PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

30 October 2003

(extract from Book 5)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Mr P. L. WALSH

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Jasper, Mr Kenneth Stephen	Murray Valley	NP	Trezise, Mr Ian Douglas	Geelong	ALP
Jenkins, Mr Brendan James	Morwell	ALP	Walsh, Mr Peter Lindsay	Swan Hill	NP
Kosky, Ms Lynne Janice	Altona	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wilson, Mr Dale Lester	Narre Warren South	ALP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wynne, Mr Richard William	Richmond	ALP

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THURSDAY, 30 OCTOBER 2003

QUESTIONS ON NOTICE

Tuesday, 28 October 2003

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Thursday, 30 October 2003

The SPEAKER (Hon. Judy Maddigan) took the chair at 9.34 a.m. and read the prayer.

PETITIONS

Following petitions presented to house:

Knox: rates

To the Legislative Assembly of Victoria.

The petition of residents and ratepayers who reside in the City of Knox draws to the attention of the house that Knox City Council has increased its rates by a stated average of 17.3 per cent which has had the effect of increasing rates by amounts of up to $1000, or more than 100 per cent in many cases, causing hardship and distress to thousands of its residents and that they have done this without proper and thorough consultation.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria sack the Knox City Council and institute fresh elections as soon as possible with the objective of implementing a fairer system of rates distribution.

**By Mr LOCKWOOD (Bayswater) (10 signatures),
Mr STENSHOLT (Burwood) (7 signatures),
Ms McTAGGART (Evelyn) (5 signatures),
Ms ECKSTEIN (Ferntree Gully) (9 signatures),
Mr HARKNESS (Frankston) (6 signatures),
Mr SEITZ (Keilor) (4 signatures),
Ms BEARD (Kilsyth) (6 signatures),
Mr MERLINO (Monbulk) (10 signatures) and
Ms GREEN (Yan Yean) (9 signatures)**

Tertiary education and training: TAFE child-care centres

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The humble petition of the undersigned citizens of the state of Victoria oppose the proposed financial cuts which subsidise the child-care facilities within the Victorian TAFE system. Your petitioners therefore pray that the Legislative Assembly supports the Victorian TAFE child-care centres by continuing to subsidise them and by lobbying the federal government for higher funding, if necessary.

And your petitioners, as in duty bound, will ever pray.

By Ms LOBATO (Gembrook) (654 signatures)

Laid on table.

Ordered that petition presented by honourable member for Bayswater be considered next day on motion of Mr LOCKWOOD (Bayswater).

Ordered that petition presented by honourable member for Burwood be considered next day on motion of Mr STENSHOLT (Burwood).

Ordered that petition presented by honourable member for Evelyn be considered next day on motion of Ms McTAGGART (Evelyn).

Ordered that petition presented by honourable member for Ferntree Gully be considered next day on motion of Ms ECKSTEIN (Ferntree Gully).

Ordered that petition presented by honourable member for Yan Yean be considered next day on motion of Ms GREEN (Yan Yean).

Ordered that petition presented by honourable member for Kilsyth be considered next day on motion of Ms BEARD (Kilsyth).

Ordered that petition presented by honourable member for Monbulk be considered next day on motion of Mr MERLINO (Monbulk).

PAPERS

Laid on table by Clerk:

Chief Electrical Inspector — Report of the Office for the year 2002–03

Country Fire Authority — Report for the year 2002–03

Emergency Communications Victoria — Report for the year 2002–03

Emergency Services Superannuation Scheme — Report for the year 2002–03

Essential Services Commission — Report for the year 2002–03

Financial Management Act 1994:

Reports from the Minister for Agriculture that he had received the annual reports for the year 2002–03 of the:

Murray Valley Wine Grape Industry Development Committee

Victorian Strawberry Industry Development Committee

Gambling Research Panel — Report for the year 2002–03

Gas Safety Office — Report for the year 2002–03

Geelong Performing Arts Centre Trust — Report for the year 2002–03

Government Superannuation Office — Report for the year 2002–03

Hastings Port (Holding) Corporation — Report for the year 2002–03

Human Services, Department of — Report for the year 2002–03

Infrastructure, Department of — Report for the year 2002–03

Intellectually Disabled Persons' Services Act 1986 — Report of the Community Visitors for the year 2002–03

Latrobe Regional Hospital Pty Ltd — Financial Report for the period 1 July 2002 to 5 May 2003

Legal Practice Board — Report for the year 2002–03

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns — June 2003 and Summary of Variations Notified between 6 June and 30 September 2003 — Ordered to be printed

Melbourne Cricket Ground Trust — Report for the year ended 31 March 2003

Melbourne and Olympic Parks Trust — Report for the year 2002–03

Melbourne Port Corporation — Report for the year 2002–03

Metropolitan Fire and Emergency Services Board — Report for the year 2002–03

National Parks Act 1975 — Report pursuant to s 30L

Parliamentary Contributory Superannuation Fund — Report for the year 2002–03

Public Transport Corporation — Report for the year 2002–03

Queen Victoria Women's Centre Trust — Report for the year 2002–03

Roads Corporation — Report for the year 2002–03

Rural Finance Corporation — Report for the year 2002–03

South Eastern Medical Complex Limited — Report for the year 2002–03

Spencer Street Station Authority — Report for the year 2002–03 (two papers)

State Electricity Commission of Victoria — Report for the year 2002–03

State Sport Centres Trust — Report for the year 2002–03

Sustainability and Environment, Department of — Report for the year 2002–03

Treasury and Finance, Department of — Report for the year 2002–03

Tricontinental Holdings Limited — Report for 2002

Victoria Police — Report of the Office of the Chief Commissioner for the year 2002–03 (two papers)

Victorian Arts Centre Trust — Report for the year 2002–03

Victorian Casino and Gaming Authority — Report for the year 2002–03

Victorian Channels Authority — Report for the year 2002–03 (two papers)

Victorian Electoral Commission — Report for the year 2002–03

Victorian Energy Networks Corporation — Report for the year 2002–03

Victorian Funds Management Corporation — Report for the year 2002–03

Victorian Institute of Forensic Medicine — Report for the year 2002–03 (six papers)

Victorian Institute of Sport Trust — Report for the year 2002–03 (two papers)

Victorian Law Reform Commission — Report for the year 2002–03 — Ordered to be printed.

Victorian Managed Insurance Authority — Report for the year 2002–03

Victorian Rail Track — Report for the year 2002–03 (two papers)

Young Farmers' Finance Council — Report for the year 2002–03.

BUSINESS OF THE HOUSE

Adjournment

Mr BATCHELOR (Minister for Transport) — I move:

> That the house, at its rising, adjourn until Wednesday, 5 November 2003.

In doing so I remind members that on that Wednesday the house will commence at 9.30 a.m. at what will be the beginning of the parliamentary week, it being a Wednesday rather than a Tuesday. But if any members would like to come in on Tuesday I am sure that you, Speaker, would make arrangements for them to be here.

The SPEAKER — I would be happy to.

Mr PERTON (Doncaster) — In respect of the motion, on Wednesday the first item is the matter of public importance, and I understand it is the government's call in respect of that. My understanding is that the government will need to lodge its proposed matter of public importance by 4.00 p.m. on Monday and that arrangements will be made by the clerks to notify me and the National Party's manager of business by 5 o'clock on that day so we can notify the appropriate shadow ministers.

The SPEAKER — Order! That is the correct procedure.

Motion agreed to.

MEMBERS STATEMENTS

Total Livestock Genetics

Mr LONEY (Lara) — I wish to congratulate Total Livestock Genetics, which took out the top title of Business Achiever of the Year and also won the agribusiness award at the Shire of Corangamite business awards held in Terang last Friday. Total Livestock Genetics has been in the area providing its Australian Quarantine and Inspection Service-accredited semen and embryo services to local and international customers since 1991, and it expanded its business to Glenormiston in 2002.

The Victorian government, through its business access division, sponsored the trade service category of the awards with a sponsorship sum of $1500. This went to Timboon Earthmoving of Timboon.

Other award winners were: retail business award, Paul Campbell Shopping; professional service business award, Tower Computer Aid; manufacturing award, Mount Emu Creek Sheep Milk Dairies; tourism (hospitality/services) award, Purrumbete Homestead; tourism — special event/festival award, Heritage Market Day and Vintage Motor Sport Weekend; community enterprise award, Sunnyside House; young business achiever, Matthew Grant; employee of the year, Mark Lourey of Logan Contracting; and best new business/innovation, Timboon Pharmacy. Powercor Australia was the naming rights sponsor of the awards and has been a major sponsor since their inception.

Other sponsors of this year's program were 3CS/Mixx FM, Ausindustry, Telstra Country Wide, South West Water, Coprice and the Greater Green Triangle Area Consultative Committee. I thank them all for their participation in the awards.

Waratah Bay camping ground: future

Mr PLOWMAN (Benambra) — On Tuesday of last week I was invited by Mrs Joan Newman to visit the Gap camping ground at Waratah Bay in the electorate of the member for South Gippsland. Despite the fact it was pouring rain, about 15 or 20 local residents met with me. We walked around the camping area and along the beach and inspected the dunes adjoining the camping ground.

This little camping ground is in immaculate order, with the camp sites all well grassed and kept. The dunes are also well managed with defined walkways through to the beach. The beach is quite magnificent, with shallow water for 30 to 40 metres making it ideal for young families because of the absence of a rip. Over the past 80 to 90 years the Gap camping site has brought untold pleasure to hundreds of families at minimal cost. This camping ground has not inflicted any additional cost on the government. Despite this, the government seems hell bent on closing down the camping ground and denying families the pleasures they have enjoyed over many years. Some 3500 signatures on the petition to Parliament put forward yesterday is a clear indication that the government should reconsider its decision to close this beautiful and inoffensive camping ground.

The lessees of the camping ground, Barry and Leanne McGannon, are prepared to reduce the number of sites by about 20 to ensure there is no increase of pressure on the sand dunes and surrounding areas. The local community fully supports this and wants to see the camping area retained.

State Emergency Service: Sunbury unit

Ms DUNCAN (Macedon) — On Sunday, 19 October, I had much pleasure in being part of the launch of the new State Emergency Service (SES) road rescue truck in Sunbury. The rescue truck has been fitted out by the unit with unit members actually designing the fit — and no doubt its design will be used by many other units. The truck is a Mazda cab with modifications to carry the rescue equipment, including the jaws-of-life, stretchers, hydraulic generators and air compressors, which will be secured to the truck. The new rescue truck will replace the unit's old truck, which was 25 years old and well past its use-by date. This one will be faster and more reliable, and it has been purpose designed to meet the growing demands on our SES units.

Members of the unit have worked on this project over many years and hundreds of hours. The Sunbury SES raised over $50 000 towards this truck through an enormous fundraising effort that was supported by the Sunbury community. I congratulate the SES in general and the Sunbury SES unit in particular for their enormous effort and commitment to the Sunbury community over many, many years. Given the significant roads that run through the Sunbury area, unfortunately the Sunbury SES is a busy unit. I congratulate unit controller, Neil Grubb; deputy controller, Sue Grubb; and all unit members for their extraordinary efforts. This truck will make their work

more effective, will make work safer for unit members and will serve the Sunbury community well.

Hospitals: rural and regional

Mr DELAHUNTY (Lowan) — Following the recent announcement of the composition of rural hospital boards I have been contacted by many current and former board members who are very upset with this city-centric Labor government's not allowing people who have skills, insight or medical knowledge and who would be of considerable value to have positions on hospital boards. This government is making decisions on old information and is probably not aware of corporate governance laws. Having a pecuniary or conflict of interest is not a crime, and whether it is in respect to hospital boards, local government bodies, non-government organisations or private companies, it is about how an organisation manages these matters.

Many people have said to me that the non-appointment of skilled people discriminates against rural hospitals that do not have the population or the advantages of metropolitan hospitals and limits their ability to access people with much-needed expertise to serve on their boards. Rural hospitals consider it important to have these skills and experience to deliver top-quality health services on behalf of their communities whilst being accountable to the Minister for Health.

Country board members do not get paid and are required to sign a code of conduct form and acknowledge that conflict of interest may arise and must be declared. Rural hospitals do not wish to lose the services of many with the skills and expertise required. I ask the minister to reconsider each position on its merits. Victoria is bigger than Melbourne, and rural hospitals should not be limited in their ability to deliver quality health services to rural and regional Victoria. And happy birthday to the member for Gippsland South!

Police: Bellarine station

Ms NEVILLE (Bellarine) — Last Thursday I was pleased to be able to participate with the Minister for Police and Emergency Services in the opening of the new 24-hour police station in Bellarine. This was an exciting day for residents in Bellarine, with representatives from across Bellarine in attendance. Representatives from local businesses, the City of Greater Geelong, the Borough of Queenscliffe and community associations across Bellarine from St Leonards, Portarlington, Queenscliff, Indented Head and Drysdale turned up to this celebration. Over 70 representatives had the opportunity to tour the new facility.

This facility is a major contrast to the Ocean Grove police station, which was totally inadequate to service the growing population of the Bellarine Peninsula. It continues to be one of the fastest growing areas of the state, and we now have a policing service that will be able to meet this growing population and ensure residents live in a safer community. It is a $5 million state-of-the-art facility and is overwhelmingly endorsed by the community.

It was not long ago that police services on the peninsula were under threat. The previous Kennett government had threatened to close the police stations at Drysdale, Portarlington and Queenscliff. We are committed to maintaining all current services, and the building of the 24-hour police station will ensure that we have quality services.

At the opening the government reiterated its commitment to maintaining the current services, and the station will provide an additional 15 police this year with more in the years to come.

Rabbi Chaim Gutnick

Mrs SHARDEY (Caulfield) — I express my great sadness at the passing of Rabbi Chaim Gutnick. Rabbi Gutnick was very special and much loved by both the Jewish and wider communities. He was a teacher, a scholar and a great leader. As Chief Rabbi for the Elwood Torah Synagogue he gave a lifetime of spiritual guidance and service to Australian Jewry.

Rabbi Gutnick was the patriarch of a large and vibrant family which has offered great generosity to the Jewish community in almost every area, whether it be for facilities for the aged, generous gifts to education institutions or assistance to those who need help and support in their daily lives. I always appreciated his warmth and friendship and will miss him greatly. He was a wonderful man with a lively and generous personality; a person who was blessed with a fine and sparkling sense of humour and someone who had the ability to make one feel good just by talking to him. I appreciated his generous and sound advice, particularly on matters of Torah.

I offer my deepest condolences to Rabbi Gutnick's loving and supportive family and to the Jewish and Caulfield communities for their loss.

Geelong-Barwon Helpline Service

Mr TREZISE (Geelong) — I take this brief opportunity to commend those individuals and organisations within the community of Geelong who have played a part in the recently launched Geelong-Barwon Helpline Service. The helpline service, which I had the pleasure of launching on Monday, is a telephone counselling referral service which operates 24 hours a day to assist people who have had the unfortunate experience of witnessing or being involved in a traumatic incident or accident. The service provides an 1800 number that people can ring to gain immediate assistance, including information in connection with emotional and psychological issues after a traumatic experience. Emergency services such as the police, firefighters and State Emergency Service and ambulance officers will provide information cards and hand those to any witnesses on the spot.

The service is new to the region and has not been trialled anywhere else in Victoria. Many local organisations were involved in the development of this initiative: the various local government authorities; Barwon Health, the SES, the Red Cross, Lifeline, the education department, the St Vincent de Paul Society, the Department of Human Services (DHS), the Country Fire Authority, Victoria Police, the ambulance service, the Salvos, Centrelink and the Department of Sustainability and Environment. I also commend five people who were integrally involved in the initiative: Rob Bromley and Leanne Madden of DHS, Toni Van Hammond of Barwon Health, Sharon Gibson of Lifeline and Ian Kroger of the Rural Ambulance Service.

The Geelong-Barwon Helpline Service is a great idea and a great initiative, and I wish it all the success it deserves.

Taxis: multipurpose program

Mr MULDER (Polwarth) — I bring to the attention of the house the plight of disabled and elderly people throughout my electorate who will suffer from the Bracks Labor government's decision to cap their subsidy on taxi use. Many of the towns within my electorate do not have public transport, and those who live out of town will be even worse off. In many cases a capped rate equates to only one trip a week and will see the disabled and elderly making decisions to cut trips to doctors and other health providers and becoming alienated from their friends and communities. As one user of the service put to me, 'I will have to make a decision between a trip to the doctor or eating'.

Of all the cuts imposed by this government, its attack on the elderly and disabled is by far the worst example of an uncaring and callous mob who have taken a stick to the most vulnerable of the community.

Why should the disabled and elderly be made to pay for the total incompetence of the government? The Minister for Transport knows very well that fraud was identified in a multipurpose taxi service as early as November 2001, and it was not the disabled and elderly but certain elements within the taxi industry who were responsible.

What were the final findings of the minister's own working party on the fraud? And why have there been no investigations or arrests? If not this Parliament, then surely the disabled and elderly who use the multipurpose taxi service deserve and need an answer as to why the disabled and elderly are being targeted by the Bracks government.

Knox: rates

Ms ECKSTEIN (Ferntree Gully) — At last Tuesday's Knox council meeting over 1000 residents and ratepayers voiced their opposition to the enormous rate increases that have been imposed in some parts of the municipality. Not only was the council meeting postponed, but I understand that security people were needed to protect councillors. It is deplorable that it should come to this.

There is also a petition circulating, demanding the sacking of the council by the state government — such is the depth of feeling and anger in the community. Countless residents and ratepayers, particularly from Rowville and Lysterfield, have contacted me in great distress about the magnitude of their rate increases, the lack of services they are getting for their money from Knox council, and the effect on them and their families.

Knox has increased all rates by 17.3 per cent — the highest in Melbourne — but some families have had increases of over 400 per cent because councillors changed the rating system. It means $1000 increases for some.

There are so many tragic stories, including that of one low-income couple — one is a factory worker and the other a cleaner — who have built a new home in Rowville and now cannot afford the rates because they had not budgeted for these exorbitant increases. They are considering selling up; it is absolutely tragic.

The community very clearly considers Knox council as heartless and callous for the way it has imposed these massive rate rises and wants the council to reconsider

them immediately. I, along with other government local MPs, will be representing the community's concerns to the minister. I congratulate residents and ratepayers in the City of Knox for their strong advocacy on this important community issue.

Housing: Parkside estate, Shepparton

Mrs POWELL (Shepparton) — I recently met with a group of residents from Parkside estate in Shepparton, who expressed some serious concerns about the lack of communication between the residents and the Office of Housing.

Parkside estate is the largest public housing estate in regional Victoria, and it is to be redeveloped by Vicurban. Several residents are living in homes which will be demolished during the renewal project, and they are concerned that their accommodation will be downgraded when they are rehoused. Many residents have maintenance problems that are not being dealt with by the Office of Housing, which does not want to spend money on houses that may be demolished.

At the meeting the residents also briefed me on a recent bus trip when 30 Parkside Estate residents were taken on a tour by the Office of Housing to review housing projects completed by Vicurban. They visited projects such as Lynbrook, which, according to Vicurban's web site, is a treasure worth discovering, with wide open spaces, lots of established river red gums, landscaped parks with playgrounds, and an impressive lake. Lynbrook is a private housing estate, as are the other three estates they visited — Cairnlea, Roxburgh Park and Melbourne Docklands. They were not taken to any public housing estates developed by Vicurban.

It is unfair to take a group of residents living in a public housing estate on a tour of private housing that will be far different from the houses designed for them. I ask the Minister for Housing to make sure the residents are kept informed of decisions about their homes. Residents want answers about when they will have to vacate their homes, where they will be rehoused, and if not in the near future, when maintenance will be carried out on their homes. These residents deserve their answers.

Antarctic research expedition anniversary

Ms BEARD (Kilsyth) — It is with great pleasure that I inform the house of the 50th anniversary of the sixth Australian Antarctic research expedition to Heard Island, which consisted of a team of 13 scientific and support personnel.

Two of the group, Cec O'Brien of East Ringwood and Dick McNair of Mooroolbark, live in my electorate of Kilsyth. Mr O'Brien was kind enough to provide my office with a black and white photograph of the 13 explorers and a beautiful husky dog taken outside their hut at the Heard Island base in 1953. The photograph now has a special place in my office.

After half a century the group still keeps in touch. In September this year Mr McNair and his wife, Freda, hosted a reunion for six members of this important expedition. They enjoyed many stories of the time they spent together at Heard Island.

Mr O'Brien was the radio operator during the expedition, and Mr McNair, now aged 78, was the cook for the group, which was sent by the Australian Antarctic Division. Others who were able to attend the reunion included weather observers Bernie Izabelle of Ferntree Gully and Fred Elliott of Berwick; meteorologist Peter Shaw of Mentone; and geophysicist Jim Brooks. The medical officer and biologist for the expedition, Arthur Gwyn, was too ill to attend. Sadly, others of the group have passed on.

The group of 13 travelled to Antarctica 50 years ago to record and observe weather patterns and the continent's seal and albatross populations. I place on record my admiration for these Australian explorers and wish them the best of health in the future.

Whitehorse Road, Deepdene: Anniversary Trail crossing

Mr McINTOSH (Kew) — There is an urgent need for a signalised pedestrian crossing at Whitehorse Road, Deepdene, at its intersection with the Anniversary Trail. A walking, jogging and bicycle track, which used to be the outer circle railway line, runs through the middle of my electorate. The signals are urgently needed because Whitehorse Road is clearly a major arterial road carrying a significant amount of traffic; thousands of vehicles a day and the 109 tram from Box Hill to Port Melbourne travel along Whitehorse Road.

Adjacent to the Anniversary Trail on either side of Whitehorse Road are two primary schools: Our Lady of Good Counsel and the Deepdene Primary School. The two schools have a total of 900 pupils. Our Lady of Good Counsel must be one of the very few primary schools in the metropolitan area on a major arterial road such as Whitehorse Road but which has no form of pedestrian crossing at the front of the school.

On top of that, the local community has been advocating for the signalised pedestrian crossings for a significant time. Bicycle Victoria certainly wants it, the City of Boroondara wants it, indeed Vicroads even acknowledges there are significant safety concerns there, and it has agreed to the installation of the signals. It now falls to the minister to do the simple thing, the right thing and the appropriate thing, and grant the appropriate funding for the construction of this pedestrian crossing.

Government: submission and response guidelines

Mr MILDENHALL (Footscray) — I condemn the state Liberal opposition for its display of gross hypocrisy, mock outrage and short memory by making misleading statements to the house and to the community about the guidelines for submissions to parliamentary committees. This is the same opposition that as a former government gagged public servants, gagged the Auditor-General and had a Premier who refused to turn up to public accounts committees.

The practices relating to submissions have applied under previous governments, they apply to other state governments and to the federal government. As the secretary to the Department of Premier and Cabinet has indicated, they are similar in intent and practice to the 1997 guidelines and reflect the long-established Westminster traditions operating in this state that ministers, not public servants, determine and are responsible for material that is provided to committees. It also means that the provision of basic factual information to committees is not covered by those formal approval requirements.

This is a pathetic beat-up by the Liberal Party. It is typical of a policy-bankrupt opposition that will do and say anything to get a headline.

Budget: financial report

Mr CLARK (Box Hill) — I rise to express concern about the government's failure to provide an adequate explanation in the annual financial report released on Monday of large variations in major budget items between the final figures contained in the annual financial report and the revised estimates provided six months ago in the May budget. These variations are further evidence of the government's inability to manage Victoria's finances, as well as casting doubt over the reliability of the revised estimates provided in the budget papers.

Between May's estimates and the final figures there was a $202 million increase in revenue to the state government from the sale of goods and services and a $131.5 million increase in other revenue. At the same time the state government cut by $141 million the grants and transfer payments it makes to other organisations and ran up a massive $279.8 million increase in the budget sector wages bill.

This increase in the wages bill is of particular concern. It represents a 3 per cent increase in the government's wages bill over just two months, taking the total increase in the wages bill compared with the government's original budget estimate for 2002–03 to 5.5 per cent. It means the amount provided for wages in the 2003–04 budget is only $54.8 million higher than the actual wages bill for 2002–03, creating further pressure on the already low 3.7 per cent per annum provision for wages bill increases over the forward estimates period with major wage deal negotiations looming.

The Auditor-General has already warned in his reports of the cuts to services that would follow from the government's failure to contain blow-outs — —

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

Wattle Glen: land clearing

Ms GREEN (Yan Yean) — I wish to raise a matter of great concern to a large number of my constituents residing in Wattle Glen and beyond after an outrageous and wanton clearing and burning of indigenous vegetation in Mannish Road, Wattle Glen, on Saturday, 18 October. This event took place on the same day as the very successful Wattle Glen Festival, which was held in the beautiful surrounds of the primary school. Numerous local residents raised with me that same day their distress at the destruction that occurred and many have written to me since.

The damage caused to a beautiful part of the Nillumbik shire is significant. Some 20 to 30 semi-mature yellow box trees and an unknown number of other local flora and fauna were destroyed on that day. I commend the courageous Wattle Glen residents who confronted Andrew Hay on land which he claims is owned by his family. I also commend the Shire of Nillumbik officers, including Bill Forrest, who attended the site. I am advised that, upon seeing the shire vehicle drive onto the site, Andrew Hay and his brother left in a great hurry in a vehicle without numberplates. That behaviour indicates that the Hay family members knew that what they were doing was illegal; and in fact they

had been advised of that by Nillumbik shire some months previously.

I condemn the federal government for allowing the ownership of this beautiful land to still be in doubt. The company which supposedly owns this land is, I am advised, Parisienne Basket Shoes Pty Ltd, which has been deregistered since the 1980s. According to corporate law the assets of deregistered companies become the property of the Australian Securities and Investments Commission. ASIC has failed to pursue this matter. It should get its act together and bring these crooks to book.

I urge the Nillumbik shire to use all its resources to ensure that the Hay family is prosecuted for its destruction of this beautiful area. It would serve as an example to any other property owners who think that laws protecting our environment may apply only to others.

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

Cheltenham Baseball Club

Ms MUNT (Mordialloc) — Cheltenham Baseball Club in my electorate of Mordialloc is one of the largest sporting clubs in the south-eastern suburbs. In particular, there is a very substantial and successful junior section of the club that I am advised fields 28 teams every week of the summer season and involves over 240 children from the ages of 9 to 17 years playing junior baseball and T-ball.

I wish to pay tribute to the volunteer parents who work tirelessly to provide this grassroots sporting activity for families in my electorate. I am particularly impressed by the fact that this club involves the wider community in activities — for example, I am advised that recently a social day of baseball was held between the children at the club and the children at Berendale special school.

I would particularly like to congratulate the 11 young sportsmen from Cheltenham Baseball Club who have recently been selected to represent Victoria in national baseball championships: under 14 team, John Blaskett and Shane Middleton; under 14 Victorian provincial team, Dean Clements; under 16 Victorian team, Andrew Gribbin, Tom Ellis, Ben Ford and Josh Mulherin; under 16 provincial team, Andrew Adams and Russell Ferguson; under 18 Victorian team, Daniel Gribbin; and under 18 Victorian provincial team, Patrick O'Neill.

I would particularly like to pay tribute to the two very talented young brothers, Daniel and Andrew Gribbin, who have both been selected for the state under 18 and under 16 teams. I understand these young men are fine sportsmen and a great tribute to their club and their parents. I wish them both, along with all the members of the Cheltenham Baseball Club, a very successful future. Clubs like this are a concrete example of our strong and resilient communities in Mordialloc and a great example of how the Bracks government's policies on community building are working in practice.

Latrobe First campaign: launch

Mr JENKINS (Morwell) — I was fortunate, along with the honourable member for Narracan, to spend last Friday with the Minister for State and Regional Development in launching the Latrobe First campaign in the Latrobe Valley. The Latrobe First campaign stems from the Bracks state government's $106 million Latrobe Valley task force initiative and constitutes a $1 million investment in the marketing of the Latrobe Valley. This is a great example of the Bracks government working with local government and, importantly, the Latrobe community.

The 12 key points in the Latrobe First campaign will highlight to people right across Victoria and Australia the benefits of the Latrobe Valley. They are: Latrobe represents a new opportunity, new visions and new energy for business, tourism and lifestyle; Latrobe is emerging as one of the first and foremost regions in Victoria and Australia; Latrobe is fast establishing itself as the hub for transport and infrastructure services for the whole Gippsland region; Latrobe is located in the heart of Gippsland, with the best beaches and lakes, the mountain high country and snowfields all within easy reach; Latrobe boasts the most highly skilled work force in regional Victoria; Latrobe is less than 90 minutes drive from Melbourne and is one of Victoria's largest regions; Latrobe is establishing itself as a centre for regional IT excellence, with broadband access that rivals Australia's capital cities; Latrobe regularly enjoys better air quality than the eastern suburbs of Melbourne; Latrobe boasts some of the best medical facilities in regional Australia; Latrobe offers a unique mix of urban, suburban and rural lifestyle options; Latrobe is the educational centre for Gippsland, providing some of the best educational facilities in regional Australia — —

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

Schools: speed zones

Mr LUPTON (Prahran) — I want to congratulate the Bracks Labor government on its Arrive Alive

program, in particular the introduction of safety speed zones around all Victorian schools.

The introduction of this program will commence in my electorate of Prahran tomorrow with the installation of new 40-kilometre-an-hour speed zone signs outside Stonnington Primary School in Hornby Street, Windsor. Hornby Street is a narrow, one-way street that runs off busy Dandenong Road. It is often used as a short cut by motorists and carries more traffic than its size suggests. Its narrow nature can make it dangerous if cars travel too fast. In addition to Stonnington Primary School, there are two other schools close by — Windsor College and Christian Brothers College — many of whose students walk along Hornby Street to and from school.

These new speed zones — which will set reduced speed limits outside every school in Victoria — are about saving lives and reducing injuries to children. The zones are part of the Arrive Alive program which aims to reduce the road toll by 20 per cent by 2007. We are well on the way to achieving that target. More than 250 casualty crashes currently occur outside schools every year and research shows that reducing speed is a key factor in both avoiding crashes and reducing their severity.

I commend the Bracks government for getting on with the job of making our roads safer, and look forward to the new zones being introduced outside every school in the Prahran electorate over coming weeks.

Sherbrooke Community School: *Behind the News* campaign

Mr MERLINO (Monbulk) — During a recent visit to Sherbrooke Community School I spoke with the grade 3-to-5 class about its campaign to save the longstanding ABC television children's news program *Behind the News* — a program I fondly remember watching in primary school. The students were so concerned about the axing of the program that they decided to do everything they could to save it. The class formed a number of action groups — a letter-writing group, a publicity work group and a web site committee — and organised a demonstration and a petition. The class contacted other schools from as far away as South Australia seeking their support. The students contacted media organisations and took part in interviews, including one with Jon Faine. The campaign culminated in a demonstration outside the front of the ABC studio in Southbank. Parents and the principal, Leigh Deckart, were kept informed every step of the way. The support from the parents and the school was outstanding.

The campaign was conducted in an extremely responsible way. Above all, it was a terrific learning experience for the students. I will quote Kaitlin, the coordinator of the letter writing working group. She said:

> People think children cannot stand out and have an opinion but we can.

I fully endorse her comments. I congratulate the students, their teacher, Michelle Granland, and the school principal, Leigh Deckart. By the by, Channel 10 is picking up the concept and will screen *Behind the Ten News* next year.

Eltham High School: achievements

Mr HERBERT (Eltham) — On Wednesday, 22 October, the Premier and I spent the day at Eltham High School. Eltham High School is one of the highly successful schools in the electorate of Eltham. It is particularly renown for its excellence in the arts, performing arts, and maths and science. The school is delivering fantastic outcomes for its students, with 93.8 per cent of last year's students successfully enrolled in further study or in employment.

The visit was an opportunity for the Premier to inspect first hand the results of the Bracks government's investment in education. The Premier inspected a $2 million building that has just been completed, viewed first hand the innovative educational programs Eltham High School prides itself on, and discussed government policies with a range of students. A highlight of the day was a program designed to ensure that a group of year 10 students who were not intending to complete year 12 were engaged in innovative and practical educational experiences. That program was successfully established after a submission was made to the Premier at last year's Nillumbik community cabinet meeting. I would like to congratulate Eltham High School on its outstanding achievements and the Premier for visiting the school.

CEMETERIES AND CREMATORIA BILL

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 66, line 28, after "agencies," insert "faiths, religions, cultural groups,".

2. Clause 67, page 38, line 13, after this line insert —

   "( ) any matters relating to consultation undertaken with relevant agencies, faiths, religions, cultural

groups, holders of rights of interment and the public; and".

Ms PIKE (Minister for Health) — I move:

That the amendments be agreed to.

The changes to the Cemeteries Act have been developed with an enormous amount of consultation right across the community. That was a recognition of the significance of these matters to the life of our community. It has been a very careful process.

The amendments that were moved and accepted in the other place go towards making what is a very thoughtful and good piece of legislation even better. They specifically cover the areas that pertain to an application to create a pioneer memorial park. The amendments give greater certainty that the minister who has to give approval to that application is assured that very comprehensive consultation has taken place.

The bill already mandated consultation, but these amendments leave no doubt particularly about taking into account religious or cultural sensitivities. It mandates that there is further consultation by the cemetery trusts, and that the minister who then has to make the overall decision is reassured that that consultation has taken place.

To go to the heart of the issue, it says in the bill that where a community no longer exists and it is not possible for a cemetery trust to meet its obligations to maintain a cemetery — and that happens, of course, because things change in rural communities where a community may have existed but over the years the population moves or is absorbed into a larger town — there is a process of converting that cemetery to an area of parkland. That provision exists in the current act. It has always been there.

However, the change in this act is that the authority for making that final decision will now be vested with the minister rather than with the secretary of the Department of Human Services. But it is a clear intention of this bill that this is a last resort. It is a provision that has been used very sparingly in the past, and currently three cemeteries are designated as pioneer memorial parks — the old Seymour cemetery, the Wil Wil Rook Cemetery in Broadmeadows and the Oakleigh cemetery.

Of course, there are a number of provisions that also ensure the appropriateness of attention to heritage, the obligations in terms of the keeping of records and the preservation of the historic fabric of the cemeteries; and of course human remains are not removed under any proposed conversion.

There is a view in some communities that the conversion to parkland may be a more respectful treatment of places of interment than benign neglect; and some can foresee situations where there is not the capacity to adequately care for a cemetery in a respectful way, and so that is really the intention of this provision.

It is opportune for me to strongly reassure the community that rather than a move to denigrating cemeteries, this provision has always been in the act and will continue to be in the act with far greater safeguards around it to ensure that this is a respectful response, and that is why it is there.

I move briefly to the matter of consultation. We have been very careful with this bill, because of the sensitivity of these matters, to ensure that as we now proceed to develop regulations, model trust rules and codes of practice there is opportunity for further consultation, education and dialogue with the community. We acknowledge that the stonemasons, for example, are a group that have had concerns, and the honourable member for Mulgrave will be actively involved with them in the development of the code of practice. That agreement has been made with them.

In our original discussions on this bill the member for Caulfield raised some matters of concern expressed by the Jewish community. The member for Mulgrave met with those people and gave further undertakings to continue to have a dialogue, and the issues that they raised were given active consideration.

Throughout the development of the legislation, dating right back, we said that we would adopt a legislative framework which allows diverse cultural practices while ensuring the highest standards of health and public decency, and that was our commitment when we continued the work on the Cemeteries Act. In fact the Cemeteries Act reference group was established under the previous government and was chaired by the now Leader of the Opposition, so this has been a long work in progress. We have bipartisan support for the overall improvements that are in the bill, and I am pleased that the opposition has also worked with us and is supporting these amendments.

I am committed to ensuring that in the process of any change — which I might say I anticipate to be very rare — we are sensitive to people's particular cultural and religious perspectives and we do everything we can

to be respectful because, as I said at the outset, of the very strong concern in the community.

The bill acknowledges that over time communities and societies change, as do practices and understandings. What remains common is that respect for the dead and respectful treatment of the dead, and a long-term commitment to maintaining the history of one's ancestry and honouring the commitment that one's ancestors have made to society, as we appreciate it and see it today, is common across all cultural and religious groups. This bill is strengthened by this amendment, which allows for more comprehensive consultation in that regard.

The ACTING SPEAKER (Mr Ingram) — Order! I remind members that we are debating the amendments from the Council. As I have allowed some latitude to the minister to stray slightly wider than that, I will allow the member for Caulfield to address some of those issues, but I remind other members that they should remain focused on the amendments from the upper house.

Mrs SHARDEY (Caulfield) — I rise to speak on the Council amendments to the Cemeteries and Crematoria Bill. Let me say at the outset that I acknowledge that the review of the Cemeteries and Crematoria Act was started by the previous government and continued by this government. I do not think there is any concern about the process of that occurring.

The area that was of concern to the Liberal Party, which has been partly but not wholly addressed, was that once the bill had been drafted there was not sufficient consultation with groups looking at the provisions of the bill. The consultation with community groups, including multicultural groups, stonemasons, cemetery trusts et cetera, occurred with just one meeting, as I understand it, around a table and documents were handed out.

As I understand it, and as I am told by the Jewish community in particular, there was no follow-up. It was that lack of follow-up which lead to the problems that arose when we came to debate the actual bill in this place. In fact the Jewish community had just been celebrating high holidays and we held the debate the day after Yom Kippur, which meant that many of the Jewish community had not had the opportunity to put the time in and realise what the concerns were. However, the opposition did meet with them.

Some severe concerns were expressed in relation to the provisions for pioneer parks. Of course they were in the previous act, but very well-defined requirements for public advertising of where there was going to be a pioneer park were also in the previous act. That type of requirement for advertising was not going to be in the new legislation, so concern arose about whether the Jewish community — the Orthodox community or the Progressive community — would have had sufficient notice or would even have known about where a pioneer park was to be constructed.

