

Hon. C. A. Furletti — What a load of nonsense.

Hon. R. M. HALLAM — I agree that it is a load of nonsense, Mr Furletti. It was repeated in the chamber today by the honourable member who spoke immediately before me, the Honourable Jenny Mikakos. We are told that Mr Möller, the person in the cited case, has done the system a great service by publicising the fact that he was not prepared to take the oath as currently constructed and was therefore prepared to put his career on hold.

I do not know Mr Möller; I have not met him, and I wish him well with his career. I simply make the point as an aside that the profession has survived for generations under a procedure that saw it control the standards across the profession. It has not needed a

Parliament in the past to say, 'This is what you shall do in terms of the conduct of the profession in the courts'.

I also say as an aside that Mr Möller is a very lucky man, in one respect at least — if he was born two centuries ago he would have probably gone to the gallows for the very thing he is claiming now. There has been a pretty dramatic change in standards.

I am not convinced that what is being done will restore confidence in legal traditions. I am not persuaded by that argument. I ask: where is the clamour coming from the legal profession? Where are all the questions? Where are all the demands coming from those who are responsible for the administration of justice in the state? I have not heard one whimper. I suspect that if there had been a whimper the Attorney-General would have been very pleased to cite that authority in pursuing the changes.

If the change is driven by the concept of a shift towards a republic, I simply remind the government that there was a referendum on that issue not all that long ago. If he wants to use that as rationale for the change, a valid argument could be run in exactly the opposite direction — that is, that Mr Möller is out of step with the rest of the community rather than being the golden-haired boy.

I am prepared to put on the wall that I have no doubt that at some future time Australia will become a republic.

Government Members — Hear, hear!

Hon. R. M. HALLAM — I have no doubt. However, I make the following point. The motivation for the change in the bill that will see the deletion of the oath of allegiance to the Queen has more to do with political philosophy than with the practical operation of the courts.

I am reminded that all honourable members should take very seriously the concept of the separation of powers. I am sure the Attorney-General himself would agree with that statement. To the extent that the oath and its construct are determined by the court, I see this as an intrusion. Maybe it is at the margin and maybe we should not make a big thing of it, but nonetheless it represents an intrusion on the holy ground — the incredibly important ground — that underpins the principle of the separation of powers. On that ground, if no other, this is a very dangerous precedent.

I also remind Labor Party members in particular, who seem so hell bent on removing anything that remotely resembles Victoria's British heritage, that there is one thing they have perhaps overlooked — that is, that the rule of law Australia inherited from the British system has served the country very well indeed and has made it the envy of the world. So in this mad panic to pull out everything from the system that is remotely British, the government might just reflect on the fact that it has not been a bad system and that many good things have come as a direct result of Australia's British ancestry. I simply make the point that in government you need to be more than a bit careful that you do not throw out the baby with the bath water.

From the National Party's perspective the commitment that underpins the oath is more important than its form or content, and it would not have taken the initiative of deleting the oath of allegiance to the Queen. But it acknowledges that Her Majesty's role is more symbolic and ceremonial than anything else, and that at the end of the day what will flow directly from the decision to delete the oath of allegiance will have no effect on the bottom line — that is, the distribution of justice in the community.

While the National Party has reservations about the motivation driving the changes to the Legal Practice Act, it is prepared to acknowledge that the bulk of the amendments introduced under the Courts and Tribunals Legislation (Further Amendment) Bill are practical and welcome, and on that basis it supports them.

Hon. E. C. CARBINES (Geelong) — I am pleased to speak in support of the Courts and Tribunals Legislation (Further Amendment) Bill, which seeks to amend four acts: the Legal Practice Act, the Magistrates' Court Act, the Supreme Court Act and the Victorian Civil and Administrative Tribunal Act.

Clause 3 seeks to remove the requirement that before being admitted to legal practice, barristers and solicitors swear an oath of allegiance to the Queen. Mention has already been made of the impetus for that clause — the stance taken by a young law clerk in Victoria last year who was not admitted into the legal profession because he was not prepared, and refused, to swear an oath of allegiance to the Queen.

On reflection, that was a courageous yet costly stance for the young law clerk. Unlike many of his contemporaries or predecessors, he was not prepared to cross his fingers and take the oath of allegiance, because he considered that that would render it a hollow oath. I admire his commitment and integrity, and they deserve to be acknowledged in this debate. I have empathy for his stance; principled people who are required to swear an oath of allegiance for which they feel no commitment face a real dilemma.

My family migrated to Australia from Britain when I was a child. Although I do not come from the legal profession, I have in my life been required to swear an oath of allegiance for which I had no commitment. When my family decided to become Australian citizens in the 1980s, we investigated the processes involved in taking up citizenship. We found that, apart from the application we had to fill in and the interviews we had to undergo to see whether we were appropriate citizens for this fine country, we would be required to attend an official ceremony where we would be asked — in fact, obliged and required — to swear an oath of allegiance to the Queen.

As we were British migrants that posed a real problem for my family because we wanted to commit ourselves to Australia as our chosen country of citizenship. We felt really uncomfortable about swearing an oath of allegiance to the Queen. My brother felt so strongly about it that he decided not to take up Australian citizenship because he would be required to swear an oath for which he felt no commitment.

I think it was in 1985 that my parents and I swore the oath of allegiance, which had no meaning for us, and became Australian citizens, which we were very proud to do. Happily my brother decided to become an Australian citizen in the 1990s when the oath of allegiance was removed from the Australian citizenship declaration.

Therefore I understand the stance the young law clerk was prepared to take and the dilemma he faced. I have nothing but support and admiration for the stance he took because it cost him to do so. The bill will retain the requirement for people who wish to be admitted as lawyers to swear an oath of office. That is entirely appropriate because it will directly pertain to their future conduct as barristers or solicitors.

The bill removes the requirement of swearing an oath of allegiance to the Queen. It is a pity that the delegation from the United Kingdom is not present to listen to the debate because England removed such a requirement in the 19th century — two centuries ago. Australia is a little behind. The bill will bring Victoria into line with other states, such as New South Wales, Western Australia, South Australia and Tasmania, as well as our neighbour, New Zealand.

The removal of the oath of allegiance for those wishing to become barristers or solicitors has the support of the legal profession. The Honourable Roger Hallam said he was not aware of that support and that he had not heard anyone discuss the issue. The government knows the bill has the support of the legal profession, many of whom felt the same as the young law clerk who refused to take the oath of office last year. However, instead of taking a stance as he did, they crossed their fingers rather than jeopardise their careers.

It is important to emphasise the support of the legal profession for the bill and the fact that advice was sought from the Chief Justice on how to proceed before the bill was drawn up. It is contrary to what the house has heard from the Honourable Roger Hallam today. This part of the bill is a matter of principle. It removes the oath of allegiance to the Queen, which is completely inappropriate to the conduct of the office that barristers and solicitors are about to perform.

The bill refers to the Magistrates Court, the Supreme Court and the Victorian Civil and Administrative Tribunal. My colleague the Honourable Jenny Mikakos succinctly went through the detail of the bill and outlined the changes the amendments will bring to those jurisdictions. I do not propose to go through them one by one. The changes that will come about with the passage of the bill have been sought by the head of those jurisdictions. They are practical, simple amendments aimed at making those jurisdictions more effective. They aim to improve the operation of those jurisdictions. I am pleased to learn from the debate that opposition members, from both the Liberal and National parties, support the bill.

An honourable member interjected.

Hon. E. C. CARBINES — The Liberal Party is not opposing the bill; the National Party is supporting it. The Honourable Roger Hallam said the amendments were simple and non-controversial, and he congratulated the government on the practical amendments, which was very nice to hear. I understand the shadow Attorney-General in the other place was also quite complimentary. I commend the bill to the house.

Hon. A. P. OLEXANDER (Silvan) — I am pleased to contribute briefly to the debate. Like many of the previous speakers, I am not a lawyer but I have served on the relevant opposition committee for a number of months and I feel I can make a positive contribution to what has gone before.

I heartily endorse the comments of my colleague the Honourable Carlo Furletti. As usual, Mr Furletti succinctly, comprehensively and articulately put the opposition's position on the bill, and I congratulate him on his comments.

I also put on record the fact that the Leader of the National Party, the Honourable Roger Hallam, made a

number of pertinent points that I and other opposition members wholeheartedly support. However, the position of the Liberal Party on the bill differs from that of the National Party in that it does not support the bill. The Liberal Party has resolved not to oppose it because a number of provisions cause some concern for its members. Some provisions are less concerning than others and some are viewed quite positively. It is a mixed bag, and that is the reason for the decision of Liberal Party members.

The bill makes more than 30 amendments to various acts. I do not propose to cover them all but will touch on a few that are relevant to the debate. I will answer some of the specific points made by government speakers. The first issue I turn to is the oath, not only because that issue seems to be one of the main arguing points today but because the second-reading speech gives it pride of place and leads with that argument. Anybody reading the second-reading speech without having looked at the bill could make the mistake of believing that the bill deals only with the oath.

I ask the government to explain why it is introducing this change in a legislative manner at this time? Did the government consult with the courts and the legal system? Has there been a call for the removal of the oath in a legislative manner? There seems to be disagreement on the issue. I refer to the second-reading speech where the Attorney-General said on the issue of miscellaneous amendments:

> All of these amendments have been sought by either the Chief Magistrate, President of the Court of Appeal or the President of VCAT.

That suggests that other amendments, such as those dealing with the oath of allegiance, the Magistrates Court and the Victorian Civil and Administrative Tribunal, have not had the appropriate level of consultation and have not been the subject of requests that the government claims for making the miscellaneous amendments.

It is curious that government members have argued in favour of the abolition of the oath on the basis that the jurisdiction that operates in the United Kingdom has abolished it. As good Republicans — I am sure most government members are — to argue that because another jurisdiction, particularly England, has abolished the oath that we in Australia should do so as well is slightly contradictory. Why should Australia and Victoria follow an example set in another jurisdiction as far away as England? It is a silly, spurious point and if I had been conducting the debate for the government I would not have made it.

However, it raises the point that the move to abolish the oath is out of step with the other states of Australia and that perhaps we should be looking closer to home than England for our examples. There seems to be a disagreement about that as well. From my research I determined that three states or territories — South Australia, the Northern Territory and Queensland — retain the oath and that states that have not sought to abolish it by legislative means have left it up to the court jurisdictions to do so. The question that needs to be asked is why it is being done legislatively in Victoria.

I have sympathy for and to some degree empathise with Mr Möller for the situation he was placed in when he sought to be admitted to practice. However, that does not extend to the empathy the Honourable Elaine Carbines said she felt for him, which would lead her to change the legislation. Many Australians still feel that the place of the monarch in our system of government and in society is a key facet of our system. Arguably a majority of Australians support the retention of a constitutional monarchy strongly and believe the position of the monarch is integral to the system. Mr Hallam pointed out that a recent referendum reinforced that point.

It is inappropriate for the government to take a one-sided approach in this debate — a republican approach, if you like — given that many Australians, and arguably still a majority, feel strongly about the oath. In doing so the government is putting forward the proposition that although republicans may feel comfortable about it, it has not given consideration to the fact that monarchists who feel strongly about the monarchy will feel uncomfortable about not having the oath present. That argument has been completely ignored by government members.

The Honourable Elaine Carbines spoke about her family background. She said she was from Great Britain and had a massive objection to an oath of allegiance to Her Majesty the Queen. My family background is slightly different from that of the honourable member. My grandparents migrated to Australia from the former Soviet bloc in 1949 and when given the opportunity to take on Australian citizenship and swear an oath of allegiance to Her Majesty did so gladly and wholeheartedly. To this day they remain committed monarchists. They come from a background of turmoil and oppression where they did not have the opportunity to take for granted the freedoms we have inherited in our system. My grandparents and parents still strongly believe an oath to the Queen is appropriate.

My point is that many Australians still believe the swearing of an oath to the Queen is appropriate, and that until the Australian nation decides it should change its system of government it is not for the Victorian government to make such changes without the endorsement of the people. That has not yet occurred.

Given the points I have made perhaps a more appropriate amendment would have been the provision of a choice of oaths for people seeking admission to practice. That would have given everybody the best of all possible worlds. However, consultation should have taken place with those concerned. If that had happened a legislative provision may not have been necessary.

I turn to a couple of the other issues raised by the bill, some of which are positive. The opposition believes the provision of a requirement for litigants to have leave of the Court of Appeal to appeal to a single judge of the Supreme Court, and subsequently to the Full Court of Appeal, is sensible. At the moment the automatic right could be interpreted to allow vexatious or frivolous appeals and thereby cause unneeded delays in the legal system. One of the major criticisms of the legal system is that there are inordinate delays and not enough time to argue cases — and justice delayed is seen by the wider community as justice denied. The provision appears to be a step in the direction of alleviating that problem.

The opposition has no problem with other positive aspects in the bill. It gives power to magistrates and registrars to refer civil proceedings to pre-hearing conferences in accordance with the rules of their courts. That positive move should help remove backlogs in and alleviate the clogging of the court system.

The appointment of reserve judges of the County Court as temporary vice-presidents of the Victorian Civil and Administrative Tribunal should also result in greater efficiency in the system and is a potentially positive move in the direction of alleviating pressure on the court system.

The bill prohibits the appearance of a current or former sessional member of the Victorian Civil and Administrative Tribunal before a jurisdiction of the tribunal of which they were or are a member for two years. That is a positive move. It will prevent situations arising where undue influence could be applied or where conflicts of interest may occur from time to time. The opposition has no problem with that provision.

Courts are being modernised all the time. The Magistrates Court is providing facilities for audio recordings of proceedings to be disseminated to interested parties and stakeholders for a fee. That is a move towards modernisation that has no major negative consequences. The opposition has no problem with that provision.

Generally speaking the bill has positive elements. However, in the opposition's view the prominence the government has placed on the oath of allegiance is misplaced. The government has not considered all the arguments surrounding the issue. It has taken legislative action that is out of step with most Australian jurisdictions. It has relied on a decision taken in an English jurisdiction as a major argument in favour of its proposal — I suggest to the chamber it is an inappropriate example to cite — and has not considered the divided opinion on the questions of oath or no oath and republic or monarchy that exist in the community today.

I repeat that perhaps the government could have introduced a choice of oaths. That might have been more appropriate and might have satisfied all concerned. Nonetheless, although the opposition does not support the bill, it does not oppose it. I wish the bill a speedy passage.

Hon. S. M. NGUYEN (Melbourne West) — I have been listening to the arguments from both sides of the house on Courts and Tribunals Legislation (Further Amendment) Bill.

Hon. C. A. Furletti — You were not in here.

Hon. S. M. NGUYEN — I was listening in my room.

The bill has a number of important points. One can tell we have entered the 21st century when we are talking about the changing new face of Australia and also about making Australia more independent and giving people a choice depending on what they believe. Now any person who wants to swear an oath can choose loyalty to the Queen or to Australia as a nation. That gives people a range of opportunities.

The bill has been introduced and is being debated today because last year a young law clerk, Mr Möller, was prevented from being admitted as a barrister and solicitor because he refused to swear an oath of allegiance to the Queen. He is a republican and believes his loyalty is to the country in which he lives. He has the right to do that. Other people who are loyal to the Queen have the right to swear allegiance to the Crown. Everyone will have the opportunity to do what they believe is right. It is not good to swear to something and not believe in it.

Many years ago people chose to swear to God. Every member of the community has a right to swear an oath or allegiance to the Queen. I am not against the monarchy or against people who choose to be loyal to the Queen. Everyone has a right to that. Some people have a strong link to the commonwealth, or to the British government. A delegation from England visited our Parliament today and we welcomed them; we have nothing against them. We want an open society where everyone has a say and everyone swears on what they believe. It makes us a multichoice nation.

Like many members of Parliament in this place and around Australia, I have attended many citizenship ceremonies. Last year was the 50th anniversary of Australian citizenship. We have seen many new Australians and many people wanting to become Australians. Many swear on the Bible. Some people do not belong to any religious group so they have a choice, and we welcome that. So long as they know what they are swearing and what they believe, we respect every group. The bill will give the lawyer a chance to choose what he or she believes in.

It has been said that the government did not consult the community on the bill. That is not right. The minister has consulted with the Chief Justice of the Supreme Court, who agreed and said it was a good idea and to go ahead.

Even in the Parliament today we still have only one oath. Honourable members swear an oath of allegiance to the Queen. In 1996 when I was elected every new member had to swear an oath of allegiance to the Queen because there is only the one to choose. In the future the Parliament of Victoria should give members of Parliament the opportunity to choose what they believe. We have done nothing in Parliament yet and I am sure it would be a good idea to do that. Every new member who believes in a monarchy, or republicanism, will have the right to choose what he or she believes.

The bill contains other amendments, such as an amendment to the Magistrates' Court Act 1989 to provide that all proceedings must be recorded by means of audio recording in accordance with the rules. Also, a magistrate or registrar may refer a civil proceeding for a pre-hearing conference in accordance with the rules.

The bill amends the Supreme Court Act 1986 so that double-tier appeals to the Court of Appeal can only be made with leave. The bill also amends the Victorian Civil and Administrative Tribunal Act 1988 allowing for the appointment of a reserve judge of the County Court as a vice-president of the Victorian Civil and Administrative Tribunal (VCAT). That is important for members of the community. When they want to sort out a dispute before they go to court, they can go to the tribunal.

The bill also provides for prohibition on appearance and for suspension of non-judicial members. Currently the Attorney-General may suspend a non-judicial member of the VCAT with the approval of the president. Section 22 will be amended to provide that the power to suspend a non-judicial member is vested in the president. The bill also amends the VCAT act to give the principal registrar of the tribunal the power to order costs for failure to attend an assessment of costs. That is important and will ensure people come to the tribunal.

The amendments to the Victorian Civil and Administrative Tribunal Act provide that where the application fee is not paid at the time of lodgment it is deemed to be stayed rather than not to have been lodged; allow senior members who are legal practitioners as well as presidential members to dismiss summarily unjustified proceedings; clarify that the tribunal may strike out an application where a party fails to attend a mediation or hearing of a proceeding; allow a mediator to require a party to attend the mediation either personally or by a representative who has authority to settle the proceeding on behalf of the party; provide that if the parties agree to settle a proceeding as a result of mediation the mediator must notify the registrar rather than the tribunal; restrict the exercise of the power to direct that a hearing be held in private to the presiding member; expand the group of members who can make a declaration to include deputy presidents; and allow a vice-president to make an order for contempt.

These are important changes to the way the tribunal will work in the future. They will make the VCAT more accessible to the community and the legal profession. It is important to provide better services to the community and to make the system more workable. I support the bill.

Hon. B. W. BISHOP (North Western) — I have a few brief comments about the Courts and Tribunals Legislation (Further Amendment) Bill. Debate on this measure, particularly the technical issues, has had plenty of airplay today. Mr Furletti said it was a pity the debate in the lower house was limited. That highlights the value of the upper house, where members have unlimited time to debate measures and ensure that the house of review works well and remains a strong part of the Westminster system that we enjoy in Australia.

I suspect that in examining the bill most people would take note of the amendment to the Legal Practice Act that will remove the requirement for barristers and solicitors to take an oath of allegiance. The second-reading speech gives no reason from the judicial system for that amendment. If I thought for one minute that this proposal related to the republican debate and the removal of the Queen as Queen of Australia I would resist the amendment as vigorously as I could. However, I accept that the provision has nothing to do with the republican debate. Does the proposed amendment provide a more practical structure more suited to today's world? The second-reading speech refers to legal practitioners wishing to be admitted as barristers and solicitors of the Supreme Court of Victoria crossing their fingers when taking the oath. I am not sure of the relevance of that comment. It is of no interest to me. I wonder whether they gave much thought to the meaning of the oath.

Should legislators make a decision to alter the oath of allegiance, leave it entirely to the judiciary or take some joint action either through legislation or the rules of practice of the court? I believe the swearing of an oath is binding and symbolic. It does not matter whether the oath concerns a person entering the legal profession or is the oath required when a person is sworn in as a member of Parliament. The occasion is important because there is a public commitment to uphold the duties and practices one undertakes.

The proposed amendment to the Legal Practice Act raises the issue of the separation of powers. Is the proposed amendment straying into that area? I read the second-reading speech carefully, and I found it interesting. The government makes no comment about the view of the court. Surely the court has a view on this issue. Parliament has a duty to protect the independence and integrity of the judicial system so that the community continues to have faith in the judiciary. An independent judiciary is a cornerstone of our society, yet the second-reading speech makes no mention of the views of the court. The second-reading speech and some speakers to the debate referred to the removal from legislation of the oath of allegiance in Great Britain, but no reason was given for that alteration. I note that South Australia, Tasmania, the Northern Territory and Queensland still retain the oath of allegiance. What are the broader views of the community on this issue?

The second-reading speech refers to Mr Möller refusing to take an oath of allegiance to the Queen. He had trained for a number of years but was refused admission because he would not take the oath of allegiance. I appreciate that many people have strong views, as do many of us in this place, but he must have known the rules when he was training and studying to be a barrister.

Mr Furletti said he found that gowns and wigs gave some status to the court system. The people we represent want to retain some of the traditions such as those followed in this house. I support maintaining the traditions of Parliament and the courts because they give standing to those institutions, which the community expects and understands. Mr Olexander said no other options were canvassed by the government in putting forward the proposed amendment. He made some excellent comments.

I support the proposed amendments to the Magistrates' Court Act regarding the recording of proceedings and the referring of a civil proceeding to a pre-hearing conference. Double-tier appeals are practical and appropriate. The appointment of a reserve judge as a vice-president of the Victorian Civil and Administrative Tribunal (VCAT) is a reasonable way to make sure the tribunal manages its business more effectively. It will allow members of the public to have their problems resolved more quickly and more conveniently.

I believe the Victorian community would support anything that speeds up the process of the VCAT, whose proceedings often seem to be dragging. The speeding up of the process will be a real advantage to the large number of people who use the VCAT, be they from municipalities, water authorities, businesses or the general community.

The questions raised in debate about the mechanisms adopted in the bill to achieve the will of the government, particularly with regard to the oath of allegiance, concern me. Times have changed, but those issues still concern me, which is a great pity because the bulk of the amendments are reasonable and practical and will assist the community and the working of our courts into the future.

Hon. T. C. THEOPHANOUS (Jika Jika) — I will make some general comments in support of the bill, but I will concentrate in particular on the swearing of allegiance to the Queen. That important issue is not just about whether one needs to swear allegiance to the Queen in order to join the legal fraternity. The shift from the swearing of allegiance to the Queen as an occupational requirement should serve as an example in a range of other areas where the issue should be taken up and changes introduced. I say at the outset that I do not have any difficulty with the Queen of England; she is a very appropriate person to be the Queen of England.

Hon. A. P. Olexander — What about the Queen of Australia?

Hon. T. C. THEOPHANOUS — I do not think she should be the Queen of Australia. Queen Elizabeth is currently the Queen of Australia as well as being the Queen of England. If ever there were potential for conflict of interest, that situation would be an example par excellence. I cannot imagine that when the Queen visits countries outside Britain she would be representing Australia. She would be representing Britain, and everybody would know that. I say that as someone who was born in Cyprus at a time when Cyprus was not just a member of the commonwealth but also a British colony. At that time, Cyprus was ruled more or less directly from Britain. My father came to Australia on a British passport, and as a consequence I also came here on a British passport.

Cyprus was trying to achieve its independence from Britain at the time, and one of the things my father used to say to me was, 'I got out of Cyprus so I could get away from having the Queen as the head of state, only to come to Australia to find I still have her as head of state. I didn't manage to get away from the Queen by coming here'.

Hon. R. F. Smith — He could have gone back.

Hon. T. C. THEOPHANOUS — In the later years of his life, Mr Smith, my father did consider going back, and one of the reasons he considered going back was precisely because he could return to a Cyprus that did not by that time have the Queen as head of state.

The point I wish to make is that at the very minimum people should have a choice about whether they swear allegiance to the Queen. Swearing allegiance to the Queen does not make a better or worse lawyer or a better or worse member of Parliament. What makes members of Parliament or lawyers better or worse are the skills they bring to their occupations and the commitment they have to the principles underlying those occupations. I can tell honourable members quite proudly that the range of principles underlying the legal profession and the way lawyers represent their clients were developed by the ancient Greeks. The practice of the law and the representation of clients by lawyers is what is important, not swearing allegiance to a Queen.

Hon. E. J. Powell — Do you still have a British passport?

Hon. T. C. THEOPHANOUS — I do not have a British passport; I am very proud to have an Australian passport. I add in response to the interjection that I had a choice and could have acquired a British passport, but I chose not to.

On becoming a member of Parliament I was required to swear allegiance to the Queen. That was one of the more difficult things I had to do when joining the house, because I felt a sadness that in order to represent my constituents — the people who had voted for me — I had to swear allegiance to the Queen of England instead of swearing allegiance to Australia or Victoria. That is something the house needs to address. The bill attempts to deal with the issue as it relates to the law, and it is therefore one step in the process.

As I am sure you are aware, Mr President, this state has a clear separation of powers, and the judiciary is one part of those powers. It is pleasing that at least that area does not have the ancient, archaic and out-of-date notion that one should swear allegiance to the Queen.

The history of the oath is interesting for those in the law who have to take it. One verse, which has since been changed, says:

> I swear by Almighty God … that I will well and honestly demean myself in the practice of my profession as a barrister and solicitor to the best of my knowledge and ability.

You, Mr President, may be aware that the word 'demean', which had a different meaning, was later changed and the word 'conduct' was put in its place. I am unsure whether those who use the word 'demean' when swearing allegiance to the Queen might construe it as an entirely different meaning. I consider it to be demeaning to have to swear allegiance to the Queen in any circumstance, including coming into this place. It is outdated.

I am reminded of an article I read in the *Age* some years ago — I am unable to give honourable members the date, but if they wish I could find it — written by a Greek Australian, Jeanna Vithoulkas, about her experience of going to a citizenship ceremony with her father, as many migrants did. Her father was approached by another migrant.

Hon. W. I. Smith — Is this on the bill?

Hon. T. C. THEOPHANOUS — It certainly is; it is about having to swear allegiance to the Queen. On this occasion the father was asked, 'What do you have to do to become an Australian citizen?'. He replied, 'You have to go and swear allegiance to the Queen'. He was asked, 'Is that all I have to do?'. The response was, 'You have to swear allegiance to the Queen and her "heirs" — which he pronounced as 'hairs'. Of course the next question was, 'What does hair have to do with

it?'. The migrants said, 'We don't really understand the mind of the royals, but for some strange reason you have to swear allegiance to their hair'. For 10 years that person thought that when one swore an oath of allegiance to the Queen one also had to swear allegiance to her 'hairs'. That is the sort of thing that happens with people who have no tradition or involvement with the British monarchy because they were born in Cyprus or Greece or Italy or countless other countries in which people do not know who the British monarch is, let alone her heirs.