There are many graves in country Victoria; often they are single graves where there are no longer communities. Those graves could have been lost. Under Halachic law it is a desecration of a grave if it is covered over, the memorial removed and dogs and people allowed to travel across it.

When it came to the debate on this bill in this house I moved a reasoned amendment because I felt that not only was there this issue but other issues — particularly relating to the concerns of other multicultural communities and stonemasons. I felt it was appropriate, and the Liberal Party agreed, that this bill should be taken off the notice paper, that the reasoned amendment should mean that the government go away, have further consultation, fix up all the things that were wrong with the bill and then bring it back. But that did not occur, and what had to occur in the end was that the member for East Yarra in the other place also moved a reasoned amendment and foreshadowed that the Liberal Party would be moving an amendment to this legislation.

The government, realising that this was a situation it did not want to find itself in, then agreed to make an amendment in line with the thinking of the Liberal Party. That was a very sensible, commonsense action, and we are pleased with the outcome it achieved, but we are sorry it took that action to ensure that the right thing was done. It should not have been necessary if there had been appropriate consultation; the bill should have contained the appropriate clauses to cover that situation.

Looking further at it I understand and appreciate that a further amendment cannot be made by this place as part of this debate. But in speaking to the amendment in the bill returned to this place I can foreshadow the need, although not the intention, for an additional amendment to ensure that the whole bill is consistent with the principles established by the moving of the upper house amendment. That amendment related to taking into account the views and traditions of all faiths, religions and cultural groups.

I have some letters from the multicultural community that express deep concern about this legislation. I would like to quote some portions of those letters so that there

is an understanding of this principle of taking into account the views and traditions of faiths, religions and cultural groups. The parliamentary secretary would have seen some of these letters, so I am a little surprised by the fact that action has not been taken to address some of the issues raised, which are very much in keeping with the principles expressed in the upper house amendments. I quote from a letter from the Ethnic Communities Council of Victoria, signed by the chairperson, Marion Lau. She says:

> There does not, however, appear to be an explicit expression of the right of culturally and linguistically diverse Victorians or any Victorians to erect a memorial or headstone that is culturally appropriate for them. This issue once again highlights the needs to protect individuals and communities from discrimination without appropriate mechanisms to ensure these rights.
>
> Although section 98 does give a person the right to apply to establish a memorial, section 99 gives the cemetery trusts the ability to refuse the application on what appear to be very wide grounds …
>
> In light of the seemingly increased power of cemetery trusts, there are concerns that memorials of a particular culture and religion may firstly not find a willing supply (if there is a reduction in competition), and secondly, they may not be approved by the cemetery trust for reasons that do not pay sufficient regard to cultural and religious practices.
>
> I feel it would be appropriate and highly desirable to strengthen section 99 of the act, to require cemetery trusts to pay regard to cultural and religious practices of an applicant when deciding on an application for a memorial.

And, of course, she asked that this matter be further discussed. The second letter on this same issue is from George Lekakis, who is the chairperson of the Victorian Multicultural Commission. He said:

> On behalf of the Victorian Multicultural Commission, I wrote to the Parliamentary Secretary for Health, Mr Daniel Andrews, MP, raising some concerns about the potential rights and access that culturally and linguistically diverse communities will have to establish memorials which are respectful of and sensitive to their culture and religion.
>
> …
>
> The commission believes strongly that any legislation and/or regulations governing this area should acknowledge the importance of Victoria's diverse cultural and religious practices and should establish a flexible framework within which these practices can be reasonably expressed in a memorial and in the other operational aspects of cemeteries.

Finally I have a letter also to the parliamentary secretary, the honourable member for Mulgrave, from the Vietnamese Community in Australia, Victorian chapter. I will just quote a couple of paragraphs here to highlight their concerns in relation to this issue:

> Section 98 of the act gives the right to apply to establish a memorial. However, section 99 gives the cemetery trusts the ability to refuse the application on what appear to be very wide grounds — for example, pursuant to subsection 1(c) the cemetery trusts have the right to refuse an application if the trust thinks fit.
>
> …
>
> … It has been brought to our attention that cemetery trusts are already refusing to accommodate certain types of memorialisation preferred by our community and the trusts can do so without the need to justify their decision. This is demonstrating that the trusts do not pay sufficient regard to cultural and religious practices.
>
> Apart from the likelihood of reducing competition, I see there is a need to strengthen section 99 of the act, to require cemetery trusts to pay regard to cultural and religious practices when deciding on an application for a memorial.

In light of this and in keeping with this principle which has been established by the amendment, I would like to suggest to the government that it would be appropriate to adjourn this bill and to go away and look at an appropriate amendment which may address this very important issue and allay the concerns of multicultural communities in Victoria. I might, by way of suggestion only, suggest that this could be a possible amendment. Clause 99, page 56, line 17, says:

> … approval under this section may be granted subject to —

and there are two conditions listed. I am suggesting here a third, so that in clause 99, page 56, line 17, I would insert the words:

> In making a decision under subsection (1) or (2), a cemetery trust must not unreasonably restrict the choice of stonemason or supplier to be used for the establishment or alteration of the memorial or place of interment to which the application relates by an applicant who is a member of a particular faith, religion or cultural group.

I believe that suggestion is worthy, and I invite the parliamentary secretary to see whether this can in fact occur. I believe it is in the best interests of this Parliament to have a more bipartisan approach to this important bill. We know that this legislation is likely to be in place for probably the next 50 years, when it is amended again, and it is important that we endeavour to get the very best provisions in this legislation.

While it fails to address some of the other concerns of the stonemasons, particularly in relation to competition policy, at least it addresses the interests and desires of people in multicultural communities who want a say about the memorials on graves and who want to be able to use a stonemason who is able to sensitively provide memorials consistent with their religious and cultural beliefs. I invite the parliamentary secretary to give consideration to this.

I am more than happy if a subsequent speaker could adjourn this debate and give the government time to take away this piece of legislation and look to have it further amended. I hope that is something he will take on board now and take to the minister for due consideration. The Liberal Party does not in any way wish to put undue pressure on the government, but of course it would like to see the right thing happen. Just as the government was able to see that the right thing occurred in relation to the Jewish community, I am sure it would like the opportunity to see that the right thing occurs here. I am grateful for the opportunity to speak on this bill, and I conclude my remarks on the amendment.

Mr DELAHUNTY (Lowan) — On behalf of the Nationals I am pleased to see that the amendments have come back to this place. We raised this issue when the bill was debated earlier in the Legislative Assembly. We highlight again that country communities have been very concerned about the changes implemented by this bill and the lack of consultation by this government. Even though I know this has been going on for many years, the reality is that when the legislation came into this Parliament it caused a great deal of concern for country members.

I highlight that with a newspaper article on page 7 of the *Wimmera Mail-Times* of 4 October this year entitled 'City joins protest over cemeteries'.

The ACTING SPEAKER (Mr Ingram) — Order! The question before the house concerning clauses 66 and 67 is fairly tight, concerning the establishment of historic cemetery parks. Whilst we allow latitude to lead speakers, and the member for Lowan is a lead speaker, he should contain his debate to the question before the house.

Mr DELAHUNTY — Thank you, Acting Speaker, for your kindness, but I am speaking on the amendments. This highlights why the amendments were needed in relation to this. I quote from the article:

> Horsham Rural City councillors have deplored new legislation on cemeteries and crematoriums.
>
> …
>
> Mayor Bernie Dunn said the legislation was being rushed through Parliament with little time for consultation.
>
> 'This is happening to bill after bill', Cr Dunn said.

This is the reason that we have these amendments, because concern was raised about the closure of public cemeteries and the creation of historic cemetery parks. It is my understanding that that is what we are dealing with in these amendments.

I want to highlight the fact that right across Victoria there are 526 cemetery trusts, many of which have contacted me or the Liberal Party with concerns about the closure of cemeteries.

I know that the changes to this legislation have been going on for many years. Discussion papers by the previous government and this government are to be commended, but when the legislation was brought into this Parliament there was very little time for consultation. In fact I could not get a list of the secretaries of the cemetery trusts because of so-called privacy issues, which made it very difficult for us in the National Party to consult with all those people, yet the reality is that a funeral director was able to get a list of all the cemetery trusts and their secretaries for $20. I thought it was very unusual that we were debarred from getting that information.

The government should have relayed that information following the bringing in of this legislation. As the minister said here earlier, the changes that were talked about in the media have obviously been enacted before. But country people fear change, particularly in relation to cemeteries, because those are the resting places of many of their parents, friends and relations. The government has relayed this information to some but not all rural communities, which is why we are getting articles in the newspapers such as the one I quoted earlier.

The Nationals have heard many concerns about cemeteries and stonemasons and the paying of cemetery fees for people of insufficient means, so I am pleased to see these amendments coming back from the Legislative Council. If we did not have this it would be in keeping with a very powerful editorial in the *Wimmera Mail-Times* of 24 October under the heading of 'Cemeteries — our sacred sites'. I quote:

> National Trust senior historian Celestina Sagazio says Victoria's cemeteries are at great risk because of neglect, lack of money, poor management and lack of restoration expertise. Dr Sagazio says cemeteries legislation before Parliament fails to deal with the problems and virtually ignores heritage matters.

The editorial states further:

> Just because a cemetery is unused for burials does not mean it is not needed any more.
>
> …
>
> Even if a cemetery is unused, the people laid to rest over many years remain important to their family and friends. The graves are also important to the district's memories and history. They are sacred sites.

We raised these issues in this chamber but unfortunately the government would not accept the amendments at that stage; it was not until the bill went to the upper house that we got these changes.

I highlight that Victoria is bigger than Melbourne, and Victoria's cemeteries are very important to the communities they serve, so I am pleased to see that this amendment to clause 66 includes the words 'after "agencies," insert "faiths, religions, cultural groups,"' because that includes many of the people in rural Victoria. The amendment to clause 67 includes the words 'relating to consultation undertaken with relevant agencies, faiths, religions, cultural groups, holders of the rights of interment and the public'. That is what we were asking for in the initial stages, because as we know, for country cemeteries in particular the work of volunteers is very important to their restoration and maintenance, and there is a lot of history there. Rural communities do not want to see their cemeteries closed without proper consultation. We are very pleased to see the inclusion of those words in those clauses.

Many people in country areas visit cemeteries to identify their ancestors' resting places and are very concerned because of media articles. I have no doubt they have come about through misinformation, but they highlight that the government has not relayed the information necessary to allay those concerns. History becomes more important to us as we age. Many people in country areas are very keen to maintain their history, and cemeteries and cemetery trusts are working very hard to make sure that happens.

I heard the member for Caulfield speak about the relationships to stonemasons. We have been all been lobbied very hard on this issue. We are keen to see stonemasons included, and these amendments have gone some way to addressing their concerns. We believe there should be a choice of stonemasons or suppliers to be used in the establishment of memorials or places of interment. I support the member for Caulfield's call that they be included.

The National Party is pleased to see these amendments from the upper house. We support them. I want to really highlight again the importance of consultation, but more importantly the need to relay information out beyond Melbourne. As I said, Victoria is bigger than Melbourne. The government should address those concerns.

Mr ANDREWS (Mulgrave) — I am pleased to rise to speak in support of the amendments to clauses 66 and 67 of the bill. I do not propose to speak for very long. I will make a brief contribution in relation to some of the background to these amendments and the reasons why the government moved them in the other place.

As other members have noted, the amendments principally deal with provisions relating to consultation on and around the preparation by a cemetery trust of an application to convert a disused cemetery from a cemetery to a pioneer park, the obligations of the minister in the consideration of that application and the consultative processes that need to be gone through relative to that very delicate process — that is, a consultative regime prior to the approval of such an application.

The power to convert a disused cemetery to a pioneer park has existed in the act since 1974. There are three pioneer parks: one in Broadmeadows, one in Seymour and one in Oakleigh. It would be fair to say that we are not exactly overrun by the number of applications from cemetery trusts to convert cemeteries to pioneer parks, but that is not to say that there will not be significant numbers of applications in the future.

The government is of the view that the mechanisms to deal with this issue are good mechanisms, and that proper consultative frameworks are built into them. In relation to clauses 66 and 67, the power to approve such a conversion from a cemetery to a cemetery park has been moved from the Secretary of the Department of Human Services and is now vested with the Minister for Health.

The bill also lists a range of steps that need to be gone through and details what matters are pertinent to the consideration of the application for such a conversion. For instance, a cemetery trust is obliged to provide plans of the area to be converted and to deal with heritage considerations, conservation management plans, details of the proposed conversion and consultation with the holders of rights of interment, the general public and relevant agencies. The amendments have added the words 'faiths, religions, cultural groups'. Although that creates a greater degree of certainty and makes a good bill a little better, I do not believe we run a significant risk of cemetery trusts not appropriately consulting with those groups. As I said, the government has sought to put that matter beyond doubt by inserting the words 'faiths, religions, cultural groups'; but the key word in the amendment is 'relevant'. The member for Caulfield made reference to it. The Honourable David Davis in the other place went further than that, and that may to a degree be unworkable.

The member for Caulfield raised issues in relation to headstones and correspondence I received from the

Victorian Multicultural Commission and others. The minister also referred to a meeting I attended with representatives from Adass Israel and Chevra Kadisha when the bill was between houses. That meeting dealt with a whole range of issues, and I was pleased to be able to attend that meeting and deal with some of the issues raised by those groups. They were particularly concerned about a number of issues, it is fair to say, and it needs to be said that an ongoing dialogue has been held with those groups over a number of years. The level of discomfort and disquiet that was put to me at the meeting did not bear a great deal of relationship to some of the representations that the member for Caulfield made.

Having said that, by way of example on the headstone issue that the member for Caulfield raised, the bill provides for a right of appeal to the Victorian Civil and Administrative Tribunal if a trust were to refuse a permit to erect headstones such as the ones the member for Caulfield mentioned earlier. Another point that was made at my meeting with the Jewish organisations was about cemetery trusts like Chevra Kadisha putting in place certain terms and conditions in relation to headstones, such as that five lines of Hebrew must be printed on those headstones.

By way of example, the model trust rules that are provided for in the bill will allow that particular cemetery trust and many others to make sure that the rules governing the operation of that trust, with which consumers must comply — rules that will go through Governor in Council — will better provide for the very detailed and important needs of non-English-speaking and culturally and linguistically diverse groups. So, rather than the bill and the provisions around these amendments threatening the level of service and the level of comfort that are provided in our culturally and linguistically diverse Victorian community, the bill actually enhances them.

This bill and the provisions that have been amended by the Legislative Council are the product of a long and detailed consultative process, one that has by no means ended. As the minister noted in her summing up and as others have noted, particularly in relation to the issues raised by the member for Lowan concerning stonemasons and others, as we move over the 18-month period — there is a very long period to actually implement this bill, given that the operative date is not until 1 July 2005 — we will put in place a very detailed regulatory impact statement process, a process to develop guidelines and a process to develop model trust rules. On the stonemason issue, we will put in place a process — and I have met with the stonemasons, and in my contribution on the bill — —

The ACTING SPEAKER (Mr Ingram) — Order! The honourable member must remain focused on the amendments.

Mr ANDREWS — Thank you, Acting Speaker. I make the point that we embrace the need for ongoing consultation. These amendments further that, but the point needs to be made that the consultative effort is by no means over, and in terms of the stonemason issue, and it has been raised earlier, we will develop a code of practice. That commitment has been given to the stonemasons, and it has been given to the house. We will do that, and we believe it will deal effectively and appropriately with some of the competitive neutrality issues that have been raised.

In closing, I say that these are a good set of amendments that I think make certain — they remove any doubt — that groups such as the Jewish community and other multicultural communities will be consulted in the conversion of a disused cemetery to a pioneer park. We believe these amendments make a good bill just that little bit better. They address concerns, and they form part of an ongoing commitment to consult and to ensure that the sector and the broader community have ownership of this bill and ownership of these very important matters as we move forward.

The member for Caulfield has raised other issues, and I am happy to take those on board and to have discussions with the minister to try to deal with those. We are confident that there has been a proper and appropriate consultative regime over many years.

We commend the amendments to the house and would seek to incorporate them and then put the bill in place and move forward. This has been a very long process and one which we believe has been sound. It is important that we move forward and put this important sector on the best possible modern footing, so that there can be certainty and so that we can drive the best possible outcomes in delicate circumstances for Victorian consumers for the future.

Mr THOMPSON (Sandringham) — Victoria is the multicultural capital of the world. Respect for our multicultural diversity has been a hallmark of the policy of the Liberal Party. The amendments before the house are in large part the product of the active work in consultation undertaken by a member for East Yarra in the other place and the member for Caulfield, where there has been active engagement with multicultural communities in Victoria.

The Ethnic Communities Council of Victoria had a particular view on the bill as well, and Marion Lau has

very actively promoted further consideration of the legislation in relation to respect for the rights of culturally and linguistically diverse Victorians to have their views taken into account in a number of specific areas.

In addition, George Lekakis from the Victorian Multicultural Commission has emphasised that it is important that any legislation should acknowledge Victoria's diverse and multicultural background.

There are a number of specific issues I would like to comment on. The amendments introduced to the house require the minister to consult with relevant faiths, religions and cultural groups prior to the declaration of a cemetery park, and the opposition supports that approach. However, there are a range of other issues that relate to the amendment pertaining to respect for Victoria's multicultural community.

It is a historic fact that some of the first cremations took place on the beach at Sandringham in my electorate. They were not performed under any regulations, and in one cremation that took place on Sandringham beach the skull was left exposed. A bystander threw an extra log on the fire and this caused the skull to crumble, leaving the brain exposed. The press of the day regarded that as inappropriate and supported the push by a member in the other place for the regulation of these cremations.

Mr Hulls — You are making Hansard sick!

Mr THOMPSON — The matters before the house should not be taken in a light-hearted manner, as demonstrated by the Attorney-General. There are grave and serious matters under consideration with respect to this legislation.

As I said, the opposition supports the thrust of the amendments as a result of the active engagement with Victoria's multicultural community; however, there are also wider issues that the government should consider, and these are related to the important issue of respect for choice.

The practice of cremation was principally introduced to Victoria in the last century by the Sikh and Hindu community, who came predominantly from India. However, there were also Muslims in Victoria at the time and they favoured an earth burial. Victoria today is the multicultural capital of the world and it is important that legislation which comes before the house not only reflects that diversity, but the process of consultation should also take this fact into account. Perusal of correspondence received from the Ethnic Communities Council of Victoria and the Victorian Multicultural Commission indicates that consultation on this bill has not been as widespread as it could be, and I congratulate a member for East Yarra Province in the other place, the Honourable David Davis, and the member for Caulfield on raising these important issues.

Mr KOTSIRAS (Bulleen) — It is a pleasure to speak briefly on this bill, and I will talk about the process — —

The ACTING SPEAKER (Mr Ingram) — Order! Briefly, on the amendments before the house.

Mr KOTSIRAS — I will speak on the amendment which is about consultation, and the process. I do not believe there has been adequate consultation with our culturally diverse communities. I do not think the Victorian Multicultural Commission has been consulted. The VMC has been changed into a cheque presentation unit; the government no longer goes to the VMC for advice or seeks its views, and this is unfortunate. The VMC has been moved from the Department of Premier and Cabinet into the Department for Victorian Communities, and George Lekakis has been ignored by ministers and departmental heads.

The bill is about preserving the rights and needs of a culturally diverse people to be able to choose their own stonemason or supplier. It would be beneficial if the government took on board the comments of the member for Caulfield and introduced an amendment to further strengthen the amendment that has been brought in from the Legislative Council — for example, if it were to move an amendment in clause 99, page 56, line 17 by inserting, and I quote:

> In making a decision under sub-section (1) and (2), a cemetery trust must not unreasonably restrict the choice of a stonemason or supplier to be used for the establishment or alteration of the memorial or place of interment to which the application relates by an applicant who is a member of a particular faith, religion or cultural group.

This will safeguard the needs and the rights of all Victorians, and it allows individuals the freedom of choice. I cannot understand why the government would not consider introducing this amendment which strengthens the amendment that has been brought from the upper house.

I have received copies of letters which have been signed by George Lekakis, the chairperson of the VMC, and I will quote two paragraphs:

Mr Perton interjected.

Mr KOTSIRAS — I am not sure whether the member for Mulgrave is in the same faction as George Lekakis, but George was not consulted because he only learnt about this from the opposition. I will quote from the letter that was sent to the Honourable David Davis. It states:

> On behalf of the Victorian Multicultural Commission, I wrote to the Parliamentary Secretary for Health, Mr Daniel Andrews MP raising some concerns about the potential rights and access that culturally and linguistically diverse communities will have to establish memorials which are respectful of and sensitive to their culture and religion.
>
> I also raised a number of other similar matters relating to this in my letter.

The letter is signed by George Lekakis. Why has it taken the VMC so long to come out and put forth its views? The answer is because there has been no consultation; it has not been informed or advised and its views have not been sought. Before the government brings such a bill into this house it should approach the VMC and ask how it will impact on our diverse cultural communities. Unfortunately George and the VMC were once again ignored.

A letter was written by the Ethnic Communities Council of Victoria (ECCV) and addressed to Mr Andrews as Parliamentary Secretary for Health. It states:

> I write to express concern about the proposed Cemeteries and Crematoria Act, and its potential impact on the cultural and religious practices of culturally and linguistically diverse Victorians.

The letter further states:

> … it would be appropriate and highly desirable to strengthen section 99 of the act to require cemetery trusts to pay regard — —

The ACTING SPEAKER (Mr Ingram) — Order! The question before the house particularly relates to clauses 66 and 67. The member should remain focused on the question before the house.

Mr KOTSIRAS — Acting Speaker, I am just showing that this government has not consulted widely, and this letter is evidence of that, so it is relevant. The letter continues:

> to cultural and religious practices of an applicant when deciding on an application for a memorial.

The letter is signed by Marion Lau, the chairperson of ECCV. So the VMC and the ECCV, which in the past have been supporters of this government, have concerns about the bill. The only option is for the government to accept the amendment proposed by the member for Caulfield, which strengthens the amendment from the upper house.

Mr PERTON (Doncaster) — I move:

> That the debate be adjourned.

My reason for moving that the debate be adjourned is that the opposition sought to move a further amendment to this bill, but because of the particular way that amendments from the upper house are dealt with the amendment we would have moved is not able to be moved. That interpretation has been made by the Clerk, obviously using very long and well-known precedent.

The Victorian Multicultural Commission, the Vietnamese community and the Ethnic Communities Council of Victoria have all written to the government and to the parliamentary secretary, and there is no need for me to reread their correspondence as it has already been set out by the members for Caulfield and Bullen. This is a deeply important issue, not just to the Vietnamese community but to a whole range of communities, as the VMC and the ECCV have indicated. This shows the untruthfulness of the government in asserting that there has been widespread consultation on these elements of the bill.

Consultation is a constant problem with the way that this government introduces legislation into the house. There has been some consultation, but all the government really needed to do was produce a first draft of the bill and put it out to these communities with the appropriate interpretive documents and allow them to come back with their concerns. Most of our friends on the other side, as do members on our side, enjoy living in our multicultural community with the deep and rich benefits we get from cultural differences. Those cultural differences go beyond eating in other people's restaurants or dancing other people's dances; it is a respect for their religious and cultural traditions.

As the National Party member who spoke earlier said, burial is ultimately an issue for every person and every family. The style of burial is very important to relatives and friends, and for certain communities it is highly ritualised. In burying their relatives, family members and friends, people need to abide by certain religious and cultural rules. But it goes beyond that: people need to have the right to express themselves in the ways that they see fit. Clause 99(1)(c) states:

> … may refuse the application for any other reason that the cemetery trust thinks fit.

The opposition suggests that the government take away and consider the following amendment and then

negotiate with those communities that are concerned. The amendment would insert the following words into clause 99 at page 56, line 17:

> In making a decision under sub-section (1) or (2), a cemetery trust must not unreasonably restrict the choice of a stonemason or supplier to be used for the establishment or alteration of the memorial or place of interment to which the application relates by an applicant who is a member of a particular faith, religion or cultural group.

In the course of the time frame set for this bill, and the reality that it will regulate an important part of our lives and death for a long time to come, it is not a big ask for the government to go away, negotiate with the parties with respect and take into account the communities that the members for Caulfield, Bulleen and Sandringham have referred to.

The motion before the house seeks to adjourn debate on this bill. I hope the parliamentary secretary comes here with instructions to accept it to alleviate the fears and anxieties of these very important communities. The parliamentary secretary and certainly the Attorney-General say they support the rights and wishes of those communities to differentiate themselves culturally, so I would have thought that discussing the amendments reasonably over a few days would be something the Labor government would accommodate. It would certainly alleviate the concerns of the community that were raised in the speeches made today by the Liberal and National parties.

Mr ANDREWS (Mulgrave) — On the motion to adjourn this matter, I have had some discussions with the member for Caulfield in the last few minutes, and she has presented to me what is best described as a very draft set of amendments to clause 99, and the issues she has highlighted have been considered.

On the question of the effectiveness or otherwise of incorporating her amendment and adjourning specifically to consider that, the government is of the view that clause 12(2)(b), which precedes clause 99, deals with the broader obligations of cemetery trusts to respect — I am paraphrasing and may be adding some weight to the clause, so I ask the indulgence of the member for Caulfield — the obligations of each of our 526 cemetery trusts in a culturally and linguistically diverse Victoria.

Having said that, I make no judgment about the potential difficulties the member for Caulfield has highlighted, and I do not necessarily oppose her suggestions, but the notion of adjourning to amend this bill further is not one that we support. We believe there has been an appropriate level of consultation and dialogue. As I said when speaking to the amendments that came from the other place, this has been a long and detailed process, and it is by no means complete. The development through a regulatory impact statement of regulations, guidelines, model trust rules approved by the Governor in Council and a code of practice to deal with a range of issues, not the least of which are those raised by the Master Stone Masons Association Victoria, has only just started, and it will run for some 18 months as we move closer to the operative date of the act, being 1 July 2005.

I have given a commitment to the member for Caulfield that we are happy to look at these issues in the context of non-legislative change, for want of a better term, to see whether some of the concerns the member for Caulfield has raised can be addressed in the subordinate instruments I have just listed, for which there will be a detailed, fulsome and meaningful consultative process. It will be an educational process that will seek to make sure, as I said only a moment ago, that the cemetery trust sector, including the many thousands of volunteers who work extremely hard to provide the best possible service, will now be aided by a modern and efficient framework to conduct their very important business. It will make sure that they have ownership and that they and the broader community, including a range of ethnic groups, the importance of which and the bipartisan support for which I do not think is in question, are properly educated to understand the new regime in which they will work together.

From my point of view, almost 50 per cent of the people in my electorate were not born here. The two Jewish cemeteries referred to earlier, Adass Israel and Chevra Kadisha, are in my local area. I see the member for Caulfield nodding, so there is bipartisan support for these important issues.

An honourable member interjected.

Mr ANDREWS — Tripartite support even. The Vic Nats are on board as well. That is always a good thing.

Mr Hulls interjected.

Mr ANDREWS — I will not take up the interjection by the Attorney-General; that would be highly disorderly. We are alive to these issues. We do not believe the adjournment motion moved by the opposition to consider the draft amendment proposed by the member for Caulfield is something that we need to do. We believe we can address these concerns through the subordinate instruments I have already listed. In the context of a process of open consultation and dialogue with a whole range of interested groups, including the Ethnic Communities Council of Victoria,

the Victorian Multicultural Commission and the Jewish groups I spoke about earlier, the meeting I had recently was one in a long line of meetings that officers of the department have had.

In summing up, the government does not support the motion to adjourn debate on this bill. The bill should pass and move forward so we can put that very efficient and modern framework, that new footing, in place to provide some certainty and bring what has been a process of some eight or nine years — some would argue longer — to an end. We can then get onto the important work of building those subordinate instruments and addressing the many issues, some of which may well be the concerns raised by the member for Caulfield.

Mrs SHARDEY (Caulfield) — I rise to speak on the motion to adjourn debate on this piece of legislation for further consideration, particularly consideration of the suggested amendment. The government is free to put the amendment in some other form, but the essence of what we are suggesting reflects that there are groups in the Victorian community who are not happy with clause 99 of this bill. Had I seen the letters that I have now seen from those multicultural communities, I would have been happy to put in the amendments in the other place as well as the amendments which were agreed to by the government, particularly in relation to the wishes of the Jewish community.

We now know that the Ethnic Communities Council of Victoria, the Victorian Multicultural Commission, the Vietnamese community and I suspect many other multicultural communities are deeply concerned that clause 99 may well mean that they will not have a choice about which stonemasons provide the type of memorial which is sensitive to their particular cultural beliefs and faith.

The member for Mulgrave explained that in his view clause 12(2)(b) underpinned clause 99, and therefore, it was sufficient. If that were the case and the subclause was sufficient, we would not have needed the amendment in the upper house to amend clause 66. Obviously the government accepted that it was not sufficient and was prepared to make an alteration to that clause to take into account the very specific concerns of the community. Opposition members are saying that what has now come to light — —

Mr Andrews interjected.

Mrs SHARDEY — The member for Mulgrave admits that the government was forced. That is something to admit!

In any event opposition members are not trying to be difficult. We are offering the Minister for Health and the government the opportunity to adjourn this bill, to go away and to fix it up in a way we have suggested and which, we believe, will mean multicultural groups in Victoria will be satisfied.

As I said in my previous contribution, this legislation is likely to be with us in this form for some 50 years. It is right and proper that we try and get the very best outcome. Some 25 per cent of people in the Victorian community are from non-English-speaking backgrounds. We are looking at a very large number of people in this state who are likely to be very upset with this piece of legislation. Opposition members have endeavoured to assist the government in fixing it up. We have not done it in an antagonistic way. My offer this morning has been reasonable and has been made in the spirit of attempting to make it — —

Mr Andrews interjected.

Mrs SHARDEY — The member for Mulgrave says it has been reasonably considered. Unfortunately there was not a great deal of time, but enough time has elapsed and we have been discussing this. The minister could still get up and support the adjournment of debate. It would give her time to go away and give due consideration to the principles of what is now in this suggested amendment. Obviously I cannot move my amendment, but we are asking the minister to go away and consider the principles of what is in this suggested amendment, which of course would give freedom of choice to multicultural communities in relation to the stonemasons they wish to use to provide memorials for graves.

As has been said by previous speakers, this is a very serious and highly sensitive issue. It is not an issue on which opposition members are trying to score political points but one we hope the government will give due consideration to. Therefore I suggest the government supports our motion to adjourn this debate.

Mr INGRAM (Gippsland East) — I listened carefully to this debate and the debate preceding it. The member for Doncaster has moved that the debate be adjourned so that the government can consider re-amending the bill. My understanding of the procedure of this place is that the Cemeteries and Crematoria Bill came into this chamber, was debated and then moved to the upper house where it was amended. We have now brought amendments to that bill back down here — —

Honourable members interjecting.

Mr INGRAM — The government and the upper house have sent amendments back here and we are debating them. My understanding of the procedure of this house is that if the house is to make changes it can only change the amendments we are debating. The house cannot then change any other part of the bill other than the amendment that was introduced. That is my understanding of the procedure of the Parliament. Because this bill has been passed by this chamber, it has then been passed by the upper house.

Mr Perton — Were you in the caucus meeting?

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Doncaster will cease interjecting.

Mr Perton interjected.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Doncaster will cease interjecting.

Mr INGRAM — My understanding is that an adjournment could not achieve what has been suggested by the opposition because we cannot amend other parts of the bill once it has been passed by both houses of Parliament.

Mr Perton interjected.

Mr INGRAM — The member for Doncaster gets quite excited about this, but I think the adjournment would not achieve what the opposition wishes to achieve.

Mr HULLS (Attorney-General) — We should simply get on with this. There were opportunities for the opposition to move amendments to the act at any stage over the seven years it was in government and recently when the bill went from this house to the other place. It is time to get on with it. The government is in the business of getting things done. We are a can-do government.

Mr THOMPSON (Sandringham) — Respect for cultural practice has been a hallmark of the approach of this chamber over a long period of time and certainly on the part of the opposition. In addition the time when some of these issues come to the fore is when people are at their highest point of grief. Whether it is dealing with a cemetery trust or other persons, it is about that point in time when they are at their most vulnerable, when they are trying to define what circumstances govern burial and other opportunities that they might have to erect memorials or monuments that accord with their aspirations. It is for those reasons that the legislation should not be rushed through the house but should respect the rights of Victoria's culturally diverse community.

The ACTING SPEAKER (Mr Savage) — Order! Pursuant to sessional orders there have been six speakers on the motion.

House divided on Mr Perton's motion:

Ayes, 24

Asher, Ms	Mulder, Mr
Baillieu, Mr	Napthine, Dr
Clark, Mr	Perton, Mr
Cooper, Mr	Plowman, Mr
Delahunty, Mr	Powell, Mrs
Dixon, Mr	Ryan, Mr
Doyle, Mr	Shardey, Mrs
Honeywood, Mr	Smith, Mr
Jasper, Mr	Sykes, Dr
Kotsiras, Mr	Thompson, Mr
McIntosh, Mr	Walsh, Mr
Maughan, Mr	Wells, Mr

Noes, 56

Allan, Ms	Langdon, Mr
Andrews, Mr	Languiller, Mr
Barker, Ms	Leighton, Mr
Batchelor, Mr	Lim, Mr
Beard, Ms	Lindell, Ms
Beattie, Ms	Lobato, Ms
Brumby, Mr	Lockwood, Mr
Buchanan, Ms	Lupton, Mr
Cameron, Mr	McTaggart, Ms
Campbell, Ms	Marshall, Ms
Carli, Mr	Maxfield, Mr
D'Ambrosio, Ms	Merlino, Mr
Duncan, Ms	Mildenhall, Mr
Eckstein, Ms	Morand, Ms
Garbutt, Ms	Munt, Ms
Gillett, Ms	Nardella, Mr
Green, Ms	Neville, Ms
Haermeyer, Mr	Overington, Ms
Hardman, Mr	Pandazopoulos, Mr
Harkness, Mr	Perera, Mr
Helper, Mr	Pike, Ms
Herbert, Mr	Robinson, Mr
Holding, Mr	Savage, Mr
Howard, Mr	Seitz, Mr
Hulls, Mr	Stensholt, Mr
Ingram, Mr	Thwaites, Mr
Jenkins, Mr	Trezise, Mr
Kosky, Ms	Wilson, Mr

Motion negatived.

The DEPUTY SPEAKER — Order! The question is that the amendments be agreed to.

Motion agreed to.

Ordered to be returned to Council with message intimating decision of house.

ELECTORAL (AMENDMENT) BILL

Second reading

Debate resumed from 28 October; motion of Mr HULLS (Attorney-General).

Mr COOPER (Mornington) — When I was interrupted on Tuesday night by sessional orders I was about to explain to the house some matters relating to the distribution of electoral material.

I had said that section 156 of the Electoral Act will be amended by this bill to include the words 'on election day' to make it clear that a person must not during the hours of voting on election day within 400 metres of the entrance of or within the building used as a voting centre hand out, distribute or otherwise make available or authorise the handing out, distribution or otherwise make available to any person of any printed electoral material other than a registered how-to-vote card. The point that I was going to make at that time was that this limitation on the distribution of authorised material on election day ignores the reality that a very large number of people vote at prepoll voting.

I had pointed out that, as a rough estimate, certainly in my electorate, about 30 per cent of the people vote at prepoll voting. It can be drawn from that that 30 per cent of the people — in other cases it may be less, so we will just say a large percentage of the people — who are entitled to vote, vote at prepoll voting centres and can be handed electoral material which is not authorised.

That is what the amendment is going to do. The act as it stands at the moment prohibits that from occurring. The act as it stands at the moment says that if you turn up within 400 metres of any polling booth, you cannot be given a how-to-vote card which is not authorised. I know from personal experience, particularly over the last two elections, that the temporary how-to-vote card which we prepare in my electorate is handed to the returning officer for my electorate and he signs it and keeps a copy of it. Then when the permanent how-to-vote card is printed a couple of days later he is also handed a copy of that, and it is therefore authorised and approved material.

Now what it seems clear is going to be done is that the amendments in this bill are going to enable unauthorised material — unapproved how-to-vote cards — to be handed out to people voting at prepoll voting. That seems to me to be an extraordinarily backward step. I would be obliged when the minister sums up this debate if he explained to me why this is a forward step, because I would have thought that people coming to vote should be protected from having material thrust into their hands at the prepoll voting centre which would not at other times — on election day, that is — be authorised to be handed to them. That just seems to me to be a completely backward step.

I understand from the shadow Attorney-General, the member for Kew, that in his discussions with Mr Barry from the Victorian Electoral Commission Mr Barry was of the view that section 156 was never meant to be unrestricted; that it was meant in fact to restrict those conditions to election day. If that is the case, that certainly has not been conveyed to returning officers in individual electorates, and I want that clarified.

Ms CAMPBELL (Pascoe Vale) — It is a great pleasure, Acting Speaker, to speak on the Electoral (Amendment) Bill. It is with as much pleasure that I speak on this as I would on the Child Employment Bill. It is really exciting to be here today talking about what will be the Electoral (Amendment) Act.

In May 2002 the Electoral Act was passed by Parliament. That act was the first major revision of Victoria's electoral legislation in a century, and it affected all election stakeholders and participants. We as a government were very proud of the fact that it came into operation on 1 September 2002 and was in place for the last Victorian state election — an election that had spectacular results for the citizens of Victoria and brought in the strong Parliament that we have here.

Section 120 of the act provides that at a recount scrutineers may request that ballot papers be set aside for determination by the Electoral Commissioner. Section 19(2)(c) provides that the commission cannot delegate the power to allow or disallow a ballot paper at a recount.

This is good legislation in regard to such matters as a recount. It is good legislation when it comes to electoral rolls. If you look at section 29(3) of the act, you see it provides that the Victorian Electoral Commission (VEC) must not include on an electoral roll for an election the names of any electors who have been added to the register of electors after the close of the roll or any changes to electors' particulars on the register made after the close of the roll — again a significant and important consideration in our democracy.

The commissioner has indicated that in practice the VEC receives thousands of enrolments or changes of enrolment at the last minute at the close of the roll for a state election. Even though the enrolment cards are received before the close of the roll, they cannot be

processed before the close of the roll. In practical terms the processing may continue for a day after the close of the roll.

The bill also amends section 29 of the act to provide that the VEC must not include on the roll any elector whose enrolment claim has not been received by the close of the roll or change any particulars that have been not received by the close of the roll.

I wish to turn to section 41 in relation to the determination of objections. Section 41(1) of the act provides that the VEC must determine an objection to a person's enrolment immediately on receipt of the person's answer to the VEC's notice of objection. The issue for us here in this Parliament and for the VEC is that the requirement for an immediate decision by the VEC is unrealistic and in fact undesirable.

There have been a number of recent cases where on receipt of a person's answer to an objection the truth has not been clear and the VEC has had to make further inquiries to establish whether the person's enrolment address is the person's principal place of residence. Until the VEC has this information it would be wrong to make a decision to either remove the person from the register of electors or to retain the person on the register.

The bill amends section 41 of the act to enable the VEC to make further inquiries following the receipt of an answer to an objection to the enrolment of a person and to determine the objection following such inquiries.

Given my Irish heritage, I think section 66 of the act, which provides that liquor is not to be supplied on election day on premises used as voting centres, is an interesting component of the act. We could probably all say this is good legislation; and on balance, I think this is good legislation. Section 66 provides that unless the VEC considers there are exceptional circumstances no part of any 'licensed premises' within the meaning of the Liquor Control Act 1998 may be used for the purpose of a voting centre.

I turn to section 95, which is an interesting part of this legislation. Section 95 provides that a person who is required to sign something under part 6 — that is, the voting section — and who is unable to write may make the person's distinguishing mark and have it witnessed by another person. These provisions may not be appropriate for physically incapacitated voters. In the case of such voters, even the obligation to make a mark may be impossible or demeaning.

This is good legislation; it encourages and enables more people in this state to participate in a parliamentary democracy. In such cases, a witness to a declaration should be able to note on the form that the elector was unable to sign the declaration as a result of a physical incapacity. The bill amends section 95 of the act to allow the witness to a declaration under part 6 of the act to note on the form that the elector was unable to sign through physical incapacity, replacing the requirement for the elector to sign or make a mark in such cases.

In relation to absent voting the bill before the house also makes insertions to section 109 of the act requiring absent voters to make a written declaration when they apply for a vote. The VEC introduced notebook computers to certain voting centres at the 2002 state election to identify absent voters and to mark their names on a statewide computerised roll. This is a good addition to the legislation. This bill deserves a speedy passage, and I commend it to the house.

Mr LONEY (Lara) — I wish to make a few comments about this bill. I should commence by thanking the member for Pascoe Vale for her pertinent and timely comments on it.

This bill changes a number of things, the first of which relates to the delegation of the ability to determine votes in recounts. This is an important matter which goes to both the integrity of the electoral system and people's confidence in it.

The way in which the decisions on disputed votes are reached is a very important matter. If we do not believe that here, we have to look no further than to the last presidential election in the United States and the convoluted process that was gone through at that time to determine the legitimacy of certain votes in Florida. A whole new range of electoral terms came out of that particular exercise, including 'hanging chads', 'dimpled' ballot papers and all sorts of things. Fortunately in Australia we use much higher technology for our elections — pencils and paper — and it seems to work pretty well. But there are of course occasions when within our system ballot papers are disputed, and legitimately so, in all sorts of elections and during recounts.

Under our current provisions, if that occurs during a recount that ballot paper must be referred to the chief returning officer for determination, regardless of whether or not it is a recount in an election where there is a huge difference in the number of votes between the two candidates. As a result, there can be significant delays in the declaration of the vote.

It seems to me that enabling that to be delegated to the returning officer in control of the particular divisional

election is quite a sensible provision. I should note, though, that it is not a full delegation — that is, there is a very important proviso in the delegation. That proviso concerns a situation where the number of votes required to be determined is less than the number of votes that could affect the outcome of the election. So in any situation where the outcome of the election can be affected by a decision about those disputed votes, the full process will still be gone through. It is very important to the integrity of and our confidence in our electoral system that that be the case.

I say that with the experience of having been a scrutineer in what I think was Victoria's closest election; in fact Australia's closest election — that is, the seat of Geelong at the 1999 election, where at the conclusion of the recounts some 16 votes separated the two candidates. It is important to note that in such a tight situation the provisions of this clause would still ensure that rulings on those ballot papers would be made at the highest possible level. The determination of those votes needs to carry that integrity so that people can still have confidence in the system.

I believe most members of the house would agree with me when I say that whatever we do to electoral acts we must bear uppermost in our minds the retention of integrity and confidence in the electoral system. We would not want our elections to be subjected to some questioning over their integrity. We have been well served by both the Australian Electoral Commission and the Victorian Electoral Commission (VEC) on these matters in the past. The way they run elections as independent bodies has given people great confidence in them. I will not go down the path of dealing with compulsory voting, but my view is that it also adds to confidence in the electoral process.

The second aspect on which I wish to comment relates to the changes in the addition of people to the rolls. This is an important provision which will ensure that people who have a right to vote can actually get to exercise their right to vote. If someone has returned their electoral information prior to election day, the fact that it has not been entered into the VEC system prior to election day will not preclude them from voting, as it has in the past. A person involved in such a case has done everything right: they have submitted the information to the VEC and have it in on time, but it takes a day or two days to process that information. In the past they would not have appeared on the roll and would not have got a vote. Under the changes to this act, so long as the information is in on time it will be processed and a person will be able to vote. That is a step forward and will ensure that people who have a legitimate right to vote will get to exercise their right to vote.

Members might think that does not affect many people. It is interesting to note that the VEC has advised that it receives thousands of enrolments or changes of enrolment on the last date before the close of the roll. This may drop off a little following the passage of previous reforms, which provide for a set election date each four years so that people will be aware of the election date and may be able to enrol or change their enrolment sooner. We have been getting thousands of what are not late enrolments but late-in-the-process enrolments and because of the requirement that the information must be actually entered into the system before the close of the roll many people missed out on their vote.

I note in passing the provisions in this bill which will make it easier and less embarrassing for persons who are unable to write to turn up at a polling booth to register their vote. Previously people who may not have been able to write had to record a distinguishing mark on their claim for a vote. The bill will allow a witness to make that mark for them and so remove some potential embarrassment of their having to stand at the booth and go through the indignity, if you like, of having to make a mark in front of a returning officer. That will be able to be done another way.

In conclusion, one of the issues that has been raised in my electorate around electoral changes relates to visually impaired voters and their rights on election day, and this is one of the areas that I hope over time will be further looked at to ensure that visually impaired voters also are able to exercise — —

Mr Mildenhall — Like Val Nicholls.

Mr LONEY — Yes, Val Nicholls is certainly one, and Val is from down my way. Val is visually impaired and she has been very active about raising these issues and the rights of visually impaired people to vote without embarrassment or to vote in their own right without having to rely on someone else to cast their vote. Perhaps over time the VEC will able to turn its mind to this issue and give us some advice about how visually impaired people may be able to be further accommodated in their voting so that like people who are unable to write they will not be subjected to potential embarrassment.

Mr HULLS (Attorney-General) — I thank all members for their contributions to this legislation. I said in the second-reading speech that these amendments have been sought by the Electoral Commissioner. I

would expect that between now and the next election there may well be further amendments that he requests to ensure that there is a smooth running of the election, but that obviously will be guided by him.

I note that the honourable member for Mornington raised an issue about section 156 of the legislation. I will relay — as I am sure he will — the issues he has raised in the debate directly with the Electoral Commissioner to ensure there are no unforeseen consequences in relation to the amendment sought by the commissioner. My office will certainly do that, and I expect that his party will do it as well.

The Electoral Commissioner is of the view that the amendments he has sought, which hopefully will be passed by this place, will make the running of elections smoother, further clarify the current legislation and ensure that we continue to have fair elections in this state.

I understand the house is going into committee. I just indicate to the honourable member for Gippsland East that the government will not be supporting his amendments. Whilst they were considered previously, the government believes many of his amendments will simply duplicate the current commonwealth system. The government is of the view that the amendments would impose a very heavy administrative burden while disclosing very little that is not already disclosed under the commonwealth law, given that under the commonwealth system state branches of registered political parties have to disclose their financial affairs to the Australian Electoral Commission and financial details are indeed publicly available.

The government believes the member's amendments are unsupportable. The government does not believe they add any value to the current disclosure regime. The government believes the bill clarifies aspects of that disclosure regime.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 agreed to.

Clause 2

The CHAIR — Order! The member for Gippsland East, to move amendment 1 standing in his name. I advise the house that the other amendments, including the extensive new clauses, standing in the name of the member for Gippsland East all depend on this amendment. On this clause he is entitled to address what he is attempting to achieve with all the amendments, as amendment 1 on its own does not represent all his objectives.

Mr INGRAM (Gippsland East) — I move:

1. Clause 2, line 5, omit "This Act" and insert —

"(1) This Act, other than sections 10, 11, 12, 13, 14, 15 and 16,".

To speak on that amendment, basically the main purpose of it is to amend the Electoral Act 2002. The bill we are debating makes a range of amendments to the Electoral Act 2002, and I propose to amend that act to reinstate almost 40 pages that were gutted out of the bill we passed in 2002.

The amendments I have put forward are a range of things that were removed from that bill. They are government policy. This was what the government took to the electors during the period of the 1999 election, and it got a quite significant swing to it on this basis. It is about putting accountability and transparency back into the election process. I would like to think that things have not changed that much since 1999. I would like to think the government still believes in transparency in the political process, with fair and just elections and the community knowing exactly who is paying for political advertising and donations and gifts and other actions that go on during an election period.

I know this proposal is not unanimously supported by the house. I intend to call for a division on this and test whether the government still stands by its policy and commitment and its own bill put forward back in 2002. I hope the government, particularly the Attorney-General, gives careful consideration to this, particularly one area of it.

Whilst I understand the commonwealth provisions have been brought in, I refer to one aspect that is not covered — that is, associated entities. Political parties can hide donations in a whole raft of associated entities that are set up for that purpose. That is one of the main proposals the Attorney-General was quite adamant about when the originating bill was first introduced. He said that this is what we need to do. One could be fairly cynical and say that the government is no longer committed because exposure of associated entities may stop businesses donating to Labor's Progressive Business. Maybe that is why the government is no longer committed. Maybe members of the government believe business leaders in this state may not wish to donate if they are open to the scrutiny that people and

businesses are open to if they directly donate to political parties.

I would like to impress on the Attorney-General and the government generally that that is something they should consider. If members of the government do not like the whole raft of changes I am proposing, maybe they should consider that aspect in particular — bringing back that scrutiny of associated entities.

I mentioned associated entities during my contribution to the second-reading debate. I think that clearly outlined how we can hide these political activities. I mentioned the member for Keilor and some of his previous activities — a house bought by the Keilor Golf Social Club, an organisation which does not seem to exist anywhere else but spends a lot of money at election time. In my view that is an associated entity. The other associated entity that I put forward was the slush fund Tony Abbott set up to discredit Pauline Hanson. To me that is another associated entity which would come under this provision.

The Leader of the National Party made some very strong comments and gave me a bit of a touch-up during the debate. Maybe the National Party has something to hide. I would not have thought the National Party had associated entities but maybe its members have something to hide and that is why they do not want to expose associated entities either.

This follows along the line of the commonwealth provisions. One thing I will say about the commonwealth system is that we will not know who donated money for political purposes during the 2002 election until next year. That is not accountability. It could be 18 months after an election before we know who donated money.

Mr McINTOSH (Kew) — The opposition will be opposing these amendments simply on the basis that they are a substantial duplication of the current regime under the commonwealth legislation. As I have said in this house before, and as I am sure all honourable members would understand, the commonwealth provides a regime for disclosure of financial contributions to political parties and related organisations. The Attorney-General and I have just been discussing Progressive Business across the table, and indeed the 500 Club. These things need to be reviewed and constantly reformed and updated.

I have taken up with Senator Abetz, the federal minister responsible for the commonwealth act, a matter I asked the Premier about before the last state election concerning the amount of money Labor Party members donate to the ALP that is taken directly from their salaries and described on the register of financial interests as being from the Parliament of Victoria itself or the Department of Premier and Cabinet. I assume the Department of Premier and Cabinet payment would be some form of levy imposed on parliamentary secretaries or ministers whereas the Parliament payment would be all the Labor members of Parliament. That issue is not the point. Clearly the financial disclosure provisions of the commonwealth legislation should be constantly reviewed and updated in relation to these matters. The commonwealth legislation is very open and transparent.

I have been on the Internet, where I found I could instantaneously bring up the financial disclosure records of all the political parties. The information is broken up into divisions such as the Victorian ALP, the Victorian division of the Liberal Party, the Australian Labor Party at a national level and the state divisions of both the Liberal and Labor parties. The National Party does it on the same basis. The most important thing about this is that those disclosures are there, they are centralised and they are fast and efficient. The commonwealth has the resources to put those records up on the Internet expeditiously. If there is a problem with that, then I would have thought the correct avenue would be to lobby the commonwealth government. Nobody in this place wants to hide these sorts of financial contributions, and I am sure that if it were appropriate disclosure, it would receive bipartisan support.

The most important thing about the amendments circulated by the member for Gippsland East is that they place a major impost on the running of elections in Victoria by duplicating to some considerable extent the commonwealth provisions relating to financial disclosure. I believe everyone in this place thought those provisions were appropriate and that financial disclosure should be effectively conducted by the Australian Electoral Commission. Apparently the provisions are not strong enough in relation to associated entities. Accordingly, if there is some problem that should be addressed, whether it is Tony Abbott or the member for Keilor's bingo centre, that is a matter for the commonwealth government to take up. Hopefully appropriate amendments would receive bipartisan support at that level. The matter should not be confronted here in the form of substantial amendments.

I have a number of queries that I would like to put to the member for Gippsland East in relation to his amendments. The first and principal one is whether he has been through the commonwealth legislation. Is

there any form of duplication in these amendments or are they all new material? If there is any form of duplication in these amendments, I would like the member to identify it. I ask that because unfortunately I only received these amendments shortly before the second-reading debate commenced on Tuesday, and I did not have a chance to sit down and be briefed by the member for Gippsland East. I would like to know which particular provisions differ from the commonwealth provisions.

Mr COOPER (Mornington) — The member for Kew has put very clearly the view of the Liberal Party on the matters relating to the substantial duplication of commonwealth law. It does appear on a very quick read — as the member for Kew said, we have not had time to look over these amendments in any detail — that there is substantial duplication.

However, I must say that in looking at proposed division 9 relating to the inspection powers it appears to me that the inspection powers proposed by the member for Gippsland East go well beyond the inspection powers in the commonwealth law. I may be wrong on that, but I do not think I am. Perhaps when the member for Gippsland East next speaks on this clause he can inform the house whether what I am saying is correct. Based on what I have just said — that the inspection powers are well beyond those contained in the commonwealth law — one would have to ask just what kind of a walnut the honourable member for Gippsland East is trying to crack because it does appear he has brought out a sledgehammer and is going to demolish this walnut in its entirety.

Mr Ingram interjected.

Mr COOPER — The member will have a turn; he does not have to keep yelling at me! The powers proposed by the member for Gippsland East would appear to be draconian in the extreme, and I would certainly like him to address that issue.

During the contribution by the honourable member for Kew I heard the honourable member for Gippsland East ask, by way of interjection: 'Are you sure that the commonwealth laws do "out" everybody's political contributions?'. And I suppose we could all run around pointing fingers and saying, 'Let's keep on making the assertion that there is something dirty going on. We are not sure what it is and we don't have any evidence, but something must be going on so let's widen and widen the law and make it more and more draconian and keep going until we hopefully discover something'. But the reality is that the commonwealth law has been a major advance with regard to election contributions to political parties and to individuals.

It is my understanding, as the honourable member for Kew has said, that you can obtain pretty up-to-date information through the commonwealth laws. If it needs to be more up to date, if it needs to be speedier, faster or whichever phrase the honourable member for Gippsland East wants to use, certainly the resources of the commonwealth can be put to that. It seems ridiculous to me that we would be endeavouring to put Victorian taxpayers money, short as it is, into that duplication of what is already occurring at a commonwealth level.

It can be cranked up to an even greater level of scrutiny if other governments around this country, state and territory, ask the commonwealth to do so. If we ask them to crank it up and make it faster, then I am sure the commonwealth would oblige.

Despite the fact that the honourable member for Gippsland East in his capacity as an Independent member of Parliament seems to think there are huge conspiracies going on in political parties with regard to electoral contributions, I do not think any political party or individual wants to see the electoral system in this country brought into disrepute. We all want it to be as clean as it can be, and therefore to be going around pointing the finger and saying there are all kinds of nasty work going on under the blanket is a Chicken Little statement: 'The sky is falling in! Let's all be scared! Let's prop it up even further!'. That is not the way the whole system should be working.

The way the member for Gippsland East can obtain what it is he wants to obtain is to persuade the government to go to the commonwealth with some definite ideas on better ways the commonwealth law can be put to work. If he has those ideas, I am sure the Attorney-General would be interested in hearing them; but the Attorney-General quite rightly has already stated that the government will not consider these amendments of the member for Gippsland East because they are a costly duplication to existing law.

Mr HULLS (Attorney-General) — In relation to the amendments — and I will deal with them in a holistic way — the government is opposing them. I indicated at the outset that in the main the amendments set out a financial disclosure system which is very similar to the financial disclosure system contained in the Commonwealth Electoral Act. The situation is that there would be a substantial amount of duplication under the proposals. We believe there is little purpose in establishing a financial disclosure regime in Victoria

that would be different substantially or in part to that of the commonwealth system.

The amendments that are being proposed by the honourable member for Gippsland East would impose a fairly heavy administrative burden, while disclosing little that is not already disclosed by the commonwealth law, given that under the commonwealth system state branches of registered political parties do have to disclose their financial affairs to the Australian Electoral Commission. As the honourable for Kew said, those details are publicly available.

I also note that in relation to one of his amendments he does require the Victorian Electoral Commission to administer the disclosure regime. This does raise issues of further resourcing and the need for an additional budget allocation to the VEC. With all budget allocations, those finances would have to be found, and it may well be that they would have to be found at a cost to other programs.

In relation to his amendment concerning the political cap on donations — and this matter was debated some time previously — the act itself will ensure that Tabcorp now will be included in the proposed cap on political donations. The amendment that is being proposed by the honourable member would allow organisations or licence-holders subject to the cap to be declared by way of regulation rather than under the act itself. That provision would raise some real issues, not the least of which is that the definition of licence-holder is fairly broad, yet in the act itself it is confined to organisations like the casino, Tattersalls and Tabcorp; and to allow a government of the day to simply prescribe, by way of regulation, who ought fit into that cap on political donations because they happen to be a licence-holder and have obtained that licence from the government would allow the government to use its discretion entirely, without public scrutiny, to decide who can and cannot donate to political parties.

That would be of some concern to many members of the Victorian public, and it may not be confined just to Tattersalls, Tabcorp and the casino. 'Prescribed licence' is described as meaning a licence, the primary purpose of which is to enable the holder to conduct a business or activity that generates income or revenue.

That could relate to a whole range of licences, whether they be for fishing, car or taxi. The holder of that licence is dependent on the state for issuing a particular licence. To allow the government of the day to impose a cap on those licence-holders by way of regulation only, without appropriate parliamentary scrutiny, would cause real concern to members of the community.

To sum up, the government opposes each and every one of the amendments proposed by the honourable member. I understand the honourable member's reason for moving the amendments, but the act has been brought into this place because the Electoral Commissioner himself has requested a number of amendments. We believe those amendments are appropriate. We do not believe the amendments being proposed by the honourable member add value, and that is why we are opposing them.

Mr INGRAM (Gippsland East) — I will get to some of the issues that have been raised, and I thank members for taking an interest in my amendment. Guess who said this:

> This bill contains the best features of the disclosure requirement in the commonwealth model but also contains a number of additional requirements with the aim of creating the most stringent system of disclosure in Australia.

Mr Hulls — I did!

Mr INGRAM — Very good; the Attorney-General said that. That is a direct quote from the second-reading speech when the first bill was introduced and the Attorney-General referred to the provision that I am trying to reinstate. The Attorney-General said we were going to have the best, most stringent system of disclosure in Australia.

I acknowledge the comments of the honourable member for Kew who said this goes above the commonwealth model. It does. Basically what I have tried to do is in the most clinical way put that back into this bill. A whole range of changes were made during the last debate. I have tried to make it fairly clear by removing entire sections and returning the bill to exactly what the Attorney-General had previously. That created some problems, and the member for Kew raised those issues.

There is an increase in the requirements for agents, political candidates and parties. There is an increase in disclosure of gifts and political donations over $200, which is above the commonwealth model. Disclosure of election expenditure in the election period has to be made to the Victorian Electoral Commission. There are requirements for annual returns, which are similar to the commonwealth model, but obviously they are more stringent.

The honourable member for Mornington raised the inspection powers, and the Attorney-General raised that issue as well. Had it come to individual clauses or the new clauses, obviously that would have been ruled out of order because it would have required appropriation. I

acknowledge that. Basically I was trying to prove a point. There are some important things I would have liked to have taken up. It would have been disappointing had we not been able to get the increase in inspection powers — if the government accepted some of the others but would not accept that provision — but I still think it was worth while doing.

He also made some comments on the gaming area, and I acknowledge that that issue was raised by parliamentary counsel; but I did not think it was up to me to fiddle with what the Attorney-General said was the best model he could arrive at. Why should I try and fiddle with perfection, as the Attorney-General said? It was not up to me to question that.

Basically my amendments would omit the clauses that are in this bill; the changes would be to those areas I have mentioned. I would particularly like to refocus on the declaration of an entity as an associated entity, and I refer to what were in effect the Attorney-General's own amendments — that is, his provisions in the original bill. In that he declared that an associated entity was one that:

> (a) is controlled by one or more registered political parties; or
>
> (b) operates wholly or to a significant extent for the benefit of one or more registered political parties.
>
> (2) For the purposes of this section —
>
> … includes the right of a registered political party to appoint a majority of the directors or trustees …

And it would mean that:

> … more than 50% of the distributed funds, entitlements or benefits enjoyed or services provided by the associated entity in a financial year are received by a registered political party …

What that associated entity does is quite clear. I think it is something that will put some faith back into the political process.

I take up the previous comments: no, I do not think there is wholesale wrongdoing by political parties or candidates. I do not think that is the case. What is important is to have enough tests to show that if a candidate or a party is being influenced unnecessarily by a political donation, that donation is shown soon after an election, not 12 months or 18 months after, so the community has access to that information at the time of or soon after the election period. That is what the community wants, and that is what I would like to see.

Mr McINTOSH (Kew) — I refer to a matter that was touched on by the Attorney-General in relation to the capping of political donations. I certainly join with the Attorney-General in relation to this provision. Perhaps the question has to be asked: how does that then sit with the cap that is on political donations from gaming companies?

It would seem to be extraordinarily wide, and would almost make the political caps on gaming machines completely redundant, because this would effectively apply to anybody who has a prescribed licence. There does not seem to be any clarity as to what organisations the member for Gippsland East would include in the prescribed licence provisions and those matters.

There are a number of provisions in the bill that impose sanctions of up to 60 000 penalty units, or $6000, for misleading an inspector. The member for Gippsland East has said the commissioner could appoint essentially anybody who is a current public servant to get around the fact that it may require some form of appropriation, yet he is imposing a pretty strong onus and conferring very wide powers on these inspectors to carry out their functions, with little or no time to properly explain those powers.

The Liberal Party has expressed grave concern about inspectors in relation to other bills. Appropriate scrutiny of any party is something the Liberal Party does not shy away from, but proper consideration should be given to those inspector provisions rather than dealing with them on a knee-jerk level.

In relation to the matters that are set out in the substantive new clauses, I have had a flip through the definition of an 'associated entity' and must admit I cannot see how that would advance the definition of an associated entity such as Progressive Business or the 500 Club any further than the bill already provides. However, given the present stage of debate, it is unlikely we will ever get to the bottom of this.

In reality, the member for Gippsland East has replicated the provisions of the former Victorian act which were taken out and vested in the commonwealth as the most appropriate central body to deal with all political donations, whether here in Victoria, at the commonwealth level or in any other state.

If there are problems with the speed with which that information is put up on the Internet or made publicly available, I agree with what the member for Mornington has said about this matter, and would encourage raising with the commonwealth those concerns about amending the relevant legislation to

provide for more speed or expeditiousness. My experience is that this process is reasonably speedy, but if there are problems with that, the member for Gippsland East would probably be better off making representations to the commonwealth government. Accordingly, as I indicated, the opposition will be opposing these amendments.

Mr COOPER (Mornington) — I want to briefly touch on the question I raised before, which was referred to by the member for Gippsland East. I am glad that he has clarified that the present system is clean, that he is not alleging that there is any wholesale rorting or corruption of the system at present. But he went on to say that despite that he wants to have enough tests put in place to show with total clarity that the system is clean. I am not sure how far he wants to go and how much money he wants to spend to address this issue.

Both sides of this chamber have already demonstrated to the member for Gippsland East that the proposals put forward by him are a substantial duplication and that there is a capacity to increase the scrutiny, if he can make out a good enough case, by approaching the commonwealth. I would have thought that was a very reasonable approach, yet the member for Gippsland East is pursuing his amendments, and doing so, as the Attorney-General has correctly said, with significant bureaucratic involvement as a result. Of course that means a significant amount of money is involved as well.

In the budgetary situation, which the member for Gippsland East may not understand, money has to be moved around. If you increase expenditure in one area, you have to decrease it in others. Is the member for Gippsland East going to be happy to see significant events which are already occurring or for which he is lobbying for his electorate removed from the government's budget or for funding to be significantly reduced to pay for something that is absolutely unnecessary?

It is unnecessary, I repeat, because we can get the commonwealth to crank up its system even further if the member for Gippsland East can make a case that the present commonwealth law is not sufficient. The Liberal Party is saying that the commonwealth law is sufficient, but it is open to argument from the member for Gippsland East that demonstrates that there is a need for change. If there is a need for change, we would be happy to get alongside the member for Gippsland East or any other member of this chamber and say to the commonwealth, 'Make changes to reflect these shortcomings in your legislation'. That is the way the member for Gippsland East should be going. To pursue this is in my view bloody-minded and flies in the face of some significant economic disbenefits to this state and to the people of this state.

The CHAIR — Order! I have previously advised the committee that the member for Gippsland East's further amendments depend on this amendment. Given that, I propose to test the will of the committee by putting the question that the words proposed to be omitted by the member for Gippsland East's amendment stand part of the bill. Members supporting the member for Gippsland East should vote no. If the question is carried, the further amendments of the member for Gippsland East would not be able to proceed.

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

Ayes, 75

Allan, Ms	Languiller, Mr
Andrews, Mr	Leighton, Mr
Asher, Ms	Lim, Mr
Baillieu, Mr	Lindell, Ms
Barker, Ms	Lobato, Ms
Batchelor, Mr	Lockwood, Mr
Beard, Ms	Lupton, Mr
Beattie, Ms	McIntosh, Mr
Brumby, Mr	McTaggart, Ms
Buchanan, Ms	Maughan, Mr
Cameron, Mr	Maxfield, Mr
Campbell, Ms	Merlino, Mr
Carli, Mr	Mildenhall, Mr
Clark, Mr	Morand, Ms
Cooper, Mr	Mulder, Mr
D'Ambrosio, Ms	Munt, Ms
Delahunty, Mr	Napthine, Dr
Delahunty, Ms	Nardella, Mr
Dixon, Mr	Neville, Ms
Doyle, Mr	Overington, Ms
Duncan, Ms	Pandazopoulos, Mr
Eckstein, Ms	Perera, Mr
Garbutt, Ms	Perton, Mr
Gillett, Ms	Pike, Ms
Green, Ms	Plowman, Mr
Haermeyer, Mr	Powell, Mrs
Hardman, Mr	Robinson, Mr
Harkness, Mr	Shardey, Mrs
Helper, Mr	Smith, Mr
Herbert, Mr	Stensholt, Mr
Honeywood, Mr	Sykes, Dr
Howard, Mr	Thompson, Mr
Hulls, Mr	Thwaites, Mr
Jasper, Mr	Trezise, Mr
Jenkins, Mr	Walsh, Mr
Kosky, Ms	Wells, Mr
Kotsiras, Mr	Wilson, Mr
Langdon, Mr	

Noes, 2

Ingram, Mr	Savage, Mr

Amendment negatived.

Clause agreed to; clauses 3 to 11 agreed to.

Reported to house without amendment.

Remaining stages

Passed remaining stages.

LOCAL GOVERNMENT (DEMOCRATIC REFORM) BILL

Second reading

Debate resumed from 29 October; motion of Mr THWAITES (Minister for Environment); and Mr SMITH's amendment:

> That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this house refuses to read this bill a second time until there has been an independent and objective review of the costs and benefits arising from the introduction of proportional representation to multimember ward municipalities and unsubdivided municipalities'.

Mr SAVAGE (Mildura) — I rise to give my support to the Local Government (Democratic Reform) Bill. This has been a long time in gestation because of the proroguing of the Parliament in 2002. Many members of this place would have spoken at that time, endorsing changes to the local government and putting democracy back in councils. That is the primary purpose of this bill — to allow for proportional representation in unsubdivided municipalities.

I listened with some interest to the contribution made by the member for Shepparton, and I thought the way she presented her argument was very well done. The National Party has done a lot of research and consultation with communities, the Municipal Association of Victoria (MAV) and councils. The outcome from that process is, I gather, that the National Party now supports proportional representation (PR) in unsubdivided municipalities. I congratulate it for coming to that conclusion, because there was certainly a lot of angst in the prior Parliament on this issue, even though the Liberal Party and the National Party voted for the Melbourne City Council bill, which had PR in it.

Mr Delahunty interjected.

Mr SAVAGE — I am corrected. Apparently the National Party did not vote for it, but the Liberal Party did.

The changes to the constitution of Victoria gave upper house reform the tick of recent times. It is another example of proportional representation. I go back to the days when I was a councillor. I am not going to repeat the story other than to say my experiences at the end of my term as a councillor were unpleasant. I hope we do not go down that path again and take democracy away from councils in the way the former government did. It was unacceptable, and I have to say it caused some significant, long-lasting problems across Victoria, some of which are still being felt to this day.

We are moving on; we have significant legislative change in local government, and I would say that 99 percent of this bill is appropriate. And I endorse it.

Proportional representation will certainly have a significant impact on the council elections coming up in the next voting cycle. No longer will there be 18 candidates, as we had at the last election, who will be tied together in a very complex preference arrangement. That system could be manipulated so that candidates with a very low primary vote could be elected and those with a high primary vote do not get elected because they do not have the preference stream. That situation will now not occur and the people who are the most popular will be elected. That outcome is the will of the people. The last bill had this as an optional arrangement; now it is a compulsory change. I see no adverse impact as a consequence.

The financial reporting of councils is appropriate. I am somewhat surprised that we have just heard a debate in this house on electoral reform where there were some very significant differing opinions between the Independents and the major parties on the accountability of election reporting and disclosure of gifts and financial arrangements. The same sorts of standards should apply for federal and state elections as well as for local government. I see no distinction or why we should have two sets of standards.

I have seen some other interesting and significant changes in this bill, but I know there is a long list of people who wish to speak. I congratulate the government for the production of the Local Government (Democratic Reform) Bill guide. It was an excellent way of understanding the changes. I wish we could see that sort of thing produced and promoted on many other occasions. It would certainly give members an easy understanding, although they still need to look at the detail of the bill because not every clause is covered.

I strongly support proportional representation in unsubdivided municipalities. It will have a great impact on one of the councils in my electorate, and I believe it will produce a better outcome that is acceptable to the community. It will produce good outcomes in local government. I wish the bill a speedy passage.

Ms NEVILLE (Bellarine) — I am pleased today to rise in support of the Local Government (Democratic Reform) Bill. It is a long-awaited piece of legislation that has been the subject of extensive consultation and discussion with local government and within local communities. The Bracks government is committed to supporting and acknowledging the important role that local government plays in Victoria. We commenced the process not long after the election by amending the Victorian constitution and formally acknowledging local government as a separate and legitimate tier of government in its own right.

This bill complements that recognition. It picks up on a number of issues that have been raised by local councils and communities. It also works to ensure ongoing community confidence in local councils by dealing with some of the longstanding concerns that relate to election processes and ensure more democratic representation. It requires greater transparency and probity from our local councils, and it requires a more accountable financial management and public reporting system. All these changes go to ensuring an effective democracy. We are protecting citizens' democratic rights whilst protecting community confidence in local government by improving the transparency and fairness of elections.

Importantly we are also putting stricter requirements in place for our elected representatives at the local level to ensure that they always act in the public interest and adopt best practice governance principles. This is something the community asked us to do and we must do. People want to have confidence in their local representatives; this bill will ensure that councils are accountable and representative.

I want to focus on two very important provisions in this bill, provisions that are overwhelmingly supported by the local communities in Bellarine. The first significant provision is the introduction of proportional representation for undivided councils or multimember wards. The provision will impact on the Borough of Queenscliffe, which currently uses an exhaustive preferential system. I have received — as has the minister — many complaints about this system from local residents. The effect of the current system has been the election of local councillors who did not have the confidence or support of residents. This provision has been supported overwhelmingly in submissions from local residents from the Borough of Queenscliffe.

Consultation on this matter was very clear. Residents wanted us to act on this matter and introduce proportional representation in this legislation. I know the residents of the Borough of Queenscliffe will be very happy to see we have acted on this matter. It will ensure that the residents of Queenscliffe will have greater confidence that their local representatives are reflective of the broad range of views that exist in the community.

The other positive outcome of the introduction of this new method is that if a councillor retires or resigns, or no longer holds office, it will no longer be necessary to hold an expensive by-election but will enable a countback. This is essential to a borough like Queenscliffe that has a small number of residents. It will certainly not only save money but also ensure that the council has full representation quickly after a resignation or where a councillor no longer holds office. Therefore I do not support the amendment.

The other one I would like to discuss is clause 85, the waiver provision, which amends section 171 of the Local Government Act 1989. This provision has been included partly in response to numerous concerns raised by residents in my electorate about recent rate increases that have been put in place on the Bellarine Peninsula. The last rate setting process conducted by the City of Greater Geelong saw some residents on the Bellarine Peninsula experience rate increases of between 200 per cent and 300 per cent. Some of these residents were pensioners or low-income households that faced, and continue to face, incredible hardship as a result of the rating policy of the City of Greater Geelong. Many members will know that the Bellarine Peninsula is one of the fastest-growing areas of the state. Population growth is about 3.4 per cent. This has seen incredible increases in the value of properties on the Bellarine Peninsula.

People want to live there because it is a beautiful place, with not only all the benefits of access to services, but also a sense of being in a village-style community which has a strong sense of community. Creating employment and economic growth in these communities is good news. However, the downside, particularly for low-income households, many of whom have owned property in the area for many years prior to the housing boom, has seen huge property value increases and now large rate bills.

Unfortunately the City of Greater Geelong in setting the rates last year did not utilise the range of powers at its disposal to attempt to reduce the severe impact these rate rises would have had or did have. It was not until the months following the rate notices arriving in people's letterboxes that the extent of the problem was highlighted. There were some very distressing stories of residents having to contemplate selling their homes, and in some cases residents reported to my office that

officers of the City of Greater Geelong had suggested that was their only option.

After the election last year this was one of the first issues residents raised with me. The City of Greater Geelong was indicating to residents that its hands were tied, that it had no capacity to relieve the impact of the rate hikes, and that it did not have the power to do so. Although clearly a number of options already existed in the Local Government Act — for example, the use of geographical differential rates, the provision of concessions, and waiving interest payments for residents to offset their rates against the value of their properties — I took up the issue with the minister.

Significant discussion and consultation occurred, and the minister and the Bracks government agreed to amend section 171 of the act to clearly provide a power to councils to waive whole or part of rates, charges or interest for classes or groups of residents they may determine would face financial hardship.

I was pleased, in conjunction with the other Geelong members, to announce this amendment in July. The *Geelong Advertiser* of 29 July has a front page story headed 'Victory', and reports:

> Geelong residents can celebrate a win in their fight for a fairer rates system.
>
> Local government minister, Candy Broad, yesterday said she would change the Local Government Act to give councils broader powers to waive or adjust rates for individuals or groups.

The *Geelong Advertiser* on the next day talked about rate relief for pensioners as a result of the amendment. The editorial in the *Geelong Advertiser* of 30 July welcomed the amendment, and states:

> The Bracks government, and local government minister, Candy Broad, in particular, have listened to Geelong's long campaign for a fairer rates system and, to their credit, have come to the party.
>
> …
>
> … the announcement is a clear indication of a government demonstrating increasing evidence of an ability to listen to the people.
>
> …
>
> Local Labor MPs, Lisa Neville, Ian Trezise, John Eren and Elaine Carbines, must share in the credit, too. They were clearly persuasive …
>
> …
>
> The Liberal Party, in stark contrast, has been found wanting on both issues, making it quite clear before the last election that, if successful, nothing would be done to change the Local Government Act.

An article in the *Geelong Advertiser* of 31 July carries the headline 'Lib scorns rates offer'. Of course the Liberal Party scorns the rates offer because it never wanted to act on this issue and would not contemplate these changes. They tried to blur the issue by saying that this power is already in place, and that the community was clear about it. The community asked for a change and the government has acted.