We in this country still insist that those people swear allegiance to the Queen. Imagine a young lawyer from a migrant background — Mr Katsambanis will be able to relate to this — being asked to swear allegiance to the Queen in order to become a lawyer. Anybody in that position would have to say that it is hard to relate to such persons.

Many who have a British heritage and background now have great difficulty in swearing allegiance to the Queen because they believe it is simply the remnant of tradition. The requirement is a result of a certain type of tradition and background, an Anglo background, at a time when this country was dominated by people from a British background. Those words in the oath are no longer relevant to a significant proportion of people in this country.

In Australia the Northern Territory has not required an oath to the Queen since 1993. I would not say the Northern Territory is very progressive in these matters, but in this particular case one does not have to swear allegiance. Tasmania, which has a strong tradition of association with the British legislature, removed the oath in July this year. South Australia, Queensland and Victoria are the only states where the oath remains.

In other jurisdictions action has been taken by the courts to amend their rules rather than the change being effected by the legislature. New South Wales made changes to its Supreme Court rules.

Moreover, the thing that shows more than anything how isolated this country has been on many of these issues is the fact that this oath of allegiance is not even required for a person to become a lawyer in the United Kingdom itself.

Hon. R. F. Smith — Isn't it?

Hon. T. C. THEOPHANOUS — No, it is not required even in the United Kingdom. It is my understanding that the legislation was passed back in 1875.

Hon. R. F. Smith interjected.

Hon. T. C. THEOPHANOUS — We could say that that means we have been more English than the English for at least 200 years as far as the law is concerned, because legislation removed that requirement in the United Kingdom in 1875. It is outdated, it is unnecessary and it is something that many people would find quite objectionable. It took one person to take a stand on this issue to force a change in the Victorian law, but for a number of years this individual was denied access because he was not prepared to swear allegiance to a British monarch.

Like many other people I was disappointed that we did not move to a presidency. I think the majority of people in this house were disappointed about that. However, that does not mean that we have to retain these sorts of requirements in the law. I suppose the idea of a Queen's Counsel has a tradition attached to it but it is not something that I think the legal system should retain in the longer term. It is not retained in New South Wales, so far as I understand it. The tradition has been put to bed there and New South Wales has senior counsel, which makes much more sense to me. I do not know how many people have been counsellors to the Queen but I am sure there is a tradition and a rationale to calling them Queen's Counsel.

It also occurred to me that were the Queen ever to decide to stand aside for Prince Charles and we had a king, presumably overnight all of our Queen's Counsel would become King's Counsel.

Hon. R. F. Smith — They would still charge us.

Hon. T. C. THEOPHANOUS — Mr Smith might well be right; they would probably charge the same, but it would be a king's ransom rather than a queen's ransom. In that light-hearted way one can see the absurdity of it all — one night one can be a Queen's Counsel and the next night one is a King's Counsel. One would need to rush out and change all one's stationery, for a start — presumably change the Q to a K.

I am not sure whether we have any Queen's Counsel in this house. I know we used to have them, and we have a few lawyers now, but I am not sure whether we have any Queen's Counsel. Nevertheless and despite all of that we have all had to swear allegiance to the Queen.

Like others in this house who have become ministers I have received a notification from the Governor on behalf of the Queen. It amuses me every time I look at it because it starts off with words to the effect of 'To our trusted and well-beloved Theo Theophanous'. I am

glad the Queen thinks I am trusty and well-beloved to her because I have never met her.

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — She obviously thinks more highly of me than do a lot of members of this house! That aside, I think it shows the absurdity of this kind of tradition.

Members would be aware that there has been plenty of consultation with the judiciary over this question: they have been consulted about the proposal. The Attorney-General consulted with the Chief Justice and the decision to introduce the legislation was made to avoid any perception that the courts were entering into the political debate concerning the republic. The courts themselves have recognised that this is outdated. It should be something the opposition is not simply not opposing but is wholeheartedly supporting and embracing. I am a bit disappointed that that has not occurred. However, I note that the National Party has decided to support the bill and therefore in a sense, notwithstanding its roots, on this occasion it has shown itself to be more progressive on this sort of issue than the Liberal Party.

This bill does a range of other things and some of them are worth mentioning. Clause 15 deals with the suspension of non-judicial members of the Victorian Civil and Administrative Tribunal. At present, section 22(1) of the Victorian Civil and Administrative Tribunal Act provides that the minister, with the approval of the president of the tribunal, may suspend a non-judicial member from office. Clause 15 amends section 22(1) of that act so the president, with the approval of the minister, may suspend a non-judicial member if the president believes there may be grounds for removal from office of that person.

I know that the opposition has raised some concerns about this matter. The principal concern is that the Attorney-General is giving up his right to issue a suspension, even if the president does not give approval. That raises the question of whether, if the Attorney-General makes the appointments, he should do the suspensions or whether those actions should be undertaken by the president.

That is the issue as I understand it, and I will address it. First, it should be noted that members of the Victorian Civil and Administrative Tribunal are appointed by the Governor in Council, not the Attorney-General. Second, the aim of the amendment is to place the decision to suspend a non-judicial member with the president. In the judgment of the government this bolsters the independence of the Victorian Civil and Administrative Tribunal and protects members of it from government interference. It is another example of the way this government is keen to ensure that there is a clear separation of powers and that the independence of the judiciary is guaranteed. That independence was compromised on a number of occasions under the former government, not just through the attacks on the Director of Public Prosecutions, which was an attack on the entire justice system, but also, in my view, by the sacking of the 9 or 10 Workcover judges. Those attacks were condemned by the entire legal fraternity at the time — which, from my recollection, included the Chief Justice.

The opposition does not have a record of defending the independence of Victoria's judicial system and so the arguments it has put could be rejected on that basis. The changes provided by the bill will strengthen that independence.

The decision to suspend a member is an intermediate step. Once suspension occurs a person must be appointed to investigate the member's conduct. After receiving a copy of the investigator's report the Attorney-General, with the consent of the president, may recommend to the Governor in Council that the member be removed from office. So there are checks and balances in the system all the way along.

The power to appoint and remove a non-judicial member from office remains with the Governor in Council. There is nothing inconsistent in giving the president the power to suspend a member if there may be grounds for removal from office. Once a suspension takes place an investigation is carried out, which may ultimately lead to a recommendation to the Governor in Council that the person be removed from office.

Subsequent clauses in the legislation make a series of changes, including amendments to the Victorian Civil and Administrative Tribunal Act to: give the principal registrar of the tribunal the power to order costs for failure to attend an assessment of costs; provide that where the application fee is not paid at the time of lodgment it is deemed to be stayed rather than deemed not to have been lodged; allow senior members who are legal practitioners as well as presidential members to dismiss summarily unjustified proceedings; clarify that the tribunal may strike out an application where a party fails to attend a mediation or the hearing of a proceeding; allow a mediator to require a party to attend the mediation either personally or by a representative who has authority to settle the proceeding on behalf of the party; provide that if the parties agree to settle a proceeding as a result of

mediation the mediator must notify the registrar rather than the tribunal; restrict the exercise of the power to direct that a hearing be held in private to the presiding member; expand the group of members who can make a declaration to include deputy presidents; and to allow a vice-president to make an order for contempt.

The government believes the range of changes will assist in strengthening the independence and operation of the Victorian Civil and Administrative Tribunal.

Because other honourable members on this side of the house want to speak on the legislation, I will conclude my remarks by making the following point. I am surprised the opposition has not seen fit to provide a large number of speakers on this legislation. Yesterday the Leader of the Opposition in this place, the Honourable Mark Birrell, did a complete song and dance, complaining that there was not enough opportunity for debate to take place in the house.

Yet on such an important bill as this, which makes a range of changes to Victoria's court system, including the deletion of the oath of allegiance and a range of changes to the Victorian Civil and Administrative Tribunal, on which a considerable contribution could be made by the opposition, instead of contributing to the debate on the significant number of issues the bill raises, the opposition once again runs away from the debate and limits the number of speakers. It has little interest in debating such an important piece of legislation, and that is unfortunate.

I urge opposition members, particularly those with legal backgrounds, to contribute to the debate. Mr Forwood has some background in the law, and the honourable Mr Katsambanis certainly has. I am surprised that Mr Katsambanis is not interested in this issue, particularly given his background and because this is an issue he would have had to face. The Honourable Jenny Mikakos, who also has a legal background, has been prepared to put her point of view about how she feels about the legislation, given her family background. But I have not heard such a contribution from Mr Katsambanis.

That just shows what absolute hypocrites opposition members are. They could get up and put points of view in the best traditions of the house. They do not have to have tonnes of notes on an issue like this; they could speak on the basis of their beliefs or of their family history, tell anecdotes, or whatever. The tradition of this house is about debate — getting up, giving your point of view, and saying what you think and what you believe in.

Yesterday there was the fiasco of the Leader of the Opposition complaining about the lack of debate, yet when there is an opportunity to enter into a significant debate on an important issue such as this, where are they, Mr Smith?

Hon. R. F. Smith — They are nowhere to be seen.

Hon. T. C. THEOPHANOUS — They are not interested in debating the issues; they are interested only in scoring cheap political points.

I will conclude my remarks by indicating that this is a progressive piece of legislation. It will mean that people who have spent many years of their lives working to become members of the legal profession will no longer be required to swear oaths of allegiance to the British monarch who is so far away and is hardly relevant to what happens in this country.

The British monarch is not relevant to the way the law is practised and the best traditions of the law in this country. I commend the bill to the house.

Hon. R. F. SMITH (Chelsea) — I support the bill. I am pleased to note that there is no opposition to the bill, although unfortunately the Liberal Party chose not to support it but rather not to oppose it.

The bill amends many acts, including the Legal Practice Act, the Magistrates' Court Act, the Supreme Court Act and the Victorian Civil and Administrative Tribunal Act. The amendments have been requested by either the Chief Magistrate, the President of the Court of Appeal or the President of the Victorian Civil and Administrative Tribunal. They were requested to allow for a more relevant court and to allow the court to function more efficiently and thus better serve the Victorian public.

Much has been made of the oath and its impact on the bill, particularly by the Honourable Andrew Olexander. The Chief Justice was asked to consider whether the Supreme Court rules should be amended to remove the requirement that persons seeking admission as lawyers swear oaths of allegiance to the Queen. The Chief Justice advised that:

> … the court was loath to make a decision on the matter as it may be perceived by the community as a political decision related to the Republic question. The Chief Justice suggested that the Parliament could achieve the same outcome by amending the Legal Practice Act in the way that is now proposed. The Supreme Court would then be free to amend its rules [Rule 14.05].

One point that has been missed in the debate is that the bill does not remove the oath as a requirement for

people entering the legal system. It simply provides the Supreme Court with the flexibility to amend its rules and remove the oath if it so chooses. On my interpretation of the bill the Supreme Court at a later date, if it so chooses, could reinstitute the oath as a requirement. The government is simply providing the courts with the flexibility they need.

On the issue of the oath I have listened to many people provide the house with a history of their family trees, their heritage and their views on the republic, the Queen and the British system. I will provide the house with my view because I believe I am probably better qualified than most to give my opinion, given I was born and bred an Englishman who has given up his citizenship to become wholly and totally Australian. Most people would suggest that course of action was unnecessary, and they are right — it was not necessary. I chose to do it. That is not to suggest I have any complaint about my English heritage. I suggest that this country has done extremely well and benefited greatly from its English heritage and the systems and institutions of the British.

However, as this country evolves there is a growth in the number of groups that are not Anglo-Saxon British and who have different views about the system this country should adopt. They do not see the Queen or the British system as being relevant to them. I am not one of them. I believe Australia has done well under the British system and many countries in the world would love to have the system it has inherited; there is no question about that.

However, the current system is seen by a growing number of people as no longer being relevant to them, and that belief must be recognised and dealt with. The issue of the oath in the legal system is simply to give the Supreme Court the option to amend its rules and to decide whether it is a requirement.

Is the oath of allegiance to the Queen relevant to Australia's legal system? In 1875 the British Parliament considered whether an oath to the Queen was relevant to the practice of law and decided it was not relevant. In 1977 New South Wales removed the requirement to take the oath, which is not required in Western Australia, the Australian Capital Territory or New Zealand. New Zealand has more Poms than England! The immediate past president of the Law Institute of Victoria, Mr Michael Gawler, observed that allegiance to the Queen:

> … is not regarded by many people as having anything to do with the willingness to uphold and respect the law.

The more important oath of office will be retained. It states:

> I will well and honestly conduct myself in the practice of my profession as a barrister and solicitor to the best of my knowledge and ability.

That oath is extremely relevant and more appropriate. The underlying common-law allegiance to the Crown as the symbolic source of inherent executive power will still remain. The amendment merely removes the ceremony of swearing an oath. What is the big deal? I do not think anyone should have a problem with that. It is not an attack on Australia's heritage; it allows Australia to be more modern. Some members opposite struggle with that concept — they do not want a modern Australia. They want their old Australia, the one where they are comfy and where they have ruled the roost in this house for 150 years. That is what they want to keep. The Supreme Court will decide whether the oath is relevant.

Other amendments in the bill allow for more efficient functioning of those courts, and that includes the appointment of reserve judges who will allow the court to reduce the backlogs. The short-term appointments will last for three months and will be made to people who have retired and are under-utilised. The appointments will allow the court system to function more efficiently.

Other amendments have been referred to ad nauseam and need no further discussion or debate. Although I know there are no further speakers on the other side, having got my points across — particularly about the oath, heritage and my family tree — I feel comfortable in commending the bill to the house.

Hon. KAYE DARVENIZA (Melbourne West) — I am pleased to have the opportunity to speak on the bill, which has bipartisan support. It is always good to speak on bills when members from both sides of the house support the sentiments and directions of those bills. Although there might be some disagreements, any objections to the bill are concerned with tinkering around the edges rather than wanting to make fundamental changes.

The effect of the bill will be to amend a number of significant pieces of legislation that have an impact on the legal system. It will also affect the ability of Victoria's citizens to have confidence that the state's legal system is efficient, transparent and working in a way that will ensure the large capacity of work that is before its courts can be dealt with as speedily as possible.

The Legal Practice Act, the Magistrates' Court Act, the Supreme Court Act and the Victorian Civil and Administrative Tribunal Act are affected by the bill.

Importantly all the amendments in the bill have been sought by the Chief Magistrate, the President of the Court of Appeal or the President of the Victorian Civil and Administrative Tribunal — the people who hold the most senior positions in each of those jurisdictions. The aim is simple. It is to improve the operation of the courts and tribunals so that they are easier to access and are speedier, more transparent and more efficient in performing their duties.

Hon. M. M. Gould — Which provides access to justice.

Hon. KAYE DARVENIZA — The Leader of the Government makes a good point, because the bill will make access to justice much easier for the community.

I will run through the amendments to the various acts that are affected by the bill. As I outlined earlier, there is a number of them: the Legal Practice Act, the Magistrates' Court Act, the Supreme Court Act and the Victorian Civil and Administrative Tribunal Act.

Hon. W. I. Smith — There is a bit of filibustering going on here.

Hon. KAYE DARVENIZA — I say in response to the interjection by Ms Smith that this is an important piece of legislation. As I said earlier — the honourable member may have missed it because she was not in the house — the bill has bipartisan support. It is a very important piece of legislation because it goes to the effective, efficient and transparent operations of the court system.

The amendments to the Legal Practice Act remove the requirement for persons being admitted to legal practice to swear an oath of allegiance to the Queen. A number of my colleagues have spoken at length on that amendment, which is covered in part 2 of the bill. Clause 3 states, in part:

> (c) takes an oath of office, or makes an affirmation of office, in the form required by the Court.

The bill preserves the oath of office. That is particularly important because the oath is widely regarded by the legal profession as being an important and symbolic part of the admission ceremony. However, many practitioners believe that swearing an oath of allegiance to the Queen is hypocritical, is no longer relevant to them, and is certainly not relevant to their practising law.

The oath of office begins with the words:

> I swear by Almighty God —

or, if a person objects to being sworn, they say —

> I do solemnly, sincerely and truly declare and affirm —

and the oath continues —

> that I will well and honestly demean myself in the practice of my profession as a barrister and solicitor to the best of my knowledge and ability.

The oath is about how they will commit themselves to and practise their profession.

Many feel that to swear an oath of allegiance in this day and age is really about looking backwards rather than forwards. However, it is important to understand that the amendment is not about the Queen or the republic. I must stress that the bill is about the integrity of the legal system in Victoria. The Bracks government was elected on a policy of restoring confidence in Victoria's legal system, and that is what the amendment is about.

As has been mentioned by previous speakers, the oath of allegiance to the Queen is not required in England. It has not been required since 1875.

An honourable member interjected.

Hon. KAYE DARVENIZA — Their Queen! They have not sworn an oath of allegiance since 1875.

Hon. C. A. Furletti — What year was that?

Hon. KAYE DARVENIZA — It was 1875. It is not often that people have difficulty hearing me. It is not a complaint I often get. However, given that Mr Furletti has not heard me I will repeat it: an oath of allegiance to the Queen has not been required in England since 1875. An oath of allegiance to the Queen is not sworn in the following jurisdictions: New Zealand, New South Wales, Western Australia and the Australian Capital Territory — and all except New South Wales have done away with the oath of allegiance by amending legislation.

In New South Wales it was done not through a legislative process but by an amendment to the rules. In Australia only South Australia, the Northern Territory and Queensland retain the swearing of an oath of allegiance to the Queen.

The second piece of legislation that is amended by the bill is the Magistrates' Court Act 1989. The bill makes two amendments to the Magistrates' Court Act that relate to pre-hearing conferences and three amendments about the recording of court proceedings. The amendments are dealt with in part 3 of the bill in clauses 4 to 9. The amendments will clarify the court's power to make rules referring cases to pre-hearing

conferences and also on the conduct of pre-hearing conferences. Pre-hearing conferences make up a significant part of the Magistrates Court's processes. The making of rules for cases set for pre-hearing conferences will make the current practice more transparent.

The amendments will also provide that a magistrate or a registrar may refer a case for a pre-hearing conference. The bill will confirm that a registrar can refer a case to a pre-hearing conference; it does not have to go to a magistrate.

All proceedings of the Magistrates Court will be audiorecorded, as has been the practice in the Magistrates Court since March 1999. It is not new, but rather than its just being the practice, as is the case now, it will be a requirement and will have a statutory basis. The recording of the proceedings is important to ensure the court is open and accountable to everyone who has any interest in the proceedings. We want transparency, accountability and efficiency. As I said earlier, that is what the amendments are designed to do.

Amendments that relate to the recording of proceedings will enable the Governor in Council to prescribe fees for the supply of copies of the recordings and will empower the court to make rules relating to the audiotaping of all proceedings. That is an important amendment. It is not expected that the current costs for the acquiring of the audiotapes will alter. The amendments are not expected to increase the cost of acquiring the audiorecordings of the proceedings.

I now refer to the amendments to the Supreme Court Act 1986, as outlined in part 4 of the bill in clauses 10 and 11. The amendments were made at the request of the President of the Court of Appeal to assist the court's operation by removing an anomaly in the appeal system. I hark back to the comments I made at the beginning of my speech when I stated that the amendments have been requested by the senior people in each of the courts and jurisdictions. At the moment someone who wants to appeal from the Magistrates Court or the Victorian Civil and Administrative Tribunal — —

Hon. K. M. Smith interjected.

Hon. KAYE DARVENIZA — I will have to respond to that interjection because it is clear the honourable member is not paying attention to me as I outline the important aspects of the bill. As I said, at the moment if one wants to appeal a decision of the Magistrates Court or from the Victorian Civil and Administrative Tribunal to the Supreme Court on a point of law, the appeal is made to a single judge of the Supreme Court. If someone is unhappy or not satisfied with the judge's decision, he or she can appeal to the Court of Appeal regardless of the merit of the appeal, which has resulted in a clogging up of the system with applicants who are able to make appeals regardless of the merits of their cases. The amendments will establish a filtering system so that our courts are not clogged up with appeals that have no merit.

For an appeal to a single Supreme Court judge on a Magistrates Court or a VCAT matter to be successful the court has to be satisfied that the proposed appeal has merit. The amendment removes the right to appeal as of right.

The amendment to the Supreme Court Act will mean that an appeal to the Court of Appeal can be made only with the leave of the Court of Appeal or of the judge constituting the trial provision. That will ensure that appeals to that court must be based on merit.

Part 5 refers to amendments to the Victorian Civil and Administration Tribunal Act. Clause 12 amends section 3 of the act to allow the appointment to the VCAT of a reserve judge from the County Court. The appointment will allow the tribunal to deal with matters coming before it more speedily, more efficiently and more economically. Clause 13 inserts new section 11A to allow the president of the VCAT to request the Attorney-General to appoint a reserve judge of the County Court as a vice-president of the tribunal. The Attorney-General will consult with the Chief Justice of the County Court on the appointment, which is of a temporary nature and for a period not exceeding 3 months. The employment will not affect the tenure of office or the status of the reserve judge.

Clauses 15 and 26 are important provisions. Clause 15 deals with the suspension of non-judicial members. At present the act provides that the minister, with the approval of the president, may suspend a non-judicial member from office if the minister believes there are grounds for removal of the member from office. If the minister decides not to recommend removal of a suspended member — —

Hon. Bill Forwood — On a point of order, Mr Deputy President, the honourable member is reading slavishly from the explanatory notes. It is the practice of this house that members make their contributions without reading verbatim the words contained in the act being amended. If honourable members wish, they could compare Ms Darveniza's contribution with the explanatory notes of the clauses. The honourable member should be instructed not to

read slavishly from the bill but to make her own contribution.

Hon. E. C. Carbines — On the point of order, Mr Deputy President, Mr Forwood has been badgering Ms Darveniza for the past 5 minutes and is not allowing her to expand her contribution. There is no point of order.

The DEPUTY PRESIDENT — Order! I inform the honourable member that the Chair will make the ruling. The house traditionally gives honourable members considerable latitude during debate because honourable members usually adhere to the rules of debate. Honourable members may quote from some sections of the act or the second-reading speech, but not extensively. I ask Ms Darveniza to make her contribution without reading extensively from the explanatory notes of the bill.

Hon. KAYE DARVENIZA — I made it clear that I was speaking to clause 15 of the bill. I have not been reading entirely from the explanatory note.

I refer now to clause 26, the contempt provision. At present an order of contempt can be made only by the president of the tribunal, but the amendment allows the vice-president to make an order for contempt. The amendment allows matters of contempt to be dealt with when the president is absent from the tribunal and will make the proceedings more effective and efficient.

A number of other amendments that have been described as miscellaneous have already been outlined by previous speakers. The president of the VCAT has sought those amendments, and I will mention just a few.

The miscellaneous amendments to the Victorian Civil and Administrative Tribunal Act are intended to do a number of things, including enshrining rules relating to the Victorian Bar Council and the appearance of sessional tribunal members before the tribunal; allowing an application that has been lodged to be stayed for non-payment of fees rather than being deemed not to have been lodged; allowing any full-time tribunal member to summarily dismiss unjustified proceedings; allowing the tribunal to strike out an application where a party fails to appear for a preliminary conference; allowing a mediator to require attendance at a mediation of a person with authority to settle; requiring notification to the principal registrar when a mediation has been successful; restricting to the presiding member of the tribunal the power to make an order closing a proceeding to the public; and allowing the tribunal as constituted by the registrar to order costs against a party who fails to attend a taxation hearing where the other party is disadvantaged. The amendments are designed to improve the operation of the VCAT in areas that have been identified by the president as needing amendment to enable the tribunal to operate more smoothly, efficiently, effectively and speedily.

The bill amends the relevant acts already in existence to make Victoria's court system more transparent, accountable and open to those who have an interest in the court proceedings, and also to assist in the flow of cases through our court system. It is an important bill and a good one. It goes a long way to achieving the simple aims I outlined earlier. I commend the bill to the house.

Hon. D. G. HADDEN (Ballarat) — I support the Courts and Tribunals Legislation (Further Amendment) Bill. Its purpose has been debated by previous speakers, but I wish to recap that issue. The purpose of the bill is to make miscellaneous amendments to the Legal Practice Act, the Magistrates' Court Act, the Supreme Court Act and the Victorian Civil and Administrative Tribunal Act.

Part 2 of the bill, and in particular clause 3, amends section 6(1) of the Legal Practice Act 1996. Clause 3 abolishes the oath of allegiance to the Queen upon admission to practice. For clarification, I turn to section 6(1) of the Legal Practice Act, which states:

> The Supreme Court may admit a person to legal practice in Victoria if he or she —
>
> (a) meets the requirements of the admission rules; and
>
> (b) pays the admission fee; and
>
> (c) takes the oath, or makes the affirmation, required by the Court.

Clause 3 of the bill replaces paragraph (c) with the following words:

> (c) takes an oath of office, or makes an affirmation of office, in the form required by the Court.

Currently, Supreme Court rule 14.05 requires an applicant for admission to take two oaths — that is, the oath of allegiance to the Queen and the oath of office. Following the passage of the bill, the Supreme Court will be free to amend its rules.

Section 8 of the Legal Practice Act headed 'Effect of admission' provides that a person admitted to legal practice in Victoria is a barrister and solicitor of the Supreme Court and an officer of the court. That is an important role. All too often it is not understood by the

community that upon being admitted to legal practice a person is not only a legal practitioner — that is, a barrister and solicitor of the Supreme Court — but also an officer of that court. The important and serious standards of practice that flow from that fact bring integrity to the practice of the legal profession in this state.

As I have said, two oaths of office are required from people being admitted to practice as barristers and solicitors in the Supreme Court and the most critical of those oaths is the oath of office. I have not had an opportunity to repeat the oath of office I first made in the Banco Court of the Supreme Court on 2 September 1985, but I will repeat it now with great pleasure because it contains appropriate words that bring with them the esteem and responsibilities that flow from admission to practice:

> I swear by almighty God that I will well and honestly conduct myself in the practice of my profession as a barrister and solicitor to the best of my knowledge and ability.

The practice of law is dependent on that oath and the years of study required to acquire a law degree and be admitted to practice. That oath is not to be taken lightly, nor is it in my view made lightly. It is taken at the culmination of long and arduous years of study — in my case five full years of study at Monash University between 1979 and 1983 for a combined economics and law degree.

Upon admission to practice the law in Victoria the applicant is not only conferred the status of barrister and solicitor and legal practitioner of the state but also the responsibility as an officer of the court as a barrister and solicitor of the Supreme Court. It flows from that that the courts and the public can have respect and confidence in our legal system.

As far back as 1875 the British Parliament did not regard the oath of allegiance to the Queen as relevant for admission to practice. Only two states, Queensland and South Australia, and the Northern Territory retain the oath of allegiance to the Queen. New South Wales abolished the oath of allegiance in 1977 by amendment of the rules and Tasmania abolished it by legislation last month. Western Australia and the Australian Capital Territory have also abolished the oath of allegiance to the Queen by way of legislation.

The amendment to section 6 of the Legal Practice Act is the result of a request by the Chief Justice of the Supreme Court who was loath to take the decision of removing the oath of allegiance to the Queen as it could be seen to be a political decision. The Chief Justice suggested that Parliament could achieve the same outcome by amending the legislation in the manner before the house.

The matter that has been alluded to in previous debates is whether the oath of allegiance to the Queen is relevant to our legal system. I do not believe it is. We have inherited the Westminster legal system from the United Kingdom and, as I have already said, the British Parliament decided in its wisdom in 1875 that the oath of allegiance to the Queen was not relevant for the administration of its legal system.

The immediate past president of the Law Institute of Victoria, Mr Michael Gawler, until recently a practising solicitor in Gippsland, made the observation that the Queen is not regarded by many as having anything to do with the willingness to uphold and respect the law. The more important and critical oath is the oath of office, which is being retained. It provides and maintains the integrity of the legal profession to practice law in this state. The underlying common-law allegiance to the Crown is the symbolic source of inherent executive power which still remains. The amendment to the Legal Practice Act, as contained in clause 3 of the bill, removes the ceremony of the swearing of an oath of allegiance to the Queen. It neither detracts from the admission of an applicant as a barrister and solicitor of the Supreme Court nor takes away the critical role of that applicant as becoming an officer of the Supreme Court.

Prior to being admitted to practice I had no choice but to take both oaths. If I had chosen to dig in my heels over the issue I would have had a long wait before I could have practised the law. In fact, I would have had to wait 15 years! Many of my clients from my former practice would have been disadvantaged as a result. I had no choice — I either had to take both oaths or not be admitted to practice.

In March last year a young man well known to many, Mr Möller, who is an articled clerk, became in effect a conscientious objector to taking the oath of allegiance to the Queen. The bill will now enable him to be admitted to practice as a barrister and solicitor and become an officer of the Supreme Court. He is lucky; he has had to wait 18 months while some of us did not have a choice.

The bill also makes a number of miscellaneous amendments to the Magistrates' Court Act, the Supreme Court Act and the Victorian Civil and Administrative Tribunal Act.

I shall turn to a number of the practical amendments to the administration of justice in this state. Amendments

in the bill have been requested by the Chief Magistrate of Victoria, the President of the Court of Appeal and the President of the Victorian Civil and Administrative Tribunal. The purpose of the amendments is one of practicality to improve the operation of the courts and the tribunal. They will streamline procedures to reduce delays in the hearing of cases and, as a consequence, reduce the costs to parties and the courts.

Part 3 of the bill amends the Magistrates' Court Act. Clause 5 provides for the recording of proceedings in a magistrates court in accordance with the rules. In my view the recording of proceedings in a magistrates court is absolutely crucial for the administration of justice. It is crucial to the question of accountability of both the magistrate in what he or she says while sitting on the bench and for the legal practitioners appearing before the court when running cases. That accountability should have existed many years ago.

I know some magistrates courts have been recording proceedings over the past few years. The practice has been resisted by some magistrates and legal practitioners, but it makes for a more accountable system. If a decision of the Magistrates Court is appealed a transcript will be available for the purpose of appeal.

Clause 6 of the bill provides for a magistrate or registrar to refer a civil proceeding, or part of a civil proceeding, for a pre-hearing conference in accordance with the rules. The purpose of a pre-hearing conference is important for the early resolution of cases and, as a consequence, parties can get on with their lives. It is cheaper to settle a case at or shortly after the conclusion of a pre-hearing conference than to proceed to a full hearing.

Part 4 of the bill refers to amendments to the Supreme Court Act. Clause 10 is aimed at stopping what is called a double-tier appeal where currently a litigant from a Magistrates Court or from the Victorian Civil and Administrative Tribunal can appeal to a single judge of the Supreme Court and if he or she does not like that decision he or she can then have a second bite of the cherry, as of right, with an appeal to the Court of Appeal.

Sitting suspended 6.30 p.m. until 8.02 p.m.

Hon. D. G. HADDEN — Part 4 of the bill relates to the Supreme Court Act 1986 and contains amendments to that act. It is aimed at stopping an anomaly known as a double-tier appeal process whereby some litigants from the Magistrates Court or the Victorian Civil and Administrative Tribunal (VCAT) can appeal to a single judge of the Supreme Court and then as of right appeal to the Court of Appeal. This relates to both criminal and civil proceedings.

Clause 10 amends section 17A of the Supreme Court Act so that leave of the Court of Appeal is required in those types of appeal applications. The aim is to stop what I have termed the two bites at the cherry appeal process, which is currently available and open to abuse by appellants.

Part 5 of the bill deals with the Victorian Civil and Administrative Tribunal Act 1988. The aim is to streamline cases, reduce the backlog and consequently reduce the cost of litigation to parties. Clause 13 allows the Attorney-General to appoint a reserve judge of the County Court as a vice-president of the tribunal at the tribunal president's request and following consultation with the Chief Judge of the County Court. Reserve judges are to be appointed on a temporary three-month basis. This will allow the efficient and convenient hearing of cases before the VCAT. The aim is to reduce delays in the hearing of cases, but it also draws on the knowledge, expertise and skills of our judges, who never lose their skills or expertise, even in retirement.

Currently the Attorney-General can suspend a non-judicial member of the VCAT with the tribunal president's approval. Clause 15 amends section 22 of the Victorian Civil and Administrative Tribunal Act. That amendment will vest the power to suspend a non-judicial member in the tribunal president, who may exercise it with the Attorney-General's approval if the president believes there are grounds for removal from office. Importantly, clause 15 also substitutes a new subsection (8) into section 23 of the principal act to provide that if the minister decides not to recommend removal of a suspended member he must inform the president as soon as practicable after receiving the investigation report and the president must then lift the suspension.

Clause 17 makes amendments to section 25A of the Victorian Civil and Administrative Tribunal Act. The amendments, which deal with conflict and bias, are very important. The clause codifies the Victorian Bar Council rules in relation to conflict and bias so that a member or former member of the tribunal may not appear for a party in that list for a period of two years after the member has ceased to be a tribunal member or has ceased presiding over a list. That is important because in some cases a sitting member may not recognise the counsel appearing before him or her and the parties may not recognise that counsel as a former tribunal member. It is important that that bar council rule is incorporated into the act. Importantly, if the

member or former member does appear in a list, that does not invalidate the proceedings for the client. That provides protection to the party.

Clause 21 deals with mediation. I dealt with this a while ago when speaking about pre-hearing conferences and the importance of mediation in encouraging parties to reach an early resolution of their cases. That is for everyone's benefit, especially the parties, because a cost factor is involved. Clause 21 amends section 89 of the act and allows a mediator to require a party's attendance at a mediation either in person or through a representative who has the authority and instructions to settle on behalf of the party to the mediation. Currently only the tribunal member or the principal registrar has the power to order attendance at a mediation. Mediation encourages early resolution of a case; it reduces the costs to litigants and of the administration of justice, and reduces the waiting time for cases on a list.

In summary, the amendments contained in the bill are practical and sensible and will result in the streamlining of the administration of justice in Victoria's courts and tribunals. They will enable applicants for admission to practise as barristers and solicitors of the Supreme Court to take oaths of office and remove the requirement to take oaths of allegiance to the Queen. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

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

That this bill be now read a third time.

I thank those who participated in the debate — namely, the Honourables Carlo Furletti, Jenny Mikakos, Roger Hallam, Elaine Carbines, Andrew Olexander, Sang Nguyen, Barry Bishop, Theo Theophanous, Kaye Darveniza and Dianne Hadden.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

PERSONAL EXPLANATION

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Mr Deputy President, I desire to make a personal explanation. Earlier today in question time the Honourable Peter Katsambanis raised the issue of the former Premier's Youth Council. In my response to the house yesterday in relation to that body I said it had met twice. I now wish to advise the house that the statement I made was not — —

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! The minister has the right to make a personal explanation without interjections.

Hon. J. M. MADDEN — I now wish to advise the house that the statement I made was not accurate and I take this opportunity to correct the record. I am now advised that the committee did in fact meet, in different forms, a total of 13 times during the period of its existence. The error was inadvertent and occurred as a result of a communication breakdown in my office.

Honourable members interjecting.

Hon. C. C. Broad — Do you want the explanation or not?

The DEPUTY PRESIDENT — Order! I refer to both sides of the house.

Hon. J. M. MADDEN — I apologise to the house for my inaccurate answer, and thank it for its indulgence.

BUSINESS OF THE HOUSE

Adjournment

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

That the Council, at its rising, adjourn until Tuesday, 5 September.

Motion agreed to.

ADJOURNMENT

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

That the house do now adjourn.

Burwood Highway: tramline

Hon. B. N. ATKINSON (Koonung) — I raise a matter for the attention of the Minister for Energy and Resources, who represents the Minister for Transport in

another place. The government has closed the extension of the tramline from Blackburn Road to Knox City along Burwood Highway. It was one of its election commitments and the Minister for Transport has indicated to residents in Knox City and the Knox council that it intends to proceed with the project at an early stage.

Will the minister provide details of any feasibility studies that have been undertaken on the project and any projections of patronage that have been provided to him in support of the government's decision?

Panel beaters: insurance

Hon. P. R. HALL (Gippsland) — I raise for the attention of the Minister for Small Business an important matter concerning Victorian smash repairers, particularly those in country Victoria.

In recent discussions I have had with panel beating businesses in my electorate and with the Victorian Automobile Chamber of Commerce I have been made aware of the serious financial difficulties being faced by the businesses, particularly those in country Victoria. I am aware that the minister also has knowledge of the difficult circumstances facing the businesses, because during question time today she said that she has travelled around country Victoria and met with small businesses. I am aware that she has met with Mr Geoff Watts of Bairnsdale about the matter.

The issues arise from the panel beating businesses being beholden to the major insurance companies. Some of the difficulties include a deficient hourly rate for work that has not been reviewed for some 12 years and a lack of national uniformity in the rates being paid to panel beaters. It is interesting to note that in Victoria the rate being paid by insurance companies to panel beaters is far less than that being paid to panel beaters in other states. It amazes me that such a discrepancy exists.

Their problems are compounded by the fact that a central purchasing policy is dictated by the insurance companies. That affects not only the panel beating businesses but also other spare parts suppliers in country towns. Further, the amount paid for freight rates for bringing parts and specialist equipment that is sometimes required to country panel beaters is not always recognised as being subject to full cost recovery by the insurance companies.

The bottom line is that unless some of those issues are addressed many panel beating businesses in country Victoria in particular will soon be out of business. I ask the Minister for Small Business, who is also the Minister for Consumer Affairs, to use all the powers available to her to help address some of those difficult issues — which I would describe as anomalies — that exist for panel beaters, particularly those in country Victoria.

Family Court: Dandenong registry

Hon. D. G. HADDEN (Ballarat) — I raise for the attention of the Minister for Small Business, who represents the Attorney-General in the other place, a matter that affects the lives of ordinary Victorians who live in the eastern part of the state — that is, the unexpected closure of the Family Court registry at Dandenong at the end of this month.

The news sent shock waves throughout the legal profession as well as among litigants. The Dandenong Family Court registry is one of the state's busiest. It services the eastern part of the state, including Gippsland and the Latrobe Valley, which statistically are the poorest areas of the state. Three of the five courthouses will be closed for renovations, and the court will deal with only procedural matters and interim hearings.

As a result, next week litigants, their legal representatives and witnesses, both lay and professional, will have to travel to the Family Court in Melbourne for their contested cases to be heard. That will impact upon the most disadvantaged of Victorians from the eastern half of the state. It will also impact upon the volunteers of the Victorian Court Network service at the Dandenong registry, who will have to either retire for six months during the renovations or travel to the Melbourne Family Court registry.

As a result of the closure of the three courts at the end of this week there will be an increase in costs, inconvenience, stress and upset to all involved in cases at that registry. I therefore ask the Attorney-General to raise this urgent matter with his federal counterpart and to request the reintroduction of Family Court circuits at Morwell, Sale and Bairnsdale to service the eastern part of Victoria.

Rail: Glen Waverley–Rowville link

Hon. G. B. ASHMAN (Koonung) — I raise a matter for the attention of the Minister for Energy and Resources as the representative in this place of the Minister for Transport. Prior to the last state election the government indicated its support for a rail link between Glen Waverley and Rowville. Subsequently the government has indicated that a number of studies into the economic feasibility, patronage and environmental

issues related to the rail link are under way. I ask the minister to make available to me the economic feasibility studies, the proposed patronage figures and the environmental statement that has been prepared on the proposed rail line.

Preschools: review

Hon. B. W. BISHOP (North Western) — I direct a matter to the attention of the Minister for Small Business, representing the Minister for Community Services in another place. As is the case with many members of Parliament I have attended a number of preschool meetings during the past month or so. The issues that have been brought before me at those meetings are many and varied. They include whether preschools should be under the auspices of Community Services or Education; how the government will address the salary differential between preschool teachers and primary school teachers; how the government will address the legal responsibilities of committees and teachers; and the workload of committees and teachers.

Much concern was expressed about the committees, which must raise substantial amounts of funds as well as administer the business of preschools to keep them going. It is of particular interest to members who represent country Victoria where isolated preschools with small enrolments are often to be found. They really struggle. The committees spend a large amount of time administering their organisations. They must compete with other fundraising organisations in their areas and considerable travel is involved.

A classic example of such preschools are the Murrayville and Underbool preschools, which are isolated and therefore operate on a joint basis. At the moment the preschool has some 20 children, and next year there will be fewer than half that number. On present assessments it will have difficulty continuing operation.

Given that honourable members agree that every child should have the opportunity of attending preschool for at least one year, and in the knowledge that the Minister for Community Services is conducting a review, I ask the minister: when will the review be finalised and will it specifically address small, isolated preschools?

Fuel: prices

Hon. E. C. CARBINES (Geelong) — I raise a matter with the Minister for Consumer Affairs. As a member for Geelong Province I have received many calls from constituents expressing concern about the increase in petrol, liquefied petroleum gas, and diesel prices in Geelong. I have been encouraging my constituents to contact the fuel price monitor so that the minister may obtain an accurate picture of fuel prices in Geelong. I ask the minister to advise the house of Geelong's involvement in the fuel price monitor, and what it has revealed.

Buses: Dandenong Ranges

Hon. A. P. OLEXANDER (Silvan) — I seek the assistance of the Minister for Energy and Resources in her capacity as the representative of the Minister for Transport. The minister might be aware that US Bus Lines operates in my province of Silvan and in the province of Eumemmerring, represented by my friends and colleagues Mr Lucas and Mr Rich-Phillips.

In September last year US Bus Lines submitted to the minister's department a formal proposal to expand the existing services it provides in both Silvan and Eumemmerring and for the introduction of a new service. Almost 12 months have passed and it has not heard whether the minister's department will approve or reject the proposal.

I am advised that the company's submission includes expanding the hours of operation on routes 694 and 698 from Belgrave–Upper Ferntree Gully to Olinda; upgrading the service from Belgrave to Gembrook; and introducing a new service on a trial basis from Cockatoo to Knox City via Emerald, Monbulk, Olinda and Upper Ferntree Gully.

I ask the minister to advise of his department's progress with the review of the submission from US Bus Lines. I urge the minister to urgently conclude his review so that the people of the Dandenong Ranges can have an adequate transport service that meets their requirements.

Planning: residential code

Hon. E. J. POWELL (North Eastern) — I raise a matter with the Minister for Sport and Recreation as the representative in this place of the Minister for Planning. The issue concerns public consultation on the draft residential code for Victoria, which is known as Rescode. I have received a number of telephone calls and letters from many of the stakeholders in the plan — architects, real estate agents, developers, planners and local government from across Victoria. They have major concerns with the code that was released in June. I wrote to the 47 rural councils asking for feedback on the residential code and its impact on them. A number of concerns were raised, a consistent one being about

the Rescode information sessions organised by the government. In some country towns they were organised only one week before the closing date for submissions.

I wrote to the Minister for Planning to let him know the concerns of some of the stakeholders about the impact of Rescode and requesting an extension of time to allow them to put detailed submissions. On 22 August I received a reply from the minister stating that he would not extend the time but he would allow those who wanted to make late submissions to advise the advisory committee. It was extraordinary that on the same day the minister put out a press release headed 'Silence from opposition parties on Rescode' and criticising me as the National Party spokesperson for planning and the opposition shadow Minister for Planning. The minister now understands that there are problems with Rescode and he is trying to shift the blame.

I seek an assurance from the minister that he will accept late submissions and that in future he will organise information sessions in the country that will allow sufficient time between the session and the closing date for submissions.

Local government: permits

Hon. S. M. NGUYEN (Melbourne West) — I direct my question to the Minister for Energy and Resources as the representative in this place of the Minister for Local Government. Over recent months I have been visited by numerous residents in my local area who have received correspondence from local councils stating that they have not obtained appropriate permits for alterations to their properties, and consequently that new additions would have to be taken down. That situation is occurring more and more with people who have difficulties with English and are not fully aware of the local planning requirements. I ask the minister to investigate the possibility of local government undertaking an information and education campaign for local residents in languages other than English.

Eastern Freeway: extension

Hon. W. I. SMITH (Silvan) — I raise for the attention of the Minister for Energy and Resources, as the representative of the Minister for Transport, a matter concerning the extension of the Eastern Freeway. The government has given a commitment that it will extend the Eastern Freeway. A long consultation period has taken place and the government has put out four schemes for consultation. There have been rumours and innuendo that there is a fifth scheme that nobody knows about. A letter I received from the Minister for Transport states:

> The government will decide on the scope of the project to be constructed beyond Mitcham Road following the current consultation process. I expect an announcement will be made later this year.
>
> The freeway is expected to be open to traffic late in 2004.

The road is long overdue and the community is in urgent need of it. At the last election the Kennett government allocated funds for it. When will the consultation process finish? When will it be announced? When will the scheme be built?

Housing: Long Gully estate

Hon. R. A. BEST (North Western) — I raise a matter with the Minister for Small Business as the representative of the Minister for Housing in another place. In March the Labor government announced a $1 million refurbishment and reinvigoration of the Long Gully housing estate, something that members of this house have heard me talk about previously.

I welcome the announcement of $6.5 million funding to upgrade the estate. Although the project is to be completed over five years and I would have preferred a three-year timetable because of the certainty it would have given the residents, I welcome the commitment of the government, particularly as it has picked up most of the recommendations of the committee established to report on the issue. I am particularly delighted that the government picked up the recommendation for the appointment of a community officer. The recommendation was for a system similar to that operating at the Olympic Village site, which is north of Melbourne and close to my electorate.

An honourable member interjected.

Hon. R. A. BEST — In Heidelberg, if you do not mind. I congratulate the Honourable Bill Forwood on the job he did in chairing that committee.

Unfortunately there has been a communication breakdown. I am aware that an advisory committee has been established and meets monthly to discuss issues, but a number of constituents have contacted me with concerns about their tenancies and their ongoing ability to remain in their current residences. They want to know what stage of the project they are in because it is spread over a number of different stages, such as rebuilding, refurbishment, maintenance and so forth; whether they will have to move; and whether some of them may have to be moved more than twice, as they have been told will be the case.

The next issue I want to direct to the minister's attention concerns communication. It is in no way a criticism of the community coordinator, who established a whiteboard at the kindergarten site, but people are intimidated. They are reluctant to leave their names, addresses and details of issues that concern them at that site because it may expose them unnecessarily to harassment. I request that the minister ask her ministerial colleague to ensure that greater communication is facilitated through the community so that the worthwhile project can proceed and people are not intimidated by the changes with which they may be faced in the future.

Parliament: rulings by the Chair

Hon. T. C. THEOPHANOUS (Jika Jika) — I raise an issue with you, Mr President, that I believe falls within your area of responsibility. Having spoken to government members I believe there is some confusion about some of your rulings from the Chair. I therefore seek clarification from you of certain rulings that may assist members and assist the smooth running of the house. I do not expect an immediate response and would be happy for you to come back to the house later if you think it is warranted.

For example, I draw your attention to the confusion among members about being able to quote from proceedings in the another place. On some occasions you have allowed quoting where the question of consistency of ministerial comments made inside and outside the house has been the issue. On other occasions quoting has been ruled out of order. It would be useful if that could be clarified.

I also draw your attention to the issue of whether members are entitled to take points of order in certain circumstances. For example, in the last sessional period I attempted to take a point of order following a personal explanation, and you refused to hear my point of order on the ground that it is not permissible to debate a personal explanation.

An honourable member interjected.

Hon. T. C. THEOPHANOUS — Why don't you listen and shut up? I listened recently to an identical circumstance in another place, which is subject to an identical standing order, in which the Leader of the Opposition was allowed to take a point of order following a personal explanation so long as he did not debate the personal explanation. Clarification of that situation would be helpful to me and to other members.

Finally, it is of concern to me that you seem to rule out members asking a minister during an adjournment debate to inquire into an issue that involves another member without the use of a substantive motion. For instance, can a member ask that a minister inquire into an incident reported in a newspaper, as I attempted to do yesterday with respect to the report in the *Herald Sun* that a member had parked her car in a disabled persons car space? In that case it was publicly reported in the *Herald Sun* that Andrea McCall, the honourable member for Frankston in the other place, had parked her car in such a car space.

Hon. Bill Forwood — On a point of order, Mr President, this is another example of the devious and slimy way that Mr Theophanous — —

Hon. T. C. THEOPHANOUS — Mr President, I find the honourable member's comment offensive and I ask that you direct him to withdraw it.

The PRESIDENT — Order! That comment is permissible in this case because the honourable member is taking objection to something that has been said to interrupt a point of order. I think you have made your point. You have called for a withdrawal.

Hon. Bill Forwood — I withdraw. This is another example of the behaviour Mr Theophanous exhibits in this chamber when he seeks to find a way around the rules of the house to make the point he wishes to make. Last night he was stopped from using the forms of the house to defame another member. He is now using a different mechanism to try to make the same point. The ruling last night was that he was out of order, and he is out of order again tonight.

The PRESIDENT — Order! Mr Theophanous sought clarification on rulings on a number of matters. I remind him that his time has expired. Perhaps I will not say what I was going to say. I will wait until I give my answer on the issues he has raised. I think it might be better do to do it that way.

Plenty Road: upgrade

Hon. E. G. STONEY (Central Highlands) — I seek the assistance of the Minister for Energy and Resources in raising with the Minister for Transport in the other place congestion on Plenty Road between South Morang and Whittlesea. The former Minister for Roads and Ports, Geoff Craige, promised duplication of the road as far as South Morang, so the issue arises in respect of the section of the road beyond South Morang. I hope the duplication of the road from South Morang towards the city is secure under the present government.

I refer to a fact sheet about Plenty Road that identifies that there are limited opportunities for vehicles to overtake, including that approximately 50 per cent of its 15 kilometre length beyond South Morang is not suitable for passing manoeuvres. Chaos exists on that section of the road because of the various mix of trucks and cars and the limited opportunities for overtaking.

The town of Whittlesea is booming. There is a lot of development, which means heavy trucks, and it is the mix of cars and trucks that is causing frustration. In the total absence from the electorate of the honourable member for Yan Yean in the other place, André Haermeyer — he is invisible in the electorate — I am taking it on myself as the upper house member to support the Whittlesea council in its request to Vicroads for passing lanes in Plenty Road. I support that request and ask the minister to look again at the viability of passing lanes on Plenty Road.

Workcover: common-law claims

Hon. R. M. HALLAM (Western) — I refer the Minister assisting the Minister for Workcover to an issue involving a constituent employer and the Victorian Workcover Authority. Recently I wrote to the Victorian Workcover Authority representing the concerns of a constituent employer, and I am happy to pass the correspondence on to the minister. I cited the claim number and the name of the employee concerned. The issue confronting the constituent in this case is symptomatic of a much broader issue than the specifics of the case, and it is the broader issue I want to draw to her attention.

The employer in this case has vigorously contested the claim since the day it was lodged. He has taken a great deal of time and trouble to assemble evidence that he says would have had the case totally dismissed when it was heard before a court. Unfortunately, before the court action was heard the case was settled out of court, he says without reference to him. He comes to me as his local member complaining of what he describes as a gaping hole in the process.

I am happy to put on record that in this case it is the system my constituent complains about rather than the claimant. He acknowledges that the settlement will not directly affect his premium computation and he also has no criticism of the claims agent. In fact, he maintains the claims agent was also frozen out of the system. What he finds most galling is the evidence he has been able to adduce that the authority has applied great pressure on the process to get the matter settled, and the extent to which he, as the employer, has been circumnavigated in the process. He is not consoled by the news that the settlement will not affect his premium because, as he says, it will go through to the keeper, have an impact on the industry at large and have a massive effect on the culture in his workplace because all the other employees are well aware of the claim.

The PRESIDENT — Order! I ask the honourable member to put his question.

Hon. R. M. HALLAM — I understand a number of sensitive issues are involved here, but in the eyes of the employer it is clear that the original claim in his view was specious, that he as an employer was denied the chance to demonstrate that, that his workplace safety record has been adversely affected and that there has been a substantial impact on the culture of his workplace. All this, he says, occurred simply to demonstrate that the Victorian Workcover Authority has settled another case.

What he puts to me, and I pass on to the minister, is that given Labor's determination to reintroduce common-law rights to the workers compensation system in the state, it is more appropriate that I seek a commitment from you, Minister, and from the government that individual employers will be given an effective opportunity to be involved in the process of the settlement of those common-law claims. I ask you, as the minister responsible in this place, to give that commitment.

Snobs Creek Freshwater Discovery Centre

Hon. G. R. CRAIGE (Central Highlands) — I refer the Minister for Energy and Resources to the Snobs Creek Freshwater Discovery Centre. I know she personally supports the centre and has indicated her support on many occasions, both while at that location and also within her department.

I raise a widespread issue concerning the restriction on the hours the discovery centre is open. The centre is now open only on Fridays and Mondays from 11.00 a.m. to 4.00 p.m., closing Tuesdays, Wednesdays and Thursdays. It will also open if schools want to organise trips. I am sure the minister recognises the importance of the discovery centre in education about freshwater fishery stock.

I refer to the morale of the personnel who work at Snobs Creek, not only at the discovery centre but also in research areas. I ask the minister to personally look into how we can try to make sure the discovery centre remains as it is, but the opening hours could be expanded and an effort made to promote the centre. Attendance numbers have dropped from 50 000 some five or six years ago to 8000 a year. There is a reason

for that. It is partly because of the restricted hours, but it is also a question of whether we are encouraging people to go there.

On behalf of the recreational fishers of Victoria, the community and the staff at Snobs Creek, I ask that the minister personally have a look at the Snobs Creek discovery centre with a view to expanding its current function.