The City of Greater Geelong in the setting of rates next year can now use this power to waive parts or whole of rates for a class of people it considers have financial hardship. It now rests with the council. The minister has indicated her ongoing recognition and acknowledgment of the issues facing some of the Bellarine Peninsula residents, and she is currently working with the City of Greater Geelong in developing a long-term rating strategy to ensure that the full range of powers in the City of Greater Geelong are utilised by providing a powerful tool so that residents who find themselves in financial hardship can be assisted.

Overall the bill is a statement about the important role of local government in our community. It will ensure that local government works more efficiently, is more transparent, and better represents the interests of the communities. The bill will ensure that local government has a strong and viable future in the state. I commend the bill to the house.

Mr KOTSIRAS (Bulleen) — It is a pleasure to speak on the Local Government (Democratic Reform) Bill. I wish to put on the record the views of Manningham City Council. The council has sent me a letter outlining its concerns, and has also given letters to the Labor members for Templestowe, Evelyn and Silvan. I will be keen to see whether those members will stand and put the council's views forward.

The areas of concern to Manningham City Council are, firstly, clause 10, which substitutes a new division 1 of part 3 of the Local Government Act 1989 to amend the provisions relating to the entitlement of voters. These provisions will limit enrolments to residents and ratepayers. The council's view is, and I quote:

> New proposal introduced without prior consultation.

So there has been no consultation regarding this. The change introduces the principle of one person, one vote irrespective of land ownership in different electoral wards. This is a significant change to the electoral franchise and warranted a full and proper debate.

The second matter of concern to the council is clause 24, which includes changes to more closely reflect provisions that apply to election material in state

government elections. It is understood that this change was intended to address concerns about the perception that sitting councillors were being given exposure and promotion by councils. The council's view is, and I quote:

> Council agreed with the proposal that councils be prohibited from publishing, displaying or distributing 'election material' during the election period. This does not include material which relates to the actual conduct of the election. The changed legislation does not clearly deal with council publications or regular council columns in local newspapers where articles/stories refer to or involve the mayor and other councillors.

The third clause of concern is clause 30, which provides for the disclosure of campaign donations in council elections. The council's concern is, and I quote:

> The intent of the proposal is supported. Unfortunately it appears to be a proposal that has not been well thought out in regard to its intentions and practicalities. A report coming out some two months after election day is of no value to the voting public. For this proposition to be effective the information needs to be known before voters cast their vote. If disclosure of donations is desirable, such disclosures should be made before the election.

The fourth item is new section 130, which is substituted by clause 71 and which restates the existing section 150 that provides for the budget to be adopted by 31 August each year. The council's view is, and I quote:

> It is considered inappropriate, particularly given the enhanced status that this bill is supposed to endow on local government, for councils to be required to submit their budgets to the minister.

The next clause is clause 46.

The ACTING SPEAKER (Ms Lindell) — Order! The member will have the call when we resume debate on the bill after question time.

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

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Road safety: speed cameras

Mr MULDER (Polwarth) — My question is to the Acting Premier. Can the Acting Premier explain the 300 per cent increase from $66 million to $269 million in debt collection services for the Traffic Camera Office, as detailed in the financial report 2002–03?

Mr THWAITES (Acting Premier) — I thank the member for his question, which points out an important issue: this government's commitment to traffic safety. This is a government that is proud of its record on traffic safety. Since this government has come to office there has been a significant drop in the road toll, and we will continue to endeavour to achieve that.

Water: conservation initiatives

Mr STENSHOLT (Burwood) — My question is for the Acting Premier. Will the Acting Premier advise how Victorians have responded to the government's successful water campaign and outline how its efforts to promote water-saving initiatives and projects require greater commonwealth support?

Mr THWAITES (Minister for Water) — I thank the member for his question. This government is leading the way in ensuring that our water supplies are secure for future generations. We have initiated an important water-saving campaign that encourages people to save water. We have a clear target to reduce Melbourne's per capita water consumption by 15 per cent by the year 2010.

I am pleased to advise the house today that the response to the Our Water, Our Future campaign has been overwhelming. We have had over 1000 people per day seeking water-saving information through that service. Almost 30 000 people have ordered water-saving kits.

We are also seeing additional government initiatives such as the rebate system, which is contributing to a reduction in Melbourne's water use of 7 to 8 per cent. Through all these measures the government is ensuring that Melbourne's water needs can be met without having to build a dam in the future, which of course would take water from regional areas.

But the government's water effort is not limited to Melbourne. The Bracks government has a commitment to sustainable water supplies right across the whole state. The Minister for Agriculture and I recently announced an additional $8 million funding for the upgrade of Lake Eildon, which will be a major boost for the regional economy and tourism. It was great to make the announcement on the banks of the Goulburn River in conjunction with the member for Seymour and with one of the members for Central Highlands Province in another place.

The mayor of Mitchell Shire Council, Fay Ure, and the mayors of Murrindindi and Mansfield shires welcomed the announcement, and the chair of Goulburn-Murray Water, John Dainton, praised the government for recognising — —

Honourable members interjecting.

The SPEAKER — Order! There is too much interjection. The member for Benambra will cease interjecting in that manner.

Mr THWAITES — The chair of Goulburn-Murray Water praised the government for recognising the importance — —

An honourable member interjected.

Mr THWAITES — John Dainton. What do we hear from the opposition about this? Whingeing, carping, whining. On the day after the announcement — —

Honourable members interjecting.

Mr Perton — On a point of order, Speaker, the minister is commencing to debate the question. He is restricted to answering questions on matters of government administration and not the policies or statements of the opposition.

The SPEAKER — Order! I ask the minister to relate his answers to government business.

Mr THWAITES — Thank you, Speaker. We committed this extra funding, and that was very important. The day after we committed the funding the Leader of the Opposition said in the *Age* newspaper that the work should have been done much more cheaply. He had been saying the government was not spending enough, then the next day he says it is spending too much!

It is important to note that the government is committed to doing everything it can to promote these important water management measures and preserve our dams around the state. The opposition leader, and the opposition generally, would do better to put some pressure on their federal colleagues on the issue of the Wimmera–Mallee pipeline. The Bracks government has committed $77 million to this major project that will provide security for irrigators as well as saving enormous amounts of water from evaporation and seepage. This is a project of national significance, but we are yet to hear from the federal government as to whether it is prepared to commit funds.

Members on this side of the house call on the federal government to commit to the Wimmera–Mallee pipeline, as the state government has done, to ensure that this very important project can go ahead.

Hospitals: rural and regional

Mr RYAN (Leader of the National Party) — My question is to the Minister for Health. I refer to the fact that the government has budgeted to receive income of $1.2 million by centralising the accounts of 70 rural hospitals, and I ask the minister to advise whether this income is intended to cover the increased salaries of departmental executives whose total remuneration last financial year rose by $1.2 million.

Ms PIKE (Minister for Health) — I thank the member for his question. In regard to the changing of banking arrangements for rural hospitals, what we as a government wanted to do was to ensure that rural hospitals were receiving the best possible rate of return on their investments. We wanted to use the public's funds wisely to grow and develop our public hospital system in rural and regional Victoria.

I must say that it is terrific to be on the side of government that is opening hospitals in rural Victoria, rather than on the side that is closing them. In the last couple of weeks we have seen the opening of Casterton Memorial Hospital, and the Yea and District Memorial Hospital last Friday, as part of this government's program of renewing, rebuilding, strengthening and growing hospitals right across country Victoria continues.

The government has provided additional resources for every country hospital in Victoria in the last financial year. It is working closely with those hospitals, and the results are good.

They are assisting in our overall strategy to reduce waiting lists, which is happening, and to broadly reduce other indicators. It shows that we are making substantial improvements in our health system, and that is a direct result of the investment of the Bracks government.

Partnerships Victoria: projects

Ms CAMPBELL (Pascoe Vale) — I direct my question to the Treasurer. Will he update the house on the latest development of Victoria's leading-edge policy Partnerships Victoria and indicate how it is driving economic development across the state and the nation?

Mr BRUMBY (Treasurer) — The Bracks government is certainly committed to the long-term development of our state. As part of that, what we invest in infrastructure expenditure is absolutely crucial to that effort. I am pleased to advise the house that under the Bracks government expenditure on capital

infrastructure is presently running in excess of $2 billion per annum. In the financial year 2003–04 it will exceed $2 billion and in the financial year 2004–05 it will be close to $2.5 billion. That is more than double the amount which was invested under the former discredited Kennett government, which invested only $1 billion a year.

To put it another way, we have lifted it from about 0.7 per cent of gross domestic product up to 1.3 per cent of GDP, and we are doing it to fix up the mess left behind by the former Kennett government. We are getting on with the job of rebuilding economic infrastructure in Victoria, and we are doing it without one additional dollar of debt. As part of this our policy is Partnerships Victoria — —

Mr Honeywood interjected.

Mr BRUMBY — Debt has been reduced from $4.9 billion to $2 billion under the Bracks government and we have done it — —

Mr Honeywood interjected.

Mr BRUMBY — Did you sell off a few things?

The SPEAKER — Order! If the Treasurer and the member for Warrandyte want to have an argument, they can go outside the house. I ask members not to behave in that unparliamentary manner in the chamber.

Honourable members interjecting.

The SPEAKER — Order! I said 'an argument'! I ask the member for Warrandyte to cease banging on the table and yelling across it in that manner, and I ask the Treasurer to address his comments through the Chair. I also remind him of the need to be succinct.

Mr BRUMBY — We already have eight Partnerships Victoria projects in the marketplace. Our Partnerships Victoria policy is working effectively; it has been a leadership policy around Australia. Projects like the County Court have been completed. There is also Berwick hospital and Spencer Street, and we have — —

An honourable member interjected.

Mr BRUMBY — The previous government could never bring that deal to fruition. You miserable lot failed!

The SPEAKER — Order! The Treasurer will address his comments through the Chair.

Mr BRUMBY — We have another $2.5 billion of projects in the pipeline. We are getting on with the job of rebuilding Victoria's infrastructure, but one of the areas where we are getting close to zero assistance is from the federal government. The Acting Premier mentioned the Wimmera–Mallee pipeline where we put in $77 million, but there was nothing from the federal government. There is one nationally funded road project in Victoria, 10 in New South Wales and 16 in Queensland. But nothing for Geelong — —

Honourable members interjecting.

The SPEAKER — Order! The level of interjection is too high!

Mr BRUMBY — Of course we have the Regional Infrastructure Development Fund of $180 million and we want to see a similar national infrastructure development fund so that there can be a genuine partnership in rebuilding economic infrastructure.

In conclusion, I am happy to say that our leadership role in public-private partnerships is being recognised not just across Australia, but also globally. On 10 and 11 November we are holding the first ever Asia–Pacific public-private partnerships conference here in Melbourne. It will bring together more than 150 practitioners from around the world to continue developing public-private policies. About the same number will attend from around Australia, so more than 300 people will attend this first ever conference. It reinforces the fact that the government is getting on with the job. It has the policies; it is making the investments; it is rebuilding the economic infrastructure; it is getting the good investment results, and that leadership position compares more than favourably with our federal colleagues.

Police: performance indicators

Mr WELLS (Scoresby) — My question is to the Minister for Police and Emergency Services. I refer to performance indicators published in today's annual report for Victoria Police, which show that police failed to reach their hourly targets — —

Honourable members interjecting.

The SPEAKER — Order! I ask Labor members to stop yelling out in that manner and allow the member for Scoresby to ask his question.

Mr WELLS — The police failed to reach their hourly targets in the areas of police presence in the community, community safety programs, investigating crimes against the person, investigating crimes against

property, investigating illegal drug activity and prisoner supervision, and I ask: can the minister explain to the house why Victoria Police was unable to meet these important targets but was able to exceed the target for police hours for road traffic infringements by 108 000 hours?

Mr HAERMEYER (Minister for Police and Emergency Services) — I am pleased to advise the house that the police annual report reveals that over the course of the last financial year Victoria Police has increased its hours of service to the community across all areas of activity, including crime investigation and crime prevention, by a total of 2 million hours. So whilst our crime rate and our road toll are going down — at the moment we are heading for a road toll that is about 100 fewer than it was two years ago — all of these areas of activity are going up.

Over the last year Victoria Police had an injection of new staff amounting to 10 per cent and a 20 per cent increase in the hours of police activity. That is something those opposite would never achieve. We have over the last four years had a 40 per cent increase in police outputs. The opposition does not understand that to improve police outputs, to get crime down and to get the road toll down you need to employ police and not sack them.

The opposition has a real problem when it comes to performance. This morning it suggested that the government had entered into some sort of performance-related contract with Tenix. This was a contract that was entered into by the previous government under the former minister, Bill McGrath. It is not a secret, it is on the Internet. The honourable member over there could have saved himself the freedom of information fees. Further, the *Herald Sun* of 5 September 1998 reported a former government spokeswoman as saying that LMT would get a performance bonus if it increased the number of images that could be useful for a successful prosecution on top of the base fee. Who drafted that contract? I wonder!

The only change this government has made to the performance bonus system in that contract is to raise the high-jump bar from 70 per cent to 85 per cent. These people just cannot be believed.

Australian health care agreement: funding

Ms BEARD (Kilsyth) — My question is to the Minister for Health. Will the minister advise the house of the latest developments in attempts to get the federal government to match Victoria's commitment to the state's health system?

Ms PIKE (Minister for Health) — I thank the member for Kilsyth for her question. The Acting Premier, the Treasurer and the Minister for Transport have all outlined to the house the way the Sydney-centric Howard government is treating Victorians like second-class citizens, whether it be in areas like road funding or with things like the Wimmera–Mallee pipeline. Nowhere is that more stark than in my health portfolio. We have been short-changed to the tune of $350 million under the current Australian health care agreement.

We had the farcical situation of the previous federal health minister not even coming to her own meetings and the disappointing situation where the whole collaborative reform agenda was thrown out the window. The Howard government reduced its own forward estimates, putting $1 billion into what is now universally acclaimed as a flawed Medicare package and took that money straight out of hospitals.

The Victorian government has been leading the way right across Australia with reform and innovation. We have the very successful hospital demand management strategy, which has been treating more patients more efficiently; we have the hospital admissions risk programs, which have been diverting people and giving them more appropriate care; and we really led the way in a genuine partnership with the commonwealth on reforms to the pharmaceutical benefits arrangements within hospitals, which was a real win-win.

I met with federal health minister Abbott earlier this week to discuss taking the reform agenda off the backburner. What has happened is that Minister Abbott has left the Victorian opposition hanging out to dry. He has acknowledged that more can be done for hospitals, unlike the opposition, which thought that a $350 million cut was a good thing. The opposition encouraged the government to see it as a good deal and told Victorians they should stop sooking, take their medicine and be happy about having $350 million less! Unlike the opposition, Minister Abbott does want to talk about policies, does want to talk about substance, does want to talk about reform and does want to talk about things that make a real difference to our hospitals.

We now have an agreement to continue joint work on the co-location of general practitioners with emergency departments, a statewide telephone triage trial and projects to deal with blockages in aged care with more creative packages to help discharge nursing home patients. We had a good conversation about the need for further nurse and doctor training.

I am very pleased that there is a genuine commitment now to the health reform agenda. It is a joint approach. What I ask is that those opposite change their tack. Up until now they have not been standing up for Victoria. They should change their tack and fight, with me, for a better health deal for all Victorians. If they do not, they will continue to stand condemned.

Latrobe Regional Hospital: funding

Mrs SHARDEY (Caulfield) — My question without notice is for the Minister for Health, in the spirit of sticking up for Victoria. I refer the minister to the annual report of the Latrobe Regional Hospital, a hospital which was purchased by the government in 2000 for just $1, which is now reporting a deficit of $38.5 million. Can the minister explain how over the last year the hospital has lost over $740 000 per week?

Ms PIKE (Minister for Health) — I thank the member for Caulfield for her question. Normally on our side of the house we say that questions are well researched — I think that is a line of the Treasurer. In this case it is really quite disappointing that what the question reveals is the total lack of understanding by the opposition of the whole financial situation in the health portfolio.

It is true that the Latrobe Regional Hospital showed a deficit of $38 million, but it is not the public hospital that the Bracks government bought for $1 because of the failed privatisation of the Latrobe Regional Hospital. It is the company that we bought it from. We do not have a loss in the public hospital — —

Honourable members interjecting.

Ms PIKE — How embarrassing!

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order!

Ms PIKE — One after the other we come into this place and we hear of the flawed privatisation agendas of the previous government. They are falling over like packs of cards. Of course the government was forced to go in and to purchase this private hospital, this failed privatisation, so that services could continue to be offered to people in the Latrobe Valley. We did that. We got a very good deal for the people of Victoria, and the only deficit is in the finances of the previous company.

Roads: funding

Mr JENKINS (Morwell) — My question is to the Minister for Transport. Will the minister advise the house of the Bracks government's latest efforts in support of various road projects across Victoria, and will he outline how this contrasts with the commonwealth's failure to match such commitments?

Mr Doyle interjected.

Mr BATCHELOR (Minister for Transport) — You will just have to wait. I notice you did not give much protection to your last member asking a question.

The SPEAKER — Order! The Minister for Transport, through the Chair.

Mr BATCHELOR — Thank you, Speaker. The Bracks government is getting on with the job of funding roads in Victoria. The people of Bendigo and Kyneton absolutely understand the terrific work that this government has done, particularly on the Calder Highway upgrade. We have got work — —

Mr Honeywood interjected.

Mr BATCHELOR — The member for Warrandyte has asked, 'Didn't the federal government pay for it?'. No, it did not. It paid for half of the work thus far. If you listen you will find out that the cause of the trouble is that it is refusing to pay the balance of it. We would like you to get behind us and try and get a bit of money out of the feds instead of whingeing and undermining Victoria over there. You are hopeless, you lot. Hopeless, you are!

Mr Honeywood interjected.

The SPEAKER — Order! The member for Warrandyte will cease interjecting in that manner. I have had to call the member for Warrandyte a number of times this week, and I do not wish to continue doing so. The Minister for Transport, through the Chair.

Mr BATCHELOR — In recent times I have been to Ballarat, Bendigo and Geelong, and all these towns are making a complaint against the federal government for refusing to contribute a fair share of funding to Victoria. The house heard the Treasurer talk earlier today about how at the moment there is only one project in Victoria under construction that is currently getting funds from the federal government. This is in stark contrast to 10 in New South Wales and 16 in Queensland. I visited Bendigo at the invitation of the *Bendigo Advertiser* to meet with the Deputy Prime Minister, John Anderson, who was following up an

invitation from the Prime Minister that the two transport ministers should get together to resolve the funding of the Calder Highway duplication.

John Anderson did not turn up. Why not? Because he preferred to open one of those roads in Queensland. He was opening the Gatton bypass, which is a road between Brisbane and Toowoomba. Toowoomba has a smaller population than Bendigo. This section of road carries less cars than the Calder Highway. John Anderson should have been in Bendigo helping us sort out the funding for the next section of the Calder Highway, the penultimate section to complete that upgrade. But, no! In full tradition he was looking after states other than Victoria.

It is quite clear that the federal government is prepared to walk away from the solemn commitment given by a Victorian, Peter Costello, before the last election to duplicate the Calder Highway between Bendigo and Melbourne. The federal government is walking away from that, but I have not given up. We will continue to talk.

In the recent reshuffle Senator Ian Campbell from Western Australia has been given the responsibility for roads. There is a little bit of confusion at the national level as to who is responsible for various funding issues, but I have written to Senator Campbell to congratulate him on his appointment. I have asked that we should have a meeting to try and sort out these issues. In that context you would think the Liberal Party here in Victoria, whether it is our colleagues opposite or the federal Treasurer, would be getting behind that sort of meeting to try and get some more federal funds to roads in Victoria.

But we do not get any support from the Leader of the Opposition or the Liberal Party here, and that is because they are Liberals first, Liberals second, Liberals third and Victorians last.

Sustainability and Environment: deficit

Mr DIXON (Nepean) — My question is to the Minister for Environment. I refer to the release of the annual report for the Department of Sustainability and Environment which reveals that the department has a deficit of $66 million and I ask: will the minister confirm that the reason the Premier broke his promise to purchase Point Nepean from the commonwealth government is that this department is $66 million in the red?

Mr THWAITES (Minister for Environment) — This is another embarrassing question from the opposition, and I would like to just refer to a few surpluses that this government has delivered.

Let us look at the surplus that the Treasurer announced this week of some $236 million — —

Mr Perton — On a point of order, Speaker, the minister must answer the question directly. The question referred to his budget deficit. It referred to Point Nepean, it did not refer to any other budget. I ask you to keep him relevant to the question.

The SPEAKER — Order! I do not uphold the point of order. The Deputy Premier was asked a question in relation to deficit budgets in his department and generally was responding to it.

Mr THWAITES — Speaker, they only want to hear their half of the story. They do not want to see the full picture. The full picture is a $236 million surplus, and this shows the state's strong financial position. It also shows how economically responsible we are and the strong financial management demonstrated by the Treasurer.

The member raises the issue of the Department of Sustainability and Environment, and it would be embarrassing for him again, because he should have looked at the accounts and at the reason for that deficit. It is because of an accounting write-down, the substantial part of which was the write-down of the southern hydro scheme. And why did that have to happen? Because of the privatisation by the Kennett government. That is why it happened! These were assets transferred — —

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. The member for Mornington!

Mr THWAITES — This was an accounting write-down because of assets transferred to the balance sheet of the Department of Sustainability and Environment at the time of the State Electricity Commission privatisation but which have no value as a consequence of the privatisation. That is the reason.

If the opposition, instead of saying just anything to get a headline, merely did its homework, it might start doing a little better.

Education and training: international students

Mr LUPTON (Prahran) — My question is to the Minister for Education and Training. Will the minister outline to the house the Bracks government's record in

relation to the export of Victoria's education and training system and the impact of the federal government's recent decision about international student visas?

Ms KOSKY (Minister for Education and Training) — I thank the member for Prahran for his question and interest in education. I think his question indicates that not only do we know that the education that is provided to students here in Victoria is excellent, but also that it is seen to be excellent internationally.

The most recent figures provided by the commonwealth department in September show that Victoria is still leading the way nationally. We have increased our market share in international education to over 30 per cent from 2000 to 2003. With 25 per cent of the population, we have got 30 per cent of the Australian market share for international education, and it has increased over the last three years since we have been in office — and it has increased across all of the education sectors. This is at a time when states such as New South Wales and Queensland have decreased their market share over the same period.

We understand that education is a major export for Victoria, and we are putting the effort in and showing the improvement for Victoria. We are leading the way — we are the best across Australia — in relation to international education in government schools. We have 34 per cent of market share of government schools here in Victoria and 41 per cent of that share in TAFE institutes. So we are well recognised for the excellence we are providing in education provision.

It is also important to note that the greater share of the national market that we have is in IT, engineering and the creative arts courses. We are demonstrating not only nationally but internationally that we are the destination for technology and innovation education.

It is a significant boost to the Victorian economy. We gain $1.2 billion per year from international education, and that is growing as our market share grows. Whilst we have significant economic benefits we also have very important international ties that come from those international students.

But last week the new minister, Minister Vanstone from the commonwealth government, put on hold a package of reforms that was going to further improve our reputation internationally for the education of international students. The previous federal minister, Minister Ruddock, had worked on those reforms with the states and the territories during long periods of consultation and negotiation. There was agreement on almost every aspect of the reforms. Industry had been formally advised that these reforms would be put in place on 1 November this year, so the universities, the TAFEs and the schools worked out their market plans on the basis of the reforms.

One week into the job Minister Vanstone decided to put these reforms on hold despite all of the advice that she had been given about their importance, and her decision is absolutely ironic when it is put alongside the statement released by her colleague, Minister Nelson, only a couple of weeks ago about Australia's long-term policy framework for and commitment to international education.

They do not know what they are doing at a commonwealth level. But I call on the opposition to join with us to get the commonwealth to put these reforms in place. If opposition members are committed to international education, into growing the market share for Victoria, they would join us and would contact their commonwealth colleagues and maybe organise a discussion between their commonwealth colleagues so that they can find agreement at a commonwealth level and we can put these reforms into place.

The SPEAKER — Order! The time for questions has expired.

As this is the last sitting day in October and most departmental reports are required to be tabled by the end of the month, I will provide an opportunity after bills on the government business program have been completed for any reports received during the day to be tabled.

LOCAL GOVERNMENT (DEMOCRATIC REFORM) BILL

Second reading

Debate resumed.

Mr KOTSIRAS (Bulleen) — Before lunch I was outlining some of the concerns that were held by Manningham City Council regarding this bill. Clause 46 provides a process for conducting a countback when it is able to be conducted by electronic means. The response from Manningham council is:

> Council previously disagreed with the proposal to eliminate the renomination process and commented that unless the by-election is required to take place within six months of the last election the countback process should not substitute for by-elections. It is considered that if a by-election is to be held after a period six months from the last election, that a fresh

> election be conducted rather than a recount of votes cast at the last election.

The next concern that council has is with clause 40, which specifies that all elections with two or more councillors are to be elected with proportional representation. The council's view is:

> This proposal is not endorsed and the status quo is preferred for consistency within local government and community understanding.

Finally, clause 55 applies to councillor and mayoral allowances. Again the Manningham City Council view is:

> The new provisions unnecessarily complicate the setting of the mayoral and councillor allowances. Given that the maximum allowance figures are set by the minister for the various categories of councils, the requirement for public consultation (which could occur around Christmas time and would be perceived by the community as a cynical exercise) is a nonsense.

These are real concerns, and I urge the government to address these concerns and explain to the house how they are going to be addressed during the committee stage.

Mr PERERA (Cranbourne) — I rise to support the Local Government (Democratic Reform) Bill. These reforms clearly indicate that the Bracks government is committed to working in partnership with local government. It is very pleasing to see that the bill is fully supported by the Municipal Association of Victoria and the Victorian Local Governance Association.

I wish to speak on some of the initiatives that this bill covers. The first is proportional representation (PR). The current exhaustive preferential system is a winner-take-all system that has the capacity to yield highly unrepresentative election results. There have been instances where a candidate who was placed third at the end of the primary count wins the election after distribution of preferences. In local government the undesirable effects of this system have become most evident with large amalgamated councils. The bill proposes that proportional representation be used for the local government elections where candidates are elected in a non-subdivided district or in multimember wards.

PR systems are a common choice in many new democracies. There are over 20 established democracies and just under half of all free democracies use some variant of PR. The exhaustive preferential system will be removed from the act. Under the single transferable vote electoral system each candidate who reaches a quota will be elected. To calculate a quota you divide the total number of formal votes by the number of candidates plus one, then add one. The simple, popular, community-minded candidate who can get the quota will win the election. They do not have to rely on preferences. Under this PR system voter aspirations will invariably be reflected in the election results.

With proportional representation the countback method can be used to fill extraordinary vacancies. Councils do not have to rely upon tedious by-elections which are very costly. Original votes cast at the general election can be achieved in a short period of time.

I refer next to fixed four-year terms. This bill will align council election dates to four-year terms. Four-year terms will reduce the costs to ratepayers. The council will have the opportunity to plan the program of work for the next term. They know that they have four years and they can plan it well. Voters will be conscious about the voting dates because voting will take place every fourth year on the last Saturday in November, and people will get used to elections every second year because every second year there will be an election, either state or local. It will become a way of life such as turning the clock forward an hour in the last week of October for daylight savings. This is a fantastic initiative by the Bracks government that enhances democracy in Victoria by motivating Victorians to engage in the process.

I refer to council nominations. In this council term in Casey, one councillor resigned after just 37 days in the job and was contemplating renominating. At this stage Casey council lobbied the state government to amend the act to stop such mischievous actions. The bill includes this amendment to the act to prohibit councillors from nominating for by-elections that they have caused by resigning or failing to attend meetings.

This is another example of the Bracks government listening and acting. One ratepayer, one vote — what a democracy! No ratepayer may be enrolled more than once.

There have been examples in the past of where an investor who lived in a certain ward and owned property in the other wards of the council was eligible to vote more than once in that council election. The ratepayers were allowed to vote more than once to elect the same local government body. It is a bit naive to suggest that a voting entitlement should be proportionate to the number of properties one holds. Does the opposition argue that the people who pay more taxes should have more votes as opposed to those

who pay less taxes? Pensioners and people who do not pay taxes will not be entitled to vote if this argument holds. This is not democratic. People's right to elect the council is not proportionate to the assets they own within the council boundaries.

I refer to swearing an oath of office. Elected councillors will now have the option to swear an oath of office to undertake their duties in the best interests of the municipal district and to exercise their power impartially. This is what they are elected to do. It seems meaningless to swear an oath of allegiance to somebody who is not local, who is not Victorian, who is un-Australian. However, they will have the option to revert to swearing an oath of allegiance if they wish.

Mayoral elections will have to take place before 31 December and on the same day the general council election is held. This will give the new councils a fresh start in the new year, and they will be able to manage changeovers as the timing will be known.

I refer to declaring gifts of $500 or more, which amount has come down from $2000. Councillors, committee members and senior officers will be required to declare gifts valued at $500 or more. This is more realistic when compared to the previous disclosure of $2000. This will bring them into line with Victorian parliamentarians and the South Australian Local Government Act.

The government considers it important that councils levy rates and charges in a fair and equitable manner. The proposed local government charter emphasises this requirement. There has been considerable concern expressed in the community about the practices of some councils in respect to the levying of special rates and charges. The bill therefore proposes to amend these provisions. The council may not levy special rates and charges to recover an amount that exceeds the proportion of special benefits.

In addition, the bill proposes a further requirement. If a council wishes to raise more than two-thirds of the cost of a project under a special rate or charge, the affected ratepayer may object. If the council receives objections from a majority of the affected ratepayers, it may not proceed with the proposed special rate or charge. This is democracy at its best. I commend this bill to the house.

Mr COOPER (Mornington) — I note that there is a long list of members who want to speak on this bill, because, as usual, everybody in this house considers themselves an absolute expert on local government. Such bills always get long speaking lists. Considering the time of the year, with the Spring Racing Carnival, it is probably appropriate that we have a Melbourne Cup field wanting to speak on the bill.

I will make a few comments about this piece of legislation. I am indebted to the Minister for Local Government for publishing a guide on this bill, because it sets out pretty clearly all of the issues that are addressed in the bill. I will talk about those very briefly in order to give as many people as possible a go and to put their point of view on the record.

Firstly, I want to say that I fully support the reasoned amendment of the Liberal Party, which addresses itself to one major aspect of this bill — that is, the requirement for proportional representation voting to be used in unsubdivided municipalities. I have and always have had a significant problem with proportional representation voting, because I am old-fashioned enough to believe that people who get elected to councils should be elected by a majority of the voters, and under proportional representation (PR), that does not occur.

Under proportional representation you get elected by a quota and the number of candidates who are standing, divided into the number of valid votes that are cast, determines what that quota is. You divide the number of candidates into the valid votes, plus one, and there is the quota. It will never be 50 per cent, whereas a requirement of preferential voting is that you must have 50 per cent plus one of the valid votes cast. That, to me, is democracy. I would have thought that the use of the word 'democratic' in the Local Government (Democratic Reform) Bill was anathema to proportional representation voting. I know that it meets all of the happy pressures from minority groups, but at the end of the day I think we want to see majority representation, not minority representation, on councils, but proportional representation voting leads to minority representation.

I register my concerns about proportional representation voting. In doing so I note that in her contribution before lunch the member for Bellarine talked about how PR voting would be welcomed by the people in Queenscliffe; she said it had the support of residents. I think the word 'residents' used by the member for Bellarine was actually a code word for Labor Party members, because it would seem that down in Queenscliffe the Labor Party has not been able to get representation on the council but that under PR voting it would be able to get some representation on that very unique and special council in that very unique and special part of Victoria.

I take the words of praise by the member for Bellarine simply to be in praise of her party now having the ability to get somebody onto that council rather than relating them to the concerns of Queenscliffe residents because they are concerned to prevent their council being taken over by the Greater City of Geelong. There is no doubt that the introduction of PR voting into that unsubdivided municipality will immediately increase the pressures within the Queenscliffe council to have the Queenscliffe council taken over by the City of Greater Geelong. Queenscliffe residents should be aware that they are now seeing their death warrant as an independent municipality being signed; it might take some months or years, but it will occur.

There are three other matters that I want to talk about. The first relates to voter entitlements. The discussion paper put out under the minister's signature talks about one vote per person. The discussion paper goes on to say:

> It is proposed to amend the act to ensure that no-one may be enrolled more than once on a council's rolls. The current provisions allow some people to vote in more than one ward if, for example, they own property in two or more wards.

Isn't it a shocking thing that people who own property in two or more wards are allowed to vote in those wards! In other words, they pay their money and they own their property, but under the provisions of this bill they will not be able to decide who represents them in the ward in which they own property but where they do not live.

That is a blatant removal of rights, and I am staggered that the committee of this Parliament which is charged with the review of acts and regulations did not report that in its report which was presented to the house last Tuesday by the chairman of that committee. It is the removal of a right. Members of this house should have been warned about that and had it signalled to them by the committee. It is an abnegation of duty by that committee. I do not support that provision.

People who own property should be entitled to vote. They are not entitled to vote more than once in a ward. The current provision entitles them to vote in the ward in which they live because they are residents, and they probably own the property in which they live anyway, but they are also entitled to vote in other wards where they own property. That is fair and reasonable. This is now going to be that old American independence call of no taxation without representation. Here we are getting the taxation — the person will be charged rates on the property they own — but they will not be entitled to vote for a councillor in that ward. Frankly I think that is wrong.

I have only 3 minutes left, so I will now move on to the question of voters rolls. Access to rolls will now be restricted. It says in the document put out by the minister:

> Consistent with concerns about information privacy, it is proposed that access to the rolls be limited to purposes relating to elections, polls and council communication with constituents. Access to the rolls for any other purpose will be subject to approval from the Privacy Commissioner.

Here is a bit of political correctness gone mad if ever I have seen it. Access to council rolls is legitimate for a whole range of reasons and should not be restricted. The reality is it is a public document that lists the names of people who own property in a municipality. For heaven's sake, what is private about that? Really and truly, where are we going with all these restrictions? We are hiding behind the Privacy Act and shielding people from proper access to reasonable information.

A voters roll is a voters roll. Whether it is federal, state or local government, it is a public document and it should be freely available. We are now saying to, for example, real estate agents that they cannot access a municipal electoral roll unless they get approval from the Privacy Commissioner. What a load of rubbish! This is a piece of craziness that should never have seen the light of day in this bill. At some stage or another the light will come on somewhere in the ranks of this government and they will say, 'My God, what have we done?'. And hopefully they will bring in a bill amending the Local Government Act next year — because this is virtually an annual event — and will say, 'Let's quietly remove this ridiculous, draconian provision from the act'.

The last point I wish to make is on audit committees. This is certainly supportable, because it says:

> Councils will be required to establish audit committees —

and that is absolutely essential and highly supportable, but then the notes from the minister go on —

> and it is proposed that the minister be able to issue guidelines and make regulations in regard to the constitution and functions of audit committees.

I find that extraordinarily loose. It should not be 'the minister be able to issue guidelines and make regulations'; the minister should be required to make guidelines and issue regulations with regard to the operations of audit committees. They are very important. They protect communities from all sorts of naughty things that may go on. They give communities a sense that things are being looked at and overviewed on their behalf. What we do not want to have are compliant audit committees, committees that will be

appointed by a council but could certainly comprise a whole lot of mates. One cannot say that will never happen, because if it is a possibility it will happen somewhere some time.

We ought to have audit committees that will be fearless and independent. The minister should be ensuring that happens by having guidelines and regulations that require councils to make sure those audit committees are appointed to do the job the community expects.

Mr LANGDON (Ivanhoe) — I am pleased to join the debate on the Local Government (Democratic Reform) Bill. It is an outstanding bill and outstanding reform by this government. Instead of speaking on the entire bill, because it is lengthy and I am aware of the short time we have, I wish to pick a particular clause to which I can personally refer. It is interesting that it follows the member for Mornington's contribution regarding the electors roll.

During the last council elections I had a bad experience. I have a residential property and an investment property. My investment property was listed on the roll and unfortunately I discovered — and it did not surprise me — that anyone could get access to that information, which is fair and democratic and I understand that. My investment property received what would be considered to be anonymous hate mail. It was unfortunately abusive and exceptionally sick hate mail, and it was delivered to my investment property address. The people who opened that mail were absolutely horrified.

I tried to do the right thing and have my address expunged from the roll and to become a silent voter, which you can do on a normal voting roll, but I discovered that with an investment property, if it is not your residential address it cannot be excluded from the roll. I am pleased that clause 20 of the bill allows for investment properties, which are properties other than one's residential property, to now be excluded from the roll. That will protect me. However, I was not concerned for myself but for the people innocently living at that address who received that mail. That should not really be allowed to happen. This bill will protect people who may be innocently renting a residential property from the possibility of getting mail wrongly addressed to them.

I support the bill in total, but I want to emphasise the importance of clause 20. The whole bill is great, but I wanted to particularly mention that clause in the house.

Mr DELAHUNTY (Lowan) — I am pleased to speak on the Local Government (Democratic Reform) Bill. I note that the lead speaker for the Nationals, the member for Shepparton, has spoken on it. It is a very important bill for all of us in country Victoria, as it is right across the state.

As members know, the bill amends the Local Government Act 1989, reforms the electoral processes and improves the accountability of local government. As with any government or non-government organisation, it is important to have some transparency in local government decision-making processes for the community to understand.

The reality is that this is the second attempt to get this bill through the house. I cannot understand the delay. It was rushed into the Legislative Council during the last term of the government even though the responsible minister was in this house. He is not the Minister for Local Government any more because he did not do a great job in his ministerial role.

The government introduced the bill into the upper house. As honourable members know, there were many deficiencies in the second-reading speech, and at the last minute 22 amendments to the government's own legislation were brought in. Members on this side cannot find out why there was such a rush and why, when the accusation was made that it was held up, it has taken this government 12 months nearly to the day to bring it into this house in a second attempt to debate it.