Housing: Park Towers estate

Hon. ANDREA COOTE (Monash) — I raise an issue for the attention of the Minister for Small Business in her capacity as the representative of the Minister for Housing in another place. I recently visited all the public housing estates in Monash Province and was delighted to see all the tenant groups and the excellent work they are doing. I am pleased to inform the house that the former Minister for Housing, the Honourable Ann Henderson, initiated a program of sprinkler systems and upgrading of fire equipment for all the estates, and the fire brigade has done some excellent work with them and worked closely with the Department of Human Services.

While I am pleased that the premises at 200 Dorcas Street, South Melbourne, have a sprinkler system and a fire evacuation program, I am concerned about Park Towers in Park Street, South Melbourne, which is the tallest housing estate, with 30 storeys and 1500 residents. I was horrified to learn from the tenants association that there is no sprinkler system in the building and they are not aware of an up-to-date fire evacuation plan. I have contacted the local fire brigade and it will visit and give a demonstration of emergency evacuation.

I ask honourable members to imagine what it would be like in one of those 30-storey buildings with insufficient lifts on a dark night during a fire. There are many elderly people there, especially elderly Russian people who do not understand English. There are also small children and at least one disabled person in a wheelchair. In such an emergency there would be enormous panic. It would be a shocking situation, and I ask all honourable members to consider for a moment what that would be like. There is a catastrophe waiting to happen here.

I ask the minister to advise me the exact date of the commencement of the installation of a sprinkler system for Park Towers and the expected date of completion of the work.

Rail: Somerville crossing

Hon. R. H. BOWDEN (South Eastern) — I seek the assistance of the Minister for Energy and Resources representing the Minister for Transport in the other place. I have been contacted by a resident in Somerville, a constituent of mine, who has expressed concern on behalf of a number of other residents of Somerville about the condition of the Park Lane railway crossing near the intersection of Park Lane and the Frankston-Flinders Road. The railway line is the Stony Point line and the service is operated by Bayside Trains.

Park Lane is close to a large retirement centre and on any given school day many young schoolchildren cross at the railway crossing. The road carries a substantial amount of vehicular traffic as well as being used by older persons and young people. The difficulty is that in recent months the road surface has become rough and broken up and has not been repaired, so the crossing itself is dangerous.

My constituent, acting on behalf of several other constituents, took a responsible approach by writing to the Mornington Peninsula Shire Council asking it to repair the crossing because it is dangerous. The council has written back to my constituent, through the local councillor, indicating that it cannot assist.

The council stated in a letter of 31 July that the state government has made Bayside Trains responsible for the work under a contract arrangement and that the rail union is responsible for the work, not just on the crossing but for 3 metres either side of the crossing.

I seek the minister's assistance to clarify who is responsible for maintenance and the correction of dangerous situations on rail crossings under circumstances like this. Does the union have the right to that 3-metre strip either side of the crossings? What are the legal ramifications of such an arrangement? And will the minister take urgent action to have this dangerous matter rectified without further delay?

Industrial relations: pattern bargaining

Hon. J. W. G. ROSS (Higinbotham) — I direct to the attention of the Minister for Industrial Relations a matter relating to some heavy-handed tactics used by certain unions such as the Construction, Forestry, Mining and Energy Union and the Australian Manufacturing Workers Union (AMWU) in attempting to impose so-called pattern bargaining agreements. These are agreements with identical terms that are intended to apply on an industry-wide basis. The nature

of these agreements is incompatible with the activities of many small contractors, who are often coerced into signing such agreements by means such as denying them access to work sites unless they sign the agreements and employ only union labour.

Last Friday a full bench of the Federal Court found that the AMWU had breached the laws on coercion by forcing a small contractor to sign a pattern deal in order to be able to enter a shopping centre construction site. In light of that decision I ask the minister to use the resources of the government to educate the union movement about the illegality of such heavy-handed tactics. I also ask her what action she intends to take to protect small contractors against what can only be described as a union-based protection racket.

Waverley Park

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I refer the Minister for Energy and Resources in her capacity as the representative in this place of the Minister for Local Government to the City of Greater Dandenong's application for the heritage listing of Waverley Park, which would not be occurring if the Minister for Sport and Recreation had delivered on his and the government's promise to save Waverley Park.

I emphasise that I support the community's endeavours to ensure that Australian Football League games continue to be played at Waverley Park. I support the work of the Save Waverley Park Group, and I also support the right of individuals and groups to nominate sites for heritage listing. However, I question the role of the City of Greater Dandenong in this heritage listing application for Waverley Park, and I do so for three reasons. The first is that Waverley Park is not located within the municipality of Greater Dandenong. The question that has to be asked is: what benefit will the ratepayers of that city get from the heritage listing? The second is that the council of the municipality in which Waverley Park is located, the City of Monash, actually opposed the heritage listing. So you have the absurd situation of the City of Greater Dandenong trying to force the heritage listing of a facility on to a council that does not want it. The third reason concerns the issue of costs.

The councillor who has been leading on this matter is Cr Roz Blades of the City of Greater Dandenong, who has been leading this fight since the beginning. However, the question is: should this fight involve ratepayers' money? To date it has cost the City of Greater Dandenong $150 000, including $90 000 in legal fees.

Honourable members interjecting.

The PRESIDENT — Order! It is extremely difficult for Hansard when the honourable member cannot even get his words out because of the racket in the house. I ask honourable members to desist. I ask the honourable member to put a succinct question to the minister.

Hon. G. K. RICH-PHILLIPS — Thank you, Mr President. What I would like to ask of the Minister for Local Government is to investigate this expenditure by the City of Greater Dandenong to determine whether it is appropriate and, indeed, whether the council is empowered under the Local Government Act to spend funds on this type of undertaking. I also ask the minister to determine whether the activities of the City of Greater Dandenong have revealed inadequacies in the provisions of the Local Government Act.

Minister for Industrial Relations: offices

Hon. D. McL. DAVIS (East Yarra) — Mr President, I seek your assistance regarding answers to questions on notice nos 609 and 610. The house will be familiar with the earlier versions of these questions, which were dealt with by you, Mr President, on 9 May. Aspects of the questions were not answered at that time and you, Mr President, restored them to the notice paper.

On this occasion question 609 falls into five parts. Parts (d) and (e) relating to the renovation of the office of the Minister for Industrial Relations at 35 Spring Street to the tune of $20 771 have been answered, and parts (c) and (d) of question 610 have been dealt with satisfactorily. They relate to the minister's office at 1 Macarthur Place and the $107 000 renovation undertaken there, bringing the total renovation costs that I am aware of to more than $147 000.

However, Mr President, two parts of each of the questions have not been answered satisfactorily. The questions were specific. Parts (a), (b) and (c) of question 609 ask specifically about total lease costs. The Treasurer, through the Minister for Industrial Relations, answered only that there were no additional lease costs. Likewise, parts (a) and (b) of question on notice 610 relate to total lease costs incurred in relation to the minister's office at 1 Macarthur Place. The answer received by me from the Treasurer through the Leader of the Government states only that 'there were no additional lease costs'. I asked for a specific figure that totalled the lease arrangements and not some amount that relates to additional costs.

Mr President, I ask you to rule on this matter and the fact that the questions have not been answered.

Honourable members interjecting.

The PRESIDENT — Order! I do not like comments about the time a member has taken in raising a matter during this debate. I have the advantage of a stopwatch in front of me on the Clerk's table that I can refer to. I do not want constant interjection about time because it is a reflection on the Chair. I suggest we do not get preoccupied with that.

Gippsland: earthquake

Hon. C. A. STRONG (Higinbotham) — I raise for the attention of the Minister for Energy and Resources the Gippsland earthquake that occurred last night. The earthquake registered over 4.5 on the Richter scale. Although members opposite might treat the issue with derision, the fact is that Gippsland is one of the most seismically active areas in Victoria and Australia. Gippsland is also the area where the majority of the state's essential services are based.

Honourable members will clearly remember the significant economic impact of the Longford gas explosion. The minister will also remember the electrical blackouts and restrictions of last summer which also emanated from the Latrobe Valley and which likewise had a significant impact on the state's economy.

I know from personal experience that many of the new structures that have been built in the Latrobe Valley have been built according to the latest earthquake building codes and should therefore be relatively secure from the effects of earthquakes. However, in light of last night's earthquake in the Latrobe Valley, it is necessary to assess the construction of many of the other structures in that area that provide essential services to the state to determine whether they have been reinforced or brought up to date with current earthquake building codes.

I therefore seek an assurance from the minister that she has in place plans, procedures and contingency arrangements in the event of future earthquakes impacting on the essential services based in Gippsland.

AFL: grand final tickets

Hon. B. C. BOARDMAN (Chelsea) — I raise a matter with the Minister for Sport and Recreation, and in doing so I refer him to the answer he gave to a question without notice today and his recent public comments concerning the establishment of the Ticket Scalping Survey Line. I have been contacted by constituents, as no doubt have a number of honourable members, who have expressed concern over the current AFL Grand Final ticketing issue. I decided it was appropriate, given the fanfare of the minister's announcement of the line, to contact the line, and I did so earlier today.

I was surprised that the minister would go to such lengths to promote the line, because it is obvious to me that he has not telephoned it himself. When you ring the line you get a recorded message that welcomes you to the line and gives you two choices. It invites you to press 1 if you have any information you would like to leave on ticket scalping and to press 2 if you want any information on AFL Grand Final ticket availability, prices or booking fees. I thought it extraordinary that on a publicly funded telephone line there would be information about the availability of grand final ticket prices. I pressed 2, and the response was, 'Unfortunately, we cannot provide you with any information on AFL Grand Final ticket availability, prices or booking fees. Please contact the AFL or Ticketmaster.'!

The minister has gone public today and announced the survey line with a huge fanfare. My concern is that people who ring the line and press 1 are simply told that if they have information about tickets of higher than normal value they should leave details. The issue raises a number of questions: unless the answering machine works only a 40-hour week, why is it not operating 24 hours a day? Why has the government established a line that promotes Ticketmaster, because that seems to be a conflict of interest? What does the government intend to do with the information received? And is there any intention to get back to the people who give information?

The Ticket Scalping Survey Line is just another scam. I ask the minister to admit that his whole response to the AFL Grand Final ticketing issue is nothing more than a cynical, opportunistic, populist stunt.

Oakleigh: youth centre

Hon. M. T. LUCKINS (Waverley) — I refer the Minister for Youth Affairs to initiatives aimed at reducing street violence in Oakleigh in my electorate. I am pleased to be involved with the steering committee for a project that includes local police, youth workers, multicultural advisers, Monash City Council representatives and traders in the Oakleigh central business district. The Oakleigh youth issues committee is well advanced in its plan to offer alternative recreation facilities and options for young people in the

area. Finding an appropriate venue has been the greatest challenge. An article in the *Monash Journal* dated 29 August has called for property owners in Oakleigh to consider providing at a reduced cost a building in the CBD for that purpose.

The article quotes Senior Sergeant Mike Jenkins from Oakleigh police as saying:

> The young people here are a tremendous group of kids and we are trying to get facilities for them in the area.

The proposal for a youth drop-in centre has received great support in the Oakleigh community. I ask the Minister for Youth Affairs to consider supporting the project by funding the development and establishment of a youth centre in Oakleigh and providing ongoing funding once the centre is up and running.

Waverley Park

Hon. N. B. LUCAS (Eumemmerring) — I raise with the Minister for Sport and Recreation the issue of Waverley Park, which has been a shambles, a debacle, an embarrassment and the subject of an unfulfilled promise. Nothing has happened following Labor's promises made prior to the last election that the first phone call it would make on coming to government would be to the Australian Football League and that there would be AFL football at Waverley. Two Ansett Cup matches have been held there, and nothing has happened since.

In answer to a question on 9 May the minister said he was asking the Urban Land Corporation to look at potential creative solutions for the site. Following that answer I asked the minister through a question on notice whether that request was for the Urban Land Corporation to provide the work to the minister on a commercial or a non-commercial basis. When I received an answer to that question on notice there was no answer to that point.

I ask the minister to advise the house of the answer to the following question: when the minister asked the Urban Land Corporation to look into potential creative solutions for Waverley Park, was the request made on the basis that the Urban Land Corporation would undertake the work on a commercial basis or a non-commercial basis?

Bob Jane Stadium

Hon. P. A. KATSAMBANIS (Monash) — I refer the Minister for Sport and Recreation to the Bob Jane Stadium in the electorate I share with the Honourable Andrea Coote and specifically to the use of the stadium by the Carlton Soccer Club. As many honourable members will know, Bob Jane Stadium is located in Albert Park, right in the heart of my electorate, and is currently the home of the South Melbourne Soccer Club, which is the four-time Australian national champion club and which so ably represented Australia in the World Cup championships earlier this year.

In the few years of existence of the Carlton Soccer Club, as I am sure the minister will be aware, the club has been somewhat nomadic. Partly as a result of playing at Olympic Park in the previous season — I am sure there were other factors involved — the club has incurred a significant financial loss and has in the past few months been seeking a new home.

Given that the Bob Jane Stadium is Victoria's premier dedicated soccer venue, its operators have quite rightly decided that it would make an appropriate home for the Carlton Soccer Club under a ground-sharing arrangement with the South Melbourne Soccer Club, as grounds are from time to time shared by clubs in the AFL and other codes.

The two clubs, South Melbourne and Carlton, have entered into negotiations, but it appears that a particular stumbling block is Parks Victoria, which manages the Albert Park Bob Jane Stadium. The association wants an assurance from the minister that he will use his good offices to negotiate with Parks Victoria to ensure that the Bob Jane Stadium is used as the home of the Carlton Soccer Club in a ground-share arrangement with South Melbourne to ensure its existence in the National Soccer League is guaranteed for the forthcoming season. Will the minister take urgent action because the season will begin immediately after the Olympic Games?

Public sector: enterprise agreement

Hon. ANDREW BRIDESON (Waverley) — I have a serious issue to raise with the Minister for Industrial Relations. Yesterday during question time the minister was invited by one of her colleagues to outline the details of the agreement reached between the government and the Community and Public Sector Union. The minister said an agreement had been reached and budget integrity would be maintained with a 3 per cent per annum pay increase. The *Herald Sun* this morning reports that:

> The Community and Public Sector Union has agreed to a minimum 3 per cent pay increase for non-executive workers.

That may mean some will receive more than 4 per cent and some under 3 per cent. The newspaper also reports that:

> Employees who meet expectations —

that is, if they do the job —

> will receive a 4 per cent pay increase, while those who exceed expectations will receive an average 6.5 per cent increase.

Some may receive an 8, 12 or 15 per cent pay increase and some may even get a pay cut. It is such a serious issue that a prima facie case can be made that a minister on the second night of a sessional period has misled the house. She treats this house with absolute and utter contempt. I invite the minister to put the details of the agreement on the table.

Workcover: premiums

Hon. C. A. FURLETTI (Templestowe) — I have a significant issue to raise with the Minister for Industrial Relations in her capacity as Minister assisting the Minister for Workcover. It relates to the difficulties the City of Heidelberg Handicapped Persons Bureau is experiencing as a direct consequence of the government's Workcover policy. As a disability support organisation the bureau works to provide employment and training to disabled persons in the Banyule region and employs and supports approximately 80 persons.

The bureau is a registered charitable organisation that exists solely to provide work and support for people with disabilities. I am informed that every dollar spent on operating expenses adversely affects those to whom the bureau provides services.

As a result of the unexplained hike in Workcover premiums generally, the bureau has protested a premium increase from $31 688.29 for 1999–2000 to $61 462.15 for 2000–01, an increase of over 72 per cent.

What action will the minister take in her capacity as Minister assisting the Minister for Workcover to minimise the catastrophic adverse impact on organisations such as the bureau whose very existence is threatened by the Bracks Labor government's draconian Workcover changes?

Olympic Games: volunteers

Hon. I. J. COVER (Geelong) — I raise a matter for the attention of the Minister for Sport and Recreation about the Olympic Games that are just around the corner, kicking off in Melbourne in two weeks from tonight with Olympic soccer being played at the Melbourne Cricket Ground (MCG). My concern is in relation to volunteers. I know the minister has informed the house on many occasions of the value he and everyone in sport places on the work of volunteers. Some 40 000 volunteers will be working at the Olympic Games in Sydney.

In the New South Wales Parliament, the president of the Sydney Organising Committee for the Olympic Games, Michael Knight, announced a package of measures to assist volunteers for both the Olympics and Paralympics. He said that they would receive public transport and other sponsored prizes, such as pins and the like. He further went on to announce that they would also have free access to state buses and ferries and private bus services in certain areas. Some of the private bus services are providing facilities as far away as Newcastle and Wollongong. Those entitlements are available for all volunteers dressed in Sydney 2000 uniforms and carrying accreditation passes.

I refer to a letter which is a copy of Minister Knight's speech and which was forwarded to all volunteers. The minister informed the house that:

> At this stage the free public transport entitlements and the tickets to events do not apply to volunteers whose duties are in other states.
>
> In the case of the volunteers working at the interstate football venues, Sydney 2000 is in discussion with the ACT and state governments to encourage their assistance in recognising the volunteers at their venues.

Victoria has some 600 volunteers who will work as part of the Olympic soccer fixtures and will be working as drivers to and from the MCG, providing tourist guide services, working as ushers and assisting in accommodation transfers.

I call on the minister to advise the house whether he is aware of what has been involved in any discussions with Minister Knight and whether public transport and other entitlements will be provided to the 600 Victorian volunteers?

Aquaculture: funding

Hon. PHILIP DAVIS (Gippsland) — I direct a matter to the attention of the Minister for Energy and Resources. Yesterday the minister confirmed that the government has reduced funding to aquaculture by $1.5 million this year compared with previous years. Will the minister advise what action she will take to restore funding in an effort to support aquaculture?

Mortlake Apex Club

Hon. BILL FORWOOD (Templestowe) — I raise a matter for the attention of the Minister for Consumer Affairs. The honourable member for Warrnambool in

the other place, Mr Vogels, has handed me a letter from the Mortlake Apex Club addressed to the Minister for Consumer Affairs about the Fundraising Appeals Act. The letter states:

> We are particularly concerned that the act inhibits the ability of volunteer organisations such as ours to continue the valuable fundraising work which we perform for the benefit of our communities.

It then details seven particular points. Will the minister take up this issue and deal with it on behalf of the Mortlake Apex Club? I shall make the information available to her.

Industrial relations: independent report

Hon. M. A. BIRRELL (East Yarra) — I raise a matter with the Minister for Industrial Relations. Several months ago the minister asked for a report on industrial relations laws in Victoria to be undertaken by Professor McCallum from New South Wales, together with other members of the community.

The minister has argued that this is an independent report at arm's length from the government. I seek an explanation from the minister of how the Premier of Victoria yesterday in the Legislative Assembly indicated what he understood was in the report. I stress that the report has allegedly not yet been written and has not been presented to the government.

The Premier commented along the lines that, 'We are about to receive a report, as I understand it, which will recommend that the state has mediation powers'. Given that the report has allegedly not been written, or at least not been completed, I find it surprising that members of the government would know what is in it. It is clear that the process is a fraud and that the so-called independent committee is having its words and conclusions written for it by the Labor Party and the government and is not independent, genuine or credible.

In particular, it is of massive concern that two of the individuals who have worked on the committee in the interests of Victoria, being the representatives of the two employer groups, appear to have wasted their time if in some way there has been advance notice of some of the conclusions in the report. Given that there is widespread gossip about the fact that the report was preordained and was concluded before the committee met, I seek an undertaking from the minister that neither she nor her staff have been involved in any discussions about possible drafts or outcomes of this document.

I seek advice from the minister as to how possible outcomes of the report could have been discussed by senior members of the Labor Party, who appear to have some kind of notice of what is in the document.

Seal Rocks Sea Life Centre

Hon. K. M. SMITH (South Eastern) — My adjournment issue is directed to the Minister for Energy and Resources, representing the Minister for Environment and Conservation in another place. On 16 February the Minister for Environment and Conservation, Ms Garbutt; Ms Susan Davies, the honourable member for Gippsland West in another place; and Mr Ray Leivers, general manager of the Phillip Island Nature Park board of management, met regarding an ongoing campaign against the Seal Rocks centre on Phillip Island.

Was that the meeting that discussed the question asked in the other house on 1 March by Susan Davies regarding the alleged killing of penguins by Seal Rocks management staff while leaving the centre after dark, a claim that has been used to discredit the Seal Rocks group during its ongoing dispute with the Labor government? I wish to inform the house that no penguins have been killed and that those three people have conspired with others to bring down the Seal Rocks centre to fulfil a commitment made to Susan Davies before she committed herself to the Labor government following the last election.

Responses

Hon. M. M. GOULD (Minister for Industrial Relations) — The Honourable Roger Hallam raised with me a matter relating to Workcover and a constituent of his who was contesting a case that was eventually settled out of court. The constituent was concerned that the Victorian Workcover Authority may have influenced the outcome of that case. He was concerned about the effective involvement of employees in the settlement of the case. I would like to get advice on the appropriate level of effective involvement in the settlement of cases and report back to the honourable member.

The Honourable John Ross raised an issue about a case that had taken place in the courts involving the Australian Manufacturing Workers Union and asked what action I was going to take with respect to advising unions on the most appropriate way to behave. I do not allocate funds to unions to educate them in their behaviour.

Hon. J. W. G. Ross — On a point of order, Mr President the question is not being answered. It was quite specific and related to coercive tactics of unions in

respect of pattern bargaining. I asked what the government will do in respect of educating unions to desist with this type of behaviour and what the minister intends to do to maintain observance of the law.

The PRESIDENT — Order! The minister was in the middle of her answer. I think we should let her finish her answer, and I hope it will pick up that issue.

Hon. M. M. GOULD — The second point was about unions upholding the law. The government, and I as the Minister for Industrial Relations, do not advocate in any way, shape or form anybody breaking the law. I encourage all Victorians, as one should, to uphold and work within the law as it stands in this state.

The Honourable Andrew Brideson raised the matter of my response yesterday to a question about the Community and Public Sector Union settlement. I do not have the *Hansard* report in front of me and I do not want to quote *Hansard*, but I distinctly recall saying that the settlement for the CPSU agreement was a 3 per cent wage increase, which is budget neutral. I cannot remember the exact order, but I also indicated that the terms of the agreement included a review of the wage and pay classification structure; a fair and equitable performance-based payment; and provision that any review that may come out of the wage and pay classification structure would also be budget neutral.

Mr Brideson obviously does not understand that a fair and equitable performance-based payment is an amount that is made in individual departments. That has been paid for many years and was established by the Honourable Roger Hallam. The claim and the settlement was for a 3 per cent wage increase, a fair and equitable distribution of performance pay, and a review of the wage and pay classification structure, which would be budget neutral. That was my response yesterday and that is my response today. The accusation made by the honourable member is dismissed.

The Honourable Carlo Furletti raised the Workcover premiums for the City of Heidelberg Handicapped Persons Bureau. He was concerned about the fact that the bureau employs a significant number of employees and its Workcover premiums had increased. We discussed premium increases earlier today in general business. There was some concern about premiums for some charitable organisations being increased, but the government insists that all employers pay their premiums and cover all their employees regardless of whether or not they are charitable organisations. They should not be exempt because that would put the onus on other employers to pick up their premiums and thereby subsidise the charitable organisations, and that would be inappropriate.

The Honourable Mark Birrell raised a question about comments that the Premier made in Parliament yesterday and called into question the integrity of the industrial relations task force that is due to report to me. I have seen you, Mr President, read this document in the house. It is the issues paper that was released by the task force when it was established. It is called *Review of the Victorian Industrial Relations System* and is dated May 2000. The terms of reference for the industrial relations task force are listed in that document. They state that the task force is:

> … to consider the industrial relations framework that applies in Victoria
>
> and to investigate and report on the following matters:

It lists six matters. One of them is to report on — the government hopes it is getting a report on this —

> the role of government-provided mediation as an alternative method of dispute resolution for industrial parties covered by federal awards in Victoria;

It is in the terms of reference the task force will report back on.

Honourable members interjecting.

Hon. M. M. GOULD — What do members opposite expect the task force to do? The government has given it a reference and asked it to report back. That is what the Premier was saying.

Honourable members interjecting.

The PRESIDENT — Order! Have you finished?

Hon. M. M. GOULD — I want to say quite clearly, Mr President, that it is in the terms of reference and the government will get a report on it.

Hon. C. C. BROAD (Minister for Energy and Resources) — The Honourable Bruce Atkinson asked me to refer to the Minister for Transport the extension of the tramline at Burwood and requested that the minister provide details of any economic feasibility studies, including studies of patronage. I will pass his request on to the minister.

The Honourable Gerald Ashman asked that I pass on to the Minister for Transport the issue of the rail link from Glen Waverley to Rowville and that the minister provide details of economic feasibility studies, proposed patronage figures and environmental studies. I will pass his request on to the minister.

The Honourable Andrew Olexander also raised a matter for the Minister for Transport, which concerned US Bus Lines. He requested that the minister indicate the progress of the review of the proposal for youth services and the extension of existing services and urged the minister to urgently conclude the review.

The Honourable Sang Nguyen requested that the Minister for Local Government examine the need for local government to make planning information available in community languages. I will refer that matter to the minister.

The Honourable Wendy Smith raised a matter for the attention of the Minister for Transport concerning the extension of the Eastern Freeway. She requested that the minister provide details of the period for public consultation and make an announcement about the extension of the Eastern Freeway. I will pass her request on to the minister.

The Honourable Graeme Stoney requested that the Minister for Transport examine the duplication of Plenty Road at Whittlesea. I will refer the matter to the Minister for Transport. Mr Stoney also reflected on the presence of Minister Haermeyer in his electorate. I can advise the house that Minister Haermeyer is currently very active on the issue of roads in his electorate because he is circulating material about such matters and it has found its way into my electorate.

The Honourable Geoff Craige directed to my attention the Freshwater Discovery Centre at Snobs Creek, its very important education role, which I endorse, and the opening hours of the centre. I am advised that the opening hours have been reassessed, based on an assessment of demand for the centre. I note the honourable member's comments about making efforts to promote and encourage increased patronage for the discovery centre and to expand its current functions.

I am pleased to advise the honourable member that an open day is planned for the centre as part of Fishing Week, which will be from 1 to 8 October and which is specifically designed to draw greater attention to the important role the discovery centre plays. I will examine whether there are any further measures it would be possible to undertake to further promote the discovery centre.

The Honourable Ron Bowden raised for the attention of the Minister for Transport the concern of his Somerville constituents at the state of a railway crossing at Park Lane and the Frankston-Flinders Road. He urged that the minister take action on the state of the railway crossing.

The Honourable Gordon Rich-Phillips raised for the attention of the Minister for Local Government a matter concerning Waverley Park. I will refer the matter to the minister.

The Honourable Chris Strong referred to the Gippsland earthquake and requested that I inquire into the extent to which essential service structures in Gippsland comply with standards for earthquakes. I will undertake to examine the matter.

The Honourable Philip Davis raised — again — the government's support for aquaculture. Further to the comments I made in this place last night, in which I indicated that the government is maintaining service delivery outputs for aquaculture through Fisheries Victoria, I can also indicate that the two-year funding initiative of the previous government, which has now been completed, is being evaluated in consultation with industry. I can assure the honourable member that I will not be making four-year funding commitments to organisations when I have budget approval for only two years, as he had when he was parliamentary secretary.

Finally, the Honourable Ken Smith raised for the attention of the Minister for Environment and Conservation the ongoing matters at Seal Rocks. I will refer the matter to the minister.

Hon. M. R. THOMSON (Minister for Small Business) — The Honourable Peter Hall drew to my attention an issue concerning smash repairers and the extreme difficulties being experienced by people in country Victoria. Although it is a statewide problem it is exacerbated by the location of repairers in isolated areas because additional costs are associated with repairs.

I have met with a number of smash repairers and with representatives of the division of the Victorian Automobile Chamber of Commerce that represents smash repairers. I will meet with David Purchase to discuss the matter and the procedures he is going through with the Australian Competition and Consumer Commission to offer assistance.

The Honourable Dianne Hadden raised for the attention of the Attorney-General the closure of the Family Court registry in Dandenong and asked that the Attorney-General take up the matter with his federal counterpart. She also raised the issue of the reinstatement of the Morwell, Sale and Bairnsdale circuits. I will pass that matter on to the Attorney-General.

The Honourable Barry Bishop raised a matter for the attention of the Minister for Community Services

concerning preschools, particularly the finalisation of the review and how the review will address kindergartens in smaller communities. I will pass the matter on to the minister.

The Honourable Elaine Carbines raised an issue concerning the fuel price monitor in Geelong and the response to the prices. I do not have that information with me, but I will certainly pass it on to the honourable member.

The Honourable Ron Best asked me to refer to the Minister for Housing his support for the refurbishment of the Long Gully housing estate. He also expressed his concern about whether more information could be given to tenants about what they can expect from the refurbishment and any moves they may have to make. I will pass the matter on to the minister for her response.

The Honourable Andrea Coote raised for the attention of the Minister for Housing the lack of sprinklers and number of tenants in the 30-storey Park Towers housing estate. I will refer the matter to the Minister for Housing and ask what the timetable is for the installation of the sprinkler system at Park Towers.

The Honourable Bill Forwood raised a matter with me as Minister for Consumer Affairs and referred to a letter from the Mortlake Apex Club and the onerous task of small voluntary organisations in meeting their obligations under the Fundraising Appeals Act, which is in its first year of implementation. A number of small community groups have raised this matter. The government is currently reviewing what is expected of small voluntary organisations to comply with the act, and I welcome a copy of the letter so it can be fed into the review process.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The Honourable Jeanette Powell referred to the draft residential code information session and a time extension for late submissions to the advisory committee. I will refer the matter to the Minister for Planning in the other place.

The Honourable Cameron Boardman referred to the scalping survey hotline. If the honourable member had pressed the appropriate buttons he would have appreciated the range of information people are requested to leave. I understand that on occasions Mr Cameron has trouble pressing the right buttons! He could have left his address — if he knew what it was! The aim of the service is to raise discussion and awareness in the community, which it has done, and to provide a substantial information base to the department on a range of issues.

The Honourable Maree Luckins referred to youth issues in Oakleigh. I appreciate that there are significant youth issues in that area and I mention the fine work done by the honourable member for Oakleigh in the other place with young people in that area. It is appropriate that Mrs Luckins raised the issue because tomorrow I will address the chief executive officers of local government authorities on a range of youth issues, in particular recreational opportunities for young people, the potential for the co-location of youth services and a potential relationship between state and local governments.

The Honourable Neil Lucas referred to the Urban Land Corporation and discussions I have had with the corporation concerning Waverley Park. During discussions I asked the corporation about the options the Australian Football League (AFL) might consider if it has to subdivide the land in the future. I have not had a response on that issue but I have asked the corporation to contact me. The potential is there, but a process relating to heritage issues is under way. Once that process has been determined there may be potential for discussions to be held. The AFL will have to consider the matter.

Hon. N. B. Lucas — Mr President, on a point of order, in my question I said that I had asked the minister in a question on notice whether the request he had made to the Urban Land Corporation for advice was to be on a commercial or non-commercial basis. That question on notice was not answered, so on your advice, Mr President, I took the opportunity tonight to ask the minister whether the advice he sought from the corporation was on a commercial or non-commercial basis. That question has not yet been answered. I ask you, Mr President, to ask the minister to specifically respond to my question.

The PRESIDENT — Order! This stage of proceedings is not a second question time. It is an opportunity for honourable members to make a complaint or put a request to a minister. The rules relating to answers to questions do not necessarily apply to answers on the adjournment debate. As is the case during question time, the minister could choose not to answer at all. In another place one minister usually does a sweep of the questions and says, ‘I will refer the matters to the relevant ministers’. The house cannot expect the same sorts of standards that should apply in question time to apply to this stage of proceedings. I am not in a position to require the minister to be as responsive or as direct as has been requested.

Hon. N. B. Lucas — On a further point of order, Mr President, am I in a position to ask you to comment on whether he has answered the specific question I asked him?

The PRESIDENT — Order! The answer is the same. It is a matter of individual judgment as to whether you are getting the answer you are looking for. In my time in Parliament there has always been a gap between the expectations of the questioner and what a minister wants to deliver. The house provides the opportunity, and if it is not treated in good faith — if the minister ignores it — normally there are other ways for opposition members to make their unhappiness known. It is in everyone's interests that the matter is dealt with in good faith. The rules applying to questions are not applicable at this stage of the proceedings.

Hon. J. M. MADDEN — The Honourable Peter Katsambanis asked about the Carlton Soccer Club. Honourable members may be aware from other questions asked of me that in my former life I was honorary chairman of the club. Discussions have taken place with my department about the options the club is considering and how it wishes to position itself in the marketplace to broaden its supporter base. The club has even considered the potential for games in regional Victoria. I understand significant decisions are still to be made on where the club wishes to position itself and where it wishes to play those games.

Hon. P. A. Katsambanis — On a point of order, Mr President, I specifically sought the minister's assistance about Parks Victoria and its attitude to the discussions on ground sharing between the South Melbourne Soccer Club and the Carlton Soccer Club. Nowhere in his answer has the minister made reference to that point. I am aware of your ruling, Mr President, on the previous issue, but I expect the minister to focus at least in part on the issue I raised rather than raising issues that are unrelated to the question asked.

Hon. J. M. MADDEN — If Mr Katsambanis would like clarification, the department has had discussions with the Carlton Soccer Club, but I do not believe that issue has been raised.

The PRESIDENT — Order! To reinforce what I said before, the guidelines, which are in the hands of all honourable members and have been in operation since 1975, state:

> Matters raised on the motion for adjournment of the house cannot be the subject of debate; the honourable member raises a matter and the minister's reply disposes of the same.

Hon. J. M. MADDEN — The Honourable Ian Cover raised the issue of volunteers involved in the Olympic soccer to be played in Melbourne. I understand that in Sydney there is significant focus on public transport because of the location of Olympic venues: apparently Homebush is the demographic centre of Sydney. It is expected that very few people will be able to drive to and park their cars within the Sydney Olympic precinct, so just about everybody who intends to attend the Olympics will be encouraged to use public transport. Victoria is fortunate in that its venues are located in central Melbourne rather than the demographic centre of the city. As a result significant car parking will be available for patrons who wish to attend the Olympic soccer events.

If the government were to provide access to public transport for the volunteers it would have to negotiate with the series of public transport providers that resulted from the previous government's carving up of the public transport system. That would be a significant issue, as opposition members would no doubt appreciate. I have been advised that if the volunteers wish to take up the option, car parking has been allocated within the precincts of the Melbourne Cricket Ground.

The PRESIDENT — Order! The Honourable Theo Theophanous posed a couple of questions to which I will give consideration and advise the house in due course.

The Honourable David Davis raised with me question on notice no. 609. Paragraph (a) of the question states:

> (a) What was the total lease cost incurred during the period between the date the Minister for Industrial Relations and her staff occupied the office and the date the Minister for Industrial Relations and her staff vacated the office?

That is the office on the 9th floor, 35 Spring Street. Paragraph (b) states:

> (b) What is the total lease cost incurred in the period since the Minister for Industrial Relations and her staff vacated the office?

The answer is:

> There were no additional lease costs incurred as a result of the Minister for Industrial Relations occupancy at her office, 9th floor, 35 Spring Street.

It is clear that the answer does not address the two aspects of the question. The question was not what were the additional costs involved with having the minister there but what were the total lease costs during

the period that she was there, which is an entirely different question.

I will therefore rule that parts (a) and (b) of question no. 609 have not been answered and direct that the question be restored to the notice paper.

Motion agreed to.

House adjourned 9.53 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, 29 August 2000

Police and Emergency Services: ministerial appointments

452. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Police and Emergency Services): What is the name of each Ministerial appointment made to any Board within the Minister's portfolio between 18 September 1999 and 30 April 2000.

ANSWER:

I have not made any appointments to Boards between 18 September 1999 and 30 April 2000.

Police and Emergency Services: ministerial appointments

482. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Police and Emergency Services): What is the name of each Ministerial appointment made to any Commission within the Minister's portfolio between 18 September 1999 and 30 April 2000.

ANSWER:

There are no Commissions within my portfolio responsibilities.

Police and Emergency Services: ministerial appointments

512. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Police and Emergency Services): What is the name of each Ministerial appointment made to any Committee of a Government Business Enterprise within the Minister's portfolio between 18 September 1999 and 30 April 2000.

ANSWER:

There are no Government Business Enterprise's within my portfolio responsibilities.

Police and Emergency Services: ministerial appointments

542. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Police and Emergency Services): What is the name of each Ministerial appointment made to any Board or Management Committee of a Statutory Authority within the Minister's portfolio between 18 September 1999 and 30 April 2000.

ANSWER:

I have made the following appointments to Boards or Management Committees of Statutory Authorities between 18 September 1999 and 30 April 2000:

Graham Irwin SINCLAIR	Acting Chief Commissioner of Police (Temporary)
Frank Phillip ZEIGLER	Member, Country Fire Authority
Clifton LANG	Member, Country Fire Authority
Peter Robin BISHOP	Member, Country Fire Authority
William Edward DAVIES	Member, Country Fire Authority
Helen McGOWAN	Member, Country Fire Authority
Rosalyn HUNT	Deputy Chairperson, Police Appeals Board
Norman Michael O'BRYAN	Deputy Chairperson, Police Appeals Board
John Francis GIULIANO	Chairperson, Police Appeals Board

Premier: regional adviser appointments

561. THE HON. I. J. COVER — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier): Has the Government appointed regional advisers for West, South or East Gippsland, the Wimmera, the Mallee, Ballarat/Central Highlands, Western Victoria, Geelong, Bendigo/Goldfields, Goulburn Valley, North-East Victoria and, since they are also "regions", the eastern, western, south-east or northern suburbs of Melbourne; if so, who is employed in each or any of these regions and what are the terms and conditions of their employment.

ANSWER:

I am informed that:

The resources of Regional Development Victoria are currently being expanded. This expansion includes the assembly of a team of nine Rural Community Development Officers, based in rural centres across the State.

These staff will be located in Ararat, Bairnsdale, Colac-Geelong, Horsham, Mildura, Seymour, Wangaratta, Warrnambool and Wodonga. Staff have been appointed to the Warrnambool and Wodonga positions. The Colac-Geelong position, which was also filled, is now vacant and will be advertised following the resignation of the incumbent to take up another position. Appointments are being made to the remaining positions. All staff will be employed under standard public service conditions.

Regional Development Victoria is also expanding its regional industries network. Rural industry specialists will be located at Shepparton and Ballarat to support the food processing sector. Rural commerce experts will be located in Ararat, Bendigo, Warragul and Echuca. All of the positions have been advertised, offers have been made and appointments will be finalised shortly.

Multicultural Affairs: Macedonian Teachers Association

563. THE HON. C. A. FURLETTI — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Multicultural Affairs): In relation to the appeal to the High Court of Australia of the decision of the Full Court of the Federal Court in respect of the term "Macedonian (Slavonic)", has the Victorian Government provided financial assistance or any other kind of support or advice to — (i) the Macedonian Teachers Association; (ii) any person or group acting on behalf of the Macedonian Teachers Association; (iii) any other association or organisation associated with the former Yugoslav Republic of Macedonia; and (iv) any other person or group of people or organisations.

ANSWER:

I am informed that:

No financial assistance, advice or support has been provided by the Victorian Government.

Premier: union picket lines

564. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier): In relation to an article in the *Sunday Herald Sun* on 19 March 2000 entitled "Bracks takes it outside":

(a) Did the Premier alter the venue of the launch of the Food and Wine Festival because he would not break with Labor tradition and cross a picket line.

(b) Is it the Government's policy that the Premier and Ministers will not cross a union picket line.

ANSWER:

I am informed that:

(a) There was no picket line.

(b) The Government does not have any such policy.

Multicultural Affairs: multicultural commissioner advertisements

565. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Multicultural Affairs): In which newspapers and journals were advertisements advising of vacancies for the three multicultural commissioner positions placed by the Victorian Government.

ANSWER:

I am informed that:

The advertisements were placed in the following newspapers:

The Albury Border Mail
The Ballarat Courier
The Age
The Herald Sun
The Bendigo Advertiser
The Geelong Advertiser
The Hamilton Spectator
The Horsham Wimmera Mail Times
The Latrobe Valley Express
The Portland Observer
The Sale Gippsland Times
The Shepparton News
The Wangaratta Chronicle
The Warrnambool Standard

In addition to these newspaper advertisements, over 100 ethnic community organisations were informed in advance of the advertisement by the Victorian Multicultural Commission. A media release was also sent to ethnic media.

Multicultural Affairs: gambling advertisements

566. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Multicultural Affairs):

(a) In which newspapers and journals were advertisements advising assistance on gambling for multicultural communities placed.

(b) What was the frequency of those advertisements.

(c) What was the size of those advertisements.

(d) What was the cost of those advertisements.

ANSWER:

I am informed that:

As the matter raised falls within the portfolio responsibilities of the Minister for Gaming, I suggest that the question be re-asked of the Minister for Gaming.

Multicultural Affairs: interpreter card survey

567. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Multicultural Affairs):

(a) What was the total cost of the survey of the effectiveness of the Victorian interpreter card.

(b) What were the findings of the survey.

(d) What were the recommendations of the survey.

ANSWER:

I am informed that:

The survey constituted part of the functions of the Office of Multicultural Affairs and costs were absorbed within the funds allocated for those purposes.

The findings indicate that most agencies consider the Interpreter Card to be useful for both agencies and clients. However, the findings also indicate the need for promotion of the Card.

Survey results are being considered and a strategy will be developed to explore options for greater use of the Card.

Major Projects and Tourism: Federation Square report

568. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Major Projects and Tourism): What was the cost to commission, produce, print and distribute the report on the design of Federation Square produced by Professor Evan Walker.

ANSWER:

The cost of Professor Walker's report was $25,000.

Major Projects and Tourism: Federation Square flagpole

569. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Major Projects and Tourism): What is the estimated cost of the flagpole the Government intends to erect in Federation Square.

ANSWER:

The Government has not yet made any decision on design options for the north-west corner of Federation Square.

Community Services: field officer appointments

570. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services): Has the Government employed any field officers or other officers since 20 October 1999 whose responsibilities include following up and/or contacting parents whose children do not attend preschool; if so — (i) how many such officers have been employed; (ii) what is their average salary; and (iii) what is the total cost to the Victorian taxpayers of these officers.

ANSWER:

(i) Yes. Regional Preschool Support Coordinators have been employed in each of the nine Department of Human Services regions.

(ii) The average salary is $42,079.

(iii) The total cost of the nine workers is $524,417 per annum.

Community Services: field officer appointments

571. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services): What measures does the Government have in place to assess the effectiveness of field officers or other officers employed since 20 October 1999 whose responsibilities include following up and/or contacting parents whose children do not attend preschool.

ANSWER:

Each Regional Preschool Support Coordinator is managed at a local level by the Team Leader of Children's Services and as such is an integral addition to the local Children's Services team.

The effectiveness of these positions can be measured in part by the increase in preschool participation and the increased number of children from families with health care cards attending preschool.

Each regional officer has established a Regional Reference Group to monitor and track the progress of this initiative at a local level.

The Minister for Community Services is currently considering a proposal for a Statewide Reference Group for the program.

Community Services: field officer appointments

572. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services): What techniques do field officers or other officers employed since 20 October 1999 whose responsibilities include following up and/or contacting parents whose children do not attend preschool use to achieve their objectives.

ANSWER:

The Regional Preschool Support Coordinators use a variety of techniques to support low income families with preschool fees and to increase access and awareness of the value and importance of preschool.

These include:

- the strengthening of linkages and coordination, for example with maternal and child health nurses, family support workers, Centrelink offices, preschool teachers and primary school teachers/principals;

- Individual support for vulnerable families in conjunction with a relevant support person, for example, a family support worker, to ensure direct support to enable access to preschool.

- Community awareness via professional networks, shopping centres and local parent groups.

- Regional mapping and data collection.

Community Services: field officer appointments

573. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services): What are the objectives set by the Minister, or the relevant Departments, for field officers or other officers employed since 20 October 1999 whose responsibilities include following up and/or contacting parents whose children do not attend preschool.

ANSWER:

- To develop and implement strategies to ensure eligible families, who might not otherwise enrol their children in preschool, do so and maintain attendance.

- To establish partnerships with local community agencies and work with and through them to support eligible families to access preschool.

- To lead a community education strategy to inform families about the value of preschool and the assistance available for eligible families.

- To provide in service support to preschool providers on promoting inclusion of low income and vulnerable families.

- To assist in establishing the profile of the target group for each region.

- To determine the needs of eligible families and identify barriers to preschool attendance.

Community Services: field officer appointments

574. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services):

(a) What groups of parents have been targeted by field officers or other officers who may have been employed by the Department since 20 October 1999 whose responsibilities include following up and/or contacting parents whose children do not attend preschool.

(b) On what information were such targeting decisions made, and by whom.

ANSWER:

(a) Low income families in receipt of Health Care Cards.
Families who use a language other than English in the home and are from a culturally and linguistically diverse background.
Vulnerable families.

(b) Some families may lack confidence, or are hindered by language/cultural barriers, limited social skills and income levels, from becoming a member of a local preschool community.
Feedback from community groups indicate that preschool fees can be a barrier for low income families.
Advice was sought from the Victorian Interpreter and Translation Service on which languages to target.
Targeting criteria were endorsed by the Minister for Community Services.

Community Services: preschool subsidy advertising

575. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Community Services): What was the cost of advertising in daily and other media to inform health care card holders that a subsidy of $250 was available for eligible four-year-old children to attend preschool in Victoria.

ANSWER:

The cost for advertising the availability of the preschool fee subsidy for eligible families in the Herald Sun and fourteen ethnic newspapers was $29,082.06.

Premier: budget — webcast

576. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier): What is the cost to Victorian taxpayers of the Internet broadcast of Treasurer's budget speech.

ANSWER:

I am informed that:

The cost was $14,900.

Premier: budget — webcast

577. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier): From what Department was funding provided for the Internet broadcast of the Treasurer's Budget speech.

ANSWER:

I am informed that:

Funding was provided by the Department of Treasury and Finance.

Premier: budget — webcast

578. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier): Is it intended that the Government will provide funding equal to that made available to the Government and from the same source to the Opposition for the Internet broadcast of the Opposition's response to the 2001–02 state budget.

ANSWER:

I am informed that:

Additional funds for the Opposition's response will not be made available.

Health: metropolitan health care network consultants

579. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the total cost since 20 October 1999 to the Department of Human Services of consultants and consultancies associated with the government's planned changes to the governance of the metropolitan health care networks.

ANSWER:

The total cost incurred for consultants and consultancies between 20 October 1999 and end June 2000 was $320,000.

Health: metropolitan health care network consultants

580. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): How many consultants have been employed since 20 October 1999 to advise the minister or the department on the planned changes to the metropolitan health care networks.

ANSWER:

The total number of consultancies used between 20 October 1999 and end June 2000 was 7.

Health: metropolitan health care network administrative changes

581. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the government's estimate of costs of administrative changes associated with its planned changes to the governance of the metropolitan health care networks.

ANSWER:

The Government will achieve $18M total savings each year as a result of full implementation of the Duckett Report recommendations. These are clearly outlined in the Ministerial Review of Health Care Networks Final Report.

Health: metropolitan health care network redundancies

582. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the expected cost to the Department of Human Services of redundancies associated with the planned changes to the governance of the metropolitan health care networks.

ANSWER:

Staffing reductions will occur in the central administrative offices of the Inner and Eastern and Western Health Care Networks, and may also occur through rationalisation of management structures in the new Metropolitan Health Services.

The cost will depend on how many of the staffing reductions occur as a result of Executive resignations and this is not finalised.

Health: metropolitan health care network board members

583. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the expected cost to the Department of Human Services of payouts to metropolitan health care network board members associated with the planned changes to the governance of the metropolitan health care networks.

ANSWER:

Nil. As Board members of statutory bodies such as Health Care Networks (including CEOs who also hold Board membership) hold office at the pleasure of the Crown, there is no need to make severance payments where a board member ceases to hold office for any reason.

Health: metropolitan health care network chief executive officers

584. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the expected cost to the Department of Human Services of payouts to chief executive officers of metropolitan health care networks associated with the planned changes to the governance of the metropolitan health care networks.

ANSWER:

There have been no costs to date. The two Network Chief Executive officers who may have been effected by the changes have resigned of their own volition.

Health: metropolitan health care network redundancies

585. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): How many administrative or other staff will be offered redundancies as part of the planned government changes to the governance of metropolitan health care networks.

ANSWER:

It is not possible to provide a definitive answer to this question. Some of the affected staff will be redeployed to other vacancies within the hospitals.

Health: metropolitan health care network redundancies

586. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the expected total cost to the Department of Human Services of payouts and redundancy packages to administrative or other staff associated with the planned changes to the governance of the metropolitan health care networks.

ANSWER:

Refer to answer to Question 582

Health: metropolitan health care network offices

587. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the expected cost to the Department of Human Services of office relocations of administrative staff of metropolitan health care networks associated with the planned changes to the governance of the metropolitan health care networks.

ANSWER:

Nil. The Inner and Eastern and North Western network offices will be closed once the networks have been wrapped up. The vast majority of administrative staff in hospitals will continue to undertake their functions from the same locations occupied prior to the changes.

Health: metropolitan health care network offices

588. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the expected cost to the Department of Human Services of office rental or lease costs in offices currently occupied by administrative staff of metropolitan health care networks that will be vacated to implement the planned changes to the governance of the metropolitan health care networks.

ANSWER:

The only office in this category is the Victoria Pde office of the Inner and Eastern Health Care Network. It is anticipated that the office space can be readily relet once the administrator finalises the affairs of the I&E Network.

Health: metropolitan health care network offices

589. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the expected cost to the Department of Human Services of office space subject to uncompleted leases that will be vacated and require a settlement, with appropriate landlord or others, to implement the planned changes to the governance of the metropolitan health care networks.

ANSWER:

The only office of concern in this regard is the Victoria Pde office of the Inner and Eastern Health Care Network. It is anticipated that the office space can be readily relet once the administrator finalises the affairs of the I&E Network, and hence no settlement will be required.

Health: metropolitan health care network offices

590. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the expected cost to the Department of Human Services of new office rentals or leases for offices to be occupied by administrative staff to implement the planned changes to the governance of the metropolitan health care networks.

ANSWER:

Nil. It is anticipated that existing office space within the hospitals will be used by the new Metropolitan Health Services.

Health: metropolitan health care network staff

591. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the expected cost to the Department of Human Services of reallocated or displaced staff in transition between their current positions and new positions to be occupied to implement the planned changes to the governance of the metropolitan health care networks.

ANSWER:

Refer to answer to Question 582

Health: metropolitan health care network offices

592. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Health): What is the expected cost to the Department of Human Services of office removal and relocation costs to implement the planned changes to the governance of the metropolitan health care networks.

ANSWER:

The only costs of this nature will result from the transfer of limited amounts of office equipment and Network records from the Victoria Parade Offices of the I&E HCN. Total cost may be in the order of $10,000.

Treasurer: asset investment initiatives

593. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): Which projects are included in the asset investment initiatives of the Department of Education, Employment and Training in the 2000–01 state budget, and what is the allocation to each of those projects.

ANSWER:

I am informed that:

The Government will publish shortly details on all Asset Investment Initiatives included in the 2000-2001 Budget. However, details on Asset Investment Initiatives included in Labor's Financial Statement which have been approved can already be found in Table 8.2 of Chapter 8 of BP2.

Treasurer: asset investment initiatives

594. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): Which projects are included in the asset investment initiatives of the Department of Human Services in the 2000–01 state budget, and what is the allocation to each of those projects.

ANSWER:

I am informed that:

The Government will publish shortly details on all Asset Investment Initiatives included in the 2000-2001 Budget. However, details on Asset Investment Initiatives included in Labor's Financial Statement which have been approved can already be found in Table 8.2 of Chapter 8 of BP2.

Treasurer: asset investment initiatives

595. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): Which projects are included in the asset investment initiatives of the Department of Infrastructure in the 2000–01 state budget, and what is the allocation to each of those projects.

ANSWER:

I am informed that:

The Government will publish shortly details on all Asset Investment Initiatives included in the 2000-2001 Budget. However, details on Asset Investment Initiatives included in Labor's Financial Statement which have been approved can already be found in Table 8.2 of Chapter 8 of BP2.

Treasurer: asset investment initiatives

596. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): Which projects are included in the asset investment initiatives of the Department of Justice in the 2000–01 state budget, and what is the allocation to each of those projects.

ANSWER:

I am informed that:

The Government will publish shortly details on all Asset Investment Initiatives included in the 2000-2001 Budget. However, details on Asset Investment Initiatives included in Labor's Financial Statement which have been approved can already be found in Table 8.2 of Chapter 8 of BP2.

Treasurer: asset investment initiatives

597. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): Which projects are included in the asset investment initiatives of the Department of Premier and Cabinet in the 2000–01 state budget, and what is the allocation to each of those projects.

ANSWER:

I am informed that:

The Government will publish shortly details on all Asset Investment Initiatives included in the 2000-2001 Budget. However, details on Asset Investment Initiatives included in Labor's Financial Statement which have been approved can already be found in Table 8.2 of Chapter 8 of BP2.

Treasurer: asset investment initiatives

598. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): Which projects are included in the asset investment initiatives of the Department of Natural Resources and Environment in the 2000–01 state budget, and what is the allocation to each of those projects.