As has been highlighted by the member for Shepparton, the National Party has consulted very widely, particularly with rural and regional councils across Victoria, the Municipal Association of Victoria and the Victorian Local Governance Association. The National Party is pleased to reflect some of those comments in today's contributions. Like the member for Shepparton, I will not be opposing this legislation.

I am pleased to speak on this bill because I have a proud history of working with local government — more importantly, working with many other councillors and staff and being involved with the community, particularly the volunteers who make up any community. When you are involved with council, you run into a lot of these people and realise the importance of the volunteering effort to rural communities and particularly to council activities.

As I said, this is an important bill. It is disappointing that members will have probably only an hour to debate it, given that it relates to the third tier of government which is very important and is closest to the people. Anyone who reads newspapers knows that people have much more involvement with their council and

councillors than with state members of Parliament or our federal colleagues.

The bill makes changes to the electoral system. It introduces four-year terms — I will come back to that later — and also a common election date. The bill amends provisions relating to special rates and charges — I will not have time to cover that matter but the member for Shepparton and others have addressed it. Councils are required to establish an audit committee separate from the finance committee. Many councils have established audit committees which have been very effective in helping councils and council officers work through many financial details. Again, the National Party supports that initiative.

Of the 79 councils in Victoria, 25 will go to election in November 2004 and 54 in November 2005. The member for Shepparton has said that National Party members contacted the 47 country councils. Just about every one supported the proposal to go to proportional representation, particularly those councils with unsubdivided districts or multimember wards.

I was interested to read an article in the *Weekly Times* of 22 October, which quotes the Minister for Local Government as saying that farmers would gain a new deal under the voting plan to go to proportional representation. The article states:

> Farmers could see their interests better represented under changes to council elections.

An Honourable Member — The *Weekly Times* would write anything.

Mr DELAHUNTY — In some cases that can be true! I was elected to the Horsham Rural City Council following the restructure. It is interesting to note that the majority of that council of seven were from rural areas — that is, farmers — and only three were from the city. So even under the preferential system it worked if you had good people. There was a flaw in the system where preferences were given and tickets were run. The good thing about the Horsham council was that no tickets were run by anyone. There was an agreement among us all that we would not run tickets.

Unfortunately, because of tickets in many other councils there were some great anomalies. A person who had very little primary vote could, with the support of a strong member at the top of the ticket, be lifted up to get onto council. That is probably why members of the National Party, with the support of the councils, are prepared to support the introduction of proportional representation (PR) into the legislation.

There are 13 councils with unsubdivided districts and 43 with single-member wards, but 23 have a mixture of wards. I want to highlight a couple of those because there are great questions to which we still have not had answers. In three councils — Campaspe, Colac-Otway and Surf Coast — there are some individual-member wards and some multimember wards. At this stage we have not got an answer on how they will run their elections. Will they be forced to go to totally unsubdivided districts or are they expected to go to all individual wards? Are they to run elections in some wards using PR and in other wards using the preferential voting system?

Mr Smith — They will be forced into PR.

Mr DELAHUNTY — The reality is that they will be forced into PR, even in single-member wards. That is not the way it should be and therefore the National Party raises that matter today.

Mr Andrews interjected.

Mr DELAHUNTY — Exactly. The National Party is also concerned about the change to the oath of office, which is on page 77 of the bill. As we know, previously councillors had to take an oath of allegiance. Under this bill they will take an oath of office, but can take still an oath of allegiance if they desire. We do not believe this is the way to go. We believe the oath should have remained and that as before people should be able to avoid the oath of allegiance if they want. This government has gone about it in a different way. It seems to be republicanism by stealth, as the member for Bass put it. There are changes here we are not totally happy with.

I note that the government has kept the power to suspend councils, even though Labor beat up on the previous government when it suspended councils. It is interesting that this government has suspended councils. It suspended the Melbourne council, the biggest council in the state. At times that has to happen, and the National Party supports that because sometimes there are serious failures.

I want to get through a few other things. There are seven councils in my electorate: the Rural City of Ararat, the Rural City of Horsham, and the shires of Hindmarsh, West Wimmera, Southern Grampians, Glenelg and Moyne. I contacted all seven councils and two sent me written comments. I want to highlight a couple of those comments.

The Hindmarsh Shire Council raised five concerns. The first was the proposed deletion of the oath of allegiance. The second was the proposed disclosure of conflict of

interest as distinguished from declaration of a direct or indirect pecuniary interest. The third concern was that a council should be able to decide if it is to be subdivided or unsubdivided. The fourth concern related to the pecuniary interest exemptions. The Hindmarsh Shire Council believes the existing $2000 or 1 per cent — whichever is the lesser — provision in section 78(3) of the principal act requires review. It says:

> Many people own shares in companies (e.g. Telstra, Commonwealth Bank), where the value of those shares is getter than $2000 but certainly much less than 1 per cent of the value of the company.

The council believes something needs to be done about that one. The fifth concern was that the adverse possession of council land is not addressed in the bill.

The Horsham Rural City Council raised a few other matters, including the terms of office, which it believes are too long, particularly for volunteers. They really are too long and the council believes that will encourage only retired or older people to be involved with local government because of the time restraints. Another concern Horsham Rural City Council raised was the date of the elections. It believes late November is too late in the year and would like to see the elections held in late October or early November. The council is also very concerned about the consultation done by this government. I will not go into detail there. The Municipal Association of Victoria was also concerned.

In its policy the National Party supported the appointment of an independent ombudsman with the specific role of investigating complaints about local government, particularly in relation to rating and the increase in pensioner concessions.

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

Mr JENKINS (Morwell) — I rise to support the Local Government (Democratic Reform) Bill. I would like to congratulate the present and the former ministers for local government and their staffs for the work they undertook, particularly in consulting right across the local government community, before this bill was brought to this house.

This is a real recognition of local government by the Bracks government and is in stark contrast to the way local government was treated under the Kennett government. The Bracks government is about supporting local government and giving it a structure in which to work that will ensure councils can work effectively for their communities. This will ensure that the good local government we have traditionally had in Victoria will continue and that councils will continue to be able to deliver on behalf of their communities.

The bill supports the changes made to the Constitution Act and provides constitutional recognition of local government. This sort of recognition is in stark contrast to the attitude of those members who now find themselves on the opposition benches after they sacked local government. They demonstrated their commitment to democratic reform by sacking councillors who had been duly and democratically elected by their constituents and putting in place some party hacks for a sinecure of a couple of years. I think some of them might have been on their way to this house.

The aligning of election dates will make local government elections more accessible. Everybody will understand that local government elections are coming up right across the state. We hope there will be greater participation in local government; however, at the same time it must be one person, one vote. There will not be the situation that seemed to be supported by the member for Mornington where depending on how much property you owned you could go on merrily voting time after time. That should not and will not be the case. I am very proud to be part of a government that is changing that.

Proportional representation will wipe out the winner-takes-all situation that currently exists in multimember wards. It will also make sure there is a cross-section of representation in local government. That is important for the communities and important for local government. It is important that people right across our larger local government areas get the opportunity to be represented. The restriction of voting to residents and ratepayers will be important for the continued credibility of local government.

The oath of allegiance is now optional. It has not been thrown out. This is not republicanism by stealth, as the member for Bass claimed. This is giving people an opportunity to take it or leave it, and they can explain to their constituents why they are swearing allegiance to a foreign national.

Mr Smith — She is the Queen of Australia.

Mr JENKINS — The member for Bass talked about this being an attack on local government by this government. Nothing could be further from the truth. This is a recognition of the importance of local government, a recognition of the great job it does; and importantly it is in stark contrast to what happened in those years when democratic councillors were

unceremoniously thrown out without any consultation by the Kennett government. This government wants to work with local government. The government is working with local councils and their communities. I commend the bill to the house.

Mr BAILLIEU (Hawthorn) — I rise to speak on the Local Government (Democratic Reform) Bill. I do so as a resident and ratepayer in the City of Boroondara. Boroondara is a proud council. It has a character all of its own, and I hope that character is maintained and reinforced in years to come — the character and independence of councils is the important thing.

Other speakers on this side of the house have expressed concern about clause 40 and proportional representation. I do not propose to repeat those comments. I want to briefly mention some other reservations that I have. Other members have mentioned concerns about the voting franchise. The previous speaker was adamant that this was a good move, but I note that he failed to mention that there is an exception for the Melbourne City Council. I do not think you can have a bob each way on this — you are either in favour of it or you are not. The reality is that if it is good enough for the Melbourne City Council, I am not sure why it should not be good enough for elsewhere. It has worked satisfactorily previously.

I comment also on the remarks of the honourable member for Bellarine, who earlier talked about the rate rebate provisions in clause 84. They are interesting provisions, but the devil may be in the detail, and the proof of the pudding will be in the eating, just to throw in a few metaphors. I will be interested to see how these rebate provisions work, and I am not sure they will be quite as successful as expected.

I want to concentrate on four items — four-year terms; alignment; casual vacancy provisions, and the effective entrenchment and encouragement of party politics in local government.

Firstly, on the question of four-year terms instituted under clause 15, my concern is that four years is actually a fairly heavy burden. It is not something that has received great attention, and I suspect that in the consultation that has taken place and in the decisions of those councils who have supported four-year terms and an alignment, decisions have been made in good faith; but a four-year term for a councillor is a heavy burden. A re-election of a councillor in that case means an eight-year career in council; and of course that could extend to a 12-year career in council, if not longer. I suspect that that will alter the balance between the power of the elected councillors and the council bureaucracies. We need to be cautious about that. The burden may be such as to discourage a lot of people from standing for local government, and that would be a pity.

I want to talk about alignment, which is in clause 15. My concern about alignment goes to the issue of the character and independence of particular local governments. The risk about alignment, as it eventually pans out, after total alignment is introduced by 2008 is that election processes at councils will be homogenised. Instead of having character, independence and local issues in focus, we will have systemic issues in focus, cross-state issues and centralised campaigns running those elections.

We run the risk of losing the character of local government and the independence of those local councils, and we also run the risk of cross-council campaigns being undertaken. That is potentially to the detriment of local government. I do not want to see local government lose its focus. I want to see it be local. I do not want to see systemic campaigning and systemic issues being the predominant ones at election time, and there are concerns that need to be addressed and watched carefully.

I trust that those who sought to support alignment have done so in good faith, but I am not sure this has been thought through in the way it might have been.

On the issue of casual vacancies, others have spoken at length about this, and once again I believe the devil will be in the detail. The casual vacancy provisions have been anticipated extensively; and in clause 50, even multiple extraordinary vacancies have been taken into account. But a range of issues arise, and I am sure we will see them because what happens in election processes, particularly at the local government level, is that if you can do it or it can be done, it will be done. Candidates and organisations will find a way to manipulate the system.

That is a natural process, I suppose, but the casual vacancy provisions here are such that we may find this manipulation being to the detriment of local governance. The availability of replacements, the countback system involved, the actual counting details — we need to know more about them, and I trust that when we are in the committee stage on this bill we will hear more about those systems.

I want to comment now on the risk I see in the reforms or changes entrenching party politics. The Liberal Party

has stayed out of local government in any systemic or organised way. We have never preselected candidates in this state, and I do not think the Liberal Party is likely to do that in the future. But the reality is that the changes in the bill will encourage tickets or group voting, and while previous speakers have suggested that other systems encourage tickets, there is no doubt that the proportional representation (PR) system actually demands the use of tickets.

Mr Cameron interjected.

Mr BAILLIEU — We have a PR system in the Senate, Minister, and that has led to the active encouragement of tickets. Most Australians are now aware of that and will see that develop as party politics across local government. That is potentially a detriment.

The administrative burden placed on candidates by some of the provisions in this bill will be high. I suspect that those administrative provisions will work to the discouragement of candidates, and coupled with the prospect of four-year terms and the burdens imposed there, one runs the risk that basically independent potential candidates will be discouraged from the process.

The opposition has proposed a reasoned amendment, but I am far from convinced that some of the measures in this bill will improve the governance and management of local government. I trust that the system will not be abused, and where and if it does get abused, that those problems will be ironed out as we go along.

Mr LOCKWOOD (Bayswater) — I rise to support the bill. It is interesting to see that the former local government practitioners in the house tend to make contributions, and I am one such former practitioner. I was a councillor at Knox, which has been in the news lately. I represented it in 1993–94, and then again in 2000–03.

Of course, my tenure in 1994 was terminated abruptly by the Kennett government in what was a travesty of democracy. Victoria's local government needed reform at the time, but it was done in a way that was heavy-handed and un-democratic — the trademarks of the government the day. By contrast, the Bracks government has consulted extensively on the bill over the last three years. This government listens, then acts, and it acknowledges the legitimacy of local government.

Local government is often said to be the level of government at the grassroots, the one most in touch with ordinary people. It implements community-based programs on behalf of other levels of government. It has connections for many community groups and provides the most basic of local facilities like rubbish collections and roads, not to mention pools, community centres, sporting fields and senior citizen centres.

Consultation on this bill began in 2000 with scoping submissions from councils and continued with working groups, sessions with the peak bodies, consultation papers and the like to ensure all possible views were taken into consideration.

The bill has a number of elements which are of interest to me. In the last council elections we had a candidate who stood for election to two different councils, both in my electorate. He was successful in one only but he will not be able to repeat this performance. He will have to make his choice next time — one, and only one. Both councils in my area have single-member wards so they will not be immediately affected by the changes to proportional representation.

Some councils seem to spend more time arguing with other levels of government than getting on with their own job, and that result can be seen in Knox. It has not paid enough attention to its own community and is on the receiving end of that community's wrath right now. Councils should not take their own communities for granted, and do so at their peril. They need to communicate effectively so people understand the decisions and the reasons for them. Where there are concerns they must respond. Where there is hardship generated by council decisions they have a responsibility to act to mitigate the hardship. They must avoid arrogance and ensure they are attuned to their community. Junk mail is no substitute for consultation.

At a community meeting in Knox the other night we had the extraordinary spectacle of a person complaining about a 400 per cent increase in their rates and asking how they were to manage their budget, only to be told by would-be Liberal candidate for Ferntree Gully that they should get a better accountant! On that note, I commend the bill to the house.

Mr INGRAM (Gippsland East) — It is a pleasure to rise to speak on this bill. I will try and keep my contribution reasonably brief, but we are debating an extremely important piece of legislation. We have had a number of debates on this local government legislation, but I would like to raise a few issues. I know the house is keen to get through the committee stage, so I will try to be brief.

I support absolutely proportional representation. That is the best method, and I congratulate the National Party for its position on that. It is good that the National Party has seen how divisive exhaustive preferential voting can be in councils and how it forces candidates to band together. We need the best available candidates to get elected to local government. Anything that interferes with that, such as exhaustive preferential voting, should be rejected.

I want to comment on the disclosure provisions contained in the Local Government (Democratic Reform) Bill. We heard in the briefing, for which I thank the officers of the department, that the basis of those disclosure provisions was the Electoral Act 2002 — until it was gutted! We have just had a discussion about that today: the disclosure provisions that were contained in the 2002 Electoral Act were used to draw up the disclosure provisions in the Local Government (Democratic Reform) Bill, so we place a higher standard of disclosure on local government than we do on ourselves. The hypocrisy of that really demands some explaining. Is there more corruption in local government? I suppose I should not ask that question here, but is there more chance for people in local government to misbehave or be influenced by donations? I am not saying we should not have disclosure provisions — I think we should — but we should have them as well for state elections, because they are equally as ordinary.

I would like to thank Geoffrey Goode from the Proportional Representation Society of Australia for sending his views on Robson rotation. That is something that should have been included in this because it breaks down any potential for tickets under proportional representation, and it also breaks down some of the party involvement. I know everyone around here says there is limited party involvement, but I think most people who are close to local government recognise that there is.

I conclude by saying local government is the most important level of government, which may sound strange coming from a state member, but it is closest to the community. Local government deals directly with the community on many issues and often on a day-to-day basis. Rural areas in particular do most of their negotiation and dealing through local government, so local government is absolutely critical to rural areas. People have to make sure they get the best people on local government to put their views forward because of the difficulties placed on a lot of our communities. It is a good bill. It presents a few challenges, and probably a few issues in it need more addressing, but overall it should be supported by the house.

Mr CAMERON (Minister for Agriculture) — This bill is very good for Victoria and a positive step forward for local government. I thank honourable members for their contributions.

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

Ayes, 65

Allan, Ms	Languiller, Mr
Andrews, Mr	Leighton, Mr
Barker, Ms	Lim, Mr
Batchelor, Mr	Lindell, Ms
Beard, Ms	Lobato, Ms
Beattie, Ms	Lockwood, Mr
Brumby, Mr	Loney, Mr
Buchanan, Ms	Lupton, Mr
Cameron, Mr	McTaggart, Ms
Campbell, Ms	Marshall, Ms
Carli, Mr	Maughan, Mr
Crutchfield, Mr	Maxfield, Mr
D'Ambrosio, Ms	Merlino, Mr
Delahunty, Mr	Mildenhall, Mr
Delahunty, Ms	Morand, Ms
Duncan, Ms	Munt, Ms
Eckstein, Ms	Nardella, Mr
Garbutt, Ms	Neville, Ms
Gillett, Ms	Overington, Ms
Green, Ms	Perera, Mr
Haermeyer, Mr	Pike, Ms
Hardman, Mr	Powell, Mrs
Harkness, Mr	Robinson, Mr
Helper, Mr	Ryan, Mr
Herbert, Mr	Savage, Mr
Holding, Mr	Seitz, Mr
Howard, Mr	Stensholt, Mr
Hulls, Mr	Sykes, Dr
Ingram, Mr	Thwaites, Mr
Jasper, Mr	Trezise, Mr
Jenkins, Mr	Walsh, Mr
Kosky, Ms	Wilson, Mr
Langdon, Mr	

Noes, 17

Asher, Ms	Mulder, Mr
Baillieu, Mr	Napthine, Dr
Clark, Mr	Perton, Mr
Cooper, Mr	Plowman, Mr
Dixon, Mr	Shardey, Mrs
Doyle, Mr	Smith, Mr
Honeywood, Mr	Thompson, Mr
Kotsiras, Mr	Wells, Mr
McIntosh, Mr	

Amendment negatived.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 35 agreed to.

Clause 36

Mr BAILLIEU (Hawthorn) — I would like the minister to explain to the committee the countback arrangement for casual vacancies.

Mr CAMERON (Minister for Agriculture) — Clause 36 provides that, in the event of the death of a candidate, if the number of the remaining candidates does not exceed the remaining vacancies they are declared elected. This change is required as a consequence of clause 69 in the bill.

This change allows the returning officer to declare all candidates to be elected at the same time, even those in uncontested wards. The existing provision requires the declaration for uncontested wards to be immediately after the closure of nominations, which can be impractical. In the event that an election becomes uncontested because of the resignation or death of a candidate after the close of nominations, compliance with the provision is impossible.

There is a specification that if a by-election is required following the death or resignation of a candidate, this vacancy is deemed to have occurred on election day. This is important for determining the last day on which the by-election may be held. Also, if a by-election is required because there were insufficient candidates in the general election, the voters roll prepared for the general election is to be used for the by-election. In that way it will allow the by-election to be conducted in a significantly shorter time period.

The CHAIR — Order! Before calling the member for South-West Coast, I understand the member for Bass has amendments to clause 40 which have not yet been circulated to the house. Does the member propose to continue with those amendments? If so, we will circulate them.

Mr SMITH (Bass) — I do not wish to proceed with the amendments in the committee stage.

Dr NAPTHINE (South-West Coast) — I would ask the minister to clarify his remarks. I was trying to follow his comments and I found it difficult to understand what would actually happen if you had, for example, a nine-member council that was elected in 2006 for a four-year term and in 2008 one of those councillors tragically died. What would be the process for electing the replacement councillor? How would it actually work?

Mr CAMERON (Minister for Agriculture) — Let us imagine that we are in the council where the Victorian Electoral Commission (VEC) has conducted the course of the election. What would then occur is that the returning officer would distribute the votes again as if the person who was there previously was not there any longer.

Mr BAILLIEU (Hawthorn) — On the same issue, I ask the minister to explain how the availability or unavailability of any candidates who were not elected would affect the outcome of such a countback. I invite the minister to address the question of how the availability or unavailability of any remaining candidates who were initially not elected would affect the outcome of any countback, and what the processes are in particular for the unavailability of such a candidate then being taken into account.

Mr CAMERON (Minister for Agriculture) — My understanding is that these provisions will work in the same way as occurred with the countback provisions that were put into the Local Government Act in 1996.

Mr SMITH (Bass) — In regard to proposed section 36 (4A), which is to be inserted, it says:

> (4A) A vacancy to which sub-clause (4) applies is to be filled at a by-election held using the voters' roll certified for the general election in respect of which the vacancy has arisen.

Using the same example used by the member for South-West Coast, does that mean if somebody dies after two years and that there are not others who were on the roll for the election at the time, that the people who have come onto the roll in that two years and those who had disappeared would not be counted at all, so that in 2006 we would be voting on the roll that was then in place? And it may be two years, maybe up to three and a quarter years further on? Are we talking about using the same roll in 2006? That is what it says in the bill that the government is trying to put into place.

Mr CAMERON (Minister for Agriculture) — The countback occurs at the time that the election is held.

Dr NAPTHINE (South-West Coast) — The minister misunderstood the question. If there is a by-election two or three years subsequently and there are no other candidates available to fill that spot, what electoral roll will be used?

Mr CAMERON (Minister for Agriculture) — If I can just clarify this: are we talking about proposed subsection 2a in clause 36? I will seek some further technical advice.

Clause 10(4) of schedule 2 and proposed subclause (4A) relate to that. Clause 10(4) states:

A vacancy caused if there is no candidate or the number of candidates is less than the number of vacancies is to be treated as an extraordinary vacancy occurring on the 31st day before election day.

What we are talking about in proposed subclause (4A) is a vacancy that arises under subclause (4) arises. I will give an example of how that might occur in practice. Let us say you have a council where there are nine members but only eight people stand. Those eight people would be elected. However, there would then need to be another election held straightaway for that last position. We are not talking about something that can occur two years later; we are talking about an election that occurs straight after the time at which the election otherwise would have occurred.

Mr SMITH (Bass) — I am sorry, but that is not what it says. The minister should read it. What the government is trying to put into the act is what I have explained to the house, which is that people who are on the voters roll at the time of the original election are the only ones who will be entitled to vote if a casual vacancy arises.

The CHAIR — Order! The member for South-West Coast has already spoken on two occasions on this clause and therefore cannot speak on it again.

Mr CAMERON (Minister for Agriculture) — I think I know what is occurring with the honourable member for Bass. If we go to line 19 at page 70 of the bill, it states:

"(4A) A vacancy to which sub-clause (4) applies …

That (4) on line 19 does not relate to the (4) on line 17; that relates to the (4) in schedule 2. If you go to line 17, it says:

After clause 10(2) of Schedule 2 of the Local Government Act 1989 insert —

"(4A) …

In other words, that is clause 10(4A) of schedule 2. What it means is the election is held immediately after when the election otherwise would have occurred, not a couple of years later. I think that is now clear!

Clause 36 agreed to; clauses 37 to 39 agreed to.

Clause 40

Mr SMITH (Bass) — Clause 40 is in regard to proportional representation. I spoke in the second-reading debate about the concerns that have been raised. Our party is not supporting the proportional representation side of this bill that is being pushed through. I wanted to ask some questions of the minister in regard to this, and I would like to know how the countback system will work under proportional representation. In filling a casual vacancy, how will the system work? We were briefed. We spoke to people in local government. We have spoken to a number of different groups, and nobody seems to understand how this system is actually going to work.

Mr NARDELLA (Melton) — It is very simple. The proportional representation system is a very fair one, and that is why we are putting it in place. Essentially when a by-election occurs the existing people on the ballot paper who have not been elected remain part of the countback, and the votes of the person that has caused the vacancy — that is, the councillor that has needed to retire or has died — are then distributed. That would most probably elect another person. If it does not do so straight up, then there are further deliberations where candidates' votes are counted back.

Ultimately it reflects — and this is the important part of this legislation — the will of the people at the time of the election. It is much fairer and it is done in such a way that it will ensure that the democratic will of the people will be put in place regardless of what point in time a by-election occurs within that electoral term. It is used quite frequently in other jurisdictions. I certainly support the clause before the house.

Mr INGRAM (Gippsland East) — The countback provisions should get the support of this house. This is an issue that was debated in the reform of the upper house in the debate on the constitution reform bill. I might say it is the fairest way to go about replacing members if they die; in that countback basically there is a recount as if the deceased person did not exist.

That is something we should look at doing at a state level. This has worked in Tasmania and other states. It is a well-entrenched position and is deemed fair. It is much fairer than many of the systems we see the parties are pushing around Australia, such as replacing deceased members with some party hack or a person who may not get the full support of the constituents voting in that election.

Mr CAMERON (Minister for Agriculture) — I thank the honourable member for Gippsland East for his comments, but in Victoria we like to do things the Victorian way. A countback will work in the same way as the countback worked when the Kennett government inserted those provisions into the Local Government Act in 1996.

Honourable members will recall that it came about because the Kennett government allowed for a system where half the people would be elected to wards and the other half would be elected via proportional representation across the whole of the municipality. It is very odd that the opposition parties oppose it because they loved it then. Nillumbik Shire Council was a council that had that system. If members opposite want to know how the system works, then they should look at the way it worked during the Kennett era.

When a large municipality is not divided into wards, there are a lot of people who vote — for example, we had an issue with a council in the Western District where someone died near the end of their term, a by-election had to be held and the council had to go to the expense of that by-election. That will not be necessary as a consequence of these changes being introduced. We took this to the election and the public said, 'Get on with the job'. As a government we are getting on with the job.

Mr SMITH (Bass) — Can the minister explain what will happen if the newly elected replacement councillor, after maybe three years, is overseas, cannot be found, has decided that he will not stand or does not want to stand, has been jailed, has died or is not able to — —

Business interrupted pursuant to sessional orders.

The CHAIR — Order! The time appointed under sessional orders for me to interrupt has arrived. I am required by sessional orders to put the questions necessary for the passage of the bill.

Clauses 40 to 104 agreed to.

Reported to house without amendment.

Remaining stages

Passed remaining stages.

RESIDENTIAL TENANCIES (AMENDMENT) BILL

Second reading

Debate resumed from 29 October; motion of Ms PIKE (Minister for Health).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

ANIMALS LEGISLATION (ANIMAL WELFARE) BILL

Committee

Resumed from 29 October; further discussion of clause 44.

The SPEAKER — Order! In relation to the Animals Legislation (Animal Welfare) Bill we are required to test the amendment of the member for South-West Coast. The question is that the expression '(2) For section' stand part of the bill.

House divided on question:

Ayes, 56

Allan, Ms	Kosky, Ms
Andrews, Mr	Langdon, Mr
Barker, Ms	Languiller, Mr
Batchelor, Mr	Leighton, Mr
Beard, Ms	Lim, Mr
Beattie, Ms	Lindell, Ms
Brumby, Mr	Lobato, Ms
Buchanan, Ms	Lockwood, Mr
Cameron, Mr	Loney, Mr
Campbell, Ms	Lupton, Mr
Carli, Mr	McTaggart, Ms
Crutchfield, Mr	Marshall, Ms
D'Ambrosio, Ms	Maxfield, Mr
Delahunty, Ms	Merlino, Mr
Duncan, Ms	Mildenhall, Mr
Eckstein, Ms	Morand, Ms
Garbutt, Ms	Munt, Ms
Gillett, Ms	Nardella, Mr
Green, Ms	Neville, Ms
Haermeyer, Mr	Overington, Ms
Hardman, Mr	Perera, Mr
Harkness, Mr	Pike, Ms
Helper, Mr	Robinson, Mr
Herbert, Mr	Seitz, Mr
Holding, Mr	Stensholt, Mr
Howard, Mr	Thwaites, Mr
Hulls, Mr	Trezise, Mr
Jenkins, Mr	Wilson, Mr

Noes, 26

Asher, Ms	Mulder, Mr
Baillieu, Mr	Napthine, Dr
Clark, Mr	Perton, Mr
Cooper, Mr	Plowman, Mr
Delahunty, Mr	Powell, Mrs
Dixon, Mr	Ryan, Mr
Doyle, Mr	Savage, Mr
Honeywood, Mr	Shardey, Mrs
Ingram, Mr	Smith, Mr
Jasper, Mr	Sykes, Dr
Kotsiras, Mr	Thompson, Mr

McIntosh, Mr Walsh, Mr
Maughan, Mr Wells, Mr

Dr Napthine's amendment negatived.

Government amendment 3 as follows and clause 44 as amended agreed to:

3. Clause 44, page 68, line 22, omit "4a" and insert "42".

Clauses 45 to 67 and schedule agreed to.

Remaining stages

Passed remaining stages.

PAPERS

Laid on table by Clerk:

Barwon Region Water Authority — Report for the year 2002–03

Central Gippsland Region Water Authority — Report for the year 2002–03

Central Highlands Region Water Authority — Report for the year 2002–03

Coliban Region Water Authority — Report for the year 2002–03 (two papers)

Dairy Food Safety Victoria — Report for the year 2002–03 (three papers)

East Gippsland Region Water Authority — Report for the year 2002–03 (two papers)

EcoRecycle Victoria — Report for the year 2002–03

Environment Protection Authority — Report for the year 2002–03 (two papers)

Financial Management Act 1994:

Reports from the Minister for Agriculture that he had received the annual reports for the year 2002–03 of the:

Phytogene Pty Ltd

Veterinary Practitioners Registration Board of Victoria

Report from the Minister for Environment and Minister for Water that he had received the annual report for the year 2002–03 of the Trust for Nature

Report from the Minister for Water that he had received the annual report for the year 2002–03 of the Casey's Weir and Major Creek Rural Water Authority

Gippsland and Southern Rural Water Authority — Report for the year 2002–03 (two papers)

Glenelg Region Water Authority — Report for the year 2002–03

Goulburn Valley Region Water Authority — Report for the year 2002–03

Goulburn-Murray Rural Water Authority — Report for the year 2002–03

Grampians Region Water Authority — Report for the year 2002–03 (two papers)

Lower Murray Region Water Authority — Report for the year 2002–03

North East Water — Report for the year 2002–03

Parks Victoria — Report for the year 2002–03 (two papers)

Portland Coast Region Water Authority — Report for the year 2002–03

Royal Botanic Garden Board — Report for the year 2002–03

South Gippsland Region Water Authority — Report for the year 2002–03

South West Water Authority — Report for the year 2002–03

Sunraysia Rural Water Authority — Report for the year 2002–03

Victorian Catchment Management Council — Report for the year 2002–03

Victorian Coastal Council — Report for the year 2002–03

Western Region Water Authority — Report for the year 2002–03

Westernport Region Water Authority — Report for the year 2002–03 (two papers)

Wimmera-Mallee Rural Water Authority — Report for the year 2002–03

Zoological Parks and Gardens Board — Report for the year 2002–03.

FORESTS AND NATIONAL PARKS ACTS (AMENDMENT) BILL

Second reading

Mr THWAITES (Minister for Environment) — I move:

That this bill be now read a second time.

The purpose of the bill is to amend the Forests Act 1958 in order to implement key government commitments in relation to sustainable yield and Vicforests and to make some minor improvements to the administration of the act. It also amends the National Parks Act 1975 and the Fisheries Act 1995 in relation to marine national parks.

Forest provisions

The bill will remove the current requirement to supply hardwood sawlogs within a permitted margin of plus or minus 2 per cent of the sustainable yield figures specified in the third schedule. This was a key commitment of the government's Forests and National Parks election policy. It also fulfils one of the recommendations of the national competition policy review of the Forests Act, by ensuring that the government is not required to supply sawlogs up to the sustainable yield level regardless of demand. This also means that the government will not have to sell timber regardless of the ability of the forest to supply certain species and grades.

The government's voluntary licence reduction program, which is now drawing to completion, has reduced hardwood sawlog volumes allocated on licence by 32 per cent across the state. This reduction was critical to ensure the future of the Victorian timber industry and that sustainable allocations are possible into the future.

The work of providing reliable and up-to-date timber resource information continues. The Bracks government has brought forward the completion of the statewide forest resource inventory. When completed, it will provide a comprehensive and consistent database for determining future timber resource availability.

The statewide forest resource inventory process will also assist in assessing the impact of last summer's north-east and Gippsland bushfires on future timber resource availability.

The government has decided not to change the third schedule at this time. New sustainable yield levels will be available following the completion of the voluntary licence reduction program and the statewide forest resource inventory. In the interim, licence levels will not exceed those set at 1 November 2003, apart from those areas subject to salvage operations as a result of bushfires, where some variations may be required.

The bill also contains provisions to enable powers to be delegated to Vicforests so that it can carry out its functions. By facilitating the operation of Vicforests, these provisions assist the government to meet another key national competition policy review recommendation.

There is also a new regulation-making power to apply, adopt or incorporate documents by reference, in line with modern legislation. This means, for example, that regulations which refer to Australian standards will not have to change each time the standard changes.

The provisions in this bill are small but vital steps towards full implementation of the government's new vision for sustainable forest management and a sustainable native timber industry.

There is much that the government has already done since last year, when it released *Our Forests, Our Future*, a landmark policy statement about the management of our forests. It committed $80 million towards industry adjustment, forest reforms and improved stewardship measures.

Central to the Our Forests, Our Future policy was the need to reduce over 247 000 cubic metres per annum of 'D' grade or better sawlogs. The reductions were necessary to address the question of sustainable logging in Victoria's publicly owned forests and to provide the basis for the future operation, development and investment in the Victorian industry.

The Our Forests, Our Future policy has led to the buyback of over 260 000 cubic metres of hardwood sawlogs per annum. A further 22 000 cubic metres per annum have been transferred from unsustainable areas by way of resource swaps. These reductions have been achieved well ahead of schedule. Following the voluntary licence surrenders, 30 mills have closed in an orderly manner with government assistance. Assistance to associated workers and contractors is being provided by the worker assistance program and the contractor assistance program.

As of 30 September 2003, about 450 people have been deemed eligible for the worker assistance and contractor assistance programs. Further, almost 80 per cent have either returned to the work force or are retraining for new positions. It is noted that only 9 per cent of these people are still actively seeking employment.

The government has also initiated a number of improved forest stewardship measures. I have already mentioned acceleration of the statewide forest resource inventory. Other actions under way include:

clear separation of Ministerial responsibilities so that

the Minister for Environment will be responsible for broad land stewardship

the Treasurer and the Minister for Agriculture will be responsible for commercial timber operations through Vicforests;

development of a rigorous system to monitor and report on annual timber harvesting performance with

a feedback link to future estimates of sawlog resource;

implementation of the Wombat community forest management trial;

the Environment Protection Authority (EPA) having taken on responsibility for conducting independent audits of timber harvesting operations in public native forests; and

development of an environmental management system to ensure a constant striving for continual improvement in the delivery of sustainable forest management.

The government has funded initiatives to support regional communities, such as the Timber Towns Support program and the Timber Towns Investment Support program. The first program is providing funding of $8.74 million for 35 projects across 10 shires. The second program is expected to facilitate $71.8 million of investment over 32 regional businesses to stimulate growth and jobs in affected towns.

Additional government commitments in the November 2002 Forests and National Parks policy create a new Otways National Park and the phase-out of logging and woodchipping in the region by 2008.

The government has already announced the cessation of woodchipping in the Wombat Forest and, in consultation with local communities, we have been working to identify a new approach to harvesting sawlogs which is both sustainable into the future and sensitive to the local economic and environmental needs.

The government continues to assist the long term development of the timber industry, having allocated $9 million over four years for a plantation incentive strategy, recognising the potential for jobs and growth in regional Victoria from this sector.

However, there is more that still needs to be done. The government is not resting on its laurels. We have a vision for ensuring a sustainable future for our state forests, based on:

recognising and protecting the multiple and important values of our forests including conservation and biodiversity, cultural heritage, tourism and recreation, water, carbon sequestration, grazing, apiculture, firewood and timber production;

ensuring that all uses of our forests are sustainable;

providing the right settings for a range of jobs and investment compatible with protecting our precious natural environment;

embracing community participation and allowing access for a broad range of community purposes;

enshrining transparency and accountability; and

protecting forest ecosystems from wildfire, disease, pests and weeds.

The government's new framework for sustainable forest management includes a commitment to a sustainable native timber industry.

The industry will continue to provide jobs and investment in Victoria, and should comprise participants with the capacity to:

develop to the scale required to support vital re-investments;

meet contemporary standards for environmental and occupational health and safety performance;

meet contemporary standards for economic and business performance;

increase the proportion of logs processed further than the green sawing stage; and

develop a cost competitive and viable harvest and haulage sector.

The industry will be based on timber sourced at a sustainable level from specified areas of state forests and from plantations on private land. Eastern Victoria will be the principal source of commercially harvested state forest timber. Plantations will provide long-term growth potential for future timber resources.

The primary purpose of state forest timber harvesting will be sawlog production. However, resource efficiency considerations should permit the full utilisation of residual logs, thinnings and sawmill residues for other purposes, such as paper production.

How are we going to achieve these twin visions?

The establishment of Vicforests as a state business corporation under the State Owned Enterprises Act, will assist in creating a clear separation between commercial timber operations and the government's broader land stewardship functions.

The proposed functions of Vicforests are to:

undertake the sale and supply of timber resources in Victorian state forests, and related management activities, as agreed by the Treasurer and the Minister for Agriculture, on a commercial basis;

develop and manage an open competitive sales system for timber resources; and

pursue other commercial activities as agreed by the Treasurer and the Minister for Agriculture.

The Department of Sustainability and Environment (DSE) will retain responsibility for policy, regulatory and monitoring functions as they relate to state forests. It will remain the land manager, responsible for managing state forests sustainably, for the entire range of forest uses and values. This includes biodiversity, water, cultural heritage protection, recreation, fire, and pest and weed management.