ANSWER:

I am informed that:

The Government will publish shortly details on all Asset Investment Initiatives included in the 2000-2001 Budget. However, details on Asset Investment Initiatives included in Labor's Financial Statement which have been approved can already be found in Table 8.2 of Chapter 8 of BP2.

Treasurer: asset investment initiatives

599. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): Which projects are included in the asset investment initiatives of the Department of Treasury and Finance in the 2000–01 state budget, and what is the allocation to each of those projects.

ANSWER:

I am informed that:

The Government will publish shortly details on all Asset Investment Initiatives included in the 2000-2001 Budget. However, details on Asset Investment Initiatives included in Labor's Financial Statement which have been approved can already be found in Table 8.2 of Chapter 8 of BP2.

Treasurer: asset investment initiatives

600. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): Which projects are included in the asset investment initiatives of the Department of State and Regional and Development in the 2000–01 state budget, and what is the allocation to each of those projects.

ANSWER:

I am informed that:

The Government will publish shortly details on all Asset Investment Initiatives included in the 2000-2001 Budget. However, details on Asset Investment Initiatives included in Labor's Financial Statement which have been approved can already be found in Table 8.2 of Chapter 8 of BP2.

Education: schools capital works funding

601. THE HON. D. McL. DAVIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Education): Which Victorian schools have received capital works funding in the 2000–01 state budget and what is the allocation to each of those schools.

ANSWER:

I am informed as follows:

The attached document lists the schools that received capital works funding in the 2000/2001 State Budget.

Name	Description	Funding $
Aberfeldie PS	Stage 2 - Upgrade 4 GPCs & Staff Admin	605,000
Albert Park PS	Upgrade Staff Administration & Multipurpose	300,000
Altona Meadows PS	Stage 1 - New GPCs	1,375,000
Ascot Vale PS	Stage 2 - Upgrade Multipurpose & GPCs	380,000
Ascot Vale West PS	Upgrade Multipurpose & Art/Craft	390,000
Aspendale Gardens PS	New School	3,500,000
Bacchus Marsh PS	New GPCs & Student Toilets	820,000
Ballan PS	New Art/Craft, Library & Canteen	445,000
Bellbrae PS	New GPCs, Library & Staff Administration	770,000
Belmont HS	Stage 2 - New Arts, Fabrics & Info Tech Upgrade GPC, Science & Commerce	2,940,000
Berwick PS	Replacement School	4,800,000
Berwick South SC	New school - Stage 1	4,500,000
Blackburn Lake PS	Fire Reinstatement	1,000,000
Boardwalk PS (Pt Cook)	New School	3,500,000
Brighton Beach PS	New Multipurpose, Toilets, Canteen & Art/Craft	535,000
Caulfield South PS	New Multipurpose, Canteen & Toilets	550,000
Chatham PS	New GPCs & Staff Administration	825,000
Chirnside Park PS	New GPCs	970,000
Clayton North PS	New GPCs - Upgrade Library, Multipurpose & Canteen	990,000
Coatesville PS	Fire Reinstatement	1,000,000
Cobram SC	Demolish Excess Buildings - Upgrade Technology & Arts	1,195,000

Name	Description	Funding $
Copperfield SC (Sydenham Campus)	New School - Stage 2	3,880,000
Cranbourne Specialist School	New School	3,500,000
Dinjerra PS	Stage 2 - Upgrade Library, Staff Administration & GPC	250,000
Donburn PS	Fire Reinstatement	1,000,000
Doncaster PS	Stage 2 - Upgrade GPCs & Car Park	715,000
Dromana SC	Stage 1 - Upgrade Library	715,000
Edithvale PS	Stage 2 - New library - Upgrade GPCs & Staff Administration	615,000
Elwood College	Refurbishment	1,375,000
Footscray City SC	Upgrade Technology	1,120,000
Gisborne SC	New GPCs	1,705,000
Golden Square PS	Classroom Replacement	40,000
Greenvale PS	New GPC - Upgrade Staff Administration	1,115,000
Grovedale SC	Stage 2 - New GPCs & Information Technology	1,060,000
Hampton Park SC	Stage 1 - New GPCs & Toilets	1,130,000
Healesville PS	New GPCs, Library, Art/Craft & Staff Administration	1,320,000
Horsham College/SDS	New Staff Admin & Technology at Horsham Coll site & develop SDS in found space	3,950,000
Kangaroo Flat PS	Replacement School	3,500,000
Kunyung PS	Stage 2 - New GPCs, Arts & Library	825,000
Kunyung PS	Stage 1 - New Staff Admin, Multipurpose & GPCs	1,170,000
Lalor North SC	Stage 1 - New GPC, Student Lounge & Lecture	1,025,000
Macleod College	Stage 2 - Staff Administration Upgrade	505,000
Malvern Central	New Multipurpose - Upgrade Library & Staff Administration	1,650,000
Manorvale PS	Stage 1 - New GPCs	1,100,000
Maple Street PS	Purchase of Land	60,000
Melbourne Girls SC	Stage 2 - Upgrade Music & Drama	805,000
Melbourne Girls SC	Stage 3 - New Gym, Science & Staff Administration	1,870,000
Melton SC	New Technology - Upgrade Music & Drama	2,060,000
Mildura SDS	Stage 2 - Replacement School	815,000
Mill Park PS	Stage 1 - New GPCs	950,000
Mitcham PS	Upgrade GPCs, Library & Staff Administration	250,000
Mont Albert PS	Stage 1 - Upgrade Staff Administration Upgrade Canteen, GPCs & Multipurpose	1,540,000
Mooroolbark East PS	Upgrade Staff Administration	330,000

Name	Description	Funding $
Moreland City College	Stage 2 - New Gym & Oval Redevelopment Upgrade Staff Amin, Science, GPCs & Fabrics	2,475,000
Mount Eliza SC	New Technology - Upgrade Arts	1,470,000
Narre Warren South PS*	New School	3,500,000
Narre Warren South SC*	New School - Stage 1	4,500,000
Newstead PS	New GPCs - Upgrade Staff Administration	690,000
Northcote HS	Stage 3 - New Personal Development and Arts	1,325,000
Numurkah SC	Demolish Excess Buildings - New Physical Education	850,000
Ormond PS	New GPCs, Multipurpose & Arts - Upgrade Staff Administration	935,000
Park Ridge PS	New GPCs - Upgrade Staff Administration & Library	1,020,000
Portland North PS	New GPCs - Upgrade Library	900,000
Portland SC	Stage 3: New Science & Home Economics, Upgrade Arts	2,105,000
Ringwood SC	Stage 2 - New Personal Development & Arts Upgrade GPCs	2,855,000
Robinvale SC	Upgrade Staff Admin, Library, Info Tech, Personal Dev, Science & Music/Drama	1,485,000
Rosanna PS	Upgrade Multi Purpose, Music & Canteen	420,000
Roxburgh Park PS	New School	3,500,000
Rutherglen HS	Upgrade Technology & Arts	1,040,000
Sandringham PS	Stage 1 - New Phys Ed, Canteen &GPCs Upgrade Library	890,000
Serpell PS	New GPCs & Staff Administration	2,185,000
Solway PS	Upgrade Staff Administration, Multipurpose, Library & Art/Craft	935,000
South Gippsland SC	Stage 1 - New Staff Administration, Library, GPCs & Arts	2,750,000
St Albans Meadows PS	Stage 1 - New GPCs	880,000
St Albans SC	New Phys Education - Upgrade Technology, Staff Administration & Hall Refurbishment	1,705,000
St Helena SC	Stage 1 - New Info Tech & GPCS - Upgrade Home Economics & Canteen	1,715,000
Strathmore SC	Stage 2 - New Phys Education & Science Upgrade GPCs, Music, Drama & Staff Admin	2,185,000
Swan Hill SC	Stage 2 - New GPCs & Information Tech Upgrade Library, Arts & Personal Develop	1,980,000
Tatura PS	New GPC - Upgrade Library & Staff Admin	630,000
Terang P-12	Stage 1 - Upgrade GPCs, Arts, Science, Personal Development & Info Technology	985,000
Tooradin PS	New GPCs	825,000
Traralgon (Grey St) PS	New GPCs & Library	1,830,000

Name	Description	Funding $
Tyabb PS	New GPCs & Staff Administration	1,320,000
Upper Yarra SC	Stage 1 - NewTechnology - Upgrade Science & Bus Loop	2,050,000
Wangaratta PS	New GPCs - Upgrade Multipurpose, Art/Craft, Library & Staff Administration	920,000
Warragul RC	Upgrade Library, Art, Info Technology & Staff Administration	2,010,000
Warrnambool SC	Stage 2 - Upgrade Science, Arts, Info Technology & GPCs	1,995,000
Watsonia North PS	Stage 1 - Upgrade Multipurpose, Music & Canteen	450,000
Wedderburn SC / P-12	Stage 1 - Upgrade Staff Admin, GPCs, Library, Science, Canteen & Toilets	1,340,000
Wedge Park PS	Stage 3 - New GPCs	840,000
Weeden Heights PS	New GPCs - Upgrade Staff Administration	1,215,000
Whittlesea SC	New Science - Upgrade Commerce & Staff Administration	2,375,000
Yarra Glen PS	Flash Lights/Various Speed Limit Signs	60,000
Yarra Glen PS	New Parent Pick Up & Drop Off Area	50,000
Yarra Road PS	New GPC & Student Toilets	850,000
*Since the announcement these projects have been combined to provide a P-12 school		

GPC	General Purpose Classroom
PS	Primary School
SC	Secondary College
HS	High School
SDS	Special Developmental School

Aged Care: nursing homes — federal standard

602. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing and Aged Care): Will the minister provide copies of any reports on work needed to be completed on state-owned nursing homes to bring those homes up to federal certification and accreditation standards by January 2001 and future deadline dates.

ANSWER:

Since the change of Government, the Department of Human Services Aged Care Program has had the opportunity to review all the public sector nursing homes that have not met Commonwealth Certification standards. These facilities and the status of the works to be undertaken are outlined below:

Facility	Status
Casterton Memorial Hospital Nursing Home	Upgrade works are being undertaken so that the facility can meet certification standards. These works are estimated to cost $50,000. Capital redevelopment funds of $5.95 million have been announced for the redevelopment of the whole facility.
Caulfield General Medical Centre	Upgrade works are being undertaken so that the facility can meet certification standards. These works are estimated to cost $325,000. Planning is also underway for the redevelopment of the residential aged care beds located at Caulfield Medical Centre.
Evelyn Wilson Nursing Home (Central Gippsland Health Service)	Upgrade works are being undertaken so that the facility can meet certification standards. These works are estimated to cost $312,000. Planning is also underway for the redevelopment of the residential aged care beds located at Sale.
Hopetoun Nursing Home (Rural Northwest Health)	Upgrade works are being undertaken so that the facility can meet certification standards. These works are estimated to cost $99,000. Planning is also underway for the redevelopment of the facility as a rural integrated health care facility.
Lumeah Nursing Home (Echuca Regional Health)	Upgrade works are being undertaken so that the facility can meet certification standards. These works are estimated to cost $179,000. Planning is also underway for the longer term redevelopment of the residential aged care beds.
Natimuk Nursing Home (West Wimmera Health Service)	Upgrade works are being undertaken so that the facility can meet certification standards. These works are estimated to cost $65,000. Planning is also underway for the longer term redevelopment of the residential aged care beds.
Inglewood and District Health Service	Construction of new facility has commenced.
Nyah West Campus – Swan Hill District Hospital	Construction of new facility has commenced.
Manangatang Hospital and Nursing Home	Upgrade works are being undertaken so that the facility can meet certification standards. The cost of these works is currently under review. Planning is also underway for the longer term redevelopment of the residential aged care beds.
Dimboola Hospital – Wimmera Health Care Group	Construction is expected to commence in September 2000. Tenders for the works have recently closed.
Heywood & District Hospital	Capital funds of $4.6 million have been provided for the redevelopment of this facility.

Facility	Status
Maldon Hospital Community Care Centre	Construction is expected to commence in September 2000.
Garden View House – Melbourne Extended Care & Rehabilitation Services	Construction of new facility underway.

Accreditation is the evaluation process which residential aged care services must pass through to be recognised as approved providers under the *Aged Care Act 1997*. The process starts with self assessment and concludes with a decision on accreditation of a service by the Aged Care Standards Agency. The Commonwealth Government is responsible for assessing facilities.

All residential aged care services will be required by the Commonwealth to meet new fire safety requirements between 2001 and 2003. The Department of Human Services has implemented a Fire Risk Management Strategy. This Strategy provides funds for a rolling program of fire safety works across all public health facilities which includes all residential aged care services.

The Commonwealth has also imposed space and privacy requirements which all new and existing buildings will be required to meet by 2008. The Department of Human Services is currently investigating the scope of additional works which will be required to ensure all State Residential Aged Care Services can continue to meet Commonwealth certification standards until 2008.

Because the previous Government had not planned to upgrade some residential aged care facilities, planning and implementation of capital works underway for Inglewood & District Health Service, the Nyah West Campus of Swan Hill Hospital, Dimboola Hospital, Heywood & District Hospital, Maldon Hospital Community Care Centre and Garden View House (Melbourne Extended Care & Rehabilitation Services) will not be completed until next year. In all cases the Commonwealth Minister and the Department of Health and Aged Care have been kept informed of progress and efforts made to ensure building certification requirements are met.

Aged Care: nursing homes — federal standard

603. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing and Aged Care): Will the Minister provide copies of estimates of the cost of work needed to be completed on state-owned nursing homes to bring those homes up to federal certification and accreditation standards by January 2001 and future deadline dates.

ANSWER:

The estimates of the cost of work needed to be completed on the following State owned nursing homes to bring these homes up to Federal Certification standards by January 2001 are:

Facility Name	Estimated Cost of Upgrade Works as at 3 August 2000. Copies of Scope of Works for each facility attached.
Casterton Memorial Hospital Nursing Home	$50,000
Caulfield General Medical Centre	$325,000
Evelyn Wilson Nursing Home (Central Gippsland Health Service)	$312,000
Hopetoun Nursing Home (Rural Northwest Health)	$99,000

Facility Name	Estimated Cost of Upgrade Works as at 3 August 2000. Copies of Scope of Works for each facility attached.
Lumeah Nursing Home (Echuca Regional Health)	$179,000
Natimuk Nursing Home (West Wimmera Health Service)	$65,000

Capital Redevelopments are underway at the following facilities:

Facility Name	Estimated Cost of Capital Works
Casterton Memorial Hospital Nursing Home	$5.95 million
Inglewood and District Health Service	$2.1 million
Nyah West Campus – Swan Hill District Hospital	$1.62 million
Garden View House – Melbourne Extended Care & Rehabilitation Services	$2.4 million
Heywood & District Hospital	$4.6 million
Maldon Hospital Community Care Centre	$2.8 million
Dimboola Hospital – Wimmera Health Care	$3.4 million

Capital planning has commenced for the following facilities. Costs will be determined following the completion of detailed planning for these facilities.

Facility Name
Caulfield General Medical Centre
Evelyn Wilson Nursing Home (Central Gippsland Health Service)
Hopetoun Nursing Home (Rural Northwest Health)
Lumeah Nursing Home (Echuca Regional Health)
Natimuk Nursing Home (West Wimmera Health Service)
Manangatang Hospital & Nursing Home

Accreditation is the evaluation process which residential aged care services must pass through to be recognised as approved providers under the *Aged Care Act 1997*. The process starts with self assessment and concludes with a decision on accreditation of a service by the Aged Care Standards Agency. The Commonwealth Government is responsible for assessing facilities.

All residential aged care services will be required by the Commonwealth to meet new fire safety requirements between 2001 and 2003. The Department of Human Services has implemented a Fire Risk Management Strategy. This Strategy provides funds for a rolling program of fire safety works across all public health facilities which includes all residential aged care services.

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Aged Care: nursing homes — federal standard

604. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Small Business (for the Honourable the Minister for Housing and Aged Care): Will the minister give an assessment of the cost of work needed to be completed on state-owned nursing homes to bring those homes up to federal certification and accreditation standards by January 2001 and future deadline dates and a list of each nursing home requiring such work.

ANSWER:

The estimates of the cost of work needed to be completed on the following State owned nursing homes to bring these homes up to Federal Certification standards by January 2001 are:

Facility Name	**Estimated Cost of Upgrade Works as at 3 August 2000. Copies of Scope of Works for each facility attached.**
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Hopetoun Nursing Home (Rural Northwest Health)
Lumeah Nursing Home (Echuca Regional Health)
Natimuk Nursing Home (West Wimmera Health Service)
Manangatang Hospital & Nursing Home

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Environment and Conservation: Environment Protection (Enforcement and Penalties) Bill

605. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): How many of the staff of the Department of Natural Resources and Environment will be involved in implementing the Environment Protection (Enforcement and Penalties) Bill when it is enacted.

ANSWER:

I am informed that:

The Environment Protection Authority has 177 authorised officers who will be primarily responsible for implementing the *Environment Protection (Enforcement and Penalties) Act 2000*.

Environment and Conservation: Environment Protection (Enforcement and Penalties) Bill

606. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): Will any additional inspectors or officers be employed to implement the Environment Protection (Enforcement and Penalties) Bill when it is enacted.

ANSWER:

I am informed that:

The *Environment Protection (Enforcement and Penalties) Act 2000* amends existing penalties and other provisions of the Environment Protection Act 1970. The key changes relate to increasing penalties for environmental offences and others relate to streamlining the Act. As such it will be implemented within the Environment Protection Authority's existing arrangements.

No additional inspectors or officers will be required to implement the *Environment Protection (Enforcement and Penalties) Act 2000*.

The Government has already provided an additional $4 million over the next four years to the EPA. Most of this funding will be used to fund a specialist audit and investigation team. Officers within this group will have a role in implementing the enforcement provisions of the new legislation.

Environment and Conservation: Environment Protection (Enforcement and Penalties) Bill

607. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): Will inspectors or officers be redeployed to

implement the Environment Protection (Enforcement and Penalties) Bill when it is enacted; if so, how many will be redeployed.

ANSWER:

I am informed that:

The *Environment Protection (Enforcement and Penalties) Act 2000* amends existing penalties and other provisions of the Environment Protection Act 1970. The key changes relate to increasing penalties for environmental offences and others relate to streamlining the Act. As such it will be implemented within the Environment Protection Authority's existing arrangements.

No inspectors or officers will be redeployed to implement the *Environment Protection (Enforcement and Penalties) Act 2000*.

The Government has already provided an additional $4 million over the next four years to the EPA. Most of this funding will be used to fund a specialist audit and investigation team. Officers within this group will have a role in implementing the enforcement provisions of the new legislation.

Environment and Conservation: pest cockatoos

608. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): Given the recent changes in respect to the destruction of pest cockatoos what additional departmental resources and funding have been allocated to the control of pest cockatoos.

ANSWER:

I am informed that:

- For the 1999/2000 financial year, an additional $165,000 was allocated for the control of pest cockatoos during this cropping season.
- The regional control project included a trapping and gassing program and crop damage reduction assessment.
- For the trapping and gassing program, NRE engaged four 2 person trapping and gassing teams and one private licensed wildlife trapper on contract.
- 89 landholders requested assistance via this trapping and gassing programs.
- Until 17 July 2000, over 17000 cockatoos (long-billed corellas, sulphur-crested cockatoos and galahs) had been caught and destroyed from trapping operations on local properties.
- The trapping and gassing program, based on observation and reports from landholders and NRE staff, has achieved a very significant break up and dispersal of cockatoo flocks, with consequential reduction in crop damage and losses.
- Many landholders have expressed strong support and satisfaction with the results of the trapping and gassing.
- Trials to assess the extent of crop damage reduction are planned.
- NRE staff conservatively estimate that the 'cockatoo' population across the western, central highlands and Murray River areas of Victoria is in excess of 500,000 birds.

Treasurer: Minister for Industrial Relations office

609. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): In relation to the Minister for Industrial Relations' occupancy of her office at 9th Floor, 35 Spring Street, Melbourne 3002:

(a) What was the total lease costs incurred during the period between the date the Minister for Industrial Relations and her staff occupied the office and the date the Minister for Industrial Relations and her staff vacated the office.

(b) What is the total lease cost incurred in the period since the Minister for Industrial Relations and her staff vacated the office.

(c) What is the total lease cost incurred in the period since the Minister for Industrial Relations and her staff vacated the office.

(d) What expenses were incurred in renovating this office including office fit out costs, design and interior decorating costs, new furniture, movement of partitions and other associated costs.

(e) What costs were incurred by the Minister for Industrial Relations and her staff, or the Department in moving into this office in relation to removal costs, overtime, new filing systems, computer establishment and computer network costs and unproductive staff time associated with office moving.

ANSWER:

I am informed that:

- There were no additional lease costs incurred as a result of the Minister for Industrial Relations' occupancy at her office, 9 floor, 35 Spring St.

- Expenses incurred in renovating this office were $20,771. Costs incurred by the Minister, her staff and the Department, from the Minister's move into 35 Spring St, were consistent with normal costs incurred in moving into office space following a change of Government.

Treasurer: Minister for Industrial Relations office

610. **THE HON. D. McL. DAVIS** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): In relation to the Minister for Industrial Relations' occupancy of her office at Level 5, 1 Macarthur Place, Melbourne 3002:

(a) What will be the total lease costs incurred during the period between the date the Minister for Industrial Relations and her staff occupied the office and the date the Minister for Industrial Relations and her staff will vacate the office

(b) What will be the total lease cost incurred in the period following the vacation of this office by the Minister for Industrial Relations and her staff and the period when the office will be reoccupied, or the lease will expire, or the property will be sub-let.

(c) What expenses were incurred in renovating this office including office fit out costs, design and interior decorating costs, new furniture, movement of partitions and other associated costs.

(d) What costs were incurred by the Minister for Industrial Relations and her staff, in moving into this office in relation to removal costs, overtime, new filing systems, computer establishment and computer network costs and unproductive staff time associated with office moving.

ANSWER:

I am informed that:

- There were no additional lease costs incurred as a result of the Minister for Industrial Relations' occupancy at her office, level 5 1 Macarthur St.

- The $107,000 in costs incurred by the Minister, her staff and the Department relating to the occupancy at this location is consistent with normal costs incurred in renovating and moving into the offices required.

State and Regional Development: Industrial Supplies Office

611. **THE HON. M. A. BIRRELL** — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): Further to the answer to question no. 394, given in this house on 9 May 2000, on import replacement:

(a) What funds were provided to the Industrial Supplies Office (ISO) in 1999–2000.

(b) What funds will be provided from the state budget to the ISO in 2000–01.

(c) What are the performance objectives being sought from the ISO as part of their funding agreement.

ANSWER:

Funds were provided to the ISO in 1999-2000 as part of its ongoing funding agreement with the Government to provide import replacement services to industry. Funding under this agreement will continue in 2000-01. In addition, the Government will provide funds for the two year regional pilot which will extend ISO services into country Victoria. Funding details for the ISO are published in the annual reports of the Department of State and Regional Development.

The performance targets for the ISO are $63 million for 1999-2000 and $66 million for 2000–01 (as referred to in the 2000-01 Budget Estimates, Budget Paper No. 3, p. 305).

Post Compulsory Education, Training and Employment: Community Business Employment program

612. **THE HON. M. A. BIRRELL** — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment): Further to the answer to Question No. 421, given in this House on 11 May 2000:

(a) Why will the Minister not make available for publication in Hansard the names and addresses of each of the organisations that will be funded under the Community Business Employment program (CBE).

(b) Why is the Minister also refusing to disclose the names and addresses of each of the organisations that failed to be funded under the CBE program, but had previously been funded.

(c) What are the reasons for the Minister's secrecy about the comparative performance of all applicants for CBE funding in 2000-01.

ANSWER:

I am informed as follows:

(a) The names and addresses of the organisations contracted under the 2000-01 Community Business Employment Program are provided in Attachment 1.

(b) The names and addresses of the organisations that failed to be funded under the 1999-2000 Community Business Employment Program, but had previously been funded are provided in Attachment 2.

(c) There is no secrecy about the process of allocating funding under the Community Business Employment Program. All applications were assessed in accordance with the published guidelines.

Attachment 1 - List of Current CBE Providers - 2000 Program

Organisation	Address	Suburb	Post Code
Maryborough Regional Education and Training Services Inc (MRETS)	88 - 90 Burke Street	Maryborough	3465
JOBS A New Approach Incorporated - Geelong	Level 2/78 Moorabool Street	Geelong	3220
Baptist Community Care Ltd	227 Burwood Road	Hawthorn	3122
Regional Skills Inc	479 David Street	Albury	2640
Jewish Community Services Inc	25 - 27 Alma Road	St Kilda	3182
Migrant Resource Centre North East	251 High Street	Preston	3072
Action Personnel Pty Ltd	38 Byron Street	Footscray	3011
Broadmeadows Employment Project Inc	56 Chiltern Street	Broadmeadows	3047
Melbourne East Group Training Ltd	29 Ringwood Street	Ringwood	3134
South East Region Migrant Resource Centre	Level 1, 314 Thomas Street	Dandenong	3175
W.O.W Employment Services	Level 1, 131 Paisley Street	Footscray	3011
Portland Workskills Incorporated	Shop 14 Pioneer Plaza	Portland	3305
Gippsland Community Advancement Inc	10 Commercial Road	Morwell	3840
Central Victorian Group Training Co. Ltd	Corner Stanfield & Jackson Streets	Long Gully	3550
Future Employment Opportunities Inc	13 - 21 Peg Leg Road	Eaglehawk	3556
Eastleigh Workforce Incorporated	90 - 92 Moorleigh Community Village	East Bentleigh	3165
Ballarat Adult and Further Education Centre (BRACE) Inc	602 Urquhart Street	Ballarat	3350
People Providers Pty Ltd	Shop 4, 33 Murray Street	Wonthaggi	3995
Master Builders Association of Victoria	332 Albert Street	East Melbourne	3002
Bairnsdale Adult Community Education (BACE) Inc	Dalmahoy Street	Bairnsdale	3875
Mount Alexander Employment & Training Service	27 Lyttleton Street	Castlemaine	3450
Australian Lebanese Welfare Inc	251 High Street	Preston	3072
Springvale Indo-Chinese Mutual Assistance Association Inc (SICMAA)	9 Hillcrest Grove	Springvale	3171
North East Employment Program	Shop 12, The Mall, Bell Street	West Heidelberg	3081
Western Metropolitan Youth Employment Project	Suite 1, 131 Paisley Street	Footscray	3011
The Australian Industry Group	380 St Kilda Road	Melbourne	3004
KYM Employment Services Incorporated	Shop 31 Macauley Place	Bayswater	3153
Serbian Welfare Organisation of Vic	176 Thomas Street	Dandenong	3175
Bayside Employment Skills Training Inc	1st Floor, 242 - 248 Charman Road	Cheltenham	3192
JANA - Jobs A New Approach Ballarat Inc	Level 1, 102 Curtis Street	Ballarat	3350
The Australian Vietnamese Services Resource Centre	190 Nicholson Street	Footscray	3011
Northern Melbourne Institute of TAFE (NMIT)	77 - 91 St Georges Road	Preston	3072
Link Employment & Training	9 Langhorne Street	Dandenong	3175
Centacare, Catholic Diocese of Ballarat Inc	5 Lyons Street South	Ballarat	3350
Geelong Ethnic Communities Council Inc	153 Pakington Street	Geelong West	3218
WorkPlacement Inc	Level 3, 128 Exhibition Street	Melbourne	3000
Geelong Business Placements P/L	Rear 265 Ryrie Street	Geelong	3220

Attachment 1 - List of Current CBE Providers - 2000 Program

Organisation	Address	Suburb	Post Code
Darebin Jobs (Preston / Reservoir Skills Training Centre Inc)	169 -182 Plenty Road	Preston	3072
Co.As.It. Italian Assistance Association	189 Faraday Street	Carlton	3053
Taskforce Community Agency Inc	2nd Floor, 240 Chapel Street	Prahran	3181
Brotherhood of St. Laurence	67 Brunswick Street	Fitzroy	3065
Youth Projects Inc	6 Hartington Street	Glenroy	3046
LaTrobe Valley Supported Employment Service Inc	213 Princes Way	Morwell	3840
Australian Greek Welfare Society	7 Union Street	Brunswick	3056
Australian Vietnamese Women's Welfare Association	30 - 32 Lennox Street	North Richmond	3121
South Central Region Migrant Resource Centre	24 Victoria Street	Prahran	3181
Australian Retailers Association - Victoria	104 Franklin Street	Melbourne	3000
Australian Education Industry Centre	2nd Floor, 120 Clarendon Street	Southbank	3006
Russian Ethnic Representative Council of Victoria Inc	108 Scotchmer Street	Fitzroy North	3068
Colac Adult Community Education Inc	6 Murray Street	Colac	3250

Attachment 2 - Unsuccessful 1999 CBE Providers

Organisation	Address	Suburb	Post Code
RecruitNet Inc.	29 Ellingworth Parade	Box Hill	3128
Serbian Welfare Association	176 Thomas Street	Dandenong	3175
Australian Croatian Community Services	40 Pickett Street	Footscray	3011
JOB POWER Pty Ltd	Suite 5, Sanville Court 40-42 Playne Street	Frankston	3199
Swinburne University of Technology	Swinburne TAFE 12 - 50 Norton Road	Croydon	3136
Khmer Community of Victoria	458 Springvale Road	Springvale	3172
Greek Welfare Centre	313 Burnley Street	Richmond	3121

Transport: public transport user surveys

614. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): How often since 1 September 1999 have public transport user ridership surveys been conducted for metropolitan and rural Victoria for tram, train and bus patronage, respectively.

ANSWER:

A range of public transport surveys initiated by the Department of Infrastructure, the Revenue Clearing House, and the individual train and tram franchise operators are conducted on a daily, weekly, monthly quarterly and yearly basis.

Country rail passenger conductor tallies are conducted by Vline Passenger on every trip and the results are part of the quarterly reporting requirements to the Department of Infrastructure.

The Revenue Clearing House, as part of its Met Revenue Allocation process, contracts the research company Millward Brown (Formerly Yann Campbell Hoare Wheeler) to take approximately 15000 trip diaries per quarter in an ongoing survey of tram, metropolitan train and bus services.

The Department of Infrastructure also contributes funds to the Victorian Activity Travel Survey(VATS), conducted by RMIT. This is an ongoing survey amounting to 5000 customers annually, with results for the previous calendar year available in the last quarter of the next calendar year.

The two metropolitan train and two tram franchise operators are currently conducting or planning passenger counts and loading surveys. These surveys are conducted under a Quality Assurance process monitored by the Department of Infrastructure.

The Bracks Government has a commitment to growing patronage on public transport and will continue to monitor patronage levels as well as other measures of public transport performance quality of service, reliability, punctuality and customer satisfaction.

The results of passenger surveys will be included in the Track Record bulletin, which is an initiative of the Bracks Government published every three months to provide information to passengers and taxpayers on the performance of the public transport companies.

Transport: public transport user surveys

615. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): Are public transport user ridership surveys conducted by the Public Transport Corporation or the Department of Infrastructure staff or have contracts been awarded to outside organisation; if so, to whom.

ANSWER:

The Revenue Clearing House as part of its Met Revenue Allocation process, conducts regular ongoing surveys on tram, train and bus patronage. The RCH has contracted Millward Brown (a recognised research company) to undertake these surveys, which have been ongoing since 1998. The Revenue Clearing House is a privately owned company whose shareholders comprise the two train and two tram companies and the Department of Infrastructure on behalf of the private bus companies.

The Department of Infrastructure also contributes funds to the Victorian Activity Travel Surveys (VATS), conducted by RMIT. This is an ongoing daily survey amounting to 5000 customers annually, and results for the previous calendar year are available in the last quarter of the next calendar year.

The PTC has neither contracted nor conducted surveys in the past 12 months.

Transport: public transport patronage

616. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): What patronage level on either an annualised or monthly basis for each of the two train and two tram operators has been indicated by any surveys concluded since September 1999 and how does this compare with patronage levels for the then corporatised metropolitan tram and train operators in the 1998-99 financial year end to 31 August 1999.

ANSWER:

The Bracks Government has a commitment to growing patronage on public transport and will continue to monitor patronage among other measures of public transport performance quality of service, reliability, punctuality and customer satisfaction.

As the Franchise arrangements have not been in place for a full year, no patronage figures comparable to 1998/99 are yet available. These will become available later in the year

The two train and two tram franchise operators are currently conducting or planning passenger counts and loading surveys. These surveys are conducted under a Quality Assurance process monitored by the Department of Infrastructure. Country rail passenger conductor tallies are conducted on every trip and are submitted to Department of Infrastructure as part of quarterly reporting requirements.

The Revenue Clearing House as part of its Met Revenue Allocation process, conducts regular ongoing surveys on tram, train and bus patronage. The RCH has contracted Millward Brown (a recognised research company) to undertake these surveys, which have been ongoing since 1998. The Revenue Clearing House is a privately owned company whose shareholders comprise the two train and two tram companies and the Department of Infrastructure on behalf of the private bus companies.

The Bracks Government is committed to making private transport operators properly accountable to passengers and taxpayers and ensuring they meet the requirements of their contracts.

State and Regional Development: alumni funding

618. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development):

(a) What funds will be allocated to fund alumni bodies, and for related alumni activities, in 2000-2001.

(b) What funds have been allocated since 1 October 1999 to alumni bodies, listing each recipient and the grant involved.

ANSWER:

The level of funding to be allocated in 2000-2001 for alumni activities is yet to be determined.

In 1999/2000, a total of $254,270 was allocated to 36 groups including universities, TAFEs and secondary colleges.

State and Regional Development: funding allocations

619. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development):

(a) What funds will be allocated in 2000–01.

(b) Who will administer these funds.

(c) Will community organisations be funded; if so, what funds will be made available for this purpose.

(d) What are the goals sought to be achieved by the use of the funds.

ANSWER:

The level of funding to be allocated in 2000-2001 to Business Skills Migration attraction activities is yet to be determined.

The Department of State and Regional Development is responsible for the administration of these funds.

No community organisations will be funded from this allocation. The funds will be spent on international promotion highlighting Victoria as an attractive location for potential business migrants to establish their commercial enterprises.

Transport: park and ride project

620. THE HON. C. A FURLETTI — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Transport): In relation to the park and ride project which has been proposed for the corner of Doncaster Road and Hender Street, Doncaster:

(a) What is the timing for development of the park and ride.

(b) How many car parking spaces is it intended to provide.

(c) What is the catchment area that the park and ride will cater for.

(d) What other facilities are intended to be provided on the site.

ANSWER:

1. Subject to obtaining the relevant planning approvals from the City of Manningham, it is expected the Park and Ride will be completed in mid-2001.

2. The proposed layout is still being developed in consultation with bus operators. Preliminary advice is that parking will initially be provided for approximately 420 vehicles with an additional 160 car parks provided as a future stage.

3. It is expected the main catchment area will be from in and around the City of Manningham, however, commuters from other outer eastern suburbs may choose to utilise the facility.

4. The proposal is still being developed, but I am advised that is likely to include bus bays, taxi bays, "kiss and ride" bays and weather shelters for commuters and possibly some complementary but small scale commercial services. Vehicle and passenger security matters are also being considered.

Consumer Affairs: Basketball Victoria

621. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Consumer Affairs:

(a) Which officers from her department have had communication with Tony Smeaton either in person, in writing, or by telephone, over his concerns about Basketball Victoria and on what dates did such communications take place.

(b) Which members of her ministerial staff have had communication with Tony Smeaton either in person, in writing, or by telephone, over his concerns about Basketball Victoria and on what dates did such communications take place.

ANSWER:

The Honourable Member has placed a number of questions on notice concerning Basketball Victoria. I have provided detailed responses to each of those questions (numbers. 622 – 624, 629).

However, in relation to this question (number 621), I would consider it a breach of privacy to provide the Honourable Member with details of any communication my Department or my office has with any individual in circumstances such as these. The Department, and I as Minister, must reflect the impartiality with which we deal with all complaints received by ensuring confidentiality is maintained, unless there are strong public interests otherwise.

In carrying out its statutory role, Consumer and Business Affairs Victoria relies on citizens who approach it to have confidence in the confidentiality with which their complaints are heard.

Consumer Affairs: Basketball Victoria

622. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Consumer Affairs: Are any contracts entered into by Basketball Victoria now invalid as a result of the breaches of the Associations Incorporation Act 1981.

ANSWER:

I am unable to comment on the validity of contracts entered into by Basketball Victoria. If a member or other person questions the validity of a contract with Basketball Victoria, they should seek their own legal advice and consider their options under civil law.

Consumer Affairs: Basketball Victoria

623. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Consumer Affairs:

(a) How many breaches of the Associations Incorporation Act 1981 has Basketball Victoria committed.

(b) On what dates did these breaches take place.

(c) What remedial action has Basketball Victoria taken in relation to these breaches.

(d) Was all remedial action effective or was some or all remedial action itself in breach of the act.

(e) What advice, instruction or directives did her department give Basketball Victoria in relation to remedying breaches of the act.

(f) Was this advice followed; if not, what further action did her department take.

ANSWER:

(a) The public officer of Basketball Victoria failed to lodge an application for approval of an alteration to the rules of the association within the required time. This notice should have been lodged within 28 days after the alteration was passed by special resolution at a meeting of members on 21 October 1999.

It was also alleged that several members of Basketball Victoria had made a false declaration to the effect that, at a meeting on 25 November 1999, a special resolution was passed in accordance with the requirements of the Act. Subsequent investigation by CBAV indicated that the required procedures for passing a special resolution were not adhered to (failure to give 21 days notice to members) and consequently the rule changes were not valid.

I am informed that CBAV does not intend to lay charges against the people involved. In order to establish that an offence occurred under Section 49 of the Act, it is necessary to prove that the person *knowingly* made a false or misleading statement. Since the members acted on legal advice, and since CBAV has no evidence to suggest that the members *knowingly* made a false statement, it has decided that there is not enough evidence to warrant commencing proceedings.

It should be noted that failure to comply with the procedural requirements when passing a special resolution does not necessarily mean that the association has committed an offence punishable by conviction and fine. The accidental failure to properly carry out procedural requirements means that the resulting resolution is not a valid resolution, but it does not necessarily follow that an offence warranting prosecution has been committed.

(b) The public officer should have lodged the application for approval of alterations to the rules by 18 November 1999, ie. within 28 days after the resolution was passed. The public officer attempted to lodge the documentation on 23 November 1999, some 5 days outside the prescribed time limit.

(c) Basketball Victoria and the public officer have been advised of the requirement to lodge an application for approval of alternations to the rules within 28 days.

(d) Not applicable

(e) As advised above, in relation to the breach by the public officer, CBAV has advised Basketball Victoria and the public officer of the need to ensure that an application for approval of alternations to the rules is lodged within 28 days.

In addition, as two recent attempts by Basketball Victoria to change its rules have been unsuccessful because of procedural irregularities, CBAV wrote to the President of the association on 16 May 2000 to inform him of the current status of the association's rules.

CBAV pointed out the procedural requirements that must be met in order for an association to alter its rules or adopt new rules. CBAV further pointed out that although the association sought to pass a special resolution to alter the association's rules at meetings held on 21 October 1999 and 25 November 1999, because of procedural irregularities, neither attempt to change the rules was successful.

CBAV advised the association that, in order to have a valid alteration to its rules approved by the Registrar, it will need to convene and hold another general meeting of members and conform with the procedural requirements relating to the passing of a special resolution.

CBAV noted in its letter that the association has apparently been operating pursuant to rules which were adopted by the association in 1992. CBAV pointed out that it had received no notification from the association of an amendment to its rules and consequently the association's registered rules are those that were provided to the Registrar upon the association's incorporation in 1985.

(f) It is up to Basketball Victoria to ensure that it conforms with the requirements necessary to ensure a valid alteration to its rules. If it operates under rules which are not valid, it leaves itself open to civil action by aggrieved members. If further breaches of the Act are discovered or reported to CBAV investigators, appropriate action will be taken by CBAV to ensure that Basketball Victoria complies with the requirements of Act.

Consumer Affairs: departmental investigations

624. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Consumer Affairs:

(a) What mechanism does Consumer and Business Affairs Victoria use to keep the Minister for CBAV informed of investigations that it is undertaking.

(b) Are all investigations undertaken by CBAV reported to the minister.

ANSWER:

(a) Investigations into alleged breaches of the Associations Incorporation Act 1981 are conducted by officers of Consumer and Business Affairs Victoria on behalf of the Registrar of Incorporated Associations, Ms Bernadette Steele.

Generally, the Registrar investigates and responds to complaints about incorporated associations without bringing them to my attention. I do not need to be informed of the details of every complaint or investigation that is carried out by CBAV. The Registrar has various mechanisms available under the Act to deal with incorporated associations which are not complying with their responsibilities and it is the Registrar's decision when and how to utilise those mechanisms.

Of course, the Registrar keeps me informed of major investigations and significant issues that arise out of complaints and investigations. By significant issues, I mean issues which affect the wider community or highlight deficiencies in the regulatory framework.

The Registrar of Incorporated Associations has traditionally taken a conciliatory approach to offenders in recognition of the fact that most committee members of incorporated associations are volunteers who give their

time to assist associations pursue community goals. Often breaches of the Act are technical in nature, such as when the association exceeds the time allowed for lodgement of documents. In these circumstances, the appropriate response in the public interest is education of the association as to its obligations and to ensure compliance through correction of errors.

The Registrar will consider commencing proceedings against an association where a serious breach has occurred or where the community interest is served by taking such action. Where breaches are suspected, CBAV will conduct an investigation to determine whether the available evidence is of sufficient weight to justify instituting proceedings.

Most complaints about incorporated associations arise when members believe that the association has not adhered to its rules. In general, it is not the role of the Registrar to resolve disputes between associations and their members or past members. Care must be taken to ensure that the Registrar does not become involved in essentially internal disputes that sometimes take place between factions or individuals in an association.

In this regard, it is relevant to note that the Associations Incorporation Act 1981 provides that the rules of an incorporated association constitute the terms of a contract between the association and its members. A breach of the rules is a civil matter to be resolved by the parties. Application may be made to the Magistrates' Court to enforce the rules of an incorporated association. Alternatively, the dispute may be addressed through application of the grievance procedure, which must be contained in the rules of an incorporated association.

(b) No.

Premier: Basketball Victoria

625. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier):

(a) Which officers from the Department of Premier and Cabinet have had communication with Tony Smeaton either in person, in writing, or by telephone, over his concerns about Basketball Victoria and on what dates did such communications take place.

(b) Which members of the Premier's ministerial staff have had communication with Tony Smeaton either in person, in writing, or by telephone, over his concerns about Basketball Victoria and on what dates did such communications take place.

ANSWER:

I am informed that:

(a) No officers of the Department of Premier and Cabinet have had any communication, either in writing or by telephone, with Mr Tony Smeaton concerning Basketball Victoria.

(b) Mr James Higgins of my office received a telephone call from Mr Tony Smeaton to discuss correspondence Mr Smeaton had received from the Minister for Consumer Affairs. Specific issues concerning Basketball Victoria were not discussed.

Energy and Resources: Snowy River

626. THE HON. R. M. HALLAM — To ask the Honourable the Minister for Energy and Resources: With respect to negotiations taking place with the New South Wales and Commonwealth Governments over environmental flows in the Snowy River, what issues apart from the sharing of the ultimate cost of the project are being negotiated.

ANSWER:

- Corporatisation of the Snowy Mountain Hydro-Electric Authority provides Victoria, NSW and the Commonwealth with the opportunity to address the environmental condition of the Snowy River.

- The Victorian, NSW and Commonwealth Governments are negotiating ways to implement sound economic and environmental principles to which all Governments are committed. This means ways to:
  - maximise the environment benefit for the Snowy River
  - maintain the viability of Snowy Hydro business
  - maintain the existing water entitlements west of the Scheme
  - protect the environment of the Murray and Murrumbidgee Rivers
  - maintain the quality and quantity of water available to South Australia

- This will entail negotiation of the detail relating to corporatisation, including:-
  - the specifics of cost sharing, including the role of the Commonwealth Government;
  - the provision and timing of water efficiency projects;
  - the timetable for subsequent environmental releases.

All these issues have already been identified in the Victorian Parliament.

The Government maintains its commitment to seek agreement to restore 28% of average natural flow to the Snowy River. Negotiations will continue to be managed in a planned and practical way with a focus on sustainable solutions.

Energy and Resources: Snowy River

627. THE HON. R. M. HALLAM — To ask the Honourable the Minister for Energy and Resources:

(a) When does the minister expect to receive advice on the capital cost of delivering a 28 per cent environmental flow to the Snowy river.

(b) Will the minister publicly release that advice as soon as it is received.

ANSWER:

- The capital cost of delivering a 28% flow outcome for the Snowy River is dependent on the current negotiations with the NSW and Commonwealth Governments.

- The Government has received some preliminary advice from Sinclair Knight Merz as to the feasibility of achieving potential water savings. The report is publicly available from the Natural Resources and Environment website.

- Water savings are important to achieving environmental flows to the Snowy as savings will ensure that the environment and water security west of the Scheme is not adversely impacted.

- The Sinclair Knight Merz report provides a first step to enable Victoria to develop a package of works to produce sufficient water savings. However, the detail and cost of the package is still being considered and is dependent on negotiations with other Governments.

Consumer Affairs: private member's bill on fuel pricing

628. THE HON. R. M. HALLAM — To ask the Honourable the Minister for Consumer Affairs: Does the minister support the member for Mildura's private member's bill on fuel pricing.

ANSWER:

The Government understands and sympathises with the reasons, which prompted Mr Savage to introduce the Petroleum Products (Pricing) Bill into Parliament.

The Government is also very concerned about country fuel pricing and the disparity between country and metropolitan prices. As a result of this concern, the Government established the Victorian Fuel Price Monitoring Initiative, the objective of which is to help Victorians, especially those in regional areas achieve the lowest price for fuel that the market can provide. Unleaded petrol, diesel, autogas and bottled gas are included within the scope of the Initiative.

There has been a positive response to the campaign with over 4,000 people contacting the hotline in the first four weeks. In addition, there have been 1600 hits on the website.

With data becoming increasingly available, analysis will enable the Government to determine what options are available at the State level to address concerns such as the country-city price disparity. Included in this examination will be a consideration of the strengths and weaknesses of the approach adopted in Mr Savage's Bill.

As you may be aware, I have also written to the Commonwealth Government proposing that LPG, in particular, be referred to the Australian Competition and Consumer Commission.

Consumer Affairs: Associations Incorporation Act

629. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Consumer Affairs: What is the difference between a break of the Associations Incorporation Act 1981 which is 'inadvertent' and one which is not.

ANSWER:

The Honourable Member would be aware that, when an act is committed inadvertently, it is committed through oversight, want of attention or heedlessly. Obviously, when assessing whether or not to commence proceedings for an offence, especially an offence which requires that intent or knowledge be established, the issue of whether or not the offence was committed through oversight or lack of attention is relevant to establishing intent or knowledge.

Post Compulsory Education, Training and Employment: Community Business Employment program

630. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Post Compulsory Education, Training and Employment):

(a) Why is the minister refusing to make public the specific performance criteria set for each of the bodies chosen to run Community Business Employment (CBE) programs across the State in 2000–01.

(b) Further to the answer to Question No. 429, given in this house on 1 June, 2000, which stated that these details are as published in the CBE program guidelines, will the Minister confirm that they are not available in the CBE guidelines.

(c) What are the specific objectives and targets that have been set for each group receiving CBE funding in 2000-01.

ANSWER:

I am informed as follows:

(a) The performance criteria for the CBE program are detailed on Page 3 (Key Performance Indicators) of the published program guidelines. All CBE projects are required to adhere to these performance criteria.

(b) Refer to (a) above.

(c) The CBE program aims to deliver 10,000 employment placement services each year to the following target groups: mature aged people and people from non-English speaking backgrounds. Fifty providers have been allocated preliminary employment placement targets based on specific regional labour market needs. These targets will be subject to variation during the contract period depending on individual provider performance and changing labour market conditions. To this extent, it is considered inappropriate to provide details of individual organisation contracts.

State and Regional Development: trade fairs and missions program

631. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): What are the full details, including a tabular list of funding recipients and the purpose of grants involved, of the 2000-01 trade fairs and missions program run by the state government.

ANSWER:

The Government provides grants to organisations which coordinate participation by Victorian companies in selected overseas trade fairs and missions. These organisations include industry associations and chambers of commerce.

While I have approved a schedule of proposed events for 2000/01, these will be subject to further discussion with relevant industry bodies throughout the year, and whether or not funds are provided for an event will depend on the level of industry support for the event.

The Government also provides financial assistance to individual companies to attend selected trade fairs that are relevant to the information technology and communications industry. These grants are decided in response to applications from companies submitted throughout the year.

Attorney-General: Workcover — common-law rights

632. THE HON. BILL FORWOOD — To ask the Honourable the Minister for Consumer Affairs (for the Honourable the Attorney-General):

(a) Is the government aware of the statement by the editor of *Victorian Bar News*, autumn edition, welcoming any expansion of the work available to members of the bar due to raising the common-law rights of injured workers.

(b) Does the government hold the view that — (i) the Workcover changes are good because they boost the remuneration of members of the bar; and (ii) that it is desirable for the bar to welcome changes in statutes simply because they expand the work available to barristers.

ANSWER:

The Government is aware of the statement made by the Editors of *Victorian Bar News* referred to by the Member for Templestowe. The Government does not hold the view that the Workcover changes are good because they boost the remuneration of members of the Bar. The changes were not welcomed by the Editors of *Victorian Bar News* simply because they expand the work available for barristers. Indeed, the Editors stated that the benefit to the Bar is irrelevant to the main issue. The changes were welcomed by the Bar for restoring workers' rights. To enable the Honourable Member to understand the full extent of the Victoria Bar News Article, I provide a copy for his reference.

[*Copy of article referred to in answer has been supplied to the honourable member and a copy tabled in the parliamentary library.*]

Treasurer: Waverley Park

633. THE HON. N. B. LUCAS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What consultations, and when, has the Treasurer had with the Minister for Sport and Recreation in accordance with Section 13(1) of the *Urban Land Corporation Act 1997* regarding Waverley Park.

ANSWER:

I am informed that:

No consultation has taken place with the Minister for Sport and Recreation regarding Waverley Park, pursuant to section 13(1) of the *Urban Land Corporations Act 1997*.

Treasurer: Waverley Park

634. THE HON. N. B. LUCAS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What directions has the Treasurer made to the Board of the Urban Land Corporation under Section 13 of the *Urban Land Corporation Act 1997* in relation to Waverley Park.

ANSWER:

I am informed that:

No directions have been made to the Board of the Urban Land Corporation under section 13 of the *Urban Land Corporations Act 1997* in relation to Waverley Park.

Sport and Recreation: Waverley Park

635. THE HON. N. B. LUCAS — To ask the Honourable the Minister for Sport and Recreation: Further to the Minister's answer to a question without notice on 9 May 2000, that he had asked the Urban Land Corporation to look at potential creative solutions for the Waverley Park site, what specifically did the Minister ask the Urban Land Corporation to undertake and was the request for the work to be undertaken on a commercial or non-commercial basis.

ANSWER:

With regard to my 9th May answer, I asked the Urban Land Corporation to look at potentially creative solutions in order to inform me as to what development options the private sector would present to the AFL should expressions of interest be sought.

Arts: National Gallery of Victoria council of trustees board appointments

637. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): What is the name of each person appointed to the board of the Council of Trustees of the National Gallery of Victoria since 18 September 1999.

ANSWER:

I am informed that:

Ms Maudie Palmer and Ms Joy Murphy-Wandin were newly appointed, and Mr James Cousins and Mr Rupert Myer were re-appointed to the Council of Trustees of the National Gallery of Victoria, since 18 September 1999.

Arts: National Gallery of Victoria board appointments

638. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): What is the name of each person appointed to the board of the National Gallery of Victoria since 18 September 1999.

ANSWER:

I am informed that:

The board of the National Gallery of Victoria is the Council of Trustees of the National Gallery of Victoria. I refer the Honourable member to my response to Question 637.

Arts: Library Board of Victoria appointments

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

ANSWER:

I am informed that:

Mr Sam Lipski and Ms Hilary McPhee were newly appointed, and Mr Andrew Lemon was re-appointed to the Library Board of Victoria since 18 September 1999.

Arts: Queen Victoria Women's Centre Trust board appointments

640. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): What is the name of each person appointed to the board of the Queen Victoria Women's Centre Trust since 18 September 1999.

ANSWER:

I am informed that:

The Queen Victoria Women's Centre Trust is not part of the Arts Portfolio therefore this question has been asked of the incorrect Minister.

Arts: Library Board of Victoria appointments

641. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): What is the name of each person appointed to the board of the State Library of Victoria since 18 September 1999.

ANSWER:

I am informed that:

The board of the State Library of Victoria is the Library Board of Victoria. I refer the Honourable member to my response to Question 639.

Arts: Museums Board of Victoria appointments

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

ANSWER:

I am informed that:

Dr Janet McCalman and Ms Shiela O'Sullivan were newly appointed, and Professor David Penington and Mr Terence Garwood were re-appointed to the Museums Board of Victoria since 18 September 1999.

Arts: Museums Board of Victoria appointments

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

ANSWER:

I am informed that:

The board of Museum Victoria is the Museums Board of Victoria. I refer the Honourable member to my response to Question 642.

Arts: Geelong Performing Arts Centre Trust board appointments

644. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): What is the name of each person appointed to the board of the Geelong Performing Arts Centre Trust since 18 September 1999.