The department is developing a new sustainable forest management framework based on:

clearly articulated sustainability principles;

a set of sustainability criteria and indicators which go beyond sawlog production;

transparent measuring and reporting processes;

transparent and participative planning processes and greater community engagement;

a stronger monitoring and compliance regime; and

independent auditing of timber harvesting operations.

Areas available for timber harvesting have been and will continue to be determined through transparent and participative public processes. At the strategic land use planning stage, the processes of the Victorian Environmental Assessment Council and its predecessor organisations have played a key role in determining the status of public land, whether as state forest or part of the parks and reserves system. Within state forests, the regional forest agreement processes have identified areas available for timber harvesting and have also set aside additional areas for conservation protection. Forest management plans and the Code of Forest Practices for Timber Production provide further parameters and prescriptions that are part of the planning framework in which timber harvesting must occur.

These or similar processes will continue to be used to determine areas available for timber production and enable Vicforests to plan its operations and commitments. It is anticipated that there be regular reviews of the plans to ensure that forest sustainability criteria are being met and to support the long-term sustainability of the industry and the resource.

Making forest areas available for harvesting involves direct costs which can be quantified and should be recovered. Vicforests will be required to develop a market-based pricing and selling system, which recovers costs and provides an appropriate return to government.

The government's vision that state forest timber harvesting be sustainable while also enabling the development of an innovative, sustainable and profitable industry will be a key guiding principle for Vicforests sale of timber resources.

The charter given to Vicforests by government will include requirements that it operate commercially and that its activities conform with the government's vision for the timber industry and its broader forest environmental policies.

The government is mindful of the industry's position that longer term timber entitlements strengthen the incentives for investment in capital plant and equipment, innovative technologies, value adding and marketing.

The long-term allocation of timber resources to Vicforests, based on sustainability principles, will provide certainty for industry's forward planning.

Implementation of some of these measures will require legislative change. I am looking forward to introducing new legislation next year.

Marine national park provisions

I now turn to the marine national park provisions of the bill.

The creation of 13 marine national parks and 11 marine sanctuaries last year was a major achievement for all concerned. The purpose of this bill is only to clarify or make minor corrections to the plans of four of the marine national parks, as follows:

the Cape Howe and Corner Inlet park plans are amended to remove any doubt over the location of three boundaries;

a typographical error in a boundary coordinate on the Point Addis park plan is corrected, which results in an excision; and

the remainder of Clifton Beach is excluded from the Twelve Apostles park, as intended, and the intertidal zone of the excised area reinstated as part of Port Campbell National Park.

The National Parks Advisory Council has been consulted over the two excisions and does not oppose them.

I commend the bill to the house.

Debate adjourned on motion of Mr PLOWMAN (Benambra).

Debate adjourned until Thursday, 13 November.

CHILD EMPLOYMENT BILL

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 3, page 4, after line 7 insert —

   "'**extended family member**" of a child, means an adult who is a grandparent, aunt, uncle, brother or sister of the child;'.

2. Clause 3, page 4, after line 10 insert —

   "'**inland waters**" means —

   (a) any swamp or lake;

   (b) any waterway, channel or anabranch from its mouth to its source and any inlet, backwater or lagoon connected with it;

   (c) any other lagoon, backwater, anabranch or billabong;

   (d) any reservoir, dam, tank, channel or works for water storage or distribution;

   (e) any other waters declared by regulations under the **Fisheries Act 1995** to be inland waters for the purposes of that Act;'.

3. Clause 12, lines 12 and 13, omit "within the meaning of the **Fisheries Act 1995**".

4. Clause 13, line 20, after "paragraph (c)" insert "who is not a parent, guardian or extended family member of the child".

5. Clause 16, page 16, line 14, after "section 13(2)(c)" insert "who is not a parent, guardian or extended family member of the child".

6. Clause 19, after line 17 insert —

   "( ) the person is a parent, guardian or extended family member of the child; or".

7. Clause 19, after line 20 insert —

   "( ) a parent, guardian or extended family member of the child; or".

Mr HULLS (Attorney-General) — I move:

That these amendments be agreed to.

In so doing I simply make it clear that the amendments relate to an extended family member, whereby a grandparent, aunt, uncle, brother or sister of a child will not be required to undergo a police check after further consultation; and will ensure that a police check under division 2 of the bill is not required where a child under 15 years is employed or supervised by their parents, grandparents, aunts, uncles or adult siblings. We believe the amendments are appropriate and there has been consultation on that particular matter. Again, it shows that as a government we are prepared to listen to the community.

The other amendment relating to inland waters was a matter that was raised by the honourable member for Gippsland East. That amendment introduces an amended definition of inland waters, which does not exclude the Gippsland Lakes or any other lake or inlet. The effect of this amendment is that the employment of a child on a fishing boat on the Gippsland Lakes will not be prohibited. I thank the honourable member for bringing that particular matter to the attention of the government. We have made that amendment in the upper house.

The second-reading speech was amended in the upper house because some issues were raised in relation to the definition of employment. The second-reading speech was therefore amended to note that the government would expect that determining whether an activity constitutes employment will involve the consideration of a number of factors. These could include factors such as the nature of the activity performed, or the assistance provided by the child; the regularity of the assistance provided by the child; the duration of the assistance provided by the child; the intention of the parties; and whether the assistance provided is integral to the business being carried out.

The government has always believed it is impractical to attempt to legislate for every scenario. I might also say that the definition of employment under this bill is the same as the definition that has always applied under the Community Services Act. Nonetheless we have further clarified it with an amendment to the second-reading speech.

I know some views have been expressed as to whether or not permits should be required at all, particularly in

relation to farms, but I say simply that they have always been required. They were required under the Bolte legislation, and we have actually removed much of the red tape in relation to permits so immediate family members no longer require permits, and we have removed the requirement for police checks. It is nothing new. The fact is that permits have always been required, but we have removed much of the red tape. I wish this bill and these amendments a speedy passage.

Mr McINTOSH (Kew) — The amendments the Attorney-General has put before the house relate principally to the concerns of the opposition about clauses 13 and 16. Clause 13 is the provision dealing with an application for a permit. A parent or guardian must make an application for a permit to the secretary, and one of the documents that must be supplied by them when making that application is a police check. After a considerable amount of debate on this in the other place and certainly in the broader community, the government finally understood to some extent the level of anger in the community about police checks, particularly for those in the extended family — that is, grandma, grandpa, aunts and uncles. Accordingly it sought to amend the provision to limit the requirement for a police check to be done on grandma, grandpa, aunts, uncles, brothers and sisters.

I emphasise that the most important thing, certainly in the view of the opposition, is that it does not go far enough, because under this bill a police check is still a requirement when employment is undertaken at a farm, other property or business of grandma, grandpa, aunts, uncles, brothers and sisters. The opposition has always taken the view that it is a substantial imposition on family businesses and farming communities, and the level of hostility that this bill has created makes a mockery of the view that the government has consulted broadly on this matter. Many people have expressed their concerns to me, and I have spoken to other members who have received a huge number of responses about clause 13, the permit provision. The level of anxiety created in the community is profound.

The other thing we must remember is that the government is truly disingenuous when it talks about the way this bill will operate in relation to permits and police checks. We are told that this provision is there to protect children in the education system, but it adopts parts of the pre-existing permit system which had virtually been ignored in this state for over 30 years. Yes, it was a piece of Bolte legislation, but it was honoured in the breach. The fact that something was in a previous piece of legislation does not justify introducing it in a new piece of legislation, particularly when it was being ignored and honoured in the breach.

The other thing is that the government and the Attorney-General have justified this by saying, amongst other things, that farm workplaces are the most dangerous workplaces in Victoria. Despite substantial evidence to the contrary in relation to children and the injuries that occur on farms, the fact is that this Attorney-General persists in saying we are protecting children. If it was, as the Attorney-General is saying — and I do not concede the point for 1 minute — that a farming workplace is the most dangerous workplace in Victoria, then surely you would want to require it to be put into the prohibited forms of employment, such as mining, the construction industry, deep-sea fishing and those sorts of matters. If you were truly interested in protecting children you would put it in as part of the prohibited workplaces and therefore non-permitted employment. But no! What we are doing is just uttering that line about the rhetoric.

The other thing is that at no stage has the Attorney-General actually explained, if a farming workplace is a very dangerous workplace, how on God's earth this legislation is going to improve the situation. You apply for a permit, and you provide your police check. The police check does not do anything. If it happens to be me or some of my colleagues on my side of politics, it is probably easily obtained by the government in any event. But the most important thing is how this legislation is going to ensure that children are properly protected if farming workplaces are so dangerous. I believe it is being used as a justification. It is just utter rhetoric.

In relation to the education provisions, sure, we all want to ensure that our children get educated, but this is taking it one step too far and over the top. By defining 'employment' as being a voluntary activity — that is, you do not get paid or have to have any form of contract of employment — you are extending the boundaries far beyond the original legislation, the Bolte legislation, which did not pick up voluntary employment and certainly made no mention of a contract of employment.

The most important thing about this is the confusion that has been created by the government in relation to this matter. You have the Honourable Bob Smith in another place talking about farming workplaces being the most dangerous in Victoria. He was called on to apologise after a long letter I read from Paul Weller, the president of the Victorian Farmers Federation, demonstrated that with workplaces the dangers are just not there in relation to children.

The Attorney-General said he did not know whether voluntary work was included. The other thing is that the permit system — —

Mr Hulls interjected.

Mr McINTOSH — I will quote from an article by the Attorney-General that appeared in the *Weekly Times* of 29 October. He wrote:

> And what is a permit?

We are talking about clause 13. What is a permit under clause 13 of the bill? The Attorney-General's article states:

> Consent: a parent or guardian giving written permission for a child to be employed by another adult.

I believe that it is not too much to ask an employer to get the consent of a parent before they employ a child. The problem is that the minister has completely misunderstood his own legislation. The permit is granted by the secretary of the department. Yes, a parent or guardian applies for the permit, but the permission is not granted by mum and dad, it is granted by the secretary of the department.

On top of that you have the member for Narracan who puts out letters and has no idea about what is going on in relation to these matters. Finally he was caught out propagating misinformation to people who were inquiring about this very important bill, but he did not understand it. Then he turned around and said, 'I am terribly sorry. I blame my staff'. The most important thing is that this legislation has been a cause of substantial criticism of this government. If this government was truly a consulting one, it would not be doing what it is doing.

To conclude, in a letter published in the *Weekly Times* of 8 October Phil Pearson of Croydon posed a very appropriate and the most pertinent question in all of this debate:

> Who is the drongo who thought up the Child Employment Bill?

I say to Phil Pearson of Croydon: the drongo is over there — opposite! The Child Employment Bill is his bill, and it was drafted by a drongo who does not even understand his own legislation.

Mr RYAN (Leader of the National Party) — This issue remains one of the most extraordinarily divisive that I have seen in my time in the Parliament. The reaction through my office as people have come to understand what is contained within this legislation has been of the order that I have not otherwise seen in the time that I have represented the area of Gippsland South.

The key issue at the end is this question of the permitting that is required under clause 13. The different aspects of this were covered very well by my colleague the Honourable Peter Hall in another place, not only in terms of the issues surrounding the argument itself but also of the instances that he was able to highlight which go to the core of all of this — that is, that this is yet another example of what on the face of it is an apparently laudable idea on the part of the government which when put to the test of practical application fails.

To its credit the government pulled down the flag on the issue of police checks, and I commend it for that. However, the strength of the views out there amongst people on the other principal issue here — that is, permitting — remains as strong today as it has been since the initial debate occurred in this chamber. It was after that point when the bill was really out there in the community that people started to wake up to the fact of what it entailed.

I do not intend to repeat all the arguments. I conclude though with this point: for the Attorney-General to say that the law, in effect, is the same as it was 30-odd years ago is simply not so in the sense of practical application. That legislation has never been given effect; it has never been pursued in the way that this government now intends.

People need be under no misunderstanding: the government intends to pursue it. That is why the legislation also contains provision for the appointment of an army of inspectors who are going to be doing the sorts of things that the government wants to see done. We will increasingly have small business, particularly our farm sector, under the pump because of what this legislation contains — and it all comes back to the issue of permitting. The government is going to hear more about this with the passage of time — I can utterly guarantee that.

Mr PLOWMAN (Benambra) — As the member for South Gippsland said, since this bill went through the lower house it has stirred up a real hornet's nest. I have never seen the same reaction in country Victoria to any other legislation.

Clearly the amendments, although the Liberal Party welcomes them, do not go far enough. In about two or three situations it is clear that the amendments do not cover what is required. Could I suggest that even the member for Narracan in his letter, which was quoted by

the member for Kew, does not understand or make suggestions that these amendments should go further? Within the government's own ranks it is clear that that is the case.

Now that grandparents and so on no longer need a police check, it is impossible to see any justification in their still being required to have a permit. The question has to be asked: how will those children, when working for grandparents, be safer because their grandparents have a permit? There is absolutely no need for this requirement, and it should be included in the amendments to take away the police checks. The question of grandparents, aunts, uncles and older siblings leaving the supervision of a child to another person is not covered by the amendments, and it certainly should be.

The other point that is worth making is that a partner or a spouse of an older brother or sister will still require a police check, and that is just stupidity. Obviously it is not intended, given the amendments that are coming through, but this is not a good result. The Minister for Aged Care in another place said that a child who assists in a family business without payment or other award does so on the basis of non-payment, and as the legislation is framed it is actually saying that slave labour is okay in a farming business. The comments of Bob Smith, a member for Chelsea Province in the other place, are equally offensive.

On all these counts the amendments now before the house, having come from the upper house, do not go far enough in the eyes of country people.

Mr HULLS (Attorney-General) — In summing up, I thank members for their contributions on this important piece of legislation. There has been substantial consultation on this. I mention specifically the member for Yan Yean, who I know has made representations on behalf of farming families in her electorate, and they have certainly been taken on board.

In relation to the situation that currently exists in Victoria and has existed since the Bolte era, permits have been required, and that is for paid or voluntary work. That is the reality. There is no change to the permit system, except to say that we are getting rid of a lot of the red tape in relation to it. The Leader of the National Party says there will be an army of people out there. There is currently one child employment inspector! And that number will be increased to three. Their role is, of course, to advise, as has always been case.

An honourable member interjected.

Mr HULLS — It might be an army in National Party terms, knowing the numbers they have, but the reality is that I do not recall the shadow Attorney-General, or any of his colleagues for all the years they were in opposition, moving any amendment to the permit system at all. I do not remember the honourable member for Benambra standing up in this place and saying, 'The Bolte legislation in relation to permits is really bad. Let's do something about. We've got the numbers in both houses of Parliament'. The fact is they fully accepted it, and now they are running around their electorates trying to make themselves relevant by beating up a lot of nonsense.

The fact is this is good legislation and they know in their heart of hearts it is good legislation. When they look at themselves in the mirror they say, 'We'd better oppose this, but deep down we know it is good legislation'. The fact is it is.

Let us be clear of what we are voting on because I understand the opposition intends calling a division on the amendments. It is my understanding that the member for Benambra actually said that he agreed with the amendments that are being made. But the question we are voting on here is that the amendments made in the upper house be agreed to. That is all we are voting on here, because we have already passed the bill. The fact of the matter is that I do not recall the member for Benambra or the shadow Attorney-General opposing this bill, but now they are going to oppose the amendments that actually ensure that police checks are not required for extended family members. So what they seem to be saying is they are supporting the fact that police checks should be required for extended family members.

It is pretty twisted logic if you ask me, so I think we should put this to the vote. I think we should bring this on because the fact is the government will not be supporting that. We have consulted and we believe those police checks should be removed, but if the opposition thinks the police checks should remain, then it should call a division because we will not be doing so.

The fact is this is good legislation; it should be supported. It gets rid of a lot of the red tape that was introduced by the late Sir Henry Bolte, and indeed it gets the balance absolutely right. It is good legislation. I wish it a speedy passage.

Motion agreed to.

Ordered to be returned to Council with message intimating decision of house.

ROAD SAFETY (DRUG DRIVING) BILL

Second reading

Mr BATCHELOR (Minister for Transport) — I move:

That this bill be now read a second time.

The main purpose of this bill is to introduce random drug testing for drivers, as the next step in the government's Arrive Alive road safety strategy to reduce deaths and injuries on Victoria's roads by 20 per cent by 2007.

The drug-driving problem

Drug-driving is now as much a factor in driver fatalities on Victoria's roads as drink-driving.

Research by the Victorian Institute of Forensic Medicine shows that in 2002, drugs other than alcohol were detected in the blood of 27 per cent of fatally injured drivers, almost as many as the 29 per cent who had a blood alcohol concentration above the legal limit of .05 grams per 100 millilitres. The corresponding figures in 2001 were even higher for drugs at 29 per cent, compared to 22 per cent for alcohol.

Over 16 per cent of drivers killed in road crashes in 2001, and over 20 per cent in 2002, tested positive to delta-9-tetrahydrocannabinol (often abbreviated to THC), which is the active component of cannabis, or to amphetamines and other stimulant drugs. In 2002, the use of these drugs was associated with almost 50 driver deaths. Despite an 11 per cent reduction in the overall road toll in 2002 compared with 2001, there were a similar number of drug-related road deaths in each of those years. In a 10-year study of truck driver fatalities in Australia, the Victorian Institute of Forensic Medicine found that 25.8 per cent of truck drivers killed on the roads tested positive to drugs that could impair driving. Ninety-seven per cent of these drug-positive fatalities tested positive to THC or to stimulants. The majority of these tested positive to either THC or to the illicit stimulant, methylamphetamine (also known as methamphetamine).

Measures to reduce drug-related road trauma

This bill builds on the government's previous initiatives to address drug-driving. In 2000 legislation was introduced for the detection and prosecution of persons found driving while impaired by a drug. That legislation, the Road Safety (Amendment) Act 2000, arose from the recommendations of the parliamentary Road Safety Committee in its 1996 inquiry into the effects of drugs other than alcohol on road safety in Victoria.

The measures introduced at that time have proven to be very effective when a driver demonstrates gross impairment as a result of drug use. In the first two years of operation of drug-impaired driving enforcement 375 drivers were charged with offences under these provisions. Of these 375 drivers, 56 per cent were detected by police observation of driving behaviour and 44 per cent were detected following involvement in non-injury collisions.

However, as is the case with alcohol, the effect of drugs on the risk of crashing can be substantial well before gross physical impairment is evident. This bill seeks to address the growing incidence of drug-driving fatalities by extending the existing drink-driving and drug-driving provisions of the Road Safety Act 1986 to allow the introduction of random roadside screening for THC and methylamphetamine — both significant hazards to road safety.

Recent technological advances have made it possible to screen for low levels of certain drugs by testing samples of oral fluid using portable equipment at the roadside.

Random roadside screening has been demonstrated to be a highly effective means of deterring drivers from illegal behaviour. The introduction of random alcohol screening in the late 1970s has produced a substantial and prolonged reduction in alcohol-related casualty crashes. The road safety benefits of random breath testing were apparent even with enforcement levels at the time of introduction that were much lower than is now the case.

If drivers using THC and methylamphetamine are deterred by the fear of detection as expected, this could save many lives and serious injuries each year. This would in turn save the community millions of dollars per annum, not to mention the appalling grief and suffering of victims, families and friends.

Existing drug-driving provisions, which require proof of actual impairment, will continue to apply, both to deal with impairment from drugs which cannot be detected effectively at the roadside with existing technology, and to deal with noticeable impairment arising from the use of those drugs for which screening is feasible.

As a community, we need to face up to the fact that drug-driving is as big a problem as drink-driving. We need to deter drug-driving and we need to get drug-drivers off the road.

That is what this bill aims to do.

New offences

New drug-driving offences will be created which correspond to existing drink-driving offences, namely —

driving or being in charge of a motor vehicle while prescribed illicit drugs are present in the person's oral fluid or blood;

providing a sample of oral fluid or blood within 3 hours of driving or being in charge of a motor vehicle which tests positive to the prescribed illicit drugs; and

refusing to provide a sample of oral fluid when lawfully required to do so.

These offences carry fines of up to $600 for a first offence and up to $1200 for a second offence. Offenders may also have their driver licence or permit cancelled for up to three months in the case of a first offence or six months in the case of a subsequent offence.

The two drugs defined as 'prescribed illicit drugs' are THC and methylamphetamine.

These two illicit drugs have been selected for random roadside testing because —

there is clear evidence that drivers using these drugs are at increased risk of causing crashes;

they are the impairing substances with the highest incidence, after alcohol, in the blood of fatally injured drivers;

neither THC nor methylamphetamine are found in any Australian prescription medicines; and

they can be reliably detected in oral fluid samples of drivers at the time that they will adversely affect a driver's ability to drive safely.

There will be no legally permitted amount for these prescribed illicit drugs for the purposes of the Road Safety Act. Even very low levels of these drugs have been shown to have an adverse effect on the abilities necessary to drive safely.

Testing and analysis procedures

The bill contains provisions to allow roadside drug screening to be undertaken using oral fluid screening technology. It will enable a member of the Victoria Police, or an authorised officer of Vicroads or of the Department of Infrastructure, to require oral fluid samples from drivers of motor vehicles for the purposes of preliminary testing. Procedures will closely follow the established random breath-testing model, as do the proposed legislative requirements. The preliminary screening test will be conducted by requiring a person to suck or chew an absorbent pad or other oral fluid receptacle. The oral fluid sample will then be tested using a prescribed oral fluid screening device, which will provide a result within a few minutes.

If the test indicates the presence of THC or methylamphetamine, the driver may be required to provide a further sample of oral fluid. This sample will also be tested on an oral fluid screening device. The device used for this second test and the procedure for its use will be prescribed by regulations. If this second test also indicates the presence of one or both of the prescribed illicit drugs, this second sample will be divided, with one part given to the driver and the other part sent to a forensic laboratory for evidential analysis by a properly qualified analyst. The result of this laboratory analysis will form the basis of any charge.

As is currently the case under the drink-driving provisions, a driver will have a right to require a blood sample to be taken for analysis. In addition, the police member or authorised officer who required the oral fluid sample will have the power to require a blood sample if the driver is unable to provide an oral fluid sample for the second test on medical grounds or because of some physical disability or condition, or if the testing device is incapable of testing the sample. Blood samples can be taken only by registered medical practitioners or approved health professionals.

Only police members and authorised officers who have been appropriately trained will be able to take a sample of oral fluid for the second confirmatory test and evidential analysis.

The bill also provides for the giving of evidence of authorisation to collect a sample of oral fluid for the purposes of the Road Safety Act, and for certificate evidence to be presented as to the taking and analysing of oral fluid samples.

The bill also clarifies the grounds on which a member of the police force may form the opinion that a person is physically or mentally incapable of having proper control of a motor vehicle so that, under section 62 of the Road Safety Act, the officer may forbid the person from driving, or may take the driver's car keys. The bill clarifies that an officer may form such an opinion if the person's breath or oral fluid has been tested and the

breath analysis indicates more than the prescribed concentration of alcohol, or the second oral fluid test indicates that the person's oral fluid contains a prescribed illicit drug.

Section 85 statement

I wish to make a statement for the purposes of section 85(5) of the Constitution Act 1975.

Section 94B of the Road Safety Act 1986, to be inserted by clause 21 of this bill, will state that it is the intention of section 55E(17) to alter or vary section 85 of the Constitution Act 1975.

The effect of section 55E(17) will be to confer immunity on certain persons for carrying out certain procedures under the Road Safety Act 1986, and thereby prevent the bringing of proceedings against those persons in the Supreme Court in respect of those procedures.

Section 55E of the Road Safety Act 1986, as inserted by clause 13 of this bill, is part of the new procedures for detecting drivers with prescribed illicit drugs in their oral fluid. It includes provision for registered medical practitioners and approved health professionals to take blood samples in certain circumstances.

The reason for the variation of the Supreme Court's jurisdiction is that immunity is necessary to enable persons who properly carry out procedures for the detection of drugs in the body of a driver to do so without fear of litigation by persons who are the subject of the tests to be authorised by this legislation.

Community safeguards

These amendments will only enable random testing of drivers for THC and methylamphetamine. Drivers cannot be made subject to random testing for other drugs without further amendments to the Road Safety Act.

The results of any analysis of oral fluid or blood collected as a result of this bill will not be able to be used to establish any offence that is not related to road safety. Furthermore, the bill contains provisions to ensure that samples taken under the Road Safety Act cannot be used for DNA testing.

Oral fluid testing is less intrusive than blood testing, but a little more intrusive than breath testing, because it takes a few minutes longer and requires a person to place an absorbent pad or other oral fluid receptacle in his or her mouth. However, the bill requires that nobody be detained any longer than is necessary to take the samples and conduct the tests.

To ensure that a thorough and complete review of its effectiveness is undertaken, the provisions in this bill allowing for roadside drug screening and creating the new drug-driving offences will sunset on 1 July 2005.

Prior to that date, an evaluation of the operation of the proposed roadside drug-screening process will be conducted. This review will consider the operation and effectiveness of the process, penalties, privacy issues, and other relevant matters, and will identify and recommend any legislative or operational changes that will maximise the road safety outcomes of the process.

Victoria is the first state to introduce this type of legislation for drug-driving. We want to ensure that, in gaining the road safety benefits of the legislation, the rights of all Victorians are safeguarded.

By sunsetting the roadside drug-screening provisions of this legislation, the government is ensuring that roadside drug screening can only continue after it has been scrutinised by this Parliament in the light of practical experience of the system.

This legislation will serve to deter drivers from a clearly dangerous and high-risk behaviour.

The inconvenience of random drug testing of drivers must, like the random alcohol-testing regime, be compared to the tragedies of death and injury that occur far too often on our roads. The government believes these measures are justified in the interests of further reducing these fatalities and serious injuries on our roads.

After all, what is at stake is people's lives.

I commend the bill to the house.

Debate adjourned on motion of Mr PERTON (Doncaster).

Mr BATCHELOR (Minister for Transport) — I move:

That the debate be adjourned for two weeks.

Mr PERTON (Doncaster) — On the question of time, this is a substantial piece of legislation and there was some debate during debate on the business program motion on Tuesday in respect of these sorts of bills. I was hoping for an indication from the minister on whether he intended this bill to go through this sitting. In that case, obviously the opposition asks that briefings be made available to the shadow minister, the

member for Polwarth, at the earliest possible opportunity and that appropriate briefings be given. Otherwise the adjournment for two weeks is acceptable.

Motion agreed to and debate adjourned until Thursday, 13 November.

WRONGS AND OTHER ACTS (LAW OF NEGLIGENCE) BILL

Second reading

Mr BRUMBY (Treasurer) — I move:

That this bill be now read a second time.

The reforms contained in this bill represent the third and final major tranche of the government's legislative response to the recent crisis in the affordability and availability of several key insurance products including: builders warranty; public liability; professional indemnity; and medical indemnity.

As honourable members will be aware, in October 2002 the Wrongs and Other Acts (Public Liability Insurance Reform) Act 2002 came into operation. That act:

provided for caps on damages for non-economic loss and for loss of earnings;

protected volunteers, food donors and good Samaritans;

facilitated the use of structured settlements;

ensured that the common courtesies of expressing general apologies or regret after an incident could continue without fear that they would be taken as an admission of liability;

facilitated the use of waivers of liability for recreational activities;

required the courts to have regard to a claimant's intoxication or participation in illegal activities; and

required greater disclosure of relevant information by insurers.

In June this year Parliament passed the Wrongs and Limitation of Actions Acts (Insurance Reform) Act 2003. That act:

enacted proportionate liability for claims not relating to death or personal injury;

instituted a medical threshold for access to damages for non-economic loss; and

reduced the time period within which proceedings must be brought, subject to safeguards for children and other persons needing special provision.

These two pieces of legislation reflected a great deal of thought and consideration by many people both within and outside Australian governments on issues relating to the balance between the competing rights and interests of members of the community, both as injured parties making claims for compensation and as purchasers of insurance cover against liability for such compensation.

There is already some evidence that our reforms to date are having an impact in terms of the affordability and availability of insurance.

However, the reforms contained in this bill need to be enacted in order to consolidate the gains that have already been made.

Last year the commonwealth, states and territories agreed on the need for a principles-based examination of all issues relating to the law of negligence, which led to the appointment of Mr Justice Ipp and his committee, and their subsequent report.

The Ipp report formed part of a much broader process of consideration of all aspects of liability and insurance, with much ongoing work still occurring in areas such as standardised data collection and consideration of issues surrounding long-term care of the catastrophically injured.

In the Premier's speech on the second reading of the bill for the Wrongs and Limitation of Actions Acts (Insurance Reform) Act 2003, he stated:

> We have announced that we will implement most of the Ipp report's recommendations, with the necessary legislation to be introduced in the spring 2003 parliamentary session.

The Wrongs and Other Acts (Law of Negligence) Bill 2003 represents the government's delivery on that commitment. It complements legislation by other states and territories and the commonwealth, either already in place or announced. This bill provides for:

certain legal principles relating to the law of negligence;

certain legal principles relating to mental harm;

clarification of the liability of public authorities, which has been of particular interest since the High Court decision in *Brodie v. Singleton Shire Council*;

amendments to current provisions relating to proportionate liability and medical panels procedures;

amendments to the Victorian Managed Insurance Authority Act 1996 to allow the provision of temporary insurance cover to non-government bodies, subject to strict conditions; and

amendments to the Building Act 1993 to preclude the issuing of builders warranty insurance by unapproved offshore insurers.

General principles

In relation to negligence and mental harm, the bill generally sets out in statute principles that already form the basis of the common law. The key aim of the bill is to achieve greater consistency in the application of the law, through providing improved clarity and guidance about common law principles to the courts and to the general public.

The government's review of the law of negligence — which included, but was certainly not limited to, detailed consideration of the recommendations and reasoning of the Ipp report — has been principles-based, seeking to reach an appropriate balance in the rights of all parties before the courts, and recognising that the principles of the common law apply equally to all plaintiffs and defendants: whether well resourced, or poorly resourced; whether in positions of power and influence, or not; whether insured, or uninsured.

Generally the proposed provisions in new parts X, XI and XII of the Wrongs Act apply to any claim for damages resulting from negligence, regardless of whether the claim is brought in tort, in contract, under statute or otherwise. In this context 'negligence' refers to a failure to exercise reasonable care, which includes a failure to exercise reasonable skill. This reflects the approach proposed in recommendation 2 of the Ipp report. That report found that the reforms should operate in a way that is principled and effective, and different outcomes should not result simply because a claim is brought under one legal category rather than another.

The bill does not purport to establish in statute all principles relating to common-law claims. Indeed it has no impact on the common law, except to the extent that the provisions in the bill specifically restate or modify the common law. The bill complements legislation enacted in other Australian states and territories, but to the extent that it differs from legislation passed in other jurisdictions it is generally narrower, not broader, in its application.

Exclusion of claims made under certain statutes

The bill excludes from the impact of its provisions relating to negligence and mental harm claims to which the Accident Compensation Act 1985, the Workers Compensation Act 1958 and the Transport Accident Act 1986 apply.

The bill also excludes from the impact of these provisions claims related to injuries that would be eligible for statutory compensation under legislation that provides benefits to volunteers or other non-employees as though the Accident Compensation Act applied, such as the Victoria State Emergency Service Act 1987.

Concern has been raised that employment-related claims against third parties, by people such as employees of labour hire companies and contract workers, would be affected by the new provisions. I can assure the house that the government has sought advice on this issue, and has been informed that such claims are claims to which the Accident Compensation Act applies — that is, the law applying to those third-party claims is the same as that applying to a direct claim against the employer. The exclusion provision in the bill therefore means that the provisions of the bill that relate to negligence and mental harm will not apply to these third-party claims either.

Claims relating to injuries that are dust-related conditions or arise from smoking or other use of tobacco products are generally also excluded from the effects of the bill.

I turn to the specific provisions of the bill.

Duty of care, causation and contributory negligence

The bill establishes in statute general principles that generally already form part of the common law in determining whether a duty of care exists and the extent of that duty. It establishes in law what is already the case, that a duty of care is not an obligation to take infinite precautions against every conceivable risk, no matter how slight that risk and how costly and unpractical those precautions. The bill specifically replaces the current common-law principle that a person is not negligent in failing to take precautions against far-fetched or fanciful risks with a new principle that a person is not negligent in failing to take precautions against insignificant risks. This amendment will bring Victorian law into line with that of other

Australian jurisdictions, including New South Wales and Queensland.

To remove risk altogether from human activities is impossible; to reduce risk to negligible proportions is often not practical without restricting those activities to such an extent that much of the natural enjoyment of them is destroyed. Most people accept these principles as commonsense; so does the common law, but it is of value to set them down clearly in statute for the guidance of the courts and the public.

The bill provides that the plaintiff bears the onus of proving any fact relevant to causation. This is no more nor less than a restatement of the existing common law. It is not an attempt, and cannot reasonably be construed as an attempt, to overturn the principle that the court can bridge evidentiary gaps. Instead, this principle is being clarified and maintained by the bill.

While the concept of an 'obvious risk' is certainly not new to the common law, the bill does create a presumption, where the defence of voluntary assumption of risk is pleaded, that the plaintiff is aware of a risk that is obvious. This is consistent with recent rulings by both the High Court and the Victorian Court of Appeal in relation to the need, or rather lack of need, to warn against an obvious risk. The bill does not change the fact that to defeat a claim, the defendant still needs to prove that the plaintiff fully comprehended the nature and extent of the risk, and that the plaintiff voluntarily accepted the whole risk.

The bill also introduces the concept of 'peer professional opinion' as a presumptive test, to be applied by the courts to determine the standard of care owed in a claim that involves an allegation of negligence in relation to the conduct of a professional. This is known as the 'modified Bolam test'. The bill provides that a professional's conduct will not amount to negligence if he or she acted in a manner that, at the time the service was provided, was widely accepted in Australia by a significant number of respected practitioners in the field as competent professional practice, unless the court determines that such peer professional opinion is unreasonable, in the circumstances of the case before it.

This provision draws upon recommendation 3 of the Ipp Report, but allows the court to reject peer professional opinion where it is satisfied that this opinion is 'unreasonable' rather than 'irrational'. The term 'irrational' is ambiguous; as its meanings include 'illogical' and 'absurd', as well as 'unreasonable'. The word 'unreasonable' is used in the bill for the sake of clarity, and because it better reflects the role of the courts in determining whether conduct is negligent. To ensure transparency of decision making, the provision also provides that if a judge determines that peer professional opinion is unreasonable, the reasons for that determination must be specified in writing.

The bill provides that non-delegable duty — the strict liability of someone who is legally responsible for the outcome of the activities of another person — is to be determined as though it was a vicarious liability. This provision will clarify the operation of the common law in an area that is readily acknowledged by legal authorities as currently unsatisfactorily unclear and inconsistent.

Mental harm

The bill also sets out in statute the principles that determine liability for mental harm, both for pure mental harm; that is, where there is no physical injury to the plaintiff, and consequential mental harm, where the mental harm to the plaintiff occurs as a consequence of another injury he or she has suffered. The bill introduces a new provision relating to recoverability of damages for consequential mental harm.

The bill's provisions in relation to pure mental harm arising from shock after another person (not the plaintiff) has been injured or killed are based on the common law as expressed in several recent court judgments, and limit recovery of damages in such cases to direct witnesses of the incident or close relatives of the person injured or killed.

Public authorities

The bill contains principles that apply to determine whether a public authority has a duty of care, or has breached a duty of care. It also includes a separate provision that applies exclusively to proceedings for damages based on a breach of statutory duty; that is, based on an alleged wrongful exercise, or of a failure to exercise, a function of a public authority. The effect of that provision is that in such proceedings, a public authority is not liable for breach of statutory duty unless the provisions and policy of the enactment are compatible with the existence of that liability.

In addition, in the case of a function of the authority that:

> is conferred on the body specifically in its capacity as a public authority, and
>
> does not impose an absolute duty on the public authority to do or not do a particular thing,

proposed new section 84 of the Wrongs Act provides that there can be no breach of such a statutory duty in a claim for damages, unless the act or omission in question was in the circumstances so unreasonable that no authority having the functions of the authority could properly consider the act or omission to be a reasonable exercise of its functions.

This test is based upon the 'Wednesbury unreasonableness' test that is currently applied in an administrative law context. This test applies only to claims for damages based on breach of statutory duty, not to other causes of action such as the common law tort of negligence, or breach of contract.

I make it clear to the house that the proposed new section 84 does not alter the law regarding the duties, or the potential liability in damages, of public authorities under acts of general application such as the Occupational Health and Safety Act 1985, as such acts do not establish standards specifically for public authorities but also apply to others in the community.

Gratuitous care

The bill precludes the awarding of damages for loss of gratuitous care provided by a deceased person to his or her dependants unless the court is satisfied that the care was being provided for a least 6 hours per week and had been provided for at least six consecutive months before the death, or the injury that caused the death, to which the damages relate. The section also allows for the awarding of these damages where there is a reasonable expectation that, but for the death, or the injury that caused the death, of the deceased, the gratuitous care to dependants would have been provided for at least this time.

This latter provision covers the case of, for example, a woman who dies in childbirth as a consequence of medical negligence, but whose child survives. There would be a reasonable expectation (unless the facts of the case indicated otherwise) that the mother would have provided care to her child. The bill also includes a limitation on damages for the loss of the capacity of an injured person to provide gratuitous care to dependants.

The limitations established by the bill on the maximum amounts of damages that can be recovered in these circumstances parallel the limitations already placed, by the legislation passed in autumn this year, on the recovery of damages by an injured person for gratuitous care provided to him or her by other persons.

Proportionate liability

The bill includes some minor amendments to the proportionate liability provisions implemented in the autumn sitting, which have not yet been proclaimed. These amendments repeal the definition of 'economic loss' and clarify that proportionate liability extends to pure economic losses arising under statute.