ANSWER:

I am informed that:

Mr Richard Annois, Ms Julie Dyer, Mr Brendan Schmidt and Mr Peter Mitchell were appointed to the Geelong Performing Arts Centre Trust since 18 September 1999.

Arts: parliamentary counsel appointments

645. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): What is the name of each person appointed to the Office of Chief Parliamentary Counsel Victoria since 18 September 1999.

ANSWER:

I am informed that:

The Office of Chief Parliamentary Counsel Victoria is not part of the Arts Portfolio therefore this question has been asked of the incorrect Minister.

Arts: Office of Public Employment appointments

646. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): What is the name of each person appointed to the Office of Public Employment since 18 September 1999.

ANSWER:

I am informed that:

The Office of Public Employment is not part of the Arts Portfolio therefore this question has been asked of the incorrect Minister.

Arts: Public Records Advisory Council appointments

647. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): What is the name of each person appointed to the Public Records Advisory Council since 18 September 1999.

ANSWER:

I am informed that:

Dr Meredith Fletcher, Ms Judith Ellis and Ms Alleyne Hockley were appointed to the Public Records Advisory Council since 18 September 1999.

Arts: Victorian Arts Centre Trust board appointments

648. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): What is the name of each person appointed to the board of Victorian Arts Centre Trust since 18 September 1999.

ANSWER:

I am informed that:

Ms Victoria Marles, Mr Stefano de Pieri, and Mr Carillo Gantner were appointed to the board of the Victorian Arts Centre Trust since 18 September 1999.

Arts: Victorian Council of the Arts board appointments

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

ANSWER:

I am informed that:

Ms Ann Tonks, Ms Sue Howard, Ms Jane Haley and Mr Peter Matthews were newly appointed, and Mr Ian McRae, Mr Ian Roberts and Mr Adrian Collette were re-appointed to the Victorian Council of the Arts since 18 September 1999.

Arts: Victorian Multicultural Commission appointments

650. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): What is the name of each person appointed to the Victorian Multicultural Commission since 18 September 1999.

ANSWER:

I am informed that:

The Victorian Multicultural Commission is not part of the Arts Portfolio therefore this question has been asked of the incorrect Minister.

Arts: Victorian Relief Committee appointments

651. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): What is the name of each person appointed to the Victorian Relief Committee of since 18 September 1999.

ANSWER:

I am informed that:

The Victorian Relief Committee is not part of the Arts Portfolio therefore this question has been asked of the incorrect Minister.

Arts: Australia Day Committee (Victoria) appointments

652. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): What is the name of each person appointed to the Australia Day Committee (Victoria) since 18 September 1999.

ANSWER:

I am informed that:

The Australia Day Committee is not part of the Arts Portfolio therefore this question has been asked of the incorrect Minister.

Arts: Centenary of Federation Victoria appointments

653. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): What is the name of each person appointed to Centenary of Federation Victoria since 18 September 1999.

ANSWER:

I am informed that:

The Honourable Joan Kirner, Councillor Julie Hansen and Professor Stuart MacIntyre were appointed to the Centenary of Federation Victoria Committee since 18 September 1999.

Arts: Public Service Medal Committee (Victoria) appointments

654. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): What is the name of each person appointed to the Public Service Medal Committee (Victoria) since 18 September 1999.

ANSWER:

I am informed that:

The Public Service Medal Committee is not part of the Arts Portfolio therefore this question has been asked of the incorrect Minister.

Arts: border anomalies committee appointments

655. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): What is the name of each person appointed to the Victoria/New South Wales Border Anomalies Committee since 18 September 1999.

ANSWER:

I am informed that:

The Victorian/New South Wales Border Anomalies is not part of the Arts Portfolio therefore this question has been asked of the incorrect Minister.

Arts: Victorian Interpreting and Translating Service appointments

656. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Minister for Arts): What is the name of each person appointed to the board of the Victorian Interpreting and Translating Service since 18 September 1999.

ANSWER:

I am informed that:

The Victorian Interpreting and Translating Service is not part of the Arts Portfolio therefore this question has been asked of the incorrect Minister.

Treasurer: Emergency Services Superannuation Board appointments

657. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the board of Emergency Services Superannuation Board since 19 September 1999.

ANSWER:

I am informed that:

This is not a portfolio responsibility of the Treasurer, the question should be asked of the Minister for Finance.

Treasurer: Gascor Pty Ltd board appointments

658. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the board of Gascor Pty Ltd since 19 September 1999.

ANSWER:

I am informed that:

Mary Anne Hartley was appointed to the board of Gascor Pty Ltd.

Treasurer: Government Superannuation Office board appointments

659. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the board of the Government Superannuation Office since 19 September 1999.

ANSWER:

I am informed that:

This is not a portfolio responsibility of the Treasurer, the question should be asked of the Minister for Finance.

Treasurer: Land Tax Hardship Relief Board appointments

660. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the Land Tax Hardship Relief Board since 19 September 1999.

ANSWER:

I am informed that:

No appointments were made to this board.

Treasurer: Office of Gas Safety appointments

661. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the Office of Gas Safety since 19 September 1999.

ANSWER:

I am informed that:

No appointments were made to this board.

Treasurer: Office of Chief Electrical Inspector appointments

662. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the Office of Chief Electrical Inspector since 19 September 1999.

ANSWER:

I am informed that:

No appointments were made to this office.

Treasurer: Rural Finance Corporation board appointments

663. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the board of the Rural Finance Corporation of Victoria since 19 September 1999.

ANSWER:

I am informed that:

No appointments were made to this board.

Treasurer: State Revenue Office board appointments

664. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the board of the State Revenue Office since 19 September 1999.

ANSWER:

I am informed that:

The State Revenue Office does not have a board.

Treasurer: State Trustees board appointments

665. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the board of State Trustees Limited since 19 September 1999.

ANSWER:

I am informed that:

Keith Fitzmaurice and Gavin Forrest were appointed to the board of State Trustees Limited.

Treasurer: Transport Accident Commission board appointments

666. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the board of the Transport Accident Commission since 19 September 1999.

ANSWER:

I am informed that:

This is not a portfolio responsibility of the Treasurer, the question should be asked of the Minister for Workcover.

Treasurer: Treasury Corporation of Victoria board appointments

667. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the board of Treasury Corporation of Victoria since 19 September 1999.

ANSWER:

I am informed that:

Reginald Nicolson was appointed to the board of Treasury Corporation of Victoria.

Treasurer: Victorian Casino and Gaming Authority board appointments

668. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the board of the Victorian Casino and Gaming Authority since 19 September 1999.

ANSWER:

I am informed that:

This is not a portfolio responsibility of the Treasurer, the question should be asked of the Minister for Gaming.

Treasurer: Victorian Electricity Network Corporation board appointments

669. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the board of the Victorian Electricity Network Corporation (Vencorp) since 19 September 1999.

ANSWER:

I am informed that:

Rodney Keller, Edward Woodley and David Biggs were appointed to the board of VENCorp.

Treasurer: Victorian Funds Management Corporation board appointments

670. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the board of the Victorian Funds Management Corporation since 19 September 1999.

ANSWER:

I am informed that:

No appointments have been made to this board.

Treasurer: Victorian Government Purchasing Board appointments

671. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the Victorian Government Purchasing Board since 19 September 1999.

ANSWER:

I am informed that:

This is not a portfolio responsibility of the Treasurer, the question should be asked of the Minister for Finance.

Treasurer: Victorian Managed Insurance Authority board appointments

672. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the board of Victorian Managed Insurance Authority since 19 September 1999.

ANSWER:

I am informed that:

This is not a portfolio responsibility of the Treasurer, the question should be asked of the Minister for Finance.

Treasurer: Victorian Plantations Corporations board appointments

673. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the board of the Victorian Plantations Corporation since 19 September 1999.

ANSWER:

I am informed that:

Andrew Cornell and Greg Meredith were appointed to the board of the Victorian Plantations Corporation.

Treasurer: Victorian Rail Track board appointments

674. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the board of Victorian Rail Track since 19 September 1999.

ANSWER:

I am informed that:

This is not a portfolio responsibility of the Treasurer, the question should be asked of the Minister for Transport.

Treasurer: Victorian Workcover Authority board appointments

675. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the board of the Victorian Workcover Authority since 19 September 1999.

ANSWER:

I am informed that:

This is not a portfolio responsibility of the Treasurer, the question should be asked of the Minister for Workcover.

Treasurer: Young Farmers Finance Council board appointments

676. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the board of the Young Farmers Finance Council since 19 September 1999.

ANSWER:

I am informed that:

Stuart McDonald, John Tilbrook, Sarah Crooke, Simon Gubbins, Noelene King and Jason McAinch were appointed to the board of the Young Farmers' Finance Council.

Energy and Resources: Energy Efficiency Victoria board appointments

677. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources: What is the name of each person appointed to the board of Energy Efficiency Victoria since 19 September 1999.

ANSWER:

I am informed that:

There were no appointments to the board of Energy Efficiency Victoria in the period referred to in the question.

Energy and Resources: Fisheries Co-Management Council and Fishery Committee appointments

678. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources: What is the name of each person appointed to Fisheries Co-Management Council and Fishery Committee since 19 September 1999.

ANSWER:

I am informed that:

The following people were appointed to the Fisheries Co-Management Council in the period referred to in the question:

Messrs Bartaska, Crowther, Davies, Jeffs, Phizacklea, Rankin and McLoughlin.

There were no appointments to any of the Fishery Committees during the period referred to in the question.

Energy and Resources: Licensing Appeals Tribunal (Fisheries) appointments

679. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources: What is the name of each person appointed to the Licensing Appeals Tribunal (Fisheries) since 19 September 1999.

ANSWER:

I am informed that:

With the exception of short-term rollovers of existing members, there were no appointments to the Licensing Appeals Tribunal (Fisheries) in the period referred to in the question.

Energy and Resources: Mine Managers Board appointments

680. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources: What is the name of each person appointed to the Mine Managers Board since 19 September 1999.

ANSWER:

I am informed that:

There were no appointments to the Mine Managers Board during the period referred to in the question.

Energy and Resources: Mining and Environment Advisory Committee appointments

681. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources: What is the name of each person appointed to the Mining and Environment Advisory Committee since 19 September 1999.

ANSWER:

I am informed that:

There were no appointments to the Mining and Environment Advisory Committee during the period referred to in the question.

Energy and Resources: Office of the Mining Warden appointments

682. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources: What is the name of each person appointed to the Office of the Mining Warden since 19 September 1999.

ANSWER:

I am informed that:

With the exception of short-term rollovers of the previous Mining Warden, there were no appointments to the Office of the Mining Warden during the period 19 September 1999 – 2 June 2000.

Attorney-General: Construction, Forestry, Mining and Energy Union

683. THE HON. B. C. BOARDMAN — To ask the Honourable the Minister for Small Business and Consumer Affairs (for the Honourable the Attorney-General):

(a) Is the Attorney-General aware of the allegations by the secretary of the Construction, Forestry, Mining and Energy Union (CFMEU), Mr Martin Kingham, in early February, that a CFMEU shop steward, Mr Colin Reddie, was 'based by four masked thugs', and is the minister aware that Mr Kingham blamed the alleged attack on members of the Masters Builders Association.

(b) Can the minister advise whether the Victoria Police have charged any person with an offence connected with this alleged assault; if not, have they decided t o take no further action.

(c) Is the Victoria Police aware of whether any of the CFMEU's public allegations about the alleged incident are true.

ANSWER:

I advise the House that I, like many other Victorians, became aware of the incident as a result of media coverage. The Government condemns any such attack.

In respect of the other matters raised I believe they are the subject of ongoing Police investigations and it is not appropriate for me as Attorney-General to comment on these matters.

Sport and Recreation: Bookmakers and Bookmakers' Clerks Registration Committee appointments

684. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation: What is the name of each person appointed to the Bookmakers and Bookmakers' Clerks Registration Committee since 19 September 1999.

ANSWER:

The Minister responsible for the Bookmakers and Bookmakers' Clerks Registration Committee is my colleague, the Honourable Minister for Racing. The Honourable Member should direct his question to the Minister for Racing.

Sport and Recreation: Greyhound Racing Control Board appointments

685. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation: What is the name of each person appointed to the Greyhound Racing Control Board since 19 September 1999.

ANSWER:

The Minister responsible for the Greyhound Racing Control Board is my colleague, the Honourable Minister for Racing. The Honourable Member should direct his question to the Minister for Racing.

Sport and Recreation: Harness Racing Board appointments

686. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation: What is the name of each person appointed to the Harness Racing Board since 19 September 1999.

ANSWER:

The Minister responsible for the Harness Racing Board is my colleague, the Honourable Minister for Racing. The Honourable Member should direct his question to the Minister for Racing.

Sport and Recreation: Melbourne and Olympic Parks Trust appointments

687. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation: What is the name of each person appointed to the Melbourne and Olympic Parks Trust since 19 September 1999.

ANSWER:

Between 19 September 1999 and 2 June 2000, there were no appointments to the Melbourne and Olympic Parks Trust.

Sport and Recreation: State Sport Centres Trust appointments

688. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation: What is the name of each person appointed to the Melbourne Sports and Aquatic Centre Trust since 19 September 1999.

ANSWER:

Between 19 September 1999 and 2 June 2000, there were no appointments to the State Sport Centres Trust (formerly known as the Melbourne Sports and Aquatic Centre Trust).

Sport and Recreation: Professional Boxing and Martial Arts Board appointments

689. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation: What is the name of each person appointed to the Professional Boxing and Martial Arts Board since 19 September 1999.

ANSWER:

Between 19 September 1999 and 2 June 2000, the following persons were re-appointed to the Professional Boxing and Martial Arts Board:

the late Mr Ron Casey AM MBE
Mr Bob Todd
Mr Bernie Balmer
Mr Malcolm McGuinness

Sport and Recreation: Racing Appeals Tribunal appointments

690. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation: What is the name of each person appointed to the Racing Appeals Tribunal since 19 September 1999.

ANSWER:

The Minister responsible for the Racing Appeals Tribunal is my colleague, the Honourable Minister for Racing. The Honourable Member should direct his question to the Minister for Racing.

Small Business: Coordinating Council on Control of Liquor Abuse appointments

691. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Small Business: What is the name of each person appointed to the Coordinating Council on Control of Liquor Abuse since 19 September 1999.

ANSWER:

Between 19 September 1999 and 2 June 2000, there were no appointments made to the Co-ordinating Council on Control of Liquor Abuse.

Major Projects and Tourism: Australian Grand Prix Corporation appointments

692. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Major Projects and Tourism): What is the name of each person appointed to the board of the Australian Grand Prix Corporation since 19 September 1999.

ANSWER:

Between 19 September 1999 and 2 June 2000, the following persons were appointed to the Australian Grand Prix Corporation:

Mr DeanWills AO*
Mr Alan Jones MBE*

Mr Barry Sheene MBE

* Re-appointments

Major Projects and Tourism: Emerald Tourist Railway Board appointments

693. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Major Projects and Tourism): What is the name of each person appointed to the Emerald Tourist Railway Board since 19 September 1999.

ANSWER:

Between 19 September 1999 and 2 June 2000, the following persons were appointed to the Emerald Tourist Railway Board:

Mr John Thompson
Mr Norm Wadeson
Mr John Hearsch

Major Projects and Tourism: Tourism Victoria board appointments

694. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Sport and Recreation (for the Honourable the Minister for Major Projects and Tourism): What is the name of each person appointed to the board of the Tourism Victoria since 19 September 1999.

ANSWER:

Between 19 September 1999 and 2 June 2000, the following persons were appointed to the board of Tourism Victoria:

Mr Tom Smith*
Mr Geoffrey Conaghan*
Ms Pamela Catty
Ms Bee Ho Teow
Mr Kevin Davern

*Re-appointments

State and Regional Development: Melbourne Convention and Exhibition Trust appointments

695. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): What is the name of each person appointed to the Melbourne Convention and Exhibition Trust since 19 September 1999.

ANSWER:

The Melbourne Convention and Exhibition Trust is the responsibility of my colleague, the Honourable Minister for Major Projects and Tourism. The Honourable Member should direct his question to the Minister for Major Projects and Tourism.

State and Regional Development: Albury-Wodonga (Victoria) Corporation appointments

696. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): What is the name of each person appointed to the Albury-Wodonga (Victoria) Corporation since 19 September 1999.

ANSWER:

Between 19 September 1999 and 2 June 2000, there were no appointments made to the Albury-Wodonga (Victoria) Corporation.

State and Regional Development: Overseas Projects Corporation of Victoria board appointments

697. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development): What is the name of each person appointed to the board of the Overseas Projects Corporation of Victoria Ltd (OPCV) since 19 September 1999.

ANSWER:

Between 19 September 1999 and 2 June 2000, the following persons were re-appointed to the Overseas Projects Corporation of Victoria Ltd:

Mr Don Hayward
Mr David Constable

Treasurer: Audit Victoria board appointments

698. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the board of Audit Victoria since 19 September 1999

ANSWER:

I am informed that:

This is not a portfolio responsibility of the Treasurer. The board of Audit Victoria ceased operations on 31/12/1999.

Treasurer: Electricity Appeals Board appointments

699. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the Electricity Appeals Board since 19 September 1999

ANSWER:

I am informed that:

John Chamberlain, Raymond Parry, John Blackburn and Ian Porter were appointed to the Electrical Appeals Board.

Treasurer: Gas Appeals Board appointments

700. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to Gas Appeals Board since 19 September 1999

ANSWER:

I am informed that:

John Chamberlain, Norman Wong, Linda Cutler, Roy Boyce, Fredrick Smith, Jonathan Mott and Raymond McConnell were appointed to the Gas Appeals Board.

Treasurer: Hastings Port (Holding) Corporation board appointments

701. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the board of the Hastings Port (Holding) Corporation since 19 September 1999

ANSWER:

I am informed that:

No appointments were made to this board.

Treasurer: Office of the Administrator appointments

702. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the Office of the Administrator since 19 September 1999.

ANSWER:

I am informed that:

As the question does not specify a particular office, to provide the information requested Mr Katsambanis may wish to submit a question with the names of individual offices.

Treasurer: Office of the Regulator-General appointments

703. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the Office of the Regulator-General since 19 September 1999.

ANSWER:

I am informed that:

This is not a portfolio responsibility of the Treasurer, the question should be asked of the Minister for Finance.

Treasurer: Bayside Trains board appointments

704. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the board of Bayside Trains since 19 September 1999.

ANSWER:

I am informed that:

Lindsay Maxsted, Leigh Devine and Ilana Atlas were appointed to the board of Bayside Trains.

Treasurer: Hillside Trains board appointments

705. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the board of Hillside Trains since 19 September 1999.

ANSWER:

I am informed that:

Lindsay Maxsted, Leigh Devine and Ilana Atlas were appointed to the board of Hillside Trains.

Treasurer: Swanston Trams board appointments

706. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the board of Swanston Trams since 19 September 1999.

ANSWER:

I am informed that:

Lindsay Maxsted, Leigh Devine and Ilana Atlas were appointed to the board of Swanston Trams.

Treasurer: V/Line Passenger board appointments

707. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the board of V/Line Passenger since 19 September 1999.

ANSWER:

I am informed that:

Gordon McKern, Brenda Shanahan and Jim McMeckan were appointed to the board of V/Line passenger.

Treasurer: Yarra Trams board appointments

708. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Treasurer): What is the name of each person appointed to the board of Yarra Trams since 19 September 1999.

ANSWER:

I am informed that:

Lindsay Maxsted, Leigh Devine and Ilana Atlas were appointed to the board of Yarra Trams.

Environment and Conservation: Alpine Resorts Coordinating Council appointments

709. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the name of each person appointed to the Alpine Resorts Coordinating Council since 19 September 1999.

ANSWER:

I am informed that:

There were no appointments to the Alpine Resorts Coordinating Council during the period referred to in the question.

Environment and Conservation: Alpine Resort Management Board appointments

710. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the name of each person appointed to each Alpine Resort Management Board since 19 September 1999.

ANSWER:

I am informed that:

There were no appointments to any of the Alpine Resort Management Boards during the period referred to in the question.

Environment and Conservation: appointments to committees of management for Crown land reserves

711. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the name of each person appointed to the committees of management for Crown land reserves since 19 September 1999.

ANSWER:

I am informed that:

As there are approximately 2,000 Committees of Management for Crown Land Reserves, to provide the information requested would require an inordinate amount of time and resources which are not available.

Environment and Conservation: Ecorecycle Victoria board appointments

712. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the name of each person appointed to the board of Ecorecycle Victoria since 19 September 1999.

ANSWER:

I am informed that:

The following people were appointed to the board of EcoRecycle Victoria during the period referred to in the question:

Messrs Hill, Jolly, Beynon, Chambers, Ling and van Moorst and Mesdames Batagol, Vening, Roddick, and Kelly.

Environment and Conservation: Environment Conservation Council appointments

713. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the name of each person appointed to the Environment Conservation Council since 19 September 1999.

ANSWER:

I am informed that:

There were no appointments to the Environment Conservation Council during the period referred to in the question.

Environment and Conservation: Environment Protection Authority appointments

714. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the name of each person appointed to the board of the Environment Protection Authority since 19 September 1999.

ANSWER:

I am informed that:

There were no appointments to the Environment Protection Authority during the period referred to in the question.

Environment and Conservation: National Parks Advisory Council appointments

715. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the name of each person appointed to the National Parks Advisory Council since 19 September 1999.

ANSWER:

I am informed that:

There were no appointments to the National Parks Advisory Council during the period referred to in the question.

Environment and Conservation: Parks Victoria board appointments

716. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the name of each person appointed to the board of Parks Victoria since 19 September 1999.

ANSWER:

I am informed that:

There were no appointments to the board of Parks Victoria during the period referred to in the question.

Environment and Conservation: Reference Areas Advisory Committee appointments

717. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the name of each person appointed to the Reference Areas Advisory Committee since 19 September 1999.

ANSWER:

I am informed that:

The following people were appointed to the Reference Areas Advisory Committee during the period referred to in the question.

Messrs Guthrie, Durham, Heislers, Gowans and Westbrooke and Ms Palmer.

Environment and Conservation: Royal Botanic Gardens Board appointments

718. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the name of each person appointed to the Royal Botanic Gardens Board since 19 September 1999.

ANSWER:

I am informed that:

With the exception of a short-term rollover of three existing members, there were no appointments to the Royal Botanic Gardens Board during the period referred to in the question.

Environment and Conservation: Scientific Advisory Committee appointments

719. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the name of each person appointed to the Scientific Advisory Committee since 19 September 1999.

ANSWER:

I am informed that:

There were no appointments to the Scientific Advisory Committee during the period referred to in the question.

Environment and Conservation: Surveyors Board appointments

720. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the name of each person appointed to the Surveyors Board since 19 September 1999.

ANSWER:

I am informed that:

There were no appointments to the Surveyors Board during the period referred to in the question.

Environment and Conservation: Timber Promotion Council appointments

721. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the name of each person appointed to the Timber Promotion Council since 19 September 1999.

ANSWER:

I am informed that:

There were no appointments to the Timber Promotion Council during the period referred to in the question.

Environment and Conservation: Trust for Nature appointments

722. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the name of each person appointed to the Trust for Nature since 19 September 1999.

ANSWER:

I am informed that:

There were no appointments to the Trust for Nature during the period referred to in the question.

Environment and Conservation: Victorian Catchment Management Authority appointments

723. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the name of each person appointed to each Victorian Catchment Management Authority since 19 September 1999.

ANSWER:

I am informed that:

There were no appointments to any of the Victorian Catchment Management Authorities during the period referred to in the question.

Environment and Conservation: Victorian Catchment Management Council appointments

724. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the name of each person appointed to the Victorian Catchment Management Council since 19 September 1999.

ANSWER:

I am informed that:

During the period referred to in the question there was a short-term rollover of the existing members and the following people were subsequently appointed to the Victorian Catchment Management Council:

Messrs Arbuthnot, Hart, Russell, Sharrock and Sutherland and Mesdames Forster, Ewing, Morgan, Patterson and Teese.

Environment and Conservation: Victorian Coastal Council board appointments

725. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the name of each person appointed to the board of the Victorian Coastal Council since 19 September 1999.

ANSWER:

I am informed that:

With the exception of three short-term rollovers of existing members, there were no appointments to the board of the Victorian Coastal Council during the period referred to in the question.

Environment and Conservation: Victorian Regional Coastal Board appointments

726. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the name of each person appointed to each Victorian Regional Coastal Board since 19 September 1999.

ANSWER:

I am informed that:

There were no appointments to any of the Victorian Regional Coastal Boards during the period referred to in the question.

Environment and Conservation: Zoological Parks and Gardens Board Victoria appointments

727. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the name of each person appointed to the Zoological Parks and Gardens Board Victoria since 19 September 1999.

ANSWER:

I am informed that:

There were no appointments to the Zoological Parks and Gardens Board Victoria during the period referred to in the question.

Environment and Conservation: Quarry Managers Advisory Panel appointments

728. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the name of each person appointed to the Quarry Managers Advisory Panel since 19 September 1999.

ANSWER:

I am informed that:

This question deals with issues outside my portfolio responsibilities and should be directed to the Minister for Energy and Resources.

Environment and Conservation: Alpine Advisory Committee appointments

729. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the name of each person appointed to the Alpine Advisory Committee since 19 September 1999.

ANSWER:

I am informed that:

There were no appointments made to the Alpine Advisory Committee during the period referred to in the question.

Environment and Conservation: Historic Buildings Management Committee appointments

730. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the name of each person appointed to the Historic Buildings Management Committee since 19 September 1999.

ANSWER:

I am informed that:

There were no appointments made to the Historic Buildings Management Committee during the period referred to in the question.

Environment and Conservation: Victorian Mineral Water Committee appointments

731. THE HON. P. A. KATSAMBANIS — To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for Environment and Conservation): What is the name of each person appointed to the Victorian Mineral Water Committee since 19 September 1999.

ANSWER:

I am informed that:

There were no appointments made to the Victorian Mineral Water Committee during the period referred to in the question.

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, 30 August 2000

State and Regional Development: Strategic Industry Research Foundation

559. THE HON. M. A. BIRRELL— To ask the Honourable the Minister for Energy and Resources (for the Honourable the Minister for State and Regional Development):

(a) What funds will be allocated to the Strategic Industry Research Foundation (SIRF) in 2000–01, and in future years.

(b) What funds will be provided to projects or programs formerly administered by SIRF in 2000–01, and in future years, giving each specific program, or project and the funding required.

(c) What future responsibilities will the Department have for SIRF in 2000–01.

ANSWER:

The Department of State and Regional Development has had a Funding Agreement with SIRF which ended on 30 June 2000.

The Government is working with the Board of Directors of SIRF and its management team to determine future arrangements for programs and projects currently administered by SIRF.