Procedures relating to claims for damages for non-economic loss

The Wrongs and Limitations of Actions Acts (Insurance Reform) Act 2003 established a threshold level of impairment for access to damages for non-economic loss. That act also included some administrative procedures relating to how parties manage a claim and the time frames within which certain steps must occur. The act also set out the role of the medical panels in personal injury civil liability claims.

Since those provisions were passed, a number of lawyers, with experience in representing both plaintiffs and defendants, suggested that revised procedures would assist the administration of claims. These changes include:

steps to ensure that all parties have access to relevant information;

more realistic time lines to make required decisions; and

clarification of the operation of the medical panels.

Directions to medical panels

A concern has been raised that the Wrongs Act currently only permits the convenor of the medical panels and the Attorney-General to modify existing directions or guidelines issued under the Accident Compensation Act. This could significantly restrict their ability to issue guidelines or directions specific to the operation of the new civil liability role of the medical panels. This is important because some administrative procedures of the medical panels for civil liability matters are not relevant to Workcover matters.

To ensure that guidelines issued by the minister or directions issued by the convenor in relation to the procedures the panels are to follow are specifically appropriate for the purposes claims under the Wrongs Act, the bill provides specific powers for the issuing of such guidelines or directions that are not linked to the corresponding powers relating to VWA scheme claims,

other than that the Attorney-General must consult the Minister for Workcover before preparing guidelines. This will ensure that the guidelines are as consistent as possible in their approach, while allowing specific provision for differences between the types of claims to which the two acts relate.

Defining permanent impairment

A definition of 'impairment' has been inserted to clarify that it means 'permanent impairment' — that is, permanent impairment as determined in accordance with the AMA guides and psychiatric guides that qualified medical practitioners must use in making assessments. The guides state that to be considered permanent, an impairment must be static or well stabilised, with or without medical treatment, and not likely to remit despite future medical treatment.

A specific provision has also been inserted to make it clear that an approved medical practitioner or a medical panel can certify that a claimant's impairment exceeds the threshold even if not all injuries have stabilised, provided that enough have to meet the criteria for a permanent impairment above the threshold level. This will save claimants from any challenge that a claim cannot proceed because not all injuries have stabilised.

Other new provisions also permit an approved medical practitioner or a medical panel to certify that although a claimant's injuries have not stabilised to the extent that the degree of impairment can be assessed, the medical practitioner or the medical panel is satisfied that the impairment resulting from the injuries will satisfy the threshold level when the injuries do stabilise.

Medical question

Concern had been expressed that the current wording of the 'medical question' under the act could still require the medical panel to consider issues of causation — that is, to advise on whether particular injuries were caused by the alleged incident that gave rise to the claim. The medical question has been revised to make it clear that the panel's assessment is based on the injuries that the claimant has cited in his or her claim, and that issues relating to causation are therefore left to the parties or a court to determine. The rewording of the medical question also ensures that the panel's certificate relates to the required 'above/below threshold' response and does not drift into other issues.

Determination of medical question

The medical panel is currently required to make its determination within 60 days of having a medical question referred to it. This may not always be practical, as for example the claimant may be unavailable for examination. The provision has therefore been revised to require the panel to notify the claimant within 30 days of referral whether it intends to examine him or her or request information, and then must make its determination within 30 days of the examination taking place or the information being received, whichever is the later.

The bill also amends these provisions of the Wrongs Act to provide that the panel may certify it is unable to make a determination, if it is unsatisfied at the time of making the assessment that the injury has stabilised.

If the panel is unable to make a determination in these circumstances, it must inform the claimant that it will make a further assessment at a future time, not later than one year after the first assessment. The subsequent assessment must be undertaken at the earliest time at which, in the panel's view, the injury is likely to have stabilised. If by one year after first assessing the claimant, the panel finds that it is still unable to make a determination, the injury is deemed to be 'significant injury' and the claimant has access to general damages, provided that his or her claim succeeds.

Response to medical assessment

There is general agreement that the current 30 days allowed for a respondent to determine whether or not to refer a claimant to the medical panel is too short. It is proposed to extend this period to 60 days. Also, provisions relating to identification of the proper respondent that currently apply to a request for waiver of the need for an assessment, will now also apply on the receipt of a medical assessment.

Regulations

There has been general agreement that it would assist the smooth processing of claims if some information requirements and/or forms were to be prescribed. For example, it would assist small businesses if certain information about the claim and how to process it (e.g. that they should pass it on to their insurer) accompanied a claim and/or a claimant's impairment assessment. A regulation-making power to enable this is therefore included.

Information prescribed by regulation may include (but is not limited to) information relating to: the identity of the claimant; the nature of the claim; the injury; the incident out of which the alleged injury arose; and contact details of any medical practitioner who has treated the injury.

In keeping with normal practice, the Attorney-General will issue such regulations after consultation with relevant stakeholders.

Recovery of costs by medical panels

The bill gives the convenor of medical panels the necessary authority to recover and account for costs to be paid by respondents, including: issuing invoices; establishing bank accounts; collecting fees; recovering debts; paying for services; and financial reporting.

Victorian Managed Insurance Authority

The bill also provides a capacity, under strictly limited conditions, for the Victorian Managed Insurance Authority to provide insurance to non-government entities. As honourable members will be aware, the VMIA is the government's internal — 'captive', to use the technical jargon — insurer of the property, public liability and other risks of the budget sector and some other government bodies.

VMIA does not provide insurance services to the general public, and there is no intention that it should usually do so. The new provisions of the bill enable VMIA, at the direction of the responsible minister, to provide insurance to a non-government body in respect of specified risks. Such insurance can only be provided for a period not to exceed twelve months, although a new direction in similar terms can subsequently be made.

Any direction of this nature issued by the minister must be published in the *Government Gazette*, so that it is transparent that assistance of this nature has been given. It is the government's intention that this power will only be used where it is clear that the non-government body is providing a desirable community service and is unable to obtain insurance through no fault of its own; that is, that it has not been refused insurance because of its own poor claims experience. VMIA will charge a premium for any such insurance, and that premium will be, as far as can be estimated, set at a level equivalent to a commercial premium. The insurance cover will not be provided if the premium is not paid.

Builders warranty insurance–unapproved offshore insurers

Finally, the bill includes additional conditions for the provision of builders warranty insurance under the Building Act 1993. Honourable members will be well aware of the consequences of the failure of HIH, and the obligation on the state to assist homeowners with builders warranty claims against HIH or FAI. The supervision of that insurer by APRA was found by the royal commission to be inadequate, and the supervisory requirements on insurers have since been strengthened.

However, APRA's power and responsibilities end at Australia's shores. The government has become concerned at the prospect of Victorian homeowners not being covered because their builder has taken out builders warranty insurance through an offshore insurer of doubtful financial stability or ethics. Where these insurers operate through local brokers, those brokers' activities are at least subject to some supervision, although this will be insufficient to protect homeowners against a failure by the offshore insurers to meet claims.

The government does not wish to prevent reputable, financially secure offshore insurers from entering the builders warranty market — indeed, we encourage such insurers to do so — but we do need to preclude more dubious entities. The bill therefore provides that builders warranty insurance must be provided by an insurer approved by APRA, or one gazetted by the Minister for Planning, after consultation with the Minister administering the VMIA Act, that has an acceptable credit rating from a recognised international credit rating agency, such as Moody's, Standard & Poor's or A. M. Best.

Statements under section 85 of the Constitution Act 1985

I wish to make the following statements under section 85(5) of the Constitution Act 1975 of the reasons why it is the intention of this bill to alter or vary that section.

Clause 3 of the bill proposes to insert new sections 48(2), 51(2), 51(3), 51(4), 58, 59(5) and 62 into the Wrongs Act 1958. Clause 3 of the bill proposes to insert new section 65 into the Wrongs Act 1958. Section 65 states that it is the intention of sections 48(2), 51(2), 51(3), 51(4), 58, 59(5) and 62 to alter or vary section 85 of the Constitution Act 1975.

New section 48 sets out general principles that apply in assessing the duty of care. A person will not be considered to be negligent in failing to take precautions against a risk unless the conditions specified in new section 48(1) are met. New section 48(2) sets out things that the court must take into account in determining whether a reasonable person would have taken precautions against a risk of harm.

The purposes of section 48(2) are to:

> direct the court on how to assess the adequacy of precautions taken and thereby provide greater clarity;

ensure greater predictability in decision making by encouraging the consistent consideration of these factors in cases before the courts; and

restate the law as it relates to this aspect of duty of care to ensure that the law operates in a balanced way that is fair to both plaintiffs and defendants.

New section 51 sets out general principles that apply in respect of causation. New section 51(2) deals with claims where there is an evidentiary gap in factual causation. For example, an evidentiary gap exists in a case where a person has been exposed to a similar risk of harm by a number of different defendants and it is not possible to assign responsibility to any one of those defendants. New section 51(2) provides that in deciding whether to bridge an evidentiary gap in an appropriate case the court must consider, amongst other relevant things, and in accordance with established principles, whether or not and why responsibility for the harm should be imposed on a particular defendant.

New section 51(3) provides that if it is relevant to the determination of factual causation to determine what the injured person would have done if the negligent person not been negligent, the matter is to be determined subjectively in light of all the relevant circumstances.

New section 51(4) provides that in determining whether it is appropriate for the scope of the defendant's liability to extend to the harm caused to the injured person the court must consider whether or not and why responsibility for the harm should be imposed on the defendant.

The purposes of sections 51(2), (3) and (4) are to —

direct the court on how to apply relevant principles and thereby provide greater clarity;

ensure greater predictability in decision making by encouraging the consistent application of these principles in cases before the courts; and

restate the law as it relates to this aspect of causation to ensure that the law operates in a balanced way that is fair to both plaintiffs and defendants.

New section 58 directs the court on the standard of care to be expected of persons who hold themselves out as possessing particular skills. This is to be determined by reference to what could reasonably be expected of a person professing that level of skill (and not a greater level of skill). It is also to be determined not in hindsight, but by reference to the relevant circumstances as at the date of the alleged negligence. The purposes of section 58 are to:

direct the court on how to assess this aspect of the standard of care and thereby provide greater clarity;

ensure greater predictability in decision making by encouraging the consistent application of these principles in cases before the courts;

ensure that this aspect of standard of care is applied in a balanced way that is fair to both plaintiffs and defendants; and

restrict the further expansion of liability by the courts in respect of the standard of care of a person professing to have a certain skill.

New section 59 sets out the standard of care applicable to the conduct of a professional whenever a professional service is provided. In any case involving an allegation of negligence where a court is considering the conduct of a professional, the conduct will not amount to negligence if the professional acted in a manner that (at the time the service was provided) was widely accepted in Australia by a significant number of respected practitioners in the field (peer professional opinion) as competent professional practice unless the court determines that such peer professional opinion is unreasonable. Where a court determines that peer professional opinion is unreasonable new section 59(5) requires the court to specify in writing the reasons for that determination. Section 59(6) provides that this requirement does not apply to a jury.

The purposes of new section 59(5) are to:

ensure that the court directs itself to the considerations set out in section 59; and

increase transparency in judicial decisions in cases involving the standard of care applicable to the conduct of a professional whenever a professional service is provided.

New section 62 sets out the principles that the court must apply in determining whether a person who has suffered harm has been contributorily negligent.

The purposes of new section 62 are to:

direct the court on how to apply relevant principles and thereby provide greater clarity;

ensure greater predictability in decision making by encouraging the consistent application of these principles in cases before the courts; and

modify the law as it relates to this aspect of contributory negligence to ensure that the law operates in a balanced way that is fair to both plaintiffs and defendants. The policy underlying this approach is that persons should not only take reasonable care of others but also of themselves.

Clause 3 of the bill also proposes to insert new sections 73, 74 and 75 into the Wrongs Act 1958. Clause 3 of the bill proposes to insert new section 77 into the Wrongs Act 1958. Section 77 states that it is the intention of sections 73, 74 and 75 to alter or vary section 85 of the Constitution Act 1975.

New section 73 places limits on the recovery of damages for pure mental harm. New section 74 places limits on the recovery of damages for consequential mental harm. New section 75 also prevents the court from making an award of damages for economic loss for mental harm resulting from negligence unless the harm consists of a recognised psychiatric illness.

The purposes of new sections 73, 74 and 75 are to:

modify certain aspects of the law relating to liability for mental harm in claims for damages resulting from negligence to ensure that the law operates in a balanced way that is fair to both plaintiffs and defendants; and

restrict the further expansion of liability and damages by the courts in relation to mental harm, to the extent that sections 73, 74 and 75 affect aspects of the common law.

Clause 3 of the bill also proposes to insert new section 83 into the Wrongs Act 1958. Section 86 states that it is the intention of section 83 to alter or vary section 85 of the Constitution Act 1975.

New section 83 sets out the principles that a court is to consider when determining whether a public authority has a duty of care or has breached a duty of care. It is important to note that this provision does not confer immunity on public authorities. It describes factors that a court must consider, for instance by specifying that the functions required to be exercised by a public authority are limited by the financial and other resources that are reasonably available to the authority. The purposes of new section 83 are to:

direct the courts on how to apply relevant principles regarding the liability of public authorities and thereby provide greater clarity;

ensure greater predictability in decision making by encouraging the consistent application of these principles in cases brought before the courts;

ensure that the law operates in a balanced and fair way. Public authorities are required to take reasonable care of others and are accountable for their actions in court. However, in exercising all of their functions public authorities are also subject to the Parliament and the executive. A public authority will also necessarily be limited in the financial and other resources available to exercise the functions conferred upon it, and in some instances will be implementing policy decisions for which the executive may be politically accountable. Priorities accorded by a public body may change over time, based on policy, financial and statutory considerations. The provisions in this part are therefore designed to ensure that the unique nature of public bodies and their activities is taken into account so that the public interest is not impaired, and the provision of publicly funded services to the community in the future is not threatened, by the risk of inappropriate civil liability; and

restrict the further expansion of liability of public authorities by the courts, to the extent that section 83 affects aspects of the common law.

Clause 4 of the bill proposes to insert new sections 19A and 19B into the Wrongs Act 1958. Clause 5 of the bill proposes to insert new section 23AB into the Wrongs Act 1958. Section 23AB states that it is the intention of sections 19A and 19B to alter or vary section 85 of the Constitution Act 1975.

New section 19A limits the circumstances in which damages may be awarded to dependants for loss of gratuitous care in claims brought under part III of the Wrongs Act 1958. New section 19B sets out the limits for the award of damages in those circumstances. The purpose of limiting the circumstances in which an award of damages may be made is to limit the number of claims for loss of gratuitous care. The purpose of limiting the level of damages that may be awarded is to prevent excessive awards of damages for these types of claims

Clause 11 of this bill proposes to insert new section 28J(3) into the Wrongs Act 1958. Section 28J(3) states that it is the intention of section 28D (as affected by the amendments made to part VB by clause 10 of this bill) to alter or vary section 85 of the Constitution Act 1975. Section 28D provides that a court cannot award damages to a claimant contrary to part VB.

Clause 10 of this bill proposes to insert new sections 28ID and 28IE into part VB (Personal Injury Damages) of the Wrongs Act 1958. New section 28ID limits the circumstances in which damages may be awarded to a claimant for loss of capacity to provide care for others. New section 28IE sets out the limits on an award of damages in these circumstances. The purpose of limiting the circumstances in which an award of damages may be made is to limit the number of claims for loss of capacity to provide care for others. The purpose of limiting the level of damages that may be awarded is to prevent excessive awards of damages for these types of claims.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Thursday, 13 November.

ANZAC DAY (AMENDMENT) BILL

Second reading

Mr BRUMBY (Treasurer) — I move:

That this bill be now read a second time.

This bill meets the government's commitment as outlined in its response to the review of Anzac Day laws by the Scrutiny of Acts and Regulations Committee of Parliament (SARC).

The SARC review was initiated in November 2001 with the aim of further enhancing the significance of Anzac Day as a national day of commemoration, within Victoria.

The government's response to the SARC report was tabled in Parliament in May 2003 and indicated that the implementation of the response would be undertaken prior to Anzac Day 2004.

A number of other recommendations of the SARC review which relate to pieces of legislation other than the Anzac Day Act 1958 are currently being investigated with a view to possible legislative amendments.

The government agreed with the broad principles outlined in the report, in particular the report's emphasis on recognition of the great significance of Anzac Day and the need to protect and enhance the significance of the day.

Our response followed a long period of consultation and took into account the views of all stakeholders — both government and non-government.

There is a clear and overwhelming support for Anzac Day as a day of national commemoration, as evidenced by the growing number of Australians making pilgrimages to Gallipoli and the attendances at Anzac Day services.

It is essential that Anzac Day be supported by appropriate legislation, which reflects the community's view of the importance of the day.

Accordingly, we are now recognising the significance of Anzac Day through this bill.

The bill:

provides that references to 'ANZAC' in legislation will be made in upper-case encryption to reflect the origin of the word as a combination of the Australian and New Zealand forces that served at Gallipoli;

expands the existing reference to commemorating participation in the Great War to include reference to participation in subsequent conflicts, including peacekeeping activities; and

increases the penalty for breaches relating to the cinema and entertainment provisions of the act, with the level of penalty to be up to 100 penalty units.

Further, to enable clearer understanding of all legislation which impacts on Anzac Day, the bill will include a note listing all laws applicable to Anzac Day.

It is important that on Anzac Day we recognise the sacrifices made by all Australians who have served their country in conflicts and peacekeeping activities and this is achieved through the expanded reference to commemoration.

The increase in penalty levels for breaches relating to the cinema and entertainment provisions of the act will provide for greater consistency between acts and provide a more appropriate deterrent to restrict activities on Anzac Day to allow for the observance of the day as a significant occasion.

Through this bill, we aim to strengthen our commitment to the observance of Anzac Day as a day of national commemoration

We want to ensure the continued observance of Anzac Day by providing the right balance between the observance of the solemnity of the occasion and the need to maintain some essential commercial activities.

The bill delivers the government's commitment arising from the review of Anzac Day laws and will further protect and enhance the significance of Anzac Day as a day of commemoration.

I commend this bill to the house.

Debate adjourned on motion of Mr PERTON (Doncaster).

Debate adjourned until Thursday, 13 November.

PARTNERSHIP (VENTURE CAPITAL FUNDS) BILL

Second reading

Mr HOLDING (Minister for Financial Services Industry) — I move:

That this bill be now read a second time.

The bill amends the Partnership Act 1958 to insert a new part 5 to provide for a new form of partnership, an incorporated limited partnership, for the purposes of enabling venture capital funds, particularly overseas funds, to establish themselves in Victoria in their preferred form.

The bill seeks to complement recent commonwealth changes in the tax treatment of venture capital funds, aimed at encouraging high-risk investment in key areas of economic activity in Australia, particularly from overseas sources. The commonwealth's taxation benefits are available to venture capital partnerships.

However, the internationally preferred vehicle for venture capital investment is an incorporated limited partnership, a form of partnership in which the partnership is a separate legal entity from its partners. This form of partnership is not currently recognised in any Australian jurisdiction.

Victoria will be the first jurisdiction in Australia to provide for incorporated limited partnerships and the bill represents the government's commitment to attracting venture capital.

Venture capital is the sort of high-risk investment in 'cutting edge' industries that can be difficult to source locally, but which is vital in encouraging local initiatives in new industries, retaining that expertise in Victoria and ensuring employment for Victorians in those new industries.

An incorporated limited partnership under part 5 of the act, unlike an ordinary limited partnership under part 3 of the act, will be a separate legal entity, distinct from its partners. Like a limited partnership under part 3 of the act, an incorporated limited partnership will have general partners, who manage the business, and limited partners, who contribute investment capital to, but do not take part in the management of the business.

The commonwealth Venture Capital Act 2002 established a registration and reporting process for bodies engaged in venture capital projects in Australia. Under the commonwealth Taxation Laws Amendment (Venture Capital) Act 2002, registered bodies are entitled to flow-through taxation treatment and capital gains tax exemption.

For venture capital partnerships to qualify for registration with the commonwealth, they must be partnerships established under Australian law or, if foreign partnerships, the law in force in their respective jurisdictions. They must also remain in existence for 5 to 15 years and have committed capital of at least $20 million.

The bill provides that venture capital funds that are or intend to register with the commonwealth may register as incorporated limited partnerships in Victoria.

The special features of venture capital partnerships are related to the high-risk, long-term nature of the investments made by the limited partners in the partnership and by the partnership in investee companies. The bill recognises this by making available to the parties involved in such investments the structure of the incorporated limited partnership.

This structure recognises that the limited partners should have enhanced protection against involuntary entanglement in legal actions against the partnership or in which they are only indirectly concerned. It also recognises that the limited partners often have an active role in overseeing the investments of the partnership and in advising and assisting the investee companies and that these activities should not of themselves be taken as constituting participation in the management of the partnership, which would expose them to liability for the partnership's debts and other liabilities.

The bill further recognises that the general partners of venture capital partnerships, who manage the business, typically are professional venture capital management bodies that manage several funds at the same time.

To these ends, the bill provides for bodies that are registered or that intend to register with the commonwealth for the taxation benefits, or are management bodies that act or intend to act as general

partners of such bodies, to register as incorporated limited partnerships with consequential provision for:

the partnership to be the primary party to any suit;

the general partners to be liable only for the debts of the partnership that the partnership is unable to satisfy;

expanded activities that can be engaged in by limited partners which by themselves do not constitute taking part in the management of the business, particularly when advising investee companies and when participating in committees that consider proposals for changes in the nature or valuation of the partnership's investments and in the authority of the general partners, proposals regarding conflicts of interest and proposals for changes in the general partners;

a limited partner who has taken part in the management of the business to be liable only for debts incurred as a direct result of the limited partner's conduct and where the third party reasonably believed that the limited partner was a general partner; and

restriction on the ability of the partnership or a general partner to act as the agent of a limited partner.

The special benefits of incorporated limited partnerships are justified in order to attract overseas investors who are accustomed to such regimes overseas, and because those involved in and with venture capital funds are typically large institutional investors, and investee companies that understand the contingent basis on which the venture capital is invested.

The bill provides for safeguards against abuse of the system by allowing the director of Consumer Affairs Victoria to issue show cause notices to incorporated limited partnerships that the director considers have ceased to carry on business or who have not been registered by the commonwealth within the required time or whose registration has been cancelled, as to why they should not be wound up.

I commend the bill to the house.

Debate adjourned on motion of Mr KOTSIRAS (Bulleen).

Debate adjourned until Thursday, 13 November.

Remaining business postponed on motion of Mr CAMERON (Minister for Agriculture).

ADJOURNMENT

Mr CAMERON (Minister for Agriculture) — I move:

That the house do now adjourn.

Emergency services: communications tender

Mr WELLS (Scoresby) — I would like to raise a matter of concern with the Minister for Police and Emergency Services. I ask him to take immediate action to review the tender process for the metropolitan mobile radio (MMR) system. The reason I ask him to take this action is because a multibillion-dollar company has been excluded from the tendering process for what appear to be incorrect reasons.

As required, Tyco based its expressions of interest for delivery of the MMR communications system under the Partnerships Victoria guidelines on the APCO 25 standard — a standard for communications right around the world, but in particular in the United States of America and Australia. Tyco has been told that it has not been short-listed because it does not comply with that standard.

The facts are very clear. Tyco is a leading member of the US-based APCO 25 committee, so it would be almost impossible for it not to be compliant when it is part of the committee that oversees the standard. To further highlight the fact, the company has been awarded substantial contracts for radio projects in the United States of America based on this very standard. How is it that Tyco is compliant right around the world specifically on the APCO 25 standard and yet it is not compliant here in Victoria? It simply does not make sense. There is a real smell about this tender process.

To call for expressions of interest asking a company to be compliant with Partnerships Victoria and the particular standard that Tyco conforms to, only to then tell it that it cannot be short-listed because it is non-compliant, does not make sense.

Tyco wrote to the Minister for Police and Emergency Services on 9 September lodging a formal complaint. To date what has the minister done about this? Absolutely nothing. We are asking for a clear explanation and a commitment to review the tender process so that we do not end up with the same situation as happened with the mobile data terminal network, which is now being investigated by the Auditor-General.

To get the latest and best equipment we need to ensure that companies can bid openly and fairly, and we as a

state need to encourage them to do that. They need to know that they are being treated fairly and equitably. If companies do not get an assurance from the state government that they can bid openly and fairly, we will not get the best companies bidding for state government contracts. We know of the issues relating to the mobile data terminal network contract, and we do not want to see the same thing happen to Tyco with its treatment over the MMR project.

Consumer affairs: unsecured investments

Mr ROBINSON (Mitcham) — I want to raise this evening a very serious matter for the attention of the Minister for Consumer Affairs in another place, and I direct it to him through the Minister for Agriculture. It concerns property development investment opportunities. I am seeking an investigation by the minister's department about whether the promoters of these investment opportunities are adequately advising the public of investment conditions and inherent investment risks that go along with those opportunities in all instances.

I note the good work of the Minister for Consumer Affairs in taking action against finance brokers who are mixed up in this broader field and the injunction obtained by Consumer Affairs Victoria, which is very positive; but at times our scrutiny has to be much broader than that.

The company that has come to my notice is Fincorp Finance, which very extensively advertises investment returns of up to 11.25 per cent. This sounds too good to believe. The catch is that these are unsecured investment opportunities through unsecured deposit notes. It is the not only company doing that; Elderslie Investments is another one.

My concern is that whilst companies might put at the bottom of their written material, such as in newspapers, that the rate pertains to an unsecured deposit note, there is no explanation as to what that means. Unsecured means unsecured. If the company goes broke, those people will not get a return; in fact they will lose their investment. We have seen enough of that over the years.

As we all know, the Reserve Bank has been warning about the overheating of the property market, and it is not alone — the federal Treasury, the International Monetary Fund, the Australian Prudential Regulatory Authority, the state treasuries and the major banks are all warning that the property market is overheated and needs correction. The Australian Prudential Regulatory Authority has talked about a correction being inevitable with a 30 per cent slump in house prices over the year and the likelihood of the incidence of defaults on mortgages rising.

This is important because people are entitled to ask why returns of 11.25 per cent are being offered when the standard lending rate of the banks is only half that. The reason is that these investment opportunities are linked to companies which operate at a more speculative end of the property market. They have to pay 11.25 per cent because banking institutions are aware of the risk and will not lend at a lower rate. It is important that investors have this spelt out for them — 'unsecured' means 'unsecured'.

I ask the minister to have his department investigate this matter to ensure that all ads that are put in whatever form by companies such as Fincorp and Eldersleigh advise investors that unsecured means unsecured and that if the company goes under at some point in the future, their money will go with it.

Doyles Road, Kialla: safety

Mrs POWELL (Shepparton) — I would like to raise an issue with the Minister for Transport. The action I seek is for the minister to urgently investigate road safety issues on Doyles Road, Kialla, which is also known as the Shepparton alternate route.

I received a copy of a letter from Anton Burtina, who is the manager of Craig Mostyn and Co. Pty Ltd in Doyles Road, Kialla, which was sent to the Vicroads regional manager, Bruce Sweet. Craig Mostyn and Co. Pty Ltd is a commercial packing shed which relies totally on supply from outside growers. They believe that poor access to their premises is affecting their business, and more importantly, they are concerned about the safety of their workers. They have 20 employees in the season, which is about nine months of the year, and they also have about 30 to 50 trucks a day entering and exiting their property during the season.

The letter was sent to me in frustration and concern for the workers at Mostyns. On 17 September an employee made a complaint to Mr Burtina because she had come very close to having a fatal accident. As she was turning into Mostyns a B-double truck travelling along Doyles Road behind her had to lock up its brakes and missed her only by centimetres. There is no turning lane into Mostyns from Doyles Road, and this makes turning into the property very dangerous when the road is busy. On the eastern boundary there is a drainage channel which does not allow for traffic to move past.

There needs to be a place that can be widened as a turning lane.

Doyles Road is the alternative route to Melbourne that a large number of trucks use to bypass Shepparton. The road has a history of accidents. There has already been a fatality. A person was killed almost in the front of the Mostyn premises. On 13 October this year a 24-year-old Kialla woman received minor injuries in a two-car collision on Doyles Road. The very next day there was a three-car accident in which a 49-year-old man from Deer Park was seriously injured when his truck rolled over on Doyles Road, which was half a kilometre from Mostyns. The woman and son in one of the vehicles was towing a trailer with two alpacas, one of which was killed and the vet was called out to examine the other.

Doyles Road is a major road with high levels of traffic, mainly trucks. The speed limit has already been reduced from 100 kilometres an hour to 90 kilometres an hour. There have been requests to reduce speed limits even further as the community gets more concerned about travelling on this road. There needs to be more than that. It is not just the speed that makes the road unsafe. The road needs widening to provide space for the traffic to pass vehicles that are turning into the properties off Doyles Road. I am also told that the shoulders of the road need to be sealed.

I ask the minister to investigate the safety problems with this road and to provide the funds for improvement before any further accidents occur or, worse still, before there is a further death on that road.

Workcover: Worksafe campaign

Ms MARSHALL (Forest Hill) — I rise in the house this evening to raise an issue for the attention of the Minister for Workcover. The action I seek is that the minister take the necessary measures to ensure that, where possible, small and medium-size businesses are made aware of the way that Worksafe can provide assistance to further enhance occupational health and safety performance.

I would like to commend the minister for Worksafe Victoria's latest campaign to address workplace safety, with the production of the CD-ROM *Managing Safety in Your Workplace — A Step-By-Step Guide*, which was mailed out to small and medium-size businesses Victoria wide.

It is important that there is a focus on these small to medium-size businesses. Firstly, they are an integral part of the economic prosperity of my electorate, and indeed Victoria's economy and Australia's economy as a whole. Secondly, research has shown that about 35 per cent of Workcover claims were incurred by these businesses, costing an estimated $500 million.

Despite employers' desire and good intentions to care for the safety of their employees, often the employers are extremely busy or do not know where to obtain the advice or assistance on workplace safety. This can mean that the health and safety issues are not always addressed in the workplace until it is too late, often following the injury of a worker. This CD-ROM helps address the issue by providing employers with simple guidelines on how to manage workplace safety. Something that helps to make businesses more efficient and safer is not only good for the employers and good for the employees themselves, it is good for the economy of Victoria.

This CD-ROM is further supported by Worksafe Week, which runs from 26 to 31 October. Worksafe Week is about encouraging Victorian employers and employees to organise safety activities in their workplaces or to attend one of the many seminars or events that have been organised around Victoria to enhance workplace safety.

Whilst all of the businesses I have come in contact with appreciate the information and assistance they are receiving from the state government, some have expressed a desire for greater help in understanding the more complicated legislative aspects and the impact that these will have on their businesses. Both employers and employees would benefit from any information that could be provided, thereby creating a better understanding of the Accident Compensation Act.

Cape Nelson: memorial

Dr NAPTHINE (South-West Coast) — My issue is for the Minister for Environment. I seek ministerial action to enable the Marley family of Portland to place a permanent memorial at Cape Nelson. On 3 December last year a Portland police officer, Constable Colin Marley, tragically lost his life while scuba diving off Cape Nelson State Park, leaving behind his wife and three daughters. On 10 October the *Portland Observer* published a letter from his eldest daughter, Natalie Marley, which explains the situation.

The letter reads:

> Last December my dad went diving with two friends at a place called Snakes and Ladders, which is at Cape Nelson. That was the last time we saw our dad because while diving he died.

> My mum, my two sisters and myself asked a friend to make us a little white wooden cross, which I painted my dad's name on. We went to Snakes and Ladders to put the little cross there in remembrance of our special dad. This place holds special memories to our family of fishing trips we used to make there with him; it was one of his favourite places in Portland.
>
> Since my dad's death we had visited this place often and used to lay flowers near the cross, that was until someone from Parks Victoria informed the police we had to remove it or they would.
>
> Mum went out, took it down and brought it home. This was a very emotional and distressing day for my mum, not to mention my sisters and myself.
>
> I cannot understand the reasoning behind this decision from Parks Victoria. Since that day we find it really hard to go to dad's special place. I know mum gets really upset about it.
>
> Now what was once our marked special place is not the same any more.

The issue here is not that this involves a state park, but that it is a very important and emotional issue, and Parks Victoria and the minister need to show a little bit more compassion and sympathy.

The issue was raised in an article in the *Herald Sun* of 24 October, which reports that a spokeswoman for the minister, Ilsa Colson, said:

> … the department had a longstanding policy of banning memorial structures and inscriptions on public land so the landscape could be enjoyed by all …

But the issue is really not like that at all, because in the national park at Cape Bridgewater — only 10 kilometres as the crow flies from Cape Nelson, where the Marley family is seeking to place the memorial — two permanent memorials already exist. The plaques are placed on rocks in the ground near the blowholes: one for Graham Couzner, who died at sea on 28 July 1991, and the other for Gavin Korman, who died on 21 June 1993. There is a tradition of placing permanent memorial plaques along the coastline where people have tragically lost their lives.

Constable Colin Marley tragically lost his life in December last year. I think it is appropriate that this family be allowed to place a permanent memorial there of an appropriate type of brass material set in some stone, which would be very good for the family.

I ask the minister to show some compassion, to overrule Parks Victoria and give — —

The DEPUTY SPEAKER — Order! The member's time has expired.

Local government: recycling services

Mr LIM (Clayton) — I raise a matter for the attention of the Minister for Environment, and in his absence ask the Minister for Agriculture to take up the matter with him and seek a response. I ask the minister to investigate the concerns of small businesspeople in the Clayton electorate with regard to the disposal of recyclable materials.

In recent months several local businesses operating in my electorate, especially in the Clayton shopping strip, have approached my electorate office complaining that they face difficulties in the responsible disposal of cardboard, cans, bottles and other recyclable items. They have a fervent desire to recycle these materials, but have no ready means to do so.

Honourable members would know that most local councils in Victoria collect recyclable materials from domestic households. However, councils generally do not provide such a service to businesses. Local councils in the Clayton electorate are among those that do not recycle business waste. Larger businesses can call upon recycling companies, such as Visy Recycling, to collect large quantities of material for recycling, but smaller businesses must either take their recyclable materials to a recycling depot or to a private tip that, in effect, acts as an agent for the recycling company. Until recently most local tips in my electorate provided this service at no charge, but they are now charging businesses between $10 and $25 per load to dispose of recyclable materials.

I do not dispute the right of private tip proprietors to make such a charge — as they provide the service, they incur costs — but local businesspeople have pointed out that these charges are acting as a disincentive for businesses to recycle their waste. It is cheaper and less trouble for them to put recyclable materials into their general rubbish than to take it to a distant recycling depot or to a local tip where they will incur a tipping charge.

Here we have people who want to be responsible citizens, do the right thing by the environment and recycle their rubbish, but we are placing impediments in their path. I ask the minister to work with Ecorecycle Victoria and to work out a solution to this unsatisfactory situation.

Disability services: autism spectrum disorder

Mrs SHARDEY (Caulfield) — I ask the Minister for Community Services to take action to assist Jayne and Samantha Rosevear. The fundamental problem is

lack of respite care, respite beds and full-time care beds for autistic children.

Jayne Rosevear is a single, divorced working mother. She has an autistic daughter, Samantha, aged 15. Samantha can be sometimes aggressive and has violent, uncontrollable tantrums without warning. She has attacked her mother and others on several occasions. Sam attends the Burwood East Special Developmental School. She was also getting 5 hours a week in respite care through home and community care services, although this cannot be used while her mother is at work. Jayne contributes money towards this care. Sam was also getting respite care from Villa Maria for two nights a week and one weekend a month, although this will soon cease.

Earlier this month Sam ran away from home and was lost for several hours, eventually turning up at a kindly neighbour's house. When Jayne picked her up Sam had a violent episode, seriously bruising Jayne's arms in the car on the way home. The next day Sam went to the movies with her carer and had another episode and police were called. When Sam returned home she had another episode and kicked her mother in the head, causing a nasty bruise, a black eye and a fat lip.

At this Jayne gave up, and this is what she said to me in her email:

> At this point my very good friend (a nurse) who had come home with me because of the circumstances said to me, 'Jayne, what are you doing?'. I was crying, and I told her I was trying to look after my daughter. She said to me, 'At this rate she will end up killing you'. It was then that I realised that I could not live life like this any more, it was dangerous to my health and very upsetting emotionally. I am forever on the emotional roller coaster ride, wondering every Friday what will happen this weekend.
>
> I find it difficult to look after Samantha on a daily basis even with the care that I have been receiving and now had to make the decision to do what every parent dreads, relinquish care. The only way that a parent can put their child into care when they are under the age of 18 is to relinquish care. It felt awful taking her to respite care. It took three guys and two girls to get her out of the car. She was screaming at me, 'Please Mummy don't take me there. I'll be good, I promise. I love you Mummy. Please, I won't do it again'.
>
> These words broke my heart. I love my daughter very much. I would do anything to keep her at home, but I know that it's an impossible situation.
>
> Why do these parents have to feel so badly and be forced to relinquish care of their child because they can't cope?
>
> Why isn't there enough housing for these children and adults who need extra care?
>
> I beg the government to help find a place for my daughter Samantha to live where I can be part of her life and where she will be happy and well cared for.

Road safety: drink-driving

Mr SEITZ (Keilor) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services, and a good minister he is in that portfolio. This weekend, next week being Melbourne Cup week, is a long weekend for many Melburnians. On top of that we have international visitors here for football games, so I am asking the minister to make the public aware, by the use of the media, of the care needed in relation to drink-driving. Last year we had a fatality. I ask the minister to express his views in the media, to have extra booze buses out and to take other steps to notify people of the need to be safe so we do not have a fatality over this weekend.

It is very important that the community is warned by the minister to drive safely and that drinking and driving do not mix. During the celebrations it is great fun down at Flemington in the marquee, but people should be going home by taxi and not in their cars if they have had a champagne too many. They should also think about people in the emergency services and the hospitals who are traumatised because they have to deal with these cases and the tragedy that is left behind if a fatality occurs. It is very important that the public is educated through radio and newspapers and by the police.

It is not so much a case of saying that we will catch people who have been drink-driving or speeding in the area, it is a case of basically warning people that over this lovely weekend when we are going to enjoy Melbourne and we will have a lot of overseas visitors — many from Ireland who will be visiting the Irish pubs in Melbourne — they must not drink and drive, because alcohol and driving do not mix. That is important. It is up to the Minister for Police and Emergency Services to warn people that there will be police booze buses checking out motorists. It is an important issue for us in Victoria.

The Minister for Transport has now come into the house. The minister is doing everything he can do to prevent fatalities on our roads by making them safer. But this weekend it is particularly in the hands of the Minister for Police and Emergency Services to ensure that sufficient police are out there with cars and other equipment to deter people from drink-driving and overdoing their celebrations, particularly if they have a big win on the cup.

Mitcham–Frankston freeway: tolls

Mr HONEYWOOD (Warrandyte) — I ask the Minister for Transport to investigate and take action on a number of concerns arising from the public meeting attended by over 200 passionately concerned residents of the Lilydale area who are protesting against the imposition of Bracks government tolls on the Mitcham–Frankston freeway.

The genuine concerns raised included, firstly, that this was the fourth public meeting held protesting against tolls on this freeway. Some of these meetings have been attended by over 600 people, yet despite invitations being sent to them, local Labor MPs never attend. Does the Bracks government therefore have a policy of gagging its mushroom backbenchers from attending genuine public meetings?

Secondly, where has the $225 million that was left in the 1999 budget forward estimates by the previous Liberal Kennett state government to complete the Eastern Freeway to Ringwood disappeared to? Residents of the outer east are keen to know which communities and projects were gifted the money that should have gone to their Eastern Freeway completion.

A third issue raised at the public meeting last night concerned the $180 million which was alleged by the minister at the table, the Minister for Transport, to be a cost saving by merging the Eastern Freeway project with the separate Scoresby freeway project. How was this alleged saving arrived at; and is it possible to quantify the alleged $180 million cost saving, because nobody seems able to do so?

Fourthly, how independent can the Southern and Eastern Integrated Transport Authority, the so-called new transport authority at arms length from government, actually be when a number of well-known Labor Party figures — such as Mr Matt Phelan, the minister's former press secretary — have recently become highly paid employees of the authority, which is responsible for building the tollway?

Perhaps the minister can explain the result of my request for an investigation of the above issues when he visits Ringwood in my electorate tomorrow morning at 10.00 a.m. We are certainly planning a rousing outer east welcome for the minister when his chauffeur-driven car rolls up the driveway.

Drought: Whittlesea

Ms GREEN (Yan Yean) — I raise an issue for the attention of the Minister for Agriculture. My issue concerns the appalling delay by the federal government in determining exceptional circumstances drought relief for the City of Whittlesea. The action I am seeking is for the minister to take the necessary steps to again raise this matter with his federal counterpart and obtain a decision. As the minister knows, I have been raising this issue for some time because I have been deeply concerned that farmers in the municipality of Whittlesea have been suffering the circumstances of drought, which has affected their margins and their ability to make a living.

The federal government has seen fit to award drought relief — as it should — to the adjacent shires of Mitchell and Macedon. The federal member, Fran Bailey, has been quick to take the credit for that, but she has been completely silent on poor old Whittlesea. She even sent around a newsletter saying there would be drought relief for local farmers. The poor farmers of Whittlesea thought, 'You beauty! The federal government has finally come through', but no, no — —

Mr Perton — On a point of order, Deputy Speaker, I ask you to stop the clock. The adjournment debate is purely for the purposes of raising matters affecting government administration. The member is now attacking a federal member of Parliament and federal policy, and it cannot possibly be a relevant matter to be raised with a state minister.

The DEPUTY SPEAKER — Order! There is no point of order. The matter was raised for the Minister for Agriculture. The member is expanding on the request she has made.

Ms GREEN — I certainly am, Deputy Speaker. Why will the federal member not do anything? Because there is no photo opportunity in it for her; and in any case she is too busy flogging off Victoria's beautiful environmental assets at Point Nepean. She is a Victorian who does not stand up for Victoria — a Liberal first, a Victorian second and a fair-weather member.

But this weekend at the Whittlesea show she will be there gladhanding. She was not there last year but always resurfaces when there is a federal election in the wind. I know the minister takes the issue of drought in this state and in the municipality of Whittlesea seriously. We have often talked about it, and I realise he knows how to stand up for farm communities in Whittlesea and in this state.

Responses

Mr BATCHELOR (Minister for Transport) — The member for Shepparton raised with me an issue in

relation to Doyles Road, Kialla, just up near Shepparton, after a number of accidents in recent times on this section of the road network. Representing her electors, she expressed concern about the need for increased road safety on this particular stretch of our road network.

There are a couple of things I would like to say to help the member progress this issue in her electorate. This road is the responsibility of the local council. I am informed it is not the responsibility of Vicroads, but I will check that tomorrow or over the week ahead. If it is a local council road, the matter needs to be taken up with the local council either for its attention or to put a funding request to the commonwealth government. Notwithstanding that, even if it is a local road, we will ask Vicroads to look at how the traffic situation may be improved and give some advice and some recommendations to the council either in engineering terms or on the speed limits which could be worth looking at.

As I understand it, the road is similar to a Shepparton bypass, if you like. It is a route used by a lot of commercial traffic, particularly trucks, and this creates the problem. The ultimate solution will be achieved once the Shepparton bypass is constructed, and that is an issue that the federal government has under consideration. We will work with the member for Shepparton to see if there is a short-term solution because of the importance of maintaining and improving road safety there. In the long term it will be the federal government's responsibility to build the Shepparton bypass, and we are working with it to achieve that task — but we await its funding commitment.

The member for Warrandyte raised with me a number of issues relating to the government's commitment to build the Mitcham–Frankston freeway. I can assure the member for Warrandyte that, unlike the previous government, we will build this road. The previous government did nothing. It made no commitments.

Mr Honeywood — On a point of order, Deputy Speaker, the minister is misleading the house. The Kennett government spent $250 million building the first stage of the freeway he is talking about — from Doncaster Road to Springvale Road.

The DEPUTY SPEAKER — Order! That is not a point of order.

Mr BATCHELOR — The member is talking about part of the Eastern Freeway; we are talking about the nearly $2 billion Mitcham–Frankston freeway, which is what he raised with me. In relation to that, the previous government did nothing to progress it. It was left to this government to finalise the purchase of land. We are entering into arrangements, and this project will be completed by this government in 2008.

Mr Wells — What are you announcing tomorrow?

Mr BATCHELOR — The member for Scoresby has asked me about the announcement tomorrow.

The DEPUTY SPEAKER — Order! Not that the minister would respond to interjections!

Mr BATCHELOR — To be fair to you, Deputy Speaker, the member for Scoresby asked about the announcement tomorrow, and I can assure the members for Scoresby and Warrandyte that we have some great news for the people of Ringwood, because this government looks after that area, unlike the member for Warrandyte, who did nothing when he had the chance in government and is doing even less now. He just prances round with his rent-a-crowd, who are playing local party politics and not looking at the big picture. The government is going to just get on with the job. The member for Warrandyte and his rent-a-crowd are irrelevant. They do not have any impact one way or the other. The government will deliver this road.

I will tell you, Deputy Speaker, why the member for Warrandyte is so irrelevant. It is because he wanted to know what parts of this project the government has spent some of the $225 million on. Most of it has been spent in or next to his own electorate. He is so out of touch with his own electorate that we must ask where he lives; he clearly does not know anything about his electorate.

Honourable members interjecting.

Mr BATCHELOR — He is an absent member of Parliament, and he will probably end up like — what is the name of that bloke in Berwick?

Honourable members interjecting.

Mr BATCHELOR — Robert Dean, that is right. He is the Robert Dean of the east.

I refer the member for Warrandyte to the project that is currently under way. If you go out to the end of the Eastern Freeway you get to Springvale Road and you can see massive works being undertaken on the Mitcham–Frankston freeway that is already under construction out there on its way to Park Road. I can understand how the member for Warrandyte could miss

that, because he never goes out there. He is everywhere else but in his own electorate!

There are other projects that have been undertaken, like the bridge over Deep Creek Road and the bridgeworks associated with Mitcham Road. These are very big, major construction programs that you could not help but see if you had been out there in the last three and a half years. They have been under way for three and a half years, using the money to which he refers. He knows that, but he is not prepared to admit it. I would recommend to the member for Warrandyte that he visit his electorate. He is clearly out of touch. He has not been out there for a long time, and he should go out and see what actually happens.

As part of the post announcement, the government has heard what the Monash council has wanted in terms of the intersection of the Mitcham–Frankston freeway and the Monash Freeway. The government has met its requirements. Tomorrow we are going out — —

Mr Honeywood interjected.

Mr BATCHELOR — Yes, Maroondah is in Ringwood. That is where we are going tomorrow. It is in part of your electorate.

Honourable members interjecting.

Mr BATCHELOR — You have no idea. The Mitcham–Frankston freeway is a big, long road. It goes from Mitcham at one end to Frankston at the other. You are hopeless!

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The opposition frontbench will cease interjecting. The minister will cease responding to the interjections of the opposition frontbench.

Mr BATCHELOR — The government has had very successful dealings with other — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I have asked the opposition frontbench to cease the constant interjection across the table. I have asked the minister to cease responding to it.

Mr BATCHELOR — The government has had discussions with other councils along the freeway route and has listened to what they had to say. The government has implemented the types of upgrades they want.

Tomorrow morning the government is going to make an announcement that will look after the interests of the people of Ringwood. Notwithstanding that their own local member is going to oppose this — he is going to organise a rent-a-crowd to go out there and try and undermine it — the government is going to go ahead with it, because members of the government know that the people of Ringwood and the surrounding area will welcome this announcement, even if their local member, the member for Warrandyte, goes out there tomorrow with his rent-a-crowd and tries to sabotage and undermine it.

If he does, he will be recognised in his community as the absent member of Parliament who only ever attends his electorate to prevent it from getting advantages. We will see him there tomorrow, apparently protesting against the Ringwood community receiving a massive improvement. He will be the one opposing that improvement. I look forward to that tomorrow.

Mr CAMERON (Minister for Agriculture) — The honourable member for Yan Yean raised a matter concerning exceptional circumstances (EC) assistance in the City of Whittlesea. She has been a constant campaigner in working hard for her local community. EC has been dealt with in a mishmash fashion by the federal government with promises being made and broken. The honourable member for Shepparton is only too aware of promises made in her area which have been ratted on. Promises have also been made in Whittlesea, and I am pleased to say — and this is a rare thing of recent times — that the federal government is keeping those promises. I congratulate the honourable member for Yan Yean on the work she is doing. The City of Whittlesea will now have full EC for those farmers.

The DEPUTY SPEAKER — Order! The Minister for Agriculture, as minister at the table, responding to matters raised by the member for Scoresby for the Minister for Police and Emergency Services; the member for Mitcham for the Minister for Consumer Affairs in another place; the member for Forest Hill for the Minister for Workcover; the member for South-West Coast for the Minister for Environment; the member for Clayton for the Minister for Environment; the member for Caulfield for the Minister for Aged Care; and the member for Keilor for the Minister for Police and Emergency Services.

Mrs Shardey — On a point of order, my request was to the Minister for Community Services.

The DEPUTY SPEAKER — Order! My apologies. The member for Caulfield's matter was for the Minister for Community Services.

Mr Perton — In the interests of getting those ministers to the house, I point to the state of the house.

Quorum formed.

Mr CAMERON — The seven honourable members you referred to, Deputy Speaker, raised matters for the ministers you listed. I will refer those matters to them.

Motion agreed to.

House adjourned 6.28 p.m. until Wednesday, 5 November.

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 Assembly.
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, 28 October 2003

Transport: West Gate Bridge Authority debt

224. **Mr MULDER** to ask the Honourable the Minister for Transport —

(1) Did the West Gate Bridge Authority borrow $195 million during its first 10 years.

(2) What debt is still owing.

(3) What is the interest rate or rates applicable to any debt.

(4) How much was repaid in 2002–03 and will be repaid in 2003–04.

(5) From what account is any debt being repaid.

(6) When is any debt likely to be repaid in full.

ANSWER:

Debt associated with borrowings of the West Gate Bridge Authority was centralised under the then Department of Management and Budget in 1987. Accordingly, this is a matter for the Honourable the Treasurer.

Transport: route 109 tram service

226. **Mr MULDER** to ask the Honourable the Minister for Transport —

(1) How many trams does Yarra Trams require to run the service between Box Hill and Port Melbourne during —

(a) weekday morning peak;

(b) weekday morning off-peak;

(c) weekday afternoon off-peak;

(d) weekday afternoon peak;

(e) weekday night;

(f) Saturday morning;

(g) Saturday afternoon prior to 18:00;

(h) Saturday afternoon after 18:00;

(i) Sunday morning prior to 11:00;

(j) Sunday between 11:00 and 19:00; and

(k) Sunday after 19:00.

(2) Were at least two non-low floor 'A' class or similar trams operating on this route around 17:00 on Saturday 5 July 2003.

(3) How many 'C' class or similar 'Citadis' trams are currently available for service.

ANSWER:

(1) Between 10 and 31 trams are required to operate route 109 between Box Hill and Port Melbourne

(2) Yes.

(3) The number of available trams can vary daily because of the routine maintenance program as well as the day to day incidents that may require a tram to be withdrawn from service

Aboriginal affairs: Yenbena indigenous training centre staff

233(a). Mr MAUGHAN to ask the Honourable the Minister for Environment for the Honourable the Minister for Aboriginal Affairs —

(1) How many staff previously employed at the centre at Barmah have not been fully paid amounts owing to them.

(2) Have all taxes deducted from former staff been paid to the Commonwealth and have all compulsory superannuation contributions been made.

ANSWER:

I am informed as follows:

This question does not fall within my portfolio responsibilities and I believe it has also been directed to the Minister for Education and Training who will provide a response.

Education and training: Yenbena indigenous training centre staff

233(b). Mr MAUGHAN to ask the Honourable the Minister for Education and Training —

(1) How many staff previously employed at the centre at Barmah have not been fully paid amounts owing to them.

(2) Have all taxes deducted from former staff been paid to the Commonwealth and have all compulsory superannuation contributions been made.

ANSWER:

I am informed as follows:

As a community-controlled Registered Training Organisation, Yenbena operates independently and may receive funding from a range of sources. Consequently, Yenbena provides reports and data only in accordance with the specific contractual requirements for any funding received. These requirements do not include providing the Department with information on disbursement of monies to staff, payment of taxation, or superannuation contributions.

Manufacturing and export: new manufacturing agenda

235. **Ms ASHER** to ask the Honourable the Minister for Manufacturing and Export with reference to the Agenda for New Manufacturing, does the Department of Innovation, Industry and Regional Development have —

(1) A record of grants given to businesses and organisations.

(2) A record of conditions attached to the grants give to businesses and organisations.

ANSWER:

I am informed as follows:

In relation to the Agenda for New Manufacturing, the Department of Innovation, Industry and Regional Development does maintain:

i. a record of grants given to businesses and organisations, some details of which are published in the Department's annual report;

ii. a record of conditions attached to grants given to businesses and organisations.

Premier: Haystac Public Affairs Pty Ltd

238(a). **Ms ASHER** to ask the Honourable the Premier —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that no payments have been made by my Department or Office to the firm Haystac Public Affairs P/L.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies of statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Agriculture: Haystac Public Affairs Pty Ltd

238(b). **Ms ASHER** to ask the Honourable the Minister for Agriculture —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

No payments have been made by my Department and/or Office to the firm Haystac Public Affairs P/L.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies of statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Resources: Haystac Public Affairs Pty Ltd

238(c). Ms ASHER to ask the Honourable the Minister for Agriculture for the Honourable the Minister for Resources —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

No payments have been made by my Department and/or Office to the firm Haystac Public Affairs P/L.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies of statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Arts: Haystac Public Affairs Pty Ltd

238(d). Ms ASHER to ask the Honourable the Minister for the Arts —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that no payments have been made by Arts Victoria, Department of Premier and Cabinet, or my Office to the firm Haystac Public Affairs Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies of statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Community services: Haystac Public Affairs Pty Ltd

238(g). Ms ASHER to ask the Honourable the Minister for Community Services —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

No payments have been made by my Department and/or Office to the firm Haystac Public Affairs Pty Ltd.

Education and training: Haystac Public Affairs Pty Ltd

238(i). Ms ASHER to ask the Honourable the Minister for Education and Training —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed as follows:

No payments have been made by my Department and/or Office to the firm Haystac Public Affairs P/L.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies of statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Education services: Haystac Public Affairs Pty Ltd

238(j). Ms ASHER to ask the Honourable the Minister for Education Services —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed as follows:

No payments have been made by my Department and/or Office to the firm Haystac Public Affairs P/L.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies of statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Employment and youth affairs: Haystac Public Affairs Pty Ltd

238(k). Ms ASHER to ask the Honourable the Minister for Employment and Youth Affairs —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed as follows:

No Payments have been made by my Department and/or Office to the firm Haystac Public Affairs Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Aboriginal affairs: Haystac Public Affairs Pty Ltd

238(m). Ms ASHER to ask the Honourable the Minister for Environment for the Honourable the Minister for Aboriginal Affairs —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed as follows:

No Payments have been made by my Department and/or Office to the firm Haystac Public Affairs Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Commonwealth Games: Haystac Public Affairs Pty Ltd

238(n). Ms ASHER to ask the Honourable the Minister for Environment for the Honourable the Minister for Commonwealth Games —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed as follows:

No Payments have been made by my Department and/or Office to the firm Haystac Public Affairs Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Local government: Haystac Public Affairs Pty Ltd

238(o). Ms ASHER to ask the Honourable the Minister for Environment for the Honourable the Minister for Local Government —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed as follows:

No Payments have been made by my Department and/or Office to the firm Haystac Public Affairs Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Sport and recreation: Haystac Public Affairs Pty Ltd

238(p). Ms ASHER to ask the Honourable the Minister for Environment for the Honourable the Minister for Sport and Recreation —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed as follows:

No Payments have been made by my Department and/or Office to the firm Haystac Public Affairs Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Health: Haystac Public Affairs Pty Ltd

238(s). Ms ASHER to ask the Honourable the Minister for Health —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

No payments have been made by my Department and/or Office to the firm Haystac Public Affairs Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies of statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Aged care: Haystac Public Affairs Pty Ltd

238(t). Ms ASHER to ask the Honourable the Minister for Health for the Honourable the Minister for Aged Care —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

No payments have been made by my Department and/or Office to the firm Haystac Public Affairs Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies of statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Housing: Haystac Public Affairs Pty Ltd

238(u). Ms ASHER to ask the Honourable the Minister for Health for the Honourable the Minister for Housing —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

No payments have been made by my Department and/or Office to the firm Haystac Public Affairs Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies of statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Industrial relations: Haystac Public Affairs Pty Ltd

238(v). Ms ASHER to ask the Honourable the Minister for Industrial Relations —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed as follows:

No payments relevant to the Industrial Relations portfolio have been made by my Department or my Private Office to the firm Haystac Public Affairs P/L.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my Department's resources.

Multicultural affairs: Haystac Public Affairs Pty Ltd

238(z). Ms ASHER to ask the Honourable the Minister for Multicultural Affairs —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed as follows:

No Payments have been made by my Department and/or Office to the firm Haystac Public Affairs Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Multicultural affairs: Haystac Public Affairs Pty Ltd

238(aa). Ms ASHER to ask the Honourable the Minister assisting the Premier on Multicultural Affairs —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed as follows:

No Payments have been made by my Department and/or Office to the firm Haystac Public Affairs Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Planning: Haystac Public Affairs Pty Ltd

238(ab). Ms ASHER to ask the Honourable the Minister for Planning —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

There have been no payments made by my office during the current term of government.

Since December 2002 Haystac Public Affairs Pty Ltd have not been engaged by the Planning Division of the Department of Sustainability and Environment.

Energy industries: Haystac Public Affairs Pty Ltd

238(ag). Ms ASHER to ask the Honourable the Minister for Transport for the Honourable the Minister for Energy Industries —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

No payments have been made by my Department and/or Office to the firm Haystac Public Affairs P/L.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Treasurer: Haystac Public Affairs Pty Ltd

238(ah). Ms ASHER to ask the Honourable the Treasurer —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

No payments were made by my Department or Office to the firm Social Shift Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies of statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Finance: Haystac Public Affairs Pty Ltd

238(ai). Ms ASHER to ask the Honourable the Treasurer for the Honourable the Minister for Finance —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

No payments were made by my Department or Office to the firm Haystac Public Affairs Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies of statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Small business: Haystac Public Affairs Pty Ltd

238(ak). Ms ASHER to ask the Honourable the Treasurer for the Honourable the Minister for Small Business —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed as follows:

No payments relevant to the Small Business portfolio have been made by my Department or my Private Office to the firm Haystac Public Affairs P/L.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my Department's resources.

Victorian communities: Haystac Public Affairs Pty Ltd

238(al). Ms ASHER to ask the Honourable the Minister for Victorian Communities —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed as follows:

No Payments have been made by my Department and/or Office to the firm Haystac Public Affairs Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Women's affairs: Haystac Public Affairs Pty Ltd

238(an). Ms ASHER to ask the Honourable the Minister for Women's Affairs —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed as follows:

No Payments have been made by my Department and/or Office to the firm Haystac Public Affairs Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Premier: Social Shift Pty Ltd

239(a). Ms ASHER to ask the Honourable the Premier —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that no payments have been made by my Department or Office to the firm Social Shift P/L.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies of statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Agriculture: Social Shift Pty Ltd

239(b). Ms ASHER to ask the Honourable the Minister for Agriculture —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

No payments have been made by my Department and/or Office to the firm Social Shift P/L.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies of statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Resources: Social Shift Pty Ltd

239(c). Ms ASHER to ask the Honourable the Minister for Agriculture for the Honourable the Minister for Resources —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

No payments have been made by my Department and/or Office to the firm Social Shift P/L.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies of statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Arts: Social Shift Pty Ltd

239(d). Ms ASHER to ask the Honourable the Minister for the Arts —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that no payments have been made by Arts Victoria, Department of Premier and Cabinet, or my Office to the firm Social Shift Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies of statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Community services: Social Shift Pty Ltd

239(g). Ms ASHER to ask the Honourable the Minister for Community Services —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

No payments have been made by my Department and/or Office to the firm Social Shift Pty Ltd.

Education services: Social Shift Pty Ltd

239(j). Ms ASHER to ask the Honourable the Minister for Education Services —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed as follows:

No payments have been made by my Department and/or Office to the firm Social Shift P/L.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies of statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Employment and youth affairs: Social Shift Pty Ltd

239(k). Ms ASHER to ask the Honourable the Minister for Employment and Youth Affairs —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed as follows:

No Payments have been made by my Department and/or Office to the firm Social Shift Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Aboriginal affairs: Social Shift Pty Ltd

239(m). Ms ASHER to ask the Honourable the Minister for Environment for the Honourable the Minister for Aboriginal Affairs —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed as follows:

No Payments have been made by my Department and/or Office to the firm Social Shift Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Commonwealth Games: Social Shift Pty Ltd

239(n). Ms ASHER to ask the Honourable the Minister for Environment for the Honourable the Minister for Commonwealth Games —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed as follows:

No Payments have been made by my Department and/or Office to the firm Social Shift Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Local government: Social Shift Pty Ltd

239(o). Ms ASHER to ask the Honourable the Minister for Environment for the Honourable the Minister for Local Government —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed as follows:

No Payments have been made by my Department and/or Office to the firm Social Shift Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Sport and recreation: Social Shift Pty Ltd

239(p). Ms ASHER to ask the Honourable the Minister for Environment for the Honourable the Minister for Sport and Recreation —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed as follows:

No Payments have been made by my Department and/or Office to the firm Social Shift Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Health: Social Shift Pty Ltd

239(s). Ms ASHER to ask the Honourable the Minister for Health —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

No payments have been made by my Department and/or Office to the firm Social Shift Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies of statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Aged care: Social Shift Pty Ltd

239(t). Ms ASHER to ask the Honourable the Minister for Health for the Honourable the Minister for Aged Care —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

No payments have been made by my Department and/or Office to the firm Social Shift Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies of statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Housing: Social Shift Pty Ltd

239(u). Ms ASHER to ask the Honourable the Minister for Health for the Honourable the Minister for Housing —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

No payments have been made by my Department and/or Office to the firm Social Shift Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies of statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Industrial relations: Social Shift Pty Ltd

239(v). Ms ASHER to ask the Honourable the Minister for Industrial Relations —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed as follows:

No payments relevant to the Industrial Relations portfolio have been made by my Department or my Private Office to the firm Social Shift P/L.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my Department's resources.

Multicultural affairs: Social Shift Pty Ltd

239(z). Ms ASHER to ask the Honourable the Minister for Multicultural Affairs —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed as follows:

No Payments have been made by my Department and/or Office to the firm Social Shift Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Multicultural affairs: Social Shift Pty Ltd

239(aa). Ms ASHER to ask the Honourable the Minister assisting the Premier on Multicultural Affairs —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed as follows:

No Payments have been made by my Department and/or Office to the firm Social Shift Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Planning: Social Shift Pty Ltd

239(ab). Ms ASHER to ask the Honourable the Minister for Planning —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

There have been no payments made by my office during the current term of government.

Since December 2002 Social Shift Pty Ltd have not been engaged by the Planning Division of the Department of Sustainability and Environment.

Energy industries: Social Shift Pty Ltd

239(ag). Ms ASHER to ask the Honourable the Minister for Transport for the Honourable the Minister for Energy Industries —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

No payments have been made by my Department and/or Office to the firm Social Shift P/L.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Treasurer: Social Shift Pty Ltd

239(ah). Ms ASHER to ask the Honourable the Treasurer —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

No payments were made by my Department or Office to the firm Social Shift Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies of statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Finance: Social Shift Pty Ltd

239(ai). Ms ASHER to ask the Honourable the Treasurer for the Honourable the Minister for Finance —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed that:

No payments were made by my Department or Office to the firm Social Shift Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies of statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Small business: Social Shift Pty Ltd

239(ak). Ms ASHER to ask the Honourable the Treasurer for the Honourable the Minister for Small Business —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

No payments relevant to the Small Business portfolio have been made by my Department or my Private Office to the firm Social Shift P/L.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my Department's resources.

Victorian communities: Social Shift Pty Ltd

239(al). Ms ASHER to ask the Honourable the Minister for Victorian Communities —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed as follows:

No Payments have been made by my Department and/or Office to the firm Social Shift Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Women's affairs: Social Shift Pty Ltd

239(an). Ms ASHER to ask the Honourable the Minister for Women's Affairs —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed as follows:

No Payments have been made by my Department and/or Office to the firm Social Shift Pty Ltd.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Innovation: Innovation Economy Advisory Board

242. **Mr KOTSIRAS** to ask the Honourable the Minister for Innovation —

(1) What is the 2003–04 budget for the board.

(2) How many times has the board met since it was established and which members have been absent from any meetings.

ANSWER:

I am informed as follows:

The Innovation Economy Advisory Board is supported by a small Secretariat located in the Department of Innovation, Industry and Regional Development. Its costs are met as part of the Policy Division's budget.

The Board has met three times since its establishment. Given the high level membership of the Board, attendance has been very pleasing with approximately two thirds of members attending each time.

Environment: cliff stabilisation works, Sandringham

249. **Mr THOMPSON** to ask the Honourable the Minister for Environment with reference to cliff stabilisation works proximate to Southey and Masefield Streets, Sandringham —

(1) What is the current status of the proposed works.

(2) What funding has been allocated in the current financial period.

(3) What are the assessed risks as a consequence of the delay.

(4) What has been the reason for the extended delay in rectification works.

(5) What tenders have been let for the project and what has been the cost of those tenders.

(6) What is the commencement date of works onsite.

(7) When will the works be completed.

ANSWER:

I am informed that:

(1) The Department of Sustainability and Environment (DSE) and Bayside City Council (BCC), the local manager for the area, are continuing their investigations into the most appropriate method of providing long term

stability to the Royal Avenue cliffs. A preferred option has been selected by DSE which is currently under consideration by BCC.

(2) BCC has provided a total of $300,000 towards addressing cliff instability issues opposite Royal Avenue, Sandringham. The State Government has initially provided a like contribution and will, on acceptance of the final remedial design, consider and confirm its final contribution amount.

(3) Since severe erosion at the site was first identified, BCC has instigated a strict risk management program for the site. This has involved regular monitoring of the area, closure of nearby access paths and erection of a fence at the base of the cliff to keep persons away from unstable areas. Monitoring has indicated that the site has remained reasonably stable over the past 12 months. Accordingly it is expected that no further significant degradation of the site will occur.

(4) Delay in implementing a solution for the area has largely resulted from the complexity of the site and the need to consider in detail, both coastal engineering and geotechnical options.

(5) To date, the tenders that have been let for the project relate to the provision of consultancy services and the development of a preferred remedial solution. GHD Pty Ltd has been appointed for approximately $160,000 to assess past coastal and geotechnical studies completed for the site, develop numerous remedial options for consideration by DSE and BCC and detailed refinement of the preferred remedial solution.

(6) & (7)
Works are not expected to commence until mid 2004 and are likely to occur over a 4 month period.

Transport: Sandringham railway line service levels

252. **Mr THOMPSON** to ask the Honourable the Minister for Transport —

(1) What was the reason for the cancellation of the 5.10 pm train from Richmond to Sandringham on 1 September 2003.

(2) What is the comparative service level in terms of punctuality and reliability of service on the line for the month of August in 2000, 2001, 2002 and 2003.

(3) What steps have been taken to improve reliability levels to ensure that parents seeking to collect children from childcare arrangements are not inconvenienced unduly or subjected to unreasonable cost burdens.

ANSWER:

(1) A shortage of available drivers.

(2) Punctuality and reliability figures are published in *Track Record* available on the DOI web site.

(3) The M>Train Franchise Agreement contains an Operational Performance Regime which creates a financial incentive for M>Train to improve service reliability and punctuality.

Police and emergency services: criminal activity on state school grounds

279. **Mr PERTON** to ask the Honourable the Minister for Police and Emergency Services with reference to the response from the Minister for Education Services to question 172b received on 26 August 2003 — does the Minister or the Department know what schools have made contracts for private security services to patrol school grounds; if yes, which schools have made such arrangements.

ANSWER:

The answer to this questions falls within the portfolio responsibilities of the Minister for Education Services and should be directed to her.

Manufacturing and export: Victorian automotive manufacturing industry strategic plan

291. **Ms ASHER** to ask the Honourable the Minister for Manufacturing and Export — given that is now September 2003 and the Plan requires a progress report each July, when can we expect the 2003 Annual Progressive Review of the Plan.

ANSWER:

I am informed as follows:

The Victorian Automotive Manufacturing Industry Strategic Plan contains a mechanism for an annual review process that is scheduled for commencement in July of each operational year.

The 2003 review has been completed. The precise timing of annual review meetings depends on the availability of the industry representatives in the Strategic Plan Working Committee.

Manufacturing and export: high-performance manufacturing consortiums

292. **Ms ASHER** to ask the Honourable the Minister for Manufacturing and Export — given that the Department of Innovation, Industry and Regional Development is not involved in the process of selecting members of the two consortia, what safeguards does the Government have in place to ensure that taxpayers are receiving value for their $888,840.

ANSWER:

I am informed as follows:

The High Performance Manufacturing Consortia initiative is managed by two legal agreements with Optim Pty Ltd and High Performance Consortium Ltd.

The legal agreements require that the consortia facilitators provide regular feedback on the program to the Department of Innovation, Industry and Regional Development.

In addition to the legal requirements, the Department has full access to all consortia activities including all meetings and seminars. The Department attends and monitors many of these events and as a minimum will attend at least 10% of all planned meetings, excluding training sessions.

On current member numbers the $888,840 represents $7,407 (including GST) for each consortia member per year. Each Consortia member is required to pay an annual membership fee to the consortia, $10,000 for the VIC LEAN ME consortium and $15,000 for the HPC consortium.

Membership fees are not inclusive of training and education costs which can double the consortium costs, based on the experience of the Toronto HPMC.

The Toronto experience suggests that not only do consortium members benefit from inclusion in a HPMC but their supply chain and the manufacturing sector also benefit from the existence of a HPMC when the HPMC member "lifts the bar" for the sector.

Training and education seminars are available to non-consortium members should the events not be fully subscribed by the membership of the HPMC.

Based on international experience, an annual cost of $7,407 for each consortia member per year is thought to be exceptional value for money as the HPMC provides an opportunity for up to 40 non competing companies who are aspiring to be world class to work together to accelerate their knowledge in a leveraged learning network.

Manufacturing and export: formulated water-based non-alcoholic beverages

320. **Ms ASHER** to ask the Honourable the Minister for Manufacturing and Export —

(1) What representations has the Minister made in relation to the manufacture in Victoria of formulated water-based non-alcoholic beverages.

(2) Is the Minister in favour of the manufacture in Victoria of formulated water-based non-alcoholic beverages.

(3) What is the Department of Innovation, Industry and Regional Development's estimate of the number of jobs that could be generated in Victoria should the manufacture of formulated water-based non-alcoholic beverages be permitted.

ANSWER:

I am informed as follows:

Victorian companies currently manufacture non-alcoholic beverages in accordance with a number of standards under the Australian New Zealand Food Standards Code, including Standard 2.6.2 (non-alcoholic beverages and brewed soft drinks) and Standard 2.6.4 (formulated caffeinated beverages).

I understand that in June 2002, the Australian Soft Drink Association lodged an application with Food Standards Australia New Zealand (FSANZ) relating to the development of a standard for "formulated beverages", described as non-alcoholic water-based beverages containing claimable amounts of a wide range of vitamins and minerals.

Changes or additions to the Food Standards Code are developed by FSANZ and must be confirmed by the Australia and New Zealand Food Regulation Ministerial Council before being adopted. I have made no representations in relation to the manufacture of formulated water-based non-alcoholic beverages in Victoria at this stage.

Before any decision on the application from the Australian Soft Drink Association is made, FSANZ is required to complete an assessment of the application which includes public consultation and a scientific risk assessment. If a change to the Food Standards Code to permit the manufacture in Australia of formulated water-based non-alcoholic beverages were to be recommended by FSANZ and accepted by the Ministerial Council, it is possible that such a decision could have positive employment impacts for Victoria.

Transport: proposed Epping rail line extension

326. **Mr MULDER** to ask the Honourable the Minister for Transport —

(1) When will construction of the promised extension of the Epping rail line to South Morang commence.

(2) What is the latest estimate of the cost of such an extension.

(3) What is the length of such an extension.

(4) When was the latest estimate of the cost of the extension compiled and by whom.

(5) Will the extension require any alterations to platform facilities at Epping; if so, what and at what likely cost.

(6) Are any intermediate stations proposed between Epping and South Morang; if so, where and what names are likely.

(7) When is construction of the extension scheduled to be completed.

ANSWER:

Information on metropolitan train extensions can be found on the Department of Infrastructure web site at: www.doi.vic.gov.au/transport

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 Assembly.
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, 29 October 2003

Major projects: Haystac Public Affairs Pty Ltd

238(x). **Ms ASHER** to ask the Honourable the Minister for Major Projects

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

As at the date the question was raised, no payments have been made by my Department or Office to the firm Haystac Public Affairs Pty Ltd (since 1 February 2001).

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies of statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Tourism: Haystac Public Affairs Pty Ltd

238(ae). **Ms ASHER** to ask the Honourable the Minister for Tourism —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed as follows:

No payments relevant to the Tourism portfolio have been made by my Department or my Private Office to the firm Haystac Public Affairs P/L.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my Department's resources.

Transport: Haystac Public Affairs Pty Ltd

238(af). **Ms ASHER** to ask the Honourable the Minister for Transport —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 February 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

No payments have been made by my Department and/or Office to the firm Social Shift P/L.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Major projects: Social Shift Pty Ltd

239(x). **Ms ASHER** to ask the Honourable the Minister for Major Projects —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

As at the date the question was raised, no payments have been made by my Department or Office to the firm Social Shift Pty Ltd (since 1 July 2001).

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies of statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Tourism: Social Shift Pty Ltd

239(ae). **Ms ASHER** to ask the Honourable the Minister for Tourism —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

I am informed as follows:

No payments relevant to the Tourism portfolio have been made by my Department or my Private Office to the firm Social Shift P/L.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my Department's resources.

Transport: Social Shift Pty Ltd

239(af). **Ms ASHER** to ask the Honourable the Minister for Transport —

(1) What payments have been made to the company by the Minister's Department, office or any agency or statutory authority, or any predecessor Department, office, agency or statutory authority, under the Minister's administration since 1 July 2001.

(2) On what dates were the payments made.

(3) Briefly describe the project for which payment was made.

ANSWER:

As at the date the question was raised the answer is:

No payments have been made by my Department and/or Office to the firm Social Shift P/L.

To provide details of payments made by agencies, statutory authorities or predecessor departments, offices, agencies or statutory authorities under my administration would be an unreasonable diversion of my department's resources.

Transport: Victrack advertising

346. **Mr MULDER** to ask the Honourable the Minister for Transport —

(1) What was Victrack's advertising revenue in 2001–2002.

(2) How many individual billboard sites does Victrack have.

(3) At what individual sites, such as railway stations, does Victrack have more than four billboards and how many billboards are at each of these sites.

ANSWER:

(1) $805,000.

(2) Victrack currently has 58 individual billboard sites, housing a total of 103 billboards.

(3) Victrack currently has two (2) individual sites with more than four billboards. These are:
- Princes Highway, Geelong West — Eight (8) billboards.
- Richmond Station Precinct — Six (6) billboards.